Εγγράφο Εργασίας

σχετικά με την ειδική έκθεση αριθ. 24/2019 του Ευρωπαϊκού Ελεγκτικού Συνεδρίου (απαλλαγή 2018): Άσυλο, μετεγκατάσταση και επιστροφή μεταναστών: Καιρός να εντατικοποιηθεί η δράση ώστε να αντιμετωπιστούν οι αποκλίσεις μεταξύ στόχων και αποτελεσμάτων

Επιτροπή Ελέγχου του Προϋπολογισμού

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In recent years, the EU has seen unprecedented levels of migration and a subsequent increase in asylum applications. The migration crisis peaked in 2015, when over 1 million people embarked upon the treacherous journey to Europe by sea, before returning to pre-crisis levels.

This surge in migration has challenged the EU framework on asylum, migration and external borders management. Established arrangements have come under heavy strain, even prompting their temporary suspension in some cases. Located on the frontline, Greece and Italy are disproportionately burdened.

With a view to addressing the crisis, the EU has devised several measures to supplement the funding provided to Member States under its migration management policy. These include the setting-up of “hotspots”\(^1\) and introduction of temporary relocation schemes. Furthermore, it has issued legislative proposals to overhaul the Common European Asylum System. At the heart of this reform lies the revision of the Dublin III mechanism which obliges asylum seekers to file an application in their country of first entry into the Union. Its proposed revision – the Dublin IV Regulation – includes a permanent relocation system to replace the temporary quota-based distribution schemes that expired in September 2017. The Council has not yet reached a consensus on this proposal.

The temporary relocation schemes were introduced by two Council decisions in September 2015. In operation between 24 March 2015 and 26 September 2017, the schemes aimed to relocate 160,000 migrants, based on quotas. The legality of these decisions was upheld in European Court of Justice ruling 2017/C 374/05 on the joined cases brought by Slovakia and Hungary against the Council.

Relocation was executed to 22 Member States and three associated countries (Liechtenstein, Norway and Switzerland). The United Kingdom and Denmark exercised their opt-out rights under the Treaties. Hungary and Poland did not relocate any migrants.

An effective return policy is a necessary part of a comprehensive and legitimate migration policy. At the end of 2010, the EU Return Directive entered into force, setting common rules for the return of migrants staying irregularly. The Commission proposed a revision of this directive in September 2018.

The Asylum, Migration and Integration Fund (AMIF) provides the majority of EU funds for migration management. AMIF was set up for the 2014-2020 period to promote the efficient management of migration flows, and to implement and strengthen the EU’s common asylum and immigration policy.

Most AMIF funding is channelled through shared management to support the Member States’ multiannual national programmes. In addition, AMIF resources fund emergency assistance. Managed either directly by the Commission or indirectly by international organisations, this is

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\(^1\) The hotspot approach sees EU agencies (mainly EASO, Frontex and the European Union Agency for Law Enforcement Cooperation) assisting frontline Member States on the ground with identifying, registering, fingerprinting and debriefing of new arrivals, in order to ascertain those requiring international protection. Between 2015 and 2018, there were five hotspots in each of Greece and Italy. Due to low numbers of arrivals, the hotspot in Trapani was reconverted to a detention centre in October 2018.
financed almost entirely by the EU budget.

EASO assists the Greek and Italian authorities on the basis of yearly operating plans. In 2018, in Greece, EASO helped register and process asylum applications at the border, and provided support to the regular asylum procedure, the appeal authorities and the Dublin Unit. In Italy, EASO informed migrants in hotspots about asylum, helped register asylum applications, and supported the national and territorial asylum commissions and the Dublin Unit.

In addition, EASO has been involved in strengthening the capacity of national asylum authorities, improving the reception system and protecting vulnerable groups, including unaccompanied minors.

When requested by Member States, Frontex coordinates the return of irregular migrants ineligible for international protection on their territory. Its European Centre for Returns provides operational and technical support to the Member States and Schengen Associated Countries during pre-return and return operations.

