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*Plenary sitting*

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**A8-0370/2018**

19.11.2018

**\*\*\*I**  
**REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 516/2014 of the European Parliament and the Council, as regards the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation thereof to other actions under the national programmes  
(COM(2018)0719 – C8-0448/2018 – 2018/0371(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Miriam Dalli

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 516/2014 of the European Parliament and the Council, as regards the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation thereof to other actions under the national programmes (COM(2018)0719 – C8-0448/2018 – 2018/0371(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0719),
  - 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 (C8-0448/2018),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0370/2018),
- A. Whereas for reasons of urgency it is justified to proceed to the vote before the expiry of the deadline of eight weeks laid down in Article 6 of Protocol No 2 on the application of the principles of subsidiarity and proportionality;
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a regulation

#### Recital 1

*Text proposed by the Commission*

(1) The purpose of this Regulation is to enable the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 provided for under Regulation (EU) No 516/2014 of the European Parliament and the Council<sup>8</sup> or the allocation of them to other actions under the national programmes in line with Union priorities and Member States' needs in *the* areas of migration and asylum.

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<sup>8</sup>. Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 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 (OJ L 150, 20.5.2014, p. 168).

*Amendment*

(1) The purpose of this Regulation is to enable the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 provided for under Regulation (EU) No 516/2014 of the European Parliament and the Council<sup>8</sup> or the allocation of them to other actions under the national programmes in line with Union priorities and Member States' needs in *specific* areas of migration and asylum. ***It is also to ensure that such re-commitment or allocation occurs in a transparent manner.***

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<sup>8</sup>. Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 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 (OJ L 150, 20.5.2014, p. 168).

## Amendment 2

### Proposal for a regulation

#### Recital 4

*Text proposed by the Commission*

(4) Member States should have the possibility to use the above-mentioned

*Amendment*

(4) Member States should have the possibility to use the above-mentioned

amounts to continue implementing relocation by re-committing the amounts to the same action in the national programmes. *In addition*, it should be possible, duly justified in the revision of Member States' national programmes, to use this funding also to address other challenges in the area of migration and asylum, in line with the Asylum, Migration and Integration Fund Regulation. Member States' needs in *these* areas remain significant. Re-commitments of the above-mentioned amounts to the same action, or their transfer to other actions under the national programme should be possible only once and with the approval of the Commission.

amounts to continue implementing relocation by re-committing the amounts to the same action in the national programmes. *As a minimum, Member States should re-commit 20% of those amounts to actions in national programmes, for relocation of applicants for international protection or relocation of beneficiaries of international protection, or for resettlement and other ad-hoc humanitarian admission. For the remainder of those amounts*, it should be possible, *where* duly justified in the revision of Member States' national programmes, to *fund specific actions provided for in Chapters II and III* in the area of migration and asylum, in line with the Asylum, Migration and Integration Fund Regulation, *notably in developing aspects of the Common European Asylum System, in particular family reunification or for supporting legal migration to the Member States and promoting the effective integration of third-country nationals*. Member States' needs in *those* areas remain significant. Re-commitments of the above-mentioned amounts to the same action, or their transfer to other actions under the national programme should be possible only once and with the approval of the Commission. *Member States should ensure that the allocation of funds takes place in full respect of the principles set out in the Financial Regulation, in particular efficiency and transparency.*

### Amendment 3

#### Proposal for a regulation Recital 5

##### *Text proposed by the Commission*

(5) The target group eligible for relocation should be expanded to give more flexibility to Member States in

##### *Amendment*

(5) The target group eligible for relocation *as well as the countries from where relocation takes place* should be

carrying out relocations.

expanded to give more flexibility to Member States in carrying out relocations. ***Priority should be given to the relocation of unaccompanied minors, other vulnerable applicants and family members of beneficiaries of international protection.***

#### **Amendment 4**

##### **Proposal for a regulation**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) Member States should also have sufficient time to use the amounts re-committed to the same action or transferred to other actions prior to the decommitment of these amounts. Therefore, when such re-commitments or transfers of amounts under the national programme are approved by the Commission, the amounts concerned should be considered to have been committed in the year of the revision of the national programme that approves the re-commitment or the transfer concerned.

###### *Amendment*

(7) Member States should also have sufficient time to use the amounts re-committed to the same action or transferred to other ***specific*** actions prior to the decommitment of these amounts. Therefore, when such re-commitments or transfers of amounts under the national programme are approved by the Commission, the amounts concerned should be considered to have been committed in the year of the revision of the national programme that approves the re-commitment or the transfer concerned.

