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**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT AND THE COUNCIL**

ON THE ESTABLISHMENT OF A JOINT EU RESETTLEMENT PROGRAMME

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1. BACKGROUND

1.1. Policy background

Since the entry into force of the Treaty of Amsterdam¹ in 1999, the EU has been working toward the establishment of a **Common European Asylum System (CEAS)**, the principal purpose of which is to bring about progressive EU-wide convergence in asylum matters, by setting common minimum standards, establishing a common asylum procedure and uniform status, as well as by strengthening practical cooperation. The Commission has always emphasized, in the context of the development of the CEAS, the need for the EU to become more engaged in the resettlement of refugees from third countries and for resettlement to form an integral part of EU asylum policy generally.

In line with the **Hague Programme**², the Commission adopted in September 2005 a **Communication on Regional Protection Programmes**³ (RPPs) to be developed in partnership with selected third countries so as to strengthen refugee protection in certain regions of the world. The communication pointed out that resettlement should be central to providing assistance to these countries. The two RPPs currently being carried out in Tanzania, on the one hand, and in Ukraine, Belarus, and Republic of Moldova, on the other, both have a resettlement dimension.

The new **European Refugee Fund**⁴ (ERF III), which became operational in 2008 provides for financial assistance for the resettlement of refugees from third countries to the EU Member States.

A wide consultation of all relevant stakeholders on asylum policies, launched with the publication in June 2007 of the **Green Paper on the future of the Common European Asylum System (CEAS)**⁵, revealed a broad acknowledgement that resettlement should be central to the external asylum policies of the EU and that there is much to be gained from a higher degree of cooperation on resettlement among Member States, the UNHCR and NGOs. In the **Policy Plan on Asylum**⁶, adopted on 17 June 2008, the Commission therefore concluded that resettlement should be further developed and expanded into an effective protection instrument to be used by the EU, so as to meet the protection needs of refugees in third countries and to show solidarity with third countries of first asylum.

¹ OJ C 340, 10.11.1997.

² OJ C 53, 3.3.2005, p.1.

³ COM (2005) 388 final.

⁴ Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 (OJ L 144, 6.6.2007, p. 1).

⁵ Green Paper on the future Common European Asylum System (COM (2007) 301).

⁶ Policy Plan on asylum, An integrated approach to protection across the EU, COM(2008)360 final.

The **European Pact on Immigration and Asylum**⁷ stated that, among the new initiatives to be taken to complete the establishment of a Common European Asylum System, cooperation with the UNHCR should be strengthened to ensure better protection for people outside the territory of the EU who request protection, in particular by "moving, on a voluntary basis, towards the resettlement within the European Union of people placed under the protection of the Office of the United Nations High Commissioner for Refugees".

On 18 February 2009, the Commission adopted a proposal for the creation of a **European Asylum Support Office**⁸ (EASO), which would provide a structural framework for the carrying out of practical cooperation activities in the asylum field, including activities related to resettlement.

1.2. Resettlement - key features

Resettlement in a third country is **one of three so-called 'durable solutions'** available to refugees and is essential in that it offers solutions to refugees for whom no other durable solution is available. Resettlement is generally carried out with the UNHCR acting as an intermediary. It targets those refugees whose protection needs have already been clearly established and has the advantage for the recipient country of being **an orderly procedure**, and for the refugee of being a process which guarantees his/her **physical safety**. Resettled refugees do not have to resort to different forms of illegal migration (e.g. human smuggling). It also offers the important advantage to the resettlement country that reception and integration can be organized in advance.

A clear distinction should be made between resettlement of refugees from outside EU territory to an EU Member State, which is a humanitarian measure and an expression of solidarity by the EU vis-à-vis third countries, **and intra-EU resettlement of refugees**, which is carried out primarily for the purpose of burden sharing among EU Member States. The latter issue is not addressed in this Communication. This Communication and the accompanying proposal to amend the ERF Decision address the issue of solidarity with third countries in dealing with refugees. The Commission is also addressing with urgency other issues of solidarity in migration management, as called for by the Heads of State and Governments at the European Council of 18-19 June 2009. In particular, among other initiatives, the Commission has, with a view to strengthening intra-EU solidarity, initiated a pilot scheme for the resettlement of beneficiaries of international protection from Malta to other Member States.

