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*****II**

RECOMMENDATION FOR SECOND READING

on the Council position at first reading for adopting a regulation of the European Parliament and of the Council establishing a European Asylum Support Office
(16626/2/2009 – C7-0049/2010 – 2009/0027(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Jean Lambert

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* alerts the relevant departments to parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act which the draft act seeks to amend includes a third and fourth line identifying respectively the existing act and the provision in that act affected by the amendment. Passages in a provision of an existing act that Parliament wishes to amend, but the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...].

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	6
PROCEDURE.....	8

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council position at first reading for adopting a regulation of the European Parliament and of the Council establishing a European Asylum Support Office (16626/2/2009 – C7-0049/2010 – 2009/0027(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (16626/2/2009 – C7-0049/2010),
 - having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0066),
 - having regard to Article 251(2), Article 63, first paragraph, points (1) and (2), and Article 66 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0071/2009),
 - having regard to its position at first reading¹,
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled "Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures" (COM(2009)0665),
 - having regard to Article 294(7), Article 74 and Article 78(1) and (2) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A7-0118/2010),
1. Approves the Council's position;
 2. Notes that the act is adopted in accordance with the position;
 3. Instructs its President to sign the act with the President of the Council pursuant to Article 297(1) of the Treaty on the Functioning of the European Union;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the Official Journal of the European Union;
 5. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

¹ Texts adopted, 7.5.2009, P7_TA(2009)0379.

EXPLANATORY STATEMENT

The Commission adopted on 18 February 2009 the proposal for a regulation establishing a European Asylum Support Office (Support Office) and the accompanying proposal amending the Decision on the European Refugee Fund (ERF). The aim of the Support Office is to provide the necessary expert assistance to help in the delivery of a consistent and high quality Common European Asylum Policy.

Procedure

On 7 May 2009, the European Parliament adopted its first reading position on the Support Office and the change to the ERF. After the elections, with the newly elected Parliament, the procedure continued. Jean Lambert was confirmed as rapporteur and was given the mandate by the Committee on Civil Liberties, Justice and Home Affairs (LIBE) to negotiate with Council and Commission on the text (on 30 September). The negotiations took place under the Swedish Presidency, from the end of September until early November. Four trilogues took place (1 October, 8 October, 22 October and 5 November). The rapporteur and the shadow rapporteurs worked closely together and regular feedback was given to the LIBE committee. An orientation vote on the compromise texts, which reflected the compromise between the rapporteur, the shadow rapporteurs, Commission and Council, was held on 12 November. The LIBE Chairman, Juan Fernando López Aguilar, sent a letter to the Council. He indicated that the rapporteur and the shadow-rapporteurs considered positively the acceptance by COREPER of the texts which reflected the outcome of the negotiations between the three institutions. If these texts were to be transmitted formally to the European Parliament during a forthcoming plenary session as the Council positions at first reading for these legislative proposals, the Chair would recommend to the LIBE Members and subsequently to the plenary that the Council positions be accepted without amendments in European Parliament's second reading, subject to the verification by the lawyer-linguists of both institutions. On 18 November agreement was reached in COREPER on both texts. Then the lawyer-linguists of both institutions worked on the texts and on 25 and 26 February they were adopted by the Council. Both Council positions were sent to the European Parliament and announced in plenary on 10 March 2010. Draft recommendations were presented in LIBE on 16 March 2010 and a vote will take place on 7/8 April. The vote in plenary will take place during the May part-session in Strasbourg.

Content

The European Parliament is convinced of the added-value to Member States of the introduction of this new Support Office, not in the least in the development of mutual confidence and sharing of responsibilities.

The European Parliament proposed amendments to the Commission proposal that take into account Parliament's demands. These include the offering of support on resettlement. The Support Office will be responsible for coordinating exchanges of information and other actions on resettlement taken by Member States with a view to meeting their protection needs and showing solidarity with the host countries. Accountability was also a concern. The role of

the European Parliament in the appointment of the Executive Director was an important issue. It is foreseen that the candidate selected by the Management Board will make a statement before the competent committee(s) of the European Parliament, after which the Parliament may adopt an opinion. The Management Board shall inform the European Parliament of the manner in which that opinion is taken into account (Article 30). Intra community solidarity shall take place on an agreed basis between the Member States and with the consent of the individual concerned. The Member State may, where appropriate, consult the United Nations High Commissioner for Refugees (UNHCR) (Article 5). Also there are clear rules on the evaluation and review of the achievements of the office (Article 46), and the need to cooperate with UNHCR is explicitly laid down (Article 50). On request of the European Parliament there is a provision on the Consultative Forum which shall constitute a mechanism for the exchange of information and pooling of knowledge. It shall ensure that there is a close dialogue between the Support Office and the relevant stakeholders (Article 51). The European Parliament considers that the necessary budgetary changes to the European Refugee Fund will provide adequate funding for the new agency in its initial phases.

PROCEDURE

Title	Establishment of a European Asylum Support Office
References	16626/2/2009 – C7-0049/2010 – 2009/0027(COD)
Date of Parliament's first reading – P number	7.5.2009 T6-0379/2009
Commission proposal	COM(2009)0066 - C6-0071/2009
Date receipt of common position announced in plenary	11.3.2010
Committee responsible Date announced in plenary	LIBE 11.3.2010
Rapporteur(s) Date appointed	Jean Lambert 16.3.2010
Discussed in committee	16.3.2010 8.4.2010
Date adopted	8.4.2010
Result of final vote	+: 41 -: 4 0: 1
Members present for the final vote	Jan Philipp Albrecht, Roberta Angelilli, Vilija Blinkevičiūtė, Louis Bontes, Rita Borsellino, Simon Busuttil, Philip Claey's, Carlos Coelho, Cornelis de Jong, Cornelia Ernst, H��l��ne Flautre, Nathalie Griesbeck, Sylvie Guillaume, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Teresa Jim��nez-Becerril Barrio, Timothy Kirkhope, Juan Fernando L��pez Aguilar, Baroness Sarah Ludford, Clemente Mastella, V��ronique Mathieu, Nuno Melo, Louis Michel, Antignoni Papadopoulou, Georgios Papanikolaou, Jacek Protasiewicz, Carmen Romero L��pez, Birgit Sippel, Csaba S��gor, Renate Sommer, Rui Tavares, Valdemar Tomaševski, Wim van de Camp, Axel Voss, Renate Weber, Tatjana Źdanoka
Substitute(s) present for the final vote	Alexander Alvaro, Elena Oana Antonescu, Michael Cashman, Ioan Enciu, Jean Lambert, Stavros Lambrinidis, Antonio Masip Hidalgo, Mariya Nedelcheva, Cecilia Wikstr��m