



Brussels, 12.9.2018  
COM(2018) 633 final

2016/0131 (COD)

Amended proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010**

*A contribution from the European Commission to the Leaders' meeting in  
Salzburg on 19-20 September 2018*

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE AMENDED PROPOSAL**

- **Reasons for and objectives of the amended proposal**

This proposal is part of a set of measures, which are a follow-up to the European Council conclusions of 28 June 2018,<sup>1</sup> and whereby the Commission is proposing to reinforce the European Border and Coast Guard and to review the Return Directive and by amending its original proposal for a Regulation on a European Union Agency for Asylum. These proposals are founded on the principles of solidarity and responsibility and will enable Member States to fully rely on the Union's support to manage mixed migratory flows by rapidly processing, including at controlled centres, the cases of third-country nationals applying for international protection or being illegally present on Member States' territories.

In its conclusions, the European Council reconfirmed the importance of relying on a comprehensive approach to migration and considered that migration is a challenge not only for one Member State but for Europe as a whole. In this respect, it highlighted the importance for the Union to provide full support to ensure an orderly management of migration flows. The main principles agreed in the conclusions of European Council have also been further supported by Member States in different fora<sup>2</sup>, with an emphasis put on the need to reinforce the tools of European solidarity. The European Union Agency for Asylum should be a tangible example of European solidarity and it must be able to meet the level of ambition needed for the European Union to have an efficient and effective Common European Asylum System ('CEAS').

The European Union Agency for Asylum must be able to provide full operational support to the Member States where needed and reinforce Member State's capacity to manage the caseload on asylum at the administrative stage of the procedures as well as to handle appeals of asylum cases. This amended proposal for a Regulation on a European Union Agency for Asylum focuses on the provisions concerning the operational and technical assistance to ensure that, at the request of the Member State, the Agency will be able to provide support to the fullest extent possible by carrying out the entire administrative procedure for international protection or parts of it, by assisting with or carrying out the procedure for determining the Member State responsible to examine an application for international protection and by assisting courts or tribunals with the handling of appeals, without prejudice to the competence of Member States to take decisions on individual applications and with full respect for the organisation of the judiciary in each Member State as well as judicial independence and impartiality.

As a follow-up to the European Council conclusions, the Commission developed the concepts of regional disembarkation arrangements as well as the controlled centres and is working with Member States, relevant Union agencies and other stakeholders to implement these concepts based on a shared effort with full Union support. In this context, and in view of the changes being proposed to the Regulation on the European Border and Coast Guard, the aim of this amended proposal is also to reinforce the elements of cooperation between the European Union Agency for Asylum and the European Border and Coast Guard to reflect the Commission's proposal amending the Regulation on the European Border and Coast Guard,

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<sup>1</sup> EUCO 28.06.2018.

<sup>2</sup> Meseberg declaration of Germany and France "Renewing Europe's promises of security and prosperity", 19 June 2018.

in particular as regards the deployment of migration management support teams at hotspots and controlled centres. In this respect, the Commission addresses the need to ensure synergies between the procedures for international protection and return through coordination between the national competent authorities and relevant Union agencies.

This amended proposal needs to be addressed in the context of the inter-institutional negotiations on the proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 presented by the Commission on 4 May 2016.<sup>3</sup> Those negotiations have led to a provisional agreement between the European Parliament and the Council on 28 June 2017, which the Commission considers will already significantly strengthen the mandate of the European Union Agency for Asylum ('the Agency') compared to the current mandate of the European Asylum Support Office. The adoption of the Regulation on the European Union Agency for Asylum is pending considering on-going discussions on the entire reform of the CEAS. The Commission respects the provisional agreement reached between the European Parliament and the Council on 28 June 2017 and acknowledges the value added of that compromise compared to the current regulation. The Commission considers that this amended proposal should be discussed in the context of the on-going negotiations on the CEAS reform and should be seen as complementing those discussions. This amended proposal should not in any way further delay the adoption of the Regulation on the European Union Agency for Asylum.

The European Council further underlined the need to find a speedy solution to the whole CEAS package and considered that work should be continued with a view to concluding that package as soon as possible. The targeted amendments of this proposal, seen together with the proposals on the European Border and Coast Guard and the Return Directive, are rooted in a comprehensive approach which is necessary to facilitate agreement that strikes the right balance between solidarity and responsibility.

- **Consistency with existing policy provisions in the policy area**

In April 2016, in response to calls by the European Council,<sup>4</sup> the Commission announced that it would progress towards reforming the Union's existing framework to ensure a humane and efficient asylum policy and in May and July that year the Commission presented a set of proposals to reform the CEAS. Those proposals included a proposal for a Regulation on the European Union Agency for Asylum. This amending proposal complements the Commission's original proposal and is coherent with the objective of building an internal policy, which is based on a balance between solidarity and responsibility in view of the European Council Conclusions of June 2018. The reinforced support of the European Union Agency for Asylum is an essential element of solidarity.

- **Consistency with other Union policies**

This proposal is consistent with the comprehensive long-term policy on better migration management as set out by the Commission in the European Agenda on Migration, which developed President Juncker's Political Guidelines into a set of coherent and mutually reinforcing initiatives based on four pillars. Those pillars consist of reducing the incentive for irregular migration, securing external borders and saving lives, a strong asylum policy and a new policy on legal migration. This proposal further implements the European Agenda on Migration, more specifically as regards the objective of strengthening the Union's asylum policy since the European Union Agency for Asylum will ensure a full and coherent

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<sup>3</sup> COM(2016) 271 final.

<sup>4</sup> EUCO 19.02.2016.

implementation of the CEAS. It responds to calls by the European Council in June 2018 to rely on a comprehensive approach to migration which brings together more effective control of the Union's external border, strengthens external action as well as the internal aspects, in particular those related the CEAS reform.

The revised Framework Financial Regulation<sup>5</sup> for decentralised agencies, including reinforced rules on governance of these agencies in the area of fraud, irregularities, conflict of interest rules and internal control will supplement the rules contained in this proposal

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

### **• Legal basis**

The legislative proposal is based on Article 78(1) and (2) of the Treaty on the Functioning of the European Union.

### **• Subsidiarity**

The objectives of this proposal are (i) to ensure that Member States can benefit from increased support by the Agency including through its involvement in the procedure for international protection at the administrative stage and in the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation] for them to process applications for international protection swiftly and in a timely manner, allowing for the efficient and orderly functioning of the asylum and reception systems; (ii) to reinforce the elements of cooperation between the European Union Agency for Asylum and the European Border and Coast Guard and (iii) assign the responsibility for proposing the list of candidates for a deputy Executive Director to the Commission.

Since it is a common and shared interest to ensure the proper application of the legal framework on asylum and the efficient functioning of the Common European Asylum System as a whole, the objectives of this proposal cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at the level of the Union, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union (TEU).

### **• Proportionality**

The proposal provides for the possibility for the Agency to provide enhanced support by the Agency including through its involvement in the procedure for international protection at the administrative stage and in the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation] including by preparing decisions on applications for international protection. Such support can only be provided to Member States upon their request and according to their needs. Hence, in accordance with the principle of proportionality, as set out in Article 5 of the TEU, this proposal does not go beyond what is necessary in order to achieve those objectives.

