

Basic information	
2009/0026(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
European Refugee Fund 2008-2013: funding Amending Decision 573/2007/EC 2005/0046(COD) Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		MORAES Claude (S&D)	16/03/2010
	Former committee responsible		Former rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		DÜHRKOP DÜHRKOP Bárbara (PSE)	05/03/2009
	Former committee for opinion		Former rapporteur for opinion	Appointed
	BUDG Budgets			
Council of the European Union	Council configuration		Meetings	Date
	Justice and Home Affairs (JHA)		2946	2009-06-04
	Justice and Home Affairs (JHA)		2979	2009-11-30
	Justice and Home Affairs (JHA)		2998	2010-02-25
European Commission	Commission DG		Commissioner	
	Justice and Consumers		REDING Viviane	

Key events			
Date	Event	Reference	Summary

18/02/2009	Legislative proposal published	COM(2009)0067 	Summary
09/03/2009	Committee referral announced in Parliament, 1st reading		
27/04/2009	Vote in committee, 1st reading		Summary
29/04/2009	Committee report tabled for plenary, 1st reading	A6-0280/2009	
06/05/2009	Debate in Parliament		
07/05/2009	Decision by Parliament, 1st reading	T6-0375/2009	Summary
07/05/2009	Results of vote in Parliament		
04/06/2009	Debate in Council		Summary
30/11/2009	Debate in Council		Summary
25/02/2010	Council position published	16627/1/2009	Summary
11/03/2010	Committee referral announced in Parliament, 2nd reading		
08/04/2010	Vote in committee, 2nd reading		Summary
12/04/2010	Committee recommendation tabled for plenary, 2nd reading	A7-0117/2010	
19/05/2010	Decision by Parliament, 2nd reading	T7-0177/2010	Summary
19/05/2010	Final act signed		
19/05/2010	End of procedure in Parliament		
28/05/2010	Final act published in Official Journal		

Technical information

Procedure reference	2009/0026(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Amending Decision 573/2007/EC 2005/0046(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 078-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/02431

Documentation gateway

European Parliament



Document type	Committee	Reference	Date	Summary
Committee draft report		PE423.653	26/03/2009	
Committee opinion	BUDG	PE423.815	23/04/2009	
Committee report tabled for plenary, 1st reading/single reading		A6-0280/2009	29/04/2009	

Text adopted by Parliament, 1st reading/single reading	T6-0375/2009	07/05/2009	Summary
Committee draft report	PE439.835	11/03/2010	
Committee recommendation tabled for plenary, 2nd reading	A7-0117/2010	12/04/2010	
Text adopted by Parliament, 2nd reading	T7-0177/2010	19/05/2010	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	16627/1/2009	25/02/2010	Summary
Draft final act	00011/2010	19/05/2010	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2009)0067 	18/02/2009	Summary
Commission communication on Council's position	COM(2010)0079 	05/03/2010	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2010/0458 OJ L 129 28.05.2010, p. 0001	Summary
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European Refugee Fund 2008-2013: funding

2009/0026(COD) - 05/03/2010

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.

European Refugee Fund 2008-2013: funding

2009/0026(COD) - 07/05/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 482 votes to 40, with 19 abstentions, a legislative resolution approving unamended, under the first reading of the codecision procedure, the proposal for a decision of the European Parliament and of the Council amending Decision No 573/2007/EC 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.

European Refugee Fund 2008-2013: funding

2009/0026(COD) - 19/05/2010 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the Council position at first reading for adopting a decision of the European Parliament and of the Council amending Decision No 573/2007/EC 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 European Parliament approves the Council's position. It notes that the act is adopted in accordance with the position.

European Refugee Fund 2008-2013: funding

2009/0026(COD) - 25/02/2010 - Council position

In line with the provisions of the Joint Declaration on practical agreements for the new co-decision procedure, representatives of Council, Parliament and the Commission engaged in contacts with a view to concluding an agreement at the stage of the Council's position at first reading.