#### **Amendment 5**

##### **Proposal for a regulation**

##### **Recital 7 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

***(7a) The Commission should report annually to the European Parliament and to the Council as regards the application of resources for the transfer of applicants for international protection and of beneficiaries of international protection, in particular as regards transfers to other actions under the national programme and re-commitments.***



## Amendment 6

### Proposal for a regulation Recital 12 a (new)

*Text proposed by the Commission*

*Amendment*

***(12a) Without amendment of Regulation (EU) No 516/2014 before the end of 2018, the relevant funding will no longer be available for Member States' use under the national programmes supported by the Asylum, Migration and Integration Fund. Given the urgency of amending Regulation (EU) No 516/2014, it is appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.***

## Amendment 7

### Proposal for a regulation Article 1 – paragraph 1 – point -1 (new) Regulation (EU) No 516/2014 Article 18 – title

*Present text*

*Amendment*

Resources for the transfer of beneficiaries of international protection

***(-1) The title is replaced by the following:***

***"Resources for the transfer of **applicants for international protection or of** beneficiaries of international protection";***

*(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0516>)*

## Amendment 8

### Proposal for a regulation

## Article 1 – paragraph 1 – point 1

Regulation (EU) No 516/2014

Article 18 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**(1)** *In paragraph 1, the words "beneficiary of international protection" are replaced by the words "applicant for international protection or beneficiary of international protection";*

*deleted*

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0516>

## Amendment 9

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 1 a (new)

Regulation (EU) No 516/2014

Article 18 – paragraph 1

*Present text*

*Amendment*

“1. With a view to implementing the principle of solidarity and fair sharing of responsibility and in the light of Union policy developments within the implementation period of the Fund, Member States shall receive, in addition to their allocation calculated in accordance with point (a) of Article 15(1), an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR **6 000** for each beneficiary of international protection transferred from another Member State.”;

**(1a)** *Paragraph 1 is replaced by the following:*

“1. With a view to implementing the principle of solidarity and fair sharing of responsibility and in the light of Union policy developments within the implementation period of the Fund, Member States shall receive, in addition to their allocation calculated in accordance with point (a) of Article 15(1), an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR **10 000** for each **applicant for international protection and** beneficiary of international protection transferred from another Member State.”;

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0516>

## Amendment 10

### Proposal for a regulation

## Article 1 – paragraph 1 – point 2

Regulation (EU) No 516/2014

Article 18 – paragraph 3

*Text proposed by the Commission*

3. The additional amounts referred to in paragraph 1 of this Article shall be allocated to the Member States for the first time in the individual financing decisions approving their national programme in accordance with the procedure laid down in Article 14 of Regulation (EU) No 514/2014 and later in a financing decision to be annexed to the decision approving their national programme. Re-commitments of those amounts to the same action under the national programme or transfers thereof to other actions under the national programme shall be possible where duly justified in the revision of the respective national programme. An amount may only be re-committed or transferred once. The Commission shall approve the re-commitment or transfer through the revision of the national programme.

*Amendment*

3. The additional amounts referred to in paragraph 1 of this Article shall be allocated to the Member States for the first time in the individual financing decisions approving their national programme in accordance with the procedure laid down in Article 14 of Regulation (EU) No 514/2014 and later in a financing decision to be annexed to the decision approving their national programme. Re-commitments of those amounts to the same action under the national programme or transfers thereof to other *specific* actions ***provided for under Chapter II and Chapter III of this Regulation*** under the national programme shall be possible where duly justified in the revision of the respective national programme. An amount may only be re-committed or transferred once. The Commission shall approve the re-commitment or transfer through the revision of the national programme. ***The funding shall be allocated transparently and efficiently in line with the objectives of the national programme.***

***In respect of amounts stemming from the provisional measures established by Decisions (EU) No 2015/1523 and (EU) No 2015/1601, at least 20% of the amounts to be re-committed shall be re-committed to actions under the national programmes for relocation of applicants for international protection or relocation of beneficiaries of international protection, or for resettlement and other ad-hoc humanitarian admission.***

*(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0516>)*

## Amendment 11

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 3

Regulation (EU) No 516/2014

Article 18 – paragraph 3a

*Text proposed by the Commission*

3a. For the purpose of Article 50(1) of Regulation (EU) No 514/2014, where amounts stemming from the provisional measures established by Decisions (EU) No 2015/1523 and (EU) No 2015/1601 are re-committed to the same action under the national programme or transferred to other actions under the national programme in accordance with paragraph 3, the amounts concerned shall be considered to have been committed in the year of the revision of the national programme that approves the re-commitment or transfer in question.

*Amendment*

3a. For the purpose of Article 50(1) of Regulation (EU) No 514/2014, where amounts stemming from the provisional measures established by Decisions (EU) No 2015/1523 and (EU) No 2015/1601 are re-committed to the same action under the national programme or transferred to other *specific* actions under the national programme in accordance with paragraph 3, the amounts concerned shall be considered to have been committed in the year of the revision of the national programme that approves the re-commitment or transfer in question.

