

## 2019 Discharge to the Commission

**WRITTEN QUESTIONS TO COMMISSIONER  
JOHANSSON**

Hearing on 30 November 2020

***Questions concerning general issues***

1. *Are there programs affected by decommitment rule in 2019? What is the forecast for decommitment level at the end of the programming period and what measures does the Commission undertake to assist Member States to avoid decommitments?*

**Commission's answer:*****Programmes affected by the decommitment rule***

In 2019, the first decommitment exercise concerning the financial year 2016 was launched for the three Member States whose declaration of expenditure was substantially below the committed amounts in the Asylum, Migration and Integration Fund (AMIF) (Portugal with €0.4 million, Czechia with €11.1 million and Hungary with €0.002 million).

In 2020 for the financial year 2017, the amounts were higher given the overall higher budgetary commitments.

For the Asylum, Migration and Integration Fund, the affected Member States are: Czechia €2.2 million, Hungary €2.7 million, Ireland €7.1 million, Luxemburg €0.19 million, Poland €0.52 million, Slovakia €1.2 million and Bulgaria €0.002 million.

Under the Internal Security Fund (ISF)-Police, France is affected by €2.4 million.

***Forecast decommitment level***

The programme implementation of the national programmes under the Asylum, Migration and Integration Fund and the Internal Security Fund is at cruising speed and we are carefully monitoring this promising progress.

The cumulative disbursement to the Member States since the beginning of the Funds' implementation amounts to:

- Asylum, Migration and Integration Fund: €2.5 billion
- Internal Security Fund: €1.6 billion

These figures confirm a rising trend of absorption and we expect reduced risks of decommitment at the end of the eligibility period (December 2022).

As regards the forecast for the 2018 financial year, the decommitment risk can only be confirmed after the submission of the 2020 accounts, in February 2021.

***Assistance provided to Member States***

The Commission services are in close contact with the individual Member States at risk. They provide guidance and examine the situation together with the

Member State concerned. They provide support throughout the whole procedure, which involves different stages (warnings) and thus provide ample opportunity for the Member State to anticipate the risk and implement viable alternative solutions to change course.

For all Member States, also in view of the COVID-19 pandemic the Commission proposed the amendment of Article 50 of the Horizontal Regulation to align the deadlines of submission of accounts and decommitment (to 15 February/1 March). The European Parliament and the Council adopted this proposed revision in October 2020. It has been crucial in order to minimise the risk of decommitment as Member States often advance their annual accounts/payment requests to 31 December instead of submitting it six weeks later on 15 February as foreseen by the legal base. The submission of early accounts reduces their time to finalise audit and control procedures and puts a heavy burden on Member States. In addition, it is not always possible to integrate the full amount spent by the end of the financial year into the “early accounts” as Member States do not have the administrative capacity to perform the necessary checks in a reduced period of time.

Therefore, by delaying the decommitment deadline and aligning it with the regulatory deadline for payment requests we can ensure that the payment request submitted on 15 February is taken into account when calculating the decommitment amount.

In addition, the amendment of Article 50 of the Horizontal Regulation postponed by one year the decommitment deadline of additional amounts provided to the national programmes in the years 2018 and 2019. In this way, Member States were provided with additional time to implement actions on the ground and declare the payments to the Commission.

Finally, in response to the implementation delays caused by the COVID-19 pandemic, the Commission provided additional flexibility to Member States in implementing their national programmes in 2020. These flexibilities include amongst others easing the requirements as regards operational on-the-spot controls (including the use of digital evidence), and extending the deadline for resettlement. These measures, while providing much-needed flexibility to Member States to enable the best use of the available funding, also fully comply with the Commission’s rules of sound financial management.

2. *In its AR 2019 DG HOME reports (p. 32) that: “In the European Semester exercise 2018–2019, DG HOME included eight country-specific recommendations for 2019 addressed to Croatia, Czech Republic, Cyprus, Hungary, Italy, Latvia, Malta and Slovakia regarding the fight against corruption.” Do these recommendations concern the use of EU funds?*

**Commission’s answer:**

In the context of the European Semester, the Commission is monitoring and analysing the gaps and challenges that individual Member States are confronted with in the fight against corruption. In doing so, the Commission is looking in particular at areas of risk, which vary across Member States, including the prevention of and fight against corruption. The Semester focusses on Member

States where the situation requires immediate attention and where corruption is hampering economic development. For the eight Member States mentioned, the Council adopted in July 2019 Country Specific Recommendations related to the fight against corruption as part of the 2019 European Semester process. None of them concerned EU Funds.

***Questions concerning AMIF/ISF etc.***

3. *There are different shortcomings arising from the Commission's assessment of annual control reports (cf. point 7.13 in the ECA AR). In certain cases, the Commission found the work of the audit authorities to be insufficient which leads to uncertain audit conclusions. In which cases was the work of the audit authorities insufficient? Can the Commission specify to what extent the reliability of audit conclusions are uncertain?*

**Commission's answer:**

For countries where deficiencies were identified, the Commission decided to issue a reservation in the 2019 Annual Activity Report of the Directorate-General for Migration and Home Affairs (Internal Security Fund: Ireland, Iceland and Germany).