### **• Choice of the instrument**

It is only a regulation that can provide the necessary degree of efficiency and uniformity needed in the application of Union law on asylum. Moreover, having regard to the fact that

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<sup>5</sup> [references to be introduced once the new Framework Financial Regulation (delegated act) is adopted; adoption foreseen by the end of the year]

the original proposal of the Commission was for a regulation on the European Union Agency for Asylum, the same legal instrument is appropriate for this amended proposal.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

While preparing this amended proposal, the Commission took into account the recent discussions in the European Council, the Council of Ministers as well as the European Parliament, concerning the continuous migration and asylum challenges and the importance of making Union's agencies even more effective in forcefully addressing them. In particular, the European Council, in its meeting on 28 June 2018, reconfirmed that migration is a challenge not only for one Member State but for Europe as a whole. In this respect, it highlighted the importance for the Union to provide full support to ensure an orderly management of migration flows. This proposal therefore reflects on this idea and provides for enhanced operational support that will allow Member States to better cope with the current migratory challenges, supported by the Agency.

Therefore, this proposal, taking into account the inter-institutional negotiations and the provisional agreement reached between the European Parliament and the Council on 28 June 2017, provides only for targeted amendments to Article 16 on operational and technical assistance and Article 21 on migration management support teams (to ensure coherence with its proposal for a Regulation on the European Border and Coast Guard, which is being presented with this amended proposal). Additionally, it proposes to introduce a new article, namely Article 16a on enhanced assistance with the procedure for international protection and the Dublin procedure and amends Article 47 with regard to the selection of the deputy Executive Director. The proposal thus aims at answering the current urgent needs of Member States under migratory pressure and reflects the present situation on the ground, while limiting the proposed amendments, to what is necessary in that regard.

Given the explanation above and the overall limited nature of this amending proposal the Commission decided not to launch any additional evaluation, stakeholder consultations or impact assessment, relying in this regard, on what has been done when preparing the original proposal for a Regulation on a European Union Agency for Asylum, presented by the Commission on 4 May 2016.

#### **• Fundamental rights**

This proposal respects fundamental rights and observes the principles recognised, in particular, by the Charter of Fundamental Rights of the European Union. All activities of the European Union Agency for Asylum shall be carried out in full respect of fundamental rights as enshrined in the Charter, including the right to asylum (Article 18 of the Charter), the protection from refoulement (Article 19 of the Charter), the right to respect for private and family life (Article 7 of the Charter), the right to protection of personal data (Article 8 of the Charter) and the right to an effective remedy (Article 47 of the Charter). The proposal fully takes into account the rights of the child and the special needs of persons in a vulnerable situation.

### **4. BUDGETARY IMPLICATIONS**

This proposal amends the original Commission proposal for a Regulation on the European Union Agency bringing enhanced operational and technical assistance by the Agency to the Member States notably by providing enhanced support regarding the procedure for

international protection as well as regarding the implementation of the Dublin Regulation. Moreover, the proposal introduces the possibility of a broader use of the migration management support teams. Additional financial resources are therefore required, allowing the Agency to deploy the necessary asylum support teams (from asylum experts and interim staff to interpreters), as well as technical equipment and infrastructure (for instance Eurodac equipment) for these activities.

The additional financial resources requested equal to EUR 55 million for each year between the years 2019 – 2027. The total financial resources necessary to enable the Agency to fulfil its mission under the proposed expanded mandate amount to EUR 320,8 million for the period 2019-2020 and EUR 1,25 billion for the period 2021-2027.

For the Agency to carry out its new tasks effectively no new posts are foreseen, compared to the original Commission proposal, which envisaged a gradual increase in the Agency's staff to 500 Full Time Equivalents in 2020, as most of the new activities proposed would be covered by the deployment of additional asylum support teams.

The financial needs are compatible with the current multiannual financial framework and may entail the use of special instruments as defined in the Council Regulation (EU, Euratom) No 1311/2013. The EU contribution requested for the 2021-2027 period can be financed within the ceilings set out in the MFF proposal of 2 May 2018.

## **5. OTHER ELEMENTS**

- **Detailed explanation of the specific provisions of the proposal**

This proposal amending the original Commission proposal for a Regulation on the European Union Agency for Asylum takes into account the inter-institutional negotiations and the provisional agreement reached between the European Parliament and the Council on 28 June 2017. Based on that provisional agreement the Agency will be able to increase operational and technical assistance to Member States, particularly those subject to disproportionate pressure, including through the establishment of the asylum reserve pool of 500 experts from Member States to allow for rapid deployment. As part of the operational and technical assistance that can be provided by the Agency, it will facilitate the examination of the applications for international protection and assist Member States with the procedure for international protection. It will also be possible for the Agency to intervene in a Member State based on a Council implementing decision where there is disproportionate pressure placing exceptionally heavy and urgent demands on the asylum and reception systems of a Member State and where no action or insufficient action is taken or where the Member State concerned does not comply with the Commission's recommendations following a monitoring exercise. The Agency will improve the functioning of the CEAS through its task of regularly monitoring Member States' operational and technical application of the CEAS to prevent or identify possible shortcomings and provide relevant support.

This amended proposal consists of targeted amendments whereby the Commission proposes to replace two articles of its original proposal, namely Article 16 on operational and technical assistance and Article 21 on migration management support teams. It also proposes to introduce a new article, namely Article 16a on enhanced assistance with the procedure for international protection and the Dublin procedure. Furthermore, changes are being proposed to Article 47 regarding the appointment of the Deputy Executive Director.

As regards Article 16 concerning the operational and technical assistance that the Agency can provide to Member States, in its amending proposal the Commission includes the text of the provisional agreement reached between the European Parliament and the Council. In this way,

the amended proposal sets out all the situations and conditions under which operational and technical assistance can be provided by the Agency, namely at the request of the Member State concerned, upon the initiative of the Agency with the agreement of the Member State concerned or based on a Council implementing decision. This amended proposal also details the tasks that the Agency can carry out when providing operational and technical assistance by taking up those tasks that were defined by the provisional agreement in Articles 16 and 21 of that agreement. In addition, the tasks in Article 16 are further adapted to address the introduction of Article 16a on enhanced assistance with the procedure for international protection and the Dublin procedure as well as the changes to Article 21 on migration management support teams.

The new Article 16a is the focus of this amended proposal and provides for the possibility for a Member State, upon its request, to benefit from increased support of the Agency, including its involvement in the entire or parts of procedure for international protection at the administrative stage and in the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation]. This would enable Member States to process applications for international protection swiftly and in a timely manner allowing for the efficient and orderly functioning of their asylum and reception systems. In this respect, the Agency would be able at the request of the national competent authority to prepare decisions on applications for international protection and provide those decisions to the national competent authorities who will then take the decision on the individual applications and have full responsibility for processing this request. The Agency would also be able to support Member States with handling their appeals in asylum cases by, among others, performing legal research, producing reports and analysis and providing other legal support at the request of the courts or tribunals with full respect of judicial independence and impartiality.

As regards the changes to Article 21 on migration management support teams, the Commission is proposing a new article to replace the one in its original proposal to ensure coherence with its proposal for a Regulation on the European Border and Coast Guard which is being presented with this amended proposal. The Commission proposes to broaden the scope for triggering the use of migration management support teams – their deployment is subject to a request from the Member State but it is no longer limited to circumstances of disproportionate migratory challenges. With the amended proposal, the Commission is in charge of the coordination on the ground, as already reflected in the provisional agreement between the European Parliament and the Council, as well as the coordination of the requests from Member States and the assessment of needs. This would ensure coherence between the different actions by the relevant Union agencies as well as economy of resources of the Agencies and the Member States.

