



12.10.2016

OPINION

of the Committee on Budgets

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council
on the European Union Agency for Asylum and repealing Regulation (EU) No
439/2010
(COM(2016)0271 – C8-0174/2016 – 2016/0131(COD))

Rapporteur: Jens Geier

PA_Legam

SHORT JUSTIFICATION

The Commission proposed the present Regulation within a larger package of reforms of the Common European Asylum System, also comprising proposals to reform the Dublin and Eurodac systems. On a larger scale the present proposal is a follow-up on the European Agenda on Migration, agreed last year.

The Rapporteur considers it important to note that the proposed upgrading of the European Asylum Support Office to a fully-fledged EU Agency for Asylum is a necessary complement to the Border and Coast Guard package already adopted. In order to avoid that the current challenge of the arrival of unprecedented numbers of migrants seeking refuge in Europe leading to a solely restrictive approach, it is vital to strengthen the protection aspect in a parallel process to meet the human rights standards enshrined in the Treaties and the Charter of Fundamental Rights.

In a European Union with open borders within the union, the external borders become a common interest to all Member States. Questions of borders and asylum logically need a joint European response. The European Added Value is rarely so obvious than in these cases and the Rapporteur therefore supports more European engagement in this field. Financing these tasks from the Union budget is also a question of solidarity as citizens from all Member States profit from open borders, while only few Member States actually have to deal with the task of securing borders and dealing with the reception of migrants.

The Rapporteur underlines however that the EU budget is ill-equipped to deal with these new challenges as Heading 3 is by far the smallest heading within the multiannual financial framework (MFF). The Rapporteur therefore believes that it is imperative to revise the current MFF upward as soon as possible and to considerably increase the ceiling of Heading 3.

The budgetary implications of the present proposal amount to EUR 363,963 million for the period 2017-2020. In parallel to the appropriations, the staffing numbers are set to increase to a total of 500 in 2020. While the Rapporteurs agrees to the proposed financial statement, it should nevertheless be considered as a rather indicative planning as the number of arriving migrants are unpredictable, given the volatile security environment in the European neighbourhood and beyond. The budgetary authority needs to stand ready to adapt this planning should additional needs arise.

AMENDMENTS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) In its Communication of 6 April 2016, the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member States responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the asylum system and to prevent secondary movements, and develop an enhanced mandate for the European Asylum Support Office. That Communication is in line with calls by the European Council on 18 February 2016 to make progress towards reforming the EU's existing framework so as to ensure a humane and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.

Amendment

(3) In its Communication of 6 April 2016, the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member States responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the asylum system **by adopting a new Regulation establishing a single common European asylum system, a new Regulation on the conditions that must be met by asylum seekers and through targeted amendments to the Directive on reception conditions**, and to prevent secondary movements, and develop an enhanced mandate for the European Asylum Support Office. That Communication is in line with calls by the European Council on 18 February 2016 to make progress towards reforming the EU's existing framework so as to ensure a humane and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.

Amendment 2

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) The tasks of the European Asylum Support Office should be expanded, and to reflect those changes, it should be renamed European Union Agency for Asylum. The Agency should be a centre of expertise and its main **role** should be to strengthen practical cooperation and information exchange among Member States on asylum, promote Union law and operational standards to ensure a high degree of uniformity as regards asylum

Amendment

(6) The tasks of the European Asylum Support Office should be expanded, and to reflect those changes, it should be renamed European Union Agency for Asylum. The Agency should be a centre of expertise and its main **roles** should be to strengthen practical cooperation and information exchange among Member States on asylum, promote Union law and operational standards to ensure a high degree of uniformity as regards asylum

procedures, reception conditions and the assessment of protection needs across the Union, monitor the operational and technical application of Union law and standards as regards asylum, support the Dublin system and provide increased operational and technical support to Member States for the management of the asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

procedures, reception conditions and the assessment of protection needs across the Union, ***evaluate and*** monitor the operational and technical application of Union law and standards as regards asylum, support the Dublin system and provide increased operational and technical support to Member States for the management of the asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

Amendment 3

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The European Union Agency for Asylum should be given sufficient financial resources and staff to guarantee that it is independent and can carry out its duties properly, including, specifically, the Agency's own staff to set up teams of experts responsible for evaluating and monitoring procedures for asylum and reception systems.

Justification

There is a plan to bring the Agency's staff up to a total of 500 by 2020. However, since the establishment plan cannot be incorporated into the regulation, it should be ensured that the Agency will have enough staff of its own to effectively carry out its duties and guarantee its impartiality.

