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THE COUNCIL

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#### OUTCOME OF PROCEEDINGS

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to :	Working Party on Social Questions

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No. Cion prop.:	5303/99 SOC 14 ASIM 2 FIN 11 (COM(98) 731 final)
Subject :	Proposal for a Council decision establishing a Community action programme to promote the integration of refugees

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Following general discussions on 12 July 1999, the Working Party on Social Questions examined this Commission proposal for the first time on 19 July 1999, with the exception of the recitals.

Denmark and the United Kingdom entered parliamentary scrutiny reservations. At this stage, delegations have general scrutiny reservations on this text.

Although the question of the legal basis was not discussed at the last meeting, several delegations have already expressed doubts about Article 308 and/or 137(2) as a proper legal base for such a programme. This issue will be discussed at the next meeting of the Working Party on 8 September 1999.

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**Proposal for a  
COUNCIL DECISION**

establishing a Community action programme  
to promote the integration of refugees

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles **308** and **137(2)** thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

[Having regard to the opinion of the European Parliament<sup>2</sup>,]

[Acting in accordance with the procedure laid down in Article 251 of the Treaty,]

- (1) Whereas the Commission, in its Social Action Programme 1998-2000<sup>3</sup>, announced its intention to propose a programme for the integration of refugees, building on the successful pilot actions implemented in 1997 and 1998;
- (2) Whereas the Member States and the Institutions have repeatedly expressed their concern about the situation of refugees; whereas the number of refugees in Europe has substantially increased in recent years;
- (3) Whereas action in favour of the social and economic integration of the least privileged and most vulnerable population groups forms an integral part of economic and social cohesion, the maintenance and strengthening of which are among the fundamental objectives of the Community mentioned in Articles 2 and 3(j) of the Treaty; whereas refugees are particularly vulnerable people whose integration requires specific action and measures;

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<sup>1</sup> OJ C

<sup>2</sup> OJ C

<sup>3</sup> COM(1998) 259 final.

- (4) Whereas Structural Fund assisted measures and other Community measures in the field of education and vocational training are not in themselves sufficient to promote this integration, and it is expedient to establish a programme of specific measures to that end;
- (5) Whereas the programme should not prejudice the policies and powers of the Member States and should not overlap with or detract from joint actions launched in the fields of asylum and immigration policy or measures which may be taken by the Community in those areas;
- (6) Whereas, in accordance with the principles of subsidiarity and proportionality as set out in Article 3b of the Treaty, the objectives of the proposed action cannot be sufficiently achieved by the Member States, in that the objective is to support and supplement action taken by the Member States; whereas furthermore the objective of the programme provided for in this Decision by its very nature is situated at the Community level; whereas, therefore, the scale and impact of the programme should have a Community dimension and the programme should be applicable in the entire Community; whereas this Decision confines itself to the minimum required in order to achieve that objective and does not go beyond what is necessary for that purpose;
- [(7) Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those under Article 308]<sup>1</sup>

**HAS DECIDED AS FOLLOWS:**

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<sup>1</sup> Subject to a decision on the precise legal basis, this recital may have to be amended.

## OBSERVATIONS

### Article 4

Several delegations asked for clarification and simplification of Article 4.

Several delegations raised the question of the possible overlap with other programmes, especially since it wishes to adopt a multidimensional approach. In that respect, three delegations (S, DK, L) asked the Commission whether measures aiming at the integration of refugees on the labour market were also covered by this programme, bearing in mind that such actions come under the European Social Fund. The Commission representative stated that although integration in the labour market is excluded, as such, from the scope of this programme, support would be given to projects based on guidance and counselling and other ways to ensure that refugees are in a position to take part in programmes designed especially to integrate people in the labour market.

Several delegations emphasised the need to clarify the notion of "*Community added value*" with respect to (a). The French delegation entered a scrutiny reservation on (a).

Several delegations (P, D, Ö, F, EL) asked whether the mention of "*all Member States*" in (b) was right and whether the standard expression "*two or more Member States*" would not be sufficient. The Commission representative pointed out that there are currently three projects of the kind (involving all the Member States) and underlined the value of such projects.