The Council's Position at first reading reflects the compromise reached in negotiations between the Council and the European Parliament, facilitated by the Commission. On 20 November 2009, Coreper endorsed this compromise by adopting political agreement on the European Refugee Fund Decision and on the [European Asylum Support Office](#) Regulation. The Chair of the European Parliament's LIBE Committee has since in a letter to the Chairman of Coreper indicated that if the compromise texts are transmitted to Parliament as Council's positions at first reading, he will recommend to the members of LIBE, and subsequently to the plenary, that Council's positions be accepted without amendments in Parliament's second reading, subject to verification by the lawyer-linguists of both institutions. Once the ERF Decision and the EASO Regulation are adopted, the way will be paved for the early establishment of the European Asylum Support Office which will be of key importance in further enhancing practical cooperation in the field of asylum.

European Refugee Fund 2008-2013: funding

2009/0026(COD) - 19/05/2010 - Final act

PURPOSE: to amend Decision No 573/2007/EC 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.

LEGISLATIVE ACT: Decision No 458/2010/EU of the European Union and of the Council amending Decision No 573/2007/EC 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.

BACKGROUND: the [European Refugee Fund](#) (ERF) was set up by Decision No 573/2007/EC for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows". Its general objective is to support and encourage the efforts made by the Member States in receiving refugees and displaced persons, by co-financing specific actions.

The proposal for a Regulation establishing the European Asylum Support Office and this proposal to amend the Decision establishing the ERF 2008-2013 are part of the European Union's efforts to develop a comprehensive asylum policy. They are a response to the requests from the Council and the European Council for the creation of an asylum support structure and form part of the measures announced by the In its [Policy Plan on Asylum](#) adopted in June 2008, the Commission announced its intention to develop the Common European Asylum System (CEAS) by proposing a revision of the existing legal instruments in order to achieve greater harmonisation of the applicable standards and by strengthening support for practical cooperation between the Member States, in particular, by a legislative proposal to establish a [European Asylum Support Office](#) (the Support Office) in order to increase coordination of operational cooperation between Member States so that the common rules are implemented effectively.

It is now necessary to allocate the Community Funds to finance the Support Office actions.

CONTENT: in the interests of simplifying the use of Community funds, and because the **European Asylum Support Office will be responsible for some of the tasks currently funded under the ERF**, it is necessary to:

- transfer some of the budgetary resources currently allocated to the ERF to the Office, in order to ensure the optimal financing of practical cooperation on asylum matters;
- reduce the financial envelope of the ERF in order to free up resources for funding the Support Office.
- In order to take account of the reduced scope of the Community actions, the limit for their funding laid down in Decision No 573/2007/EC should be reduced from 10% of the Fund's available resources to 4% thereof.

The financial envelope for the implementation of this Decision from 1 January 2008 to 31 December 2013 shall be EUR 614 million.

Territorial provisions: in accordance with Article 3 of the Protocol on the Position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Decision. Denmark is not taking part in the adoption of this Decision and is not bound by it nor subject to its application.

ENTRY INTO FORCE: 08/06/2010.

European Refugee Fund 2008-2013: funding

2009/0026(COD) - 30/11/2009

The Council discussed the **state of play** of the Common European Asylum System (CEAS). In particular, it took note of the agreement reached between the European Parliament and the Council on the establishment of the [European Asylum Support Office](#) (EASO) and the related changes to the European Refugee Fund (ERF). This agreement opens the way for the relevant legislative instruments to be adopted in the near future.

Following a lunch discussion, the Presidency reported that agreement had been reached on Valetta, Malta as the seat of EASO. This agreement will be formalised in the near future.

The support office is aimed at improving the implementation of the Common European Asylum System, strengthening practical cooperation among member states on asylum and as providing and coordinating operational support to member states facing specific and disproportionate pressures on their national asylum systems. The ERF needs to be amended as the office will take over responsibility for certain operations that have until now been financed by the refugee fund.

European Refugee Fund 2008-2013: funding

2009/0026(COD) - 18/02/2009 - Legislative proposal

PURPOSE: to amend Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008-2013 in order to take account of the creation of the European Asylum Support Office.

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 for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows". Its general objective is to support and encourage the efforts made by the Member States in receiving refugees and displaced persons, by co-financing specific actions.

