

III

(Preparatory acts)

COMMITTEE OF THE REGIONS

96TH PLENARY SESSION HELD ON 18 AND 19 JULY 2012

Opinion of the Committee of the Regions on 'EU financial instruments in home affairs'

(2012/C 277/05)

THE COMMITTEE OF THE REGIONS

- welcomes the step to achieve a genuine area of freedom, security and justice through budgetary proposals recognising the importance of providing the necessary resources for the immigration, asylum and security budget;
- affirms the importance of the proposed changes for Local and Regional Authorities (LRA), having a direct impact on their duties and on the everyday life of people living in the European Union;
- stresses the importance of responding to security concerns, arising from an increased global mobility, within the context of the universal protection of fundamental rights and freedoms;
- welcomes the focus on flexibility and achieving results, highlighting that this requires good planning as well as participation and ownership and by all stakeholders. Therefore stresses the need to involve LRAs as well as other stakeholders such as specialised international organisations, civil society and the beneficiaries themselves from the planning stage, since they often implement the programmes and projects;
- believes that access to funding is vastly improved through the proposed reforms. However, it encourages further development of mechanisms to distribute information on funding opportunities. In larger countries, LRAs could be used to organise regional and local consultations to allow participation of those organisations and stakeholders which operate further away from the main cities.

| | |
|----------------------------|---|
| Rapporteur | Samuel AZZOPARDI (MT/EPP) Mayor of Victoria, Gozo |
| Reference documents | <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Building an open and secure Europe: the home affairs budget for 2014-2020</p> <p>COM(2011) 749 final</p> <p>Proposal for a Regulation of the European Parliament and of the Council – establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa</p> <p>COM(2011) 750 final</p> <p>Proposal for a Regulation of the European Parliament and of the Council – establishing the Asylum and Migration Fund</p> <p>COM(2011) 751 final</p> <p>Proposal for a Regulation of the European Parliament and of the Council – laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management</p> <p>COM(2011) 752 final</p> <p>Proposal for a Regulation of the European Parliament and of the Council – establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management</p> <p>COM(2011) 753 final</p> |

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General assessment

1. welcomes the step to achieve a genuine area of freedom, security and justice through budgetary proposals recognising the importance of providing the necessary resources for the immigration, asylum and security budget ⁽¹⁾;

2. supports the simplification of the existing instruments, merging them into 2 funds;

3. affirms the importance of the proposed changes for Local and Regional Authorities (LRA), having a direct impact on their duties and on the everyday life of people living in the European Union;

4. stresses the importance of responding to security concerns, arising from an increased global mobility, within the context of the universal protection of fundamental rights and freedoms;

5. underlines that this can be achieved through the implementation of coherent instruments in the field of freedom,

security and justice based on respect for human rights, solidarity and responsibility with particular attention given to gender equality and non-discrimination ⁽²⁾;

6. believes that a balance is needed between the security and border related parts of the expenditure, and expenditure in areas such as integration of migrants and reception conditions for asylum seekers;

7. supports the creation of a needs-based budget that helps to develop synergies between EU financial instruments, notably between the structural funds and funds in the area of home affairs. The Union budget should attribute adequate resources to the area of home affairs, both through the structural funds and through specialised instruments within the area of freedom, security and justice;

8. points out that the repeal of Council Decision 2007/125/JHA, which takes away the possibility of making complementary use of other Union and Community instruments, significantly restricts the desired flexibility in the use of financial instruments and threatens the seamless continuation of cross-border regional projects in the field of internal security that have previously been funded via ERDF-based objective 3 support; therefore advocates retaining complementarity between Community instruments;

⁽¹⁾ CdR 201/2009, point 1.

⁽²⁾ CdR 201/2009, points 8 and 9.

9. points out that a certain degree of flexibility is needed in the operation of the budget and financial instruments, making a genuine midterm revision possible in accordance with the political priorities identified, whilst stressing that such flexibility must be developed to co-exist with the fair allocation of resources;

10. welcomes an immigration policy starting in countries of origin and taking account of European labour market needs and demographic change, leading to a system which is beneficial to all parties, including countries of origin so often benefiting from remittances from the EU ⁽³⁾;

11. emphasises the necessity for strong cooperation at EU level to achieve better coordination between Member States on managing the Union's external borders, as well as moving towards a Common European Asylum System;

12. stresses the need for transparency in the use of the budget with proposals, projects and results achieved visible and easily accessible to and understandable for the ordinary citizen;

On the programming and managing of Funds

13. welcomes the focus on flexibility and achieving results, highlighting that this requires good planning as well as participation and ownership and by all stakeholders. Therefore stresses the need to involve LRAs as well as other stakeholders such as specialised international organisations, civil society and the beneficiaries themselves from the planning stage, since they often implement the programmes and projects;