The Austrian delegation expressed concern over the possible concentration of the programme on larger projects, to the detriment of smaller projects.

The Greek delegation insisted on the importance of maintaining a balance between regional and local activities, in terms of actions and financing.

## Article 5

### **Consistency and complementarity**

The Commission and the Member States shall ensure consistency and complementarity between the initiatives undertaken under this Decision and initiatives undertaken by the Member States and those undertaken under the Structural Funds and other Community policies, programmes and actions, including those relating to labour-market integration, to youth, education, training, research, culture, the reception, temporary protection and voluntary repatriation of asylum seekers and displaced persons.

## Article 6

### **Implementation**

1. The Commission shall implement the action programme in close cooperation with the Member States in accordance with this Decision.
2. The Commission shall cooperate with institutions and organisations active in the field of integration of refugees.

## Article 7

### **Committee**

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by a representative of the Commission (hereinafter referred to as 'the Committee').

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time-limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

## OBSERVATIONS

### Article 5

The German delegation raised the issue of overlapping and asked for a reference to specific programmes. Five delegations (UK, F, S, IT, DK) indicated that, given the multidimensional approach of the programme, it would be impossible not to have some kind of overlap with other programmes, although duplication should be avoided.

A majority of delegations felt that the second part of the article should be clarified. Three delegations (S, IRL, UK) asked for the deletion of the end of the Article, beginning with “*including those related to...*”. Spain asked to keep the reference to the labour market and to delete the rest.

### Article 6

No observations were made by delegations.

### Article 7

Seven delegations (S, D, Ö, F, UK, I, IRL) expressed a preference for a management committee, Luxembourg supported the Commission proposal for an Advisory committee. Denmark entered a neutral scrutiny reservation. The Presidency drew the attention of the Working Party to new rules on Comitology (Council Decision on 28 June 1999 – OJ N° L 184; 17.7.99), which recommends the use of the management procedure for the implementation of programmes with substantial budgetary implications, which is not the case here.

This question will have to be examined again in the light of the new rules on Comitology.

## Article 8

### **Functions of the Committee**

The Committee shall deliver opinions on the following points:

- (a) general guidelines for the support to be provided by the Community;
- (b) the annual work programme and matters concerning the financial breakdown of these activities;
- (c) procedures for the selection of the actions supported by the Community, the criteria for monitoring and assessing those actions and the programme as a whole, and the arrangements for disseminating and transferring the results.

## Article 9

### **Determination of financial assistance**

1. The actions referred to in Article 4(a) and (b) may receive a Community financial contribution amounting to a maximum of 60%.

However, in exceptional cases, and in accordance with criteria to be agreed with the Committee referred to in Article 7, that maximum shall be 80%.

2. The actions referred to in Article 4(c) may receive a Community financial contribution amounting to a maximum of 90%.
3. The actions referred to in Article 4(d), (e) and (f) shall be financed entirely by the General Budget of the European Communities.

## **OBSERVATIONS**

### Article 8

No observations were made by delegations.

### Article 9

The French delegation entered a reservation, linked to Article 4(a), and asked the Commission what would happen to the level of Community financial participation in the case of projects mixing different types of measures. The Austrian delegation asked whether there is a link between the numbers of the refugees and the participation of the different Member States in the programme. The Commission intends to answer these questions at a later meeting.



## Article 10

### **Monitoring and evaluation**

1. The Commission shall be responsible for the monitoring and evaluation of the measures supported under the programme. Monitoring and evaluation may be financed from the appropriations available for the measures supported. A final evaluation, by independent experts, of the actions undertaken shall be made after completion of the programme.
2. The Commission shall present to the European Parliament and the Council a report on the implementation of the programme, incorporating the results of the evaluation carried out, at the latest by 1 June 2002.

## Article 11

### **Date of taking effect**

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels,

*For the Council*  
*The President*

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## **OBSERVATIONS**

### **Article 10**

No observations were made by delegations.

### **Article 11**

No observations were made by delegations.