Regarding Article 47, the Commission is proposing that the responsibility for proposing the list of candidates for a deputy Executive Director to the Agency's Management Board should be borne by the Commission instead of the Executive Director. This change, bringing back what was proposed in the original proposal of the Commission, is introduced to provide consistency with the procedure for the appointment of the Executive Director and thus to better align the Agency's governance framework with the principles of the common approach on Union decentralised agencies adopted on 12 July 2012 by the European Parliament, the Council and the Commission. This is also consistent with the approach being taken by the Commission in the proposal for a Regulation on the European Border and Coast Guard.

Where the co-legislators agree and incorporate the changes proposed by the Commission in this amended proposal, coherence with the other articles of the proposal for a Regulation on the European Agency for Asylum concerning the procedure for providing operational and technical assistance, the operational plan and the deployment of the asylum support teams,

and data protection provisions, as well as other related instruments, in particular the proposals on the Asylum Procedure Regulation and the Dublin Regulation, will need to be ensured, and articles and recitals will need to be renumbered.



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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(1) and (2) 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,

Whereas:

- (1) The following recitals are inserted after recital (20):  
“(1) In June 2018, the European Council reconfirmed the importance of relying on a comprehensive approach to migration and considered that migration is a challenge not only for one Member State but for Europe as a whole. In this respect, it highlighted the importance for the Union to provide full support to ensure an orderly management of migration flows, notably through rapid processing to ensure access to protection of those in need, with swift returns for those who are not, including through controlled centres. Therefore, the Union should be able to provide the Member States concerned with full financial and operational support through the relevant Union Agencies including the European Union Agency for Asylum.
- (2) In this respect, at the request of a Member State, it should be possible for the Agency to provide an even more reinforced operational and technical assistance by carrying out the entire procedure for international protection or parts of that procedure at the administrative stage and assist with the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation], without prejudice to the competence of Member States to take decisions on individual applications.
- (3) The Agency's involvement in the procedure for international protection and in the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation] would ensure that Member States receive all the required support to process applications for international protection swiftly and in a timely manner allowing for the efficient and orderly functioning of the asylum and reception systems. For that

purpose, the Agency should also be able to assist national competent authorities at the administrative stage of the procedure with preparing decisions on applications for international protection. Those national competent authorities should be able to take into account the draft decisions prepared by the Agency without prejudice to their competence to take decisions on individual applications.

- (4) The Agency and the European Border and Coast Guard Agency should cooperate closely in order to address effectively the migratory challenges, in particular at external borders characterised by often large inward mixed migratory flows. In particular, both Agencies should coordinate their activities and support Member States to facilitate the procedure for international protection and the return procedure with regard to third country nationals whose applications for international protection have been rejected or who are otherwise illegally present in the Member States. The Agency and the European Border and Coast Guard Agency should also closely cooperate in other common operational activities such as shared risk analysis, collection of statistical data, training and support to Member States on contingency planning.
- (5) Member States should be able to rely on increased operational and technical reinforcement by migration management support teams in particular at hotspot areas or controlled centres. The migration management support teams should be composed of teams of experts from Member States deployed by the Agency, the European Border and Coast Guard Agency and Europol or other relevant Union agencies, as well as experts from the staff of the Agency and the European Border and Coast Guard Agency. The Commission should ensure the necessary coordination in the assessment of needs and of the operations on the ground notably in view of the involvement of several Union agencies and possibly other stakeholders.
- (6) In this regard, the Agency should be able to deploy the adequate infrastructure and technical equipment necessary for the asylum support teams and to assist the competent national authorities, including the judiciary.
- (7) In hotspot areas or controlled centers, the Member States should cooperate with relevant Union agencies, which should act within their respective mandates and powers, and under the coordination of the Commission.
- (8) In these cases, the Union agencies should, at the request of the Member State and under the coordination of the Commission, act in support of the host Member State to apply rapid procedures for international protection and/or return. It should be possible to distinguish quickly between third-country nationals in need of international protection and those who are not in need of such protection, to carry out security checks and to carry out the entire or part of the procedure for international protection and/or return.
- (9) It should be possible for Member States to request the assistance of the Agency not only to reinforce their national administrations but also to assist the courts and tribunals dealing with asylum cases, without prejudice to judicial independence and with full respect for the organisation of the judiciary in each Member State. For that purpose, when defining the profiles of the experts, the Agency should foresee profiles for experts who are independent of the national administrative authorities and who are able to assist the courts or tribunals upon their request to perform, among others, legal research, analysis and other legal support.

(2) The following recitals are inserted after recital (42):

- “(1) Another objective of this Regulation is to ensure that Member States, at their request and according to their needs, can benefit from increased support of the Agency including its involvement in the procedure for international protection and in the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation] for them to process applications for international protection swiftly and in a timely manner allowing for the efficient and orderly functioning of the asylum and reception systems and to reinforce the elements of cooperation between the European Union Agency for Asylum and the European Border and Coast Guard.
- (2) Since that objective cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at the level of the Union, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.”

HAVE ADOPTED THIS REGULATION:

- (3) Article 16 is replaced by the following:

*“Article 16*

**Operational and technical assistance by the Agency**

- 1. The Agency shall provide operational and technical assistance to Member States in accordance with this Chapter:**
  - (a) at the request of the Member State concerned to the Agency with regard to the implementation of its obligations under the CEAS;**
  - (b) at the request of the Member State concerned to the Agency in accordance with Article 16a;**
  - (c) at the request of the Member State concerned to the Agency where its asylum or reception systems are subject to disproportionate pressure;**
  - (d) at the request of the Member State concerned to the Agency in accordance with Article 21;**
  - (e) upon the initiative of the Agency where a Member State’s asylum or reception systems are subject to disproportionate pressure, and with the agreement of the Member State concerned;**
  - (f) where the Agency provides operational and technical assistance in accordance with Article 22.**
- 2. The Agency shall organise and coordinate, for a limited period of time, the appropriate operational and technical assistance which may entail taking one or more of the following operational and technical measures in full respect of fundamental rights:**
  - (a) identify and register third-country nationals, take their biometric data and inform them of those procedures, as appropriate, in close cooperation with other Union Agencies;**
  - (b) assist with and carry out the registration of applications for international protection;**

- (c) provide initial information to third-country nationals who wish to make an application for international protection and refer them to the competent national authorities;**
- (d) ~~facilitate~~ assist with the examination of applications for international protection that are under examination by the competent national authorities or provide them with other necessary assistance in the procedure for international protection, in particular by:**
- (i) assisting with or carrying out the admissibility interview and the substantive interview, as applicable, and the interview for determining the Member State responsible;**
  - (ii) registering the application for international protection in the automated system referred to in Regulation (EU) No XXX/XXX [Dublin Regulation];**
  - ~~(e) provide assistance to competent national authorities responsible for the examination of the application for international protection;~~
  - (iii) assisting with the provision of information to applicants on the procedure for international protection procedure and with regard to reception conditions as appropriate;**
  - (iv) assisting with the provision of information on allocation and providing the necessary assistance to applicants that could be subject to allocation;**
- (e) facilitate Member States' joint initiatives by ~~technical cooperation~~ Member States in the processing of applications for international protection;**
- (f) ~~advise, and coordinate~~ assist or coordinate the setting up or the provision of reception facilities by the Member States, in particular emergency accommodation, transport and medical assistance;**
- (g) assist with the tasks and obligations set out in Regulation (EU) No XXX/XXX [the Dublin Regulation], including by carrying out or coordinating the allocation or transfer of applicants or beneficiaries of international protection within the Union;**
- (h) assist with the procedures applicable under Regulation (EU) No XXX/XXX [Dublin Regulation];**
- (i) provide interpretation services;**
  - (j) assist Member States in ensuring that all the necessary child rights and child protection safeguards are in place, in particular as regards unaccompanied minors;**
  - (k) assist Member States in identifying applicants in need of special procedural guarantees or applicants with special reception needs, or other persons in a vulnerable situation, including minors, as well as in referring those persons to the competent national authorities for appropriate assistance on the basis of national measures, and in ensuring that all the necessary safeguards for those applicants are in place;**
  - (l) assist with or support the coordination between relevant national authorities to follow-up on the procedure for international protection with possible return procedures in case of a negative final decision;**

