

Establishing a European Asylum Support Office

2009/0027(COD) - 05/03/2010 - Commission communication on Council's position

This Commission communication concerns the position adopted by the Council with a view to the adoption of a proposal for a Regulation of the European Parliament and of the Council establishing a [European Asylum Support Office](#) and a proposal for a Decision of the European Parliament and of the Council amending Decision 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 by removing funding for certain Community actions and altering the limit for funding such actions.

The Council's position is the result of inter-institutional negotiations, following the Commission's proposal of 18 February 2009 and the adoption by the European Parliament of

its opinion at first reading 6 May 2009. Informal and technical meetings have resulted in compromise on a number of outstanding issues. Neither the European Parliament nor the

Council amended the proposal for a Decision on the funding of the Office.

The main points which were negotiated and agreed upon are set out below.

- the **solidarity mechanisms** supported by the Office (relocation and resettlement) were the subject of a compromise based on neutral wording to allow the Office to support all present or future mechanisms effectively;
- a compromise was reached regarding the appointment of the Executive Director of the Office, by which Parliament was accorded a significant role in the appointment by allowing it to adopt an opinion after hearing the candidate designated by the Management Board and requiring the Management Board to inform Parliament of the manner in which its opinion was taken into account in the definitive **appointment of the Executive Director**. Parliament wanted this across-the-board provision on institutional status to be fully in line with the work currently under way in the Interinstitutional Working Group on Regulatory Agencies. As a consequence, an inter-institutional declaration was adopted;
- the Council and the European Parliament have reached an agreement which allows the **United Nations High Commission for Refugees (UNHCR) to participate** in the work and to allow the Office to benefit fully from UNHCR's expertise in the course of its future work;
- at Parliament's request, a compromise was found **to associate civil society fully with the work of the Office** by means of a Consultative Forum, the operational rules for which were laid down.

Following these negotiations, Coreper reached agreement on the text on 11 November 2009. On 16 November 2009 the Chairman of the Committee on Civil Liberties, Justice and Home Affairs sent a letter to the Presidency confirming the agreement of the rapporteurs and the rapporteurs for opinion on the text approved by Coreper and on the Interinstitutional statement annexed to it, and stating that if these texts were formally transmitted to the European Parliament as the Council's position, he would recommend that the Members of the LIBE committee and subsequently the plenary session accept them without amendments. Coreper reached a political agreement on this basis on 20 November 2009.

The Council's position and the interinstitutional statement annexed to it meet the aims of the Commission's initial proposal. The Commission therefore supports the text.