14. highlights the need for independent monitoring and evaluation to ensure efficient use of funds and strong management by implementing organisations. This may be an incentive for improving institutional performance. Qualitative as well as quantitative indicators must be selected in a participatory way by all stakeholders. The Committee points out that certain qualitative indicators can be efficient and cost effective. The Committee also calls for a strengthened European Commission and Parliament oversight of the Funds to help bring about the independent element of monitoring and evaluation;

Access to funding

15. believes that access to funding is vastly improved through the proposed reforms. However, it encourages further development of mechanisms to distribute information on funding opportunities. In larger countries, LRAs could be used to organise regional and local consultations to allow participation of those organisations and stakeholders which operate further away from the main cities;

Allocation of resources

16. points out that with the positive aspects of simplification and flexibility, the proposed reforms also bring uncertainty regarding allocation of resources between different sectors and thematic issues. It therefore stresses the importance for funds to be allocated on a needs-basis through a thorough needs-analysis with prioritisation following a rights-based approach. This can be achieved through mechanisms and safeguards put in place to ensure efficient prioritisation, including LRA and other stakeholders' participation when drawing up national strategies;

17. highlights the need to distribute funds evenly according to institutional capacity and project proposals and not to focus the funds on just a few recipients;

18. in case of insufficient funds, believes that funds aimed at protecting people's fundamental rights and freedoms, including those dealing with basic living standards, gender specific issues and the right to asylum, should be prioritised, together with resources for capacity building of LRAs to manage migration flows;

Obligation of stakeholder participation

19. stresses the importance of a participatory approach in achieving effective results, and supports proposals that oblige the Member States to organise partnerships with all public authorities concerned and with relevant stakeholders, including civil society and international organisations, for the development, implementation and monitoring of the national programmes;

20. therefore it urges that partnership of stakeholders is strengthened and made mandatory. It points out that currently, the principle in the Draft Regulation laying down the general provisions ⁽⁴⁾ might not bring about participation in a sufficiently binding manner. Whilst coordination mechanisms are bound, in other areas there is a lot of discretion as to whether a meaningful partnership will actually take place or not;

21. suggests that it may not be appropriate to nominate a single Responsible Authority for all actions supported by the funds, despite the simplification that this may bring with it. Transparency and the checks and balances must be in place to ensure fairness in decisions. It is concerned that there may be legal issues that do not allow a delegated authority to work under the supervision of the national Responsible Authority and therefore suggests that regulations should be flexible enough to cater for all national rules in place in the EU and must not force the Member States to change their constitutional structures if the objectives can just as well be achieved in a partnership approach;

⁽³⁾ CdR 170/2010, point 43.

⁽⁴⁾ COM(2011) 752 final.

Common European Asylum System

22. welcomes steps towards a 'Common European Asylum System' whilst stressing that it must aim to achieve the standards of those with better systems and structures and not lead to a general reduction in quality in line with those with less strong systems;

23. would like to see greater clarity as to whether EASO will only use the funds directly allocated to it or whether it will also be able to access the Home Affairs Funds;

Reception and integration of persons with international protection and third-country nationals

24. notes with approval the acknowledgment of the importance of LRAs in the reception and asylum systems as well as in the integration of third-country nationals and legal migrants;

25. praises the idea of focusing on the most vulnerable, including victims of trafficking;

26. highlights that integration must focus on long-term sustainable actions, keeping in mind that integration is a two-way process where actions can be targeted towards host and migrant communities;

27. suggests that the Home Affairs Funds should also support actions recommended by the European Commission, recognising the multilevel governance approach in the 2nd European Agenda for Integration ⁽⁵⁾;

28. points out that administrative detention practices around the EU have been under scrutiny by the ECHR and human rights authorities and stresses that funding of projects linked to detaining people must ensure that such detention is in line with EU law and ECHR decisions;

29. stresses that family members benefitting from international protection in different Member States should be allowed to live together and benefit from protection in the same Member State;

Responsibility sharing and intra-EU relocation

30. emphasises that Europe's border regions must receive more adequate support with regards to asylum and migration, especially in times of particular difficulty ⁽⁶⁾;

31. stresses that criteria and mechanisms for relocation must be of a non-discriminatory nature and focus on the most vulnerable, whilst also keeping in mind EU labour market

considerations, particularly for persons currently stuck in areas where access to the labour market is limited. They should not focus on prioritising those highly skilled and already integrated into the host society;

32. points out that LRAs are in good position to participate in establishing such mechanisms ⁽⁷⁾;

33. is of the view that solidarity in supporting burdened countries should be conditional on human rights records and respect for EU reception standards, thus providing incentives for improvement;

EU resettlement programme

34. welcomes the establishing of an EU resettlement programme and encourages the creation of a clear framework to be developed by a partnership between EASO, UNHCR and NGOs, keeping in mind the best practices in other parts of the world. The EU should lead by example, seeking to identify and provide protection to those most forgotten by the international community;