**(m) prepare decisions on applications for international protection** without prejudice to the competence of the national competent authority to take decisions on individual applications;

**(n) assist with handling appeals by, among others, performing legal research, analysis and other legal support;**

**(o) form part of the migration management support teams at hotspot areas referred to in Regulation 2016/1624 Article 21, in close cooperation with other relevant Union Agencies;**

**(p) deploy asylum support teams;**

**(q) advise where appropriate, and deploy the adequate infrastructure and technical equipment necessary for the asylum support teams and to assist the competent national authorities, including the judiciary.**

3. The Agency shall finance or co-finance the activities set out in paragraph ~~1~~**2** from its budget in accordance with the financial rules applicable to the Agency.
4. The Executive Director shall evaluate the result of the operational and technical measures and shall transmit detailed evaluation reports **in accordance with the reporting and evaluation scheme provided for in the operational plan** to the Management Board within 60 days from the end of **the provision of** those measures, **together with the observations of the Fundamental Rights Officer.** The Agency shall make a comprehensive comparative analysis of those results, which shall be included in the annual activity report referred to in Article 65.”

(4) The following new Article 16a is inserted:

*“Article 16a*

**Enhanced assistance with the procedure for international protection and the Dublin procedure**

- 1. A Member State may request the Agency to provide it with enhanced assistance to assist it with the implementation of its policy on asylum including of its obligations under the CEAS. For that purpose, the Agency shall deploy asylum support teams, including from the asylum reserve pool as appropriate, to:**
  - (a) carry out the entire procedure or parts of the procedure for international protection at the administrative stage in accordance with Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], without prejudice to the competence of Member States to take decisions on individual applications and/or;**
  - (b) assist with the swift implementation of or carry out procedures applicable under Regulation (EU) No XXX/XXX [Dublin Regulation], and/or;**
  - (c) assist with the handling of appeals regarding the procedures referred to in points (a) and (b).**
- 2. For the purposes of point (a) of paragraph 1, the experts from the asylum support teams shall, as appropriate:**
  - (a) provide information to applicants on the procedure for international protection and with regard to reception conditions, as applicable;**

- (b) register applications for international protection;
  - (c) take biometric data and transmit that data in accordance with Article 10 of Regulation (EU) No XXX/XXX [Eurodac Regulation];
  - (d) assist applicants with lodging their application for international protection;
  - (e) identify and assess any needs for special procedural guarantees or any special reception needs;
  - (f) carry out the admissibility interview and the substantive interview, as applicable;
  - (g) assess the evidence related to applications for international protection;
  - (h) prepare decisions on applications for international protection and provide those decisions to the competent national authorities, who would be responsible for taking decisions on individual applications in accordance with the basic principles and guarantees provided for in Regulation No (EU) XXX/XXX [Asylum Procedure Regulation];
  - (i) assist with or support the coordination between relevant national authorities to follow-up on the procedure for international protection with possible return procedures in case of a negative final decision.
3. For the purposes of point (b) of paragraph 1, the experts from the asylum support teams shall, as appropriate:
- (a) register the application for international protection in the automated system referred to in Regulation (EU) No XXX/XXX [Dublin Regulation];
  - (b) provide information to the applicants on the procedures applicable under Regulation (EU) No XXX/XXX [Dublin Regulation];
  - (c) carry out the interview for determining the Member State responsible for the examination of an application for international protection;
  - (d) carry out family tracing and matching with the Member State responsible for examining the application for international protection;
  - (e) determine which applicants are eligible for allocation or transfer;
  - (f) assist with, carry out or coordinate the allocation or transfer of applicants for international protection or beneficiaries of international protection;
  - (g) assist with or carry out the procedure for determining which Member State is responsible for examining an application for international protection;
  - (h) assist with or carry out take charge procedures and take back notifications in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation].
4. For the purposes of point (c) of paragraph 1, the experts from the asylum support teams shall, as appropriate, assist the courts or tribunals upon their request and with full respect of judicial independence and impartiality **with handling appeals by, among others, performing legal research, analysis and other legal support.**
5. The Agency shall ensure the provision of translation of relevant documents as well as the necessary interpretation.”

(5) Article 21 is replaced by the following:

*“Article 21*

**Migration Management Support Teams**

- ~~1. Where a Member State requests operational and technical reinforcement by migration management support teams as referred to in Article 17 of Regulation No XXX/XXX or where migration management support teams are deployed at hotspot areas as referred to in Article 18 of Regulation No XXX/XXX, the Executive Director shall ensure coordination of the Agency's activities in the migration management support teams with the Commission and with other relevant Union agencies, in particular, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States. 2.~~
- ~~2. The Executive Director shall, as appropriate, launch the procedure for deployment of asylum support teams or experts from the asylum intervention pool in accordance with Articles 17 and 18. The operational and technical reinforcement provided by the asylum support teams or experts from the asylum intervention pool in the framework of the migration management support teams may include:
  - ~~(a) the screening of third-country nationals, including their identification, registration, and where requested by Member States, their fingerprinting;~~
  - ~~(b) the registration of applications for international protection and, where requested by Member States, the examination of such applications;~~
  - ~~(c) the provision of information on asylum procedures, including relocation and specific assistance to applicants or potential applicants that could be subject to relocation.~~~~
- 1. Migration management support teams may be deployed at the request of a Member State, or upon the initiative of the Agency and with the agreement of the Member State concerned, to provide technical and operational reinforcement to that Member State.**
- 2. Migration management support teams shall be composed of asylum support teams, operational staff from the European Border and Coast Guard standing corps, as well as experts from Europol or other relevant Union agencies.**
- 3. The Member State referred to in paragraph 1 shall submit a request for reinforcement by the migration management support teams and an assessment of its needs to the Commission. The Commission shall, based on the assessment of needs of that Member State, transmit the request to the Agency, to the European Border and Coast Guard Agency, to Europol and to other relevant Union agencies, as appropriate and it shall ensure the overall coordination of that assessment.**
- 4. The relevant Union agencies shall, under the coordination of the Commission, assess a Member State's request for reinforcement and needs so as to define the necessary measures, including the deployment of technical equipment, to be agreed upon by the Member State concerned.**
- 5. The Commission shall, in cooperation with the host Member State and the relevant Union agencies, establish the terms of cooperation for the deployment**

of the migration management support teams as well as the deployment of technical equipment, and be responsible for the coordination of the activities of those teams.

6. The asylum support teams deployed by the Agency in the framework of the migration management support teams may carry out the tasks referred to in Article 16(2) and 16a .
7. Migration management support teams shall, where necessary, include staff with expertise in child protection, trafficking in human beings, fundamental rights, gender equality and protection against gender-based violence.”

