

General programme "Solidarity and Management of Migration Flows": European Refugee Fund (ERF) 2008-2013

2009/0127(COD) - 02/09/2009 - Legislative proposal

PURPOSE: to amend Decision No 573/2007/EC establishing the European Refugee Fund in the light of the establishment of a Joint EU Resettlement Programme.

PROPOSED ACT: Decision of the European Parliament and of the Council

BACKGROUND: the European Refugee Fund (ERF) was set up by [Decision No 573/2007/EC](#) of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows".

This proposal for a Decision of the European Parliament and of the Council, amending the Decision establishing the European Refugee Fund for the period 2008 to 2013 (ERF III), and the Communication of the Commission to the Council and the European Parliament on the establishment of a Joint EU Resettlement Programme are part of the European Union's efforts to **establish a Joint EU Resettlement Programme**. They are a response to the requests by the Council to come forward with a proposal for the establishment of a Joint EU Resettlement Programme.

IMPACT ASSESSMENT: the impact assessment examines 3 different options and 2 sub-options as well as their respective effects. These can be summarised as follows:

Option 1: maintenance of status quo:

Option 2: medium option: under this option it is envisaged to develop further structured political cooperation through the establishment of a political framework and to underpin it via the financial component. It is foreseen that a political framework will be created which would set political and strategic priorities with respect to resettlement. Under this option practical cooperation will also be developed by the [European Asylum Support Office](#) (EASO). The following measures are also provided: (i) setting of common EU annual priorities with respect to resettlement, both with respect to nationalities and specific categories of refugees to be resettled; (ii) Member States would receive extra financial assistance under the ERF III, if they resettle according to these common EU annual priorities; (iii) ensuring an integrated approach between resettlement, external asylum policies and EU external policies as a whole.

Within the 2nd option, **two sub-options are identified**. The difference between these sub-options relate only to the mechanism which is foreseen for the political framework.

- **Sub-option 2A** provides for the establishment of a new Committee on resettlement under Comitology rules.
- **Sub-option 2B** provides for the use of existing structures.

Option 3: maximum option: under this option it is considered that a fully developed EU wide resettlement scheme will be established. Resettlement would be carried out jointly in terms of priority setting and also in terms of implementation. However, this option is considered to be very ambitious and has been abandoned due to its lack of feasibility at the current stage of the Union's policy on this issue.

Conclusion: sub-option 2B is preferred option on grounds of political feasibility and proportionality. There is a strong preference among a majority of Member States to build on existing consultation and decision making mechanisms. The current political situation is positive towards resettlement but reluctant to create any new formal structure, because of the bureaucratic burden this might entail and the fear that Member States' freedom to decide on priorities themselves would be reduced. From the perspective of proportionality the use of existing structures is considered preferable, if this is as effective in reaching the objectives and if it is expected to have the same impacts.

CONTENT: the proposed measures seek to amend the Decision establishing the European Refugee Fund for the period 2008 to 2013 in order to provide additional financial support for the resettlement of those categories of persons which are annually identified as common EU resettlement priorities for the following year.

Annual resettlement priorities: the identification of these priorities will be done on the basis of an indicative forecast of resettlement needs which will be provided by UNHCR in spring (mid-March) each year and in close consultation with the resettlement experts of Member States, UNHCR and other stakeholders. For this purpose an annual meeting will be organized in which these experts participate.

On the basis of the outcomes of the meeting, the Commission will draft a proposal for a Decision identifying the common EU resettlement priorities, and will submit it for consultation to the management committee of the General Programme "Solidarity and management of migratory flows" including the ERF III. Within 20 calendar days following the adoption of the Commission Decision on common EU resettlement priorities, Member States will provide the Commission with an estimate of the number of persons whom they will resettle in the course of the following calendar year according to these common EU annual priorities.

These annual priorities may relate to geographic regions, nationalities or specific categories of refugees to be resettled.

Additional financial assistance for a resettled refugee: on the basis of these pledges, Member State will receive, as an additional financial assistance, a fixed amount of **EUR 4000 for each effectively resettled refugee** during a respective calendar year who will fall under one of the specific categories which will be defined annually as common EU annual priorities by the Decision of the Commission. Member States will receive this fixed amount per refugee only once in case such refugee would fall under more than one of the specific categories.

Timetable: the proposal provides for the setting up of a timetable as regards:

- the deadline for the submission of the pledging, necessary for the calculation of annual allocations between Member States;
- the deadline for the submission of annual programmes by Member States to the Commission;
- the deadline for the adoption of financing decisions by the Commission.

In comparison to the deadlines set up in the current legal base, new deadlines are postponed due to the new procedure for the adoption of the common EU annual priorities for resettlement which will precede the calculation of annual allocations between Member States.

BUDGETARY IMPLICATIONS: the proposal complies with the appropriations and programming of the General programme "Solidarity and Management of Migration Flows" until 2013. Furthermore, it does not alter the general objectives of the ERF and its financial programming until 2013. Only a very limited additional costs are foreseen with respect to administrative expenses (a total of EUR 158 000 for the period 2010-2013).