



Plenary sitting

A8-0106/2019

27.2.2019

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council
establishing the Asylum and Migration Fund
(COM(2018)0471 – C8-0271/2018 – 2018/0248(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
establishing the Asylum and Migration Fund
(COM(2018)0471 – C8-0271/2018 – 2018/0248(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0471),
 - 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 (C8-0271/2018),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 59 and 39 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Development and the Committee on Budgets (A8-0106/2019),
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 Title

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing the Asylum *and* Migration
Fund

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing the Asylum, Migration *and*
Integration Fund

Amendment 2

Proposal for a regulation Citation 1

Text proposed by the Commission

Having regard to the Treaty on the
Functioning of the European Union, and in
particular Article 78(2) *and* Article 79(2)
and (4) thereof,

Amendment

Having regard to the Treaty on the
Functioning of the European Union, and in
particular Article **78(2)**, Article 79(2) and
(4) *and Article 80* thereof,

Amendment 3

Proposal for a regulation Recital 1

Text proposed by the Commission

(1) In the context of the evolving migratory challenges characterised by the need to support strong reception, asylum, integration and migration systems of Member States, prevent and adequately handle situations of pressure and replace irregular and unsafe arrivals with legal and safe pathways, investing in efficient and coordinated migration management in the Union is key to realising the Union's objective of constituting an area of freedom, security and justice pursuant to

Amendment

(1) In the context of the evolving migratory challenges characterised by the need to support strong reception, asylum, integration and migration systems of Member States, prevent and adequately handle *in solidarity* situations of pressure and replace irregular and unsafe arrivals with legal and safe pathways, investing in efficient and coordinated migration management in the Union is key to realising the Union's objective of constituting an area of freedom, security

Article 67(2) of the Treaty on the Functioning of the European Union.

and justice pursuant to Article 67(2) of the Treaty on the Functioning of the European Union.

Amendment 4

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The importance of a coordinated approach by the Union and the Member States is reflected in the European Agenda on Migration of May 2015, which stressed the need for a consistent and clear common policy to restore confidence in the Union's ability to bring together European and national efforts to address migration and work together in an effective way, in accordance with the *principles* of solidarity and fair sharing of responsibility, and was confirmed in its mid-term review of September 2017 and the progress report of March and May 2018.

Amendment

(2) The importance of a coordinated approach by the Union and the Member States is reflected in the European Agenda on Migration of May 2015, which stressed the need for a consistent and clear common policy to restore confidence in the Union's ability to bring together European and national efforts to address migration and work together in an effective way, in accordance with the *principle* of solidarity and fair sharing of responsibility ***between the Member States as established in Article 80 of the Treaty on the Functioning of the European Union***, and was confirmed in its mid-term review of September 2017 and the progress report of March and May 2018.

Amendment 5

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In its conclusions of 19 October 2017, the European Council reaffirmed the need to pursue a comprehensive, pragmatic and resolute approach to migration management that aims to restore control of external borders and reduce irregular arrivals and the number of deaths at sea, and should be based on a flexible and coordinated use of all available Union and Member State instruments. The European Council further called to ensure

Amendment

(3) In its conclusions of 19 October 2017, the European Council reaffirmed the need to pursue a comprehensive, pragmatic and resolute approach to migration management that aims to restore control of external borders and reduce irregular arrivals and the number of deaths at sea, and should be based on a flexible and coordinated use of all available Union and Member State instruments. The European Council further called to ensure

significantly enhanced returns through actions at both EU and Member States level, such as effective readmission agreements and arrangements.

significantly enhanced returns through actions at both EU and Member States level, such as effective readmission agreements and arrangements. ***The European Council called moreover for voluntary resettlement programmes to be implemented and developed.***

Amendment 6

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) In order to support efforts to ensure a comprehensive approach to management of migration grounded on mutual trust, solidarity and responsibility sharing among Member States and Union institutions, with the objective of ensuring a common sustainable Union policy on asylum and immigration, Member States should be supported by adequate financial resources in the form of the Asylum **and** Migration Fund (hereinafter referred to as ‘the Fund’).

Amendment

(4) In order to support efforts to ensure a comprehensive approach to management of migration grounded on mutual trust, solidarity and responsibility sharing among Member States and Union institutions, with the objective of ensuring a common sustainable Union policy on asylum and immigration, Member States should be supported by adequate financial resources in the form of the Asylum, Migration **and Integration** Fund (hereinafter referred to as ‘the Fund’).

Amendment 7

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The Fund should fully respect human rights, comply with Agenda 2030, the principle of policy coherence for development, as set out in Article 208 of the TFEU, and the commitments at the international level in relation to migration and asylum, notably the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration (GCM).

Amendment 8

Proposal for a regulation

Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Managing the Fund from a development perspective should take in account the various root causes of migration such as conflict, poverty, lack of agricultural capacity, education and inequality.

Amendment 9

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) **The** Fund should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and **with** the Union's international obligations as regards fundamental rights.

(5) **Actions supported by the** Fund should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union, **including the right to the protection of personal data**, and the Union's **and Member States** international obligations as regards fundamental rights, **including the UN Convention on the Rights of the Child (UNCRC) and the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the Protocol of 31 January 1967.**

Amendment 10

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The principles of gender equality and of non-discrimination, which are among the Union's core values, should be respected and promoted when

implementing the Fund. The Fund should not support any action that contributes to any form of segregation or social exclusion.

Amendment 11

Proposal for a regulation Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) In the implementation of the Fund, priority should be given to actions which address the situation of unaccompanied and separated minors through early identification and registration and to actions carried out in the best interests of the child.

Amendment 12

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) The Fund should support the efficient management of migration flows, inter alia by promoting common measures in the area of asylum, including Member States' efforts in receiving persons in need of international protection through resettlement and the transfer of applicants for or beneficiaries of international protection between Member States, supporting integration strategies and a more effective legal migration policy, ***so as*** to ensure the Union's long-term competitiveness and the future of its social model and reduce incentives for irregular migration through a sustainable return and readmission policy. The Fund should support the strengthening of cooperation with third countries to reinforce management of flows of persons applying for asylum or other forms of international

(7) The Fund should support ***solidarity between Member States and*** the efficient management of migration flows, inter alia by promoting common measures in the area of asylum, including Member States' efforts in receiving persons in need of international protection through resettlement and ***humanitarian admission and*** the transfer of applicants for or beneficiaries of international protection between Member States, ***enhancing the protection of vulnerable asylum seekers such as children,*** supporting integration strategies and a more effective legal migration policy, ***creating safe and legal pathways to the Union which should also help*** to ensure the Union's long-term competitiveness and the future of its social model and reduce incentives for irregular migration through a sustainable return and

protection, avenues on legal migration and to counter irregular migration and ensure sustainability of return *and effective readmission* to third countries.

readmission policy. *As an instrument of internal Union policy and the only funding instrument for asylum and migration at Union level, the Fund should primarily support actions on asylum and migration within the Union. However, within defined limits and subject to the appropriate safeguards,* the Fund should support the strengthening of cooperation with third countries to reinforce management of flows of persons applying for asylum or other forms of international protection, *to establish* avenues on legal migration and to counter irregular migration and *networks of smugglers and traffickers in human beings and* ensure *the* sustainability of *safe and dignified* return to *as well as reintegration in* third countries.

Amendment 13

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) The migration crisis highlighted the need to reform the Common European Asylum System to ensure that efficient asylum procedures *to prevent secondary movements*, to provide uniform and appropriate reception conditions for applicants for international protection, uniform standards for the granting of international protection and appropriate rights and benefits for beneficiaries of international protection. *At the same time, the reform was needed to put in place a fairer and more effective system of determining Member States' responsibility for applicants for international protection as well as a Union framework for Member States' resettlement efforts.* Therefore, it is appropriate for the Fund to provide increased support to Member States' efforts to fully and properly implement the reformed Common European Asylum

Amendment

(8) The migration crisis *and the rising number of deaths in the Mediterranean over the past years* highlighted the need to reform the Common European Asylum System *and to put in place a fairer and more effective system of determining Member States' responsibility for applicants for international protection as well as a framework for Member States' resettlement and humanitarian admission efforts with a view to increasing the overall number of available resettlement places globally. At the same time, reform is needed* to ensure that efficient *and rights based* asylum procedures *are in place and accessible,* and to provide uniform and appropriate reception conditions for applicants for international protection, uniform standards for the granting of international protection and appropriate rights and benefits for beneficiaries of

System.

international protection, as well as *effective and efficient return procedures for irregular migrants*. Therefore, it is appropriate for the Fund to provide increased support to Member States' efforts to fully and properly implement the reformed Common European Asylum System.

Amendment 14

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The Fund should also complement and reinforce the activities undertaken by the European *Union Agency for Asylum (EUAA) established by Regulation (EU)... [EUAA Regulation]¹⁴* with a view to facilitating and improving the functioning of the common European asylum system, by *coordinating and strengthening practical cooperation and information exchange between Member States, promoting Union law and operational standards on asylum in order to ensure a high degree of uniformity* based on high protection standards as regards procedures for international protection, reception conditions and the assessment of protection needs across the Union, enabling a sustainable and fair distribution of applications for international protection, facilitate convergence in the assessment of applications for international protection across the Union, *support* the resettlement efforts of the Member States and *provide* operational and technical assistance to Member States for the management of their asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

Amendment

(9) The Fund should also complement and reinforce the activities undertaken by the European Asylum *Support Office* with a view to facilitating and improving the functioning of the common European asylum system, by strengthening practical cooperation and coordinating information exchange *on asylum, in particular on good practices* between Member States, promoting Union *and international* law and *contributing through relevant guidance, including* operational standards, *to a uniform implementation of Union law* on asylum based on high protection standards as regards procedures for international protection, reception conditions and the assessment of protection needs across the Union, enabling a sustainable and fair distribution of applications for international protection, facilitate convergence in the assessment of applications for international protection across the Union, *supporting* the resettlement efforts of the Member States and *providing* operational and technical assistance to Member States for the management of their asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

¹⁴ *Regulation (EU) No .../.. of the European Parliament and of the Council of [EUAA Regulation] (OJ L ..., [date], p. ..).*

Amendment 15

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The Fund should support the efforts by the Union and the Member States relating to the enhancement of the Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union law.

Amendment 16

Proposal for a regulation Recital 10

Text proposed by the Commission

Amendment

(10) The Fund should support ***the efforts by the Union and the Member States relating to the enhancement of the Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union law.***

(10) The Fund should support the Union and the Member States ***in the implementation of the existing Union law, ensuring full respect of fundamental rights, in particular Directives 2013/33/EU^{1a} (Reception Conditions Directive), 2013/32/EU^{1b} (Asylum Procedures Directive), 2011/95/EU^{1c} (Qualification Directive) and 2008/115/EC^{1d} (Return Directive) of the European Parliament and of the Council, and Regulation (EU) No 604/2013 of the European Parliament and of the Council^{1e} (Dublin Regulation).***

^{1a} *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international*

protection (OJ L 180, 29.6.2013, p. 96).

^{1b} Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

^{1c} Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

^{1d} Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

^{1e} Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 13).

Amendment 17

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) Partnerships and cooperation with third countries are an essential component of Union asylum policy to ensure the adequate management of flows of persons applying for asylum or other forms of international protection. With the aim of replacing the unsafe and

deleted

irregular arrivals with legal and safe arrival to the territory of the Member States of third-country nationals or stateless persons in need of international protection, expressing solidarity with countries in regions to which or within which a large number of persons in need of international protection have been displaced by helping to alleviate the pressure on those countries, helping achieve the Union's migration policy objectives by increasing the Union's leverage vis-à-vis third countries, and of effectively contributing to global resettlement initiatives by speaking with one voice in international fora and with third countries, the Fund should provide financial incentives to the implementation of the Union Resettlement [and Humanitarian Admission] Framework.

Amendment 18

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The Fund should support the efforts made by Member States to provide international protection and a durable solution in their territories to refugees and displaced persons identified as eligible for resettlement or under national humanitarian admission schemes, which should take into account UNHCR Projected Global Resettlement Needs. To contribute in an ambitious and effective manner, the Fund should provide targeted assistance in the form of financial incentives for each person admitted or resettled.

Amendment 19

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Considering ***the high levels of migration flows to the Union in the last years and*** the importance of ensuring the cohesion of our societies, it is crucial to support Member States' policies for ***early*** integration of legally staying third-country nationals, including in the priority areas identified in the Action Plan on Integration of third-country nationals adopted by the Commission in 2016.

Amendment 20

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) In order to increase efficiency, achieve the greatest Union added value and to ensure the consistency of the Union's response to foster the integration of third-country nationals, actions financed under the Fund should be specific and complementary to actions financed under the ***European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF)***. Measures financed under this Fund should support measures tailor-made to the needs of third-country nationals that are generally implemented in the early ***stage*** of integration, and horizontal actions supporting Member States' capacities in the field of integration, ***whereas*** interventions ***for*** third-country nationals ***with a longer-term impact should be*** financed under the ***ERDF and ESF+***.

Amendment 21

Proposal for a regulation
Recital 13 a (new)

Amendment

(12) Considering the importance of ensuring the cohesion of our societies, it is crucial to support Member States' policies for integration of legally staying third-country nationals, including in the priority areas identified in the Action Plan on Integration of third-country nationals adopted by the Commission in 2016.

Amendment

(13) In order to increase efficiency, achieve the greatest Union added value and to ensure the consistency of the Union's response to foster the integration of third-country nationals, actions financed under the Fund should be specific and complementary to actions financed under the ***Union's structural funds***. Measures financed under this Fund should support measures tailor-made to the needs of third-country nationals that are generally implemented in the early ***stages*** of integration, and horizontal actions supporting Member States' capacities in the field of integration, ***complemented by*** interventions ***to promote the social and economic inclusion of*** third-country nationals financed under the ***structural funds***.

(13a) The scope of the integration measures should also include beneficiaries of international protection in order to ensure a comprehensive approach to integration, taking into account the specificities of that target group. Where integration measures are combined with reception, actions should, where appropriate, also allow asylum seekers to be included.

Amendment 22

Proposal for a regulation

Recital 14

Text proposed by the Commission

Amendment

(14) In this context, the authorities of the Member States responsible for the implementation of the Fund should be required to cooperate and establish coordination mechanisms with the authorities identified by Member States for the purpose of the management of the interventions of the ***ESF+ and of the ERDF*** and wherever necessary with their managing authorities and with the managing authorities of other Union funds contributing to the integration of third-country nationals.

(14) In this context, the authorities of the Member States responsible for the implementation of the Fund should be required to cooperate and establish coordination mechanisms with the authorities identified by Member States for the purpose of the management of the interventions of the ***structural funds***, and wherever necessary with their managing authorities and with the managing authorities of other Union funds contributing to the integration of third-country nationals. ***Through these coordination mechanisms, the Commission should assess the coherence and complementarity between the funds, and the extent to which measures implemented through each fund contribute to the integration of third country nationals.***

Amendment 23

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) It is appropriate to allow those Member States that so wish to provide in their programmes that integration actions may include immediate relatives of third-country nationals, to the extent that this is necessary for the effective implementation of such actions. The term ‘immediate relative’ should be understood as meaning spouses, partners and any person having direct family links in descending or ascending line with the third-country national targeted by the integration action, and who would otherwise not be covered by the scope of the Fund.

Amendment

(16) It is appropriate to allow those Member States that so wish to provide in their programmes that integration actions may include immediate relatives of third-country nationals, ***thus supporting family unity in the best interests of the child***, to the extent that this is necessary for the effective implementation of such actions. The term ‘immediate relative’ should be understood as meaning spouses, partners and any person having direct family links in descending or ascending line with the third-country national targeted by the integration action, and who would otherwise not be covered by the scope of the Fund.

Amendment 24

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) Considering the crucial role played by local and regional authorities and civil society organisations in the field of integration and to facilitate the access of these entities to funding at Union level, the Fund should facilitate the implementation of actions in the field of integration by local and regional authorities or civil society organisations, including ***through the use of the thematic facility and*** through a higher co-financing rate for these actions.

Amendment

(17) Considering the crucial role played by local and regional authorities and ***their representative associations, as well as by*** civil society organisations, ***including refugees and migrants associations*** in the field of integration, and to facilitate the ***direct*** access of these entities to funding at Union level, the Fund should facilitate the implementation of actions in the field of integration by local and regional authorities or civil society organisations, including through a higher co-financing rate for these actions ***and the use of a dedicated component of the thematic facility where those local and regional authorities have the competence to carry out integration measures.***

Amendment 25

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Considering the long-term economic and demographic challenges faced by the Union, it is crucial to establish well-functioning legal migration channels to the Union to maintain the Union as an attractive destination for *migrants* and ensure the sustainability of welfare systems and growth of the Union economy.

Amendment

(18) Considering the long-term economic and demographic challenges faced by the Union ***and the increasingly globalised nature of migration***, it is crucial to establish well-functioning legal migration channels to the Union to maintain the Union as an attractive destination for ***regular migration, in accordance with Member States' economic and social needs***, and ensure the sustainability of welfare systems and growth of the Union economy, ***while protecting migrant workers from labour exploitation***.

Amendment 26

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) The Fund should support Member States in setting up strategies organising legal migration, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for legally staying third-country nationals, ***including*** Union ***legal*** instruments. The Fund should also support the exchange of information, best practices and cooperation between different departments of administration and levels of governance, and between Member States.

Amendment

(19) The Fund should support Member States in setting up strategies organising ***and expanding*** legal migration ***pathways***, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for legally staying third-country nationals, ***in particular*** Union instruments ***for legal migration***. The Fund should also support the exchange of information, best practices and cooperation between different departments of administration and levels of governance, and between Member States.

Amendment 27

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) An efficient return policy is an integral part of the comprehensive migration approach the Union and its Member States pursue. The Fund should support and encourage efforts by the Member States with a view to the effective implementation and further development of common standards on return, in particular as set out in Directive 2008/115/EC of the European Parliament and of the Council¹⁵, and of an integrated and coordinated approach to return management. **For sustainable return policies**, the Fund should equally support related measures in third countries, **such as the reintegration of returnees**.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

Amendment

(20) An efficient **and dignified** return policy is an integral part of the comprehensive migration approach the Union and its Member States pursue. The Fund should support and encourage efforts by the Member States with a view to the effective implementation and further development of common standards on return, **with an emphasis on voluntary returns**, in particular as set out in Directive 2008/115/EC of the European Parliament and of the Council¹⁵, and of an integrated and coordinated approach to return management. The Fund should equally support related measures in third countries **to facilitate and guarantee safe and dignified return and readmission as well as sustainable reintegration, as enshrined in the GCM**.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

Amendment 28

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) Member States should give preference to voluntary return. In order to promote **voluntary return**, Member States should envisage incentives such as preferential treatment in the form of enhanced return assistance **should be envisaged for the voluntary return of persons**. **This** kind of voluntary return is in the interests of both returnees and the

Amendment

(21) Member States should give preference to voluntary return **and ensure effective, safe and dignified return of irregular migrants**. **Therefore, the Fund should give preferential support to actions related to voluntary return**. In order to promote **this**, Member States should envisage incentives such as preferential treatment in the form of enhanced return

authorities in terms of *its* cost-effectiveness.

assistance *and long-term reintegration support*. *This* kind of voluntary return is in the interests of both returnees and the authorities in terms of cost-effectiveness. *The best interests of the child should be a primary consideration in all actions or decisions concerning children in migration, including returns, taking full account of the right of the child to express his or her views.*

Amendment 29

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Voluntary *and* enforced returns are nevertheless interlinked, with mutually reinforcing effect, and Member States should therefore be encouraged to reinforce the complementarities between these two forms of return. The possibility of removals is an important element contributing to the integrity of the asylum and legal migration systems. The Fund should therefore support actions of Member States to facilitate and carry out removals in accordance with the standards laid down in Union law, where applicable, and with full respect for the fundamental rights and dignity of returnees.

Amendment

(22) *While* voluntary *returns should take priority over* enforced returns, *they* are nevertheless interlinked, with mutually reinforcing effect, and Member States should therefore be encouraged to reinforce the complementarities between these two forms of return. The possibility of removals is an important element contributing to the integrity of the asylum and legal migration systems. The Fund should therefore support actions of Member States to facilitate and carry out removals in accordance with the standards laid down in Union law, where applicable, and with full respect for the fundamental rights and dignity of returnees. *The Fund should support actions related to return of children only where such return is based on a positive assessment of the best interests of the child.*

Amendment 30

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Specific support measures for

Amendment

(23) Specific support measures for

returnees in the Member States and in the countries of return can improve conditions of return and enhance their reintegration.

returnees, *with a particular attention to their humanitarian and protection needs*, in the Member States and in the countries of return can improve conditions of return and enhance their reintegration. *Particular attention should be paid to vulnerable groups. Return decisions should be based on a comprehensive and careful assessment of the situation in the country of origin, including an evaluation of the absorption capacity at the local level. Specific measures and actions supporting countries of origin, and in particular vulnerable people, contribute to ensure the sustainability, safety and effectiveness of returns. These measures should be implemented with the active participation of local authorities, civil society and diasporas.*

Amendment 31

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Readmission agreements *and other arrangements* are an integral component of the Union return policy and a central tool for the efficient management of migration flows, as they facilitate the swift return of irregular migrants. Those agreements *and arrangements* are an important element in the framework of the dialogue and cooperation with third countries of origin and transit of irregular migrants and their implementation in third countries *should be supported* in the interests of effective return policies *at national and Union level*.

Amendment

(24) *Formal* readmission agreements are an integral *and crucial* component of the Union return policy and a central tool for the efficient management of migration flows, as they facilitate the swift return of irregular migrants. Those agreements are an important element in the framework of the dialogue and cooperation with third countries of origin and transit of irregular migrants and *the Fund should support* their implementation in third countries in the interests of effective, *safe and dignified* return policies *within defined limits and subject to the appropriate safeguards*.

Amendment 32

Proposal for a regulation Recital 25

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(25) In addition to supporting the *return of persons as provided for in this Regulation*, the Fund should also support other measures to counter *irregular migration, address incentives for illegal migration or the circumventing of existing* legal migration rules, thereby safeguarding the integrity of *Member States'* immigration systems.

(25) In addition to supporting the *integration of third country nationals or stateless persons within Member States*, the Fund should also support other measures to counter *trafficking of migrants, to encourage and facilitate the establishment of* legal migration rules, thereby safeguarding the integrity of immigration systems *in the countries of origin, in full compliance with the Principle of Coherence for Sustainable Development*.

