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RESOLUTION OF THE FIRST STANDING COMMITTEE
**(Constitutional affairs, affairs of the Prime Minister's Office and home affairs,
general legal system of the State and the Civil Service)**

(Rapporteur MAZZONI)

adopted at the sitting of 5 October 2016

ON THE

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL ESTABLISHING A UNION RESETTLEMENT FRAMEWORK
AND AMENDING REGULATION (EU) No 516/2014 OF THE EUROPEAN
PARLIAMENT AND THE COUNCIL (COM(2016) 468 final)**

pursuant to Article 144(1) and (6) of the Rules of Procedure

Sent to the President's Office on 17 October 2016

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The Committee,

having examined, pursuant to Article 144(1) and (6) of the Rules of Procedure, the Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council (COM(2016) 468 final),

whereas:

the Proposal establishes an EU Resettlement Framework and amends Regulation (EU) No 516/2014 of the European Parliament and the Council establishing the Asylum, Migration and Integration Fund;

the document forms part of a second package of legislative proposals presented by the European Commission on 13 July 2016 to reform the Common European Asylum System;

the proposed Regulation lays down common procedures for the admission of third-country nationals or stateless persons in need of international protection from a given third country to which or within which they have been displaced to the territory of the Member States with a view to offering them such protection. The objective is thereby to stop the use of irregular and dangerous channels into European territory, to contribute to reducing the pressure of spontaneous arrivals on the Member States' asylum systems, and to alleviate the pressure on countries in regions to which or within which a large number of persons in need of international protection have been displaced;

the purpose of the Proposal is to set up a mechanism for the annual resettlement of a certain number of third-country nationals or stateless persons in the territory of the Member States, laying down common rules at the European level regarding admission and distribution, the status to be accorded to resettled persons, and financial support,

having examined the following main elements of the Proposal for a Regulation:

the Council of the European Union is authorised to establish, by means of an implementing act on a proposal from the Commission, an annual European Union resettlement plan for the following year, determining the maximum number of persons to be resettled and the internal distribution of these persons amongst the Member States. This annual plan will become operational by means of targeted resettlement schemes adopted by the Commission;

the criteria for determining the regions or third countries from which resettlement will take place include: the number of persons in need of international protection, the overall relationship between the European Union and the third countries in question, and effective cooperation on asylum and migration matters, including development of their asylum system and cooperation on illegal migration, readmission and repatriation;

the new EU Resettlement Framework will lay down the common

standard procedures for selecting and processing candidates for resettlement, the common eligibility criteria, the common grounds for excluding candidates and the procedure (ordinary or expedited) to be followed;

the ordinary procedure reflects the standards and practices normally used by the Member States. It is based on a full assessment of refugee status in the third country and the granting of refugee or subsidiary protection status by the Member States to the resettled third-country nationals or stateless persons. The procedure must be conducted within eight months of the Member States registering the third-country nationals or stateless persons. This period may be extended by four months;

the expedited procedure is laid down for cases in which there are specific humanitarian grounds or an urgent need for protection. It must be conducted within four months of the Member States registering the third-country nationals or stateless persons. This period may be extended by two months. While the same level of security checks should be conducted as in the ordinary procedure, the assessment of the international protection needs of third-country nationals or stateless persons should be limited to an assessment of their eligibility for subsidiary protection without assessing their qualification for refugee status. Persons resettled through the expedited procedure should be able to apply to the Member State in which they are resettled for international protection;

to support the Member States in their resettlement efforts, by amending Regulation No 516 of 2014, the Proposal makes provision for EUR 10 000 to be allocated from the European Union budget for each resettled person. The funds will be allocated under the Asylum Migration and Integration Fund (AMIF). Resettlements that take place outside the EU framework will not be financed from the EU budget;

whereas, moreover:

the legal basis for the document has been correctly identified as Article 78(2)(d) and (g) of the Treaty on the Functioning of the European Union (TFEU);

the Proposal complies with the principle of subsidiarity in that only at the European level is it possible to achieve the objective of developing a common policy aimed at guaranteeing organised and safe channels of access to Europe for persons in need of international protection;

the form and content of the Regulation are limited to what is necessary to achieve the pre-determined objectives, in compliance with the principle of proportionality,

having examined the Government's report, drawn up pursuant to Article 6(4) of Law No 234 of 24 December 2012,

issues a favourable opinion, with the following comments:

concerning the targeted resettlement schemes referred to in Article 8(1), to be established by means of implementing acts of the European Commission, there is no indication of the criteria used to determine the numbers assigned to each State. The benchmarks used to determine the participation arrangements for each State should be clearly defined (for example, population, GDP, foreigners already resettled);

in the Proposal, where the expedited procedure referred to in Article 11 is to be applied, it is not necessary for the requirements for granting international protection to be fulfilled or for an assessment to be made by the United Nations High Commissioner for Refugees (UNHCR), or by other humanitarian organisations where authorised, as to whether refugee status can be awarded. In addition, there are no reference criteria on the basis of which the Commission adopts the implementing act providing for use of the expedited procedure. It is necessary to set out conditions or parameters to serve as the basis for the decision, including by means of a role for the UNHCR or other humanitarian organisations where authorised.

