



Council of the European Union
General Secretariat

**Interinstitutional files:
2018/0248(COD)**

Brussels, 30 June 2020

WK 7022/2020 INIT

LIMITE

**JAI
FRONT
ASIM
MIGR
CODEC**

WORKING PAPER

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	Presidency
To:	Delegations
N° prev. doc.:	CM 2696/20; WK 6576 2020 INIT
N° Cion doc.:	10153/18 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund

Referring to the invitation for written contribution (CM 2696/20), and following comments received in writing (WK 6992/20), delegations will find attached, in the Annex to this note, a revised Presidency compromise text on the CEAS provisions in AMF in view of the informal videoconference of the members of the JHA Counsellors on Financial Instruments on 1 July 2020.

Following an assessment of the comments received, the Presidency and the incoming Presidency decided that the new draft should clearly signal that the discussion on the concrete amounts should take place after the MFF agreement and therefore replaced the concrete amounts with "XXXX". The concrete amounts for these measures will depend on the overall agreed budget for the AMF and should give incentives for resettlement and relocation while preserving sufficient budget for emergency measures.

WK 7022/2020 INIT

LIMITE

EN

All changes compared to the original text annex to WK 3687/20 are indicated in bold. Changes compared to the latest version of the Presidency compromise (WK 6576/20) are indicated in bold underlined. All deletions are indicated in strikethrough.



New Recital

A new recital is inserted:

"In view of the fact that certain aspects of this Regulation relate to the current **Common European Asylum System** ~~system of asylum in the Union~~, it is appropriate to provide for a review mechanism to ensure consistency with any future revision of that system. Consequently, in the event that the Union's asylum system is revised in a manner that could have an impact on the functioning of this Regulation, the Commission should present an appropriate proposal to amend this Regulation to the extent necessary."

Article 2: Definitions

Definition of 'applicant for international protection' is replaced by the following:

"(a) 'applicant for international protection' means an applicant as defined in point (c) of Article 2 of Directive 2013/32/EU;"

Definition of 'beneficiary of international protection' is replaced by the following:

"(b) 'beneficiary of international protection' within the meaning of point (b) of Article 2 of Directive 2011/95/EU;"

Definition of 'humanitarian admission' is replaced by the following:

"(e) 'humanitarian admission' means the admission, following, where requested by a Member State, a referral from the European Asylum Support Office, the UNHCR, or another relevant international body, of third-country nationals or stateless persons, from a third country to which they have been forcibly displaced, to the territory of the Member States and who are granted international protection or a humanitarian status under national law that provides for rights and obligations equivalent to those of Articles 20 to 34 of Directive 2011/95/EU for beneficiaries of subsidiary protection"

Definition of 'resettlement' is replaced by the following:

"(g) 'resettlement' means the admission, following a referral from the United Nations High Commissioner for Refugees ('UNHCR'), of third-country nationals or stateless persons from a third country to which they have been displaced, to the territory of the Member States, and who are granted international protection, **or any other status which gives them similar rights and benefits under Union and national law**, and have access to a durable solution in accordance with Union and national law;"

Article 16

Article 16 is replaced by the following:

"Resources for Resettlement and humanitarian admission

1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 11(1), receive every two years an additional amount of ~~a lump sum of EUR [XXXX10-000]~~ for each person admitted through resettlement.
2. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 11(1), receive every two years an additional amount of EUR ~~[XXXX6-000]~~ for each person admitted through humanitarian **admission** ~~schemes~~.
3. The ~~lump sum~~ **amounts** referred to in paragraphs **1 and 2** shall be increased to EUR ~~[XXXX15-000]~~ for each vulnerable person, from the following vulnerable groups, who has been admitted through resettlement **or humanitarian admission**:
 - (a) women and children at risk;
 - (b) unaccompanied minors;
 - (c) persons having medical needs that can be addressed only through resettlement **or humanitarian admission**;
 - (d) persons in need of emergency resettlement or urgent resettlement for legal or physical protection needs, including victims of violence or torture.