1.3. Recent developments in the EU

There are at present ten EU Member States which participate annually in resettlement (Sweden, Denmark, Finland, the Netherlands, the United Kingdom, Ireland, Portugal, France, Romania and the Czech Republic). Some other Member States have provided resettlement on an ad-hoc basis, and generally on a limited scale, notably for individual emergency cases submitted by UNHCR. Germany recently agreed to resettle 2.500 Iraqi refugees from Syria and Jordan.

In terms of **new resettlement commitments**, in the course of 2007 and 2008 Portugal, France, Romania and the Czech Republic decided to provide resettlement places on an annual

⁷ Available at: <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>

⁸ Proposal for a Regulation of the European Parliament and of the Council establishing a European Asylum Support Office (COM/2009/0066 final).

basis.⁹ In 2008 Romania concluded also a tripartite agreement with UNHCR and IOM on the establishment in Romania (Timisoara) of an Evacuation Transit Centre, which serves for the resettlement of emergency and other specific cases.

Resettlement has been receiving **significant financial support under the European Refugee Fund (ERF III)** since 2008. One of the main priorities (Priority 3) for the programming of the funds, as set out in the strategic guidelines adopted for that purpose¹⁰, provides for the support of actions helping to enhance responsibility sharing between Member States and third countries. This includes the resettlement of refugees from a third country to a Member State. A wide range of resettlement activities in Member States are eligible for funding under the ERF national programmes under Priority 3 ('shared management').

The number of refugees resettled in each Member State over the previous three years is taken into account for the calculation of the annual allocations to the Member States under the ERF. In addition, a fixed amount of 4.000 Euro per resettled person (Article 13(3) and (4) of ERF Decision) is provided for four specific categories of persons. For this purpose, Member States must every year submit to the Commission a "resettlement pledging" in advance. The four specific categories are the following:

- (1) persons from a country or region designated for the implementation of a Regional Protection Programme;
- (2) unaccompanied minors;
- (3) children and women at risk, particularly from psychological, physical or sexual violence or exploitation;
- (4) persons with serious medical needs that can only be addressed through resettlement.

Trans-national actions or actions of interest to the Community as a whole concerning asylum policy, including those related to resettlement, are also eligible for funding under the ERF community actions (directly managed by the Commission).

Several **resettlement-related projects**, including "twinings", were carried out within the EU over the past years. These projects covered a wide range of activities, such as the selection process and reception and integration of resettled refugees¹¹. Many different actors, both governmental as well as non-governmental (international and local NGOs, UNHCR, IOM), from both resettlement countries and non-resettlement countries, participated in the projects. In 2008 and 2009 there have also been a number of joint ministerial or EU visits to resettlement operations in Thailand, Kenya, Syria and Jordan.

In July and November 2008, the JHA **Council adopted conclusions on the resettlement of refugees from Iraq**, which set the objective of resettling in the EU up to approximately 10.000 Iraqi refugees hosted in Syria and Jordan.¹² These conclusions are significant, not only with respect to the protection granted to the specific refugees resettled, but also because they underscore the fact that resettlement contributes to the maintenance of the protection situation in Syria and Jordan. Following the Council conclusions, four Member States which are not

⁹ Portugal decided to resettle 30 refugees annually, France approximately 350-450 refugees annually, Romania 40 refugees annually and the Czech Republic 30 refugees annually.

¹⁰ Commission Decision of 29 November 2007, implementing Decision No 573/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines 2008-2013, (OJ L 326, 12.12.2007, p. 29-31).

¹¹ Most of these projects were co-financed by the Commission through ARGO and the ERF.

¹² Council documents 11653/08 (Presse 205) and 16325/1/08 REV 1 (Presse 344)

normally engaged in resettlement, committed themselves to resettle refugees from Iraq (Germany, Italy, Belgium and Luxemburg).

2. SHORTCOMINGS OF THE CURRENT SITUATION AND ENSUING OBJECTIVES

2.1. The EU's response to global resettlement needs

It should be recalled that the large majority of refugees worldwide find themselves outside of the EU, mainly in Asian and African countries.