OPINION OF THE 14TH STANDING COMMITTEE
(EUROPEAN UNION POLICIES)
(Estensore ROMANO)

5 October 2016

The Committee, having examined the proposal,

whereas the Proposal for a Regulation, which forms part of a comprehensive reform of the European asylum system, makes provision for the establishment of an EU Resettlement Framework for the purpose of admitting third-country nationals and stateless persons to the territory of the Member States to grant them international protection, in order to stop the use of irregular and dangerous routes to obtaining such protection and prevent trafficking networks from taking advantage of them, to reduce the pressure of spontaneous arrivals on the Member States' asylum systems, and to show solidarity with displaced populations in need of international protection;

whereas:

the Commission Recommendation of 8 June 2015 on a European resettlement scheme (C(2015) 3560), approved by the Governments of the Member States meeting within the Council on 20 July 2015, makes provision for the resettlement of 22 504 persons in clear need of international protection, within a period of two years;

on 15 December 2015 the Commission issued a Recommendation for a voluntary humanitarian admission scheme with Turkey to the Member States and associated States, which was followed by the EU-Turkey statement of 18 March 2016, on the basis of which for every Syrian sent back to Turkey from the Greek islands, another Syrian would be resettled in the European Union from Turkey;

on 21 March 2016 the Commission submitted a Proposal for a Council Decision amending Council Decision (EU) 2015/1601 on the relocation of 160 000 refugees from Italy and Greece (COM(2016) 171), allowing 54 000 relocation places to be used to resettle that number of Syrian nationals present in Turkey;

in view of the following main elements of the Proposal for a Regulation:

on the basis of Article 7, the Council of the European Union will adopt an annual EU resettlement plan, on a proposal from the Commission, determining the maximum number of persons to be resettled and the internal distribution amongst the Member States. The annual plan will also indicate overall geographical priorities for resettlement. In view of the close link between resettlement contributions and the EU budget, the Commission will submit the proposal for an annual plan together with the draft annual budget of the

European Union;

in accordance with Article 8, the Commission will then have to present an implementing act establishing the targeted resettlement scheme, pursuant to the plan laid down by the Council, to establish *inter alia* the exact number of persons to be resettled on the basis of the distribution set out in the Council's plan and the regions or third countries from which resettlement is to occur;

under the targeted resettlement scheme, the Member States must follow the ordinary procedure referred to in Article 10 to identify eligible third-country nationals or stateless persons and to assess their eligibility according to the criteria laid down in Article 5, on the basis of documentary evidence and/or a personal interview, within eight months of their registration. If the result of the assessment is positive, the Member State will grant refugee status and arrange a transfer to its territory free of charge;

when the targeted resettlement scheme makes provision, in a given context, for an expedited procedure, the Member States must follow the procedure laid down in Article 11, which does not provide for in-depth assessment of the grounds for the application for protection, and grant subsidiary protection status within four months. After admission to the Member State, an application for international protection can be made. The expedited procedure reflects the approach established in the standard operating procedures to implement the resettlement scheme with Turkey set out in the EU-Turkey statement of 18 March 2016, and is laid down for situations in which there are specific humanitarian grounds or an urgent need for legal or physical protection justifying the rapid admission of third-country nationals or stateless persons to the territory of the Member States;

Article 17 amends Regulation (EU) No 516/2014 of the European Parliament and the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund to stipulate that the Member States will be entitled to a lump sum of EUR 10 000 for each person resettled under the Regulation;

having examined the Government's report, sent on 21 September 2016 pursuant to Article 6(4) and (5) of Law No 234 of 24 December 2012,

comments favourably on the proposal, within its area of responsibility, with the following remarks:

the legal basis has been correctly identified as Article 78(2)(d) and (g) of the Treaty on the Functioning of the European Union (TFEU), which lays down the ordinary legislative procedure for adopting measures for a common European asylum system, including common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status, and partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection;

the principle of subsidiarity is respected in that the objective of establishing an EU Resettlement Framework for the admission of third-country nationals and stateless persons to the territory of the Member States in order to grant them international protection cannot be adequately achieved by the Member States individually;

the principle of proportionality is respected as the proposed measures are limited to what is necessary to achieve the objective;

in this respect, concerning the targeted resettlement schemes referred to in Article 8(1) to be established by means of implementing acts of the European Commission, there is no indication of the criteria used to determine the participation of each State in terms of numbers. The benchmarks used to determine the participation arrangements for each State should be clearly defined (for example, population, GDP, foreigners already resettled);

in the Proposal, where the expedited procedure referred to in Article 11 is to be applied, it is not necessary for the requirements for granting international protection to be fulfilled or for an assessment to be made by the United Nations High Commissioner for Refugees (UNHCR) as to whether refugee status can be awarded. In addition, there are no reference criteria on the basis of which the Commission adopts the implementing act that makes provision for use of the expedited procedure. It is necessary to set out conditions or parameters to serve as the basis for the decision, including by means of a role for the UNHCR.