



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate D – Strategy and Delivery Steering
Unit D3 – MFF Programming

Brussels,

19 DEC. 2014

Subject: Observations on the proposed multiannual national programme under the Asylum, Migration and Integration Fund for Greece

Dear [REDACTED]

Thank you for the proposed national programme under the Asylum, Migration and Integration Fund for Greece formally submitted on 31 October 2014.

In accordance with Article 14(6) of Regulation (EU) No 514/2014 of the European Parliament and of the Council (Horizontal Regulation) *"The Commission shall make observations within three months of the date of submission of the proposed national programme. Where the Commission considers that a proposed national programme is inconsistent with the objectives of the Specific Regulation, in the light of the national strategy, or that the Union funding to be allocated to those objectives is insufficient or that the programme does not comply with Union law, it shall invite the Member State concerned to provide all necessary additional information and, where appropriate, to modify the proposed national programme."*

Following the examination by the Commission, we would like to provide you with our observations at this stage of the process and invite you to present us with an amended version of the programme as soon as possible.

In general, the proposed programme has been prepared against the background set up in the applicable legal framework. Nevertheless, we would like to draw your attention to the observations provided for each section and kindly ask you to modify the programme in this respect.

We would like to assure that we stand ready to assist you in drafting the national programme and speed up the approval process.

The period of six months set for the approval of the multiannual national programme by the Commission referred to in Article 14(7) of Regulation (EU) No 514/2014 is hereby suspended until an amended version of the programme is provided.

Yours sincerely,

[REDACTED]

Head of Unit

Encl.: Annex: Observations on the proposed national programme

ANNEX: Observations on the proposed national programme

General

1. Please note that these observations should be seen in the context of the ongoing discussions between the European Commission and Greece on the implementation of the measures foreseen in Greece's Action Plan on Migration and Asylum and its follow-up action plan, including the discussions on an adequate financing plan covering Greece's needs in this area, making full use of all the funding sources available, including AMIF, ESIF and national resources. Therefore, the observations below should be considered as preliminary and without prejudice to further detailed comments and observations that might be made on subsequent versions of the draft national programme.
2. Although the draft NP is a considerable improvement when compared with the version informally submitted by Greece last June, many important points remain to be clarified, including a clear presentation of the action plan, including its financing component, of the measures aiming at supporting open accommodation centres, as well as an adequate justification for the proposed non-compliance with the minimum percentage as regards legal migration/integration.
3. We note also that the draft does not make any reference to the revised national Action Plan on Migration and Asylum and the commitments made in its framework, in spite of its relevance for the issues being addressed in the national programme.
4. As regards Unaccompanied Minors (UAM), we note that they are only mentioned under the asylum section: as noted before, in principle UAM-related issues in general should be covered under the integration/migration part of AMIF, whereas only the issues related to UAM seeking asylum should be covered under the asylum part of the fund.

Identification of the designated authorities

5. We take note that the formal designation process of the Responsible Authority has not been finalised yet. As is indicated in note to the AMIF-ISF Committee AMIF-ISF/2014/14 of 14 November 2014, the Commission strongly recommends that the audits on the compliance with the designation criteria are concluded as soon as possible, in order to allow for a formal designation (full or provisional) of the Responsible Authority before 31 December 2014.

Section 1: Executive summary

6. The strategies for the different components of the programme are presented very summarily and should be completed, notably in line with the measures foreseen in the current Action Plan on Migration and Asylum and its follow-up action plan, including as regards its financing component.

Section 2: Baseline situation in the Member State

7. The presentation of the baseline situation still needs considerable improvement. For instance, the section on the Common European Asylum System (CEAS) describes essentially the changes made in the institutional framework, not providing the general context and any statistics on asylum seekers trends in recent years; there is no mention of asylum seekers in detention, no mention of alternatives to detention for asylum seekers and, as noted above, no reference is made to the Action Plan on Migration and Asylum and its commitments.
8. Some important issues are not mentioned, like for instance the use of ESIF (Structural Funds), both in the past and in the future, to cater for asylum and integration needs. Although some figures are given, such information is of crucial importance, especially since only 6 percent of AMIF is proposed to be spent on integration and legal migration (and not the required 20 percent) with the draft referring to spending of the ESIF on integration objectives instead. Some

information is given on the total expenditure from national resources for the asylum service, but nothing is said for other areas (reception, integration, return).

