



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

Directorate E – Migration and Security Funds
Unit E1 – Programming

Brussels,

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

Dear [REDACTED]

Thank you for the third version of the national programme under the Asylum, Migration and Integration Fund for Greece, submitted on 19 June 2015, following the observations made by the Commission on 29 May 2015 (uploaded in SFC on 18 June 2015).

Following the re-examination of the national programme by the Commission, we would like to provide you with additional observations on this amended version, and invite you to present us with a modified programme as soon as possible.

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 a revised version of the programme is submitted.

Yours sincerely,

[REDACTED]
Head of Unit

Encl.: Annex: Observations on the proposed national programme

ANNEX
Observations on Greece's draft NP for AMIF submitted on the 19 June 2015

General

The revised draft programme is substantially improved, taking in consideration most of the Commission's latest observations and the results of the discussions held in Athens on 10-11 June 2015. However, some information still needs to be provided and some corrections need to be made in the programme before it can be considered ready for approval. Furthermore, in line with our discussions, please provide also the required annexes with further information on the functioning and monitoring of reception facilities for applicants of international protection (centres, network of rented apartments).

Identification of the designated authorities

1. We take note that no formal designation of the Responsible Authority (RA) has taken place yet (provisionally or fully). Please note that the RA shall be formally designated before making payments eligible to the Funds. We would like to furthermore draw your attention to Article 35 of Regulation n°514/2014 in which it is stipulated that the initial pre-financing payments by the Commission following the approval of national programme shall be paid to the designated RA.
2. Moreover, should the RA be provisionally designated, we invite you to inform us about the duration of the provisional designation and, in line with article 31 of Regulation (EU) 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, to transmit also the respective audit reports (including the conclusions i.e. non-compliances, the timeframes to address these non-compliances, etc.).
3. As regards the Management and Control System (MCS), please complete fully the table in the first page and explain in the respective section to what extent the system is different from the one used for former SOLID funds. Please also note that the MCS must be finalised (and checked by the audit authority) before the designation of the Responsible Authority (RA).

Section 2: Baseline situation in the Member State

4. The baseline situation still needs to be completed/updated with information on:
 - a) Data on financial resources, both national and EU funds, allocated to different policy areas (asylum, legal migration/integration and return) and respective components (asylum service, reception, backlog, unaccompanied minors, voluntary and forced returns, etc.) are still not provided.
 - b) We also note that the draft continues to refer to December 2016 as target date for clearance of the "backlog" asylum cases to be funded by AMIF: as agreed in Athens on 18 June 2015, no target date should be mentioned in the national programme for the clearance of the "backlog".
 - c) With regards to the reception of applicants for international protection, the draft continues to refer to the Ministry of Labour and the First Reception Service as the competent authorities for the establishment and operation of open reception facilities, while in our understanding that competence lies now with the new body within the Ministry of Interior and Administrative Reconstruction which will be one of the Delegated Authorities to be soon designated. We also note that no reference is made to EKKA, the body that coordinates all referrals of applicants for international protection to open reception facilities. To allow for a better understanding of how the reception facilities operate as part of a coordinated and

sustainable system at national level, the role of EKKA should be clarified in the programme. Please clarify these issues.

d) To our understanding the data provided in the asylum section does not reflect the situation up to 03/2015 according to the official statistical data of the Asylum Service.

Section 3: Programme objectives

SO1 – Asylum

5. Please note that the main actions and funding priorities are not always clearly presented.

Please note also that when presenting the national strategy in this area no reference is made to contingency measures as regards reception capacity, even though such contingency measures are referred under the respective national objective.

6. On National Objective 1 (*Reception / Asylum*), as regards the clearance of the pending appeals the draft continues to refer to December 2016 as target date for clearance of the “backlog” asylum cases to be funded by AMIF: as agreed in Athens on 18 June 2015, no target date should be mentioned in the national programme for the clearance of the “backlog”. We understand that no funding is envisaged under the NP for the clearance of the backlog. We also understand that the financial support of EUR 1 million to be granted for this purpose under Union Actions would not be enough for the clearance of the backlog. Please confirm this assumption and indicate the funding complementary sources to be used for this purpose, i.e. national budget.

7. On National Objective 3 (*Resettlement*), we take note that Greece does not propose any resettlement measures in the framework of its national programme. On the other hand, as the resettlement pledging exercise for 2014/2015 does not depend on the results of the ongoing discussions on the measures proposed in the European Agenda for Migration, we believe that the explanation provided in the national programme is not relevant and invite therefore Greece to withdraw it from the programme.

SO2 – Integration / Legal Migration

8. Please redraft the explanation on the complementarity of funding with ESIF, to make it clearer, reading like this: “Considering the current financial situation in Greece and the limited national resources, it is of utmost importance to prioritise funding from AMIF to cover Greece’s pressing needs in the areas of asylum and return, address persistent systemic deficiencies and comply with the EU *acquis*. Therefore, the percentage of AMIF resources to be allocated to integration / legal migration measures is lower than the 20% threshold (Article 15(1)(a) of the AMIF Regulation). However, Greece plans to mobilise substantial complementary funding (at least EUR 20 million) from ESIF to support integration measures, thus ensuring that in total an amount equivalent to at least 20% of AMIF allocation for Greece would be used in support of such measures.”

9. We also note that the draft continues to make reference in this section to UASC, instead of Unaccompanied Minors (UAM). Unless there is a specific need to refer to unaccompanied minors applicants for international protection, the term unaccompanied minors (UAMs) should be used throughout the text. In addition, the national strategy for unaccompanied minors is mentioned in this part, as well as in the asylum part. To our understanding this strategy is considered to be an overall systematic procedure which will affect every unaccompanied minor TCN in Greece.

10. In the paragraph on projects under National Objective 2 (*Integration*), the reference to "monthly allowance" should be clarified. Please explain what the allowance would be aimed for. In addition, please move action (e) to National Objective 3 (*Capacity*).

11. Reference to Specific Action 8 (*Legal Migration*) led by Belgium should be deleted from the programme since such Specific Action has not been approved for funding.

SO3 – Return

12. Returning people who do not or no longer have the right to stay in the EU needs to be part of any comprehensive migration policy, an approach that is reflected in your national program. Given the increasing number of irregular migrants coming to Greece we are pleased to see that Greece's objective is to increase the number of returnees, as keeping the numbers on the average of previous years would seem too modest a target. While we would agree that the first focus should be on increasing voluntary returns, we would like to underline that the success of voluntary return is also depended on the efforts on forced return

SO4 – Solidarity

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

Section 3: Indicative timetable

14. We note that some actions are foreseen to start in 2015. As no formal designation (provisionally or fully) of the RA authority has taken place yet, we alert once again Greece for the urgent need to formalise such designation, as without such designation no initial pre-financing payments can be made by the Commission; any payments made by a non-designated authority in 2015 to cover costs to be charged to the Fund are not eligible.

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

15. On paragraph 6.7.2, reference should be made only to those situations where direct awards are planned, and provide an explanation of the reasons for such decision. The current draft refers instead to the direct implementation of actions, as executing body, by one of the Delegated Authorities (Asylum Service), which are not relevant for the paragraph and should therefore be deleted. On the other hand, as regards Return Policy the justification provided is not satisfactory: the draft refers to a series of entities that will be involved in the implementation of the programme without specifying if such actions will be implemented through a "direct award" and providing the necessary justification. This paragraph needs to be completely redrafted.