



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels,
HOME/MP

Subject: Your application for access to documents – ref. GestDem 2019/1350

Dear Ms Casajuana, Ms Crescini

We refer to your request dated 5/3/2019, in which you make a request for access to documents, registered on 8/3/2019, with the reference number GestDem 2018/1350, in which you request:

“We are requesting documents in relation to the implementation of the EU Regulations No. 514/2014 (laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management) and the EU Regulation No. 515/2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa).

Article 55(7) of the EU Reg. No 514/2014 establishes that the Commission shall pay particular attention to the monitoring and evaluation of actions and programmes related to third countries, in accordance with Article 8.

The Interim Evaluation of the Internal Security Fund - Borders and Visa 2014-2017 (SWD(2018) 340 final) states that some Member States have declared to have implemented projects related to third countries, but the evaluation does not provide any further detail/further information on such projects.

However, we would expect that the European Commission has more information about such projects in order to fulfil its obligation set up by article 55(7) of the EU Reg. No 514/2014.

By registered letter with acknowledgment of receipt

Estela Casajuana
Radarweg 505
1043NZ Amsterdam
The Netherlands

Based on the above considerations, we expect the Commission to have in its possession documents which fall within the scope of our request, namely:

1. A record of actions/projects implemented in, or in relation to a third country that received funding from the ISF-Borders and VISA, including information on the amount the EU contributed to the project, the beneficiaries and the project number. We are particularly interested in actions that have supported the implementation of the Seahorse Network.

2. Any documents produced by the European Commission for the purpose of “paying particular attention to the monitoring and evaluation of actions and programmes related to third countries, in accordance with Article 8” - therefore implementing the obligation set up by article 55(7) of the EU Reg. No 514/2014, besides the information already included in the interim evaluation report, which is already publicly available. ...”

We regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application.

Any record of actions/projects having received funding via the shared management modality (national programmes) is owned, and published, by EU Member States. Likewise, lists of projects awarded/financed via the shared management modality (national programmes) are owned, and published, by EU Member States.

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to handle your request.

Nevertheless, as you correctly mention in your request, “...*some Member States have declared to have implemented projects related to third countries...*”, which means the funding would fall under the modality of shared management, whereby the EU Member States implement their multiannual National Programmes, which are managed by Responsible Authorities in EU Member States.

We suggest consulting the national interim evaluations, which may provide additional details.

You may find the relevant information in the HOME Europa webpage: https://ec.europa.eu/home-affairs/financing/fundings/mapping-funds_en, with the list of Responsible Authorities in each Member State, for example for ISF-Borders & Visa: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/isf_border_europe_website_flyers_en.pdf

Likewise, the same list of Responsible Authorities for the other two funding programmes managed by DG HOME (AMIF and ISF-Police) can be found in the following links:

https://ec.europa.eu/home-affairs/sites/homeaffairs/files/amif_europe_website_flyers_en.pdf for AMIF.

https://ec.europa.eu/home-affairs/sites/homeaffairs/files/isf_police_europe_website_flyers_en.pdf for ISF-Police.

We invite you to contact the respective Responsible Authorities in each Member State to obtain additional information on the projects you are interested in.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Paraskevi MICHOU
(e-Signed)