



Council of the
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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	30 September 2015
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 488 final
Subject:	Proposal for a COUNCIL DECISION on the position to be adopted, on behalf of the European Union, in the sixty-sixth session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

Delegations will find attached the Commission document COM(2015) 488 final.

Encl.: COM(2015) 488 final



Brussels, 30.9.2015
COM(2015) 488 final

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Proposal for a

COUNCIL DECISION

**on the position to be adopted, on behalf of the European Union, in the sixty-sixth session
of the Executive Committee of the Programme of the United Nations High
Commissioner for Refugees**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

By letter of 7 September 2015 to the Chair of the Executive Committee of the UNHCR the Head of the Delegation of the European Union to the United Nations in Geneva requested to examine the ways and means of updating the relevant modalities of the European Union's participation in governing bodies of the UNHCR so that the European Union may envisage its potential participation in Informal Preparatory Consultations. To accommodate the request, it is expected that the Executive Committee of the UNHCR will be called upon to adopt amendments to its Rules of Procedure at its sixty-sixth session on 5 to 9 October 2015. Rule 46 of the Rules of Procedure of the Executive Committee of the UNHCR lays down that any of these rules may be amended by the Executive Committee. Rule 26 of the Rules of Procedure of the Executive Committee of the UNHCR lays down that decisions of the Executive Committee of the UNHCR shall be made by a majority of the members present and voting. All Member States of the European Union with the exception of Lithuania and Malta are members of the Executive Committee of the UNHCR. By virtue of a decision of the Executive Committee of the UNHCR, most recently renewed at its sixty-fourth session on 29 September to 3 October 2014 (A/AC.96/1143), the European Union is among the intergovernmental organisations be invited by the High Commissioner to send an observer to its public meetings (Rule 38) and thus not participating in the adoption of decisions by the Executive Committee of the UNHCR.

2. RESULTS OF CONSULTATIONS WITH INTERESTED PARTIES

The amendments to the Rules of Procedure of the Executive Committee of the UNHCR annexed to this proposal were proposed by the Chair of the Executive Committee of the UNHCR, on a request of the Bureau of the Executive Committee of the UNHCR, by letter of 11 September 2015 to the members of the Executive Committee of the UNHCR, to accommodate the request, made by the Head of the Delegation of the European Union to the United Nations in Geneva to the Chair of the Executive Committee of the UNHCR by letter of 7 September 2015.

In April 2013, the Commission informed the Council of its strategy for the progressive improvement of the European Union status in international organisations and other fora in line with the objectives of the Treaty of Lisbon. On 9 April and 10 September 2014 the Commission informed COREPER about its intention to resume efforts for obtaining additional participatory rights for the European Union within the formal and informal bodies of the UNHCR. On 25/26 September 2014, the Council adopted a position on the arrangements for additional participatory rights for the European Union within the formal and informal bodies of the UNHCR setting out that "[t]he European Union has been for many years a key actor in the UNHCR, as a major donor in the field of humanitarian aid and development assistance, through its activities on international protection including resettlement and by supporting robust asylum systems through the establishment of the Common European Asylum System. This role has continuously increased over the last years. This calls for an improvement of the European Union's current status vis-à-vis the UNHCR. The Council considers that new arrangements should be sought, whereby the European Union would be granted additional participatory rights, in particular the right to participate in private meetings held to discuss key policy and governance issues." and that "[t]he Council invites

the Commission, in close coordination with the High Representative, to approach the UNHCR in view of the meeting of the [Executive Committee of the UNHCR] next October."¹

On 2 and 16 September 2015 the Commission informed COREPER of the results of these contacts. The Commission considers that a decision pursuant to Article 218(9) TFEU is not required in this case. However, in view of the debates in COREPER on 16 September 2015 and 24 September 2015, the Commission exceptionally makes the current proposal in the understanding that the Council will adopt the proposal in due time for the sixty-sixth session of the Executive Committee of the UNHCR on 5 to 9 October 2015.

This proposal exclusively addresses the issue of the amendment of Rules of Procedure of the Executive Committee, and it is without prejudice of the Commission's and High Representative's responsibilities and competences pursuant to Article 220 TFEU.

3. BUDGETARY IMPLICATIONS

This proposal has no impact on the EU budget.

¹ Position on the arrangements for additional participatory rights for the European Union within the formal and informal bodies of the United Nations High Commissioner for Refugees (UNHCR) of 24/25 September 2014, paragraphs 1 and 2, 13046/1/14 REV1.

Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, in the sixty-sixth session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union is a key actor in the areas of the United Nations High Commissioner for Refugees' ("UNHCR") mandate, both through its activities in the area of international protection, including the Union resettlement policy and the establishment of the Common European Asylum System, and as a major donor in the field of humanitarian aid and development assistance. However, the current modalities of participation in the Executive Committee of the UNHCR do not match this significant role.
- (2) By letter of 7 September 2015 to the Chair of the Executive Committee of the UNHCR the Head of the Delegation of the European Union to the United Nations in Geneva therefore requested the examination of the ways and means of updating the relevant modalities of the Union's participation in governing bodies of the UNHCR so that the Union may envisage its potential participation in Informal Preparatory Consultations,
- (3) By letter of 11 September 2015 to the members of the Executive Committee of the UNHCR, the Chair of the Executive Committee of the UNHCR, on a request of the Bureau of the Executive Committee of the UNHCR, proposed to amend the Rules of Procedure of the Executive Committee of the UNHCR in order to accommodate that request,
- (4) Rule 46 of the Rules of Procedure of the Executive Committee of the UNHCR states that any of those rules may be amended by the Executive Committee,
- (5) It is expected that the Executive Committee of the UNHCR will be called upon to adopt the proposed amendments at its sixty-sixth session on 5 to 9 October 2015.
- (6) All Member States, with the exception of Lithuania and Malta, are members of the Executive Committee of the UNHCR,

- (7) It is therefore appropriate to determine the Union position in relation to the adoption of those amendments to the Rules of Procedure of the Executive Committee of the UNHCR,
- (8) This decision is without prejudice of the competences of the Commission pursuant to Article 220 TFEU.
- (9) As the Executive Committee of the UNHCR will meet soon after adoption of this decision, it should enter into force on the date of its adoption.
- (10) [In accordance with Article 3 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 and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Decision]

OR

[In accordance with Articles 1 and 2 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 and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.]

OR

[In accordance with Articles 1 and 2 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 and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

In accordance with Article 3 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 and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of ...) its wish to take part in the adoption and application of this Decision.]

OR

[In accordance with Article 3 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 and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of ...) its wish to take part in the adoption and application of this Decision.

In accordance with Articles 1 and 2 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 and to the Treaty on the Functioning of the European

Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.]

- (11) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf with regard to the adoption of the amendments to the Rules of Procedure of the Executive Committee of the Programme of the UNHCR, which is to be expressed, acting jointly in the interest of the European Union, by the Member States that are members of the Executive Committee of the UNHCR, is set out in the Annex to this Decision.

Minor amendments to the annexed amendment may be agreed without further decision of the Council.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council
The President*