Section 3: Programme objectives

SO1 – Asylum

9. As very preliminary observations, and pending the conclusion of the ongoing discussions on Greece current Action Plan on Migration and Asylum and its follow-up plan, we would like to note the following:

- The general context and strategy are presented very summarily and should be better explained. Imprecise language such as references to “backlog committees” should be avoided.
- The main actions are presented but no clear distinction is made between those to be funded through the programme (funding priorities) and the others; if the ones listed in the draft are the ones funded by the EU, it would still be important to know about other main actions to be funded through other sources. The desired outcomes presented concern only asylum procedure.
- On the clearance of the backlog the actions/target presented do not seem to be fully in line with the political compromise reached between Greece and the Commission.
- On UAM, no actions are proposed, including as regards the adoption of a strategy for the institution of guardianship for UAM, although such action is clearly identified as a funding priority under this section in the Policy Dialogue (PD) and mentioned as one of the priorities in the national strategy section of the draft programme.
- Greece should also provide more clarifications on the transfer costs of applicants under Dublin procedure, notably by providing statistical data with regard to the carried out transfers to other Member States for the years 2011 – 2014/6 and the way this affects the budget of the Service.
- On National Objective 2 (*Evaluation*) Greece reiterates that no specific funding is necessary, as it is a build-in element of the reception and asylum systems covered by the state budget: as evaluation and monitoring measures were clearly identified as a funding priority in the PD, Greece should provide more information on the resources available for such measures.
- Besides, Greece states in the draft that *“It is thought imperative that resources are guaranteed by UNHCR (eg. through Union Actions) to maintain deployment of UNHCR Affiliated Workforce, in the fields of scientific/technical support and quality assurance”*. As such funding through Union Actions cannot be guaranteed, Greece is invited to withdraw such reference from the text.
- We take note that Greece does not propose any resettlement measures in the framework of its national programme.

SO2 – Integration / Legal Migration

10. As very preliminary observations, and pending the conclusion of the ongoing discussions on Greece current Action Plan on Migration and Asylum and its follow-up plan, we would like to note the following:

- The strategy is too summarily presented, with no reference to the European Agenda on Integration (mentioned in the PD) and no particular focus on the regional/local approaches (mentioned in the PD). No reference is made to UAM.
- Although in this section the funding priorities are better presented, considering that Greece intends to use only 6 percent of the fund for integration and legal migration objectives, it seems relevant to have a clearer description of how these priorities will be funded.
- As mentioned above, the draft does not give an adequate justification for the non-compliance with the minimum percentage of 20% foreseen in article 15 of AMIF Regulation (Regulation n°516/2014) to be allocated to integration measures: such non-compliance is rather

exceptional and, to be accepted, it must be well justified. More clarity/guarantees are necessary for instance as regards funding provided through ESIF (Structural Funds) for integration measures, as the draft itself says (on page 35) that no specific allocations for such actions have for the moment been foreseen in the draft operational programmes supported via ESIF.

SO3 – Return

12. As very preliminary observations, and pending the conclusion of the ongoing discussions on Greece current Action Plan on Migration and Asylum and its follow-up plan, we would like to note the following:

- The main actions are presented but no clear distinction is made between those to be funded through the programme (funding priorities) and the others; if the ones listed in the draft are the ones funded by the EU, it would still be important to know about other main actions to be funded through other sources. Desired outcomes are not clearly mentioned.
- The draft programme duly mentions support to the forced return monitoring mechanism, as agreed in PD. However, contrary to what was agreed in the PD, it does not mention any measures aiming at finding alternatives to detention.
- The draft programme mentions the priority given to assisted voluntary return (AVR) measures and the support to the forced return monitoring mechanism, as agreed in PD. However, no mention is made of measures aiming at speeding up the removal process (although it is mentioned as part of the national strategy) and the strengthening of capacities of the services in charge of return.

SO4 – Solidarity

13. We note that Greece does not present any national strategy nor propose any actions under this specific objective.

Section 3: Indicative timetable

14. We note that no actions are foreseen to start in 2014, not even the planning phase. We would invite Greece to look again at this aspect, as considering some of the actions to be funded through the programme such time-plan might not be entirely accurate.

Section 5: Common Indicators and Programme Specific Indicators

15. The draft presents a few indicators which are difficult to grasp, more specifically “7.3 - Transfer of applicants of international protection to Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person” and “10 - Supporting the clearance of the appeals backlog in the asylum-procedure in Greece with the operation of Appeals Committees”. We would appreciate to have further clarifications on such proposed indicators.

Section 6: Framework for preparation and implementation of the programme by the Member State

16. The draft presents a succinct description of the Common Monitoring and Evaluation Framework: we invite Greece to provide more details on such framework. Reference to IB (Intermediate Bodies) – which seem to be the DA - should be avoided, as it does not correspond to standard designation foreseen in the legal acts. It is not clear either the level of involvement of partners during the implementation phase.

17. Complementarity with ESIF is extremely important, as ERDF and ESF should cover very important needs in terms of open accommodation centres and integration measures. As noted

above, a clearer picture on the size of funding from such funds is necessary, also because Greece proposes to not comply with the minimum percentage of 20% from AMIF for legal migration & integration measures.

18. As regards beneficiaries and direct award, it is not clear what is meant by MAs.

Section 7: The financing plan of the programme

19. The draft programme proposes to derogate from the minimum percentage(s) established in AMIF Regulation. As noted above, the justification provided for such derogation is not sufficient. More clarity/guarantees are needed as regards funding for legal migration & integration measures to be provided through other resources, and in particular ESIF.

20. Greece proposes not to allocate any funding from AMIF to NO2 (*Evaluation*) under SO1. Such option needs further checking (*please see comments in relevant section*).