## Amendment 12

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 3

Regulation (EU) No 516/2014

Article 18 – paragraph 3 c (new)

*Text proposed by the Commission*

*Amendment*

**3c. *The Commission shall report annually to the European Parliament and to the Council on the application of this Article, in particular as regards the transfers of amounts to other actions under national programmes and re-commitments.***

*(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0516>)*

## Amendment 13

### Proposal for a regulation

**Article 1 – paragraph 1 – point 4**

Regulation (EU) No 516/2014

Article 18 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(4) In paragraph 4, the words "beneficiaries of international protection" are replaced by the words "applicants for international protection or beneficiaries of international protection".**

**deleted**

*(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0516>)*

**Amendment 14**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 a (new)**

Regulation (EU) No 516/2014

Article 18 – paragraph 4

*Present text*

*Amendment*

4. To effectively pursue the objectives of solidarity and responsibility sharing between the Member States referred to in Article 80 TFEU, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 of this Regulation to adjust the lump sum referred to in paragraph 1 of this Article, in particular taking into account the current rates of inflation, relevant developments in the field of transfer of beneficiaries of international protection from one Member State to another, as well as factors which can optimise the use of the financial incentive brought by the lump sums.

**(4a) Paragraph 4 is replaced by the following:**

4. To effectively pursue the objectives of solidarity and responsibility sharing between the Member States referred to in Article 80 TFEU, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 26 of this Regulation to adjust the lump sum referred to in paragraph 1 of this Article, in particular taking into account the current rates of inflation, relevant developments in the field of transfer of **applicants for international protection and** beneficiaries of international protection from one Member State to another **and for resettlement and other ad-hoc humanitarian admission**, as well as factors which can optimise the use of the financial incentive brought by the lump sums.

*(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0516>)*



## PROCEDURE – COMMITTEE RESPONSIBLE

|   |  |            |
|---|--|------------|
| <b>Title</b>  | Re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation thereof to other actions under the national programmes   |            |
| <b>References</b>   | COM(2018)0719 – C8-0448/2018 – 2018/0371(COD)  |            |
| <b>Date submitted to Parliament</b>                             | 22.10.2018   |            |
| <b>Committee responsible</b><br>Date announced in plenary       | LIBE<br>25.10.2018   |            |
| <b>Rapporteurs</b><br>Date appointed                            | Miriam Dalli<br>5.11.2018  |            |
| <b>Discussed in committee</b>                                   | 8.11.2018  | 15.11.2018 |
| <b>Date adopted</b>   | 15.11.2018   |            |
| <b>Result of final vote</b>                                     | +: 30  | –: 5       |
|   | 0: 0   |            |
| <b>Members present for the final vote</b>                       | Asim Ademov, Heinz K. Becker, Malin Björk, Michał Boni, Caterina Chinnici, Tanja Fajon, Raymond Finch, Romeo Franz, Kinga Gál, Brice Hortefeux, Filiz Hyusmenova, Eva Joly, Dietmar Köster, Cécile Kshetu Kyenge, Roberta Metsola, Claude Moraes, József Nagy, Péter Niedermüller, Ivari Padar, Soraya Post, Judith Sargentini, Birgit Sippel, Csaba Sógor, Helga Stevens, Bodil Valero, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra |            |
| <b>Substitutes present for the final vote</b>                   | Miriam Dalli, Barbara Spinelli, Axel Voss  |            |
| <b>Substitutes under Rule 200(2) present for the final vote</b> | Karine Gloanec Maurin, Patricia Lalonde, Julia Pitera  |            |
| <b>Date tabled</b>  | 19.11.2018   |            |

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

| 30        | +   |
|-----------|---|
| ALDE      | Filiz Hyusmenova, Patricia Lalonde  |
| GUE/NGL   | Malin Björk, Barbara Spinelli   |
| PPE       | Asim Ademov, Heinz K. Becker, Michał Boni, Brice Hortefeux, Roberta Metsola, József Nagy, Julia Pitera, Csaba Sógor, Axel Voss, Tomáš Zdechovský  |
| S&D       | Caterina Chinnici, Miriam Dalli, Tanja Fajon, Karine Gloanec Maurin, Dietmar Köster, Cécile Kshetu Kyenge, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Birgit Sippel, Josef Weidenholzer |
| VERTS/ALE | Romeo Franz, Eva Joly, Judith Sargentini, Bodil Valero  |

| 5    | -                               |
|------|---------------------------------|
| ECR  | Helga Stevens, Kristina Winberg |
| EFDD | Raymond Finch                   |
| ENF  | Auke Zijlstra                   |
| PPE  | Kinga Gál                       |

| 0 | 0 |
|---|---|
|   |   |

Key to symbols:

+ : in favour

- : against

0 : abstention