Global resettlement needs are much greater than the resettlement places which are available worldwide. The UNHCR estimates the global resettlement needs at about 747.000 persons, including populations where resettlement is envisaged over a period of several years. On the basis of a prioritization, UNHCR estimates that out of this number, for 2010 alone, 203.000 persons will be in need of resettlement¹³ According to the UNHCR, in 2008 65.596 refugees were resettled worldwide. Of these, 4.378 refugees, or 6,7%, departed to one of the EU countries¹⁴. The numbers of refugees resettled in the EU contrasts sharply with the numbers taken in by many other countries in the industrialized world.¹⁵ At the same time, the EU receives a proportionately greater number of 'spontaneous' asylum seekers than other parts of the developed world. Furthermore, a majority of EU countries has no resettlement programme at all and would need to engage in capacity-building activities in order to be in a position to regularly engage in resettlement. **The principal objective of joint EU action on resettlement should therefore be to involve more Member States in resettlement activities and to provide for an orderly and secure access to protection for those resettled. At the same time, it should serve to demonstrate greater solidarity to third countries in receiving refugees.** As a result, the EU will take on a greater share of the responsibility for meeting resettlement needs worldwide. It could also make it less attractive for some groups of refugees to seek entry into the EU through illegal migration.

It is widely recognized that resettlement serves not only a humanitarian purpose vis-à-vis those persons who are resettled, and indirectly for those refugees remaining in the first country of asylum, but that it serves also to relieve the third country in question of the burden associated with hosting large numbers of refugees. Resettlement can therefore play an important role as a component of EU external policies more generally. The impact of resettlement in strategic terms would be greater if priorities with respect to geographic origin or nationalities and specific categories of the persons to be resettled were largely set at the EU level. Currently the Member States which are resettlement countries largely set priorities at the national level, without much coordination at the EU level regarding both resettlement itself and with regard to other related external policy instruments. Moreover, the current relatively low level of involvement of the EU in the resettlement of refugees impacts negatively on the ambition of the EU to play a prominent role in global humanitarian affairs and hence on the influence of the EU in international fora. **The EU's involvement in resettlement activities should therefore be reinforced, with a view to raising the Union's effectiveness and credibility in international affairs generally. The impact of resettlement would be increased by a more strategic use of resettlement at the EU level, and by a more effective integration of resettlement into EU external policies generally.**

¹³ UNHCR projected global resettlement needs 2010.

¹⁴ See annex 4 of the Impact Assessment on a Joint EU resettlement programme p.5.

¹⁵ For example, the number of refugees who are resettled to Canada each year – around 10.000 – is more than double the total number of refugees resettled annually in the EU.

2.2. A lack of structured cooperation within the EU

There is currently no structural exchange of information among EU countries on resettlement and no structural coordination of resettlement activities at the EU level. The planning of resettlement activities is largely done through bilateral contacts between resettlement countries and the UNHCR. The exchange of information between the UNHCR and resettlement countries takes place through fora in Geneva¹⁶, which include resettlement countries worldwide and which cover global resettlement issues. They do not include those EU Member States which are currently not carrying out resettlement. For this reason, resettlement expert meetings have been convened on an ad-hoc basis by the Commission since 2007. **The structures and procedures for coordinating resettlement policy in the EU should therefore be adapted to enable closer cooperation among Member States and more effective coordination of resettlement activities at the EU level.**

Resettlement requires much logistical preparation, such as selection and orientation missions, medical and security screenings, arrangements for travel and visa, reception and integration programmes. Some of these activities could be carried out jointly by, or in close cooperation between, Member States. The current lack of joint activities and practical cooperation between Member States increases the financial costs of resettlement for existing "resettlement countries" and is an impediment for others which might otherwise contemplate engaging in resettlement, particularly those which might consider introducing small resettlement quotas. Organizing the various logistical activities necessary to carry out resettlement is likely to be regarded as impractical and prohibitively costly for Member States lacking experience and capacity with respect to resettlement. **The economic costs associated with resettlement in the EU should therefore be lowered through closer cooperation among Member States.**

