



**COUNCIL OF
THE EUROPEAN UNION**

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From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

Subject: Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (**first reading**)

- Adoption of the legislative act (**LA + S**)
- = Statements

Statement by the Council on Article 80 TFEU

The Council underlines the importance of the principle of solidarity and fair sharing of responsibility which, in accordance with Article 80 TFEU, is to be given effect in Union acts adopted pursuant to the Chapter of the TFEU on policies on border checks, asylum and immigration. The Regulation establishing the Asylum and Migration Fund contains appropriate measures to give effect to the above principle. However, the Council reiterates its view that Article 80 TFEU does not constitute a legal basis within the meaning of EU law. Within the said Chapter, only Article 77(2) and (3), Article 78(2) and (3) and Article 79(2), (3) and (4) TFEU contain legal bases enabling the relevant EU institutions to adopt EU legal acts.

Statements by the Commission

- On Article 80 TFEU:

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.

- On European Migration Network (EMN):

The Commission, in a spirit of compromise, supports the final text on Article 23 which ensures continued funding support to the activities of the European Migration Network while maintaining its current structure, objectives and governance, as set out in Council Decision [2008/381/EC](#) of 14 May 2008. However the Commission notes that this is without prejudice to its right of initiative with regard to a future more comprehensive revision of the set up and functioning of this network, as envisaged in the Commission's initial proposal for Article 23.

Statement by Bulgaria

Acknowledging the sense of urgency and the importance of the timely adoption of the new financial instruments in the field of Home Affairs, Bulgaria welcomes and supports the text of the Regulation of the European Parliament and of the Council establishing the Asylum, Migration and Integration Fund.

However, we would like to underline the fact that Bulgaria is amongst the Member States that are the most affected from the recently increased refugee and migratory pressure and at the same time will receive one of the smallest national allocations under this fund. Along with the need to respond to the immediate challenges arising as regards granting adequate reception and accommodation to asylum seekers and persons requiring international protection, Bulgaria has to ensure a long-term comprehensive approach focusing also on the integration of the asylum seekers and the expected pressure on the social system: housing, social assistance, education, and health services.

Bulgaria repeatedly raised the issue of providing adequate financing, complementary to the national funds, under the Multiannual Financial Framework 2014-2020 and the Asylum, Migration and Integration Fund in particular considering the disproportionate pressure on the migration, asylum and integration systems.

Therefore, we strongly regret that our request for the increase of the national allocation has not been taken into account by the Council. We believe that, in the spirit of solidarity in the management of migration flows, a fair and objective solution will be found in the near future in order to support Bulgaria in coping with the difficult situation for the long term.