(6) Article 47 is replaced by the following:

*Article 47*

Deputy Executive Director

1. A Deputy Executive Director shall assist the Executive Director in the management of the Agency and in the performance of his or her tasks as referred to in Article 46(5). If the Executive Director is absent or indisposed, the Deputy Executive Director shall take his or her place.
2. The Deputy Executive Director shall be appointed by the Management Board ~~on a proposal of the Executive Director~~ from a list of candidates proposed by the Commission, following an open and transparent selection procedure. The Deputy Executive Director shall be appointed on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of migration and asylum. The Executive Director Commission shall propose at least three candidates for the post of the Deputy Executive Director. ~~The Management Board shall have the power to extend the term of office or to remove the Deputy Executive Director from office acting on the proposal from the Executive Director Commission.~~ The provisions of Article 45 (1), (4), (5), (7), (8) and (9) shall apply to the Deputy Executive Director.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*



## **LEGISLATIVE FINANCIAL STATEMENT**

### **1. FRAMEWORK OF THE PROPOSAL**

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## **LEGISLATIVE FINANCIAL STATEMENT**

### **1. FRAMEWORK OF THE PROPOSAL**

#### **1.1. Title of the proposal**

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010

#### **1.2. Policy area concerned in the ABM/ABB structure<sup>6</sup>**

Policy area: Asylum and Migration (Title 18)

Activity: Asylum

#### **1.3. Nature of the proposal**

- ☐ The proposal relates to **a new action**
- ☐ The proposal relates to **a new action following a pilot project/preparatory action<sup>7</sup>**
- ☒ The proposal relates to **the extension of an existing action**
- ☐ The proposal relates to **an action redirected towards a new action**

#### **1.4. Objective**

##### *1.4.1. The Commission's multiannual strategic objective targeted by the proposal*

The aim of this proposal is it to strengthen the role of EASO and to develop it into a fully-fledged agency, which provides comprehensive operational support, facilitates the implementation and improves the functioning of the CEAS.

To reflect this development, the proposal renames EASO as the European Union Agency for Asylum.

##### *1.4.2. Specific objectives and ABM/ABB activities concerned*

###### Specific objective No 1: Facilitate the implementation and improve the functioning of the CEAS

- Monitor and assess the implementation of CEAS
- Support (activities) for the CEAS implementation
- Support (activities) for MS practical cooperation
- Country of origin information and common analysis
- Promote Union law and operational standards on asylum

###### Specific Objective No 2: Reinforcement of operational and technical assistance to Member States

- Enhance practical cooperation and information exchange
- Operational support activities

<sup>6</sup> ABM: activity-based management; ABB: activity-based budgeting.

<sup>7</sup> As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

- Cooperation with partners and stakeholders
- Operational standards, guidelines and best practices on asylum
- Communication, information exchange

ABM/ABB activity concerned

**➔MFF 2014-2020**

Activity 18 03: Asylum and Migration

**➔MFF 2021-2027**

Activity 10: Migration

### 1.4.3. *Expected results and impact*

*Specify the effects which the proposal should have on the beneficiaries/groups targeted.*

The aim is to transform EASO into a fully-fledged Agency, which is capable of:

- providing the necessary operational and technical assistance to Member States;
- increasing practical cooperation and information exchange among Member States;
- supporting a sustainable and fair distribution of applications for international protection;
- monitoring and assessing the implementation of the CEAS and the capacity of asylum and reception systems in Member States; and
- enabling convergence in the assessment of applications for international protection across the Union.

### 1.4.4. *Indicators of results and impact*

*Specify the indicators for monitoring implementation of the proposal.*

- Number of shortcoming found during the monitoring and assessment of the implementation of CEAS/year
- Number of support (activities) for the CEAS implementation/year
- Number of support (activities) for MS practical cooperation/year
- Number of countries of origin for which COI reports are drawn up and for which common analysis is carried out/year
- Number of operational standards, guidelines and best practices on asylum/year
- Number of practical cooperation, and networks developed/year
- Number of arrangements for information exchange/year
- Number of operational support activities/year
- Number of arrangements and activities with partners and stakeholders/year
- Number of communication activities/year

## 1.5. **Grounds for the proposal**

### 1.5.1. *Requirements to be met in the short or long term*

This proposal builds upon the current mandate of EASO and expands it so as to transform EASO into a fully-fledged Agency equipped with the necessary tools to: (1) enhance practical cooperation and information exchange on asylum; (2) promote Union law and operational standards to ensure a high degree of uniform application of the legal framework on asylum; (3) ensure greater convergence in the assessment of protection needs across the Union; (4) monitor and assess the implementation of the CEAS; (5) reinforce technical and operational assistance to Member States for the management of the asylum and reception systems, including enhanced support in the area of international protection procedure to ensure swift processing in a timely manner to allow for the efficient and orderly functioning of the asylum and reception systems and to assist MS with the Dublin procedure; (6) provision of comprehensive activities in support of the host Member State to ensure rapid processing by carrying out the entire or part of the administrative procedure for international protection including in the controlled centres and to assist the judiciary in handling of appeals.

### 1.5.2. *Added value of EU involvement*

The objectives of this proposal are to facilitate the implementation and improve the functioning of the CEAS, to strengthen practical cooperation and information exchange among Member States on asylum-related matters, to promote Union law and operational standards to ensure a high degree of uniformity as regards asylum procedures, reception conditions and the assessment of protection needs across the Union, to monitor the operational and technical application of Union law and standards as regards asylum and to provide increased operational and technical support to Member States for the management of the asylum and reception systems, in particular to Member States subject to disproportionate pressure on their asylum and reception systems.

Since it is a common and shared interest to ensure the proper application of the legal framework on asylum, through concerted action among Member States with the support of the European Union Agency for Asylum, so as to consolidate stability and order in the functioning of the CEAS, the objectives of this proposal cannot be sufficiently achieved by the Member States and can be better achieved at the level of the Union.

### 1.5.3. *Lessons learned from similar experiences in the past*

Since taking up its responsibilities in 2011, EASO has continuously supported Member States to apply the current rules and to improve the functioning of existing tools. The Agency has gained experience and earned credibility for its work as regards practical cooperation among Member States and in supporting them to implement their obligations under the CEAS. The tasks undertaken by EASO have progressively evolved so as to meet the growing needs of Member States and of the CEAS as a whole. The Member States increasingly rely on the operational and technical support of the Agency. The Agency has gained significant knowledge and experience in the field of asylum and it is time to transform it into a centre of expertise in its own right and not one that still significantly relies on information and expertise provided by Member States.

In the Commission's view, the Agency is one of the tools that can be used to effectively address the structural weaknesses in the CEAS which have been further exacerbated by large scale and uncontrolled arrival of migrants and asylum seekers to the European Union particularly in recent years. It would not be plausible to reform the CEAS without providing the Agency with a mandate that corresponds to the demands that the reform will entail. It is essential to equip the Agency with the means necessary to assist Member States in crisis situations, but it is all the more necessary to build a solid legal, operational and practical framework for the Agency to be able to reinforce and complement the asylum and reception systems of Member States.