Amendment 33

Proposal for a regulation Recital 26

(26) The employment of irregular migrants *creates a pull factor for illegal migration and* undermines the development of a labour mobility policy built on legal migration schemes. The Fund should therefore support Member States, either directly or indirectly, in their implementation of Directive 2009/52/EC of the European Parliament and of the Council¹⁶ which prohibits the employment of illegally staying third-country nationals and provides for sanctions against employers who infringe that prohibition.

(26) The employment of irregular migrants undermines the development of a labour mobility policy built on legal migration schemes *and endangers the rights of migrant workers, making them vulnerable to rights violations and abuse*. The Fund should therefore support Member States, either directly or indirectly, in their implementation of Directive 2009/52/EC of the European Parliament and of the Council¹⁶ which prohibits the employment of illegally staying third-country nationals, *provides for a complaints and wage recuperation mechanism for exploited workers* and provides for sanctions against employers who infringe that prohibition.

¹⁶ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

¹⁶ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

Amendment 34

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) The Member States should support the requests of civil society and workers' associations, such as that concerning the establishment of a European network of reception workers of both genders, in order to connect all workers in Europe operating in the field of migration, to foster a decent welcome and an approach to migration based on human rights and the exchange of good practices in terms of reception and employment opportunities for migrants.

Amendment 35

Proposal for a regulation Recital 27

Text proposed by the Commission

Amendment

(27) The Fund should support Member States, either directly or indirectly, in their implementation of Directive 2011/36/EU of the European Parliament and of the Council¹⁷ which sets forth provisions on assistance, support and protection of victims of trafficking in human beings.

(27) The Fund should support Member States, either directly or indirectly, in their implementation of Directive 2011/36/EU of the European Parliament and of the Council¹⁷, which sets forth provisions on assistance, support and protection of victims of trafficking in human beings. ***These measures should take into account the gender-specific nature of trafficking in human beings. When implementing the Fund, Member States should take into consideration that persons who are obliged to leave their habitual homes for reasons of sudden or progressive climate-related change in the environment that adversely affects their lives or living conditions, have a high risk of falling victims to trafficking in human beings.***

¹⁷ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

¹⁷ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

Amendment 36

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The Fund should support in particular the identification and measures addressing the needs of vulnerable asylum seekers - such as unaccompanied minors, or victims of torture or of other serious forms of violence - as set out in the Union asylum acquis.

Amendment 37

Proposal for a regulation Recital 27 b (new)

Text proposed by the Commission

Amendment

(27b) In order to achieve a fair and transparent distribution of resources among the objectives of the Fund, a minimum level of expenditure should be ensured for certain objectives, whether under direct, indirect, or shared management.

Amendment 38

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) The Fund should complement and reinforce the activities undertaken in the field of return by the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 of the European Parliament and of the Council¹⁸, ***therefore contributing to effective European Integrated Border Management, as defined in Article 4 of that Regulation.***

¹⁸ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

Amendment 39

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) Synergies, consistency and efficiency should be sought with other Union funds and overlap between actions should be avoided.

Amendment 40

Proposal for a regulation Recital 30

PE629.652v02-00

Amendment

(28) The Fund should complement and reinforce the activities undertaken in the field of return by the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 of the European Parliament and of the Council¹⁸ ***without providing an additional funding stream to the European Border and Coast Guard Agency, for which the budgetary authority decides on an annual budget which should enable it to carry out all of its tasks.***

¹⁸ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

Amendment

(29) Synergies, consistency, ***complementarity*** and efficiency should be sought with other Union funds and ***any*** overlap ***or contradiction*** between actions should be avoided.

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(30) **Measures** in and in relation to third countries supported through the Fund should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy in respect of the country or region in question and the Union international commitments. ***In relation to the external dimension, the Fund should target support to enhance cooperation with third countries and to reinforce key aspects of migration management in areas of interest to the Union's migration policy.***

(30) ***The Fund should prioritise financing for actions within the Union itself. The Fund may finance measures*** in and in relation to third countries supported through the Fund ***which should be limited in financial terms, while adequate to reach the objectives of the Fund as laid down in Article 3 of this Regulation, and subject to appropriate safeguards. Such measures*** should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence ***and complementarity*** should be sought with the principles and general objectives of the Union's external action and foreign policy in respect of the country or region in question and the Union international commitments. ***The principle of policy coherence for development, as set out in paragraph 35 of the European Consensus on Development, should be respected. Coherence with the humanitarian principles as set out in the European Consensus on Humanitarian Aid should be ensured during the implementation of emergency assistance.***

Amendment 41

Proposal for a regulation Recital 31

(31) Funding from the Union budget should concentrate on activities where Union intervention can bring added value compared to action undertaken by Member States alone. Financial support provided under this Regulation should contribute, in particular, to strengthening national and Union capabilities in the areas of asylum

(31) Funding from the Union budget should concentrate on activities where Union intervention can bring added value compared to action undertaken by Member States alone. Financial support provided under this Regulation should contribute, in particular, to ***Member State solidarity on asylum and migration in accordance with Article 80 TFEU, and to*** strengthening

and migration.

national and Union capabilities in the areas of asylum and migration.

Amendment 42

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) A Member State may be deemed not to be compliant with the relevant Union acquis, including as regards the use of operating support under this Fund, if it has failed to fulfil its obligations under the Treaties in the area of asylum and **return**, if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the acquis on asylum and **return or if an evaluation report under the Schengen or the European Union Agency for Asylum evaluation and monitoring mechanism has identified deficiencies in the relevant area.**

Amendment

(32) A Member State may be deemed not to be compliant with the relevant Union acquis, including as regards the use of operating support under this Fund, if it has failed to **comply with the Charter of Fundamental Rights or to** fulfil its obligations under the Treaties in the area of asylum and **immigration or** if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the acquis on asylum and **immigration.**

Amendment 43

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) The Fund should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the policy and specific objectives laid down in this Regulation.

Amendment

(33) The Fund should reflect the need for increased **transparency**, flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the policy and specific objectives laid down in this Regulation. **The implementation of the Fund should be guided by the principles of efficiency, effectiveness and quality of spending. Furthermore, the implementation of the Fund should be as user-friendly as possible.**

Amendment 44

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) This Regulation should establish the initial amounts to Member States ***consisting of a fixed amount and an amount calculated on the basis of criteria laid down in Annex I***, which reflect the needs and pressure experienced by different Member States in the areas of asylum, integration and return.

Amendment

(34) This Regulation should establish the initial amounts to Member States, which reflect the needs and pressure experienced by different Member States in the areas of asylum, ***migration***, integration and return. ***Particular attention should be given to insular societies facing disproportionate migration challenges.***

Amendment 45

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) These initial amounts should form a basis for Member States' long-term investments. To take account of changes in migration flows and to address needs in the management of asylum and reception systems and integration of legally staying third-country nationals, and counter irregular migration through efficient and sustainable return policy, an additional amount should be allocated to the Member States at mid-term taking into account the absorption rates. This amount should be based on the latest available statistical data as set out in Annex I to reflect the changes in the baseline situation of Member States.

Amendment

(35) These initial amounts should form a basis for Member States' long-term investments. To take account of changes in migration flows and to address needs in the management of asylum and reception systems and integration of legally staying third-country nationals, ***to develop legal migration*** and counter irregular migration through efficient, ***rights compliant*** and sustainable return policy, an additional amount should be allocated to the Member States at mid-term taking into account the absorption rates. This amount should be based on the latest available statistical data as set out in Annex I to reflect the changes in the baseline situation of Member States.

Amendment 46

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) To contribute to the achievement of the policy objective of the Fund, Member States should ensure that **their** programmes include actions **addressing** the specific objectives of this Regulation, that the priorities chosen are in line with the **implementation** measures **as** set out in Annex II and that the allocation of resources between the objectives ensures that the overall policy objective can be met.

Amendment

(36) To contribute to the achievement of the policy objective of the Fund, Member States **and the Commission** should ensure that **Member States'** programmes include actions **which contribute to achieving each of** the specific objectives of this Regulation. **They should ensure furthermore that the allocation of funding to the specific objectives serves those objectives in the best possible way and is based on the most up-to-date needs, that the programmes include a minimum level of expenditure with respect to those objectives, that the sharing of resources to objectives is in proportion to the challenges faced,** that the priorities chosen are in line with the measures set out in Annex II and that the allocation of resources between the objectives ensures that the overall policy objective can be met.

Amendment 47

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) As challenges in the area of migration are constantly evolving, there is a need to adapt the allocation of funding to the changes in migration flows. To respond to pressing needs and changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value, part of the funding will be periodically allocated to specific actions, Union actions, emergency assistance, resettlement and to provide additional support for Member States contributing to solidarity and responsibility efforts via a thematic facility.

Amendment

(37) As challenges in the area of migration are constantly evolving, there is a need to adapt the allocation of funding to the changes in migration flows. To respond to pressing needs and changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value, part of the funding will be periodically allocated to specific actions, Union actions, **actions of local and regional authorities,** emergency assistance, resettlement and to provide additional support for Member States contributing to solidarity and responsibility efforts via a thematic facility.

Amendment 48

Proposal for a regulation Recital 38 a (new)

Text proposed by the Commission

Amendment

(38a) Efforts made by Member States to fully and properly implement the Union asylum acquis, including to grant appropriate reception conditions to applicants for, and beneficiaries of, international protection, to ensure the correct determination of status, in accordance with Directive 2011/95/EU, to apply fair and effective asylum procedures, should be supported by the Fund, in particular when those efforts are directed to unaccompanied minors for whom costs are higher. Member States should therefore receive a lump sum for each unaccompanied minor who is granted international protection, however this lump sum should not be cumulative to additional funding provided under this Regulation for resettlement.

Amendment 49

Proposal for a regulation Recital 40

Text proposed by the Commission

Amendment

(40) The Fund should contribute to supporting operating costs related to asylum and ***return*** and enable Member States to maintain capabilities which are crucial for that service for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives under the Fund and should form an integral part of the Member States' programmes.

(40) The Fund should contribute to supporting operating costs related to asylum and ***immigration*** and enable Member States to maintain capabilities which are crucial for that service for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives under the Fund and should form an integral part of the Member States' programmes.

Amendment 50

Proposal for a regulation

Recital 41

Text proposed by the Commission

(41) To complement the implementation of the policy objective of this Fund at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union.

Amendment

(41) To complement the implementation of the policy objective of this Fund at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union ***while respecting the need to provide adequate funding, in a fair and transparent manner, to achieve the objectives of the Fund. Through these actions the protection of fundamental rights in the implementation of the Fund should be ensured.***

Amendment 51

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) In order to strengthen the Union's capacity to immediately address unforeseen ***or disproportionate heavy migratory pressure in one or more Member States characterised by a*** large or disproportionate inflow of ***third-country*** nationals, which places significant and urgent demands on their reception and detention facilities, asylum and migration management systems and procedures, ***heavy migratory pressures*** in third countries due to political developments ***or*** conflicts, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation.

Amendment

(42) In order to strengthen the Union's capacity to immediately address unforeseen large or disproportionate inflow of ***third country*** nationals ***in one or more Member States*** which places significant and urgent demands on their reception and detention facilities, asylum and migration management systems and procedures, ***or migratory challenges or significant resettlement needs*** in third countries due to political developments, conflicts ***or natural disasters***, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation.

Amendment 52

Proposal for a regulation

Recital 44

Text proposed by the Commission

Amendment

(44) The policy objective of this Fund will be also addressed through financial instruments and budgetary guarantee under the policy windows of the InvestEU. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the Internal market. Actions should have a clear European added value.

deleted

Justification

This deletion reflects proposed changes being made to the operational part of the Regulation.

Amendment 53

Proposal for a regulation

Recital 47

Text proposed by the Commission

Amendment

(47) For the purpose of implementation of actions under shared management, the Fund should form part of a coherent framework consisting of this Regulation, Financial Regulation and Regulation (EU) .../2021 [Common Provisions Regulation].

(47) For the purpose of implementation of actions under shared management, the Fund should form part of a coherent framework consisting of this Regulation, Financial Regulation and Regulation (EU) .../2021 [Common Provisions Regulation]. ***In the event of conflicting provisions, this Regulation should take precedence over Regulation(EU) No X [CPR].***

Amendment 54

Proposal for a regulation

Recital 48

(48) **Regulation (EU) .../2021 [Common Provisions Regulation]** *establishes the framework for action for ERDF, ESF+, the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum and Migration Fund (AMF), the Internal Security Fund (ISF) and the Border Management and Visa Instrument (BMVI) as a part of the Integrated Border Management Fund (IBMF), and lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for Union funds implemented under shared management. It is therefore necessary to specify the objectives of AMF, and to lay down specific provisions concerning the type of activities that may be financed by AMF.*

(48) **Beyond the framework setting up financial rules common to several Union funds, including the Asylum Migration and Integration Fund (AMIF),** it is necessary to specify the objectives of AMIF, and to lay down specific provisions concerning the type of activities that may be financed by AMIF.

Amendment 55

**Proposal for a regulation
Recital 50**

(50) In accordance with the Financial Regulation²¹, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council²², Council Regulation (Euratom, EC) No 2988/95²³, Council Regulation (Euratom, EC) No 2185/96²⁴ and Council Regulation (EU) 2017/1939²⁵, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF)

(50) In accordance with the Financial Regulation²¹, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council²², Council Regulation (Euratom, EC) No 2988/95²³, Council Regulation (Euratom, EC) No 2185/96²⁴ and Council Regulation (EU) 2017/1939²⁵, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative **and/or criminal** sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF)

may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other criminal offences affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²⁶. In accordance with the Financial Regulation, any person or entity receiving Union funds is to cooperate fully in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF and the European Court of Auditors and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

²¹ OJ C , , p. .

²² OJ C , , p. .

²³ Council Regulation (Euratom, EC) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests (OJ L 312, 23.12.95, p. 1).

²⁴ OJ C , , p. .

²⁵ Council Regulation (EU) 2017/1371 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

²⁶ Directive (EU) 2017/1371 of the European Parliament and of the Council of

may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other criminal offences affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²⁶. In accordance with the Financial Regulation, any person or entity receiving Union funds is to cooperate fully in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF and the European Court of Auditors and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights. ***Member States are to cooperate fully and give all the necessary assistance to the Union's institutions, agencies and bodies in order to protect the Union's financial interests. The results of investigations into irregularities or fraud in relation to the Fund should be made available to the European Parliament.***

²¹ OJ C , , p. .

²² OJ C , , p. .

²³ Council Regulation (Euratom, EC) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests (OJ L 312, 23.12.95, p. 1).

²⁴ OJ C , , p. .

²⁵ Council Regulation (EU) 2017/1371 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

²⁶ Directive (EU) 2017/1371 of the European Parliament and of the Council of

5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

Amendment 56

Proposal for a regulation Recital 51 a (new)

Text proposed by the Commission

Amendment

(51a) Where there is clear evidence that the legality of projects, or the legality and regularity of funding, or the performance of projects would be put in doubt as a result of a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU, the Commission should ensure that there is no funding available for these projects.

Amendment 57

Proposal for a regulation Recital 53 a (new)

Text proposed by the Commission

Amendment

(53a) Civil society organisations, local and regional authorities and national parliaments in the Member States and in third countries should be consulted during the process of programming, implementing and evaluating the programmes financed through the Fund.

Amendment 58

Proposal for a regulation Recital 54

Text proposed by the Commission

Amendment

(54) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a

(54) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a

need to evaluate this Fund on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Fund on the ground. In order to measure the achievements of the Fund, common indicators and related targets should be established in relation to each specific objective of the Fund. Through these common indicators and financial reporting, the Commission and the Member States should monitor the implementation of the Fund, *in accordance with the relevant provisions of Regulation (EU) .../2021 of the European Parliament and of the Council [Common Provisions Regulation] and this Regulation.*

need to evaluate this Fund on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, *including qualitative and quantitative indicators*, as a basis for evaluating the effects of the Fund on the ground. In order to measure the achievements of the Fund, common indicators and related targets should be established in relation to each specific objective of the Fund. Through these common indicators and financial reporting, the Commission and the Member States should monitor the implementation of the Fund. *To adequately fulfil its supervisory role, the Commission should be in a position to establish the amounts actually spent from the Fund in a given year. When reporting the annual accounts of their national programme to the Commission, Member States should therefore distinguish between recoveries, pre-financing payments to final beneficiaries and reimbursements of expenditure that was actually incurred. To facilitate the audit and the monitoring of the implementation of the Fund, the Commission should include these amounts in its annual implementation report for the Fund as well as monitoring results and implementation of actions of the Fund at local, regional, national and Union level, including specific projects and partners. The Commission should present a summary of the accepted annual performance reports to the European Parliament and the Council every year. Reports outlining monitoring results and implementation of actions under the Fund at both Member States and Union level should be made publicly available and presented to the European Parliament.*

Amendment 59

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Fund will contribute to mainstream climate actions and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the Fund's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes.

Amendment

(55) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Fund will contribute to mainstream climate actions and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives ***over the MFF 2021-2027 period and an annual target of 30 % as soon as possible and at the latest by 2027.*** Relevant actions will be identified during the Fund's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes.

Amendment 60

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) In order to supplement and amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of ***the*** list of actions eligible for higher co-financing as listed in Annex IV, operating support and in order to develop further the common monitoring and evaluation framework. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that these consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on

Amendment

(56) In order to supplement and amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of ***work programmes for the thematic facility, list of actions eligible for support by the instrument in Annex III,*** list of actions eligible for higher co-financing as listed in Annex IV, operating support ***provided for in Annex VII*** and in order to develop further the common monitoring and evaluation framework. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work,

Amendment 61

Proposal for a regulation Recital 58

Text proposed by the Commission

(58) Since the *objective* of this Regulation, namely to contribute to an effective management of migration flows *in the Union, in accordance with the common policy on asylum and international protection* and the common immigration policy, cannot be sufficiently achieved by the Member States acting alone and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment

(58) Since the *objectives* of this Regulation, namely to *enhance solidarity between Member States* contribute to an effective management of migration flows *and to the implementation, strengthening and development of* the common policy on asylum, *subsidiary protection and temporary protection and of* the common immigration policy, cannot be sufficiently achieved by the Member States acting alone and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment 62

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes the Asylum *and* Migration Fund ('the Fund').

Amendment

1. This Regulation establishes the Asylum, Migration *and Integration* Fund ('the Fund').

Amendment 63

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) 'applicant for international protection' means an applicant as defined in point [x] of Article 2 of **Regulation (EU) ... [Asylum Procedure Regulation]**³⁰ ;

³⁰ *OJ C* , , p. .

Amendment

(a) 'applicant for international protection' means an applicant as defined in point (c) of Article 2 of **Directive 2013/32/EU**;

Amendment 64

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) 'beneficiary of international protection' within the meaning of point (2) of Article [2] of **Regulation (EU) ... [Qualification Regulation]**³¹ ;

³¹ *OJ C* , , p. .

Amendment

(b) 'beneficiary of international protection' within the meaning of point (b) of Article 2 of **Directive 2011/95/EU**;

Amendment 65

Proposal for a regulation

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) 'humanitarian **admission**' *within the meaning of Article [2] of Regulation (EU) ... [Union Resettlement [and Humanitarian Admission] Framework]*³²;

Amendment

(e) 'humanitarian **scheme**' *means the admission to the territory of the Member States from a third country to which they have been displaced, following, where requested by a Member State, a referral from the UNHCR or another relevant international body, of third-country nationals or stateless persons who are granted international protection or a*

humanitarian status under national law that provides for rights and obligations equivalent to those of Articles 20 to 32 and Article 34 of Directive 2011/95/EU for beneficiaries of subsidiary protection;

³²*OJ C*, , p. .

Amendment 66

Proposal for a regulation Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) 'resettlement' means '*resettlement*' as defined in Article [2] of Regulation (EU) ... [Union Resettlement [and Humanitarian Admission] Framework];

Amendment

(g) 'resettlement' means *the* admission, following a referral from the United Nations High Commissioner for Refugees ('UNHCR'), of third-country nationals or stateless persons from a third country to which they have been displaced, to the territory of the Member States, and who are granted international protection and have access to a durable solution in accordance with Union and national law;

Amendment 67

Proposal for a regulation Article 2 – paragraph 1 – point j a (new)

Text proposed by the Commission

(ja) '*unaccompanied minor*' means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult, including a minor who is left unaccompanied after he or she has entered the territory of the Member States.

Amendment 68

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. The policy objective of the Fund shall be to contribute to ***an efficient management of migration flows*** in line with the ***relevant Union acquis and in compliance with*** the Union's ***commitments on*** fundamental rights.

Amendment

1. The policy objective of the Fund shall be to contribute to ***implementation, strengthening and development of all aspects of the common European asylum policy under Article 78 TFEU and of the common European immigration policy under Article 79 TFEU*** in line with the ***principle of solidarity and fair-sharing of responsibility, while fully respecting the Union's and the Member States' obligations under international law and the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.***

Amendment 69

Proposal for a regulation Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) to ***support*** legal migration ***to the*** Member States ***including to contribute to the integration of third-country nationals;***

Amendment

(b) to ***strengthen and develop*** legal migration ***policies on the European and national level in accordance with*** Member States' ***economic and social needs;***

Amendment 70

Proposal for a regulation Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) to contribute to ***countering irregular migration and ensuring effectiveness of return and readmission in third countries.***

Amendment

(c) to contribute to ***and promote the effective integration and social inclusion of third-country nationals in complementarity with other EU Funds;***

Amendment 71

Proposal for a regulation

Article 3 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to contribute to countering irregular migration and ensuring effective, safe and dignified return, readmission and reintegration in third countries;

Amendment 72

Proposal for a regulation

Article 3 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(cb) to ensure solidarity and fair sharing of responsibility between the Member States, in particular towards those most affected by migration challenges, including through practical cooperation;

Amendment 73

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Partnership

For this Fund, partnerships shall include at least local and regional authorities or their representative associations, relevant international organisations, non-governmental organisations, in particular refugee and migrants organisations, national human rights institutions and equality bodies, and economic and social partners.

These partners shall be involved in a meaningful way in the preparation, implementation, monitoring and evaluation of programmes.

Amendment 74

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. ***Within the objectives referred to in Article 3, and in line*** with the implementation measures listed in Annex II, the Fund shall ***in particular*** support ***the*** actions listed in Annex III.

Amendment

1. ***In accordance*** with the implementation measures listed in Annex II, the Fund shall support actions ***that contribute to the achievement of the objectives referred to in Article 3 and are*** listed in Annex III. ***The Commission shall be empowered to adopt delegated acts in accordance with Article 32 to amend the list of actions eligible for support from the Fund in Annex III.***

Amendment 75

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. To achieve the objectives of this Regulation, the Fund may support the actions ***in line with the Union priorities*** as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article 5 and 6.