Amendment 4

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) The European Union Agency for Asylum should work in close cooperation with Member States' asylum authorities, with national immigration and asylum

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services and other services, drawing on the capacity and expertise of those services, and with the Commission. Member States should cooperate with the Agency to ensure that it is able to fulfil its mandate. It is important that the Agency and the Member States act in good faith and have a timely and accurate exchange of information. Any provision of statistical data should respect the technical and methodological specifications of Regulation (EC) No 862/2007⁸.

services and other services, drawing on the capacity and expertise of those services, and with the Commission *and Union agencies, in particular the European Border and Coast Guard*. Member States should cooperate with the Agency to ensure that it is able to fulfil its mandate. It is important that the Agency and the Member States act in good faith and have a timely and accurate exchange of information. Any provision of statistical data should respect the technical and methodological specifications of Regulation (EC) No 862/2007⁸.

⁸Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

⁸Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

Justification

Under Article 4(2) of this Regulation, the Agency shall work in close cooperation with the European Border and Coast Guard and, specifically, shall rely upon a risk analysis carried out by the latter in order to ensure the greatest possible consistency.

Amendment 5

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The European Union Agency for Asylum, in close cooperation with the Commission and without prejudice to the Commission's responsibility as guardian of the Treaties, should establish a mechanism to monitor and assess the implementation of the CEAS, the compliance by Member States with operational standards, guidelines and best practices on asylum and to verify the functioning of the asylum

Amendment

(14) The European Union Agency for Asylum, in close cooperation with the Commission and without prejudice to the Commission's responsibility as guardian of the Treaties, should establish a mechanism to monitor and assess the implementation of the CEAS, the compliance by Member States with operational standards, guidelines and best practices on asylum and to verify the functioning of the asylum

and reception systems of Member States. The monitoring and assessment should be comprehensive and should be based, in particular, on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling. The Agency should report its findings to the Management Board which in turn should adopt the report. The Executive Director should, after consultation with the Commission, make draft recommendations to the Member State concerned outlining the necessary measures to address serious shortcomings, which in turn shall be adopted by the Management Board as recommendations.

and reception systems of Member States. The monitoring and assessment should be comprehensive and should be based, in particular, on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling. The Agency should report its findings to the Management Board which in turn should adopt the report ***and forward it to the European Parliament and the Commission***. The Executive Director should, after consultation with the Commission, make draft recommendations to the Member State concerned outlining the necessary measures to address serious shortcomings, which in turn shall be adopted by the Management Board as recommendations.

Amendment 6

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Everything possible should be done to guarantee refugees a humane living environment within Member States and refugee camps, particularly with regard to healthcare, the opportunity to receive an education, and to facilitate the opportunity to work.

Amendment 7

Proposal for a regulation Recital 26 b (new)

Text proposed by the Commission

Amendment

(26b) Optimal financing of refugee camps and resource allocation should be followed, so that displaced persons are guaranteed the opportunity to continue

living with dignity.

Amendment 8

Proposal for a regulation Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) It is important that Member States continue to contribute financially and by other means to an effective resolution of the refugee crisis.

Amendment 9

Proposal for a regulation Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Agency shall work closely with the Member States' asylum authorities, with national immigration and asylum services and other national services and with the Commission. The Agency shall carry out its duties without prejudice to those assigned to other relevant bodies of the Union and shall work closely with those bodies and with the United Nations High Commissioner for Refugees (UNHCR).

2. The Agency shall work closely with the Member States' asylum authorities, with national immigration and asylum services and other national services and with the Commission ***and the relevant Union agencies, in particular the European Border and Coast Guard.*** The Agency shall carry out its duties without prejudice to those assigned to other relevant bodies of the Union and shall work closely with those bodies and with the United Nations High Commissioner for Refugees (UNHCR).

Justification

Under Article 4(2) of this Regulation, the Agency shall work in close cooperation with the European Border and Coast Guard and, specifically, shall rely upon a risk analysis carried out by the latter in order to ensure the greatest possible consistency.

Amendment 10

Proposal for a regulation Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For this purpose, the Agency shall work in close collaboration with the European **Agency for the Management of Operational Cooperation at the External Borders of the Member States**, and shall, in particular, rely on the risk analysis carried out by that Agency so as to ensure the highest level of consistency and convergence in the information provided by both Agencies.