The countries concerned are informing us about their corrective actions and the Commission services will analyse their answers and take the appropriate measures.

***Work of audit authorities***

System audits by the Commission's auditors identified deficiencies in the work of few of the national audit authorities mainly relating to system audits and audits of expenditure. Consequently, the audit conclusions on the Commission side were that the system works partially and that substantial improvements are needed. The main deficiencies related to insufficient system audit work, inadequate audit trail/insufficient evidence of audit work performed, insufficient verification of public procurement procedures, and insufficient audits of expenditure. Other deficiencies stemmed from absence of audit procedural documents and/or insufficient audit resources in the audit authorities audited.

***Reliability of audit conclusions***

As per Commission Implementing Regulation 2015/378, as amended, the systems with the above deficiencies are classified as Category 3. This implies that limited assurance can be placed by the Commission on the audit opinions issued by the national audit authorities audited for the accounts cleared during the period subject to audit.

4. *There are some limitations in AMIF performance indicators. "Five of the 24 indicator milestones for 2020 have already been achieved in previous years, but targets have not been adjusted upwards in line with good financial management practice to reflect the potential for more efficiency gains" (point 5.15 of the ECA Performance Report). Why have the targets not been adjusted upwards? Is the*

*Commission going to adjust the targets? In addition, "the targets are the cumulative figures set by the Member States, but quantified needs are not included in the performance reporting framework. There is therefore no information with which to assess to what extent AMIF or the Member States have addressed those needs" (point 5.17 of the ECA Performance Report). To what extent have AMIF or the Member States addressed those needs?"*

**Commission's answer:**

***Upward adjustment of targets***

As the indicators are used to track progress in the implementation of the national programmes, the targets are set at the beginning of the programming period and are generally adjusted upwards or downwards only when additional funding is added to or deducted from the national programmes. For instance, this was the case for the use of the Asylum, Migration and Integration Fund in Germany where in 2018 the targets were adjusted upwards following a top-up for integration and return. Overachievement of the targets is often the result of matters not expected during planning, such as a lower price offer or a better uptake by the target population. That reflects in itself the potential for efficiency gains. Overachievement in itself is not a sufficient reason for revising the targets.

Targets are set by the Member States in their national programmes at the beginning of the programming period, and adjusted when additional funding is allocated to the national programmes.

***Quantifying needs***

The interim evaluation concluded that the interventions supported by the Asylum, Migration and Integration Fund corresponded to the needs identified by the Member States (see point 5.20 and Box 5.1 of the Performance Report of the European Court of Auditors). The additional allocations made available to the national programmes are in response to additional needs identified.

Every programme analyses the needs in the various areas covered by the programme (section 2 of approved programmes). These needs form the basis for determining the allocation of funding and consequently the level of targets. Therefore, the targets set by the Member States and approved by the Commission are considered relevant information for the assessment of the progress under the Asylum, Migration and Integration Fund in addressing the needs initially identified.

There is no legal obligation for Member States to collect and report quantitative information on their needs. This is in line with the commitment taken by the three institutions in the Interinstitutional Agreement on Better Law-making, to avoid overregulation and administrative burden on Member States.

5. *Could Commission provide figures on irregularities, if any, in managing AMIF projects in Member States in 2019?*

**Commission's answer:**

The Commission constantly monitors the implementation of the Asylum, Migration and Integration Fund to avoid risks and/or occurrence of various irregularities and their financial importance. The Commission has strengthened efforts to provide guidance to national administrations on irregularities related to the inaccurate application or interpretation of rules by beneficiaries with good results.

As regards cases of irregularities, Member States are requested to report such cases in the Irregularity Management System of OLAF. The amounts and number of irregularities decreased from the reporting period 2018 to 2019. In 2019, Member States did not report any cases as fraudulent and only reported three cases of non-fraudulent irregularities. These amount to €178 208, which represents 0.011% of the total EU contribution disbursed to the Member States in 2019 under the Asylum, Migration and Integration Fund.<sup>1</sup> In comparison, Member States reported 2 fraudulent and 21 non-fraudulent cases in 2018.

As concerns the reporting system of the Directorate-General for Migration and Home Affairs, no irregularities for the Asylum, Migration and Integration Fund were reported by Member States Responsible Authorities to the Commission in the financial year 2019 (16 October 2018–15 October 2019) during the annual clearance of accounts exercise.

6. *What were the types and outcomes of DG HOME Audits performed in Member States in 2019? Were any major irregularities or misuse of funds found?*

**Commission's answer:**

In 2019, the Directorate-General for Migration and Home Affairs performed system audits. The scope of a system audit is to re-perform some of the audit work done by the national audit authorities to support their audit opinions and to confirm the effective functioning of key requirements at the audit authority. Deficiencies in these key requirements were detected in all the system audits performed in 2019.

For the outcome of the system audits, please see the reply to question 3.

No expenditure audits were performed, therefore there is no quantifiable information on irregularities.

In the framework of these audits, the Directorate-General of Migration and Home Affairs did not send any notification to OLAF in relation to major irregularities or misuse of funds.

