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From:	General Secretariat of the Council
To:	JHA Counsellors on Financial Instruments
N° prev. doc.:	WK 8382/2020
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund – Comments from the delegations

Delegations will find attached a compilation of replies received from Member States on the abovementioned subject.

Written comments submitted by the Member States

**Proposal for a Regulation of the European Parliament and of the Council
establishing the Asylum and Migration Fund
doc. WK 8382/20 (CEAS provisions)**

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AUSTRIA

As stated before **AT sees the discussion on specific provisions linked to CEAS critically, since the negotiations have not been finalized yet (no agreement on relocation!).**

In order to guarantee coherence and to avoid contradictions between the AMF proposal and the CEAS proposals, it is very important to align the CEAS provisions in the AMF to the respective CEAS proposals.

Furthermore it must be ensured that the **funding of other priorities is secured through the fund** and that there is no imbalance between normal asylum procedures and resettlement or relocation. It is particularly important that adequate amounts are available for MS with a high number of “normal asylum applications”.

- **Art. 16 and 17:** As far as this can be assessed at the current time, the reduction of amounts is **seen positive**. Nevertheless the amounts in Art. 17 are quite high and AT sees the **risk of a possible pull-factor** (see general statement above).
- **Art. 17, Para 3:** In 2017, AT created the Integration Law to provide initial integration measures as a standard structure for persons entitled to asylum and subsidiary protection. The law aims at rapid and sustainable integration. Keeping this in mind and subject to the further course of the negotiations, the proposed amount of **EUR 3,500.00 in Para 3 seems appropriate**.

We have to ensure that any **increases in the contributions in the CEAS provisions do not lead to a reduction in the contributions earmarked for shared management** measures under the National Programs of the MS.

Art. 17, Para. 8; Art. 16, Para 7: AT views it **very problematic** that the COM has this much room to maneuver in terms **of increasing the amounts through delegated acts**.

BELGIUM

Belgium has the following written remarks regarding WK 8382/20.

General remark. In line with our contribution to WK 6992/20 and the Belgian statement following the adoption of the negotiation mandate in COREPER on 24.07.2020, Belgium remains convinced that the new Asylum and Migration Fund (AMF) should not be limited to a mere update of the 2014 provisions on lump sums for resettlement and relocation. A more structural reform of the financial mechanisms directly supporting Member States facing disproportionate asylum pressure can and should be realized in the framework of these discussions.

The manner in which the amounts are proposed to be filled in, in the aftermath of the conclusions of the European Council in WK 8382/20 would *again be a missed opportunity* in this context, since compared to the COM proposals of 2018 this basically means linear savings have been made. The savings are inadequately targeted and unfortunately, once again, the concept fair share was not integrated in this exercise. As a consequence, countries who already carry a disproportionate asylum pressure burden but at the same time still prove solidarity by resettling or relocating (vulnerable) persons, only qualify for the reduced basic amounts mentioned in art 16 and 17. We are of the opinion that another way to implement savings would be take into account the burden that Member States already carry regarding asylum efforts. Countries whose efforts are greater than what they should be doing according to their fair share, should also receive higher financial compensations for this.

Article 16 - "Resources for Resettlement and humanitarian admission"

Belgium disagrees with the amounts proposed in (1) and in (3). Compared to the amounts in article 17 of the current AMIF regulation 516/2014, the amount for each person admitted through resettlement has been increased; the amount for vulnerable groups however decreased. What is the reasoning behind these changes?

For Belgium, the decrease in (3) compared to what has been agreed in 2014 is unacceptable:

- If it is the intention to make savings in art 16 AMF compared to COM proposal in 2018, vulnerable persons are not the first group which should suffer from savings.
- In recent years, Member States have focused on the most vulnerable target group (63% of all resettled refugees). Every time Belgium carries out resettlement operations, Belgium strives after a substantial relative proportion of vulnerable persons on the total of persons to be resettled, and we would like to continue this policy. By reducing the budget, the question arises whether it is intended to reduce the proportion of resettled refugees within the most vulnerable target group. It must be avoided member states feel less incentive to focus on vulnerable groups in the context of resettlement. The "UNHCR Projected Global Resettlement Needs 2021" shows an increase in global resettlement needs. The proportion of files submitted for resettlement by UNHCR within the vulnerable target group referred to in Article 16 (3) in 2019 was 87.4% of the total number of files submitted that year. There is no reason to assume that this percentage will decrease in the coming months/years, so the need for commitment to the most vulnerable target group is very important.
- Expenses for persons from the most vulnerable target group are in any case much higher than for ordinary resettled persons. In the long run there is also a higher social cost (medical expenses, less rapid activation on the labour market, social guidance, etc.).
- Although the amounts filled in art 16 in the aftermath of the European Council Conclusions are lump sums and we are aware that it is not possible and not intended that the amount would finance the full costs of resettlement or relocation through the AMF, Belgium thinks:
 - The amount in (3) must be at least minimum 10000 euro, since this was already agreed on in 2014. Keeping the amount of 2014 would already mean a decrease, because of not taking into account the inflation.
 - The relative difference between (1) and (3) must reflect the characteristics of the costs related to vulnerable persons to be resettled/relocated.
 - The motivation behind the difference between the amount for a person resettled as provided for in Article 16 (1) and persons admitted through humanitarian admission as provided for in Article 16 (2) should be justified more.