From 2006 to 2016, Frontex coordinated joint operations on charter flights. In 2016, its mandate was extended to the organisation/coordination of national return operations. In December 2017, it also began supporting returns on scheduled commercial flights.

In 2017, the Court published a report on the hotspots in Greece and Italy. The European Parliament endorsed its conclusions and called on the Court to “consider a quick follow-up report on the functioning of the hotspots, adopting a broader scope by including also an analysis of the follow-up procedures, i.e. the asylum, relocation and return procedures”. This report responds to that request.

**Audit scope, objective and approach.**

The objective of the special report 24/2019 was to determine whether EU support to migration management (including the hotspot approach) had helped bring about effective and swift asylum and return procedures in Greece and Italy. To answer this main audit question, the Court addressed two sub-questions:

(a) Has the EU-funded support action for Greece and Italy achieved its objectives? The Court assessed whether its recommendations of special report 06/2017 had been implemented and whether the temporary emergency relocation schemes had achieved their objectives. The Court also assessed the relevance and design of a sample of EU-funded support actions, and looked at whether planned outputs had been delivered and objectives met.

(b) Have the asylum and return procedures in Italy and Greece been effective and swift? The Court examined whether the performance of asylum and return procedures in the two Member States had improved since 2015, analysed performance on the basis of data collected by the Commission, EASO, Frontex and the national authorities, and identified the reasons for any underperformance.

The audit covered the period from 2015 (when the migration crisis began and the first hotspots were set up in Greece and Italy) until the end of 2018.

The sample of EU-funded support actions contained six AMIF emergency assistance (AMIF
EMAS) and ten AMIF national programme (AMIF NP) projects

Further EU support action examined included the 2018 EASO operational support to asylum procedures in Greece and Italy, and the 2018 Frontex return support to Greece and Italy.

The main auditees were the European Commission, EASO and Frontex, as the providers of EU support to asylum, relocation and return procedures. In addition, the Court visited the Greek and Italian authorities and hotspots, and the international and non-governmental organisations implementing AMIF projects in Greece and Italy. The audit work included desk reviews of directives and regulations, strategies, policy documents, guidelines, evaluations, monitoring reports and internal documents, as well as papers published by national authorities, research bodies, academics and non-governmental organisations.

The Court did not assess the validity of individual asylum and return decisions. The purpose of the audit was not to assess the reliability of the statistical data provided by the Commission, EASO, Frontex, and the national authorities or the projects’ implementing partners.

Court’s findings and observations

1. The Court concludes that there are disparities between the objectives of the EU support and the results achieved. Even though the capacity of the Greek and Italian authorities has increased, implementation of the asylum procedures in Greece and Italy continues to be affected by long processing times and bottlenecks. As in the rest of the EU, returns of irregular third-country nationals from Greece and Italy are low.

Of the 11 recommendations made by the Court in 2017 on the hotspot approach in Greece and Italy, six have been fully implemented, two have been implemented as far as the Commission and the Agencies are concerned, and one has not been implemented by Member States. Two key recommendations are still under implementation: the recommendations on the hotspot capacity and the situation of unaccompanied minors in the Greek hotspots, as the situation in the Greek hotspots remains highly critical.

The ECA recommendation that the deployment of Member States experts be sufficiently long has not yet been implemented. Although the Commission and the Agencies have repeatedly called on Member States to deploy more national experts, the shortage of national experts on EASO operations persists. By contrast, Frontex had actually deployed more staff than needed to the Italian hotspots, as it had not adjusted its plans in view of the few sea arrivals. Despite the few return operations, the Court also noted that a high share of Frontex escort experts for readmission operations to Turkey had only an escort profile and therefore could not be used for any other type of operation.

The Court found that registration and fingerprinting rates at the hotspots had improved significantly, as standard operating procedures had been established and responsibilities clearly divided between the national authorities and the EU support agencies. However, a high share of migrants continues to move on to and apply for asylum in other EU Member States, without having their fingerprints stored in the European dactyloscopy fingerprint

2 Annex III of the special report describes the follow-up of the recommendations.
The emergency relocation schemes, temporary by design, did not reach their targets and so did not effectively alleviate the pressure on the Greek and Italian asylum systems.