Amendment

2. To achieve the objectives ***referred to in Article 3*** of this Regulation, the Fund may, ***in exceptional cases, within defined limits and subject to appropriate safeguards,*** support the actions as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article 5 and 6.

Amendment 76

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Without prejudice to the provisions of Article 16, the total amount of funding for supporting actions in or in relation to third countries under the thematic facility in accordance with Article 9 shall not exceed 5% of the total amount allocated to the thematic facility under Article 8(2)(b).*

Amendment 77

Proposal for a regulation Article 4 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *Without prejudice to the provisions of Article 16, the total amount of funding for supporting actions in or in relation to third countries under the Member States' programmes in accordance with Article 13 shall not exceed, for each Member State, 5% of the total amount allocated to that Member State in accordance with Article 8(2)(a), Article 11(1) and Annex I.*

Amendment 78

Proposal for a regulation Article 4 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. *Actions supported under this paragraph shall be fully coherent with measures supported through the external financing instruments of the Union and with the general principles and general objectives of the Union's external action.*

Amendment 79

Proposal for a regulation Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Gender equality and non-discrimination

The Commission and the Member States shall ensure that gender equality and the integration of the gender perspective are an integral part of, and are promoted during, the various stages of the implementation of the Fund. The Commission and the Member States shall take all appropriate steps to prevent any discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation in access to the Fund and during the various stages of the implementation of the Fund.

Amendment 80

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

The Fund shall be open to third countries in accordance with the conditions laid down in a specific agreement covering the participation of the third country to the ***Asylum and Migration*** Fund, provided that the agreement:

Amendment

The Fund shall be open to ***Schengen Associated*** third countries in accordance with the conditions laid down in a specific agreement ***to be adopted in accordance with Article 218 TFEU*** covering the participation of the third country to the Fund, provided that the agreement:

Amendment 81

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

When drawing up the specific agreement referred to in this Article, the Commission

shall consult the European Union Agency for Fundamental Rights, in particular with regard to the fundamental rights aspects of the agreement.

Amendment 82

Proposal for a regulation

Article 6 – paragraph 1 – point a – point 3

Text proposed by the Commission

(3) third country listed in the work programme under the conditions specified therein;

Amendment

(3) *a* third country listed in the work programme under the conditions specified therein, **and subject to the condition that all actions by, in, or in relation to that third country fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union, and the international obligations of the Union and the Member States;**

Amendment 83

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) any legal entity created under Union law or any international organisation.

Amendment

(b) any legal entity created under Union law or any **relevant** international organisation.

Amendment 84

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.

Amendment

deleted

Justification

The provisions of Article 5 provide for the participation of third countries in the Fund. No further involvement of third country entities is appropriate.

Amendment 85

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states *or in third countries* are eligible.

Amendment

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states are eligible *when this contributes to the achievement of the objectives of the Fund as laid down in Article 3 of this Regulation.*

Amendment 86

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. Support provided under this Regulation shall complement national, regional and local intervention, and shall focus on *adding* value to the objectives of this Regulation.

Amendment

1. Support provided under this Regulation shall complement national, regional and local intervention, and shall focus on *bringing Union added* value to the objectives of this Regulation.

Amendment 87

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of

Amendment

2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of

the Union and is complementary to other Union instruments.

the Union and is complementary to ***and coordinated with national instruments and other Union instruments and measures funded under other Union funds, in particular the structural funds and external financing instruments of the Union.***

Amendment 88

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. The financial envelope for the implementation of the Fund for the 2021-2027 period shall be EUR 10 415 000 000 in current prices.

Amendment

1. The financial envelope for the implementation of the Fund for the 2021-2027 period shall be EUR ***9 204 957 000 in 2018 prices (EUR 10 415 000 000 in current prices)***.

Amendment 89

Proposal for a regulation Article 8 – paragraph 2 – point a

Text proposed by the Commission

(a) EUR 6 249 000 000 shall be allocated to the programmes implemented under shared management;

Amendment

(a) ***EUR 5 522 974 200 in 2018 prices (EUR 6 249 000 000 in current prices)*** shall be allocated to the programmes implemented under shared management;

Amendment 90

Proposal for a regulation Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) EUR 4 166 000 000 shall be allocated to the thematic facility.

Amendment

(b) ***EUR 3 681 982 800 in 2018 prices (EUR 4 166 000 000 in current prices)*** shall be allocated to the thematic facility.

Amendment 91

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. Up to 0.42 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission *as referred to in Article 29 of the Regulation EU ./.. [Common Provisions Regulation]*.

Amendment

3. Up to 0.42 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission.

Amendment 92

Proposal for a regulation Article 9 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

e) support to Member States *contributing* to solidarity *and responsibility* efforts; and

Amendment

e) support to Member States, *including to local and regional authorities, and to international and non-governmental organisations, which contribute* to solidarity efforts; and

Amendment 93

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs in line with agreed Union priorities as outlined in Annex II.

Amendment

2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs in line with agreed Union priorities as outlined in Annex II *and through the eligible actions in Annex III. The Commission shall ensure regular engagement with civil society organisations in the preparation, implementation, monitoring and evaluation of work programmes.*

A minimum of 20% of the funding from the thematic facility shall be allocated to

the specific objective referred to in point (a) of Article 3(2).

A minimum of 10% of the funding from the thematic facility shall be allocated to the specific objective referred to in point (b) of the first subparagraph of Article 3(2).

A minimum of 10% of the funding from the thematic facility shall be allocated to the specific objective referred in point (c) of the first subparagraph of Article 3(2).

A minimum of 10% of the funding from the thematic facility shall be allocated to the specific objective referred to in point (cb) of the first subparagraph of Article 3(2).

Amendment 94

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. When funding from the thematic facility is granted in direct or indirect management to Member States, *it* shall be ***ensured that selected projects are not affected by*** a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU ***that puts at risk the legality and regularity of expenditure or the performance of projects.***

Amendment

3. When funding from the thematic facility is granted in direct or indirect management to Member States, ***no funding*** shall be ***available for*** projects ***where there is clear evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects, would be put in doubt as a result of*** a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU.

Amendment 95

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. When funding from the thematic

Amendment

4. When funding from the thematic

facility is implemented in shared management, the Commission shall, **for the purposes of Articles 18 and 19(2) of Regulation EU ... [Common Provisions Regulation], assess whether the foreseen actions are not affected by** a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU **that puts at risk the legality and regularity of expenditure or the performance of the projects.**

facility is implemented in shared management, the Commission shall **ensure that no funding is available for projects where there is clear evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects would be put in doubt as a result of** a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU.

Amendment 96

Proposal for a regulation Article 9 – paragraph 5

Text proposed by the Commission

5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget. The Commission shall adopt **financing decisions as referred to in Article [110] of the Financial Regulation** for the thematic facility identifying objectives and actions to be supported and specifying the amounts for each of its components as referred to in paragraph 1. **Financing decisions shall set out, where applicable, the overall amount reserved for blending operations.**

Amendment

5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget. The Commission shall adopt **delegated acts in accordance with Article 32 to lay down work programmes** for the thematic facility identifying objectives and actions to be supported and specifying the amounts for each of its components as referred to in paragraph 1. **The work programmes shall be made publicly available.**

Amendment 97

Proposal for a regulation Article 9 – paragraph 6

Text proposed by the Commission

6. The thematic facility shall in particular, support actions falling under the implementation measure **2(b)** of Annex II that are implemented by the local and regional authorities or civil society organisations.

Amendment

6. The thematic facility shall in particular, support actions falling under the implementation measure **2a** of Annex II that are implemented by the local and regional authorities or civil society organisations. **In that regard, a minimum of 5% of the financial envelope of the**

thematic facility shall be granted under direct or indirect management to local and regional authorities implementing integration actions.

Amendment 98

Proposal for a regulation Article 9 – paragraph 7

Text proposed by the Commission

7. Following the adoption of a **financing decision** as referred to in paragraph 5, the Commission may amend the programmes implemented under shared management accordingly.

Amendment

7. Following the adoption of **work programmes** as referred to in paragraph 5, the Commission may amend the programmes implemented under shared management accordingly.

Amendment 99

Proposal for a regulation Article 9 – paragraph 8

Text proposed by the Commission

8. These **financing decisions** may be annual or multiannual and may cover one or more components of the thematic facility.

Amendment

8. These **work programmes** may be annual or multiannual and may cover one or more components of the thematic facility.

Amendment 100

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. Support under this section shall be implemented under shared management in accordance with Article [63] of the Financial Regulation and the **Regulation EU/. [Common Provisions Regulation]**.

Amendment

2. Support under this section shall be implemented under shared management in accordance with Article [63] of the Financial Regulation and the **framework setting up financial rules common to several EU funds, including the AMIF**.

Amendment 101

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of a project.

Amendment

1. The contribution from the Union budget shall not exceed 75% of the total eligible expenditure of a project. ***Member States are encouraged to provide matching funds for activities supported by the Fund.***

Amendment 102

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

3. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for actions listed in Annex IV.

Amendment

3. The contribution from the Union budget ***shall be increased to a minimum of 80% and*** may be increased to 90 % of the total eligible expenditure for actions listed in Annex IV.

Amendment 103

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. Each Member State shall ensure that the priorities addressed in *its* programme are consistent with, and respond to, the Union priorities and challenges in the area of migration management and are fully in line with the relevant Union acquis and ***agreed*** Union ***priorities***. In defining the priorities of their programmes Member States shall ensure that the implementation measures set out in Annex II are adequately addressed.

Amendment

1. Each Member State ***and the Commission*** shall ensure that the priorities addressed in ***the national*** programme are consistent with, and respond to, the Union priorities and challenges in the area of ***asylum and*** migration management, and are fully in line with the relevant Union acquis and ***the international obligations of the Union and Member States arising from international instruments to which they are signatories, in particular the UN Convention on the Rights of the Child.*** In defining the priorities of their programmes

Member States shall ensure that the implementation measures set out in Annex II are adequately addressed. ***In that regard, Member States shall allocate a minimum of 20% of their allocated funding to the specific objective referred to in point (a) of the first subparagraph of Article 3(2).***

Member States shall allocate a minimum of 10% of their allocated funding to the specific objectives referred to in point (b) of the first subparagraph of Article 3(2).

Member States shall allocate a minimum of 10% of their allocated funding to the specific objectives referred to in point (c) of the first subparagraph of Article 3(2).

Member States shall allocated a minimum of 10% of their allocated funding to the specific objective referred to in point (cb) of the first subparagraph of Article 3(2).

Amendment 104

Proposal for a regulation Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall, in addition, ensure that their programmes include actions addressing all the specific objectives of the Fund referred to in Article 3(2) and that the allocation of resources among the objectives ensures that those objectives can be met. When evaluating Member State programmes, the Commission shall ensure that no funding is available for projects where there is clear evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects, would be put in doubt as a result of a reasoned opinion of the Commission in relation to infringement proceedings under Article 258 TFEU.

Amendment 105

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The Commission shall ensure that the European Union Agency for **Asylum** and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency and the European Union Agency for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States.

Amendment

2. The Commission shall ensure that the European **Asylum Support Office, the European Union Agency for Fundamental Rights** and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency, **the European Union Agency for Fundamental Rights** and the European Asylum **Support Office** on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States.

Amendment 106

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The Commission may associate the European Union Agency for **Asylum and** European Border and Coast Guard Agency in monitoring and evaluation tasks as referred to in Section 5 where appropriate in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union acquis and agreed Union priorities.

Amendment

3. The Commission may associate the European **Asylum Support Office, the European Union Agency for Fundamental Rights, the** European Border and Coast Guard Agency **and the UNHCR** in monitoring and evaluation tasks as referred to in Section 5 where appropriate in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union acquis and agreed Union priorities.

Amendment 107

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. Further to **a** monitoring exercise **as** carried out **in accordance with Regulation (EU) [../..] [EUAA Regulation]** or the adoption of recommendations in accordance with Regulation (EU) No 1053/2013 which are within the scope of this Regulation, the Member State concerned shall examine, together with the Commission, and where relevant with the European Union Agency for **Asylum** and the European Border and Coast Guard Agency, how to address the findings, including any shortcomings or issues of capacity and preparedness, and shall implement the recommendations through its programme.

Amendment 108

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission

5. Where necessary, the programme in question shall be amended to take into account the recommendations referred to in paragraph 4. Depending on the impact of the adjustment, the revised programme may be approved by the Commission.

Amendment 109

Proposal for a regulation
Article 13 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

4. Further to **any** monitoring exercise carried out, or the adoption of recommendations in accordance with Regulation (EU) No 1053/2013 which are within the scope of this Regulation, the Member State concerned shall examine, together with the Commission, and where relevant with the European **Asylum Support Office, the European Union Agency for Fundamental Rights** and the European Border and Coast Guard Agency, how to address the findings, including any shortcomings or issues of capacity and preparedness, and shall implement the recommendations through its programme.

Amendment

5. Where necessary, the programme in question shall be amended to take into account the recommendations referred to in paragraph 4 **and the progress in achieving the milestones and targets as assessed in the annual performance reports referred to in Article 30(2)(a)**. Depending on the impact of the adjustment, the revised programme may be approved by the Commission.

Amendment

7a. National programmes may allow for the inclusion in the actions referred to

in point 3a of Annex III of immediate relatives of persons covered by the target group referred to in that point, to the extent that it is necessary for the effective implementation of such actions.

Amendment 110

Proposal for a regulation Article 13 – paragraph 8

Text proposed by the Commission

8. Whenever a Member State decides to implement projects with or in a third country with the support of the Fund, the Member State concerned shall **consult** the Commission prior to the start of the project.

Amendment

8. ***Without prejudice to the second subparagraph of Article 4(2)***, whenever a Member State decides to implement projects with or in a third country with the support of the Fund, the Member State concerned shall ***request the approval of*** the Commission prior to the start of the project. ***The Commission shall ensure the complementarity and coherence of the planned projects with other Union and Member State actions taken in or in relation to the third country concerned and shall verify that the conditions set out in Article 6(1)(a)(3) are met.***

Amendment 111

Proposal for a regulation Article 13 – paragraph 9

Text proposed by the Commission

9. ***Programming as referred to in Article 17(5) of Regulation EU) .../2021 [Common Provisions Regulation]***, shall be ***based on*** the types of intervention ***set out*** in Table 1 of Annex VI.

Amendment

9. ***Each national programme shall set out for each specific objective*** the types of intervention in ***accordance with*** Table 1 of Annex VI ***and provide an indicative breakdown of the programmed resources by type of intervention or area of support.***

Amendment 112

Proposal for a regulation Article 13 – paragraph 9 a (new)

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Text proposed by the Commission

Amendment

9a. Each Member State shall publish its programme on a dedicated website and forward it to the European Parliament and to the Council. That website shall specify the actions supported in the implementation of the programme and list the beneficiaries. It shall be updated regularly, at least at the same time as the publication of the Annual Performance Report referred to in Article 30.

Amendment 113

Proposal for a regulation Article 14 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The programmes shall be subject to a mid-term review and evaluation in accordance with Article 29 of this Regulation.

Amendment 114

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. **In 2024**, the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 11(1)(b) in accordance with the criteria referred to in paragraphs 1(b) to 5 of Annex I. Funding shall be effective for the period as of the calendar year 2025.

1. **By the end of 2024, and after informing the European Parliament**, the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 11(1)(b) in accordance with the criteria referred to in paragraphs 1(b) to 5 of Annex I. Funding shall be effective for the period as of the calendar year 2025.

Amendment 115

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. If at least **10** % of the initial allocation of a programme referred to in Article 11(1)(a) has not been covered by payment applications ***submitted in accordance with Article [85] of Regulation (EU) .../2021 [Common Provisions Regulation]***, the Member State concerned shall not be eligible to receive the additional allocation for the programme referred to in paragraph 1.

Amendment

2. If at least **30** % of the initial allocation of a programme referred to in Article 11(1)(a) has not been covered by payment applications, the Member State concerned shall not be eligible to receive the additional allocation for the programme referred to in paragraph 1.

Amendment 116

Proposal for a regulation Article 14 – paragraph 3

Text proposed by the Commission

3. The allocation of the funds from the thematic facility as of 2025 shall, ***where appropriate***, take into account the progress made in achieving milestones of the performance framework ***as referred to in Article [12] of Regulation (EU) .../2021 [Common Provisions Regulation]*** and identified implementation shortcomings.

Amendment

3. The allocation of the funds from the thematic facility as of 2025 shall take into account the progress made in achieving milestones of the performance framework and identified implementation shortcomings.

Amendment 117

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

1. Specific actions are transnational or national projects in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes.

Amendment

1. Specific actions are transnational or national projects ***bringing Union added value*** in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes.

Amendment 118

Proposal for a regulation Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

Resources for the Union Resettlement [and Humanitarian Admission] Framework

- 1. Member States shall receive, in addition to their allocation calculated in accordance with Article 11(1)(a), a contribution of EUR 10 000 for each resettled person in accordance with the targeted Union resettlement scheme. That contribution shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.*
- 2. The amount referred to in paragraph 1 shall be allocated to the Member States through the amendment of their programme provided that the person in respect of whom the contribution is allocated was effectively resettled in accordance with the Union Resettlement [and Humanitarian Admission] Framework.*
- 3. The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.*
- 4. Member States shall keep the information necessary to allow the proper identification of the resettled persons and of the date of their resettlement.*

Amendment 119

Proposal for a regulation Article 16 a (new)

Article 16a

Resources for resettlement and humanitarian admission

- 1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 11(1), receive every two years an additional amount based on a lump sum of EUR 10 000 for each person admitted through resettlement.***
- 2. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 11(1), receive every two years an additional amount based on a lump sum of EUR 6 000 for each person admitted through humanitarian schemes.***
- 3. Where appropriate, Member States may also be eligible for lump sums for family members of persons referred to in paragraph 1 to ensure family unity.***
- 4. The additional amount referred to in paragraphs 1 and 2 shall be allocated to the Member States every two years, for the first time in the individual financing decisions approving their national programme and later in a financing decision to be annexed to the decisions approving their national programme.***
- 5. Taking into account the current rates of inflation, relevant developments in the field of resettlement, as well as factors which can optimise the use of the financial incentive brought by the lump sum, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to adjust, if deemed appropriate, the lump sum referred to in paragraphs 1 and 2 of this Article.***

Amendment 120

Proposal for a regulation

Article 17

Text proposed by the Commission

Amendment

Article 17

deleted

Resources to support the implementation of Regulation ... [Dublin Regulation]

1. A Member State shall receive, in addition to their allocation calculated in accordance with Article 11(1)(a), a contribution of EUR [10 000] for each applicant for international protection for whom that Member State becomes responsible as from when that Member State is in challenging circumstances as defined in Regulation (EU) ... [Dublin Regulation].

2. A Member State shall receive, in addition to their allocation calculated in accordance with Article 11(1)(a), a contribution of EUR [10 000] for each applicant for international protection allocated to that Member State who is above the benefitting Member State's fair share.

3. A Member State referred to in paragraphs 1 and 2 shall receive an additional contribution of EUR [10 000] per applicant who has been granted international protection for the implementation of integration measures.

4. A Member State referred to in paragraphs 1 and 2 shall receive an additional contribution of EUR [10 000] per person for whom the Member State can establish on the basis of the updating of the data set referred to in Article 11(d) of Regulation (EU) ... [Eurodac Regulation] that the person has left the territory of the Member State, on either a compulsory or voluntarily basis in compliance with a return decision or a removal order.

5. A Member State shall receive, in addition to its allocation calculated in accordance with Article 11(1)(a), a contribution of EUR [500] for each applicant of international protection transferred from one Member State to another, for each applicant transferred pursuant to point (c) of the first paragraph of Article 34(i) of Regulation (EU) ... [Dublin Regulation] and, where applicable, for each applicant transferred pursuant to point (g) of Article 34 (j) of Regulation (EU) ... [Dublin Regulation].

6. The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.

7. The additional amounts referred to in paragraphs 1 to 5 shall be allocated to the Member States in their programmes provided that the person in respect of whom the contribution is allocated was, as applicable, effectively transferred to a Member State, effectively returned or registered as an applicant in the Member State responsible in accordance with Regulation (EU) ... [Dublin Regulation].

8. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.

Amendment 121

Proposal for a regulation Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

**Resources to support the implementation
of Regulation (EU) 604/2013**

**1. The determining Member State shall
receive, in addition to its allocation**

calculated in accordance with point (a) of Article 11(1) of this Regulation, refunding of the costs of reception of an applicant for international protection from the time when the application is made until the transfer of the applicant to the Member State responsible, or until the determining Member State assumes responsibility for the applicant in accordance with Regulation (EU) 604/2013.

2. The transferring Member State shall receive, in addition to its allocation calculated in accordance with point (a) of Article 11(1) of this Regulation, refunding of the costs necessary to transfer an applicant or another persons referred to in points (c) and (d) of Article 18(1) of Regulation (EU) 604/2013.

3. Each Member State shall, in addition to their allocation calculated in accordance with point (a) of Article 11(1) of this Regulation, receive a lump sum of EUR 10 000 for each unaccompanied minor who is granted international protection in that Member State, provided that the Member State is not eligible for a lump sum payment for that unaccompanied minor under Article 16(1).

4. The refunding referred to in this Article shall take a form of financing in accordance with Article 125 of the Financial Regulation.

5. The refunding referred to in paragraph 2 shall be allocated to the Member States in their programmes provided that the person in respect of whom the refunding is allocated was effectively transferred to a Member State in accordance with Regulation (EU) 604/2013.

Amendment 122

**Proposal for a regulation
Article 17 b (new)**

Article 17b

Resources for the transfer of applicants for international protection or beneficiaries of international protection

1. With a view to implementing the principle of solidarity and fair sharing of responsibility, Member States shall receive, in addition to their allocation calculated in accordance with point (a) of Article 11(1), an additional amount based on a lump sum of EUR 10 000 for each applicant for international protection or beneficiary of international protection transferred from another Member State.

2. Member States may also be eligible for lump sums for family members of persons referred to in paragraph 1, where appropriate, provided that those family members have been transferred in accordance with this Regulation.

3. The additional amounts referred to in paragraph 1 shall be allocated to the Member States for the first time in the individual financing decisions approving their national programme and later in a financing decision to be annexed to the decision approving their national programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.