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<sup>1</sup> As per data provided in the 2019 Annual Report on the protection of the EU financial interests, published as SWD(2020) 160 final on 3/9/2020.

7. *ECA found that Commission did not adjust two 2020 targets even though they were achieved early. Namely it concerns individuals provided with reception and asylum support and people receiving training in asylum-related topics (par. 5.23 of ECA Report on performance of the EU budget). Why those targets were not adjusted and will they be adjusted?*

**Commission's answer:**

The indicators are used to track progress in the implementation of the national programmes. The targets are set at the beginning of the programming period. They are usually adjusted upwards or downwards when additional funding is added to the national programmes. The overachievement of the targets reflects in itself the potential for more efficiency gains. Therefore, it does not constitute a reason for adjusting them.

8. *In its Annual report 2019 (Par. 7.8), ECA emphasizes that as in previous years, non-compliance with legal provisions was mainly related to the selection of projects and procurement rules. Even if in 2019 such non-compliance had no financial impact on the EU budget, such failure to comply might undermine sound financial management of EU spending. Could you let us know what mechanisms are in place to avoid such irregularities and improve procedures when selecting projects and applying procurement rules?*

**Commission's answer:**

The Commission has already taken some actions in the context of the follow-up of the 2018 recommendations to address findings in the area of procurement and grant awards, both in relation to direct and shared management. Notably by:

- updating the final payment methodology with a more efficient way of providing the necessary assurance in cases of grants, in relation to the procurement procedures followed by the beneficiaries;
- raising awareness among Responsible Authorities and Audit Authorities of the Member States on the guidelines for determining financial corrections in cases of non-compliance with applicable rules and on the most common cases of non-compliance; and
- training of staff dealing with Union action grants or assessing Member States accounts.

The Commission is systematically monitoring and supervising the implementation of the Migration and Home Affairs Funds. For the current Asylum, Migration and Integration Fund and Internal Security Fund, intensive monitoring was carried out in 2019, which included missions and regular exchanges with Member States' authorities. Irregularities and system deficiencies are analysed, followed up with Member States and also taken into account to further improve the new Funds' implementation.

In addition, Member States are on a regular basis provided with guidance in order to improve the implementation of the Funds under shared management. This takes places in various forms to best suit the needs of Member States:

- Meetings of the Asylum, Migration and Integration Fund/Internal Security



- Fund Committee take places at least twice a year (in 2019: 3 meetings);
- Guidance documents on specific topics (e.g. decommitment, resettlement, top-ups) are provided to Member States;
  - Issues raised on the implementation by the Member States are discussed on regular basis and frequently asked questions are updated and shared with Member States consequently;
  - The internal structure of the Directorate-General for Migration and Home Affairs, having funding Units composed of country desks within a financial Directorate, further ensures guidance and support to Member States in the implementation of these Funds on a continuous basis.

Finally, as concerns public procurement, in 2019 the Commission services contacted the Responsible Authorities to have a better understanding of the procurement procedures used so far. In March 2020, the Commission services distributed guidance to these Authorities on public procurement in the wake of the COVID-19 pandemic. In addition, the Commission services raised awareness during a workshop in September 2019 among the Member States' Audit Authorities about the most common cases of non-compliance, and about the rules on public procurement, and repeated this with Responsible Authorities in September 2020.

9. *Have you taken any particular measures to increase the absorption rate for the ISF and AMIF programs in some countries since you indicate that 12 countries seem to be lagging behind many others with excellent results?*

**Commission's answer:**

The Commission services closely follow and where possible support in particular those Member States where the implementation of the Asylum, Migration and Integration Fund and Internal Security Fund programmes need to speed up. This is done throughout the annual clearance of accounts and annual implementation report exercises, where Member States report on the implementation in a given financial year, as well as cumulatively. Commission representatives also take part in monitoring committees in Member States where remedial measures are discussed. If necessary, ad hoc (online) meetings are scheduled to discuss with Member States how to accelerate the implementation by looking into specific areas that are lagging behind and examining alternative solutions for a faster implementation. At times, the Commission requests Member States to draw up action plans to increase the implementation rate and avert the risk of decommitment.

A positive example of the Commission's hands-on support is the case of the Swedish National Programme for the Asylum, Migration and Integration Fund. The Commission offered its support and invited Swedish authorities to explore various measures to improve slow implementation (e.g. explore the possibility of increasing resettlements). To mitigate the risk of decommitment, the Commission proposed a solution linked to resettlement. Sweden has an ambitious resettlement programme which is only partly supported by the Asylum, Migration and Integration Fund. However, resettlement operations are also eligible for funding through regular project activity under Specific Objective 1 (Asylum), National

objective 3 of the Asylum, Migration and Integration Fund National Programmes. While Sweden had not planned such projects in their programme, the Commission services proposed that Sweden should design a project, which could support resettlement operations. The advantage of this solution was that it would circumvent the limitation in the national financial framework since the national resettlement funding programme was already budgeted. Sweden has now established a resettlement project with an estimated EU co-financing of €70 million. The implementation of this project will reduce drastically the risk of decommitment of funding allocated to Sweden to support the implementation of European asylum and migration policy priorities.

