

funding for the first time for a CMO measure, it just happens to pick on the school milk scheme which is so important for children and adolescents. The Committee trusts that a quick

decision will be taken to ensure the continuation of the school milk programme, in accordance with the Committee's opinion on the Commission proposal.

Brussels, 27 April 2000.

*The President*  
*of the Economic and Social Committee*  
 Beatrice RANGONI MACHIAVELLI

### **Opinion of the Economic and Social Committee on the 'Proposal for a Council Decision creating a European Refugee Fund'**

(2000/C 168/07)

On 6 March 2000 the Council, acting under Article 262 of the EC Treaty, asked the Economic and Social Committee for an opinion on the above-mentioned proposal.

The Section for Employment, Social Affairs and Citizenship, which was instructed to prepare the Committee's work on this subject, adopted its opinion on 11 April 2000. The rapporteur was Mrs zu Eulenburg.

At its 372nd plenary session, held on 27 April 2000, the Committee adopted the opinion set out below, with 107 votes in favour and one abstention.

#### **General observations**

##### **1. Gist of the Commission's proposal**

Under the Proposal for a Decision, measures covering the reception of asylum-seekers, the integration of refugees and voluntary repatriation are brought together in an instrument which is to be valid for a period of five years.

The proposed European Refugee Fund is based on Article 63(2)(b) of the EC Treaty. The aim of the Fund is to promote 'a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons'.

Finance is thus to be allocated between the Member States in proportion to (a) the number of asylum-seekers whom they take in ( $\frac{2}{3}$ ) and (b) the number of refugees to whom they give accommodation in their territory ( $\frac{1}{3}$ ). Co-financing by the European Refugee Fund (ERF) is set at 50 %. The proportion can, however, be increased to 75 % in the case of Member States receiving support from the Cohesion Fund in order to help them compensate for a lack of the requisite facilities.

Two target groups are identified as beneficiaries of the measures to be funded by the ERF, namely: 'refugees' (persons having refugee status and asylum-seekers) and 'displaced persons' (persons who benefit from any form of international protection or have applied for such protection).

Priority is to be given to supporting concrete measures, focusing on, for instance:

- reception conditions: the development or adaptation of infrastructures and services for providing accommodation, material assistance (e.g. clothing or food), and social or administrative assistance in connection with the asylum procedure;
- integration facilities: the provision of assistance in finding accommodation, claiming social and medical benefits and taking part in language courses and help to enable people to provide for themselves, in particular, help in finding jobs;
- voluntary repatriation to the country of origin and reintegration into that country: the provision of information on available return programmes and the situation prevailing in the countries concerned, general educational measures and vocational training measures and actual resettlement;

- emergency measures: reception and accommodation, provision of means of subsistence and medical, psychological or other forms of care.

Responsibility for administering the projects and programmes is to be vested in the Member States, which are to draw up requests for co-financing, to be agreed upon with the Commission. It is however, proposed that the Commission may earmark 10 % of the available funding for innovative or cross-border projects with a view to promoting the exchange of experience and cooperation at EU level. The level of funding provided in the case of these projects may be up to 100 %.

## 2. Appraisal of the Proposal for a Decision

### 2.1. Basic assessment

The ESC welcomes the Proposal for a Council Decision.

As the ESC made clear in its opinion of 21 October 1999 on the Proposal for a Council Decision establishing a Community Action Programme to promote the integration of refugees<sup>(1)</sup>, 'since the issues of migration and integration will remain of considerable importance for the EU and its Member States in the future, the ESC ... will work for adequate funding for European assistance instruments.'

The future European Refugee Fund will be an essential instrument for a coherent response to the challenges facing the EU and its Member States with regard to the reception, integration and voluntary repatriation of refugees and displaced persons.

The ESC also welcomes the Commission's proposal that a separate budget heading be created in the ERF for emergency measures.

### 2.2. Bringing the aid on stream

The ESC calls for the Proposal for a Decision to be adopted swiftly in order to ensure continuity vis-à-vis the current measures financed under the budget headings for integration and aid in respect of reception conditions and voluntary repatriation. A lack of continuity in this important field could nullify the positive initial steps represented by the projects promoted by the EU and the establishment of networks and cooperation for the benefit of refugees.

### 2.3. Funding

The proposed funding for the ERF does not match the actual needs. As the Commission notes in the Financial Statement attached to the Proposal for a Decision, the funding allocated up until now 'fell far short of what was needed on the ground'.

If the ERF is to live up to the claim that it will help to bring about a balanced distribution of responsibility between the Member States, the planned funding of EUR 26 m. for structural measures and EUR 10 m. for emergency measures is far too little. The ESC therefore calls on the responsible parties to press for provision of adequate funding.

