Regulation (EU) 2018/2000 of the European Parliament and of the Council of 12 December 2018 amending Regulation (EU) No 516/2014 of the European Parliament and of the Council, as regards the recommitment of the remaining amounts committed to support the implementation of Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation of those amounts to other actions under the national programmes

REGULATION (EU) 2018/2000 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 12 December 2018

amending Regulation (EU) No 516/2014 of the European Parliament and of the Council, as regards the recommitment of the remaining amounts committed to support the implementation of Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation of those amounts to other actions under the national programmes

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2) and Article 79(2) and (4) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

(1) The purpose of this Regulation is to enable the recommitment of the remaining amounts committed to support the implementation of Council Decisions (EU) 2015/1523[(2)] and (EU) 2015/1601[(3)] provided for under Regulation (EU) No 516/2014 of the European Parliament and the Council[(4)] or the allocation of those amounts to other actions under the national programmes in line with Union priorities and Member States' needs in specific areas of asylum and migration. It is also to ensure that such recommitment or allocation occurs in a transparent manner.

(2) The Commission committed funding to Member States' national programmes under the Asylum, Migration and Integration Fund to support the implementation of Decisions (EU) 2015/1523 and (EU) 2015/1601. Decision (EU) 2015/1601 was amended by Council Decision (EU) 2016/1754[(5)]. Those Decisions have now ceased to apply.

(3) Part of the funding allocated under Decisions (EU) 2015/1523 and (EU) 2015/1601 in 2016 and in some cases 2017 remains available in the Member States' national programmes.

(4) It should be possible for Member States to use the remaining amounts to continue to implement relocation by recommitting them to the same action under the national programmes. Member States should recommit or transfer at least 20 % of those amounts

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2018/2000 of the European Parliament and of the Council. (See end of Document for details)*

to actions in national programmes, for the transfer of applicants for international protection or of beneficiaries of international protection, for resettlement or other ad hoc humanitarian admissions, as well as for preparatory measures for the transfer of applicants for international protection following their arrival in the Union, including by sea, or for the transfer of beneficiaries of international protection. Such measures should comprise only those measures referred to in points (a), (b), (e) and (f) of the second subparagraph of Article 5(1) of Regulation (EU) No 516/2014.

(5) Where duly justified in the revision of Member States' national programmes, it should be possible for Member States to use up to 80 % of those amounts to address other challenges in the areas of asylum and migration, in line with Regulation (EU) No 516/2014. Member States' needs in those areas remain significant. Recommitments of the remaining amounts to the same action, or their transfer to other actions under the national programme should be possible only once and with the approval of the Commission. Member States should ensure that the allocation of funds takes place in a manner that fully respects the principles set out in Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council[(6)], in particular the principles of efficiency and transparency.

(6) The target group eligible for transfer, as well as the number of Member States from which transfers take place, should be expanded to give more flexibility to Member States in carrying out transfers, taking into account the specific needs of unaccompanied minors, or other vulnerable applicants, and the specific situation of family members of beneficiaries of international protection. The specific provisions concerning lump sums for resettlement and transfer of beneficiaries of international protection from one Member State to another should reflect that expansion.

(7) Member States and the Commission should have sufficient time to revise the national programmes to accommodate the relevant changes provided for by this Regulation. Therefore, a derogation from Article 50(1) of Regulation (EU) No 514/2014 of the European Parliament and of the Council[(7)] should be applied to the remaining amounts committed to support the implementation of Decisions (EU) 2015/1523 and (EU) 2015/1601, extending the deadline for decommitment by six months with a view to completing the procedure for the revision of the national programmes, as referred to in Article 14 of Regulation (EU) No 514/2014.

(8) Member States should also have sufficient time to use the amounts recommitted to the same action or transferred to other actions prior to the decommitment of those amounts. Therefore, when such recommitments or transfers of amounts under the national programme are approved by the Commission, the amounts concerned should be considered to have been committed in the year of the revision of the national programme that approves the recommitment or the transfer concerned.

(9) The Commission should report annually to the European Parliament and to the Council as regards the implementation of resources for the transfer of applicants for international protection and of beneficiaries of international protection, in particular as regards transfers of amounts to other actions under the national programme as provided for in this Regulation.

(10) This Regulation does not affect the funding available under Article 17 of Regulation (EU) No 516/2014.

(11) The objectives of this Regulation are pursued without prejudice to the ongoing negotiations on the reform of Regulation (EU) No 604/2013 of the European Parliament and of the Council[8].

(12) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(13) In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, Ireland has notified, by letter of 7 December 2018, its wish to take part in the adoption and application of this Regulation.

(14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(15) In view of the need to avoid decommitment of the remaining amounts committed to support the implementation of Decisions (EU) 2015/1523 and (EU) 2015/1601, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.

(16) If Regulation (EU) No 516/2014 is not amended before the end of 2018, the relevant funding will no longer be available for Member States' use under the national programmes supported by the Asylum, Migration and Integration Fund. In view of the urgency of amending Regulation (EU) No 516/2014, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the TFEU and to the Treaty establishing the European Atomic Energy Community.

(17) Regulation (EU) No 516/2014 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 516/2014 is amended as follows:

(1) Article 18 is amended as follows:

(a) the heading is replaced by the following:

Resources for the transfer of applicants for international protection or of beneficiaries of international protection;