### 1.5.4. *Compatibility and possible synergy with other appropriate instruments*

This proposal is consistent with the comprehensive long-term policy on better migration management as set out by the Commission in the European Agenda on Migration, which developed President Juncker's Political Guidelines into a set of coherent and mutually reinforcing initiatives based on four pillars. Those pillars consist of reducing the incentives for irregular migration, securing external borders and saving lives, a strong asylum policy and a new policy on legal migration. This proposal further implements the European Agenda on Migration, more specifically as

regards the objective of strengthening the Union's asylum policy since the European Union Agency for Asylum will ensure a full and coherent implementation of the CEAS. This amending proposal complements the Commission's original proposal and is coherent with the objective of building an internal policy, which is based on a balance between solidarity and responsibility in view of the European Council Conclusions of June 2018. The reinforced support of the European Union Agency for Asylum is an essential solidarity element. This proposal also reinforces the elements of cooperation between the European Union Agency for Asylum and the European Border and Coast Guard to reflect the Commission's proposal amending the Regulation on the European Border and Coast Guards, in particular as regards the deployment of migration management support teams.

### 1.6. Duration and financial impact

☐ Proposal of **limited duration**

- ☐ Proposal in effect from [DD/MM]YYYY to [DD/MM]YYYY
- ☐ Financial impact from YYYY to YYYY

☒ Proposal of **unlimited duration**

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

### 1.7. Management mode planned<sup>8</sup>

☐ **Direct management** by the Commission

- ☐ by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies

☐ **Shared management** with the Member States

☒ **Indirect management** by entrusting budget implementation tasks to:

- ☐ third countries or the bodies they have designated;
- ☐ international organisations and their agencies (to be specified);
- ☐ the EIB and the European Investment Fund;
- ☒ bodies referred to in Articles 208 and 209 of the Financial Regulation;
- ☐ public law bodies;
- ☐ bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
- ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

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<sup>8</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: [http://www.cc.cec/budg/man/budgmanag/budgmanag\\_en.html](http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html)

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

The European Union Agency for Asylum has a duty to report on its activities. The Agency must draw up an annual activity report on the situation of asylum, in which it needs to evaluate the results of the activities it carries out throughout the year. The report must contain a comparative analysis of the Agency's activities so that the Agency may improve the quality, consistency and effectiveness of the CEAS. That annual activity report must be transmitted by the Agency to the Management Board, the European Parliament and the Council.

The Commission must commission an evaluation within three years of entry into force of this Regulation, and then every five years thereafter, to assess particularly the impact, effectiveness and efficiency of the Agency and its working practices. That evaluation must cover the Agency's impact on practical cooperation on asylum-related matters and on the CEAS. The Commission must send the evaluation report together with its conclusions on the report to the European Parliament, the Council and the Management Board. The findings of the evaluation must be made public.

### **2.2. Management and control system**

#### **2.2.1. Risks identified**

- An extension of the Agency's existing competences is necessary to ensure the implementation of the CEAS and that of the reformed Dublin system. Reinforcement of the Agency's staffing and resources is necessary to ensure the fulfilment of its mission. Without these changes, the CEAS is put at risk.
- Large and uncontrolled migratory flows which continue to put asylum and reception systems under pressure thereby delaying the transition from emergency mode to orderly management the migration and asylum systems.
- Staff recruitment: the rhythm of staff recruitment may pose a risk given that the Agency's current capacity is still reduced, recruitment is relatively slow and the increasing volume of emerging tasks. DG HOME seeks to mitigate this aspect by providing continuous support and monitoring.
- Delay in the adoption of the legal basis for the amended Dublin system and related IT developments that should be operated and managed by the Agency could impede the fulfilment of the Agency's new tasks in this respect.
- Continued heavy reliance on Member State knowledge and delay for the Agency in developing its own knowledge base and becoming a true centre of expertise in its own right.

Following the significant weaknesses identified by the ECA & the IAS relating to the Management and Control of EASO, which led to reservations in the 2017 Annual Activity Report, DG HOME prepared a mitigating action plan, Enhancement coordination, working arrangements between the parent DG and the Agency, as well as close monitoring activities, should redress the situation and avoid recurrent risks.



In this respect, the Commission is closely monitoring the functioning of the Agency, including the implementation of the budget, through its active presence in the Management Board meetings and the meetings of the Preparatory Group of the Management Board. Moreover, to foster the monitoring function of the Management Board further, since February 2018, based on a Decision of the Management Board applying interim measures with regard to the Executive Director, the Commission receive and review regular (bi-weekly) monitoring reports focusing on finance procurement and recruitment.

#### 2.2.2. *Control methods envisaged*

The Agency's accounts will be submitted for approval of the Court of Auditors and subject to the discharge procedure. The Commission's Internal Audit Service will carry out audits in cooperation with the Agency's internal auditor.

Aside the independent controls carried out by the Court of Auditors and the Internal Audit Service, the implementation of the principle based Internal Control Framework of the Agency will allow to control the identified risks. In particular, the information and communication component should increase awareness among staff dealing with decentralised agencies, whereas the monitoring activities component will allow to report on the basis of robust monitoring indicators in order to detect weaknesses a priori.

### 2.3. **Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures.*

- The Agency: The Executive Directive will implement the Agency's budget. Each year the Executive Director will submit to the Commission, the Management Board and the Court of Auditors the detailed accounts of all revenue and expenditure from the previous financial year. In addition, the Commission's Internal Audit Service will provide an opinion on the outcome of the follow-up audit concerning the status of implementation of actions deriving from the 2016 IAS audit on budget execution and procurement planning. The outcome of the audit should provide the management of the Agency with reassurance as to the robustness of the controls put in place and provide guidance with any further improvements, which might be necessary.

The Agency will adopt its Financial Regulation following the Delegation Regulation No 1271/2013, after having received the agreement of the Commission and the Court of Auditors. The Agency will put in place an internal audit system similar to that introduced by the Commission in the framework of its own restructuring. The Agency will put in place the same Internal Control Framework as the one of the Commission, which provides a solid framework for fraud detection and prevention, while the Anti-Fraud Strategy of DG Home will encompass the risk areas identified in the Agency.

- Cooperation with OLAF: the staff subject to the Commission's Staff Regulations will cooperate with OLAF to combat fraud.

- Court of Auditors: the Court of Auditors will examine the accounts in accordance with Article 248 of the Treaty and publish an annual report on the Agency's activities.

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL

#### 3.1. Heading of the multiannual financial framework and expenditure budget line affected

- Existing budget lines

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading 3]	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
3	18.03.02 European Asylum Support Office (EASO)	Diff./Non-diff.	NO	NO	YES*	NO

\* EASO receives contributions from Schengen Associated Countries

- New budget lines requested for MFF 2021-2027
- There is no need to request a new budget line in MFF 2014-2020 but budget line 18 03 02 should be renamed accordingly

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading 4 Migration and Border Management]	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
4	10.YY.YY European Union Agency for Asylum	Diff./Non-diff.	NO	NO	YES*	NO

### **3.2. Estimated impact on expenditure**

EUR 55 million increase as from 2019 up to 2027 compared to the LFS version accompanying the Commission Proposal COM(2016) 271 final of 4.5.2016.

The purpose of the increase is to double the funds available for expenditure related to operational support (budget line 33 in the budget of the Agency) for the following activities:

- 1) Reinforced technical and operational assistance to MS for the management of the asylum and reception systems, including enhanced support in the area of international protection procedure to ensure swift processing in a timely manner allowing for the efficient and orderly functioning of the asylum and reception systems and to assist MS with the Dublin procedure.
- 2) Enhanced activities in support of the host Member State to ensure rapid processing by carrying out the entire or part of the administrative procedure for international protection including in the controlled centres and to assist the judiciary in handling of appeals.