10. *How can the Commission improve the efficiency of the Member States' audit authorities in charge of the AMIF and the ISF so that they follow the Commission's instructions on sampling and calculation of the error rate?*

**Commission's answer:**

The Commission cooperates closely with the audit authorities and provides guidance and exchanges of views in the form of workshops so that the audit authorities improve their sampling methodology where applicable. After the completion of the annual clearance of accounts exercise, letters detailing recommendations for improvements to the audit authorities are issued. Annual workshops are organised during which dedicated audit matters are discussed with the national audit authorities. For example, in a 2018 workshop, the Commission focused on explaining the impact of the audit work following the adoption of the amended Commission Delegated Regulation (EU) 2018/1291, which obliges the audit authorities to disclose all the audit work in the annual control report. In a 2019 workshop, the main lesson learnt was to share with audit authorities observations on the annual control reports and expectations for improvement of subsequent control reports. Auditing public procurement was also a subject for discussion in the workshop.

11. *How EP can be reassured about the cost efficiency, and the application of sound financial management after having reinforced emergency funding for Greece by means of a budget authority transfer. More specifically, in December 2019 the Commission awarded an emergency assistance grant of EUR 1.8 million under AMIF?*

**Commission's answer:**

The Commission assists the Greek authorities in strengthening coordination among the relevant services and enhancing their management capacity and procurement procedures. Following these efforts, Greek national authorities have been able to progressively use both the Asylum, Migration and Integration Fund and Internal Security Fund to support policy priorities.

Concerning shared management, national authorities are responsible for ensuring that funds available are used efficiently. So far, the Greek authorities have complied with the reporting requirements laid down in the Horizontal Regulation



514/2014<sup>2</sup>, in particular through the annual clearance of accounts exercise. In addition, the Commission monitors closely the utilisation of funds allocated in the Greek national programmes and performs regular monitoring visits, evaluations, on-the-spot audits and controls.

In addition, since 2017, an annual Financial Plan has been used for better planning and steering of the projects and to better justify Greece's further financial needs before the Commission budgetary authority. The annual Financial Plan consists of the main funding priorities the Greek Government considers essential for the consecutive year.

Moreover, the implementation of the funds is monitored through the regular Steering Committees taking place in Athens with the participation of all the concerned stakeholders. In addition, Commission staff are present in Athens and on the islands where the Reception and Identification Centres are located to ensure the communication and the close cooperation between the different partners and the Commission services on the ground.

As regards the grants under emergency assistance, the Greek authorities have so far provided sufficient information certifying that the activities have been implemented for the final payment to be made.

There is no record of an emergency assistance grant of €1.8 million awarded to Greece in December 2019. However, the Commission publishes detailed information on the financial support to Greece for addressing migration challenges, including amounts, sources of funding and actions supported. The factsheet on EU Financial Support to Greece is regularly updated by the Commission and can be consulted on the Commission's website<sup>3</sup>.

12. *In case for funding under the Commissioner's remit (in particular, from Asylum and Migration Fund and Internal Security Fund) there has been allegation of non-compliance. Is there a system in place to ensure that funding is spent in full compliance with the Charter of Fundamental Rights? How does the Commission proceed with the allegations of non-compliance – if possible, could the Commission provide statistics on relevant cases?*

**Commission's answer:**

***Ensuring compliance with the Charter of Fundamental Rights***

The Funds shall be implemented in full compliance with the Charter of Fundamental Rights of the European Union. This is monitored by the Commission at various occasions, as stipulated in Article 3(4) of Regulation (EU) 515/2014 and Article 3(5) of Regulation (EU) 513/2014 governing the Internal Security Fund, and Article 3(1) of Regulation (EU) 516/2014 governing the Asylum, Migration and Integration Fund.

<sup>2</sup> Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

<sup>3</sup> [https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration/background-information\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration/background-information_en)

Every year, the Commission assesses the annual accounts and annual implementation reports submitted by the Member States. They cover not only financial aspects, but also eligibility and compliance with relevant provisions and principles. The Commission is assessing the extent to which particular situations observed in a Member State are addressed through the actions funded under the national programmes. To this end, monitoring visits to the Member States also take place.

***Allegations of non-compliance and statistics***

The Commission does not keep any statistics relating to cases of non-compliance with the Charter of Fundamental Rights, but the Commission can assure the European Parliament that it follows up on all such allegations as a matter of priority. In cases of proven irregularity caused by non-compliance with the relevant provisions on fundamental rights, the Commission may recover the affected amounts.

13. *In its Annual Report on the Performance of the EU Budget 2019 ECA concludes that cooperation projects for enhancing solidarity and responsibility sharing among Member States are not on track. What are the reasons for AMIF to be less successful in terms of sharing responsibility among Member States and are there measures which could improve the situation?*

**Commission's answer:**

The European Court of Auditors recognises that the Asylum, Migration and Integration Fund has boosted solidarity, but points out that the Fund was less successful in terms of responsibility sharing among Member States.

The Commission considers that the Asylum, Migration and Integration Fund is on track for enhancing solidarity and responsibility sharing. The implementation is accelerating and relevant indicators – currently assessed by the Court as ‘not on track’ – are expected to be reaching their targets at the end of the period.