ESTONIA

EE does not oppose the PRES proposal concerning the amounts in Art 16 and 17, in case these will cover most costs of resettlement or relocation. We support the review clause (Art 34a) to ensure that any agreement reached on the AMF proposal now will be reviewed and, if necessary, aligned with any policy decisions which may be taken on CEAS-related legislative proposals in the future.

FINLAND

General remarks

- We thank the Presidency for the initiative on defining the amounts in articles 16 and 17 of the Regulation of the Asylum and Migration Fund.
- Finland is committed to and highlights resettlement as a safe and considerable way to offer international protection to the most vulnerable persons. A well-functioning resettlement system also contributes to decreasing the pressure of irregular migration flows towards the EU.
- Financial compensations through the Asylum and Migration Fund effectively contribute to the capacity in the Member States to streamline the processes and to enhance the quality of the processes and services linked to resettlement. Consequently, financial incentives further foster the global role of the EU as a leading actor when it comes to resettlement.
- As the Presidency points out, the lump sums should give incentives for resettlement and relocation rather than cover the complete costs of resettlement or relocation through AMF. Therefore, these incentives have to be tailored in a way that they support the general aim of resettlement to offer international protection to the most vulnerable persons. Respectively, for the same reasons, lower incentives are purposeful to those alternatives that either do not focus on the vulnerable persons or whose level of protection does not meet the same standards as in resettlement.

Article 16 Resources for Resettlement and humanitarian admission

- Para 1: for each person admitted through resettlement: 7,500 EUR
 - FI can support the proposed amount
- Para 2: for each person admitted through humanitarian admission: 5,000 EUR
 - FI can support the proposed amount

- Para 3: vulnerable groups: ~~9,000 EUR~~ -> 10,000 EUR
 - FI suggests to increase the amount from the proposed 9,000 EUR to 10,000 EUR. As described above, resettlement of vulnerable persons is an efficient way to offer protection to the most vulnerable refugees and is thus in the core of general resettlement policies. Moreover, the higher amounts are only applied to vulnerable groups defined in the proposed Art. 16(3) leaving out the common Union resettlement priorities that are also applicable in the current AMIF. Bearing this in mind, the estimation of 63% of all resettled persons belonging to vulnerable groups seems to be far too high which would leave room for an increased amount for vulnerable persons without jeopardizing the overall budget for the Thematic Facility.

Article 17 Resources for the transfer of applicants for international protection or of beneficiaries of international protection

- Para 1: for each applicant for international protection transferred from another Member State: 3,500 EUR
 - FI can support the proposed amount
- Para 2a: for each beneficiary of international protection transferred from another Member State: 3,500 EUR
 - FI can support the proposed amount
- Para 3: an additional amount for the implementation of integration measures: 3,500 EUR
 - FI can support the proposed amount
- Para 4: return: 3,500 EUR
 - FI can support the proposed amount
- Para 5: cost of transfers: 500 EUR
 - FI can support the proposed amount

FRANCE

- *Nous remercions la présidence pour sa proposition ainsi que les documents de travail transmis sur les montants des forfaits qui permettent de faire avancer les discussions.*
- *Nous prions la présidence de trouver ci-dessous la position de la France.*

1. Commentaires généraux

- *La présidence considère que les montants des forfaits pour la réinstallation et la relocalisation doivent rester incitatifs et se baser sur le cadre réglementaire actuel.*
- *Néanmoins, la proposition de la présidence ne répond pas à ces principes au vu de la baisse significative des forfaits proposés pour les articles 16 et 17.*
- *Nous rappelons par ailleurs que le financement européen est la seule source de financement des programmes de réinstallation et de relocalisation en France. Dans ce contexte, les montants des forfaits revêtent donc une importance particulière.*
- *Nous restons en attente de clarifications sur le changement de terminologie, passé de « somme forfaitaire » à « montant », et qui constitue un changement important par rapport au cadre actuel.*

2. Article 16 : Ressources pour la réinstallation et l'admission humanitaire

- *Nous nous opposons aux forfaits proposés pour les personnes admises au titre de la réinstallation (7 500 EUR), de l'admission humanitaire (5000 EUR) et pour les groupes vulnérables (9 000 EUR). Les forfaits proposés marquent une différence qui nous paraît préjudiciable avec le cadre actuel, qui prévoit un forfait de 10 000 EUR pour une personne réinstallée relevant d'une catégorie prioritaire.*