### 2.4. Target groups to benefit from measures financed by the ERF (Article 2)

The definitions of the target groups set out in the Commission's proposal fall short of the definitions given in earlier proposals. In the Committee's view, some points require more precise wording and appropriate adjustment.

The proposal for a Decision refers to the following target groups to benefit from measures financed by the ERF: 'refugees' (persons entitled to asylum and asylum-seekers) and 'displaced persons' (benefiting from temporary protection arrangements) (Article 2). In the case of both groups the persons concerned are 'any third-country nationals or stateless persons'.

The definition of the residential status of the respective target groups is particularly important in the light of the various forms of protection applicable to refugees, asylum-seekers and displaced persons in the different EU Member States.

The ESC therefore takes the view that the Proposal for a Decision should be based on a broad definition which also embraces, as target groups eligible for ERF-funded measures, persons covered by additional forms of protection, such as the so called 'de facto' refugees who are not covered by the Geneva Convention or the term 'displaced person'.

Such a definition would be in line with the Joint Actions adopted hitherto by the Council.

The provision whereby beneficiaries have to be third-country nationals should be dropped so as not to exclude, as a matter of principle, asylum-seekers from other EU Member States from benefiting from the provisions of the ERF, despite the fact that only a small number of individual cases would be involved.

### 2.5. Tasks (Article 3)

As regards the measures for the reception of refugees the Proposal for a Decision falls short of the provisions set out in the Joint Action 1999/290/JHA of 26 April 1999 on the reception and voluntary repatriation of refugees and asylum-seekers.

<sup>(1)</sup> See OJ C 368, 20.12.1999.

The Proposal makes no explicit reference to measures as regards advice on asylum procedures, legal advice, the facilitation of access to legal procedures and legal aid. No mention is made either of support for persons in special need of protection. More specific provisions should, in the ESC's view, be set out in this context.

As regards measures for integrating refugees there are discrepancies between Article 3 and the Explanatory Memorandum and the Financial Statement. In the ESC's view, appropriate consideration should be given to the role of employment, education and training. Support should also be provided for action to facilitate the reunification of families, the payment of transport costs for impecunious refugees, family advisory and support structures for families whose members have long been separated from each other.

The Proposal for a Decision fails to make provision for measures for informing and educating the public, as set out in the Joint Action 1999/290/JHA. In view of the importance of such action for stimulating general awareness and eliminating prejudice, the ESC recommends that appropriate measures be included in the Proposal.

#### 2.6. *Community actions (Article 4)*

It is proposed that the Commission shall have the discretion to use 10 % of the funding for promoting cooperation at EU level.

The ESC welcomes the proposal that the Commission be able to set aside funding for innovative cross-border projects.

In the ESC's view, however, funding for trans-national cooperation, and cross-border exchange of information and transfer of expertise, should not be tied to the 10 % of funding set aside for measures at EU level.

It would, in the Committee's opinion, be a welcome development if, when selecting the projects for which applications are to be submitted and when drawing up national applications for co-financing, Member States would include and support trans-national measures, so that the EU-wide and trans-national experience of recent years is not lost as a result of the introduction of new administrative procedures.

Trans-national cooperation, involving the transfer of experience and information on successful models, can make an important contribution, particularly with regard to structural assistance in Member States which have hitherto implemented only small-scale reception-facility and integration schemes for refugees and displaced persons.

#### 2.7. *Selection criteria (Article 8) and the establishment of the proposed Committee of representatives of Member States (Article 19)*

Under Article 8 of the Proposal, the eligible organisations are to include NGOs and the social partners. Both of these parties have been playing a key role in the development and implementation of projects for many years.

Measures should therefore be taken to ensure that funding is not allocated exclusively to state bodies. The best way to achieve this is by issuing an invitation to submit proposals which would be open to all interested bodies.

Proper attention should be paid to NGOs and the social partners both at national level and by the European Commission, through the intermediary of the proposed committee (Article 19). NGOs, refugee organisations and the social partners could be given observer status at the meetings of the proposed committee. Provision should also be made for participation by the UNHCR.

In its opinion on the Proposal for a Council Decision establishing a Community action programme to promote the integration of refugees, dated 20 October 1999, the ESC pointed out that: 'As the integration of refugees is in many states achieved via programmes and initiatives of non-governmental organisations, these should where possible be explicitly mentioned here' (point 2.5.1 of the opinion); the recommendation that explicit mention be made of these organisations also applies to the draft decision under review.

#### 2.8. *Distribution of resources (Article 9)*

The Commission proposes that 65 % of funds be allocated on the basis of the number of asylum-seekers and 35 % on the basis of the number of persons granted refugee status or temporary protection.