35. highlights the need for incentives and information on benefits to increase the number of places pledged by Member States for resettlement;

36. stresses the need to maintain a clear distinction between resettlement from third countries and intra-EU relocation, as well as the number of persons allocated for these two programmes;

Assisted voluntary return

37. reaffirms that programmes should, as a matter of principle, be operated on a purely voluntary basis and in line with the goals of development cooperation, resulting in the long-term social integration of the people concerned ⁽⁸⁾. Return must be viable and ensure that no new migration project is initiated ⁽⁹⁾. This could be achieved through partnerships with a specialised international organisation such as IOM;

38. points out that successful return strategies cannot be sufficiently measured with the purely quantitative indicator of the number of returnees. The indicator could be chosen as the number of returnees in relation to the number of cases and taking into account long-term quality factors;

Internal security strategy

39. highlights its own indispensable involvement in the process of improving Europe's internal security together with the need for capacity building of LRAs;

⁽⁵⁾ Commission Communication: European Agenda for the integration of third-country nationals – COM(2011) 455 final.

⁽⁶⁾ CdR 170/2010, point 41 and 42.

⁽⁷⁾ CdR 201/2009, point 92.

⁽⁸⁾ CdR 170/2010, point 48.

⁽⁹⁾ CdR 201/2009, point 87.

40. stresses that ISF funding must keep in mind the necessity to invest in further research and to carry out innovations and sharing of expertise in fields such as cyber security, forensics, the protection of vital infrastructure and urban security and that the European Commission promotes this in line with the increased need to address ever more specific and complex problems;

41. reaffirms the importance of LRA involvement for police and security cooperation which can occur through training, sharing of best practices and prevention programmes as well as through the development of common tools and IT systems as well as better communication;

Fight against terrorism and organised crime

42. recommends that current local and regional authority networks are strengthened and used in each Member State, or if the need arises new ones are set up, to facilitate the exchange of good practice in relation to social integration, professional learning and understanding of violent extremism growing out of local districts and neighbourhoods. This could support the work undertaken through the recently created European anti-radicalisation network;

43. suggests that funding under the ISF includes public consultation at a local level in Member States and reaching out to those who feel disconnected from society. This can help to establish a multifaceted understanding of local experiences and concepts of terrorism and motivations towards extremism;

44. highlights the importance of increased scrutiny of bank and business practices to identify and target the finances of terrorism and organised crime through money laundering and coupling of criminal activities with businesses with a legitimate aim;

45. equally recalls the importance of the confiscation of criminal assets, which is indubitably an important avenue for combating any kind of crime right across the board, and therefore welcomes the fact that the European Commission has proposed legislation to strengthen the EU legal framework on confiscation⁽¹⁰⁾;

46. points out that whilst public-private partnerships could have positive impacts, privatisation of security should be avoided;

Border Control and Rescue

47. emphasises the need to fund border control adequately⁽¹¹⁾. Simultaneously considers that, in view of tackling irregular migration, it is questionable whether

investing heavily on border control is the most effective and efficient way to bring about long term and meaningful change;

48. highlights the need for independent monitoring of border actions by an organisation such as UNHCR to ensure that fundamental human rights, including gender sensitivity, are being respected;

49. stresses that consideration for human lives should take precedence over all other issues and calls for more collaboration and sharing of responsibilities amongst Member States of rescued people to provide incentives to rescue. It feels that automatic responsibility sharing could help save more lives at sea;

Responding to emergencies

50. welcomes changes aimed at increasing the speed of response to emergency situations;

51. urges the Commission to commit itself to the planning and development of cross-border operations that involve the active participation of border regions. This would enable regions to pool their experience in civil protection and provide a solid operational base on which to build a European emergency response force;

52. calls on the Commission to take on a role of increased direct management in emergency situations to maintain a level of over-sight and help with cross-border coordination;

53. encourages Member States to set up multi-disciplinary teams for rapid emergency response, especially when the emergency situation has elements such as mixed flows of migration where expertise in asylum law and human rights are essential;

54. points out that some emergencies may be longer term situations and that funds for emergencies must be available as long as the emergency lasts;

External aspects of migration management

55. welcomes a more coherent approach to the internal and external aspects of migration management and internal security, pointing out that cooperation and dialogue with third countries are necessary to both deal with irregular immigration and focus on legal migration;

56. points out that local and regional authorities that are closest to or have the strongest links with third countries can provide the vital links for EU cooperation with those countries,

⁽¹⁰⁾ COM(2012) 85 final.