- *Nous sommes favorables à un forfait harmonisé pour la réinstallation et l'admission humanitaire et nous proposons un forfait unique pour les articles 16(1), 16(2) et 16(3) qui ne soit pas inférieur aux forfaits appliqués actuellement.*
- *Toutefois, si des forfaits différenciés étaient privilégiés, nous pourrions accepter un forfait plus bas pour l'admission humanitaire.*

3. Article 17 : Ressources pour le transfert de demandeurs ou bénéficiaires d'une protection internationale

- *Nous rappelons que le financement des transferts de demandeurs d'asile et de bénéficiaires d'une protection internationale est un enjeu important et que les forfaits alloués dans ce cadre doivent impérativement demeurer incitatifs.*
 - *Nous proposons une répartition alternative des forfaits prévus sous l'article 17.*
- a. Articles 17(1) et 17(2) prévoyant un forfait accordé par demandeur d'asile (3 500 EUR) ou bénéficiaire d'une protection internationale transféré (3 500 EUR)
- *Nous trouvons excessive la baisse à 3 500 EUR. Il convient à tout le moins que le montant fixé par demandeur d'asile transféré soit dans la continuité du cadre actuel (6 000 EUR).*
 - *Nous rappelons par ailleurs que le transfert de bénéficiaire de la protection internationale est une pratique peu courante. Dès lors, il nous paraît peu opportun de prévoir le même forfait que pour les demandeurs d'asile transférés.*
 - *Nous souhaitons que le forfait pour les demandeurs d'asile transférés soit significativement plus important et pourrions accepter un forfait plus bas pour les bénéficiaires d'une protection internationale transférés.*

b. Article 17(3) octroyant un forfait complémentaire (3 500 EUR) pour le financement de mesures d'intégration

- *Nous saluons le maintien d'un financement pour des mesures d'intégration pour les demandeurs d'asile ayant obtenu une protection internationale dans l'État de relocalisation.*
- *Nous avons indiqué que nous pouvions accepter une baisse de la somme de 10 000 euros qui était initialement proposée, laquelle était importante au regard des autres financements déjà prévus par le FAMI au titre de l'intégration.*
- *Nous pouvons accepter le forfait proposé pour le financement de mesures d'intégration dans la mesure où il conserve un caractère incitatif pour le transfert de personnes en besoin de protection.*

c. Article 17(4) octroyant un forfait supplémentaire (3 500 EUR) à des fins de retour

- *Contrairement à ce qu'implique la proposition de la présidence, nous estimons qu'une opération de retour ne doit pas bénéficier du même montant de financement que celui accordé pour les mesures d'intégration des bénéficiaires de la protection internationale.*

d. Article 17(5) octroyant un forfait (500 EUR) pour l'organisation du transfert

- *Nous soutenons l'octroi d'un forfait de 500 EUR par personne pour l'organisation du transfert.*

GREECE

EL comments are as follows:

Relocation

The total number of persons are expected not only to reach but exceed the 100.000 within the period of 2021-2027 for EL. According to the formulas sent, the eligible people actually relocated are expected to be a 20% of the total, a ratio which is considered low.

Furthermore, the amount for relocation or integration or amount for return is considered too low and is not expected to incentivize either the country of first reception or the country that receives the beneficiary. The relevant amount should be at least doubled.

HUNGARY

Hungary does not support resettlement or relocation. However, it accepts that other Member States participate in these programs on a voluntary basis.

Overall, we are concerned that we would place a disproportionate emphasis on the form of solidarity achieved through resettlement and relocation under this regulation and we would spend an extraordinary amount of EU support, which could jeopardize the adequate funding of other solidarity instruments or other solutions. Therefore, we rejected the extension of the partial general approach of the new AMIF Regulation.

As regards the newly introduced amounts for resettlement and relocation, we are of the view that they still remain too high.

Hungary supports all solutions that grant at least 50% of the resources of thematic facility for other forms of support (e.g. emergency assistance, Union Actions, Specific Actions) and solidarity including the support of third countries, especially the countries of the Western Balkans, which are constantly facing migratory pressures. Therefore, given the wide variety of spending scenarios presented in the Presidency's paper depending on the number of relevant resettled or relocated persons, we would be in favour of setting out a ceiling of financial support for activities based on Art. 16 and 17.

ITALY

Article 16 - Currently, 6.000 euros are normally foreseen for each resettled person and 10.000 euros for vulnerable persons and "for each person resettled in accordance with the common Union resettlement priorities" (article 17, para. 2, of reg. 516/2014).

This latter case seems to be disappeared in the proposed text. Furthermore, Italy is concerned with the reduction to 9.000 euros for resettled each vulnerable person, as all cases taken charge of in the Italian system belong to this category which demands more economic efforts to MS.

Article 17 - Italy takes stock of the alignment of the proposal to the current amount of 500 euros to the benefit of transferring MS.

SLOVAKIA

Slovakia does not apply any comments as regards the document **8382/20**.