It may be assumed that, under the proposed arrangements, a substantial part of the available resources will be allocated to states which already have complex reception and integration facilities for refugees and displaced persons and that those Member States which have less experience in this respect will receive a substantially smaller allocation from the ERF.

Such arrangements would negate the Article 11 provisions in respect of Member States receiving funding from the Cohesion Fund; they would also run counter to the aim, set out in the Explanatory Memorandum, 'that [encouragement be given] to those Member States with the least-developed infrastructure and services for asylum and refugees to make good the disparities in this area'.

The ESC therefore believes that the proposed distribution arrangements should be supplemented by a procedure under which the Commission would decide on the distribution of resources on the basis of the needs of the Member States and the quality of the applications submitted. It is also proposed, in this context, that a minimum amount of funding be made available to Member States catering for small numbers of refugees, irrespective of the quota arrangements.

### 2.9. Timetable (Article 10)

It is proposed that the decision should be in force for a period of five years.

Decisions on the amounts allocated under the budget and the proportions of overall funding to be allocated to the individual Member States are, however, to be taken on an annual basis, with the result that the Member State will not be in a position to make financial commitments in respect of multi-year projects.

Experience in recent years has demonstrated that projects that run for only one year are not very effective. Multi-year projects should therefore always be supported as a matter of principle.

The ESC therefore calls for the ERF to give priority to multi-year projects, with funding being granted on an annual basis.

### 2.10. Financing structure (Article 11)

The provision in the Proposal for a Decision whereby contributions from the ERF shall not exceed 50 % or, in specified cases, 75 % of the total cost of a given measure serves only to restrict the sum allocated by the Commission to national measures. Attention is drawn to the fact that, particularly in the case of measures implemented by NGOs and the social partners, overall public aid can amount to 100 % of the cost of the measure if the requisite co-financing is provided by the Member States.

### 2.11. Monitoring and evaluation (Article 18)

Under the Proposal for a Decision, the responsible authorities in the Member States are to send annual reports to the Commission and a mid-term report is to be drawn up by 31 December 2002. The new implementing procedures, together with the funding provisions still operational with effect from 2001 should, in the ESC's view, be reviewed by the Commission already in 2001, on the basis of the annual reports and an audit of the new system. Such an evaluation should embrace the distribution of funding, the implementation of national action plans and progress towards 'a balance of effort between the Member States', which the ERF is intended to achieve.

### 2.12. Distribution of resources/Financial Statement, Article 2

The ESC welcomes the provisional breakdown of funding for the three individual action areas (reception: 36 %; integration: 36 %; voluntary repatriation: 18 %); the ESC calls upon the Member States to gear their measures to this proposed

breakdown of allocations. In the ESC's view, the previous level of support should be continued, particularly in the case of integration projects.

### Specific observations

### 3. Proposals for amending and supplementing the proposals put forward by the Commission

#### 3.1. Article 2

For the purposes of this Decision, the target groups shall comprise the following categories:

- 1) 'refugees', meaning any third-country nationals or stateless persons having the status defined by the Geneva Convention of 28 July 1951 relating to the Status of Refugees and permitted to reside as refugees in one of the Member States;
- 2) 'displaced persons', meaning any third-country nationals or stateless persons benefiting in a Member State from temporary protection arrangements, supplementary protection arrangements or another form of international protection granted by a Member State;
- 3) 'asylum-seekers' meaning any third-country nationals or stateless persons who have applied to be given the status of a refugee or displaced person, as defined under 1) and 2) above;
- 4) 'refused asylum-seekers' meaning any third country nationals or stateless persons whose application to be granted the status of a refugee or displaced person, as defined in 1) and 2) above, has been rejected but who are, at the same time, not residing illegally in the Member State concerned;
- 5) third-country nationals or stateless persons who no longer require international protection and are eligible for voluntary repatriation.

#### 3.2. Article 3(2)

Amend to read as follows:

2. 'With regard to the conditions for reception of refugees and displaced persons and procedures, the actions may concern the following: the establishment or improvement of infrastructure, the provision of basic care, the improvement of administrative and legal asylum procedures (including the provision of advisory services, which may also include legal advice), special support for categories of persons in need of protection (such as unaccompanied minors, victims of violations of human rights, such as humiliating treatment, torture or rape and persons requiring special medical treatment), general education and vocational training, material aid and social services.'

## 3.3. Article 3(3)

3. 'As regards integration into the society of the Member State of residence of refugees and displaced persons, who are entitled to benefit from integration on the grounds of their status or following a certain period of residence, and members of their family, actions may be to provide social assistance in areas such as housing, means of subsistence and healthcare and measures to facilitate the reunification of families. Special support should be provided in the case of measures in the field of general education and vocational training and all measures for bringing about rapid and lasting integration into the labour market. In the interests of integration, preference should be given to measures which enable refugees to provide for themselves and lead a self-responsible life in the society of the Member State concerned.'

