



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee / Council

Subject: **ADOPTION OF LEGISLATIVE ACT FOLLOWING THE EUROPEAN
PARLIAMENT'S SECOND READING**
Proposal for a Decision of the European Parliament and of the Council of
amending Decision No 573/2007/EC establishing the European Refugee Fund for
the period 2008 to 2013 as part of the General programme "Solidarity and
Management of Migration Flows" and repealing Council Decision 2004/904/EC
- Outcome of the European Parliament's second reading
(Brussels, 28 to 29 March 2011)

I. VOTE

Since no amendment has been adopted, the President of the European Parliament declared the Council's position at first reading approved.

The text of the European Parliament's legislative resolution is annexed to this note.

II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING

Since the European Parliament has approved the Council's position at first reading, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294 (7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act in question will be published in the *Official Journal* of the European Union.

European Refugee Fund 2008 to 2013 ***II

European Parliament legislative resolution of 29 March 2012 on the Council position at first reading with a view to the adoption of a decision of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' (06444/2/2012 – C7-0072/2012 – 2009/0127(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (06444/2/2012 – C7-0072/2012),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2009)0456),
 - having regard to Article 294(7) and Article 78(2)(g) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Rules 72 and 37 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A7-0063/2012),
1. Approves the Council position at first reading;
 2. Approves its statement annexed to this resolution;
 3. Takes note of the Council statement and the Commission declaration annexed to this resolution;
 4. Notes that the act is adopted in accordance with the Council position;
 5. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 6. 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*;
 7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 161 E, 31.5.2011, p. 161.

Statement of the European Parliament

The European Parliament states that this Decision gives concrete expression, in its enacting provisions, to the principle of solidarity, namely in the form of new financial incentives to encourage resettlement by Member States. In order to ensure its immediate adoption, the European Parliament has agreed to the wording of the Decision in its present form, in a spirit of compromise, whereby explicit reference to Article 80 TFEU is limited to a recital of the Decision. The European Parliament affirms that the adoption of this Decision is without prejudice to the range of legal bases available, in particular concerning the future use of Article 80 TFEU.

Statement of the Council

This Decision is without prejudice to the negotiations on the Multiannual Financial Framework for 2014-2020 and consequently also for the negotiations on the “Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund” for the period 2014-2020 (COM(2011)0751), including whether specific common EU resettlement priorities, based inter alia on geographical criteria, shall be stipulated in the Regulation on the Asylum and Migration Fund for 2014-2020.

Declaration of the Commission

The Commission, in a spirit of compromise and in order to ensure the immediate adoption of the proposal, supports the final text; however it notes that this is without prejudice to its right of initiative with regard to the choice of legal bases, in particular in reference to the future use of Article 80 TFEU.