4. To effectively pursue the objectives of solidarity and fair sharing of responsibility between the Member States referred to in Article 80 TFEU, and taking into account the current rates of inflation, relevant developments in the field of transfer of applicants for international protection and of beneficiaries of international protection from one Member State to another and in the field of resettlement and other ad hoc humanitarian admission, as well as

factors which can optimise the use of the financial incentive brought by the lump sum, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to adjust, if deemed appropriate, the lump sum referred to in paragraph 1 of this Article.

Amendment 123

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

2. A Member State may use up to 10 % of the amount allocated under the Fund to its programme to finance operating support under objectives in Article 3(2)(a) **and (c)**.

Amendment

2. A Member State may use up to 10 % of the amount allocated under the Fund to its programme to finance operating support under objectives in Article 3(2).

Amendment 124

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. The Member States using operating support shall comply with the Union acquis on asylum and **return**.

Amendment

3. The Member States using operating support shall comply with the Union acquis on asylum and **immigration and fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union**.

Amendment 125

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall justify in the programme and in the annual performance report as referred to in Article 30 the use of

Amendment

4. Member States shall justify in the programme and in the annual performance report as referred to in Article 30 the use of

operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, with the European Union Agency for **Asylum** and the European Border and Coast Guard Agency in line with Article 13, assess the baseline situation in the Member States which have indicated their intention to use operating support. The Commission shall take into account the information provided by those Member States and, where relevant, the information available in the light of the monitoring exercises, as carried out **in accordance with Regulation (EU) ... [EUAA Regulation]** and Regulation (EU) No 1053/2013, which are within the scope of this Regulation.

operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, with the European **Asylum Support Office, the European Union Agency for Fundamental Rights** and the European Border and Coast Guard Agency in line with Article 13, assess the baseline situation in the Member States which have indicated their intention to use operating support. The Commission shall take into account the information provided by those Member States and, where relevant, the information available in the light of the monitoring exercises, as carried out **by the European Asylum Support Office** and Regulation (EU) No 1053/2013, which are within the scope of this Regulation.

Amendment 126

Proposal for a regulation Article 18 – paragraph 5

Text proposed by the Commission

5. Operating support shall be concentrated on **specific tasks** and services as laid down in Annex VII.

Amendment

5. Operating support shall be concentrated on **eligible actions** as laid down in Annex VII.

Amendment 127

Proposal for a regulation Article 18 – paragraph 6

Text proposed by the Commission

6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to amend the list of **specific tasks and services** in Annex VII.

Amendment

6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to amend the list of **eligible actions** in Annex VII.

Amendment 128

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

4. Grants implemented under direct management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation.

Amendment

4. Grants implemented under direct **and indirect** management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation.

Amendment 129

Proposal for a regulation Article 20 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall ensure flexibility, fairness and transparency in the distribution of resources among the objectives referred to in Article 3(2).

Amendment 130

Proposal for a regulation Article 20 – paragraph 6

Text proposed by the Commission

6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. ***The provisions laid down in [Article X of] Regulation (EU) ../. [successor of the Regulation on the Guarantee Fund] shall apply.***

Amendment

6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation.

Amendment 131

Proposal for a regulation Article 21 – paragraph 2

Text proposed by the Commission

2. The amount made available for the European Migration Network under the annual appropriations of the Fund and the work programme laying down the priorities for its activities shall be adopted by the Commission, after approval by the Steering Board in accordance with Article 4(5)(a) of Decision 2008/381/EC (as amended). The decision of the Commission shall constitute a financing decision pursuant to **Article [110] of** the Financial Regulation. To ensure the timely availability of resources, the Commission may adopt the work programme for the European Migration Network in a separate financing decision.

Amendment

2. The Amount made available for the European Migration Network under the annual appropriations of the Fund and the work programme laying down the priorities for its activities shall be adopted by the Commission, after approval by the Steering Board in accordance with Article 4(5)(a) of Decision 2008/381/EC (as amended). The decision of the Commission shall constitute a financing decision pursuant to the Financial Regulation. To ensure the timely availability of resources, the Commission may adopt the work programme for the European Migration Network in a separate financing decision.

Amendment 132

Proposal for a regulation

Article 21 a (new)

Decision 2008/381/EC

Article 5 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

Article 21a

Amendment of Decision 2008/381/EC

The following point is added in Article 5(3) of Decision 2008/381/EC:

“(da) act as a contact point for potential beneficiaries of funding under the Asylum, Migration and Integration Fund Regulation and provide impartial guidance, practical information and assistance regarding all aspects of the Fund, including in relation to applications for funding under the relevant national programme or the thematic facility.”.

Amendment 133

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

Blending operations decided under this Fund shall be implemented in accordance with the [InvestEu regulation] and Title X of the Financial Regulation.

Amendment

Blending operations decided under this Fund, **as referred to in Article 2(1)(c)** shall be implemented in accordance with the [InvestEu regulation] and Title X of the Financial Regulation.

Amendment 134

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. The recipients of Union funding shall **acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting** the actions and their results, by providing coherent, effective and **proportionate targeted** information to multiple audiences, including the media and the public.

Amendment

1. The recipients of Union funding shall **promote** the actions and their results by providing coherent, effective and **meaningful** information to multiple **relevant** audiences, including media and the public **in the relevant languages. To ensure the visibility of Union funding, recipients of Union funding shall refer to its origin when communicating on the action. To this end, recipients shall ensure that all communications to the media and the public, display the Union emblem, and explicitly mention the Union's financial support.**

Amendment 135

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. The Commission shall implement information and communication actions relating to the Fund and its actions and results. Financial resources allocated to the Fund shall also contribute to the corporate communication on the political priorities of the Union, as far as they are related to the

Amendment

2. **To reach the widest possible audience,** the Commission shall implement information and communication actions relating to the Fund and its actions and results. **In particular, the Commission shall publish information concerning the development of the annual and**

objectives of this Regulation.

multiannual programmes of the thematic facility. The Commission shall also publish the list of operations selected for support under the thematic facility on a publicly available website and shall update that list at least every three months. Financial resources allocated to the Fund shall also contribute to the corporate communication on the ***implementation of*** political priorities of the Union, as far as they are related to the objectives of this Regulation. ***In particular, the Commission may promote best practices and exchange information as regards to the implementation of the instrument.***

Amendment 136

Proposal for a regulation Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall publish the information referred to in paragraph 2 in open, machine readable formats, as set out in Article 5(1) of Directive 2003/98/EC of the European Parliament and of the Council^{1a}, which allows data to be sorted, searched, extracted, compared and reused. It shall be possible to sort the data by priority, specific objective, total eligible cost of operations, total cost of projects, total cost of procurement procedures, name of beneficiary, and name of contractor.

^{1a} ***Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).***

Amendment 137

Proposal for a regulation

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

1. The **Fund shall** provide financial assistance to address urgent and specific needs in the event of an emergency situation resulting from one or more of the following:

Amendment

1. The **Commission may decide to** provide financial assistance to address urgent and specific needs in the event of an emergency situation resulting from one or more of the following:

Amendment 138

Proposal for a regulation

Article 26 – paragraph 1 – point a

Text proposed by the Commission

(a) **heavy migratory pressure in one or more Member States characterised by a** large or disproportionate inflow of third-country nationals, which places significant and urgent demands on their reception and detention facilities, asylum and migration management systems and procedures;

Amendment

(a) **an unforeseen** large or disproportionate inflow of third-country nationals **in one or more Member States**, which places significant and urgent demands on their reception and detention facilities, **child protection systems, and** asylum and migration management systems and procedures;

Amendment 139

Proposal for a regulation

Article 26 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(aa) **voluntary relocation;**

Amendment 140

Proposal for a regulation

Article 26 – paragraph 1 – point c

Text proposed by the Commission

(c) **heavy migratory pressure** in third

Amendment

(c) **an unforeseen large or**

countries, including where persons in need of protection may be stranded due to political developments *or* conflicts, notably where it might have an impact on migration flows towards the EU.

disproportionate inflow of persons in third countries, including where persons in need of protection may be stranded due to political developments, conflicts *or natural disasters*, notably where it might have an impact on migration flows towards the EU.

Amendment 141

Proposal for a regulation Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Measures implemented in third countries in accordance with this Article shall be consistent with, and, where relevant, complementary to the Union humanitarian policy and respect humanitarian principles as set out in the Consensus on Humanitarian Aid.

Amendment 142

Proposal for a regulation Article 26 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. In cases as described under paragraph 1(a), 1(aa), 1(b) and 1(c) of this Article, the Commission shall inform the European Parliament and the Council without delay.

Amendment 143

Proposal for a regulation Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. Emergency assistance may take the form of grants awarded directly to the *decentralised agencies*.

2. Emergency assistance may take the form of grants awarded directly to the ***European Asylum Support Office, UNHCR, and local and regional***

authorities subject to unforeseen large or disproportionate inflows of third country nationals, and in particular those responsible for the reception and integration of unaccompanied child migrants.

Amendment 144

Proposal for a regulation Article 26 – paragraph 4

Text proposed by the Commission

4. Grants implemented under direct management shall be awarded and managed in accordance with *[Title VIII]* of the Financial Regulation.

Amendment

4. Grants implemented under direct management shall be awarded and managed in accordance with the Financial Regulation.

Amendment 145

Proposal for a regulation Article 26 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where necessary for the implementation of the action, emergency assistance may cover expenditure which was incurred prior to the date of submission of the grant application or the request for assistance, but not prior to 1 January 2021.

Amendment 146

Proposal for a regulation Article 27 – paragraph 1

Text proposed by the Commission

1. An *action* that has received a contribution under the Fund may also receive a contribution from any other Union programme, including Funds under shared management, provided that the

Amendment

1. An *operation* that has received a contribution under the Fund may also receive a contribution from any other Union programme, including Funds under shared management, provided that the

contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the **action**. The cumulative funding shall not exceed the total eligible costs of the **action** and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

contributions do not cover the same costs. The **programmes presented by the Commission shall interact and complement each other and be drawn up with the necessary degree of transparency to avoid any duplication**. The rules of each contributing Union programme shall apply to its respective contribution to the **operation**. The cumulative funding shall not exceed the total eligible costs of the **operation** and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

Amendment 147

Proposal for a regulation

Article 27 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Actions awarded a seal of Excellence certification, or which comply with the following cumulative comparative conditions:

Amendment

Operations awarded a seal of Excellence certification, or which comply with the following cumulative comparative conditions:

Amendment 148

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

1. In compliance with its reporting requirements pursuant to **Article [43(3)(h)(i)(iii)]** of the Financial Regulation, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V.

Amendment

1. In compliance with its reporting requirements pursuant to the Financial Regulation, the Commission shall present to the European Parliament and the Council, **at least annually**, information on performance in accordance with Annex V.

Amendment 149

Proposal for a regulation

Article 28 – paragraph 3

Text proposed by the Commission

3. The indicators to report on progress of the Fund towards the achievement of the objectives of this Regulation are set in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative.

Amendment

3. The indicators to report on progress of the Fund towards the achievement of the objectives of this Regulation are set in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative. ***Upon request, the data received by the Commission on output and result indicators shall be made available to the European Parliament and to the Council.***

Amendment 150

Proposal for a regulation Article 29

Text proposed by the Commission

Article 29

Evaluation

1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under the Fund.

2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process.

Amendment

deleted

Amendment 151

Proposal for a regulation Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29a

Evaluation

1. By 31 December 2024, the Commission shall present a mid-term evaluation of the

implementation of this Regulation. The mid-term evaluation shall examine the effectiveness, efficiency, simplification and flexibility of the Fund. More specifically, it shall include an assessment of:

(a) progress towards the achievement of the objectives of this Regulation, taking into account all relevant information available, in particular the annual performance reports submitted by the Member States under Article 30 and the output and result indicators set out in Annex VIII;

(b) the EU added value of the actions and operations implemented under the Fund;

(c) the contribution to EU solidarity in the field of asylum and migration;

(d) the continued relevance of the implementation measures set out in Annex II and the actions set out in Annex III;

(e) the complementarity, coordination and coherence between the actions supported under this Fund and the support provided by other Union funds, such as the structural funds, and external financing instruments of the Union;

(f) the longer term impacts and the sustainability effects of the Fund.

The midterm evaluation shall take into account retrospective evaluation results on the long-term impact of the predecessor fund - the Asylum, Migration and Integration Fund 2014-2020 - and shall, where appropriate, be accompanied by a legislative proposal for the revision of this Regulation.

2. By 31 January 2030, the Commission shall carry out a retrospective evaluation. By the same date, the Commission shall submit an evaluation report to the European Parliament and to the Council. The retrospective evaluation shall include an assessment of all of the elements set

out in paragraph 1. In that regard, the longer-term impacts and the sustainability of effects of the Fund shall be evaluated with a view to feeding into a decision on a possible renewal or modification of a subsequent fund.

The mid-term and retrospective evaluation reports referred to in the first paragraph and the first subparagraph of this paragraph shall be conducted with meaningful participation of social partners, civil society organisations, including migrants and refugees' organisations, equality bodies, national human rights institutions and other relevant organisations in accordance with the partnership principle as laid down in Article 3a.

3. In its mid-term and retrospective evaluation, the Commission shall pay particular attention to the evaluation of actions by, in or in relation to third countries in accordance with in Article 5, Article 6 and Article 13(8).

Amendment 152

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report *as referred to in Article 36(6) of Regulation (EU).../2021 [Common Provisions Regulation]*. The report submitted in 2023 shall cover the implementation of the programme in the period to 30 June 2022.

Amendment

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report. The report submitted in 2023 shall cover the implementation of the programme in the period to 30 June 2022. *Member States shall publish these reports on a dedicated website and forward them to the European Parliament and the Council.*

Amendment 153

Proposal for a regulation

Article 30 – paragraph 2 – point a

Text proposed by the Commission

(a) progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest data *as required by Article [37] of Regulation (EU) .../2021 [Common Provisions Regulation]*;

Amendment

(a) progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest *cumulative* data *transmitted to the Commission*;

Amendment 154

Proposal for a regulation

Article 30 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) a breakdown of the annual accounts of the national programme into recoveries, pre-financing to final beneficiaries and expenditure actually incurred;

Amendment 155

Proposal for a regulation

Article 30 – paragraph 2 – point b

Text proposed by the Commission

(b) any issues affecting the performance of the programme and the action taken to address them;

Amendment

(b) any issues affecting the performance of the programme and the action taken to address them, *including reasoned opinions issued by the Commission in respect of an infringement procedure under Article 258*;

Amendment 156

Proposal for a regulation

Article 30 – paragraph 2 – point c

Text proposed by the Commission

(c) the complementarity between the actions supported *by the* Fund and support provided by other Union funds, *in particular those in or in relation to third countries*;

Amendment

(c) the complementarity, ***coordination and coherence*** between the actions supported ***under this*** Fund and ***the*** support provided by other Union funds, ***such as the structural funds, and external financing instruments of the Union***;

Amendment 157

Proposal for a regulation

Article 30 – paragraph 2 – point d

Text proposed by the Commission

(d) contribution of the programme to the implementation of the relevant Union acquis and action plans;

Amendment

(d) contribution of the programme to the implementation of the relevant Union acquis and action plans ***and to cooperation and solidarity between Member States in the field of asylum***;

Amendment 158

Proposal for a regulation

Article 30 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) compliance with fundamental rights requirements;

Amendment 159

Proposal for a regulation

Article 30 – paragraph 2 – point g

Text proposed by the Commission

(g) the number of persons resettled with the help of the Fund in line with the amounts referred to in Article 16(1);

Amendment

(g) the number of persons resettled ***or admitted*** with the help of the Fund in line with the amounts referred to in Article 16(1) ***and (2)***;

Amendment 160

Proposal for a regulation

Article 30 – paragraph 2 – point h

Text proposed by the Commission

(h) the number of applicants for or beneficiaries of international protection transferred from one Member State to another in line with Article 17.

Amendment

(h) the number of applicants for or beneficiaries of international protection transferred from one Member State to another in line with Article 17**b**.

Amendment 161

Proposal for a regulation

Article 30 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) the number of vulnerable persons assisted through the programme, including children and those granted international protection;

Amendment 162

Proposal for a regulation

Article 30 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations by that deadline, the report shall be deemed to have been accepted.

3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations by that deadline, the report shall be deemed to have been accepted. ***Once accepted, the Commission shall make summaries of annual performance reports available to the European Parliament and to the Council, and shall publish them on a dedicated website. If not forwarded by the Member States in accordance with paragraph 1, the full text of the annual performance report shall be made available to the European Parliament and the Council on***

request.

Amendment 163

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 13, 18, 28 and 31 shall be conferred on the Commission until 31 December 2028.

Amendment

2. The power to adopt delegated acts referred to in Articles **4, 9, 13, 16, 17b**, 18, 28 and 31 shall be conferred on the Commission until 31 December 2028.

Amendment 164

Proposal for a regulation Article 32 – paragraph 3

Text proposed by the Commission

3. The delegation of powers referred to in Articles 13, 18, 28 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of powers referred to in Articles **4, 9, 13, 16, 17b**, 28 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 165

Proposal for a regulation Article 32 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 13, 18, 28 and 31 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being

Amendment

6. A delegated act adopted pursuant to Articles **4, 9, 13, 16, 17b**, 18, 28 and 31 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months

notified of it or if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

of being notified of it or if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Amendment 166

Proposal for a regulation Annex I – point 1 – point a

Text proposed by the Commission

(a) Each Member State shall receive a fixed amount of EUR **5 000 000** from the Fund at the start of the programming period only;

Amendment

(a) Each Member State shall receive a fixed amount of EUR **10 000 000** from the Fund at the start of the programming period only;

Amendment 167

Proposal for a regulation Annex I – point 4 – introductory part

Text proposed by the Commission

4. ***The following criteria*** in the area of countering irregular migration including returns will be taken into account ***and shall be weighted as follows***:

Amendment

4. In the area of countering irregular migration including returns, ***the following criterion*** will be taken into account:

Amendment 168

Proposal for a regulation Annex I – point 4 – point a

Text proposed by the Commission

(a) ***50% in proportion to the*** number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State and who are subject to a return decision under national and / or ***Community*** law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of

Amendment

(a) ***The*** number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State and who are subject to a ***final*** return decision under national and / or ***Union*** law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of stay and imposing an

stay and imposing an obligation to return;

obligation to return;

Amendment 169

Proposal for a regulation Annex I – point 4 – point b

Text proposed by the Commission

Amendment

(b) 50% in proportion to the number of third-country nationals who have actually left the territory of the Member State following an administrative or judicial order to leave, whether undertaken voluntarily or under coercion.

deleted

Amendment 170

Proposal for a regulation Annex I – point 5

Text proposed by the Commission

Amendment

5. For initial allocation the reference figures shall be the latest annual statistical data produced by the Commission (Eurostat) covering the preceding three calendar years on the basis of data provided by Member States on the date of the applicability of this Regulation in accordance with Union law. For the mid-term review, the reference figures shall be the latest annual statistical data produced by the Commission (Eurostat) covering the preceding three calendar years available at the time of the mid-term review in 2024 on the basis of data provided by Member States in accordance with Union law. Where Member States have not supplied the Commission (Eurostat) with the statistics concerned, they shall provide provisional data as soon as possible.

5. For initial allocation the reference figures shall be the latest annual statistical data produced by the Commission (Eurostat) covering the preceding three calendar years on the basis of data provided by Member States on the date of the applicability of this Regulation in accordance with Union law. ***Data should be disaggregated by age and sex, by specific vulnerabilities and by asylum status, including those on children.*** For the mid-term review, the reference figures shall be the latest annual statistical data produced by the Commission (Eurostat) covering the preceding three calendar years available at the time of the mid-term review in 2024 on the basis of data provided by Member States in accordance with Union law. Where Member States have not supplied the Commission (Eurostat) with the statistics concerned, they shall provide provisional data as soon as possible.

Amendment 171

Proposal for a regulation Annex II – point 1 – point b

Text proposed by the Commission

(b) supporting the capacity of Member States' asylum systems as regards **infrastructures** and services where necessary;

Amendment

(b) supporting the capacity of Member States' asylum systems, **including at local and regional level**, as regards **infrastructure, such as adequate reception conditions, in particular for minors**, and services, **such as legal assistance and representation and interpretation** where necessary;

Amendment 172

Proposal for a regulation Annex II – point 1 – point c

Text proposed by the Commission

(c) **enhancing solidarity and responsibility-sharing between the Member States, in particular towards those most affected by migratory flows, as well as providing support to Member States contributing to solidarity efforts;**

Amendment

deleted

Amendment 173

Proposal for a regulation Annex II – point 1 – point d

Text proposed by the Commission

(d) enhancing solidarity and cooperation with third countries **affected by migratory flows**, including through resettlement and other legal avenues to protection in the Union as well as partnership and cooperation with third countries **for the purpose of managing migration.**

Amendment

(d) enhancing solidarity and cooperation with third countries **to which a large number of persons in need of international protection has been displaced**, including **by fostering those countries' capacity to improve reception and international protection conditions** and through resettlement and other legal

avenues to protection in the Union *in particular for vulnerable groups such as children and adolescents facing protection risks* as well as partnership and cooperation with third countries *in the context of global cooperation efforts in the area of international protection.*

Amendment 174

Proposal for a regulation Annex II – point 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) implementing technical and operational assistance to one or several other Member States in cooperation with the European Asylum Support Office.

Amendment 175

Proposal for a regulation Annex II – point 2 – point a

Text proposed by the Commission

Amendment

(a) supporting the development and implementation of policies promoting legal migration and the implementation of the Union legal migration acquis;

(a) supporting the development and implementation of policies promoting legal migration, *including family reunification*, and the implementation of the Union legal migration acquis, *in particular the legal labour migration instruments in line with applicable international standards on migration and the protection of migrant workers*;

Amendment 176

Proposal for a regulation Annex II – point 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) promoting and developing structural and supporting measures

facilitating regular entry to and residence in the Union;

Amendment 177

**Proposal for a regulation
Annex II – point 2 – point a b (new)**

Text proposed by the Commission

Amendment

(ab) enhancing partnership and cooperation with third countries affected by migratory flows including through legal avenues of entry to the Union for the purpose of global cooperation efforts in the area of migration;

Amendment 178

**Proposal for a regulation
Annex II – point 2 – point b**

Text proposed by the Commission

Amendment

(b) promoting early integration measures for the social and economic inclusion of third-country nationals, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities and civil society organisations.

deleted

Amendment 179

**Proposal for a regulation
Annex II – point 2 a (new)**

Text proposed by the Commission

Amendment

2a. The Fund shall contribute to the specific objective set out in Article 3(2)(c), by focusing on the following implementation measures:

a) promoting integration measures for the

social and economic inclusion of third country nationals, facilitating family reunification, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities, non-governmental organisations, including refugees and migrants organisations and social partners; and

(b) promoting and implementing protection measures for vulnerable persons in the context of integration measures.

