

Tuesday 11 April 2000

## 5. European Refugee Fund \*

A5-0091/2000

### Proposal for a Council decision creating a European Refugee Fund (COM(1999) 686 – C5-0120/2000 – 1999/0274(CNS))

The proposal was amended as follows:

TEXT PROPOSED  
BY THE COMMISSION

AMENDMENTS  
BY PARLIAMENT

(Amendment 2)

*Recital 3*

(3) It is necessary to support the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons, including fair and effective asylum procedures, so as to protect the rights of persons requiring international protection.

(3) It is necessary to support **and improve** the efforts made by the Member States to grant appropriate reception conditions to refugees and displaced persons, including fair and effective asylum procedures, so as to protect the rights of persons requiring international protection.

(Amendment 3)

*Recital 4a (new)*

**(4a) The integration of refugees into the society of the host country could also be helped by supporting the actions taken by refugee organisations already present in the Member State and working to achieve social integration.**

(Amendment 4)

*Recital 6*

(6) Since measures supported by the Structural Funds and other Community measures in the field of education and vocational training are not in themselves sufficient to promote such integration, support should be given for special measures to enable refugees and displaced persons to benefit fully from the programmes which are organised.

(6) Since measures supported by the Structural Funds and other Community measures in the field of education and vocational training are not in themselves sufficient to promote such integration, support should be given for special measures to enable refugees and displaced persons to benefit fully from the programmes which are organised. **For these to be fully effective, refugee communities should be involved in the design of such programmes.**

(Amendment 5)

*Recital 10*

(10) As called for by the European Council at its meeting in Tampere on 15 and 16 October 1999, a financial reserve should be established for the implementation of emergency measures to provide temporary protection in the event of a mass influx of refugees.

(10) As called for by the European Council at its meeting in Tampere on 15 and 16 October 1999, a financial reserve should be established for the implementation of emergency measures to provide temporary protection in the event of a mass influx of refugees **or displaced persons.**

(Amendment 6)

*Recital 11*

(11) It is fair to *allocate* resources *proportionately to the burden on each Member State by reason of its efforts in receiving* refugees and displaced persons.

(11) It is fair to **take into account, when allocating** resources, **the relative efforts made by** each Member State **to receive and support** refugees and displaced persons.

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
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(Amendment 7)

*Recital 12*

(12) The support provided by the European Refugee Fund will be more efficient and better targeted if the co-financing of eligible actions is based on a request from each Member State taking into account its situation and needs.

(12) The support provided by the European Refugee Fund will be more efficient and better targeted if the co-financing of eligible actions is based on a request from each Member State taking into account its situation, **strategy** and needs.

(Amendment 8)

*Recital 12a (new)*

**(12a) In order to select and manage the activities under this Fund, Member States should have the primary responsibility but should act in partnership with a range of relevant bodies including NGOs, refugee organisations, the social partners and local and regional authorities.**

(Amendment 9)

*Recital 21a (new)*

**(21a) In the case of multiannual operations, Article 3 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities<sup>(1)</sup> requires the Commission to present a financial statement containing the estimated schedule of annual requirements in appropriations and posts.**

<sup>(1)</sup> OJ L 356, 31.12.1977, p. 1.

(Amendment 10)

*Recital 21b (new)*

**(21b) The Commission has estimated that only a p.m. is available in the financial statement for the years 2001-2004.**

(Amendment 11)

*Recital 21c (new)*

**(21c) In the absence of a revision of the Financial Perspective for 2000-2006, the budgetary authority cannot guarantee appropriate funding for the European Refugee Fund with respect to its objectives.**

(Amendment 12)

*Article 1(2), 2nd and 3rd subparagraphs (new)*

**The Commission shall come forward with financial estimates covering the whole period of the programme under the current Financial Perspective. These amounts shall serve as a reference only. The allocation for each financial year shall be authorised within the annual budgetary procedure.**

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BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

The Commission shall submit to the budgetary authority by 31 March 2001 a proposal for the revision of these appropriations, and, if needed, for a revision of the Financial Perspective, together with an assessment of the new scheme and its implementation in the Member States.

(Amendment 13)  
Article 1(2a) (new)

**2a. All measures shall be based on an approach designed to prevent any outbreak of xenophobia, racism, discrimination or inequality.**

(Amendment 14)  
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 and*, where appropriate, persons applying to be granted *that status*;

2. 'displaced persons', meaning any *third-country nationals or stateless persons benefiting from temporary protection arrangements in a Member State and*, where appropriate, persons applying for such protection.

