

Thursday 13 March 2014

P7\_TA(2014)0237

**Asylum, Migration and Integration Fund \*\*\*I****European Parliament legislative resolution of 13 March 2014 on the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (COM(2011)0751 — C7-0443/2011 — 2011/0366(COD))****(Ordinary legislative procedure: first reading)**

(2017/C 378/69)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0751),
  - 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 (C7-0443/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 11 July 2012 <sup>(1)</sup>,
  - having regard to the opinion of the Committee of the Regions of 18 July 2012 <sup>(2)</sup>,
  - having regard to its decision of 17 January 2013 on the opening of, and the mandate for, interinstitutional negotiations on the proposal <sup>(3)</sup>,
  - having regard to the undertaking given by the Council representative by letter of 20 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 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 Foreign Affairs, the Committee on Development and the Committee on Budgets (A7-0022/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Approves its statements annexed to this resolution;
  3. Takes note of the Council statement and the Commission statements annexed to this resolution;
  4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  5. Instructs its President to forward its position to the Council, the Commission, the European Asylum Support Office and the national parliaments.

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<sup>(1)</sup> OJ C 299, 4.10.2012, p. 108.

<sup>(2)</sup> OJ C 277, 13.9.2012, p. 23.

<sup>(3)</sup> Texts adopted, P7\_TA(2013)0020.

Thursday 13 March 2014

## **P7\_TC1-COD(2011)0366**

**Position of the European Parliament adopted at first reading on 13 March 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council 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**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 516/2014.)*

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### **ANNEX TO THE LEGISLATIVE RESOLUTION**

#### **Statements by the European Parliament**

Article 80 TFEU:

The European Parliament, in the light of the need to adopt this Regulation in time for implementation of the Asylum, Migration and Integration Fund ('the Fund') from the beginning of 2014, in the interests of finding an agreement to that end, and in the light of the intransigence of the Council, has accepted the text of the Regulation as agreed above. Nevertheless, the European Parliament reiterates its view — which it has maintained throughout negotiations on this Regulation — that the correct legal basis for the Fund includes Article 80, second sentence, TFEU as a joint legal basis. This legal basis is designed to give effect to the principle of solidarity as expressed in Article 80, first sentence, TFEU. In particular, the Fund implements the principle of solidarity in its provisions on the transfer of applicants for and beneficiaries of international protection (Articles 7 and 18) and in its provisions on resettlement (Article 17). The European Parliament underlines the fact that the adoption of this Regulation is strictly without prejudice to the range of legal bases available to the co-legislator in the future, in particular with regard to Article 80 TFEU.

Relocation:

With the aim of promoting relocation as a solidarity tool and improving the conditions pertaining to relocation, the European Parliament calls the European Asylum Support Office (EASO), in cooperation with the European Commission (EC), to develop a handbook and a methodology on relocation, following a mapping of relocation best practices in Member States, including internal organization systems and reception and integration conditions. In order to create an incentive for relocation and facilitate relocation operations for the participating Member States, the European Parliament calls also the EASO to provide expertise on relocation and coordinate, in cooperation with the EC, an expert network on relocation, which could regularly meet for technical meetings on specific practical and legislative issues, as well as provide support on the use of the Asylum, Migration and Integration Fund for relocation. The European Parliament calls the EC to monitor and regularly report on the evolution and improvement of the asylum system in Member States benefiting from relocation.

#### **Statement by the Council**

Article 80 TFEU:

The Council underlines the importance of the principle of solidarity and fair sharing of responsibility which, in accordance with Article 80 TFEU, is to be given effect in Union acts adopted pursuant to the Chapter of the TFEU on policies on border checks, asylum and immigration. The Regulation establishing the Asylum and Migration Fund contains appropriate measures to give effect to the above principle. However, the Council reiterates its view that Article 80 TFEU does not constitute a legal basis within the meaning of EU law. Within the said Chapter, only Article 77(2) and (3), Article 78(2) and (3) and Article 79(2), (3) and (4) TFEU contain legal bases enabling the relevant EU institutions to adopt EU legal acts.

#### **Statements by the Commission**

Article 80 TFEU:

The Commission, in a spirit of compromise and in order to ensure the immediate adoption of the proposal, supports the final text; however it notes that this is without prejudice to its right of initiative with regard to the choice of legal bases, in particular in reference to the future use of Article 80 TFEU.

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**Thursday 13 March 2014**

European Migration Network (EMN):

The Commission, in a spirit of compromise, supports the final text on Article 23 which ensures continued funding support to the activities of the European Migration Network while maintaining its current structure, objectives and governance, as set out in Council Decision 2008/381/EC of 14 May 2008. However the Commission notes that this is without prejudice to its right of initiative with regard to a future more comprehensive revision of the set up and functioning of this network, as envisaged in the Commission's initial proposal for Article 23.

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