



Romanian Parliament
Senate

Bucharest, 1st November 2016

OPINION

of the ROMANIAN SENATE

**regarding 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**

The Romanian Senate examined 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 – according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the report of October 21, 2016 of our permanent Committee on European Affairs, **the Plenum of the Senate**, during its session of October 24, 2016, decided as follows:

I. The following are noted:

- a. The proposal for a regulation comes as published by the Commission on 13 July 2016 terminating the reform of the Common European Asylum;
- b. the objectives of the legislative proposal aim to:
 - i. Future resettlement framework will be implemented through annual EU resettlement plans that will broadly establish areas of priority which will perform relocation and maximum total number of persons to be relocated the following year, calculated based on participation and contributions from Member States and Schengen associated countries under the annual plan of relocation.
 - ii. The Commission will chair a high-level group composed of representatives of the EP, COM, the High Representative for Foreign Affairs and Security Policy of the EU, MS, UNHCR, IOM and possibly EU Asylum Agency, which will provide policy guidance on the implementation of this framework.
 - iii. The EU resettlement establishes criteria that must be taken into account when determining which regions or third countries will perform relocation.
 - iv. The new framework EU resettlement will establish a common set of standard procedures for the selection and treatment of candidates for relocation.
 - v. To assist Member States in their efforts to relocate within specific EU mechanisms, the Commission will provide for each person resettled a sum of € 10,000 from the EU budget. The funds will be allocated from the EU Fund for asylum, migration and integration (FAMI).

- vi. Relocation performed outside the Union will not be funded from the EU budget.
- vii. Regulation will apply for two types of external relocation: ordinary (lasting 8-12 months) and accelerated (duration 4-6 months after the model scheme with Turkey).

II. Reservations about the compliance with subsidiarity and proportionality are expressed:

- a. External relocation mechanism proposed by the Commission involves a major commitment of Member States, in procedural terms, since they would actually carry out resettlement operations, from identifying potential candidates in the countries of origin to the actual grant of international protection; Union involvement is limited to outlining a resettlement scheme and allocation of money for the integration of people relocated by Member States.
- b. One of the reasons underlying the proposal to achieve the objectives of the Union's foreign policy resides in increasing the involvement of the Union in third countries (relocation mechanism being considered as an additional lever of foreign policy objective). This aim is essentially sufficient reason to regulate the issue through regulations.
- c. Imposing a number of people to be resettled in third countries, based on a European Commission decision (under Article 8 par. (2) b) of the project], although states would be involved in mechanism decision making, aspect that is insufficiently detailed in the proposal and besides not being clear the role of representatives of Member States on the scheme relocation can affect the very sovereignty of states in the process of deciding on the essential and inherent attributes in that value: their territory and its constituted population.
- d. At the same time, it is estimated that once the people are relocated and international protection is granted, member state shall assume responsibility for integration into society. That point must be examined in the medium-term, and it is not clear whether the lump sum of 10,000 euros / person is required to cover the costs of integration.
- e. Regarding the proposed form, it is considered that the arguments in the explanatory memorandum are not relevant enough so as to justify the choice of instrument (the Regulation), in order to achieve objectives of the Treaties.
- f. In terms of content, the proposed regulation aims to establish quotas for relocation the are reinforced on compliant Member States. It is considered that this may affect one of the basic principles of the Union expressly stipulated in article 21 par. (1) TFEU that the Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the various legal systems and legal traditions of the Member States. In the absence of the possibility of applying the principle of volunteering that takes into account the capabilities of Member States for the reception and integration of people relocated to local firms, imposing quotas could affect the application of art. 21 (1) of the Treaty, mentioned above.

p. Speaker of the Senate

Ioan CHELARU