## 3.4. Article 3(5) (new)

5. 'In connection with the concrete programmes and measures financed under the ERF, a set percentage of the aid shall be earmarked for informing the public on obligations of the member States towards persons seeking international protection and on EU refugee policy.'

## 3.5. Article 7(1)(e) (new)

'Planned trans-national cooperation in connection with the measures.'

## 3.6. Article 8(a) (re-numbering of existing second paragraph of Article 8)

Amend to read as follows:

'Following a call for proposals, which shall be open to all project sponsors concerned, actions shall be presented by public authorities (national, regional or local, central or devolved), education or research institutions, training establishments, the social partners, government agencies, international organisations and their national bodies, or non-governmental organisations, operating individually or in partnerships, with a view to obtaining funding from the Fund.'

Final paragraph:

'Add the following at the end of this paragraph:'

## 3.7. Article 8(b) (new) Trans-national measures

'Trans-national measures are of special importance, particularly with regard to the exchange of experience and transfer of know-how with a view to promoting structural development. It is therefore proposed, that, where advisable, national project-sponsors make provision for trans-national cooperation in connection with national measures.'

## 3.8. Article 9

Amend to read as follows:

'When the available resources are being distributed between the Member States, a set basic amount shall be made available to states having less-developed asylum systems with a view to promoting structural development.'

The remaining resources shall be distributed between the Member States as follows:

- a) 65 % in proportion to the average number of persons having applied for a form of international protection registered over the previous three years; and
- b) 35 % in proportion to the number of persons granted refugee status or temporary protection over the previous three years.

The reference figures shall be the most recent figures established by the Statistical Office of the European Communities.

The Commission shall decide on the allocation of resources in the light of the quality of the applications received from the Member States, the needs of the respective Member States and the relevance of the actions proposed to the current guidelines.

The Commission shall take into account the need to promote effective asylum reception and integration work in Member States where this has been less-developed in the past.'

## 3.9. Article 11

Add the following at the end of this article:

'In cases where the requisite co-funding is provided by national bodies, total public funding may amount to 100 % of the cost of the measure, particularly in the case of actions carried out by NGOs and the social partners.'

3.10. *Article 18*

Amend to read as follows:

'3. The Commission shall submit to the European Parliament and the Council the annual reports of the Member States and, by 31 December 2002 at the latest, a mid-term report and, by 1 June 2005 at the latest, a final report.

The Commission shall also submit an appraisal to the European Parliament and the Council, by 31 March 2001, indicating the extent to which the new operating procedures and their

implementation by the Member States are meeting the objectives of the European Refugee Fund.'

3.11. *Article 19*

Add the following at the end of this article:

'Non-governmental organisations, refugee organisations and the social partners shall be involved in the work of this committee, as observers. Insofar as the ESC cannot be represented on the committee for reasons of comitology, it shall be consulted by this committee.'

Brussels, 27 April 2000.

*The President*

*of the Economic and Social Committee*

Beatrice RANGONI MACHIAVELLI

**Opinion of the Economic and Social Committee on the 'Proposal for a recommendation of the European Parliament and of the Council on mobility within the Community for students, persons undergoing training, young volunteers, teachers and trainers'**

(2000/C 168/08)

On 29 February 2000, the Council decided to consult the Economic and Social Committee, under Articles 149 and 150 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 11 April. The rapporteur was Mrs Hornung-Draus.

At its 372nd plenary session (meeting of 27 April 2000) the Economic and Social Committee adopted the following opinion with 111 votes in favour and five abstentions.

## 1. Introduction

1.1. European citizenship means that under Article 18 of the EC Treaty, every national of a Member State has the right to move and reside freely in all the Member States. Nonetheless, this fundamental right of the individual is restricted by a series of disadvantages and difficulties which hamper the mobility of people seeking access to training and education beyond the borders of their home countries.

1.2. Freedom of movement applies to employees and self-employed workers and therefore also to teachers and trainers. However, this freedom must also apply to those people wishing to start or continue studies or training, or undertake voluntary work — not necessarily for professional purposes

— outside their own country and within the EU. If they decide to go to another EU country, whether this is in the context of a Community programme or not, the Community as a whole should make an effort to remove all administrative obstacles which might lie in their way.

The ESC therefore wholeheartedly welcomes the objectives of this recommendation. It sends out the right signals to the people of Europe at a time when enlargement of the European Union is about to take place and when the EU — as decided at the special summit meeting in Lisbon<sup>(1)</sup> — is preparing itself for the transition to the information and knowledge society so as to be able to cope with the demands of the globalisation of the economy.

<sup>(1)</sup> OJ C 117 of 26.4.2000.