⁽¹¹⁾ CdR 210/2008, point 30.

making a substantial contribution to improving relations and living conditions in cities and regions of origin and transit ⁽¹²⁾. Through its cooperation with local and regional authorities in enlargement and neighbourhood countries (e.g. Working Groups and Joint Consultative Committees, CORLEAP, ARLEM), the CoR is well placed to promote the objectives of the funds beyond the EU borders;

57. does not see a clear line between development and non-development activities with regards to third countries and calls

for coherence and coordination between aid and development funded projects and home affairs projects, driven through a spirit of solidarity and responsibility sharing with third countries;

58. calls for safeguards to prevent Members States from pursuing their own national interests through the external aspect of the Home Affairs Funds as well as for mechanisms to ensure transparency in bilateral cooperation between Member States and third countries.

II. RECOMMENDATIONS FOR AMENDMENTS

COM(2011) 750 final

Regulation on establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa

Amendment 1

Article 3

Amend paragraph 2(b)

| Text proposed by the Commission | CoR amendment |
|---|--|
| <p>(b) supporting borders management, to ensure, on one hand, a high level of protection of external borders and, on the other hand, the smooth crossing of the external borders in conformity with the Schengen acquis</p> <p>The achievement of this objective shall be measured against indicators such as, <i>inter alia</i>, the development of equipment for border control and the apprehensions of irregular third-country nationals at the external border in correspondence with the risk of the relevant section of the external border.</p> | <p>(b) supporting borders management, to ensure, on one hand, a high level of protection of external borders and, on the other hand, the smooth crossing of the external borders in conformity with the Schengen acquis</p> <p>The achievement of this objective shall be measured against indicators such as, <i>inter alia</i>, the development of equipment for border control and the apprehensions of irregular third-country nationals at the external border in correspondence with the risk of the relevant section of the external border <u>and the training of border control authorities on human rights, with particular focus on the right to asylum.</u></p> |

Reason

See point 5. Those dealing with mixed flows of migration need a level of knowledge of the right to asylum in order to fulfil this right.

Amendment 2

Article 3

Insert paragraph 2(c)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|--|
| | <p>(c) <u>ensuring protection of human lives at the EU external borders.</u></p> |

Reason

See point 48.

⁽¹²⁾ CdR 201/2009, points 76 and 77.

Amendment 3

Article 3

Amend paragraph 3(f)

| Text proposed by the Commission | CoR amendment |
|---|--|
| (f) reinforcing the co-operation between Member States operating in third countries as regards the flows of third-country nationals into the territory of Member States, as well as the co-operation with third countries in this regard. | (f) reinforcing the co-operation between Member States, <u>including their local and regional authorities</u> , operating in third countries as regards the flows of third-country nationals into the territory of Member States, as well as the co-operation with third countries in this regard. |

Reason

See point 55.

Amendment 4

Article 3

Insert paragraph 3(g)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | (g) <u>ensuring independent monitoring of external border actions dealing with mixed migration flows to ensure the respect of the right to access asylum.</u> |

Reason

See point 47.

Amendment 5

Article 4

Insert paragraph 1(f)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | (f) <u>initiatives for responsibility sharing by Member States of persons in need of rescue at and around external borders;</u> |

Reason

See point 48.

Amendment 6

Article 4

Insert paragraph 1(g)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | (g) <u>initiatives for independent monitoring of the respect of the right to asylum for those wishing to apply at external borders;</u> |

Reason

See points 47 and 48.

Amendment 7

Article 4

Insert paragraph 1(h)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|--|
| | (h) <u>capacity building of external border authorities on general human rights, detecting victims of human trafficking, gender sensitivity and the right to asylum.</u> |

Reason

See point 5.

Amendment 8

Article 9

Amend paragraph 2(b)

| Text proposed by the Commission | CoR amendment |
|--|---|
| (b) supporting and expanding the existing capacity at national level in the management of the external borders, bearing in mind inter alia new technology, developments and/or standards in relation to the management of migration flows; | (b) supporting and expanding the existing capacity at national level in the management of the external borders, bearing in mind inter alia new technology, developments and/or standards in relation to the management of migration flows <u>with particular attention given to the right to asylum, detecting victims of human trafficking and gender sensitivity;</u> |

Reason

See point 5.

Amendment 9

Article 13

Amend paragraph 2(g)

| Text proposed by the Commission | CoR amendment |
|---|--|
| (g) to boost the capacity of European networks to promote, support and further develop Union policies and objectives; | (g) to boost the capacity of European networks, <u>including those at local and regional level,</u> to promote, support and further develop Union policies and objectives; |

Reason

See Points 3 and 55.

COM(2011) 751 final

Regulation on establishing the Asylum and Migration Fund**Amendment 1**

Article 3

Amend paragraph 2(c)

| Text proposed by the Commission | CoR amendment |
|--|--|
| (c) to enhance fair and effective return strategies in the Member States with emphasis on sustainability of return and effective readmission in the countries of origin; | (c) to enhance fair and effective return strategies in the Member States with emphasis on sustainability of return and effective readmission in the countries of origin; |

| Text proposed by the Commission | CoR amendment |
|---|---|
| The achievement of this objective shall be measured by indicators, <i>inter alia</i> , the number of returnees. | The achievement of this objective shall be measured by indicators, <i>inter alia</i> , the number of returnees <u>in relation to the number of cases and taking into account long-term quality factors.</u> |

Reason

See point 37.