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

1. 'refugees', meaning any persons **who have been afforded the status of refugee in accordance with Article 1 of the Convention** relating to the Status of Refugees of 28 July 1951, **as amended by the New York Protocol of 31 January 1967; and any persons granted complementary protection in accordance with Member States' international legal obligations, national legislation or national practice;** and where appropriate, persons applying to be granted **those statuses**;

2. 'displaced persons', meaning persons benefiting from temporary protection arrangements in a Member State and, where appropriate, persons applying for such protection.

(Amendment 15)  
Article 3(1)(b)

(b) integration of refugees *and displaced persons*;

(b) integration of refugees;

(Amendment 16)  
Article 3(1)(ba) (new)

**(ba) preparation of displaced persons for returning safely and with dignity to their country of origin;**

(Amendment 17)  
Article 3(1a) (new)

**1a. The Fund shall support activities ancillary to any of the above which facilitate the exchange of information, experience and best practice with organisations in the accession candidate countries.**

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 18)

*Article 3(2)*

2. With regard to the conditions for reception of refugees and displaced persons and procedures, the actions may concern infrastructure or services for accommodation, supply of material aid, social assistance or help with administrative formalities

2. With regard to the conditions for reception of refugees and displaced persons and procedures, the actions may concern **the creation or improvement of** infrastructure, **the guaranteeing of basic services, the improvement of administrative and judicial asylum procedures (including counselling services), care for people particularly in need of protection (such as unaccompanied minors, elderly people requiring care, the disabled, victims of torture or rape, victims of trafficking or forms of sexual abuse, and people requiring special medical treatment), and education and training.**

(Amendment 19)

*Article 3(3)*

3. As regards integration into the society of the Member State of residence of persons having the status of refugees or benefiting from temporary protection arrangements and members of their family, actions may be to provide social assistance in areas such as housing, means of subsistence and healthcare or to enable beneficiaries to adjust to the society of the Member State or to provide for themselves.

3. As regards integration of persons having the status of refugees **or displaced persons** or benefiting from temporary protection arrangements and members of their family, actions may be to provide social assistance in areas such as housing, **minimum** means of subsistence and healthcare, **psychological support, facilitation of access to means of legal protection, protection from racist attack, and assistance with employment, education and vocational training and may be aimed at enabling** beneficiaries to **participate as fully as possible** in the society of the Member State or **providing for their independence, through the provision of courses in the language and culture of the host country, the establishment of contacts with social welfare organisations and associations and support in the labour market, or enabling them** to provide for themselves.

(Amendment 21)

*Article 3(3a) (new)*

3a. As regards the preparation of displaced persons for returning to their country of origin, actions may cover areas such as housing and healthcare, help to those concerned to maintain their own social networks to which temporarily displaced persons are able to have recourse, fostering of contacts with the society in the host country to provide a source of support, provision of programmes of action in areas such as education, supporting oneself and temporary work, and provision of regular information on those left behind in their homeland and information concerning opportunities for returning.

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT(Amendment 22)  
*Article 3(4a) (new)***4a. No payments under the Fund shall be used for the maintenance of detention centres for refugees and displaced persons.**(Amendment 23)  
*Article 4, 1st paragraph*

At the Commission's initiative, up to 10 % of the capital of the Fund's annual allocation may be used to finance innovatory actions or actions of interest to the Community as a whole, separate from the actions implemented by the Member States, including studies, pilot projects, exchanges of experience, measures to promote cooperation at Community level and assessment of the implementation of those measures *and technical assistance*.

At the Commission's initiative, up to 10 % of the capital of the Fund's annual allocation may be used to finance innovatory actions or actions of interest to the Community as a whole, separate from the actions implemented by the Member States, including studies, **public information**, pilot projects, exchanges of experience, measures to promote cooperation at Community level and assessment of the implementation of those measures.

**The Fund may also be used to finance public information concerning the obligation of Member States to persons seeking international protection, and their obligations in the context of the European Union's asylum policy, including public awareness campaigns to supplement other actions.**

(Amendment 24)  
*Article 5(1)*

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 in the event of a sudden mass influx of refugees or displaced persons.