Amendment

For this purpose, the Agency shall work in close collaboration with the European **Border and Coast Guard**, and shall, in particular, rely on the risk analysis carried out by that Agency so as to ensure the highest level of consistency and convergence in the information provided by both Agencies.

Amendment 11

Proposal for a regulation
Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. While complying with the principle of subsidiarity, the Agency shall standardise the work being done in Member States, with a view to creating a European information network that ensures that the systems of the relevant authorities of the Member States have equivalent common standards.

Amendment 12

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The Agency shall, at the request of the Commission, provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX.

2. The Agency shall, **on its own initiative or, in any event**, at the request of the Commission, provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX.

Amendment 13

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

3. The Agency shall, at the request of Member States, assist them to apply the operational standards, guidelines and best practices to their asylum and reception systems by providing the necessary expertise or operational and technical assistance.

Amendment

3. The Agency shall, ***on its own initiative, or, in any event,*** at the request of ***the Commission or*** Member States, assist them to apply the operational standards, guidelines and best practices to their asylum and reception systems by providing the necessary expertise or operational and technical assistance.

Amendment 14

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. The Agency shall assess the readiness of Member States to meet challenges from possible disproportionate pressure on their asylum and reception systems. The Agency may request Member States to provide it with their contingency planning for measures to be taken to deal with such possible disproportionate pressure and shall assist Member States to prepare and review their contingency planning, where necessary.

Amendment

3. The Agency shall, ***in close collaboration with the European Border and Coast Guard,*** assess the readiness of Member States to meet challenges from possible disproportionate pressure on their asylum and reception systems. The Agency may request Member States to provide it with their contingency planning for measures to be taken to deal with such possible disproportionate pressure and shall assist Member States to prepare and review their contingency planning, where necessary.

Justification

Under Article 4(2) of this Regulation, the Agency shall work in close cooperation with the European Border and Coast Guard and, specifically, shall rely upon a risk analysis carried out by the latter in order to ensure the greatest possible consistency.

Amendment 15

Proposal for a regulation

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In order to carry out its task of monitoring and evaluating the implementation of the Common European Asylum System and the Member States' asylum and reception systems in an effective, impartial and independent manner, the Agency shall have an appropriate number of permanent and temporary staff and adequate financial resources.

Justification

The task of monitoring and evaluating the CEAS should not be carried out by seconded experts, but by the Agency's own staff, trained for that purpose. There is a plan to bring the Agency's staff up to a total of 500 by 2020. However, since the establishment plan cannot be incorporated into the regulation, it should be ensured that the Agency will have enough staff of its own to effectively carry out its duties and guarantee its impartiality.

Amendment 16

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The multi-annual programming shall list the Member States whose asylum and reception systems shall be monitored each year, ensuring that each Member State shall be monitored at least once in every **five-year** period.

The multi-annual programming shall list the Member States whose asylum and reception systems shall be monitored each year, ensuring that each Member State shall be monitored at least once in every **two-year** period.

Justification

It seems more reasonable to us for each Member State to be evaluated at least every two years by the Agency. A five-year period between each evaluation is excessive.

Amendment 17

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

3. The Executive Director shall transmit the draft report of the team of experts to the Member State concerned, which shall provide its comments on that draft report. The Executive Director shall then submit the draft report, taking into account the comments of the Member State concerned, to the Management Board. The Management Board shall adopt the monitoring report and transmit it to the Commission.

Amendment

3. The Executive Director shall transmit the draft report of the team of experts to the Member State concerned, which shall provide its comments on that draft report. The Executive Director shall then submit the draft report, taking into account the comments of the Member State concerned, to the Management Board. The Management Board shall adopt the monitoring report and transmit it to the ***European Parliament and the Commission***.

Amendment 18

**Proposal for a regulation
Article 16 – paragraph 1**

Text proposed by the Commission

1. Member States may request the Agency for assistance in implementing their obligations with regard to asylum, in particular when their asylum and reception systems are subject to disproportionate pressure.