Amendment 2

Article 5

Amend paragraph 1(e)

| Text proposed by the Commission | CoR amendment |
|--|--|
| (e) information for local communities as well as training for the staff of local authorities, who will be interacting with those being received; | (e) information for local communities and regional authorities as well as training for the staff of local and regional authorities and civil society, who will be interacting with those being received; |

Reason

Civil society actors often implement integration projects.

Amendment 3

Article 5

Insert paragraph 1 (g)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | (g) <u>Assistance in view of intra-EU family reunification for persons with international protection.</u> |

Reason

See point 28.

Amendment 4

Article 6

Amend paragraph (b)

| Text proposed by the Commission | CoR amendment |
|---|---|
| (b) actions directly contributing to the evaluation of asylum policies, such as national impact assessments, surveys amongst target groups, the development of indicators and benchmarking. | (b) actions directly contributing to the evaluation of asylum policies, such as national impact assessments, surveys amongst target groups <u>and other relevant stakeholders</u> , the development of indicators and benchmarking. |

Reason

See point 13.

Amendment 5

Article 7

Insert paragraph (h)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|--|
| | <u>Establishing criteria for relocation that focus on the most vulnerable and in need of support, and in line with principles of non-discrimination.</u> |

Reason

See point 30.

Amendment 6

Article 8

Amend paragraph (a)

| Text proposed by the Commission | CoR amendment |
|--|--|
| (a) information packages and awareness-raising campaigns, including via user friendly communication and information technology and websites; | (a) information packages, and awareness-raising campaigns <u>and host-population sensitisation</u> , including via user friendly communication and information technology and websites; |

Reason

See point 25.

Amendment 7

Article 9

Amend paragraph 1

| Text proposed by the Commission | CoR amendment |
|---|--|
| 1. Within the specific objective defined in point (b) of Article 3(2), eligible actions shall take place in the framework of consistent strategies, implemented by non-governmental organisations, local and/or regional authorities and specifically designed for the integration, at the local and/or regional level, as appropriate, of persons referred to in points (a) to (g) of Article 4(1). In this context, eligible actions shall in particular include the following: | 1. Within the specific objective defined in point (b) of Article 3(2), eligible actions shall take place in the framework of consistent <u>sustainable strategies with a focus on long-term benefits</u> , implemented by non-governmental organisations, local and/or regional authorities and specifically designed for the integration, at the local and/or regional level, as appropriate, of persons referred to in points (a) to (g) of Article 4(1). In this context, eligible actions shall in particular include the following: |

Reason

See point 25.

Amendment 8

Article 9

Amend paragraph 1(a)

| Text proposed by the Commission | CoR amendment |
|--|--|
| (a) setting up and developing such integration strategies, including needs analysis, the improvement of indicators and evaluation; | (a) setting up and developing such integration strategies <u>with the involvement of local and regional actors</u> , including needs analysis, the improvement of indicators and <u>evaluation and reinforcement of consultative processes with strategic meetings with the Committee of the Regions</u> ; |

Reason

See points 18 and 23.

Amendment 9

Article 9

Insert paragraph 1(i)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | (i) <u>'territorial pacts' between relevant stakeholders at different levels.</u> |

Reason

See point 26.

Amendment 10

Article 9

Insert paragraph 1(j)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | (j) <u>the development of a flexible European toolbox with 'European modules' to support national and local policies and practices.</u> |

Reason

See point 26.

Amendment 11

Article 10

Insert paragraph (f)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|--|
| | (f) <u>building strategies and capacity for raising awareness in countries of origin and transit on the dangers of irregular migration paths and the difficulties faced by irregular migrants in Europe.</u> |

Reason

See points 46 and 54.

Amendment 12

Article 11

Amend paragraph (a)

| Text proposed by the Commission | CoR amendment |
|--|--|
| (a) establishment and improvement of accommodation infrastructure or services and reception or detention conditions; | (a) establishment and improvement of accommodation infrastructure or services and reception or detention conditions, <u>ensuring that such detention practices are in line with EU law and European Court of Human Rights decisions;</u> |

Reason

See point 27.

Amendment 13

Article 12

Amend paragraph (b)

| Text proposed by the Commission | CoR amendment |
|---|---|
| (b) assisted voluntary return measures, including medical examinations and assistance, travel arrangements, financial contributions, pre- and post-return counselling and assistance; | (b) assisted voluntary return measures, including medical examinations and assistance, travel arrangements, financial contributions, pre- and post-return counselling and assistance <u>as well as long-term monitoring</u> ; |

Reason

See points 36 and 37.