2.3. Need for better targeting of resettlement priorities and financial support

The financial support which the ERF III provides to resettlement has clearly led to positive effects on resettlement. However, the additional assistance which is provided to Member States per refugee resettled under Article 13(3) of the Decision establishing the ERF III applies only with respect to four specific categories of persons. While these categories of persons undeniably deserve protection and resettlement, there may be other categories of persons who are at least equally in need of resettlement. Since the resettlement needs of these categories of refugees is at present not regularly discussed at the EU level, they are not the subject of an up-to-date assessment which would allow better identification of those protection needs which the EU considers to be priorities. The ERF framework today is therefore too rigid and not sufficiently adaptable in order to respond to newly arising needs, particularly with respect to geographic priorities. At the same time Member States set resettlement priorities nationally without prior consultation and coordination at the EU level. **A mechanism should therefore be put in place to ensure that resettlement efforts in the EU are better targeted, on an ongoing and dynamic basis, towards those persons who are most in need of resettlement. This can be achieved by ensuring regular common definition of key priorities for resettlement and providing a financial incentive for Member States to resettle in accordance with those priorities.**

3. THE JOINT EU RESETTLEMENT PROGRAMME

In view of the shortcomings just described, **a joint EU resettlement programme should be put in place** (1) to increase the humanitarian impact of the EU by ensuring that it gives

¹⁶ The Annual Tripartite Conference on Resettlement (ATCR) and the Resettlement Working Group.

greater and better targeted support to the international protection of refugees through resettlement, (2) to enhance the strategic use of resettlement by ensuring that it is properly integrated into the Union's external and humanitarian policies generally, and (3) to better streamline the EU's resettlement efforts so as to ensure that the benefits are delivered in the most cost-effective manner.

To that end, the Commission is proposing the amendment of the ERF III Decision in order to provide additional incentives for Member States to engage in resettlement, and so as to ensure that resettlement priorities agreed at the EU level are effectively backed up by appropriate financial support.

3.1. Guiding Principles for a Joint EU Resettlement Programme

Bearing in mind the general objectives of the joint EU resettlement programme, and taking into account the views of stakeholders, the programme is based on the following guiding principles:

- **Participation by Member States in resettlement should remain voluntary.** There are currently considerable differences between Member States with respect to the numerical targets and specific caseloads they wish to resettle, the legal criteria which are used for deciding who to resettle, and the partners through which resettlement is carried out.
- The **scope of resettlement activity in the EU should be widened** by familiarizing as many Member States as possible with resettlement, and enhancing their required experience and capacity to carry out resettlement.
- The mechanism which is established should allow for **adaptability** to changing circumstances. In order to use resettlement strategically it should be possible to review and revise resettlement priorities annually. Adaptability is required also in order to respond to evolving needs with respect to practical cooperation on resettlement between Member States.
- **Actors other than Member States governments, who play a key role in resettlement, should likewise participate.** The most important actor in this respect is the UNHCR, because of its international mandate and the pivotal role it plays in resettlement worldwide. The involvement of the International Organisation for Migration (IOM) is important as well, given its role with respect to logistical and practical aspects of resettlement activity worldwide. International and local NGOs with specific know-how and experience concerning resettlement, as well as local authorities, should also be involved, particularly with respect to the reception and integration of resettled refugees.
- The development of a common EU approach to the resettlement of refugees from third countries should be **incremental** and, with experience, the scope of the programme could be further developed.

3.2. Components of the Joint EU Resettlement Programme

The Programme will primarily consist of a mechanism which allows for the setting of common annual priorities on resettlement and more effective use of the financial assistance available through the ERF "pledging" exercise. This will be complemented by strengthened practical cooperation, enhanced effectiveness of external asylum policies and a regular evaluation of the Joint Resettlement Programme.

3.2.1. *The annual setting of common priorities based on a consultative process and a better use of the ERF pledging exercise*

Resettlement Expert Group

The current *ad hoc* Resettlement Expert Group will be developed into a body which meets on a regular basis. All Member States, including both resettlement and non-resettlement countries, will participate, as well as other stakeholders (e.g. UNHCR, IOM, ECRE, NGOs which are active in resettlement, each on the basis of its specific expertise and within the limits of its mandate). The Resettlement Expert Group will prepare for the identification of common annual EU priorities, which will subsequently be the basis for a draft decision by the Commission. These priorities will be based on an indicative forecast of resettlement needs which will be provided by UNHCR in spring each year. The Group would also exchange information between Member States on quantitative targets set by Member States and discuss specific needs with respect to resettlement, such as activities aimed at encouraging Member States which are not yet engaged in resettlement. The Group would, together with the European Asylum Support Office, also be in a position to identify current needs for practical cooperation in the field of resettlement.