In order to ensure that the targets on solidarity are met, especially as regards cooperation projects with other Member States on enhancing solidarity and responsibility sharing, EU funding continues to support solidarity efforts including relocations following disembarkations, the implementation of the hotspots approach and support to national asylum systems, and provides an important incentive to support Member States under pressure.

Moreover, the performance indicators are just one element of assessing the performance of the spending programmes. The quantitative analysis of the indicators should not be done as a stand-alone analysis, the political context should also be considered.

It should be noted that in its report, the European Court of Auditors concludes that the Asylum, Migration and Integration Fund provides substantial support to help Member States face the costs and challenges of asylum and migration action in a sensitive political context characterised by diverse Member State positions.

To further promote cooperation and enhance solidarity and responsibility sharing among Member States, the Commission has put forward the New Pact on Migration and Asylum that includes clear provisions for solidarity and

responsibility sharing among Member States, including a solidarity mechanism based on compulsory contributions for situations of migratory pressure including relocation and return sponsorship. The New Pact takes into account the different situations of Member States and fluctuating migratory pressure, and proposes a system of flexible contributions from the Member States. These can range from relocation of asylum seekers from the country of first entry to taking over responsibility for returning individuals with no right to stay, as well as various forms of operational support. A mechanism to address the specificities of search and rescue operations is also foreseen which builds on voluntary solidarity contributions that may become mandatory in case the voluntary approach proves insufficient. The support from the EU budget will be a key element to support the relocations and return sponsorships.

In addition, the New Pact consists of tailor-made and mutually beneficial partnerships with third countries. These will help address shared challenges such as migrant smuggling, as well as contribute to the development of legal pathways and the effective implementation of readmission agreements and arrangements.

***Questions concerning hot spots, asylum applications etc.***

14. *ECA concluded that Member States capacity to process asylum applications is still insufficient (particularly in Greece and Italy as they are facing high number of appeals). What actions Commission and EASO are taking in order to reinforce the management of national asylum systems? Is Commission working towards enhancing EASO's operational support to Member States for asylum procedures?*

**Commission's answer:**

The Commission and European Asylum Support Office (EASO) are fully committed and work to reinforce the management of national asylum systems, in particular in the Member States experiencing increased pressure, notably Greece, Italy, Cyprus and Malta. The Asylum, Migration and Integration Fund's support to asylum authorities, including through emergency assistance, is complemented through operational, technical and strategic support.

In 2019, the Commission awarded emergency assistance to the Greek Asylum Service for a project covering, amongst others, the deployment of additional personnel on the islands. The project will last until the end of 2021 and amounts to approximately €17 million.

In 2019, emergency assistance was also provided to Italy to improve the management of its asylum system and further reduce the backlog of first instance asylum applications via targeted support for the national and territorial asylum commissions in the context of an ongoing project (EU contribution: €9 million; 90% of total budget). Additionally, an emergency assistance project granted to Italy in 2018 (EU contribution: €10.7 million; 90% of total budget), still under way, provides support to the asylum sections of the Police offices for the asylum procedure's registration phase.

In addition, EASO has substantially increased its support operations in the past two years, and currently deploys approximately 900 personnel in Greece, 500 in Italy, 110 in Cyprus and 85 in Malta. This equates to more than a 50 % increase

over the end of 2019, with personnel in Greece almost doubling.

During the period from January to October 2020, in Greece, asylum decisions at first instance increased by 73% compared to the same period last year (70 419 decisions between January – October 2020 compared to 40 634 decisions during the same period last year). The backlog of cases (first and second instance) was nevertheless reduced by 37% compared to December 2019. These improvements have been largely supported by EASO. Overall in Greece, EASO has increased productivity by 160% and is now present in over 40 locations, working with the national authorities to reduce backlogs in the asylum procedure. To this end, EASO established seven new hub sites for asylum interviews, covering 14 locations. On the Aegean islands, the dramatic increase in productivity for interviews conducted (by +170%) means that the backlog in interviews has almost been eliminated. Furthermore, between January and September 2020, EASO issued 211% more recommendations in Greece than in the same period in 2019. EASO's budget was reinforced in 2020 with an additional €10 million for operations in Greece. EASO also plays an important role in the work of the EU Taskforce that the Commission established to implement a joint pilot on Lesbos for the creation of a new Multi-Purpose Reception and Identification Centre on the island and for achieving effective and sustainable migration management.

In Italy, in accordance with the Operating Plan for 2019, EASO continued to support the reduction of the stock of asylum applications pending a final decision at first instance, as well as the quality and standardisation of asylum procedures. Also thanks to EASO's support, the backlog at first instance decreased from 98 165 in December 2018 to 43 323 in October 2019. In 2019-2020, EASO started to extend its technical support to the judiciary, in order to address the growing backlog of asylum cases at Tribunals level (73 504 as of June 2019): 54 Research Officers have been progressively deployed to all the Tribunals' specialised sections dealing with asylum, to improve the case management capacity and efficiency of proceedings and to increase the quality of decisions.

Moreover, EASO also provided operational support to asylum authorities in Malta and Cyprus, on the basis of Operating Plans agreed and signed in December 2019.