Amendment 14

Article 13

Amend paragraph (a)

| Text proposed by the Commission | CoR amendment |
|--|--|
| (a) actions to promote and reinforce the operational cooperation between the return services of Member States, including as regards cooperation with consular authorities and immigration services of third countries; | (a) actions to promote and reinforce the operational cooperation between the return services of Member States, including as regards cooperation with consular authorities and immigration services of third countries <u>as well as relevant international organisations</u> ; |

Reason

See point 36.

Amendment 15

Article 17

Amend paragraph 4

| Text proposed by the Commission | CoR amendment |
|--|---|
| <p>4. The following vulnerable groups of refugees shall in any event be included in the common Union resettlement priorities and qualify for the lump sum provided for in paragraph 2:</p> <ul style="list-style-type: none"> — women and children at risk, — unaccompanied minors, — persons having medical needs that can be addressed only through resettlement, — persons in need of emergency resettlement or urgent resettlement for legal or physical protection needs. | <p>4. The following vulnerable groups of refugees shall in any event be included in the common Union resettlement priorities and qualify for the lump sum provided for in paragraph 2:</p> <ul style="list-style-type: none"> — women and children at risk, — unaccompanied minors, — persons having medical <u>and psychological</u> needs that can be addressed only through resettlement, — persons in need of emergency resettlement or urgent resettlement for legal or physical protection needs. |

Reason

See point 33. Prioritising persons with psychological needs is a good practice used by UNHCR and others.

Amendment 16

Article 18

Insert paragraph 5

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | <u>5. Relocation shall occur from Member States conditional on their human rights records and respect for EU reception standards.</u> |

Reason

See point 32.

Amendment 17

Article 18

Insert paragraph 6

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | <u>6. Resources shall be allocated to Member States adopting relocation selection criteria that respect principles of non-discrimination and based on the needs of the overburdened host country as well as the needs of persons eligible for relocation.</u> |

Reason

See point 30.

Amendment 18

Article 19

Amend paragraph 1

| Text proposed by the Commission | CoR amendment |
|---|--|
| 1. In order to allocate the amount indicated in point (c) of Article 15(1), by 31 May 2017 the Commission shall assess the needs of Member States as regards their asylum and reception systems, their situation concerning migration flows in the period 2014 to 2016 and the expected developments. | 1. In order to allocate the amount indicated in point (c) of Article 15(1), by 31 May 2017 the Commission shall assess the needs of Member States as regards their asylum and reception systems, their situation concerning migration flows in the period 2014 to 2016 and the expected developments, <u>allowing for a degree of flexibility in case of unexpected changes.</u> |

Reason

Situations in the migration field can change overnight and the system should be flexible enough to cope with these changes.

Amendment 19

Article 22

Amend paragraph 1

| Text proposed by the Commission | CoR amendment |
|---|---|
| 1. The Fund shall provide financial assistance to address urgent and specific needs in the event of an emergency situation. | 1. The Fund shall provide financial assistance to address urgent and specific needs in the event of an emergency situation <u>for as long as the emergency lasts.</u> |

Reason

See point 53.

Amendment 20

Article 23

Amend paragraph 2(a)

| Text proposed by the Commission | CoR amendment |
|--|--|
| (a) to serve as an Union advisory council for migration and asylum through coordination and cooperation at both national and Union level with representatives of Member States, academia, civil society, think-tanks and other Union/international entities; | (a) to serve as an Union advisory council for migration and asylum through coordination and cooperation at both national and Union level with representatives of Member States, academia, civil society <u>including migrant and refugee organisations</u> , think-tanks and other Union/international entities; |

Reason

See point 15.

Amendment 21

Article 23

Amend paragraph 5(c)

| Text proposed by the Commission | CoR amendment |
|--|---|
| (c) National Contact Points designated by the Member States, each one comprising of at least three experts who collectively have expertise in the area of asylum and migration, covering aspects of policymaking, law, research and statistics, and who shall co-ordinate and provide the national contributions to the activities referred to in Article 19(1) in order to have contributions from all relevant stakeholders; | (c) National Contact Points designated by the Member States, each one comprising of at least three <u>independent</u> experts who collectively have expertise in the area of asylum and migration, covering aspects of policymaking, law, research and statistics, and who shall co-ordinate and provide the national contributions to the activities referred to in Article 19(1) in order to have contributions from all relevant stakeholders; |

Reason

See point 13. This would help increase transparency of the mechanisms.

COM(2011) 752 final

Regulation on laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management

Amendment 1

Article 4

Amend

| Text proposed by the Commission | CoR amendment |
|---|---|
| Actions financed by the Specific Regulations shall comply with applicable Union and national law. | Actions financed by the Specific Regulations shall comply with applicable Union and national Law, <u>including European Court of Human Rights decisions</u> . |

Reason

ECHR case law is part of EU but at times, the outcomes of such decisions are not put into practice by Member States. It is helpful to highlight their importance.