Amendment 180

Proposal for a regulation Annex II – point 3 – introductory part

Text proposed by the Commission

3. The Fund shall contribute to the specific objective set out in Article 3(2)(c), by focusing on the following implementation measures:

Amendment

3. The Fund shall contribute to the specific objective set out in Article 3(2)(ca), by focusing on the following implementation measures:

Amendment 181

Proposal for a regulation Annex II – point 3 – point b

Text proposed by the Commission

(b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective and sustainable return and reducing incentives for irregular migration;

Amendment

(b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective, *dignified* and sustainable return and reducing incentives for irregular migration;

Amendment 182

Proposal for a regulation

Annex II – point 3 – point c

Text proposed by the Commission

(c) supporting assisted voluntary return and reintegration;

Amendment

(c) supporting assisted voluntary return, ***family tracing*** and reintegration, ***while respecting the best interests of minors***;

Amendment 183

Proposal for a regulation Annex II – point 3 – point d

Text proposed by the Commission

(d) strengthening cooperation with third countries and their capacities to implement readmission agreements ***and other arrangements, and*** enable sustainable return.

Amendment

(d) strengthening cooperation with third countries and their capacities to implement readmission agreements ***including reintegration to*** enable sustainable return.

Amendment 184

Proposal for a regulation Annex II – point 3 a (new)

Text proposed by the Commission

Amendment

3a. The Fund shall contribute to the specific objective set out in Article 3(2)(cb) by focusing on the following implementation measures:

(a) promoting and implementing the respect of international law and the Charter of Fundamental Rights of the European Union in asylum and migration policies and measures;

(b) enhancing solidarity and responsibility-sharing between the Member States, in particular solidarity towards those most affected by migratory flows, as well as providing support to Member States at central, regional or local level, to international organisations, to non-governmental organisations and to

social partners in their solidarity efforts;
(c) supporting transfers of applicants for international protection or beneficiaries of international protection from one Member State to another.

Amendment 185

Proposal for a regulation Annex III – title

Text proposed by the Commission

Scope of support

Amendment

Eligible actions to be supported by the instrument in accordance with Article 3

Amendment 186

Proposal for a regulation Annex III – point 1 – introductory part

Text proposed by the Commission

1. Within the policy objective referred to in Article 3(1), the Fund shall *in particular* support the following:

Amendment

1. Within the policy objective referred to in Article 3(1), the Fund shall support the following:

Amendment 187

Proposal for a regulation Annex III – point 1 – point a

Text proposed by the Commission

(a) the establishment and development of national strategies *in* asylum, legal migration, integration, return and irregular migration;

Amendment

(a) the establishment and development of national, *regional and local* strategies *for the implementation of the Union acquis relating to* asylum, legal migration, integration, *in particular local integration strategies*, return and irregular migration;

Amendment 188

Proposal for a regulation

Annex III – point 1 – point b

Text proposed by the Commission

(b) the setting up of administrative structures, systems and tools and training of staff, including local authorities and other relevant stakeholders;

Amendment

(b) the setting up of administrative structures, systems and tools and training of staff, including local authorities and other relevant stakeholders ***in cooperation with relevant Union agencies, where appropriate***;

Amendment 189

Proposal for a regulation

Annex III – point 1 – point c

Text proposed by the Commission

(c) the development, monitoring and evaluation of policies and procedures including ***on collection and exchange of information and data***, development and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments;

Amendment

(c) the development, monitoring and evaluation of policies and procedures including ***the development, collection, analysis, dissemination of qualitative and quantitative data and statistics on migration and international protection and the*** development and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments;

Amendment 190

Proposal for a regulation

Annex III – point 1 – point e

Text proposed by the Commission

(e) assistance and support services consistent with the status and the needs of the person concerned, in particular ***the*** vulnerable ***groups***;

Amendment

(e) ***gender-sensitive*** assistance and support services consistent with the status and the needs of the person concerned, in particular vulnerable ***persons***;

Amendment 191

Proposal for a regulation

Annex III – point 1 – point e a (new)

(ea) the effective protection of children in migration, including the implementation of best interests of the child assessments before decisions are taken, all measures listed in the Commission Communication of 12 April 2017 on the Protection of Children in Migration, such as providing appropriate housing for, and a timely appointment of guardians to, all unaccompanied minors, contributions to the European Network of Guardianship Institutions, and the development, monitoring and evaluation of child safeguarding policies and procedures, including a child-rights based compliant mechanism;

Amendment 192

Proposal for a regulation Annex III – point 1 – point f

Text proposed by the Commission

(f) actions aimed at enhancing awareness of asylum, integration, legal migration and return policies among stakeholders and the general public;

Amendment

(f) actions aimed at enhancing awareness of asylum, integration, legal migration and return policies ***with specific attention to vulnerable groups, including minors*** among stakeholders and the general public;

Amendment 193

Proposal for a regulation Annex III – point 2 – introductory part

Text proposed by the Commission

2. Within the specific objective referred to in Article 3(2)(a), the Fund shall ***in particular*** support the following actions:

Amendment

2. Within the specific objective referred to in Article 3(2)(a), the Fund shall support the following actions:

Amendment 194

Proposal for a regulation Annex III – point 2 – point a

Text proposed by the Commission

(a) providing material aid, including assistance at the border;

Amendment

(a) providing material aid, including assistance at the border, ***child-friendly and gender-sensitive facilities, emergency services provided by local authorities, education, training, support services, legal assistance and representation, health and psychological care;***

Amendment 195

Proposal for a regulation Annex III – point 2 – point b

Text proposed by the Commission

(b) conducting asylum procedures;

Amendment

(b) conducting asylum procedures, ***including family tracing and ensuring access to legal assistance and representation and interpretation for asylum applicants at all stages of the procedure;***

Amendment 196

Proposal for a regulation Annex III – point 2 – point c

Text proposed by the Commission

(c) identifying applicants with special procedural or reception needs;

Amendment

(c) identifying applicants with special procedural or reception needs, ***including the early identification of victims of trafficking, minors and other vulnerable persons such as victims of torture and gender-based violence, and referral to specialised services;***

Amendment 197

Proposal for a regulation Annex III – point 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) providing qualified psycho-social and rehabilitation services to victims of violence and torture, including gender-based violence;

Amendment 198

Proposal for a regulation Annex III – point 2 – point d

Text proposed by the Commission

Amendment

(d) establishing or improving reception accommodation infrastructure, including the possible joint use of such facilities by more than one Member State;

(d) establishing or improving reception accommodation infrastructure, ***such as housing in small units and small-scale infrastructure addressing the needs of families with minors, including those provided by local and regional authorities*** and including the possible joint use of such facilities by more than one Member State;

Amendment 199

Proposal for a regulation Annex III – point 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) providing alternative forms of care that are integrated into existing national child protection systems and address the needs of all children in accordance with international standards;

Amendment 200

Proposal for a regulation Annex III – point 2 – point e

Text proposed by the Commission

Amendment

(e) enhancing the capacity of Member States to collect, analyse and **disseminate** country of origin information;

(e) enhancing the capacity of Member States to collect, analyse and **share among themselves** country of origin information;

Amendment 201

**Proposal for a regulation
Annex III – point 2 – point f**

Text proposed by the Commission

Amendment

(f) actions related to the conducting of procedures for the implementation of **the Union Resettlement [and Humanitarian Admission] Framework or national resettlement** schemes **that are compatible with the Union Resettlement Framework**;

(f) actions related to the conducting of procedures for the implementation of **national** resettlement **or** humanitarian admission schemes **as set out in this Regulation**;

Amendment 202

**Proposal for a regulation
Annex III – point 2 – point g**

Text proposed by the Commission

Amendment

(g) transfers of beneficiaries of international protection;

(g) transfers of **applicants and** beneficiaries of international protection;

Amendment 203

**Proposal for a regulation
Annex III – point 2 – point h**

Text proposed by the Commission

Amendment

(h) enhancing capacities of third countries to improve the protection of persons in need of protection;

(h) enhancing capacities of third countries to improve the protection of persons in need of protection, **including through supporting the development of strong child protection mechanisms in third countries, ensuring that children are protected in all areas from violence, abuses and neglect and have access to**

education and health care;

Amendment 204

Proposal for a regulation Annex III – point 2 – point i

Text proposed by the Commission

(i) establishing, developing and improving effective alternatives to detention, in particular in relation to unaccompanied minors and families.

Amendment

(i) establishing, developing and improving effective alternatives to detention ***and institutional care***, in particular in relation to unaccompanied minors and ***children with families in compliance with the United Nations Convention on the Rights of the Child***.

Amendment 205

Proposal for a regulation Annex III – point 3 – introductory part

Text proposed by the Commission

3. Within the specific objective referred to in Article 3(2)(b), the Fund shall ***in particular*** support the following:

Amendment

3. Within the specific objective referred to in Article 3(2)(b), the Fund shall support the following:

Amendment 206

Proposal for a regulation Annex III – point 3 – point b

Text proposed by the Commission

(b) development of mobility schemes to the Union, ***such as*** circular or temporary migration schemes, including training to enhance employability;

Amendment

(b) development of mobility schemes to the Union, ***including but not limited to*** circular or temporary migration schemes, including ***vocational and other*** training to enhance employability;

Amendment 207

Proposal for a regulation Annex III – point 3 – point d

Text proposed by the Commission

(d) the assessment of skills and qualifications acquired in a third country, as well as their transparency and compatibility with those of a Member State;

Amendment

(d) the assessment **and recognition** of skills and qualifications, **including professional experience**, acquired in a third country, as well as their transparency and compatibility with those of a Member State **and the development of common evaluation standards**;

Amendment 208

**Proposal for a regulation
Annex III – point 3 – point e**

Text proposed by the Commission

(e) assistance in the context of applications for family reunification **within the meaning** of Council Directive 2003/86/EC⁵¹ ;

Amendment

(e) assistance in the context of applications for family reunification **to ensure a harmonised implementation** of Council Directive 2003/86/EC⁵¹ ;

⁵¹ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, (OJ L 251, 03/10/2003 p. 12 – 18.).

⁵¹ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, (OJ L 251, 03/10/2003 p. 12 – 18.).

Amendment 209

**Proposal for a regulation
Annex III – point 3 – point f**

Text proposed by the Commission

(f) assistance in relation to a change of status for third-country nationals already legally residing in a Member State, in particular in relation to the acquisition of a legal residence status defined at Union level;

Amendment

(f) assistance, **including legal assistance and representation** in relation to a change of status for third-country nationals already legally residing in a Member State, in particular in relation to the acquisition of a legal residence status defined at Union level;

Amendment 210

Proposal for a regulation Annex III – point 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) assistance in relation to the exercise of the rights of third country nationals legally staying in the Union, notably relating to mobility within the Union and to access to employment;

Amendment 211

Proposal for a regulation Annex III – point 3 – point g

Text proposed by the Commission

Amendment

(g) early integration measures such as tailored support in accordance with the needs of third-country nationals and integration programmes focusing on education, language and other training such as civic orientation courses and professional guidance; ***deleted***

Amendment 212

Proposal for a regulation Annex III – point 3 – point h

Text proposed by the Commission

Amendment

(h) actions promoting equality in the access and provision of public and private services to third-country nationals, including adapting them to the needs of the target group; ***deleted***

Amendment 213

Proposal for a regulation Annex III – point 3 – point i

Text proposed by the Commission

Amendment

(i) cooperation between governmental and non-governmental bodies in an integrated manner, including through coordinated integration-support centres, such as one-stop shops; *deleted*

Amendment 214

Proposal for a regulation Annex III – point 3 – point j

Text proposed by the Commission

Amendment

(j) actions enabling and supporting third-country nationals' introduction to and active participation in the receiving society and actions promoting acceptance by the receiving society; *deleted*

Amendment 215

Proposal for a regulation Annex III – point 3 – point k

Text proposed by the Commission

Amendment

(k) promoting exchanges and dialogue between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue. *deleted*

Amendment 216

Proposal for a regulation Annex III – point 3 a (new)

Text proposed by the Commission

Amendment

3a. Within the specific objective referred to in Article 3(2)(c), the Fund

shall in particular support the following:

(a) integration measures such as tailored support in accordance with the needs of third-country nationals and integration programmes focusing on inclusive education and care, language, counselling, vocational training and other training such as civic orientation courses and professional guidance;

(b) building capacity of integration services provided by local authorities;

(c) actions promoting equality in the access and provision of public and private services to third-country nationals, including access to education, healthcare and psycho-social support and adapting them to the needs of the target group;

(d) cooperation between governmental and non-governmental bodies in an integrated manner, including through coordinated integration-support centres, such as one-stop shops;

(e) actions enabling and supporting third-country nationals' introduction to and active participation in the receiving society and actions promoting acceptance by the receiving society;

(f) promoting exchanges and dialogue between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue.

Amendment 217

Proposal for a regulation Annex III – point 4 – introductory part

Text proposed by the Commission

4. Within the specific objective referred to in Article 3(2)(c), the Fund shall *in particular* support the following:

Amendment

4. Within the specific objective referred to in Article 3(2)(ca), the Fund shall support the following:

Amendment 218

Proposal for a regulation Annex III – point 4 – point a

Text proposed by the Commission

(a) infrastructure for reception *or* detention, including the possible joint use of such facilities by more than one Member State;

Amendment

(a) ***improvement of*** infrastructure for ***open*** reception ***and improvement of existing infrastructure for*** detention including the possible joint use of such facilities by more than one Member State;

Amendment 219

Proposal for a regulation Annex III – point 4 – point b

Text proposed by the Commission

(b) introduction, development and improvement of effective alternative measures to detention, in particular in relation to unaccompanied minors and families;

Amendment

(b) introduction, development, ***implementation*** and improvement of effective alternative measures to detention, ***based on case management in the community***, in particular in relation to unaccompanied minors and families;

Amendment 220

Proposal for a regulation Annex III – point 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) identification and reception of victims of trafficking in accordance with Directive 2011/36/EU and Council Directive 2004/81/EC^{1a};

^{1a} Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities

Amendment 221

Proposal for a regulation Annex III – point 4 – point d

Text proposed by the Commission

(d) **countering** incentives for irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC⁵³ ;

⁵³ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009., p. 24–32).

Amendment

(d) **reducing** incentives for irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC⁵³ ;

⁵³ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009., p. 24–32).

Amendment 222

Proposal for a regulation Annex III – point 4 – point g

Text proposed by the Commission

(g) return assistance, in particular assisted voluntary return and information about assisted voluntary return programmes;

Amendment

(g) return assistance, in particular assisted voluntary return and information about assisted voluntary return programmes, **including by providing specific guidance for children in return procedures and ensuring child-rights based return procedures**;

Amendment 223

Proposal for a regulation Annex III – point 4 – point j

Text proposed by the Commission

(j) facilities and services in third countries ensuring appropriate temporary accommodation and reception upon arrival, ***including for unaccompanied minors and other vulnerable groups in line with international standards;***

Amendment

(j) facilities and ***support*** services in third countries ensuring appropriate temporary accommodation and reception upon arrival ***and a fast transition to community based accommodation;***

Amendment 224

Proposal for a regulation Annex III – point 4 – point k

Text proposed by the Commission

(k) cooperation with third countries on countering irregular migration and on effective return and readmission, including in the framework of the implementation of readmission agreements ***and other arrangements;***

Amendment

(k) cooperation with third countries on countering irregular migration and on effective return and readmission, including in the framework of the implementation of readmission agreements;

Amendment 225

Proposal for a regulation Annex III – point 4 – point l

Text proposed by the Commission

(l) measures aimed at raising awareness of the appropriate legal channels for ***immigration*** and the risks of ***illegal*** immigration;

Amendment

(l) measures aimed at raising awareness of the appropriate legal channels for ***migration*** and the risks of ***irregular*** immigration;

Amendment 226

Proposal for a regulation Annex III – point 4 – point m

Text proposed by the Commission

Amendment

(m) support for and actions in third countries, including on infrastructure, equipment and other measures, provided these contribute to enhancing effective cooperation between third countries and the Union and its Member States on return and readmission.

deleted

Amendment 227

Proposal for a regulation Annex III – point 4 a (new)

Text proposed by the Commission

Amendment

4a. Within the specific objective referred to in Article 3(2)(cb), the Fund shall support the following:

(a) the implementation of transfers of either applicants for international protection or beneficiaries of international protection from one Member State to another, including those measures referred to in Article 17b of this Regulation;

(b) operational support in terms of seconded staff or financial assistance provided by a Member State to another Member State affected by migration challenges;

(c) actions related to the conducting of procedures for the implementation of national resettlement or humanitarian admission schemes.

Amendment 228

Proposal for a regulation Annex IV – indent 1

Text proposed by the Commission

Amendment

– Integration measures implemented

– Integration measures implemented

by local and regional authorities and civil-society organisations;

by local and regional authorities and civil-society organisations, ***including refugee and migrant organisations***;

Amendment 229

Proposal for a regulation Annex IV – indent 2

Text proposed by the Commission

– Actions to develop and implement effective alternatives to detention;

Amendment

– Actions to develop and implement effective alternatives to detention ***and institutional care***;

Amendment 230

Proposal for a regulation Annex IV – indent 4

Text proposed by the Commission

– Measures targeting vulnerable persons and applicants for international protection with special reception and/or procedural needs, including measures to ensure effective protection of children in migration, in particular ***those*** unaccompanied.

Amendment

– Measures targeting vulnerable persons and applicants for international protection with special reception and/or procedural needs, including measures to ensure effective protection of children in migration, in particular unaccompanied ***minors***.

Amendment 231

Proposal for a regulation Annex V – part -1 (new)

Text proposed by the Commission

Amendment

-1. All the core performance indicators listed below shall be disaggregated by sex and age.

Amendment 232

Proposal for a regulation Annex V – part 1 – point 1 a (new)

Text proposed by the Commission

Amendment

1a. Number of persons admitted through humanitarian admission schemes;

Amendment 233

**Proposal for a regulation
Annex V – part 1 – point 3 a (new)**

Text proposed by the Commission

Amendment

3a. Number of applicants for international protection transferred from one Member State to another with support of the Fund;

Amendment 234

**Proposal for a regulation
Annex V – part 1 – point 3 b (new)**

Text proposed by the Commission

Amendment

3b. Number of beneficiaries for international protection transferred from one Member State to another with support of the Fund;

Amendment 235

**Proposal for a regulation
Annex V – part 1 a (new)**

Text proposed by the Commission

Amendment

Specific objective 1a: To support legal migration to the Member States:

1. Number of Blue Cards issued with the support of the Fund.

2. Number of intra-corporate transferees granted that status with the support of the Fund.

3. Number of applicants for family reunification effectively reunited with their family with the support of the Fund.

4. Number of third-country nationals granted long-term residence permits with the support of the Fund.

Amendment 236

Proposal for a regulation Annex V – part 2– specific objective 2

Text proposed by the Commission

Specific objective 2: To **support legal migration to the Member States including to** contribute to the integration of third-country nationals:

Amendment

Specific objective 2: To contribute to the integration of third-country nationals:

Amendment 237

Proposal for a regulation Annex V – part 2 – point 2

Text proposed by the Commission

2. Number of persons who participated in integration measures supported by the Fund **reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund.**

Amendment

2. Number of persons who participated in integration measures supported by the Fund.

Amendment 238

Proposal for a regulation Annex V – part 2 – point 2 a (new)

Text proposed by the Commission

2a. Number of persons who participated in integration measures supported by the Fund who have

Amendment

subsequently obtained a job.

Amendment 239

Proposal for a regulation Annex V – part 2 – point 2 b (new)

Text proposed by the Commission

Amendment

2b. Number of persons who participated in integration measures supported by the Fund and who have had their qualification recognised or have obtained a diploma in one of the Member States.

Amendment 240

Proposal for a regulation Annex V – part 3 – point 1

Text proposed by the Commission

Amendment

1. Number of returns following an order to leave compared to the number of third-country nationals ordered to leave.

1. Number of returns **supported by the Fund** following an order to leave compared to the number of third-country nationals ordered to leave.

Amendment 241

Proposal for a regulation Annex V – part 3 a (new)

Text proposed by the Commission

Amendment

Specific objective 3a: To ensure solidarity and fair sharing of responsibility:

1. Number of transfers of applicants for international protection carried out under Article 17b of the Fund.

1a. Number of transfers of beneficiaries of international protection carried out under Article 17b of the Fund.

2. Number of staff seconded or financial

support provided to Member States subject to migration challenges.

3. Number of persons resettled or admitted under humanitarian schemes with the support of the Fund.

Amendment 242

Proposal for a regulation Annex VIII – part -1 (new)

Text proposed by the Commission

Amendment

-1 All the core performance indicators listed below shall be disaggregated by sex and age.

Amendment 243

Proposal for a regulation Annex VIII – part 1 a (new)

Text proposed by the Commission

Amendment

Specific objective 1a: To support legal migration to the Member States:

- 1. Number of Blue Cards issued with the support of the Fund.*
- 2. Number of intra-corporate transferees granted that status with the support of the Fund.*
- 3. Number of applicants for family reunification effectively reunited with their family with the support of the Fund.*
- 4. Number of third-country nationals granted long-term residence permits with the support of the Fund.*

Amendment 244

Proposal for a regulation Annex VIII – part 2 – specific objective 2

Text proposed by the Commission

Specific objective 2: To ***support legal migration to the Member States including to*** contribute to the integration of third-country nationals:

Amendment

Specific objective 2: To contribute to the integration of third-country nationals:

Amendment 245

Proposal for a regulation
Annex VIII – part 2 – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Number of persons who participated in integration measures supported by the Fund who have subsequently obtained a job.

Amendment 246

Proposal for a regulation
Annex VIII – part 2 – point 2 b (new)

Text proposed by the Commission

Amendment

2b. Number of persons who participated in integration measures supported by the Fund and who have subsequently obtained a diploma in one of the Member States.

Amendment 247

Proposal for a regulation
Annex VIII – part 2 – point 4 a (new)

Text proposed by the Commission

Amendment

4a. Number of third-country nationals having completed successfully either primary, secondary or tertiary education in the Member State with the support of the Fund.

