



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND 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 Asylum, Migration and Integration Fund for Spain formally submitted on 18 March 2015.

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 of the draft national programme by the Commission, you will find here enclosed our observations at this stage, and would like to invite you to present an amended version of the programme addressing these observations within one month of the reception of this letter.

The Commission stands ready to assist you in the drafting process in order to facilitate the approval of the national programme.

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,

(e-Signed)

[REDACTED]
Head of Unit

Encl.: Annex - Observations on the proposed national programme

ANNEX: Observations on the proposed national programme

General

We are pleased to note that Spain took substantially in consideration the observations made by the Commission on the previous version. However, although considerably improved, the document still needs to be completed on a number of points before the programme can be considered ready for approval.

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, the Commission would appreciate to receive information on the reasons leading to the provisional designation as well as the content of the action plan, and invites 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. However, as requested before, we would appreciate if Spain could further explain the weight of funding from AMIF for the different components of the programme.

Section 2: Baseline situation in the Member State

5. We would appreciate if Spain could provide a brief presentation of its institutional set up in all the policy areas directly relevant to the national programme, with a clear explanation of respective mandates and responsibilities.
6. We also note that the information provided in the previous version of the programme as regards the average duration of the asylum procedure (which we understand can vary according to the place where the application is made) has been deleted: we would appreciate that such useful information is put back in the programme.

Section 3: Programme objectives

SO1 – Asylum

7. On National Objective 1 (*Reception / Asylum*), we believe that the second action, "human and technical equipment at border posts to facilitate the entry and provide other services", would be better placed under the ISF national programme, as it

seems to be mainly related to cross-border procedures. Should Spain consider that it should be kept in AMIF, we would appreciate to have further clarifications on the matter. Regarding the third and fourth actions, respectively “reinforcement of human resources of the reception structures, information systems, legal assistance and interpretation” and “purchase of computer equipment”, the draft should duly specify that this relates to the asylum procedure (and not to any other type of migration related procedures).

8. On National Objective 2 (*Evaluation*), training actions would be better placed under NO1.
9. On National Objective 3 (*Resettlement*), Spain refers to a number of 130 people (Syrian refugees in the region) being resettled in the framework of the 2012 and 2013 programmes, plus 130 to be resettled in 2015. Since AMIF funding concerns the 2014-2015 pledging exercise, for the sake of clarity we would appreciate if Spain deletes any reference to 2012-2013.

SO3 – Return

10. As regards National Objective 1 (*Accompanying measures*), the draft includes amongst the funding priorities the construction of three new detention centres (CIE), and the extra number of places that such centres will provide (+/- 750 in CIE), arguing that current capacity of a total of 2838 places in the 8 existing CIE is insufficient. However, according to information provided to the Commission in a monitoring visit to Spain held in November 2014, the occupancy rate of the CIE of Madrid was at 50/60% of its capacity and the centres in the Canaries were almost empty. We would therefore appreciate if Spain could confirm such data (providing also the most recent occupancy rate of each CIE) and, if so, further explain the need for three additional CIE. We would also appreciate if Spain could provide further information on the “humanitarian assistance actions” it proposes to implement under this NO.
11. As regards National Objective 2 (*Return measures*), we appreciate the information provided as regards the targeted voluntary and forced ones. However, considering the agreement at the policy dialogue to strengthen the voluntary return measures under the programme, we believe that most of the funding from AMIF for return measures should target voluntary return, while the draft seems to suggest the contrary, as it mentions a target of 60.000 forced returns and only 30.000 voluntary ones: we would therefore appreciate if Spain could look again into the matter and inform on the weight of funding it foresees for each one of those return measures. We would also like to note that the measures supporting the voluntary return from third countries should be removed because they are not falling within the scope of the national programme as regards the return. These kind of activities could be supported under the Union actions (namely in the framework of the implementation of readmission agreements).
12. As regards National Objective 3 (*Cooperation*), Spain refers to actions of “development cooperation” with third countries as one of the priority actions: even though they are not mentioned as funding priorities, considering that AMIF funding should not support development-oriented activities, and to avoid any possible misunderstandings, we would appreciate if such reference is deleted from the national programme.
13. 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. Although Spain confirmed its participation in this action it did not indicate, as requested, whether it intends to contribute financially to it. We would therefore appreciate to receive such information.

SO4 – Solidarity

14. 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

15. We note that no target is given for C.4 (Country of Origin Information (COI)), even though such action is mentioned under Asylum’s NO2 (*Evaluation*).

Section 7: The financing plan of the programme

16. Please note that the allocations for the Specific/National Objectives will be re-assessed, to ascertain if they are reasonable and correspond to the actions under the funding priorities and the targets set for them, once Spain has submitted a revised version of the programme, in the light of the comments made above.