Common priorities with the financial underpinning of the European Refugee Fund

A mechanism will be put in place through which EU-wide common resettlement priorities are established annually by means of a Commission decision. Priorities could apply both to geographic regions and nationalities as well as to specific categories of refugees to be resettled, including emergency cases. The EU could, for example, prioritize the resettlement of Iraqi refugees from Syria and Jordan, Somali refugees from Kenya, or Sudanese refugees from Chad. In identifying these priorities, coherence will be ensured with EU external policies generally. This framework will allow, on an annual basis, for the identification of newly arising or priority resettlement needs. In particular for vulnerable groups, such as children or unaccompanied minors, it would allow for a more in-depth analysis of the most crucial needs and priorities.

It is **therefore proposed that the ERF III Decision should be amended**, so that Member States which resettle according to the common EU annual priorities would receive financial assistance under Article 13 of the ERF III Decision. This article currently provides that additional financial assistance is granted to Member States if they pledge to resettle refugees who fall under four specific categories as described in point 1.3. This provision would be amended to render the current mechanism more dynamic and adaptable. It should, however, be underlined that Member States would remain free to carry out resettlement of other categories of refugees. **The proposal to amend the ERF III decision is presented by the Commission together with this communication.**

Based on the preliminary work of the Resettlement Expert Group, common priorities will be identified each year to trigger the pledging exercise under which Member States receive extra financial assistance. The Commission will each year decide on the annual resettlement priorities on the basis of consultations in the management committee of the General Programme "Solidarity and Management of Migration flows" including the ERF III. This Commission Decision will be one of the implementing measures of the Decision establishing the ERF III, adopted by the Council and the European Parliament on the basis of Article 63(2)b of the Treaty establishing the European Community. The timing of this annual decision will need to be such as to enable Member States to submit resettlement pledging for the purpose of qualifying for the financial allocations under the ERF.

3.2.2. *Enhanced practical cooperation*

The European Asylum Support Office

The European Asylum Support Office (EASO) is expected to become operational in 2010. It will provide **a structural framework for carrying out practical cooperation activities, including activities with respect to resettlement.** The proposed Regulation establishing the Office states that "the Office shall, in agreement with the Commission, coordinate the exchange of information and all other action taken on issues arising from the implementation of instruments and mechanisms relating to the external dimension of the Common European Asylum System. The Office shall coordinate exchanges of information and all other action taken on the resettlement of refugees within the European Union."

The development of practical cooperation on resettlement is expected to deliver important synergies. The identification of common annual priorities is expected to enable this cooperation to be more targeted. Concrete activities can be carried out together by Member States, such as selection and fact-finding missions, pre-departure orientation programmes, medical screenings, travel or visa arrangements. Other forms of cooperation could include exchange of information on the characteristics of specific resettlement caseloads and joint training. Cooperation on reception and integration is likely to be mainly in the form of exchange of information and identifying 'best practices', with a view to improving the quality of the reception and integration systems, which differ considerably among Member States. Lessons can be learnt from the experiences built up through a wide range of activities, involving different stakeholders.

The EASO can also engage in technical cooperation concerning resettlement with third countries, both with non-EU countries engaged in resettlement as well as with countries of first asylum. Such cooperation could likewise be engaged in with international organizations and in particular with UNHCR and IOM. In order to ensure that the EASO can commence its activities rapidly, the priorities for the first years of its working programme need to be identified as quickly as possible. The Commission will cooperate with different stakeholders to identify these priorities as swiftly as possible. Before the end of the current (2009) Swedish Presidency, a first set of priorities could already be identified.

Pilot projects and best practices on resettlement

A large number of practical cooperation projects related to resettlement have been carried out in recent years. To a large degree this can be attributed to the active role played by civil society, notably several NGOs. It is expected that there will continue to be a need for similar activities over the coming years. The Commission will therefore continue to support these activities, in particular through the ERF Community Actions.

A recent development is the establishment in Romania of an Evacuation Transit Centre (ETC) for resettlement. Several Member States have recently demonstrated an interest in the use of this Evacuation Transit Centre as a facility from which they can resettle specific categories of refugees in urgent need of resettlement. The use of the ETC may make it easier and more cost-effective to carry out resettlement and could serve as a pilot for other similar initiatives of this kind.