Approximately 500.000 cases (asylum seekers) a year are estimated for the next decade covering all EU countries (currently, after eight months 382.000 asylum seekers cases have been received in the EU in 2018). For Greece and Italy, around 120.000 cases a year are expected, of which 60.000 in Greece and 60.000 in Italy. In Greece, there are on average of 15.000 cases in the islands to be processed. EASO is currently dealing only with a portion of these islands' cases and does not yet provide similar support on the mainland as requested by Greece. More generally, the impact of EASO helping MS on the treatment of all cases is at this moment limited. The purpose of the amended regulation is to extend the capacity and areas of EASO to further support the MS, in particular the frontline MS (e.g. GR and IT), including through the concept of Controlled Centres, as requested by the European Council Conclusions of 28 June.

### 3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

<b>Heading of multiannual financial framework 2014-2020</b>	3	Security and Citizenship
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European Union Agency for Asylum			Year 2018	Year 2019	Year 2020	TOTAL
• Operational appropriations						
Number of budget line	Commitments	(1)				
	Payments	(2)				
Number of budget line	Commitments	(1a)				
	Payments	(2a)				
Appropriations of an administrative nature financed from the envelope of specific programmes						
Number of budget line		(3)				
<b>TOTAL appropriations for the European Union Agency for Asylum (Initial proposal COM(2016)271)</b>	Commitments	=1+1a +3	86.971	96.686	114.100	297.757
	Payments	=2+2a +3	86.971	96.686	114.100	297.757
Additional resources related to the current proposal	Commitments			55.000	55.000	110.000
	Payments			55.000	55.000	110.000
<b>TOTAL appropriations for the European Union Agency for Asylum</b>			86.971	151.686	169.100	407.757
			86.971	151.686	169.100	407.757

<b>Heading of multiannual financial framework 2014-2020</b>	<b>5</b>	‘Administrative expenditure’
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EUR million (to three decimal places)

		Year 2018	Year 2019	Year 2020	TOTAL
DG: HOME					
• Human resources		0.536	0.536	0.536	<b>1.608</b>
• Other administrative expenditure		0.030	0.030	0.030	<b>0.090</b>
<b>TOTAL DG MIGRATION AND HOME AFFAIRS</b>	Appropriations	0.566	0.566	0.566	<b>1.698</b>
<b>TOTAL appropriations under HEADING 5 of the multiannual financial framework 2014-2020</b>	(Total commitments = Total payments)	0.566	0.566	0.566	<b>1.698</b>

EUR million (to three decimal places)

		Year 2018	Year 2019	Year 2020	TOTAL
<b>TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework 2014-2020</b>	Commitments	87.537	152.252	169.666	409.455
	Payments	87.537	152.252	169.666	409.455

<b>Heading of multiannual financial framework 2021-2027</b>	<b>4</b>	Migration and Border Management
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European Union Agency for Asylum			Year 2021	Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
• Operational appropriations										
Number of budget line	Commitments	(1)								
	Payments	(2)								
Number of budget line	Commitments	(1a)								
	Payments	(2a)								
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>9</sup>										
Number of budget line		(3)								
<b>TOTAL appropriations for the European Union Agency for Asylum</b>	Commitments	=1+1a +3	171.400	173.700	176.100	178.500	180.900	183.500	185.900	1 250.000
	Payments	=2+2a +3	171.400	173.700	176.100	178.500	180.900	183.500	185.900	1 250.000

<sup>9</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former ‘BA’ lines), indirect research, direct research.

<b>Heading of multiannual financial framework 2021-2027</b>	<b>7</b>	‘European Public Administration’
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EUR million (to three decimal places)

		Year 2021	Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
DG: HOME									
• Human resources		0.536	0.536	0.536	0.536	0.536	0.536	0.536	3.752
• Other administrative expenditure		0.030	0.030	0.030	0.030	0.030	0.030	0.030	0.210
<b>TOTAL DG MIGRATION AND HOME AFFAIRS</b>	Appropriations	0.566	0.566	0.566	0.566	0.566	0.566	0.566	3.962

<b>TOTAL appropriations under HEADING 7 of the multiannual financial framework 2021-2027</b>	(Total commitments = Total payments)	0.566	0.566	0.566	0.566	0.566	0.566	0.566	3.962
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EUR million (to three decimal places)

		Year 2021	Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
<b>TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework</b>	Commitments	171.966	174.266	176.666	179.066	181.466	184.066	186.466	1 253.962
	Payments	171.966	174.266	176.666	179.066	181.466	184.066	186.466	1 253.962

### 3.2.2. Estimated impact on the appropriations of the European Union Agency for Asylum

- ☐ The proposal does not require the use of operational appropriations
- ☒ The proposal requires the use of operational appropriations, as explained below:

**MFF 2014-2020\*** (Commitment appropriations in EUR)

Indicate objectives and outputs			Year		Year		Year		TOTAL	
			2018		2019		2020			
↓		Average cost	Number	Cost	Number	Cost	Number	Cost	Total number	Total cost
Type[1]										
<b>SO1: Facilitate the implementation and improve the functioning of the CEAS</b>										
- Output	Support (activities) for the CEAS implementation	86.690	120	10.810.000	150	13.810.000	170	13.523.510	440	38.143.510
- Output	Support (activities) for MS practical cooperation	36.909	150	6.081.250	200	6.981.250	200	7.237.654	550	20.300.154
- Output	Country of origin information and guidelines materials (nr of countries)	483.744	10	4.645.000	10	4.845.000	12	5.989.803	32	15.479.803
<b>Subtotal for specific objective N°1</b>		<b>72.332</b>	<b>280</b>	<b>21.536.250</b>	<b>360</b>	<b>25.636.250</b>	<b>382</b>	<b>26.750.967</b>	1.022	<b>73.923.467</b>
<b>SPECIFIC OBJECTIVE NO 2: Reinforcement of operational and technical assistance to Member States</b>										
- Output	Operational support activities	409.048	70	28.633.341	70	28.633.341	70	28.633.341	210	85.900.023
- Output	Cooperation with partners and stakeholders	71.405	20	1.740.000	25	1.740.000	30	1.875.351	75	5.355.351
- Output	Operational standards and best practices on asylum	46.628	20	700.000	20	800.000	20	1.297.676	60	2.797.676
- Output	Communication, information exchange	93.256	10	700.000	10	800.000	10	1.297.676	30	2.797.676
- Output	Reinforced technical assistance to MS for the procedure for international protection	550.000			50	27.500.000	50	27.500.000	100	55.000.000
- Output	Comprehensive activities in support of the control centres of the host Member States	550.000			50	27.500.000	50	27.500.000	100	55.000.000
<b>Subtotal for specific objective N°2</b>		<b>359.740</b>	<b>120</b>	<b>31.773.341</b>	<b>225</b>	<b>86.973.341</b>	<b>230</b>	<b>88.104.043</b>	<b>575</b>	<b>206.850.726</b>
<b>Total</b>		<b>175.814</b>	<b>400</b>	<b>53.309.591</b>	<b>585</b>	<b>112.609.591</b>	<b>612</b>	<b>114.855.011</b>	<b>1.597</b>	<b>280.774.193</b>