In Cyprus, EASO activities are focused on operational support for registration and access to asylum, and on addressing the backlog of pending cases, both at first and second instance.

In Malta, EASO activities include support to registration of asylum applications, and to the Dublin Regulation procedures. In 2020, EASO also supported numerous voluntary relocation exercises.

15. *Can you give us more information on the current situation of hot spots and their management? What are the main problems encountered and how does the commission deal with them?*

**Commission's answer:**

While the Member States remain responsible for the hotspots, the Commission and EU agencies are supporting national efforts to improve migration management in the Greek and Italian hotspots. Besides staff of the EU agencies, the Commission also has staff deployed on the ground in Italy and Greece, among others, specifically to support migration management at operational level.

***Greek hotspots***

The Commission is supporting the decongestion of the Greek islands, the increase of their reception capacity, and the improvement of reception conditions, which are all among the main challenges on the islands.

While the situation on the islands remains difficult, in recent months, the population in the hotspots has significantly reduced, from 42 000 persons at the end of 2019 to about 15 500 at the beginning of November 2020. This reduction is to a high degree the result of about 30 300 migrants having been transferred from the hotspot islands to the mainland, with the help of EU funding and coordination by the Commission.

Currently on Lesbos there are 169 unaccompanied minors in two unaccompanied minors' shelters run by a non-governmental organisation and by the International Organisation for Migration. Only 35 unaccompanied minors remain on the other islands, and will be transferred to the mainland as soon as possible, with support under the Asylum, Migration and Integration Fund.

With support of the Assisted Voluntary Return and Reintegration programme, financed under the Asylum, Migration and Integration Fund, 19 894 migrants have so far returned from Greece to their country of origin, of which 4 274 from the islands. In addition, the new Assisted Voluntary Return scheme foresees the return of up to 5 000 migrants who are currently on the islands.

The Commission also works together with national authorities and agencies to enhance EASO's operational support to asylum procedures, and to adjust Frontex' return support to the current situation and needs. This will increase the hotspots' preparedness to cope with a possible high influx of asylum seekers in a short period of time. In Greece, by June 2020 the backlog of cases (first and second instance) had been reduced by 26% compared to December 2019. The delivery of asylum decisions (positive and negative) had increased by 88% compared to the same period in 2019.

To improve the situation for migrants on the islands, the Commission has recently awarded €121 million in emergency assistance for the construction of three new Reception and Identification Centres on the islands of Samos, Kos and Leros. The construction works have started and the new Centres are expected to be ready in the course of 2021. As regards Lesbos and Chios, the construction of such facilities is also foreseen, paid by the additional funds made available under the 2020 budget, as amended in April.

The Commission has also supported the implementation of measures to address



the consequences of COVID-19 on the migrant population including in the islands' Reception and Identification Centres, such as the transfer of persons vulnerable to COVID-19 from the islands to the mainland and the provision of medical equipment and healthcare.

To increase the security in the hotspots, the Commission has awarded emergency assistance for the reinforcement of the security and police presence at the Reception and Identification Centres. The total amount awarded is €10.7 million with a duration from 30 August 2020 until 29 August 2021. This project is complementary to similar projects supported under the Greek Internal Security Fund - Borders National Programme, with a total allocation of €21.5 million since 2015. The Commission has also been funding the creation of safe zones in the Reception and Identification Centres for unaccompanied children.

In 2019 only, the Greek government and its partners implemented projects for a total amount of €376 million received from the Commission to improve the conditions in the hotspots; among others to upgrade infrastructure, deliver non-food items and cleaning services, make the hotspots winter-safe, deploy medical staff on the islands and accelerate the asylum procedure.

Furthermore, on 23 September 2020, the Commission established a Taskforce that will further support migration management in Greece, initially focusing on improving the situation on the island of Lesbos in a sustainable way.

### ***Italian hotspots***

Several initiatives funded under Italy's National Programme under the Asylum, Migration and Integration Fund and by emergency assistance have been implemented over the last years in areas of disembarkation of migrants, including hotspots, notably concerning provision of legal information, identification of and assistance to vulnerable groups, and healthcare of asylum seekers and refugees. Moreover, in April 2020 the Commission agreed to the request of Italy to use up to €11.5 million under the National Programme under the Internal Security Fund to manage COVID-19, amongst others for strengthening the security, safety and operational capacity of the police and fire brigades, purchasing health protection devices for migrants and the Border and Coast Guards, and implementing other health-related measures at the borders.

The outbreak of the COVID-19 pandemic in March 2020, coupled with an increased number of autonomous arrivals to Italy, also impacted the operation of the Italian hotspots. Out of four existing hotspots, Lampedusa, due to its geographical location, remains the only hotspot functioning according to its original purpose. This year, because of the limited number of search and rescue disembarkations either by non-governmental organisation or Italian assets, the other three hotspots (Pozzallo, Messina and Taranto) are mainly used in reduced capacity for the obligatory quarantine of newly arrived migrants transferred from other locations. For the last several months, due to conflict at the local political level, the hotspot in Messina remains *de facto* closed.

