

Opinion of the Committee of the Regions on the 'Proposal for a Council Decision creating a European Refugee Fund'

(2000/C 317/02)

THE COMMITTEE OF THE REGIONS,

having regard to the Proposal from the Commission for a Council Decision creating a European Refugee Fund (COM(1999) 686 final — 99/0274 (CNS));

having regard to the decision taken by the Council on 6 March 2000, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult it on the matter;

having regard to the decision taken by its President on 30 March 2000, under Rule 39 of its Rules of Procedures, to instruct Commission 5 for Social Policy, Public Health, Consumer Protection, Research and Tourism to draw up the relevant opinion;

having regard to its opinion of 18 November 1999 on the Proposal for a Council Decision establishing a Community action programme to promote the integration of refugees (CdR 347/99 fin)⁽¹⁾;

having regard to its opinion of 18 November 1999 on Migratory flows in Europe (CdR 227/99 fin)⁽²⁾;

having regard to the call by the Tampere European Council on 15 and 16 October 1999 for provision to be made for emergencies arising from the mass influx of refugees, displaced persons or asylum-seekers;

having regard to the draft opinion adopted by Commission 5 on 18 April 2000 (CdR 80/2000 rev.) (rapporteur: Mr Vesey (IRL/AE));

whereas asylum and immigration have been issues of Community responsibility since the entry into force of the Amsterdam Treaty under Title IV of the amended Treaty establishing the European Community;

whereas Article 63 of the Treaty provides for the establishment of measures on asylum in accordance with the Geneva Convention and other relevant treaties, measures on refugees and displaced persons, measures on immigration policy, and measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States;

whereas the burden borne by individual Member States, and their local and regional administrations, in dealing with refugees differs greatly from one to the next,

adopted the following opinion at its 34th plenary session on 14 and 15 June 2000 (meeting of 14 June).

⁽¹⁾ OJ C 57, 29.2.2000, p. 71.

⁽²⁾ OJ C 57, 29.2.2000, p. 67.

1. The Committee of the Regions' position on the proposed Decision

1.1. The Committee of the Regions welcomes the establishment of a European Refugee Fund to enable Member States to redress imbalances between their efforts in receiving and integrating persons in need of protection.

1.2. The Committee also welcomes the setting of a timeframe of five years for the Fund as it will give some coherence in implementing Community policy in terms of eligibility for funding as well as increased predictability of resources for projects and flexibility in allocating resources.

1.3. The Committee however regards the budget allocation of EUR 26 million as insufficient, on the basis of the scale of the need among and within Member States. The Committee considers that the achievement of sustainable programmes of activity in the areas of reception, integration and voluntary repatriation of refugees require that the Fund be given greater financial resources for the five year period of the Fund.

1.4. The Committee strongly regrets that the proposal from the Commission does not have specific regard to the central role played by local and regional authorities in implementing and delivering programmes to deal with the reception and integration of refugees.

Furthermore, experience built up at local level can provide a major breeding ground for projects that can be transposed to other parts of the European Union. The Commission proposal must therefore give consideration to these initiatives.

1.5. The Committee believes local and regional authorities should be given a key role in managing such a fund since as a rule they are the first to bear the brunt of the undeniable social and economic impact caused by refugees. Their work is fundamental to the operation and success of programmes for both the refugees or displaced persons and the inhabitants of the countries in which they wish to settle. The Committee therefore calls on the Commission to include clear reference to these authorities as part of the proposal.

1.6. The COR supports the proposal to encourage those Member States with the least developed infrastructure and services for asylum seekers and refugees to make good the disparities in this area. However, it recognises the importance of added support in the development of infrastructure and services at local and regional level. The Committee feels

that by encouraging the development of local and regional infrastructure and services, the Commission would demonstrate an awareness of and support for the challenges being faced by these authorities on a daily basis.

1.7. The Committee also supports the drafting of multiannual programmes, following the example of the Structural Funds. However, in this regard it strongly urges the Member States to engage in full participation and co-operation with local and regional authorities in drafting these programmes and selecting and administering actions.