\* This table outlines only operational expenditure as per Title 3

**MFF 2021-2027\***

Commitment appropriations in EUR

Indicate objectives and outputs			Year		Year		Year		Year		Year		Year		Year		TOTAL	
			2021		2022		2023		2024		2025		2026		2027			
↓		Average cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Total number	Total cost
Type[1]																		
<b>SO1: Facilitate the implementation and improve the functioning of the CEAS</b>																		
- Output	Support (activities) for the CEAS implementation	95 387	175	14 673 510	180	15 823 510	185	16 973 510	190	18 123 510	195	19 273 510	200	20 423 510	205	21 573 510	1 330	126 864 571
- Output	Support (activities) for MS practical cooperation	36 188	200	7 237 654	200	7 237 654	200	7 237 654	200	7 237 654	200	7 237 654	200	7 237 654	200	7 237 654	1 400	50 663 579
- Output	Country of origin information and guidelines materials (nr of countries)	499 150	12	5 989 803	12	5 989 803	12	5 989 803	12	5 989 803	12	5 989 803	12	5 989 803	12	5 989 803	84	41 928 621
Subtotal for specific objective N°1		77 987	387	27 900 967	392	29 050 967	397	30 200 967	402	31 350 967	407	32 500 967	412	33 650 967	417	34 800 967	2 814	219 456 771
<b>SPECIFIC OBJECTIVE NO 2: Reinforcement of operational and technical assistance to Member States</b>																		
- Output	Operational support activities	405 285	73	29 783 341	76	30 933 341	79	32 083 341	82	33 233 341	85	34 383 341	88	35 533 341	91	36 683 341	574	232 633 388
- Output	Cooperation with partners and stakeholders	62 512	30	1 875 351	30	1 875 351	30	1 875 351	30	1 875 351	30	1 875 351	30	1 875 351	30	1 875 351	210	13 127 457
- Output	Operational standards and best practices on asylum	64 884	20	1 297 676	20	1 297 676	20	1 297 676	20	1 297 676	20	1 297 676	20	1 297 676	20	1 297 676	140	9 083 729
- Output	Communication, information exchange	129 768	10	1 297 676	10	1 297 676	10	1 297 676	10	1 297 676	10	1 297 676	10	1 297 676	10	1 297 676	70	9 083 729
- Output	Reinforced technical assistance to MS for the procedure for international protection	550 000	50	27 500 000	50	27 500 000	50	27 500 000	50	27 500 000	50	27 500 000	50	27 500 000	50	27 500 000	350	192 500 000
- Output	Comprehensive activities in support of the control centres of the host Member States	550 000	50	27 500 000	50	27 500 000	50	27 500 000	50	27 500 000	50	27 500 000	50	27 500 000	50	27 500 000	350	192 500 000
Subtotal for specific objective N°2		383 075	233	89 254 043	236	90 404 043	239	91 554 043	242	92 704 043	245	93 854 043	248	95 004 043	251	96 154 043	1 694	648 928 302
Total		192 632	620	117 155 011	628	119 455 011	636	121 755 011	644	124 055 011	652	126 355 011	660	128 655 011	668	130 955 011	4 508	868 385 074

\* This table outlines only operational expenditure as per Title 3

### 3.2.3. Estimated impact on appropriations of an administrative nature

#### 3.2.3.1. Summary

- ☐ The proposal does not require the use of appropriations of an administrative nature
- ☒ The proposal requires the use of appropriations of an administrative nature, as explained below:

The requested number of staff for the Agency remains as requested in the original Commission proposal of 4 May 2016, i.e. a gradual increase to 500 FTE in 2020.

EUR million (to three decimal places)

Human resources (*)	2018	2019	2020	2021-2027	TOTAL
C(2013)519 baseline	51	51	51	51	51
Amendments	40	40	40	40	40
<b>Modified baseline</b>	91	91	91	91	91
<b>Requested additional posts*</b>	59	70	82	0	0
<b>Establishment posts in headcounts</b>	<b>214</b>	<b>284</b>	<b>366</b>	<b>366</b>	<b>366</b>
Of which AD	135	179	231	231	231
Of which AST	79	105	135	135	135
<b>External personnel (FTE)</b>	<b>83</b>	<b>106</b>	<b>134</b>	<b>134</b>	<b>134</b>
<i>Of which contract agents</i>	72	95	123	123	123
<i>Of which Seconded National Experts</i>	11	11	11	11	11
<b>TOTAL</b>	<b>297</b>	<b>390</b>	<b>500</b>	<b>500</b>	<b>500</b>

\* This table shows the staff already requested in the Commission Proposal COM(2016) 271 final of 4.5.2016. As from 2021 and onwards, no staff additions are requested.

Staff expenditure	2018	2019	2020	2021-2027 (for each year)
Establishment plan posts (in headcounts)	28.676.000	38.056.000	49.044.000	49.044.000
- Of which AD	18.090.000	23.986.000	30.954.000	30.954.000
- Of which AST	10.586.000	14.070.000	18.090.000	18.090.000

External personnel (FTE)	5.898.000	7.508.000	9.468.000	9.468.000
- Of which contract agents	5.040.000	6.650.000	8.610.000	8.610.000
- Of which Seconded National Experts (SNE)	858.000	858.000	858.000	858.000
<b>Total staff</b>	<b>34.574.000</b>	<b>45.564.000</b>	<b>58.512.000</b>	<b>58.512.000</b>

### 3.2.3.2. Estimated requirements of human resources

- ☐ The proposal does not require the use of human resources.
- ☒ The proposal requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

	2018	2019	2020	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
<b>• Establishment plan posts (officials and temporary staff)</b>						
XX 01 01 01 (Headquarters and Commission's Representation Offices)	4	4	4			
XX 01 01 02 (Delegations)						
XX 01 05 01 (Indirect research)						
10 01 05 01 (Direct research)						
<b>• External staff (in Full Time Equivalent unit: FTE)<sup>10</sup></b>						
XX 01 02 01 (AC, END, INT from the 'global envelope')						
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)						
<b>XX 01 04 yy<sup>11</sup></b>	- at Headquarters					
	- in Delegations					
XX 01 05 02 (AC, END, INT - Indirect research)						
10 01 05 02 (AC, END, INT - Direct research)						
Other budget lines (specify)						
<b>TOTAL</b>	<b>4</b>	<b>4</b>	<b>4</b>			

**XX** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

<sup>10</sup> AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

<sup>11</sup> Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

Description of tasks to be carried out:

Officials and temporary staff	Represent the Commission in the Management Board of the Agency. Draw up Commission opinion on the annual work programme and monitor its implementation. Supervise the preparation of the Agency's budget and monitor implementation of the budget. Assist the Agency in developing its activities in line with EU policies including by participating in experts meetings.
External staff	

### 3.2.4. *Compatibility with the current multiannual financial framework*

- ☒ The proposal is compatible the current multiannual financial framework but may entail the use of special instruments as defined in the MFF Regulation.
- ☐ The proposal will entail reprogramming of the relevant heading in the multiannual financial framework.

- ☐ The proposal requires application of the flexibility instrument or revision of the multiannual financial framework<sup>12</sup>.

### 3.2.5. *Third-party contributions*

- ☐ The proposal does not provide for co-financing by third parties.
- ☒ The proposal provides for the co-financing estimated below:

Appropriations in EUR million (to three decimal places)

	2018	2019	2020	2021-2027	Enter as many years as necessary to show the duration of the impact (see point 1.6)		Total
Contribution from Schengen Associated Countries	pm	pm	pm	pm			
TOTAL appropriations co-financed							

<sup>12</sup> See Articles 11 and 17 of Council Regulation (EU, EURATOM) No 1311/2013 laying down the multiannual financial framework for years 2014-2020.

### Estimated impact on revenue

- ☒ The proposal has no financial impact on revenue.
- ☐ The proposal has the following financial impact:
  - ☐ on own resources
  - ☐ on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal <sup>13</sup>					
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	
Article .....							

For miscellaneous ‘assigned’ revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

<sup>13</sup>

As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.