



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate E - Migration and Security Funds
Unit E1 - Programming

Brussels,

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

Dear [REDACTED]

Thank you for the proposed national programme under the Asylum, Migration and Integration Fund for Spain formally submitted on 1 December 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,

Head of Unit

End.: Annex: Observations on the proposed national programme

ANNEX: Observations on the proposed national programme

Identification of the designated authorities

1. We take note that the designation of the Responsible Authority is only provisional and for a duration of 12 months.
2. In accordance with article 2 of Delegated Regulation n°1042/2014, we invite Spain to transmit via SFC 2014 detailed information on the management and control system covering the three points in Art. 2.4, notably the main division of responsibilities between the organisational units of the Responsible Authority, its relationship with the delegated authority, the activities to be delegated and the main procedures for supervising these delegated activities, as well as a summary of the main procedures for processing financial claims from beneficiaries and for authorising and recording expenditure.
3. Moreover, in line with article 31 of Regulation n°514/2014, and to allow the Commission to have a clear view on the reasons leading to the provisional designation as well as the content of the action plan, we invite Spain to transmit also the respective audit reports.

Section 1: Executive summary

4. The executive summary provides a good overview of Spain's strategy, objectives and expected results as regards the three main specific objectives of the programme. To complete it, it would be useful to have an explanation on the weight of funding from AMIF for the different components of the programme.

Section 2: Baseline situation in the Member State

5. Although the presentation of the baseline situation is much improved comparing to the version informally submitted last July, further information is still necessary, in particular as regards:
 - available figures for 2014 on number of asylum applications;
 - estimation of how many asylum seekers were accommodated in Ceuta and Melilla (the only indication is 10% of the migrants accommodated there, with a mention in the return section of 9.000 persons in 2013);
 - information on the capacity of the centres in the Barajas (Madrid) International Airport and El Prat (Barcelona) International Airport;
 - detailed information on the procedure applicable to those third country nationals who submit an application at the entry points in Ceuta and Melilla, if that procedure is different from the one applicable to the rest of applicants for international protection, e.g. if they are processed in Ceuta and Melilla or are brought in land, if the time limit for the examination of such application and other procedural guarantees differs from the ones applicable in land, if the reception conditions are different (if for instance material rights differ from those provided to applicants processed in land), as well as on the pending legislative changes related to the issue of access to the asylum procedure in Ceuta and Melilla;
 - information on the expenditure on asylum procedures and the operation of the CIE (*Centros de Internamiento de Extranjeros*).

Section 3: Programme objectives

SOI-Asylum

6. The strategy and national objectives are relatively well presented and consistent with the information provided in the executive summary and baseline situation. Some further information would however be necessary, as regards the following aspects:

7. On National Objective 1 (*Reception/Asylum*)

- The action related to EURODAC should be better explained, to avoid any risks of overlapping with ISF. As there is no need to update the EURODAC system regarding asylum following the recast EURODAC Regulation (the necessary changes related to the law enforcement part of the Regulation can be covered by the ISF, should EU funding be necessary), the stated need to reinforce the EURODAC system should be better explained;
- Under NO 1 reference is made to the action "Improved information systems for file processing and data management, incorporating information on vulnerable groups. These improvements must enable compliance with EUROSTAT and EASO requirements." We believe that such action would be better placed under N02.
- Clarification should be provided on which component of the fund will be used to improve the CETI, as it is mentioned both under the asylum and return sections of the AMIF, and how much of the improved places (3.000 places according to the asylum indicator) the places in the CETI represent.
- Further information should be provided on the action "staff recruitment to enhance legal assistance and interpretation services". Is it for the recruitment of Spain's administration staff? If so, please give examples of how the legal assistance services would be enhanced? As you know, in principle AMIF funding should not be used to hire national administration staff.
- On training, reference should also be made to EASO training modules.

8. On National Objective 2 (*Evaluation*) - Spain could make reference to EASO as regards measures related to Country of Origin Information (COI). As regards information and data collection, actions should also take into account and facilitate EU level data collection needs, with reference both to Eurostat data collection based on Regulation (EC) 862/2007 and to the Early Warning and Preparedness System (EPS) data collection launched by EASO as from March 2014.

9. On National Objective 3 (*Resettlement*) - Spain refers to a number of 130 people (Syrian refugees) already approved by the government for resettlement in 2014-2015 (this figure is consistent with Spain's pledging in the ongoing exercise), plus 130 to be approved in December 2014 to be resettled in 2016. As numbers for the second group do not correspond to previous information, further clarifications on this issue would be much appreciated.

502 - Integration / Legal Migration

10. Considering that the Belgium's led Specific Action 3 (*Joint Initiatives*) titled "Establishing a European Network for Public Service Interpreting and Translation (ENSPIT)", in which Spain intended to participate, has not been selected for funding, reference to such action should be deleted from the draft.

503 Return

11. As regards National Objective 1 (*Accompanying measures*), when referring to the construction of three new detention centres as one of the funding priorities, the draft should also indicate the extra number of places that such new centres will provide.

12. As regards National Objective 2 (*Return measures*) the draft indicates as target 30.000 voluntary returns and 60.000 forced ones. Considering that, according to the baseline situation, there were 24.500 voluntary returns between 2009-2013 and 13.000 forced returns just in 2013, those targets seem to be too low: further clarifications on this issue would be much appreciated.

13. As regards Specific Action 6 (*Joint reintegration*), reference is made to the ERIN project led by The Netherlands. Please confirm your participation in this action, indicating also whether you intend to contribute financially to the action (if this is the case) and providing a short and general indication (maximum 1 line) of Spain's potential role as participating Member State.

14. As regards Specific Action 7 (*Joint family unity and unaccompanied minor reintegration*), reference is made to the project "*Organisation of joint reintegration projects targeted towards UAM*" lead by France. Please confirm your participation in this action, indicating also whether you intend to contribute financially to the action (if this is the case) and providing a short and general indication (maximum 1 line) of Spain's potential role as participating Member State.

S04 - Solidarity

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

Section 5: Common Indicators and Programme Specific Indicators

16. We note that no target is given for C.4 (Country of Origin Information (COI)), even though such action is mentioned under Asylum's N02 (*Evaluation*).

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

17. The draft mentions coordination and complementarity with ESF and Frontex actions as regards return, but does not mention EL) external relations instruments, which might be advisable considering the actions that Spain proposes to implement as regards cooperation with third countries.

Section 7: The financing plan of the programme

18. Spain includes in the draft an amount of €2.6 million for special cases: it is not clear how this amount has been calculated, so further clarifications on this point would be much appreciated.