Amendment 248

Proposal for a regulation Annex VIII – part 3 – point 4

Text proposed by the Commission

4. Number of returnees who have received pre or post return reintegration assistance co-financed by the Fund, as compared to the total number of returns supported by the Fund.

Amendment

4. Number of returnees who have received pre or post return reintegration assistance co-financed by the Fund, as compared to the total number of returns supported by the Fund.

(a) persons who returned voluntarily;

(b) persons who were removed;

Amendment 249

Proposal for a regulation Annex VIII – part 3 a (new)

Text proposed by the Commission

Amendment

Specific objective 3a: To ensure solidarity and fair sharing of responsibility:

1. Number of transfers of applicants for international protection carried out under Article 17b of the Fund.

1a Number of transfers of beneficiaries of international protection carried out under Article 17b of the Fund.

2. Number of staff seconded or financial support provided to Member States subject to migration challenges.

3. Number of persons resettled with the support of the Fund.

EXPLANATORY STATEMENT

At a time when asylum and migration are so high on the political agenda, it is imperative to restate the EU's commitment to its asylum and immigration *acquis*. This is one main reason as to why the Rapporteur welcomes the proposal for an Asylum and Migration Fund which will act as the successor fund to the current Asylum, Migration and Integration Fund and which will continue to provide financial support for the implementation of the asylum and migration *acquis*.

The high levels of migration towards the EU in 2015 exposed serious flaws in the European Union's asylum system. To this day, frontline Member States continue to struggle as the principles of solidarity and fair sharing of responsibility are not given practical meaning by the European Union as a whole.

The Rapporteur believes that the European Union, as a whole, should try to utilise this Fund to help address the different challenges facing it on different fronts: from reforming the Common European Asylum system, to making the return policy more sustainable and more effective, to creating legal channels of migration and promoting the integration of refugees, into our societies.

The Rapporteur welcomes the fact that, for the upcoming multi-annual financial period, the European Commission is proposing a budget €10.4 billion to address asylum, migration and integration challenges in Europe. As a point of departure, the Rapporteur believes that, it is only right that each of these policy areas should be reflected in the title of the Fund.

The Rapporteur believes that a Fund dedicated to asylum, migration and integration policies within the European Union should focus on doing exactly that. The necessary support should be given to the Member States in their actions and measures to ease migratory pressures as well as to carry out their legal obligations. In this regard, the Rapporteur believes that introducing minimum percentages should help ensure that all Member State fulfil their obligations towards each of the different objectives of the Fund.

Under the proposed Asylum, Migration and Integration Fund, the Member States should fulfil their obligations to strengthen and develop all aspects of the Common European Asylum System, develop legal migration channels, promote the integration of third-country nationals, ensure effective and sustainable returns and give meaning to the notion of solidarity and fair-sharing of responsibility.

Resettlement and relocation schemes are two mechanisms that can effectively show true solidarity towards both frontline Member States and those persons in need of protection. These mechanisms will function best if all Member States take part and only if they adhere to commitments they have pledged to.

Moreover, the Rapporteur believes that there are not enough safe pathways to Europe that offer a feasible alternative to risky irregular journeys for people in need of protection. In this regard, the Rapporteur encourages Member States to consider the opportunities that exist, especially those that could provide an answer to the mutual challenges posed by economic

and social needs.

Persons arriving in Europe need adequate reception and assistance and access to fair and efficient asylum procedures, particularly those with specific needs, including unaccompanied and separated children and survivors of sexual and gender based violence. In this regard, the Rapporteur also believes that more solidarity is needed within the EU to ensure protection, including through efficient and speedy family reunion and relocation.

For the proper integration of migrants and refugees, actions and measures under both the work programmes and thematic facility should include the active participation of local and regional authorities, who often are the ones coming into everyday contact with the realities on the ground. The Rapporteur believes that localities and regions should be well equipped to ensure inclusivity and dignity for all, including through education, language training, civic orientation courses and other actions promoting equality and social inclusion amongst others.

The Rapporteur acknowledges that a comprehensive plan of action supporting long-term solutions requires close cooperation with third countries. In view of the proposals made on cooperation with third countries, it is important to reiterate that this fund is the sole instrument for asylum and migration within the Union and that actions in or in relation to third countries must not be funded primarily from this Fund. In addition, the Rapporteur thinks it prudent to underline that all actions – whether carried out within the Union or in third countries – must respect the Union *acquis* on asylum and immigration, international obligations as well the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.

The Fund needs to be flexible enough in order to respond to the different needs of Member States, which vary widely across the European Union. However, the Rapporteur believes that such flexibility, allowing for a swift allocation and reallocation of funding, should be coupled with measures that ensure a fair distribution of resources among the objectives and a high degree of transparency regarding Union expenditure.

As a final point, the Rapporteur insists that in its role as co-legislator, and in carrying out its duty to hold the Commission to account, the European Parliament must be given access to adequate information about the use of the Fund, notably regarding output indicators where necessary, the mid-term and retrospective evaluations, and the annual performance reports.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
UNHCR - United Nations High Commissioner for Refugees
FRA – Fundamental Rights Agency
ECRE – European Council on Refugees and Exiles
IOM – International Organization for Migration
ILO – International Labour Organization
Save the Children
Eurochild
EU Alliance for Investing in Children
UNICEF - United Nations International Children's Emergency Fund
PICUM - Platform for International Cooperation on Undocumented Migrants
CEMR - Council of European Municipalities and Regions
Eurocities
Committee of Regions

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS

Mr Claude Moraes
Chair
Committee on Civil Liberties, Justice and Home Affairs
BRUSSELS

Subject: Opinion on the legal basis of the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (AMF) (COM(2018)0471 – C8-0271/2018 – 2018/0248(COD))

Dear Mr Chair,

By letter of 24 January 2019 you asked the Committee on Legal Affairs to provide an opinion, pursuant to Rule 39 of the Rules of Procedure, on the appropriateness of the addition of Article 80 of the Treaty of the Functioning of the European Union (TFEU) to the legal basis of the above proposal from the Commission.

The committee considered the above question at its meeting of 18 February 2019.

I - Background

The proposal aims at establishing the Asylum and Migration Fund (AMF) as the successor fund to the current Asylum, Migration and Integration Fund¹, with the primary aim of providing support to the efficient management of migration by the Member States. The Fund is intended to ensure that the EU continues to fulfil obligations to those in need of international protection, facilitates returning those persons who have no right to stay and support solutions that replace irregular and uncontrolled migratory flows with safe and well-managed pathways.

The main challenge that the proposal aims to address is the need for greater flexibility in the management of the Fund, as compared with the current programming period, by creating new mechanisms for the allocation of funding for shared, direct and indirect management.

The proposal is based on Articles 78(2) and Article 79(2) and (4) TFEU on policies relating to border checks, asylum and immigration. Several amendments have been tabled in LIBE which aim at adding to the legal basis Article 80 TFEU on the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.

The LIBE report is scheduled to be adopted on 19 February 2019 with a view to adopting a first

¹ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

reading position in plenary before the elections. No interinstitutional negotiations on this dossier will therefore take place until after the elections.

II - Relevant Treaty Articles

The legal basis in the Commission's proposal is paragraph 2 of Article 78 TFEU and paragraphs 2 and 4 of Article 79 TFEU, which are found in the chapter on policies on border checks, asylum and immigration under the title of the area of freedom, justice and security.

Article 78 has the following wording (emphasis added):

Article 78

(ex Articles 63, points 1 and 2, and 64(2) TEC)

1. The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.

2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for a common European asylum system comprising:

- (a) a uniform status of asylum for nationals of third countries, valid throughout the Union;*
- (b) a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection;*
- (c) a common system of temporary protection for displaced persons in the event of a massive inflow;*
- (d) common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status;*
- (e) criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection;*
- (f) standards concerning the conditions for the reception of applicants for asylum or subsidiary protection;*
- (g) partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or*

temporary protection.

3. In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.

Article 79 TFEU has the following wording (emphasis added):

Article 79

(ex Article 63, points 3 and 4, TEC)

1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.

2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures in the following areas:

- (a) the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunification;*
- (b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States;*
- (c) illegal immigration and unauthorised residence, including removal and repatriation of persons residing without authorisation;*
- (d) combating trafficking in persons, in particular women and children.*

3. The Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States.

4. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States.

5. This Article shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their

territory in order to seek work, whether employed or self-employed.

Article 80 TFEU, which is proposed to be added to the legal basis of the proposal, and which is found in the same title and chapter as Articles 78 and 79 TFEU, has the following wording (emphasis added):

Article 80

(new Article introduced by the Lisbon Treaty)

The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle.

III - Case-law on legal basis

It is settled case law of the Court of Justice that "the choice of legal basis for a Community measure must rest on objective factors amenable to judicial review, which include in particular the aim and content of the measure"¹. The choice of an incorrect legal basis may therefore justify the annulment of the act in question.

When it comes to multiple bases it has to be established whether the proposal either:

1. pursues multifold purposes or has multifold components, and one of those is identifiable as the main or predominant purpose or component, whereas the others are merely incidental; or
2. simultaneously pursues a number of objectives or has several components that are indissociably linked, without one being secondary and indirect in relation to the other.

According to the case law of the Court of Justice, in the first case the act must be based on a single legal basis, namely that required by the main or predominant purpose or component, and in the second case the act will have to be founded on the various corresponding legal bases.²

IV. Aim and content of the proposed regulation

The main aim of the proposal is to provide support to the efficient management of migration by the Member States by ensuring the continued fulfilment of EU obligations to those in need of international protection, facilitation of returning those persons who have no right to stay and support to solutions that replace irregular and uncontrolled migratory flows with safe and well-managed pathways. The main challenge that the proposal aims to address is the need for greater flexibility in the management of the Fund, as compared with the current programming period, by creating new mechanisms for the allocation of funding for shared, direct and indirect

¹ Case C-45/86, *Commission v. Council* (Generalised Tariff Preferences) [1987] ECR 1439, para. 5; Case C-440/05 *Commission v. Council* [2007] ECR I-9097; Case C-411/06 *Commission v. Parliament and Council* [2009] ECR I-7585.

² See the Case C-411/06, cited above, paras 46-47.

management.

The proposal consist of 61 recitals, 35 articles and 8 annexes.

Recitals 1-9 set out the political and legislative background to and context of the proposal, including the European Agenda on Migration of May 2015 and the European Council of 19 October 2017, which stress the Union's ability to bring together European and national efforts to address migration and work together in an effective way, in accordance with the principles of solidarity and fair sharing of responsibility, and reaffirm the need to pursue a comprehensive, pragmatic and resolute approach to migration management that aims to restore control of external borders and reduce irregular arrivals and the number of deaths at sea. These measures should be based on a flexible and coordinated use of all available Union and Member State instruments. The migration crisis has furthermore highlighted the need to reform the Common European Asylum System and to complement and reinforce the activities undertaken by the European Union Agency for Asylum (EUAA).

Recital 10 sets out that the AMF should support the efforts by the Union and the Member States relating to the enhancement of the Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union law.

Recitals 11-30 set out the detailed areas and objectives for the measures to be taken.

Recital 31 set out that funding from the Union budget should concentrate on activities where Union intervention can bring added value compared to action undertaken by Member States alone. Financial support provided under this Regulation should contribute, in particular, to strengthening national and Union capabilities in the areas of asylum and migration

Recitals 32-40 set out the provisions for how funds and resources are to be allocated and costs reimbursed.

Recital 41 set out that in order to complement the implementation of the policy objective of AMF at national level through Member States' programmes, AMF should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of AMF.

Recital 42 set out that it should be possible to provide emergency assistance in accordance with the framework set out in the Regulation

Recitals 43-48 set out the relationship in practical terms of AMF to other funds and instruments in the same subject area.

Recitals 49-55 set out implementation methods, provisions relating to overseas countries and territories and outermost regions, monitoring requirements, and the relationship to climate action.

Recitals 56-66 set out provisions on the conferral of delegated and implementing powers, subsidiarity and proportionality and the status of the UK, Ireland and Denmark.

Article 3 lays down that the policy objective of AMF is to contribute to an efficient management

of migration flows in line with the relevant Union *acquis* and in compliance with the Union's commitments on fundamental rights, with the specific objectives to strengthen and develop all aspects of the Common European Asylum System, to support legal migration to the Member States including to contribute to the integration of third-country nationals, and to contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries.

Articles 1-6 include general provisions. Article 6 specifies the entities eligible to receive funds and support: Member States, third countries under specific conditions and any legal entity created under Union law or any international organisation.

Articles 7-31 set out the financial and implementation framework of AMF, which is divided into sections on support and implementation under shared, direct and indirect management in accordance with the Financial Regulation. This also includes provisions on monitoring, reporting and evaluation. Article 9 states that the funding from the thematic facility shall be used for its components support to Member States contributing to solidarity and responsibility efforts. Article 17 provides for a lump sum per capita with regard to the relocation of applicants for international protection as well as for beneficiaries.

Articles 32-35 include transitional and final provisions.

Annexes I-VIII set out criteria for the allocation of funding to the programmes under shared management, implementation measures, scope of support, actions eligible for higher co-financing, core performance indicators, types of intervention, eligible actions for operating support and output and result indicators.

In the LIBE draft report it is suggested to add Article 80 TFEU to the legal basis (see AM 2), and such addition has also been suggested by amendments from several shadow rapporteurs in LIBE (see AM 161-163).

Several amendments in LIBE also seek to add the following objective of AMF in Article 3 (see AM 46, 322, 323, 325):

[To] ensure solidarity and fair sharing of responsibility between the Member States, in particular towards those most affected by migration and asylum flows, including through practical cooperation.

Furthermore, several LIBE amendments on related implementation measures in the Annexes makes reference to relocation and solidarity (see AM 137, 568, 569).

V - Determination of the appropriate legal basis

It should first be stressed that the EP already proposed that Article 80 TFEU should be added to the legal basis during the legislative procedure for the current Asylum, Migration and Integration Fund¹. The Legal Service was then asked to provide a legal opinion on such an addition, which concluded that it was appropriate to add the second sentence of Article 80

¹ See footnote 1.

TFEU as a joint legal basis for the specific measures on relocation.¹ While that Regulation was eventually adopted without including Article 80 TFEU, in its resolution of 26 March 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, the EP stated the following in the first paragraph of the resolution²:

1. Points out that solidarity must be the principle upon which Union action on migration is based; notes that the principle of solidarity, as set out in Article 80 TFEU, covers asylum, immigration and border control policies; takes the view that Article 80 provides a legal basis 'jointly' with Articles 77-79 TFEU to implement the principle of solidarity in those areas.

The position of the EP, as confirmed by the vote in plenary on the above resolution, is therefore that Article 80 TFEU could and should be used as a legal basis together with the legal bases put forward by the Commission for this proposal.

Furthermore, the Legal Service states in its 2013 legal opinion analysing the legal basis of the current Asylum, Migration and Integration Fund that the inclusion of Article 80 in the Treaty originates from a recommendation of the European Convention, and that the second sentence of that article was drafted with the intention of creating some form of legal basis with the aim of fleshing out, in detailed policies, the solidarity principle. This second sentence of Article 80 TFEU, in a similar fashion to the flexibility clause in Article 352, provides the Union with a legal basis to adopt appropriate measures to fill a gap where the Treaties do not expressly or impliedly provide powers which are necessary to achieve the objectives of the Union, in this case specifically the objective of achieving solidarity and fair sharing of responsibility between Member States³.

Given that the current Asylum, Migration and Integration Fund is based on Article 78(2) TFEU and Article 79(2) and (4) TFEU - on measures for a common European asylum system, a common immigration policy and measures for the promotion of integration of third-country nationals, respectively - and given that the Regulation simultaneously pursues those objectives with components that are indissociably linked, without one being secondary and indirect in relation to the other, those Articles must form part of the legal basis for the proposal.

The question then becomes whether Article 80 TFEU also should form part of the legal basis together with Article 78(2) TFEU and Article 79(2) and (4) TFEU.

The main aim of the proposal, according to the Commission, is to provide support to the efficient management of migration by the Member States by addressing the need for greater management flexibility, as compared with the current programming period, by creating new mechanisms for the allocation of funding for shared, direct and indirect management. The proposal furthermore includes provisions on funding support to Member States contributing to solidarity and responsibility efforts (Article 9) and on lump sum per capita contributions with regard to the relocation of applicants for international protection as well as for beneficiaries (Article 17). Already the Commission proposal therefore includes provisions on solidarity and fair sharing of responsibility, including its financial implications, between the Member States.

¹ See the 2013 opinion of the EP's Legal Service, SJ-0139/13, annex I.

² Texts adopted, P8_TA(2016)0102.

³ See the 2013 opinion of the EP's Legal Service, SJ-0139/13, points 27 and 41.

As outlined above, the LIBE draft report and the amendments tabled in LIBE fleshes this out even further by adding in Article 3 the objective to ensure solidarity and fair sharing of responsibility between the Member States, in particular towards those most affected by migration and asylum flows, and by the inclusion of related implementation measures in the Annexes.

As concluded by the Legal Service, since the above-mentioned provisions on solidarity and relocation clearly provide for financing of specific measures to give effect to the principle of solidarity and fair sharing of responsibility, the mention of Article 80 TFEU would contribute to ensure clarity and legal certainty with regard to the inclusion in the act of the specific measures in question, by underlining their objective¹.

Article 80 TFEU states that Union acts adopted pursuant to the Chapter on policies on border checks, asylum and immigration (Articles 77-80 TFEU) shall, whenever necessary, contain appropriate measures to give effect to the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. As outlined above, this proposal by the Commission, including as proposed to be amended, includes provisions on such measures. Since the proposed regulation simultaneously pursues such objectives, which are indissociably linked, without being secondary or indirect to the objectives and components relating to Article 78(2) TFEU and Article 79(2) and (4) TFEU, it should be founded also on Article 80 TFEU.

VI - Conclusion and recommendation

In the light of the foregoing analysis Article 80 TFEU could be added to Article 78(2) TFEU and Article 79(2) and (4) TFEU to form the legal basis for the proposal.

At its meeting of 18 February 2019 the Committee on Legal Affairs accordingly decided, by 11 votes in favour, 6 votes against and no abstentions², to recommend that the Committee on Civil Liberties, Justice and Home Affairs could therefore include Article 80 TFEU as an additional legal basis in their report on the dossier.

Yours sincerely,

Pavel Svoboda

¹ See the 2019 opinion of the EP's Legal Service, SJ-0088/19, point 13.

² The following were present for the final vote: Pavel Svoboda (Chair), Jean-Marie Cavada, Mady Delvaux (Vice-Chairs), Gilles Lebreton (rapporteur for opinion), Max Andersson, Joëlle Bergeron, Kostas Chrysogonos, Jytte Guteland, Heidi Hautala, Sajjad Karim, Sylvia-Yvonne Kaufmann, António Marinho e Pinto, Julia Reda, Evelyn Regner, Axel Voss, Tiemo Wölken, Tadeusz Zwiefka.

20.12.2018

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund
(COM(2018)0471 – C8-0271/2018 – 2018/0248(COD))

Rapporteur for opinion: Elly Schlein

SHORT JUSTIFICATION

The Commission has presented to the European Parliament and the Council a proposal establishing the Asylum and Migration Fund, as part of the Multiannual Financial Framework (MFF) 2021-2027. The Fund will provide support to the efficient management of migration by EU Member States with an envelope of EUR 10, 4 billion.

The migration crisis has shown the need for a common European approach based on solidarity and fair sharing of responsibility. The Rapporteur therefore welcomes the increase of the budget available for migration and asylum as an essential step to build a strong, fair and effective asylum and reception system within the EU.

However, the Rapporteur considers that the proposal as it stands puts excessive emphasis on increasing return rates. In fact, the proposed criteria for the allocation of funding to the national programmes under shared management provide that 40% of this funding will be destined depending on indicators related to countering irregular migration and issuing returns to the detriment to actions in the field of asylum, legal migration and integration. This would create incentives for Member States to issue and enforce return decisions, without taking into account the risks for returnees and possible impact for countries of origin.

The steps taken by the Commission to build a robust EU migration policy have to be welcomed. However, the Rapporteur believes that the European Parliament and the Council should include in the proposal the necessary guarantees for returnees and countries of origin. Return decisions cannot be taken without a comprehensive assessment of the situation in countries of origin and the absorption capacity at the local level. It is essential to verify the possible impact of returnees on the stability of the countries of origin, as returns could contribute to conflict, friction and fragility.

In addition, the Parliament and the Council should ensure that EU relations with third countries are not conditional to the cooperation in the field of return and readmission. Cooperation with third countries should be based on mutual interest and a comprehensive approach rather than on EU interests and priorities in the field of migration. A narrow focus on migration management can jeopardize EU cooperation with third countries.

AMENDMENTS

The Committee on Development calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The Fund should fully respect human rights, comply with Agenda 2030, the principle of policy coherence for development, as set out in Article 208 of the TFEU, and the commitments at the international level in relation to migration and asylum, notably the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration (GCM).

Amendment 2

Proposal for a regulation Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Managing the Fund from a development perspective should take in account the various root causes of migration such as conflict, poverty, lack of agricultural capacity, education and inequality.

Amendment 3

Proposal for a regulation
Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) Development cooperation with third countries should inter alia be an important part in readmission agreements for stimulating the labour market and job opportunities in countries of return in order to reduce incentives for returned migrants to cross the European borders once more.

Amendment 4

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) The Fund should support the **efficient management of migration flows, inter alia by promoting** common measures in the area of asylum, including Member States' efforts in receiving persons **in need of international protection** through resettlement and the transfer **of applicants for or beneficiaries of international protection** between Member States, **supporting** integration strategies and a more effective legal migration policy, **so as to ensure the Union's long-term competitiveness and the future of its social model and reduce incentives for** irregular migration **through** a sustainable return and readmission policy. The Fund should support the strengthening of cooperation with third countries to reinforce management of flows of **persons applying for asylum or other forms of international protection**, avenues on legal migration **and** to counter irregular migration **and** ensure sustainability of return and effective readmission to third countries.