3.2.3. *Increased effectiveness of EU external asylum policies*

Cooperation with the UNHCR

In order for the EU programme to be successful - both with respect to the identification of common priorities as well as practical cooperation activities - it will be **important to cooperate closely with the UNHCR**. The consultations between Member States, the Commission and UNHCR concerning resettlement will therefore need to be intensified, including in the Resettlement working group in Geneva and the Annual Tripartite Consultations on Resettlement. The EASO will also need to be closely involved. The new EU programme may require some adaptations to the present administration of resettlement by the UNHCR, but should not unduly complicate it. The introduction of this new programme should be seen as an opportunity to give a new impetus to resettlement worldwide.

Improved coordination with EU external policies

There is a need to provide structurally for an integrated approach between resettlement, other components of EU external asylum policies and EU external policies as a whole. In particular, coherence with the EU Global Approach to Migration¹⁷ should be ensured. Under the joint programme, the setting of resettlement priorities will be done on the basis of current needs, as regularly identified by UNHCR, as well as on the basis of other humanitarian and political considerations identified by the Member States and the Commission, taking into account the specific situation of the third countries concerned, as well as the overall EU relations with these countries. The recent discussions and the conclusions adopted by the JHA Council of Ministers on the resettlement of Iraqi refugees from Syria and Jordan, underscore the fact that resettlement can be an important component of EU external policies. In addition to referring to the pressing resettlement needs of a certain number of these refugees, the Council expressly noted "the fact that a greater effort towards resettlement in the countries of the European Union would send a positive signal of solidarity to all Iraqis and of cooperation with Syria and Jordan for the maintenance of their area of protection."¹⁸ The direct involvement of the JHA Council with the resettlement of Iraqi refugees from Syria and Jordan was, however, exceptional, illustrating the need for a structured decision-making mechanism and corresponding infrastructure which can be deployed to respond to developments. The EU's external policies may also be instrumental in creating a framework for the preparation and deployment of resettlement programmes.

In the Regional Protection Programmes (RPPs) which will be developed in the future, resettlement should be more effectively incorporated and its implementation should be closely monitored. Since 2007, pilot Regional Protection Programmes have been carried out in Tanzania and three former NIS countries (Ukraine, Belarus and Republic of Moldova). Experience shows, however, that resettlement has remained a relatively underdeveloped component of these pilot RPPs and that only a limited number of refugees has been resettled by EU Member States from the beneficiary countries. The future RPPs could include the North Africa and Middle East regions. The resettlement dimension will also be examined as part of the evaluation of RPPs which the Commission will carry out with other stakeholders before the end of 2009.

¹⁷ Communications from the Commission on EU Global approach on migration, COM (2005) 621, COM (2006) 735, COM (2007) 247, COM (2008) 611.

¹⁸ Council document 16325/1/08 REV 1 (Presse 344)

3.3. Reporting and Evaluation

The Commission, with the support of the EASO, will report annually to the Council and the European Parliament on the resettlement efforts made within the EU, as well as on the results of the resettlement pledging in order to enable the Institutions to follow the progress on resettlement efforts in the EU and discuss conclusions on further developments. A Conference will be organized during 2012 with all relevant stakeholders to carry out a mid-term evaluation of the progress made on resettlement through the joint EU resettlement programme. The evaluation would look at the effectiveness of the financial assistance provided under article 13 of the ERF III, and could also examine the possibility of introducing a modulation of the lump sum according to the vulnerability or needs of particular categories of resettled persons.

The joint EU resettlement programme will be evaluated in 2014, with a view to identifying necessary improvements and to further development of the resettlement programme. As proposed by the Commission in its Communication of 10 June 2009, this more ambitious goal should be included in the Stockholm Programme, which is to be adopted by the end of 2009 and will set out the EU's objectives for the next five years in the area of Justice, Freedom and Security.¹⁹

4. PROPOSAL TO AMEND THE ERF III DECISION

The Commission is accordingly proposing that an amendment be made to the ERF III Decision, as set out in the legislative proposal accompanying this Communication.

¹⁹ COM (2009) 262 final