Amendment 2

Article 8

Insert paragraph 5

| Text proposed by the Commission | CoR amendment |
|---------------------------------|--|
| | 5. <u>Emergency assistance will support eligible actions for as long as the emergency situation lasts.</u> |

Reason

See point 53.

Amendment 3

Article 12

Amend paragraph 1

| Text proposed by the Commission | CoR amendment |
|--|---|
| <p>1. Each Member State shall organise, in accordance with its national rules and practices, a partnership with the authorities and bodies concerned to develop and implement national programmes.</p> <p>Such authorities and bodies shall include the competent regional, local, urban and other public authorities, and, where appropriate, international organisations and bodies representing civil society, such as non-governmental organisations or social partners.</p> | <p>1. Each Member State shall organise, in accordance with its national rules and practices, a partnership with the authorities and bodies concerned to develop and implement national programmes.</p> <p>Such authorities and bodies shall include the competent regional, local, urban and other public authorities, and, where appropriate <u>relevant</u> international organisations and bodies representing civil society <u>and target groups</u>, such as non-governmental organisations or social partners.</p> |

Reason

The word 'relevant' as opposed to 'where appropriate' removes an element of discretion which could lead to a lack of clarity. Target group contribution is a corner-stone in EU programming.

Amendment 4

Article 12

Amend paragraph 4

| Text proposed by the Commission | CoR amendment |
|--|--|
| 4. Each Member State shall set up a monitoring committee to support the implementation of national programmes. | 4. Each Member State shall set up <u>an independent</u> monitoring committee to support the implementation of national programmes. |

Reason

See point 13. This would lead to increased transparency and avoid possible conflicts of interest.

Amendment 5

Article 12

Amend paragraph 5

| Text proposed by the Commission | CoR amendment |
|--|--|
| 5. The Commission may participate in the work of the monitoring committee in an advisory capacity. | 5. The Commission shall <u>may</u> participate in the work of the monitoring committee in an advisory capacity. |

Reason

Commission participation is very important and should not be made discretionary.

Amendment 6

Article 14

Insert paragraph 5(g)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | (g) <u>that national programmes have been drawn up with the participation of relevant stakeholders.</u> |

Reason

See points 18 and 19.

Amendment 7

Article 20

Amend paragraph 2(c)

| Text proposed by the Commission | CoR amendment |
|---|---|
| (c) expenditure relating to evaluations of actions or projects; | (c) expenditure relating to evaluations of actions or projects <u>including stakeholder feedback;</u> |

Reason

See points 18 and 19. Relevant stakeholders are in a good position to judge the performance of a project.

Amendment 8

Article 23

Amend paragraph 1(b)

| Text proposed by the Commission | CoR amendment |
|--|--|
| (b) an accredited Responsible Authority: a public sector body of the Member State, which shall be solely responsible for the proper management and control of the national programme and shall handle all communication with the Commission; | (b) an accredited Responsible Authority: a public sector body of the Member State <u>which shall include representation from local and regional authorities and civil society,</u> which shall be solely responsible for the proper management and control of the national programme and shall handle all communication with the Commission; |

Reason

See points 18 and 19.

Amendment 9

Article 25

Insert paragraph 5(d)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|--|
| | (d) <u>the rules and methods for gathering information from relevant stakeholders and target groups through questionnaires and other methods for gathering feedback.</u> |

Reason

See points 18 and 19. Relevant stakeholders are in a good position to judge the performance of a project.

Amendment 10

Article 48

Amend paragraph 1(b)

| Text proposed by the Commission | CoR amendment |
|--|---|
| (b) informing potential beneficiaries about funding opportunities under the national programmes; | (b) informing potential beneficiaries about funding opportunities under the national programmes, <u>including through regional and local consultations;</u> |

Reason

See point 14.

Amendment 11

Article 50

Insert paragraph 7

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | <u>7. The Commission shall consult with Local and Regional Authorities and other relevant stakeholders including international organisations, civil society and target groups for feedback.</u> |

Reason

See points 18 and 19.

Amendment 12

Article 51

| Text proposed by the Commission | CoR amendment |
|---|---|
| 2. Member States shall ensure that procedures are in place to produce and collect the data necessary for evaluations, including data related to common and programme specific indicators. | 2. Member States shall ensure that procedures are in place to produce and collect the data necessary for evaluations, including data related to common and programme specific indicators <u>of a qualitative and quantitative nature.</u> |

Reason

See point 13.

Amendment 13

Article 55

| Text proposed by the Commission | CoR amendment |
|---|---|
| 1. The Commission shall be assisted by the common Committee 'Asylum, Migration and Security' established by this Regulation. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011. | 1. The Commission shall be assisted by the common Committee 'Asylum, Migration and Security' established by this Regulation <u>which shall include national, local and regional as well as civil society and international organisation representatives.</u> That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011. |

Reason

See points 18 and 19.