(7) The Fund should support the **promotion of** common measures in the area of asylum, including Member States' efforts in receiving persons through resettlement and the transfer between Member States, **support** integration, **reception and inclusion** strategies and a more effective legal migration policy, **counter** irregular migration **and implement** a sustainable return and readmission policy. The Fund should support the strengthening of cooperation with third countries to reinforce management of flows, **the establishment** of avenues on legal migration, to counter irregular migration, **fight trafficking of migrants**, ensure sustainability of return and effective readmission to third countries. **Cooperation with third countries should be genuinely based on mutual interest.**

Amendment 5

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) ***The migration crisis highlighted the need to reform the Common European Asylum System to ensure that efficient asylum procedures to prevent secondary movements, to provide uniform and appropriate reception conditions for applicants for international protection, uniform standards for the granting of international protection and appropriate rights and benefits for beneficiaries of international protection. At the same time, the reform was needed to put in place a fairer and more effective system of determining Member States' responsibility for applicants for international protection as well as a Union framework for Member States' resettlement efforts. Therefore, it is appropriate for the Fund to provide increased support to Member States' efforts to fully and properly implement the reformed Common European Asylum System.***

Amendment

(8) ***It is appropriate to support and improve the efforts made by Member States to fully and properly implement the Union asylum acquis, in particular to grant appropriate reception conditions to displaced persons and applicants for, and beneficiaries of, international protection, to ensure the correct determination of status, to apply fair and effective asylum procedures and to promote good practice in the field of asylum, so as to protect the rights of persons requiring international protection and enable Member States' asylum systems to work efficiently. The Fund should therefore provide increased support to Member States' efforts to fully and properly implement the reformed Common European Asylum System.***

Amendment 6

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The Fund should also complement and reinforce the activities undertaken by the European Union Agency for Asylum (EUAA) established by Regulation (EU)... [EUAA Regulation]¹⁴ with a view to facilitating and improving the functioning of the common European asylum system, by coordinating and strengthening practical cooperation and

Amendment

(9) The Fund should also complement and reinforce the activities undertaken by the European Union Agency for Asylum (EUAA) established by Regulation (EU)... [EUAA Regulation]¹⁴ with a view to facilitating and improving the functioning of the common European asylum system, by coordinating and strengthening practical cooperation and

information exchange between Member States, promoting Union law and operational standards on asylum in order to ensure a high degree of uniformity based on high protection standards as regards procedures for international protection, reception conditions and the assessment of protection needs across the Union, enabling a sustainable and fair distribution of applications for international protection, facilitate convergence in the assessment of applications for international protection across the Union, support the resettlement efforts of the Member States and provide operational and technical assistance to Member States for the management of their asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

information exchange between Member States, promoting Union law and operational standards on asylum in order to ensure **respect for human rights and** a high degree of uniformity based on high protection standards as regards procedures for international protection, reception conditions and the assessment of protection needs across the Union, enabling a sustainable and fair distribution of applications for international protection, **in the end always seeking the best interest of the applicant**, facilitate convergence in the assessment of applications for international protection across the Union, support the resettlement efforts of the Member States and provide operational and technical assistance to Member States for the management of their asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

Amendment 7

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The Fund should support the efforts by the Union and the Member States relating to the enhancement of the Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union law.

Amendment

(10) The Fund should support the efforts by the Union and the Member States relating to the enhancement of the Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union law **and international law based on an all-round approach to respect for human rights**.

Amendment 8

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Partnerships and cooperation with

Amendment

(11) Partnerships and cooperation with

third countries are an essential component of Union asylum *policy* to ensure the adequate management of flows of persons applying for asylum or other forms of international protection. With the aim of replacing the unsafe and irregular arrivals with legal and safe arrival to the territory of the Member States of third-country nationals or stateless persons in need of international protection, expressing solidarity with countries in regions to which or within which a large number of persons in need of international protection have been displaced by helping to alleviate the pressure on those *countries, helping achieve the Union's migration policy objectives by increasing the Union's leverage vis-à-vis third countries*, and of effectively contributing to global resettlement initiatives by speaking with one voice in international fora and with third countries, the Fund should provide financial incentives to the implementation of the Union Resettlement [and Humanitarian Admission] Framework.

third countries are an essential component of Union *migration and asylum policies* to ensure *that people are not forced to leave their home countries*, the adequate management of *migratory* flows of persons, *including those* applying for asylum or other forms of international protection. With the aim of replacing the unsafe and irregular arrivals with legal and safe arrival to the territory of the Member States of third-country nationals or stateless persons, *including those* in need of international protection, expressing solidarity with countries in regions to which or within which a large number of persons in need of international protection have been displaced by helping to alleviate the pressure on those countries, and of effectively contributing to global resettlement initiatives by speaking with one voice in international fora and with third countries, the Fund should provide financial incentives to the implementation of the Union Resettlement [and Humanitarian Admission] Framework *and to other analogous humanitarian initiatives adopted by Member States, individually or jointly*.

Amendment 9

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Considering the *high levels of migration flows to the Union in the last years and the* importance of ensuring the cohesion of our societies, it is crucial to support Member States' policies for early integration of legally staying third-country nationals, including in the priority areas identified in the Action Plan on Integration of third-country nationals adopted by the Commission in 2016.

Amendment

(12) Considering the importance of ensuring the cohesion of our societies, it is crucial to support Member States' policies for early *reception, integration and inclusion* of legally staying third-country nationals, including in the priority areas identified in the Action Plan on Integration of third-country nationals adopted by the Commission in 2016.

Amendment 10

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) *In order to increase efficiency, achieve the greatest Union added value and to ensure the consistency of the Union's response to foster the integration of third-country nationals, actions financed under the Fund should be specific and complementary to actions financed under the European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF). Measures financed under this Fund should support measures tailor-made to the needs of third-country nationals that are generally implemented in the early stage of integration, and horizontal actions supporting Member States' capacities in the field of integration, whereas interventions for third-country nationals with a longer-term impact should be financed under the ERDF and ESF+.*

Amendment 11

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13) *To improve and reinforce the integration process in European societies, the Fund should facilitate legal migration to the Union in accordance with the economic and social needs of Member States and anticipate the preparation of the integration process already in the country of origin of the third-country nationals coming to the Union. Actions in third countries should be fully coherent with the principle of policy coherence for development and the commitments for the achievements of the sustainable development goals.*

(13a) *The scope of the integration measures should also include beneficiaries of international protection in order to ensure a comprehensive approach to integration, taking into account the specificities of that target group. Where integration measures are combined with reception, actions should, where appropriate, also allow asylum seekers to be included.*

Amendment 12

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) In *this context, the authorities of the Member States responsible for the implementation of the Fund should be required to cooperate and establish coordination mechanisms with the authorities identified by Member States for the purpose of the management of the interventions of the ESF+ and of the ERDF and wherever necessary with their managing authorities and with the managing authorities of other Union funds contributing to the integration of third-country nationals.*

Amendment

(14) In *order to be efficient and achieve the greatest added value, the Fund should pursue a more targeted approach, in support of consistent strategies specifically designed to promote the integration of third-country nationals at national, local and/or regional level, where appropriate. Those strategies should be implemented mainly by local or regional authorities and non-state actors, while not excluding national authorities, in particular where the specific administrative organisation of a Member State would so require, or where, in a Member State, reception, integration and inclusion actions fall within a competence shared between the State and decentralised administration. The implementing organisations should choose the measures most appropriate to their particular situation from a range of measures available.*

Amendment 13

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) An efficient return policy is an integral part of the comprehensive migration approach the Union and its Member States pursue. The Fund should support and encourage efforts by the Member States with a view to the effective implementation and further development of common standards on return, in particular as set out in Directive 2008/115/EC of the European Parliament and of the **Council**¹⁵, and of an integrated and coordinated

Amendment

(20) An efficient return policy is an integral part of the comprehensive migration approach the Union and its Member States pursue. The Fund should support and encourage efforts by the Member States with a view to the effective implementation and further development of common standards on return, **with an emphasis on voluntary returns**, in particular as set out in Directive 2008/115/EC of the European Parliament

approach to return management. **For sustainable return policies**, the Fund should equally support related measures in third countries, **such as the reintegration of returnees**.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

and of the **Council**¹⁵, and of an integrated and coordinated approach to return management. The Fund should equally support related measures in third countries **to facilitate and guarantee safe and dignified return and readmission as well as sustainable reintegration, as enshrined in the GCM**.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

Amendment 14

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) Member States should give preference to voluntary return. In order to promote voluntary return, Member States should envisage incentives such as preferential treatment in the form of enhanced return assistance **should be envisaged for the voluntary return of persons**. This kind of voluntary return is in the interests of both returnees and the authorities in terms of its cost-effectiveness.

Amendment

(21) Member States should give preference to voluntary return. In order to promote voluntary return, Member States should envisage incentives such as preferential treatment in the form of enhanced return assistance, **through vocational training in Europe which would help returnees re-enter the labour market in their countries of origin**. This kind of voluntary return is in the interests of both returnees and the authorities in terms of its cost-effectiveness.

Amendment 15

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) Specific support measures for returnees in the Member States and in the countries of return can improve conditions

Amendment

(23) Specific support measures for returnees, **with a particular attention to their humanitarian and protection needs**,

of return and enhance their reintegration.

in the Member States and in the countries of return can improve conditions of return and enhance their reintegration. ***Particular attention should be paid to vulnerable groups. Return decisions should be based on a comprehensive and careful assessment of the situation in the country of origin, including an evaluation of the absorption capacity at the local level. Specific measures and actions supporting countries of origin, and in particular vulnerable people, contribute to ensure the sustainability, safety and effectiveness of returns. These measures should be implemented with the active participation of local authorities, civil society and diasporas.***

Amendment 16

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Readmission agreements and other arrangements are an integral component of the Union return policy and a central tool for the efficient management of migration flows, as they facilitate the swift return of irregular migrants. Those agreements and arrangements are an important element in the framework of ***the dialogue and cooperation*** with third countries of origin and transit of irregular migrants and their implementation in third countries should be supported in the interests of effective return policies at national and Union level.

Amendment

(24) Readmission agreements and other arrangements are an integral component of the Union return policy and a central tool for the efficient management of migration flows, as they facilitate the swift return of irregular migrants. Those agreements and arrangements are an important element in the framework of ***cooperation and political dialogue*** with third countries of origin and transit of irregular migrants and their implementation in third countries should be supported in the interests of effective return policies at national and Union level.

Amendment 17

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) In addition to supporting the ***return***

Amendment

(25) In addition to supporting the

of persons as provided for in this Regulation, the Fund should also support other measures to counter *irregular migration, address incentives for illegal migration or the circumventing of existing legal migration rules*, thereby safeguarding the integrity of *Member States'* immigration systems.

integration of third country nationals or stateless persons within Member States, the Fund should also support other measures to counter *trafficking of migrants, to encourage and facilitate the establishment of legal migration rules*, thereby safeguarding the integrity of immigration systems *in the countries of origin, in full compliance with the Principle of Coherence for Sustainable Development*.

Amendment 18

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) *The employment of irregular migrants creates a pull factor for illegal migration and undermines the development of a labour mobility policy built on legal migration schemes.* The Fund should *therefore* support Member States, either directly or indirectly, in their implementation of Directive 2009/52/EC of the European Parliament and of the Council¹⁶ which prohibits the employment of illegally staying third-country nationals and provides for sanctions against employers who infringe that prohibition.

¹⁶ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers

Amendment

(26) The Fund should support Member States, either directly or indirectly, in their implementation of Directive 2009/52/EC of the European Parliament and of the Council¹⁶ which prohibits the employment of illegally staying third-country nationals and provides for sanctions against employers who infringe that prohibition. *It also includes protective elements such as the right of irregularly employed third country nationals to lodge complaints and claim back their wages. The Fund should support the implementation of the latter, as these protective elements have not been implemented sufficiently, as was pointed out in the communication from the Commission to the European Parliament and the Council of 22 May 2014 on the application of Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third country nationals.*

¹⁶ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers

of illegally staying third-country nationals
(OJ L 168, 30.6.2009, p. 24).

of illegally staying third-country nationals
(OJ L 168, 30.6.2009, p. 24).

Amendment 19

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) The Member States should support the requests of civil society and workers' associations, such as that concerning the establishment of a European network of reception workers of both genders, in order to connect all workers in Europe operating in the field of migration, to foster a decent welcome and an approach to migration based on human rights and the exchange of good practices in terms of reception and employment opportunities for migrants.

Amendment 20

Proposal for a regulation Recital 30

Text proposed by the Commission

Amendment

(30) Measures ***in and*** in relation to third countries ***supported through the Fund should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence*** should be ***sought*** with the principles and general objectives of the Union's external action ***and*** foreign policy in respect of the country or region in question and the Union international commitments. ***In relation to the external dimension, the Fund should target support to enhance*** cooperation with third countries ***and to reinforce key aspects of***

(30) Measures ***taken under the Fund*** in relation to third countries should be ***fully coherent*** with the principles and general objectives of the Union's external action, foreign ***policy and development*** policy in respect of the country or region in question and the Union international commitments. Cooperation with third countries ***should not be intended to support actions that are directly oriented towards development and should not undermine the principle of policy coherence for development.***

migration management in areas of interest to the Union's migration policy.

Amendment 21

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) These initial amounts should form a basis for Member States' long-term investments. To take account of changes in migration flows and to address needs in the management of asylum and reception systems and integration of **legally staying** third-country nationals, **and** counter **irregular migration through** efficient and sustainable return policy, an additional amount should be allocated to the Member States at mid-term taking into account the absorption rates. This amount should be based on the latest available statistical data as set out in Annex I to reflect the changes in the baseline situation of Member States.

Amendment

(35) These initial amounts should form a basis for Member States' long-term investments. To take account of changes in migration flows and to address needs in the management of asylum and reception systems and integration of third-country nationals, counter **trafficking of migrants, implement an** efficient, **rights compliant** and sustainable return policy, an additional amount should be allocated to the Member States at mid-term taking into account the absorption rates. This amount should be based on the latest available statistical data as set out in Annex I to reflect the changes in the baseline situation of Member States.

Amendment 22

Proposal for a regulation

Recital 41

Text proposed by the Commission

(41) To complement the implementation of the policy objective of this Fund at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union.

Amendment

(41) To complement the implementation of the policy objective of this Fund at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships, **the work done by diaspora communities and the intermediary role they can play in this regard,** and the testing of new initiatives

and actions across the Union.

Amendment 23

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) In order to strengthen the Union's capacity to immediately address unforeseen or disproportionate heavy migratory pressure in one or more Member States characterised by a large or disproportionate inflow of third-country nationals, which places significant and urgent demands on their reception and detention facilities, asylum and migration management systems and procedures, heavy migratory pressures in third countries due to political developments or conflicts, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation.

Amendment

(42) In order to strengthen the Union's capacity to immediately address unforeseen or disproportionate heavy migratory pressure in one or more Member States characterised by a large or disproportionate inflow of third-country nationals, which places significant and urgent demands on their reception and detention facilities, asylum and migration management systems and procedures, heavy migratory pressures in third countries due to political developments or conflicts, it should be possible to provide emergency assistance ***at all times for actions to ensure respect for the human rights of migrants and Member States' compliance with their international commitments concerning, in particular, asylum and refuge,*** in accordance with the framework set out in this Regulation.

Amendment 24

Proposal for a regulation Recital 53 a (new)

Text proposed by the Commission

Amendment

(53a) Civil society organisations, local and regional authorities and national parliaments in the Member States and in third countries should be consulted during the process of programming, implementing and evaluating the programmes financed through the Fund.

Amendment 25

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. The policy objective of the Fund shall be to contribute to an efficient management of migration flows in line with the relevant Union acquis and in compliance with the Union's commitments on fundamental rights.

Amendment

1. The policy objective of the Fund shall be to contribute to an efficient management of migration flows in line with the relevant Union acquis and in compliance with the Union's commitments on fundamental rights, ***in particular the right to asylum, enshrined in the Charter of Fundamental Rights of the European Union, and the principle of policy coherence for development.***

Amendment 26

Proposal for a regulation Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) to support legal ***migration*** to the Member States including to contribute to the integration of third-country nationals;

Amendment

(b) to support ***the creation of safe and legal pathways*** to the Member States including to contribute to the integration of third-country nationals, ***including asylum seekers and beneficiaries of international protection, and the strengthening of the protection of human rights of migrants;***

Amendment 27

Proposal for a regulation Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) to contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries.

Amendment

(c) to contribute to countering irregular migration ***via the opening of legal pathways of migration, fighting against human trafficking*** and ensuring effectiveness ***and sustainability*** of return and readmission in third countries ***for both***

returnees and countries of origin.

Amendment 28

Proposal for a regulation Article 3 – paragraph 2 – point c

Text presented by the Commission

(c) to contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries

Amendment

(c) to contribute to countering irregular migration and ensuring effectiveness ***and sustainability*** of return and readmission in third countries ***for both returnees and countries of origin.***

Amendment 29

Proposal for a regulation Article 3 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to enhance solidarity and responsibility-sharing between the Member States, in particular towards those most affected by migration and asylum flows, including through practical cooperation.

Amendment 30

Proposal for a regulation Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

The Fund shall be open to third countries in accordance with the conditions laid down in a specific agreement covering the participation of the third country to the Asylum and Migration Fund, provided that the agreement:

Amendment

The Fund shall be open to third countries ***that do not infringe fundamental rights of migrants for activities in the field of legal migration, return and readmission,*** in accordance with the conditions laid down in a specific agreement covering the participation of the third country to the Asylum and Migration Fund, ***which should be made publicly available,*** provided that

the agreement:

Amendment 31

Proposal for a regulation

Article 5 – paragraph 1 – indent 4 a (new)

Text proposed by the Commission

Amendment

- *provides for a redress mechanism for individuals who consider that their fundamental rights have been violated.*

Amendment 32

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

- 2a. *The Commission and the Member States shall ensure that actions in relation to third countries are taken in compliance with other actions implemented through Union instruments, respect the principle of policy coherence for development, focus on non-development-oriented measures and fully comply with human rights and international law.*

Amendment 33

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. The thematic facility shall in particular, support actions falling under the implementation measure 2(b) of Annex II that are implemented by the local and regional authorities or civil society organisations.

6. The thematic facility shall in particular, support actions falling under the implementation measure 2(b) of Annex II that are implemented by the local and regional authorities or civil society organisations, *in particular diaspora communities.*

Amendment 34

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. Each Member State shall ensure that the priorities addressed in its programme are consistent with, and respond to, the Union priorities and challenges in the area of migration management and are fully in line with the relevant Union acquis and agreed Union priorities. In defining the priorities of their programmes Member States shall ensure that the implementation measures set out in Annex II are adequately addressed.

Amendment

1. Each Member State shall ensure that the priorities addressed in its programme are consistent with, and respond to, the Union priorities and challenges in the area of migration management, ***asylum and reception*** and are fully in line with the relevant Union acquis and agreed Union priorities. In defining the priorities of their programmes Member States shall ensure that the implementation measures set out in Annex II are adequately addressed.

Amendment 35

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The Commission shall ensure that the European Union Agency for Asylum and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency and the European Union Agency for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States.

Amendment

2. The Commission shall ensure that the European Union Agency for Asylum, ***the European Union Agency for Fundamental Rights*** and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency and the European Union Agency for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States.

Amendment 36

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The Commission shall ensure that the European Union Agency for Asylum and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency and the European Union Agency for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States.

Amendment

2. The Commission shall ensure that the European Union Agency for Asylum, ***the European Union Agency for Fundamental Rights*** and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency and the European Union Agency for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States.

Amendment 37

**Proposal for a regulation
Article 13 – paragraph 3**

Text proposed by the Commission

3. The Commission may associate the European Union Agency for Asylum and European Border and Coast Guard Agency in monitoring and evaluation tasks as referred to in Section 5 where appropriate in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union acquis and agreed Union priorities.

Amendment

3. The Commission may associate the European Union Agency for Asylum, ***the European Union Agency for Fundamental Rights*** and European Border and Coast Guard Agency in monitoring and evaluation tasks as referred to in Section 5 where appropriate in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union acquis and agreed Union priorities.

Amendment 38

**Proposal for a regulation
Article 13 – paragraph 4**

Text proposed by the Commission

4. Further to a monitoring exercise as carried out in accordance with Regulation (EU) [../..] [EUAA Regulation] or the

Amendment

4. Further to a monitoring exercise as carried out in accordance with Regulation (EU) [../..] [EUAA Regulation] or the

adoption of recommendations in accordance with Regulation (EU) No 1053/2013 which are within the scope of this Regulation, the Member State concerned shall examine, together with the Commission, and where relevant with the European Union Agency for Asylum and the European Border and Coast Guard Agency, how to address the findings, including any shortcomings or issues of capacity and preparedness, and shall implement the recommendations through its programme.

adoption of recommendations in accordance with Regulation (EU) No 1053/2013 which are within the scope of this Regulation, the Member State concerned shall examine, together with the Commission, and where relevant with the European Union Agency for Asylum, ***the European Union Agency for Fundamental Rights*** and the European Border and Coast Guard Agency, how to address the findings, including any shortcomings or issues of capacity and preparedness, and shall implement the recommendations through its programme.

Amendment 39

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. The Member States using operating support shall comply with the Union acquis on asylum and return.

Amendment

3. The Member States using operating support shall comply with the Union acquis on asylum and return ***and fundamental rights***.

Amendment 40

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall justify in the programme and in the annual performance report as referred to in Article 30 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, with the European Union Agency for Asylum and the European Border and Coast Guard Agency in line with Article 13, assess the baseline situation in the Member States which have indicated their intention to use operating support. The Commission shall take into account the

Amendment

4. Member States shall justify in the programme and in the annual performance report as referred to in Article 30 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, with the European Union Agency for Asylum, ***the European Union Agency for Fundamental Rights*** and the European Border and Coast Guard Agency in line with Article 13, assess the baseline situation in the Member States which have indicated their intention to use operating

information provided by those Member States and, where relevant, the information available in the light of the monitoring exercises, as carried out in accordance with Regulation (EU) ... [EUAA Regulation] and Regulation (EU) No 1053/2013, which are within the scope of this Regulation.

support. The Commission shall take into account the information provided by those Member States and, where relevant, the information available in the light of the monitoring exercises, as carried out in accordance with Regulation (EU) ... [EUAA Regulation] and Regulation (EU) No 1053/2013, which are within the scope of this Regulation.

Amendment 41

Proposal for a regulation Article 26 – paragraph 1 – point c

Text proposed by the Commission

(c) heavy migratory pressure in third countries, including where persons in need of protection may be stranded due to political developments or conflicts, ***notably where it might have an impact on migration flows towards the EU.***

Amendment

(c) heavy migratory pressure in third countries, including where persons in need of protection may be stranded due to political developments or conflicts.

Amendment 42

Proposal for a regulation Article 29 – paragraph 1

Text proposed by the Commission

1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under the Fund.

Amendment

1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under the Fund, ***the assessment of the impact of returns on third countries and the respect for fundamental rights of migrants.***

Amendment 43

Proposal for a regulation Article 29 – paragraph 2

Text proposed by the Commission

2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process.