A very low share of potentially eligible migrants were identified and successfully channelled towards applying for relocation whilst a high share of candidates who applied were actually relocated (80% in Greece and 89% in Italy). Nevertheless, the Court found a number of operational weaknesses in the relocation process. The Commission has not monitored the relocation process in the countries receiving migrants since February 2018. The temporary relocation schemes expired in September 2017 and no consensus has yet been reached on the Commission’s other proposals. Voluntary relocation is taking place on an ad hoc basis, mainly for migrants who disembarked in Italy and Malta.

2. AMIF EMAS was originally designed as a small-scale instrument to address urgent and specific emergency needs. The increase in EMAS funding helped to make the Commission’s crisis support more flexible and responsive. With the time, it has become the Commission’s key strategic instrument for rebalancing support towards the countries most affected by the migration crisis, particularly Greece, through complementing their national programme envelopes.

The Court found that this shift occurred without establishing a performance-monitoring framework. The Commission has proposed including emergency assistance under shared management with Member States in the new financial framework 2021-2027.

Of the six EMAS projects examined, only two achieved their targets in full, three met their targets partially and one is still in the early stage of implementation. (see paragraphs 65 to 66 of the special report).

All ten examined projects under the AMIF NPs were relevant. The AMIF NP is a multiannual funding instrument but robust multiannual strategic planning mechanisms are not yet in place in Greece and Italy to ensure that funds are allocated where needed the most.

Of the five completed AMIF NP projects examined, none has achieved its targets fully: three achieved their targets partially, one did not achieve its objectives and, for the last, the data was not sufficient to assess progress. The remaining five projects were ongoing at the time of the audit (see paragraphs 73 to 75 of the special report).

The AMIF performance monitoring framework was set up late and without targets. During the course of the audit, it became apparent that more performance data was needed to facilitate a robust policy evaluation at the EU level.

3. The Court found that the national authorities in both Greece and Italy assessed the operational support provided by EASO as relevant and useful. Nevertheless, EASO operational support plans until 2018 were largely input-driven, lacking output and outcome targets to assess the EASO performance. The situation is gradually improving in 2019.

The Court also pointed out that while the shortage of Member State experts is compensated by interim service providers, the short duration of experts’ deployment remains an issue. EASO operations in the Greek hotspots are affected by security issues, a lack of working
space, disagreements on vulnerability assessments with Greek Asylum Service (GAS) and the systematic overturning of non-admissibility decisions for non-Syrians by GAS.

4. It is the opinion of the Court that Greece and Italy are among the Member States that have not taken full advantage of Frontex’s return potential (extended mandate and increased budget). Apart from the low number of returnees, the existence of two parallel EU-funding instruments supporting the same type of activities (forced returns funded under AMIF national programmes and Frontex operations) explains the situation.

5. Over the course of the crisis, Italy and Greece were among the countries where most irregular migrants coming to Europe have arrived. The two Member States have evolved from countries of transit to countries where migrants apply for asylum.

The Court found that in Greece, GAS processing capacity has increased since 2015, but it is still not sufficient to tackle the increasing backlog of pending asylum applications. The EU Turkey statement has had a major impact on arrivals but its cornerstone, the fast-track border procedure, is not swift enough. For the regular and accelerated procedures, the situation is even more problematic with interview dates set for as late as 2023 and 2021 respectively. A large caseload of negative first-instance decisions is moving to the appeals stage, which is lacking support and is already overloaded.

The Court notes that in the context of the sharp decrease in arrivals and asylum applications, Italy’s current processing capacity at first instance is sufficient. The existing substantial backlog is expected to be cleared by the end of 2019. However, this is expected to result in heavy pressure on the appeal authorities. It took over 4 years for an asylum application lodged in 2015 to reach the final appeal stage. Without adequate support, this lengthy time frame could further increase in the future.