COM(2011) 753 final

Regulation on establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management

Amendment 1

Article 3

Amend paragraph 2(a)

| Text proposed by the Commission | CoR amendment |
|--|---|
| (a) preventing and combating cross-border, serious and organised crime including terrorism, and reinforcing coordination and cooperation between law enforcement authorities of Member States and with relevant third-countries. | (a) preventing and combating cross-border, serious and organised crime including terrorism, and reinforcing coordination and cooperation between law enforcement authorities of Member States <u>at national as well as local and regional level</u> and with relevant third-countries. |

Reason

See point 41 and 55.

Amendment 2

Article 3

Amend paragraph 3(a)

| Text proposed by the Commission | CoR amendment |
|---|---|
| (a) measures (methodologies, tools, structures) strengthening Member States' capability to prevent and combat cross-border, serious and organised crime including terrorism, in particular through public-private partnerships, the exchange of information and best practices, access to data, interoperable technologies, comparable statistics, applied criminology, public communication and awareness raising. | (a) measures (methodologies, <u>research</u> , tools, structures) strengthening Member States' capability to prevent and combat cross-border, serious and organised crime including terrorism, in particular through public-private partnerships, the exchange of information and best practices, <u>sharing of expertise, local and regional authority collaboration through networks</u> , access to data, <u>scrutiny of suspicious bank and business practices</u> , <u>confiscation of assets</u> , interoperable technologies, comparable statistics, applied criminology, public communication and <u>consultation, and</u> awareness raising. |

Reason

See points 38, 39, 40, 41, 43 and 44.

Amendment 3

Article 4

Amend paragraph 1(a)

| Text proposed by the Commission | CoR amendment |
|--|---|
| (a) actions improving police cooperation and coordination between law enforcement authorities, including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies; | (a) actions improving police cooperation and coordination between law enforcement authorities <u>at national, regional and local levels</u> , including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies; |

Reason

See points 38 and 40.

Amendment 4

Article 4

Insert paragraph 1(h)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | (h) <u>public consultations at a local level to establish a multi-faceted understanding of local experiences and concepts of terrorism and motivations towards extremism;</u> |

Reason

See point 42.

Amendment 5

Article 4

Insert paragraph 1(i)

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | (i) <u>current local and regional authority networks are strengthened and used in each Member State, or if the need arises new ones are set up to facilitate the exchange of good practice in relation to social integration, professional learning and understanding of violent extremism growing out of local districts and neighbourhoods;</u> |

Reason

See point 41.

Amendment 6

Article 6

Amend paragraph 1

| Text proposed by the Commission | CoR amendment |
|---|---|
| 1. The national programme to be prepared under the Instrument and the one to be prepared under Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa shall be drawn up jointly by Member States and proposed to the Commission as one single national programme for the Fund, in accordance with Article 14 of Regulation (EU) No XXX/2012 [Horizontal Regulation]. | 1. The national programme to be prepared under the Instrument and the one to be prepared under Regulation (EU) No XXX/2012 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa shall be drawn up jointly by Member States <u>with the participation of their local and regional authorities</u> and proposed to the Commission as one single national programme for the Fund, in accordance with Article 14 of Regulation (EU) No XXX/2012 [Horizontal Regulation]. |

Reason

See points 18 and 19.

Amendment 7

Article 14a

Insert new point

| Text proposed by the Commission | CoR amendment |
|---------------------------------|---|
| | <p><u>1. Synergies, consistency and complementarity shall be sought with other Union and Community instruments, inter alia with support from the European Regional Development Fund (ERDF).</u></p> <p><u>2. Operations financed through this instrument shall not receive financial support for the same purpose from other Union/Community financial instruments. It shall be ensured that the beneficiaries of the Programme shall provide the Commission with information about funding received from the general budget of the European Union and from other sources, as well as information about ongoing applications for funding.</u></p> |

Reason

Until now, support for cross-border policing measures could come either from the ISEC programme (Commission programme for the Prevention of and Fight against Crime) or from Objective 3 support (ERDF funded) (complementarity principle – Article 11 of Council Decision 2007/125/JHA). While action under ISEC was centrally funded by the EU, management of Objective 3 funding was decentralised. Under Article 14 of the draft ISF Regulation, the Council Decision from 2007 will be repealed in the forthcoming financial period, which means that the principle of complementarity between Community instruments will also be repealed and it will no longer be possible to choose between the ISF and Objective 3 support. However, the advantages of flexibility in using different support instruments ought not to be lost. Insofar as repealing complementarity is intended to avoid duplicating support, this can be dealt with quite adequately in the process of implementation. We therefore suggest that the complementarity principle and the safeguard clause in Article 11(3) ISEC should be set out in a new Article 14a of the ISF Regulation.

Brussels, 18 July 2012.

*The President
of the Committee of the Regions*
Mercedes BRESSO