Similarly to the periods of increased arrivals in recent years, overcrowding and the poor state of facilities remained the main challenges of the Lampedusa hotspot in 2020. In days counting high numbers of arrivals, the occupancy of the hotspot reached approximately 1 000 migrants, against the official capacity of 96 places. The Italian authorities rely primarily on fast transfers out of the hotspot to free up



space in the facility for new arrivals. The EU agencies' staff and experts support in carrying out identification and fingerprinting activities, making the process swifter. Moreover, in the coming days, a building with official capacity of 133 places should be opened and another building with 100 places, which was temporarily opened in June 2020 to accommodate the increase of arrivals, will be closed for renovation.

The Commission is closely monitoring the situation in the hotspots and remains in close contact with the national authorities, ready to provide support when and where needed.

### ***Questions concerning readmissions***

16. *The Court of Auditors recalled in 2 reports last year the low rate of return in the context of illegal immigration to third countries. Worse still this year the return rate has decreased from 35.6 in 2012. to 31.5% in 2019. This rate has not really changed since 2014. How do you expect the Commission to be credible with such structurally low figures? Yet the EU funds received are important and the fight against illegal immigration is a priority. So how do you explain these low figures? How can we explain the low number of readmission agreements knowing that third countries also have a legal obligation to take back their nationals? What recommendations have you implemented following the reports of the Court of Auditors?*

#### **Commission's answer:**

For the European asylum and migration management system to be credible, migrants with no right to stay in the EU need to be returned.

Carrying out returns is primarily the responsibility of the Member States, not the Commission. As indicated in the 2019 Annual Activity Report of the Directorate-General for Migration and Home Affairs, the Commission has taken a considerable number of actions to support the Member States in increasing their return capacity and improve effectiveness.

The Member States should use all available instruments to their full potential and establish efficient national return systems that work well. At the same time, for the readmission to be successful, the cooperation of third countries on readmission to accept returning citizens is crucial.

#### ***Policy background and legal framework***

With the New Pact on Migration and Asylum, the Commission is taking additional measures to address these issues and build confidence. The New Pact includes measures for stepping up returns, notably by closing loopholes between asylum and return procedures – including at the external borders by means of a border procedure – as well as through the recast Return Directive<sup>4</sup> and the amended proposal for an Asylum Procedure Regulation<sup>5</sup>. The Pact also puts forward new measures to foster cooperation with third countries on readmission,

<sup>4</sup> COM(2018) 634 final.

<sup>5</sup> COM(2020) 611 final.

also as part of comprehensive migration partnerships with partner countries. Moreover, the Pact aims at improving not only the number of returns, but also their quality and sustainability. For this, the Commission will put forward a voluntary return and reintegration strategy next year. The Commission also proposed the appointment of an EU Return Coordinator with a network of national representatives to ensure consistency across the EU and improve coordination.

Regarding cooperation on readmission by countries of origin, in addition to the stepped up engagement with these countries, Article 25a of the Visa Code (Regulation (EU) 2019/1155 of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas<sup>6</sup>) links cooperation on readmission with potential positive or restrictive visa measures, depending on the level of cooperation. This is an important step that adds to the existing range of tools, projects and networks already put in place to support readmission: electronic case-management platforms, exchange of liaison officers, technical workshops to train and mobilise staff operationally involved in readmission processes, etc. Experience over the last years shows that continuous monitoring and communication and targeted support is necessary for readmission processes to deliver actual results, but relevant incentives remain key.

The Asylum and Migration Management Regulation should also establish the possibility for the Commission, when reporting to the Council on the level of third countries' cooperation on readmission, to identify further effective measures to incentivise and improve cooperation to facilitate return and readmission.

#### ***Reasons for the low return rate***

There are many reasons why return decisions are not implemented to a sufficiently high degree. The reasons include among others:

- administrative obstacles in Member States, such as weak links between asylum and return procedures and substantial rates of absconding;
- lack of cooperation from third countries;
- lack of capacity in the third countries, including lack of reliable civil registries and identity documents;
- lack of cooperation from the persons to be returned.

The Commission stands ready to continue supporting Member States politically, operationally and financially in their efforts to address these challenges. We are also funding capacity building activities in third countries, aiming at establishing or improving civil registries and relevant administrative procedures of third countries related to identification of own nationals. The proposed EU Return Coordinator with a network of national representatives will also help ensure consistency across the EU and improve coordination.

#### ***Readmission agreements***

Readmission of own nationals is an obligation under international law and compliance with this obligation as such does not necessitate an agreement or an arrangement. Readmission should and does take place whether a specific

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<sup>6</sup> OJ L 188 of 12.7.2019, p. 25.

instrument structuring cooperation is in place or not. But when cooperation is not smooth, it can be useful to ensure that a third country confirms its political commitment to cooperate and agrees on clear procedures.

The EU now has 24 readmission instruments (18 Agreements and 6 Arrangements) in force, which are managed together with third countries and Member States. The Commission's preferred option is to reinforce legal commitments by concluding formal readmission agreements. Nevertheless, it has to consider the political sensitivities of the third countries, and remain flexible on the form of cooperation while focusing on results.