Amendment

2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process ***and the result of the evaluation shall be made public and accessible.***

Amendment 44

Proposal for a regulation

Article 30 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) how the respect of fundamental rights of migrants has been guaranteed in the fund's implementation.

Amendment 45

Proposal for a regulation

Annex I – point 1 – point b – indent 1

Text proposed by the Commission

Amendment

– 30 % for asylum;

– 40 % for asylum;

Amendment 46

Proposal for a regulation

Annex I – point 1 – point b – indent 2

Text proposed by the Commission

Amendment

– 30 % for legal migration ***and*** integration;

– 40% for legal migration, integration ***and inclusion;***

Amendment 47

Proposal for a regulation

Annex I – point 1 – point b – indent 3

Text proposed by the Commission

- **40%** for countering irregular migration including returns.

Amendment

- **20%** for countering irregular migration including returns.

Amendment 48

**Proposal for a regulation
Annex II – point 1 – point d**

Text proposed by the Commission

- (d) enhancing solidarity **and** cooperation with third countries affected by migratory flows, including through resettlement and other legal avenues to protection in the Union as well as partnership and cooperation with third countries for the purpose of managing migration.

Amendment

- (d) enhancing solidarity, cooperation **and exchange of best practices** with third countries affected by migratory flows, including through resettlement and other legal avenues to protection in the Union as well as partnership and cooperation with third countries for the purpose of managing migration.

Amendment 49

**Proposal for a regulation
Annex III – point 3 – point k**

Text proposed by the Commission

- (k) promoting exchanges and dialogue between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue.

Amendment

- (k) promoting exchanges and dialogue, **in particular with the assistance of diaspora communities**, between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue.

Amendment 50

**Proposal for a regulation
Annex III – point 4 – point a**

Text proposed by the Commission

- (a) infrastructure for reception **or detention**, including the possible joint use

Amendment

- (a) infrastructure for reception, including the possible joint use of such

of such facilities by more than one Member State;

facilities by more than one Member State;

Amendment 51

Proposal for a regulation Annex III – point 4 – point d

Text proposed by the Commission

(d) countering *incentives for* irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC8;

Amendment

(d) countering irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC8;

Amendment 52

Proposal for a regulation Annex III – point 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) assessment of the situation and stability of the countries of origin, and of the absorption capacity at the local level;

Amendment 53

Proposal for a regulation Annex III – point 4 – point e

Text proposed by the Commission

(e) preparation of return, including measures leading to the issuing of return

Amendment

(e) preparation of return, including measures leading to the issuing of return

decisions, the identification of third-country nationals, the issuing of travel documents *and* family tracing;

decisions, the identification of third-country nationals, the issuing of travel documents, family tracing, *the option of being given vocational training in Europe to foster reintegration into the country of origin*;

Amendment 54

Proposal for a regulation Annex III – point 4 – point h

Text proposed by the Commission

(h) removal operations, including related measures, in accordance with the standards laid down in Union law, with the exception of coercive equipment;

Amendment

(h) removal operations, including related measures, *in full respect of human rights and* in accordance with the standards laid down in Union law, with the exception of coercive equipment;

Amendment 55

Proposal for a regulation Annex III – point 4 – point i

Text proposed by the Commission

(i) measures to support the returnee's durable return and reintegration;

Amendment

(i) measures to support, *with a long term approach*, the returnee's durable return and reintegration, *including skills development activities*;

Amendment 56

Proposal for a regulation Annex III – point 4 – point j

Text proposed by the Commission

(j) *facilities and services in* third countries ensuring appropriate temporary accommodation and reception upon arrival, *including for unaccompanied minors and other vulnerable groups* in line with international standards;

Amendment

(j) *support to* third countries *in* ensuring appropriate temporary accommodation and reception upon arrival in line with international standards;

Amendment 57

Proposal for a regulation Annex III – point 4 – point k

Text proposed by the Commission

Amendment

(k) cooperation with third countries on countering irregular migration and on effective return and readmission, including in the framework of the implementation of readmission agreements and other arrangements;

deleted

Amendment 58

Proposal for a regulation Annex III – point 4 – point m

Text proposed by the Commission

Amendment

(m) support for and actions in third countries, **including on infrastructure, equipment and other measures**, provided these contribute to enhancing effective cooperation between third countries and the Union and its Member States on return and readmission.

(m) support for and actions in third countries, provided these contribute to enhancing effective cooperation between third countries and the Union and its Member States on return and readmission.

Amendment 59

Proposal for a regulation Annex IV – indent 1

Text proposed by the Commission

Amendment

– Integration measures implemented by local and regional authorities and civil-society organisations;

– Integration measures implemented by local and regional authorities and civil-society organisations, **including diaspora communities**;

Amendment 60

Proposal for a regulation

Annex V – part 2

Text proposed by the Commission

Amendment

Specific objective 2: To support legal migration to the Member States including to contribute to the integration of third-country nationals:

deleted

1. Number of persons who participated in pre-departure measures supported by the Fund.

2. Number of persons who participated in integration measures supported by the Fund reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing the Asylum and Migration Fund	
References	COM(2018)0471 – C8-0271/2018 – 2018/0248(COD)	
Committee responsible Date announced in plenary	LIBE 2.7.2018	
Opinion by Date announced in plenary	DEVE 2.7.2018	
Rapporteur Date appointed	Elly Schlein 18.7.2018	
Discussed in committee	29.8.2018	8.10.2018
Date adopted	13.12.2018	
Result of final vote	+: 15	–: 3
	0: 0	
Members present for the final vote	Ignazio Corrao, Doru-Claudian Frunzuliță, Enrique Guerrero Salom, Maria Heubuch, Teresa Jiménez-Becerril Barrio, Linda McAvan, Norbert Neuser, Maurice Ponga, Jean-Luc Schaffhauser, Elly Schlein, Bogusław Sonik, Eleni Theocharous, Mirja Vehkaperä, Joachim Zeller	
Substitutes present for the final vote	Frank Engel, Ádám Kósa	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

15	+
ALDE	Mirja Vehkaperä
ECR	Eleni Theoharous
EFDD	Ignazio Corrao
PPE	Frank Engel, Teresa Jiménez-Becerril Barrio, Maurice Ponga, Bogusław Sonik, Joachim Zeller
S&D	Doru-Claudian Frunzuliță, Enrique Guerrero Salom, Linda McAvan, Norbert Neuser, Elly Schlein
VERTS/ALE	Maria Heubuch, Tilly Metz

3	-
ENF	Jean-Luc Schaffhauser
GUE/NGL	Miguel Urbán Crespo
PPE	Ádám Kósa

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

21.11.2018

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund
(COM(2018)0471 – C8-0271/2018 – 2018/0248(COD))

Rapporteur: Karine Gloanec Maurin

SHORT JUSTIFICATION

The general objective of the Asylum and Migration Fund (AMF), as of the Multiannual Financial Framework, is to provide financial and technical support to Member States to establish sustainable management of challenges related to asylum, migration and the external borders.

Article 80 of the Treaty on the Functioning of the European Union expressly states that these common policies are based on the twin principles of solidarity and fair sharing of responsibilities between Member States.

The Asylum and Migration Fund, which aims to implement this comprehensive approach, is to be financed through a substantial allocation over the period 2021-2027, in order to facilitate its deployment in a fair, effective and diligent manner.

AMENDMENTS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation
Title

Text proposed by the Commission

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing the Asylum *and* Migration
Fund

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing the Asylum, Migration *and*
Integration Fund

Justification

Horizontal amendment that applies throughout the text. Integration is an essential part of the Fund and it should be reflected also on the name.

Amendment 2

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) The Fund should support the efficient management of migration flows, inter alia by promoting common measures in the area of asylum, including Member States' efforts in receiving persons in need of international protection through resettlement and the transfer of applicants for or beneficiaries of international protection between Member States, supporting integration strategies and a more effective legal migration policy, so as to ensure the Union's long-term competitiveness and the future of its social model and reduce incentives for irregular migration through a sustainable return and readmission policy. The Fund should support the strengthening of cooperation with third countries to reinforce management of flows of persons applying for asylum or other forms of international protection, avenues on legal migration and to counter irregular migration and ensure sustainability of return and effective readmission to third countries.

(7) The Fund should support the efficient management of migration flows, inter alia by promoting common measures in the area of asylum, including Member States' efforts in receiving persons in need of international protection through resettlement and the transfer of applicants for or beneficiaries of international protection between Member States, supporting integration strategies and a more effective legal migration policy, so as to ensure the Union's long-term competitiveness and the future of its social model and reduce incentives for irregular migration through a sustainable return and readmission policy. The Fund should support the strengthening of cooperation with third countries to reinforce management of flows of persons applying for asylum or other forms of international protection, avenues on legal migration and to counter irregular migration and ensure sustainability of return and effective readmission to third countries ***in both voluntary and enforced cases.***

Amendment 3

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) Considering the crucial role played by local and regional authorities and civil society organisations in the field of integration and to *facilitate* the access of these entities to funding at Union level, the Fund should facilitate the implementation of actions in the field of integration by local and regional authorities or civil society organisations, including through the use of the thematic facility and through a higher co-financing rate for these actions.

Amendment

(17) Considering the crucial role played by local and regional authorities and civil society organisations in the field of integration and to *improve and expedite* the access of these entities to funding at Union level, the Fund should facilitate the implementation of actions in the field of integration by local and regional authorities or civil society organisations, including through the use of the thematic facility and through a higher co-financing rate for these actions.

Amendment 4

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) An efficient return policy is an integral part of the comprehensive migration approach the Union and its Member States pursue. The Fund should support and encourage efforts by the Member States with a view to the effective implementation and further development of common standards on return, in particular as set out in Directive 2008/115/EC of the European Parliament and of the Council¹⁵, and of an integrated and coordinated approach to return management. For sustainable return policies, the Fund should equally support related measures in third countries, such as the reintegration of returnees.

Amendment

(20) An efficient return policy is an integral part of the comprehensive migration approach the Union and its Member States pursue. The Fund should support and encourage efforts by the Member States with a view to the effective implementation and further development of common standards on return, in particular as set out in Directive 2008/115/EC of the European Parliament and of the Council¹⁵, and of an integrated and coordinated approach to return management. For sustainable return policies *in both voluntary and enforced cases*, the Fund should equally support related measures in third countries, such as the reintegration of returnees.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16

December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

Amendment 5

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Voluntary and enforced returns are nevertheless interlinked, with mutually reinforcing effect, and Member States should therefore be encouraged to reinforce the complementarities between these two forms of return. The possibility of removals is an important element contributing to the integrity of the asylum and legal migration systems. The Fund should therefore support actions of Member States to facilitate and carry out removals in accordance with the standards laid down in Union law, where applicable, and with full respect for the fundamental rights and dignity of returnees.

Amendment

(22) Voluntary and enforced returns are nevertheless interlinked, with mutually reinforcing effect, and Member States should therefore be encouraged to reinforce the complementarities between these two forms of return. The possibility of removals is an important element contributing to the integrity of the asylum and legal migration systems. The Fund should therefore support actions of Member States to facilitate and carry out removals **and enforced returns** in accordance with the standards laid down in Union law, where applicable, and with full respect for the fundamental rights and dignity of returnees.

Amendment 6

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) In addition to supporting the return of persons as provided for in this Regulation, the Fund should also support other measures to counter irregular migration, address incentives for illegal migration or the circumventing of existing legal migration rules, thereby safeguarding the integrity of Member States' immigration systems.

Amendment

(25) In addition to supporting the return of persons, **both voluntary and enforced cases**, as provided for in this Regulation, the Fund should also support other measures to counter irregular migration, address incentives for illegal migration or the circumventing of existing legal migration rules, thereby safeguarding the integrity of Member States' immigration systems.

Amendment 7

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) The Fund should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the policy and specific objectives laid down in this Regulation.

Amendment

(33) The Fund should reflect the need for increased **transparency**, flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the policy and specific objectives laid down in this Regulation.

Amendment 8

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) The Fund should contribute to supporting operating costs related to asylum and return and enable Member States to maintain capabilities which are crucial for that service for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives under the Fund and should form an integral part of the Member States' programmes.

Amendment

(40) The Fund should contribute to supporting operating costs related to asylum and return, **both voluntary and enforced**, and enable Member States to maintain capabilities which are crucial for that service for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives under the Fund and should form an integral part of the Member States' programmes.

Amendment 9

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Fund will contribute to mainstream climate actions and to the achievement of an

Amendment

(55) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Fund will contribute to mainstream climate actions and to the achievement of an

overall target of 25 % of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the Fund's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes.

overall target of 25 % of the EU budget expenditures supporting climate objectives ***over the MFF 2021-2027 period and an annual target of 30 % as soon as possible and at the latest by 2027***. Relevant actions will be identified during the Fund's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes.

Amendment 10

Proposal for a regulation Recital 57

Text proposed by the Commission

(57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁹. The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the advisory procedure should be used for the adoption of implementing acts relating to the arrangements for providing information to the Commission in the framework of programming and reporting, given their purely technical nature.

²⁹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of

Amendment

(57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. ***The delegated acts presented by the Commission must enable the Council and the Parliament to be assured of full transparency regarding expenditure of European funds.*** These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁹. The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the advisory procedure should be used for the adoption of implementing acts relating to the arrangements for providing information to the Commission in the framework of programming and reporting, given their purely technical nature.

²⁹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of

implementing powers (OJ L 55, 28.2.2011, p. 13).

implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 11

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) to contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries.

Amendment

(c) to contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries, ***both in voluntary and enforced cases.***

Amendment 12

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. The financial envelope for the implementation of the Fund for the 2021-2027 period shall be EUR 10 415 000 000 in current prices.

Amendment

1. The financial envelope for the implementation of the Fund for the 2021-2027 period shall be ***EUR 9 204 957 000 in 2018 prices*** (EUR 10 415 000 000 in current prices).

Amendment 13

Proposal for a regulation

Article 8 – paragraph 2 – point a

Text proposed by the Commission

(a) EUR 6 249 000 000 shall be allocated to the programmes implemented under shared management;

Amendment

(a) ***EUR 5 522 974 200 in 2018 prices*** (EUR 6 249 000 000 ***in current prices***) shall be allocated to the programmes implemented under shared management;

Amendment 14

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) EUR 4 166 000 000 shall be allocated to the thematic facility.

Amendment

(b) **EUR 3 681 982 800 in 2018 prices (EUR 4 166 000 000 in current prices)** shall be allocated to the thematic facility.

Amendment 15

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. The contribution from the Union budget shall not exceed **75** % of the total eligible expenditure of a project.

Amendment

1. The contribution from the Union budget shall not exceed **80** % of the total eligible expenditure of a project. **Member States are encouraged to provide matching funds for activities supported by the fund.**

Amendment 16

Proposal for a regulation

Article 27 – paragraph 1

Text proposed by the Commission

1. An action that has received a contribution under the Fund may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

Amendment

1. An action that has received a contribution under the Fund may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. **The programmes presented by the Commission shall interact and complement each other and be drawn up with the necessary degree of transparency to avoid any duplication.** The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the

support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

Amendment 17

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report as referred to in Article 36(6) of Regulation (EU).../2021 [Common Provisions Regulation]. The report submitted in 2023 shall cover the implementation of the programme in the period to 30 June 2022.

Amendment

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report as referred to in Article 36(6) of Regulation (EU).../2021 [Common Provisions Regulation]. The report submitted in 2023 shall cover the implementation of the programme in the period to 30 June 2022. ***Member States shall publish these reports on the dedicated website of the Managing Authority as stipulated in Article 44 of the Common Provision Regulation. The Commission shall make annual performance reports available on a dedicated webpage.***

Amendment 18

Proposal for a regulation Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) The Commission shall report annually to the European Parliament regarding the take-up or otherwise of funding, the success or failure of funded measures and the European added value thereof.

Amendment 19

Proposal for a regulation
Annex I – point 1 – point b – indent 3

Text proposed by the Commission

– 40% for countering irregular migration including returns.

Amendment

– 40% for countering irregular migration including returns, ***both voluntary and enforced***.

Amendment 20

Proposal for a regulation
Annex I – point 4 – introductory part

Text proposed by the Commission

4. The following criteria in the area of countering irregular migration including returns will be taken into account and shall be weighted as follows:

Amendment

4. The following criteria in the area of countering irregular migration including ***voluntary and enforced*** returns will be taken into account and shall be weighted as follows:

Amendment 21

Proposal for a regulation
Annex III – point 1 – point a

Text proposed by the Commission

(a) the establishment and development of national strategies in asylum, legal migration, integration, return and irregular migration;

Amendment

(a) the establishment and development of national strategies in asylum, legal migration, integration, ***voluntary and enforced*** return and irregular migration;

Amendment 22

Proposal for a regulation
Annex III – point 4 – point e

Text proposed by the Commission

(e) preparation of return, including measures leading to the issuing of return decisions, the identification of third-country nationals, the issuing of travel documents and family tracing;

Amendment

(e) preparation of ***voluntary and enforced*** return, including measures leading to the issuing of return decisions, the identification of third-country nationals, the issuing of travel documents

and family tracing;

Amendment 23

Proposal for a regulation Annex III – point 4 – point k

Text proposed by the Commission

(k) cooperation with third countries on countering irregular migration and on effective return and readmission, including in the framework of the implementation of readmission agreements and other arrangements;

Amendment

(k) cooperation with third countries on countering irregular migration and on effective return and readmission, ***in both voluntary and enforced cases***, including in the framework of the implementation of readmission agreements and other arrangements;

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing the Asylum and Migration Fund	
References	COM(2018)0471 – C8-0271/2018 – 2018/0248(COD)	
Committee responsible Date announced in plenary	LIBE 2.7.2018	
Opinion by Date announced in plenary	BUDG 2.7.2018	
Rapporteur Date appointed	Karine Gloanec Maurin 28.6.2018	
Discussed in committee	24.9.2018	25.9.2018
Date adopted	21.11.2018	
Result of final vote	+: 25 –: 5 0: 0	
Members present for the final vote	Jean Arthuis, Richard Ashworth, Lefteris Christoforou, Gérard Deprez, Manuel dos Santos, André Elissen, José Manuel Fernandes, Eider Gardiazabal Rubial, Jens Geier, Monika Hohlmeier, John Howarth, Bernd Kölmel, Zbigniew Kuźmiuk, Vladimír Maňka, Siegfried Mureşan, Jan Olbrycht, Urmas Paet, Răzvan Popa, Paul Rübig, Petri Sarvamaa, Jordi Solé, Patricija Šulin, Eleftherios Synadinos, Indrek Tarand, Inese Vaidere, Daniele Viotti, Tiemo Wölken, Stanisław Żółtek	
Substitutes present for the final vote	Karine Gloanec Maurin, Tomáš Zdechovský	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

25	+
ALDE	Jean Arthuis, Gérard Deprez, Urmas Paet
PPE	Richard Ashworth, Lefteris Christoforou, José Manuel Fernandes, Monika Hohlmeier, Siegfried Mureşan, Jan Olbrycht, Paul Rübig, Petri Sarvamaa, Patricija Šulin, Inese Vaidere, Tomáš Zdechovský
S&D	Eider Gardiazabal Rubial, Jens Geier, Karine Gloanec Maurin, John Howarth, Vladimír Maňka, Răzvan Popa, Daniele Viotti, Tiemo Wölken, Manuel dos Santos
VERTS/ALE	Jordi Solé, Indrek Tarand

5	-
ECR	Zbigniew Kuźmiuk, Bernd Kölmel
ENF	André Elissen, Stanisław Żółtek
NI	Eleftherios Synadinos

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Establishing the Asylum and Migration Fund		
References	COM(2018)0471 – C8-0271/2018 – 2018/0248(COD)		
Date submitted to Parliament	13.6.2018		
Committee responsible Date announced in plenary	LIBE 2.7.2018		
Committees asked for opinions Date announced in plenary	AFET 2.7.2018	DEVE 2.7.2018	BUDG 2.7.2018
Rapporteurs Date appointed	Miriam Dalli 9.7.2018		
Legal basis disputed Date of JURI opinion	JURI 18.2.2019		
Discussed in committee	27.11.2018	19.2.2019	
Date adopted	19.2.2019		
Result of final vote	+: –: 0:	31 23 1	
Members present for the final vote	Asim Ademov, Malin Björk, Michał Boni, Caterina Chinnici, Agustín Díaz de Mera García Consuegra, Tanja Fajon, Laura Ferrara, Romeo Franz, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Sophia in 't Veld, Barbara Kudrycka, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Claude Moraes, Péter Niedermüller, Ivari Padar, Judith Sargentini, Giancarlo Scottà, Birgit Sippel, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra		
Substitutes present for the final vote	Carlos Coelho, Pál Csáky, Miriam Dalli, Gérard Deprez, Anna Hedh, Marek Jurek, Ska Keller, Jeroen Lenaers, Innocenzo Leontini, Nuno Melo, Emilian Pavel, Morten Helveg Petersen, Emil Radev, Barbara Spinelli, Jaromír Štětina		
Substitutes under Rule 200(2) present for the final vote	Eleonora Evi, Iris Hoffmann, Sabine Lösing, Rainer Wieland		
Date tabled	27.2.2019		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

31	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Sophia in 't Veld, Morten Helveg Petersen, Cecilia Wikström
EFDD	Eleonora Evi, Laura Ferrara
GUE/NGL	Malin Björk, Sabine Lösing, Barbara Spinelli, Marie-Christine Vergiat
PPE	Roberta Metsola
S&D	Caterina Chinnici, Miriam Dalli, Tanja Fajon, Ana Gomes, Sylvie Guillaume, Anna Hedh, Iris Hoffmann, Juan Fernando López Aguilar, Claude Moraes, Péter Niedermüller, Ivari Padar, Emilian Pavel, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Romeo Franz, Ska Keller, Judith Sargentini, Bodil Valero

23	-
ECR	Marek Jurek, Innocenzo Leontini, Monica Macovei, Branislav Škripek, Helga Stevens, Kristina Winberg
ENF	Giancarlo Scottà, Auke Zijlstra
PPE	Asim Ademov, Michal Boni, Pál Csáky, Agustín Díaz de Mera García Consuegra, Kinga Gál, Monika Hohlmeier, Barbara Kudrycka, Jeroen Lenaers, Nuno Melo, Emil Radev, Csaba Sógor, Jaromír Štětina, Traian Ungureanu, Rainer Wieland, Tomáš Zdechovský

1	0
PPE	Carlos Coelho

Key to symbols:

+ : in favour

- : against

0 : abstention