4. Where a Member State resettles a person belonging to more than one of the categories referred to in paragraphs 1, 2 and 3, it shall receive the ~~lump-sum amount~~ for that person **for one category** only ~~once~~.
5. Where appropriate, Member States may also be eligible for **the respective lump-sums amounts** for family members of persons referred to in paragraphs 1, 2 and 3 to ensure family unity.
- 5a. **The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.**
6. The additional amounts referred to in paragraphs 1, 2 and 3 of this Article shall be allocated to the Member States every two years, for the first time in the individual financing decisions approving their national programme. ~~Those amounts shall not be transferred to other actions under the national programme.~~ **The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. The amounts referred to in paragraphs 1, 2 and 3 may be included in the payment applications to the Comission provided that the person in respect of whom the amount is allocated was effectively resettled or admitted.**
- 6a. **Member States shall keep the information necessary to allow the proper identification of the persons resettled or admitted and of the date of their resettlement or admission.**
7. To take account of current inflation rates and relevant developments in the field of resettlement, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to adjust, if deemed appropriate, the **amounts** ~~lump sums~~ referred to in paragraphs 1 and 2 of this Article, to take into account the current rates of inflation, relevant developments in the field of resettlement, as well as factors which can optimise the use of the financial incentive brought by **those amounts** ~~lump-sums~~.

Article 17

Article 17 is replaced by the following:

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

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 11(1), an additional amount ~~based on a lump sum of EUR [XXXX+0-000]~~ for each applicant for international protection ~~or beneficiary of international protection~~¹ transferred from another Member State **in accordance with Article 17 of Regulation (EU) 604/2013/ [Dublin Regulation].**
 2. Member States may also be eligible for ~~amounts lump sums~~ for family members of persons referred to in paragraph 1, where appropriate, provided that those family members have been transferred in accordance with **Article 17 of Regulation (EU) 604/2013/ [Dublin Regulation]** ~~- this Regulation.~~
- 2a. Member States shall receive, in addition to their allocation calculated in accordance with point (a) of Article 11(1), an additional amount of EUR [XXXX] for each beneficiary of international protection² and their family members transferred from another Member State.**
3. A Member State referred to in paragraph 1 shall receive an additional ~~amounts contribution~~ of EUR ~~[XXXX+0-000]~~ per applicant who has been transferred from another Member State and granted international protection for the implementation of integration measures. **Member States referred to in paragraph 2a shall also receive the additional amount referred to in this paragraph for integration measures.**

¹ ~~The Presidency would envisage using the definitions in Article 2 of Regulation 516/2014.~~

² The Presidency would envisage using the definitions in Article 2 of Regulation 516/2014.

4. A Member State taking over responsibility for an applicant international protection ~~or beneficiary of international protection~~ referred to in paragraph 1 or a Member State as referred to in paragraph 2 shall receive an additional contribution of EUR [~~XXXX~~10 000] per person for whom the Member State can establish on the basis of the updating of the data set referred to in Article 10(d) of Regulation (EU) 603/2013 (Eurodac Regulation) that the person has left the territory of the Member States, on either a compulsory or voluntary basis in compliance with a return decision or a removal order.
5. The Member State covering the cost of transfers referred to in paragraphs 1, 2 and 2a shall receive a contribution of EUR [500] for each applicant of international protection or beneficiary of international protection transferred to another Member State.
6. The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.
7. The additional amounts referred to in paragraphs 1 to 5 of this Article shall be allocated to the Member States in their programmes provided that the person in respect of whom the amount contribution is allocated was, as applicable, effectively transferred to a Member State, effectively returned or registered as an applicant in the Member State responsible in accordance with Regulation (EU) 604/2013 [Dublin Regulation]. **The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.**
- 7a. Member States shall keep the information necessary to allow the proper identification of the persons transferred and of the date of their transfer.**

8. To effectively pursue the objectives of solidarity and fair sharing of responsibility between Member States within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to adjust, if deemed appropriate, the **amounts lump-sums** referred to in paragraphs 1, **2a**, 3, 4 and 5 of this Article to take into account the current rates of inflation, relevant developments in the field of transfer of applicants for international protection and 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 **those amounts lump-sums**."

Article 34a

A new Article 34a is inserted:

"Review

In the event of legislative amendments to the Union legal framework **on the Common European Asylum System** ~~regarding the matters referred to in paragraph (g) of Article 2 and Articles 16 and 17 of this Regulation~~, the Commission shall, where appropriate, make a proposal to amend this Regulation to ensure consistency with those legislative amendments, whilst respecting the legitimate expectations of recipients."