The proposal for a Regulation establishing the European Asylum Support Office and this proposal to amend the Decision establishing the ERF 2008-2013 are part of the European Union's efforts to develop a comprehensive asylum policy. They are a response to the requests from the Council and the European Council for the creation of an asylum support structure and form part of the measures announced by the [Policy Plan on Asylum](#) adopted by the Commission in June 2008.

The Office's institutional status will be that of a **regulatory agency**, and will be responsible for promoting and enhancing practical cooperation between Member States on asylum matters and for helping to support the implementation of the common asylum system. Much of its funding will therefore come from a heading in the general budget of the European Communities.

In order to supplement the funds allocated to the operation of the Office, and in the interests of simplifying the use of Community funds, and because the European Asylum Support Office will be responsible for some of the tasks currently funded under the ERF, it is necessary to transfer some of the budgetary resources currently allocated to the ERF to the Office, in order to ensure the optimal financing of practical cooperation on asylum matters.

IMPACT ASSESSMENT: the proposal does not include an impact assessment.

CONTENT: the proposed measures seek to amend the Decision establishing the European Refugee Fund for the period 2008 to 2013 in order to achieve a better allocation and concentration of funds between the ERF and the new European Asylum Support Office, in the interests of simplifying the use of Community funds.

The proposal to amend the Decision establishing the ERF aims first to reduce the scope of the Community actions provided for in Article 4 of the ERF Decision in order to take account of the transfer of two tasks which will in future be entirely the responsibility of the Office:

1. those referred to in Article 4(2)(a) relating to **further Community cooperation in implementing Community law and good practices**, including interpretation and translation services supporting such cooperation;
2. those in Article 4(2)(f), supporting the development and application by Member States of **common statistical tools, methods and indicators for measuring policy developments in the field of asylum**.

Reduction of the ERF's budget: in order to take account of the reduction in the scope of these Community actions, the percentage of funds allocated to the ERF for Community actions, currently 10%, will be **reduced to 4%** per year from 2010, and the remainder will be available under heading 3A of the financial framework for allocation to the new Office under the annual budgetary procedure, as a contribution towards its funding.

The proposal also provides for a reduction in the financial envelope for implementing the ERF Decision to free up resources towards the funding of the Office. The amount of EUR 628 million, referred to in Article 12(1) of the ERF Decision, will therefore be reduced to **EUR 614 million** (the new amount taking into account both the EUR 10 million increase decided by the budgetary authority in the 2009 budget and the EUR 24 million cut resulting from the reduction in the scope of the Community actions).

The proposal to amend the ERF Decision does not alter the general objectives of the ERF.

FINANCIAL IMPLICATIONS: the new amounts allocated to the ERF in commitments are as follows:

- 2010: EUR 92.750 million;
- 2011: EUR 104.030 million;
- 2012: EUR 104.030 million;
- 2013: EUR 122.830 million.

This totals EUR 423.640 million from 2010 to 2013 (for details of the previous amounts of the ERF, please refer to the [financial statement](#) relating to the ERF 2008-2013).

European Refugee Fund 2008-2013: funding

2009/0026(COD) - 04/06/2009

In public deliberation, the Council held a policy debate on the state of negotiations regarding five legislative acts concerning asylum. The Council welcomed the progress already made and instructed its preparatory bodies to continue the examining the proposals taking account of the European Parliament's opinion, delivered on 7 May, as well as the views expressed by delegations in the discussion.

The five proposals involve amendments to the so called "Dublin" regulation, the EURODAC regulation, and the reception conditions directive as well as a proposal for the establishment of a European asylum support office and a related amendment of the **European refugee fund**.

These measures stem from the commitments undertaken in the European Pact on Immigration and Asylum adopted by the European Council in October 2008, with the purpose to complete the Common European Asylum System provided for in the Hague Programme.

Over the last few months, the Council preparatory bodies have carried out intensive discussions on the five proposals. A first reading of the text has been completed in all cases.

On 7 May, the European Parliament adopted legislative resolutions setting out amendments to the Commission proposals under the Council-Parliament codecision procedure. Examination of these amendments is now underway.