1.8. The Committee of the Regions agrees with the Commission proposal on allocating resources in proportion to the burden experienced. However, in creating such a system the Committee considers that the burden being experienced at local and regional level within Member States and not only between Member States should also be a consideration. Local and regional authorities are often called upon to tackle these emergencies, and they therefore bear the main burden for initial reception provision.

The Committee also considers that the distribution of resources under the European Refugee Fund should have regard to the smaller Member States which are currently experiencing a great strain in developing processes to deal with refugees. However these Member States are not considered to have played their full role by virtue of the numbers of refugees received to date. The Committee would thus like to see sufficient resources allocated to these Member States to support their efforts.

1.9. The Committee of the Regions also welcomes the creation of a separate budget line for emergency measures to deal with a mass influx of refugees or displaced persons. However, it again considers that the central role played by local and regional authorities in such circumstances is not fully acknowledged and should be addressed.

1.10. The Committee urges the European Commission and Member States to use the Fund to provide for public information and awareness measures on Member States' policies and practices concerning refugees and asylum seekers. Sufficient funding should be made available to ensure that measures supported under the Fund inform on future policy and action in the area of receiving and integrating refugees. Examples of best practice, good training and models of co-operation and good procedure should be highlighted to enable the Community to deal with this issue in a more comprehensive manner.

2. The Committee of the Regions' recommendations for the proposal Decision

2.1. The Committee of the Regions hopes that a decision can be taken on this most urgent of issues as soon as possible but in doing so calls for the following changes and additions to the proposal:

2.2. To have regard to the principles of subsidiarity, the Committee of the Regions considers that Article 3 Tasks should be amended to take cognisance of the implementation role of the local and regional institutions.

The Committee considers that this Article should be amended as follows:

'1. To achieve the objective described in Article 1, the Fund shall support Member States' actions, through participation and co-operation with their local and regional institutions, relating to:

- (a) conditions for reception of refugees and displaced persons;
- (b) integration of refugees and displaced persons, including local and regional institutions' actions regarding work placements and awareness raising programmes...'

2.3. The Committee of the Regions in considering Article 4 Community actions urges the Commission to have regard to measures which assist and enhance the practical implementation of the proposal at local and regional level. To achieve full implementation of the proposal it will be necessary for the staff of local and regional authorities to develop specific skills, e.g., language skills; multicultural understanding; etc.

2.4. The Committee of the Regions considers that Article 5 Emergency Measures should be amended to take into account

the authorities and agencies which have to deal with a mass influx in many instances, i.e. local and regional agencies.

The Committee recommends the following amendment:

'1. The Fund may also be used to finance emergency measures, separate from and in addition to the actions referred to in Article 3, to help one or more Member States, and/or one or more local or regional authority area, in the event of a sudden mass influx of refugees or displaced persons.'

2.5. The Committee of the Regions considers that Article 7 Requests for co-financing by Member States should require Member States to undergo a participation process with their respective local and regional authorities before such requests are considered by the Commission.

2.6. The Committee of the Regions in considering Article 8 Selection Criteria, acknowledges that Member States should have sole responsibility for the selection of individual actions and for financial management and administration of actions supported by the Fund. However, the Committee considers that Member States should be urged to encourage partnership actions and following receipt of proposals should seek to join agencies and/or proposals which demonstrate a partnership potential.

2.7. The Committee of the Regions considers that Article 9 Distribution of Resources needs to be completely reviewed as the current provision will ensure that most resources are allocated to countries that have received large numbers of refugees in the past. These are the Member States that often have the most developed reception and integration facilities.

The Committee considers that the best approach would be to decide the allocation of resources under the Fund in the light of the number and quality of proposals submitted by the Member States and with the subsequent provision of ensuring the need to promote effective asylum reception and integration procedures in Member States where this has been less developed in the past.

Brussels, 14 June 2000.

The President
of the Committee of the Regions
Jos CHABERT