6. The Court found that there were far fewer actual returns than return decisions from both countries and the EU overall. the Court identified a number of reasons for this (length of the asylum process, lack of cooperation, between the asylum and return authorities, lack of cooperation with some of the third countries, absence of mutual recognition of return decision and so on see paragraphs 130 to 139 of the special report).

Assisted voluntary return and reintegration is affected by the lack of a harmonised approach within the EU. The Court detected structural weaknesses with the Assisted Voluntary Return and Reintegration (AVRR) in Italy. The AVRR programme in Greece is achieving its objectives, but the reintegration package is offered to only 26 % of applicants. A dedicated AVRR accommodation facility is an example of good practice increasing the attractiveness of the scheme.

The Court regretted that no data is collected on the swiftness of return procedures. Moreover, there are no indicators measuring the sustainability of returns, such as the number of returned migrants who attempt to come back to the EU or the success of AVRR reintegration packages.

Replies of the Commission

The Commission accepts all of those recommendations which apply to it. EASO and Frontex do the same.
Συστάσεις του εισηγητή για ενδεχόμενη συμπερίληψη στην ετήσια έκθεση απαλλαγής

Το Κοινοβούλιο

1. καλεί την Επιτροπή να αναγνωρίσει την αποτυχία των προγραμμάτων υποχρεωτικής μετεγκατάστασης (μεταξύ άλλων από την κατάσταση στο κράτος μέλος υποδοχής μετά τη μετεγκατάσταση) και να προτείνει νέα μέτρα για την αποτελεσματική αντιμετώπιση των παρών παρόμοιων καταστάσεων έκτακτης ανάγκης όπως ήταν η μεταναστευτική κρίση του 2015, τα οποία να είναι αποδεκτά από όλα τα κράτη μέλη.

2. ζητεί επιπτωτικά από την Επιτροπή

α) στο επόμενο δημοσιονομικό πλαίσιο, να καθορίσει κριτήρια για την κατανομή των κονδυλίων της EMAS στο πλαίσιο της επιμετρησμένης διαχείρισης με τα κράτη μέλη.

β) να ενισχύσει το πλαίσιο παρακολούθησης των επιδόσεων:

(i) διασφαλίζοντας ότι τα έργα της EMAS στο πλαίσιο του TAME περιλαμβάνουν δείκτες εκροής και επακόλουθου συνοδευόμενους από σαφείς τιμές-στόχο και τιμές βάσης, κατά περίπτωση, και αιτιολογώντας τις αντιθέτες περιπτώσεις;

(ii) παρακολουθώντας τα αποτελέσματα των έργων που χρηματοδοτούνται στο πλαίσιο της EMAS και παρουσιάζοντας σχετικά στοιχεία;

(iii) όσον αφορά το νέο ΠΔΠ 2021-2027, σχεδιάζοντας τους δείκτες του ΚΠΠΑ του TAME, συμπεριλαμβανομένων των τιμών βάσης και των τιμών-στόχου, πριν από την έναρξη των έργων για την περίοδο 2021-2027.

g) να υλοποιήσει μέτρα που εξασφαλίζουν τη συμπληρωματικότητα και τη βελτίωση του συντονισμού μεταξύ του TAME και των EASO/Frontex (π.χ. στον τομέα των αναγκαστικών επιστροφών ή της στήριξης των αρμόδιων για το άσυλο αρχών).

d) να αναθεωρήσει το σύστημα των KYT, το οποίο έχει αποδειχθεί αναποτελεσματικό σε καταστάσεις έκτακτης ανάγκης;

e) να ενισχύσει τα εξωτερικά σύνορα της Ευρωπαϊκής Ένωσης και να παρέχει χρηματοδότηση στις εθνικές αρχές που εκτελούν το έργο αυτό.