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 in the event of a sudden mass influx of refugees or displaced persons, **or at the request of the UNHCR.**

(Amendment 25)  
*Article 7(1)(ba) (new)***(ba) a strategy for the development of services for refugees and displaced persons covered by the Fund;**(Amendment 26)  
*Article 8, 1st paragraph*

Member States shall have *sole* responsibility for the selection of individual actions and for the financial management and administration of actions supported by the Fund with due respect for Community policies and the criteria for eligibility.

Member States shall have **primary** responsibility for the selection of individual actions and for the financial management and administration of actions supported by the Fund with due respect for Community policies and the criteria for eligibility.

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TEXT PROPOSED  
BY THE COMMISSION

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BY PARLIAMENT

(Amendment 27)

*Article 8, 2nd paragraph*

Following a call for proposals, 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 or non-governmental organisations, operating individually or in partnerships with a view to obtaining funding from the Fund.

Following a **public** call for proposals, 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 or non-governmental organisations, operating individually or in partnerships with a view to obtaining funding from the Fund.

(Amendment 28)

*Article 8, 3rd paragraph (c)*

(c) the innovatory nature of the measures and the scope for using the results to strengthen cooperation between the Member States or enable other Member States to benefit from experience;

(c) the innovatory nature of the measures and the scope for using the results to strengthen cooperation between the Member States or enable other Member States **or accession candidate countries** to benefit from experience;

(Amendment 29)

*Article 8, 4th paragraph*

Furthermore, the responsible authority shall ensure that the actions are based on the principles of partnership between all those involved and participation, in particular by the beneficiaries in their conception and implementation, *and* encourage a multi-dimensional approach incorporating coordinated action in all relevant areas and taking account of the complexity of the beneficiaries' position in the host society.

Furthermore, the responsible authority shall ensure

- that the actions are based on the principles of partnership between all those involved and participation, in particular by the beneficiaries in their conception and implementation;
- **that they** encourage a multi-dimensional approach incorporating coordinated action in all relevant areas and taking account of the complexity of the beneficiaries' position in the host society;
- **that the continuity of the programmes and actions can be ensured, where necessary, over several years.**

**The responsible authority shall, as far as possible, make the final choice of project in partnership with representatives of civil society, non-governmental organisations, the social partners, local and regional authorities and international organisations such as the UNHCR.**

(Amendment 30)

*Article 9, 1st paragraph a (new)*

**In any case, each Member State shall be guaranteed a minimum share of the funds to cover tasks related to the protection of refugees and promoting public awareness of this problem.**

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 31)

Article 18(3)

3. The Commission shall submit a mid-term report to the European Parliament and the Council by 31 December 2002 at the latest and a final report by 1 June 2005 at the latest.

3. **The Commission shall forward to the European Parliament the reports drawn up in accordance with paragraphs 1 and 2, and shall assess to what extent the distribution of resources as provided for in Article 9 and the action programmes of the Member States need to be adjusted in the light of changing needs in order to meet the objectives of the European Refugee Fund.**

The Commission shall submit a mid-term report to the European Parliament and the Council by 31 December **2001** at the latest and a final report by 1 June **2004** at the latest.

(Amendment 32)

Article 19(1)

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission.

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission **and shall consult on a regular basis with the United Nations High Commissioner for Refugees and other relevant international organisations, the social partners and NGOs.**

(Amendment 33)

Article 19(2)

2. Wherever reference is made to this paragraph, the advisory procedure set out in Article 3 of Decision 1999/468/EC shall apply, *in compliance with Article 7(3) of that Decision.*

2. Wherever reference is made to this paragraph, the advisory procedure set out in Article 3 of Decision 1999/468/EC shall apply, **having regard to Articles 7 and 8 thereof.**

(Amendment 34)

Article 20(5)

5. Where appropriate, available resources shall be distributed *between the Member States as follows:*

- (a) *80% shall be distributed on the basis of the number of persons having entered each Member State as part of the mass influx referred to in Article 5(1); and*
- (b) *20% shall be distributed on the basis of the quality of the projects put forward.*

5. Where appropriate, available resources shall be distributed on the basis of the number of persons having entered each Member State as part of the mass influx referred to in Article 5(1).

**European Parliament legislative resolution on the proposal for a Council decision creating a European Refugee Fund (COM(1999) 686 – C5-0120/2000 – 1999/0274(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(1999) 686),
- having been consulted by the Council pursuant to Article 63(2) (b) of the EC Treaty (C5-0120/2000),