Amendment

1. Member States may request the Agency for assistance in implementing their obligations with regard to asylum, in particular when their asylum and reception systems are subject to disproportionate pressure. ***The Agency shall lay down the common criteria for defining such pressure.***

Amendment 19

**Proposal for a regulation
Article 16 – paragraph 3 – introductory part**

Text proposed by the Commission

3. The Agency shall organise and coordinate, for a limited period of time, one or more of following operational and technical measures:

Amendment

3. The Agency shall organise and coordinate, for a limited period of time, ***decided on by the Agency***, one or more of following operational and technical measures:

Amendment 20

Proposal for a regulation Article 16 – paragraph 3 – point i

Text proposed by the Commission

i) assist Member States in ensuring that all the necessary child rights and child protection safeguards are in place;

Amendment

i) assist Member States in ensuring that all the necessary child rights and child protection safeguards are in place, ***and that all women's rights are respected;***

Amendment 21

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

4. The Executive Director and the host Member State shall draw up an operational plan within three working days from the day on which the decision to deploy the asylum support teams is taken.

Amendment

4. The Executive Director and the host Member State shall draw up an operational plan within three working days from the day on which the decision to deploy the asylum support teams is taken, ***but no later than two weeks from the date of receipt of the assistance request.***

Amendment 22

Proposal for a regulation Article 28 – paragraph 2

Text proposed by the Commission

2. The Management Board shall establish detailed rules and update them as necessary as regards the payment of the daily subsistence allowance of experts deployed by Member States to the asylum support teams.

Amendment

2. The Management Board shall establish detailed rules and update them as necessary as regards ***fees and*** the payment of the daily subsistence allowance of experts deployed by Member States to the asylum support teams.

Amendment 23

Proposal for a regulation Article 36 – paragraph 1

Text proposed by the Commission

1. The Agency shall cooperate with agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights and the European Agency *for the Management of Operational Cooperation at the External Borders of the Member States* and which are competent in matters covered by this Regulation.

Amendment

1. The Agency shall cooperate with agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights and the European *Border and Coast Guard* Agency and which are competent in matters covered by this Regulation.

Amendment 24

**Proposal for a regulation
Article 36 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. Where appropriate, the sharing or pooling of administrative tasks between these bodies should be envisaged.

Amendment 25

**Proposal for a regulation
Article 52 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

Amendment

By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors.

By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors. ***That report shall provide details of expenditure for each of the individual tasks listed in Article 2.***

Amendment 26

**Proposal for a regulation
Article 66 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

No later than three years from the day of entry into force of this Regulation, and every five years thereafter, the Commission shall **commission** an evaluation to assess, in particular, the Agency's performance in relation to its objectives, mandate and tasks. That evaluation shall cover the Agency's impact on practical cooperation on asylum-related matters and on the CEAS. The evaluation shall take due regard of progress made, within its mandate, including assessing whether additional measures are necessary to ensure effective solidarity and sharing of responsibilities with Member States subject to particular pressure.

Amendment

No later than three years from the day of entry into force of this Regulation, and every five years thereafter, the Commission shall **present** an evaluation to assess, in particular, the Agency's performance in relation to its objectives, mandate and tasks. That evaluation shall cover the Agency's impact on practical cooperation on asylum-related matters and on the CEAS. The evaluation shall take due regard of progress made, within its mandate, including assessing whether additional measures are necessary to ensure effective solidarity and sharing of responsibilities with Member States subject to particular pressure.

Justification

There is no need to define in the regulation whether the Commission commissions a study in the sense of outsourcing to a third party or to do the evaluation in-house.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Union Agency for Asylum
References	COM(2016)0271 – C8-0174/2016 – 2016/0131(COD)
Committee responsible Date announced in plenary	LIBE 7.7.2016
Opinion by Date announced in plenary	BUDG 7.7.2016
Rapporteur Date appointed	Jens Geier 23.5.2016
Date adopted	11.10.2016
Result of final vote	+: 27 –: 7 0: 0
Members present for the final vote	Nedzhmi Ali, Jonathan Arnott, Jean Arthuis, Richard Ashworth, Reimer Böge, Lefteris Christoforou, Jean-Paul Denanot, Gérard Deprez, José Manuel Fernandes, Eider Gardiazabal Rubial, Jens Geier, Esteban González Pons, Ingeborg Gräßle, Iris Hoffmann, Monika Hohlmeier, Bernd Kölmel, Zbigniew Kuźmiuk, Vladimír Maňka, Ernest Maragall, Siegfried Mureşan, Jan Olbrycht, Urmas Paet, Paul Rübig, Petri Sarvamaa, Patricija Šulin, Eleftherios Synadinos, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Daniele Viotti, Auke Zijlstra
Substitutes present for the final vote	Afzal Khan, Derek Vaughan
Substitutes under Rule 200(2) present for the final vote	Edouard Ferrand