3. ζητεί από την EASO:

α) να προσαρμόσει το μοντέλο της τοποθέτησης εμπεριογνωμόνων βελτιώνοντας την προβλεψιμότητα του, λαμβανομένης υπόψη της μόνιμης έλλειψης εμπεριογνωμόνων από τα κράτη μέλη.

β) να ολοκληρώσει τα πλαίσια παρακολούθησης των επιδόσεων για την Ελλάδα και την Ιταλία, προσθέτοντας δείκτες επακόλουθου, τιμές βάσης και τιμές-στόχο και συλλέγοντας τα σχετικά δεδομένα επιδόσεων για όλους τους δείκτες.

γ) να συνεργάζεται με την ελληνική Υπηρεσία Ασύλου για την αντιμετώπιση των ανακάλυψης τους ασυμφωνίων που ανακάλυπτον αναφορικά με τις εξελίξεις ευαλωτότητας μη Σύρον και το παραδεκτό των αιτήσεων τους στο πλαίσιο της ταχείας διαδικασίας στα σύνορα.
4. ζητεί από τον Frontex:

α) να συνεργαστεί με την Επιτροπή για τη διασφάλιση συμπληρωματικότητας και τη βελτίωση του συντονισμού μεταξύ των χρηματοδοτούμενων από τον Frontex και το TAME δράσεων στήριξης της επιστροφής:

β) λαμβάνοντας υπόψη του μικρού αριθμού επιχειρήσεων επιστροφής από την Ελλάδα, να μην τοποθετεί πλέον συνοδούς με ένα μόνο συγκεκριμένο επαγγελματικό προφίλ, οι οποίοι δεν θα μπορούν να αξιοποιηθούν με άλλο τρόπο στα KYT:

γ) να προσαρμόσει το επιχειρησιακό σχέδιο ώστε τον συνοδό της καλύτερα να τοποθετεί πλέον συνοδούς με έναν μόνο συγκεκριμένο επαγγελματικό προφίλ να αξιοποιηθούν με άλλο τρόπο στα KYT.

5. καλεί την Επιτροπή και την EASO, σε συνεργασία με τις εθνικές αρχές:

α) να ενισχύσουν ακόμη περισσότερο την στήριξη των Ελληνικής Υπηρεσίας Ασύλου για την εκκαθάριση του αυξανόμενου αριθμού εκκρεμών υποθέσεων που συσσωρεύονται σε πρώτο βαθμό.

β) λαμβάνοντας υπόψη του μικρού αριθμού επιχειρήσεων επιστροφής από την Ελλάδα, να μην τοποθετεί πλέον συνοδούς με ένα μόνο συγκεκριμένο επαγγελματικό προφίλ.

γ) να προσαρμόσει το επιχειρησιακό σχέδιο ώστε η τοποθέτηση προσωπικού στα KYT (συμπεριλαμβανομένων εκδικών δικτυολογήσεων) της Ιταλίας να ανταποκρίνεται καλύτερα στον αριθμό των αφίξεων από θαλάσσης όπως εξελίσσεται.

6. καλεί την Επιτροπή, σε συνεργασία με τις εθνικές αρχές:

α) να καλείται, σε συνεργασία με τον Frontex, περαιτέρω στήριξη για την αντιμετώπιση των αιτιών στην εκκαθάριση του αυξανόμενου αριθμού εκκρεμών υποθέσεων που συσσωρεύονται σε πρώτο βαθμό με έμφαση στις χαμηλές επιστροφές.

β) να παράσχει στην Επιτροπή συμβουλές για τον αριθμό τόσων υποθέσεων που συσσωρεύονται σε πρώτο βαθμό με έμφαση στις χαμηλές επιστροφές.

γ) να καλεί την Επιτροπή να παράσχει, από κοινού με τον Frontex, περαιτέρω στήριξη για την αντιμετώπιση των αιτιών στην εκκαθάριση του αυξανόμενου αριθμού εκκρεμών υποθέσεων που συσσωρεύονται σε πρώτο βαθμό με έμφαση στις χαμηλές επιστροφές.
επιδόσεων και η έρευνα.