The Commission has so far pursued an EU engagement on readmission with a third country when EU added-value over bilateral tracks was clear and agreed with Member States, and supported the existing bilateral tracks when they were deemed to be more effective. A flexible approach in this respect is recommended also for the future with an assessment of the most effective way forward with each third country.

### ***ECA recommendations***

Action was immediately taken to follow up on the recommendations of the European Court of Auditors relating to hotspots, relocation, asylum and returns, and we consider that all of these recommendations from 2017 have been fulfilled as far as the Commission is concerned. Work is ongoing to implement the recommendations in the 2019 follow-up report on relocation, asylum and return procedures. This work will be finalised by mid-June 2021.

Concretely, the Commission services are working together with national authorities and agencies to enhance EASO's operational support to asylum procedures, and to adjust Frontex' return support to the current situation and needs. This will increase the hotspots' preparedness to cope with a possible high number of arriving asylum seekers in a short period of time.

Also, with the new Pact on Migration and Asylum, the Commission has taken strong action to develop a common European return system, among which is the Return sponsorship, a new form of solidarity contribution that Member States can use to assist each other.

17. *What is the list of countries where a readmission agreement has been decided at the European level? What is the status of the negotiations with North Africa?*

### **Commission's answer:**

#### ***Countries with readmission agreements/arrangements***

The Commission has signed a total of 18 readmission agreements with Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Cape Verde, Georgia, Moldova, Montenegro, North Macedonia, Pakistan, Russia, Serbia, Sri Lanka, Turkey and Ukraine, as well as with the Special Administrative Regions of Hong Kong and Macao.

The Commission has a mandate to negotiate readmission agreements with Algeria, Jordan, Morocco, Tunisia, Nigeria and China.

We have also concluded six practical arrangements with countries that were not ready to negotiate formal readmission agreements: Afghanistan, Bangladesh, Guinea, Ethiopia, The Gambia and Côte d'Ivoire.

#### ***Negotiations with North African countries***

Negotiations on readmission with Tunisia have reached an advanced stage, though suspended for the time being. The last negotiating round took place in January 2019, whereupon negotiations were suspended by Tunisia, which entered into an electoral period and has since seen a period of instability. The Commission is aiming at restarting negotiations in view of a swift conclusion.

In the framework of the resumed dialogue with Morocco, the Commission aims at restarting negotiations on a readmission agreement after these were suspended in 2015 due to the EU-Morocco dialogue being frozen.

#### ***Questions concerning Greece, Turkey, Frontex etc.***

18. *What initiatives have been put in place to develop joint Frontex flights and Smart Border programs?*

#### **Commission's answer:**

##### ***Frontex return flights***

The New Pact on Migration and Asylum aims at making Frontex the operational EU hub for returns as part of the operationalisation of its new mandate.

In the area of returns, Frontex' currently carries out a wide range of activities, with joint return flights being one example. The following initiatives are examples of other Frontex activities in the area of return:

- i. Frontex provides assistance at all stages of the return process, including through coordination and organisation of return operations as well as through providing technical and operational support, including in circumstances requiring increased assistance such as during the COVID-19 pandemic. For example, the Agency implemented returns by scheduled flights, despite the adverse situation during the pandemic. The flexibility has been ensured and the Member States were encouraged to use scheduled flights, whenever available, as these operations could be cancelled or modified without major costs based on the existing Frontex arrangements.
- ii. The Agency was also able to rapidly adapt to the new circumstances and to continue providing effective support to Member States by putting emphasis on certain operational activities and establishing new tools and solutions, such as covering the costs of COVID-19 tests, and organising identification activities via videoconference with third country nationals with the purpose of issuing travel documents.
- iii. The new activities on voluntary return and reintegration, where Frontex provides technical assistance to national authorities, include scheduled

flights (with the use of repatriation flights for destinations where regular flights have been suspended), as well as charter flights. Overall, the percentage of non-EU nationals returned voluntarily with Frontex support constituted 15% of the total.

- iv. The Agency also upgraded the Frontex Application for Return to support the organisation of voluntary returns by scheduled flight through its web-based platform. A similar update will be implemented soon also for charter flights.
- v. The digitalisation of the new Return Case Management System, covering not only return, but also readmission and reintegration, will ensure interconnectivity with the relevant Frontex platforms, Schengen Information System (SIS), and Eurodac, which will allow Member States to provide necessary information to the Agency in order for it to fully implement its mandate in the area of returns.

### ***Smart Border programmes***

Every year millions of travellers from third countries cross the external borders of the Schengen area. Some of the visitors have a short-stay visa, while others come from countries whose nationals are exempt from the visa requirement. This requires modern, effective and efficient management of the external borders in a way that facilitates the process for travellers while ensuring internal security.

On 6 April 2016, the Commission adopted a revised legislative proposal for Smart Borders. Since the adoption of this package (consisting of Regulation (EU) 2017/2226 establishing an Entry/Exit System (EES) and Regulation (EU) 2017/2225 amending Regulation (EU) 2016/399 on the use of the Entry/Exit System at external borders) at the end of 2017, the preparations have been ongoing for the entry into operation of the Entry/Exit System. These preparations involve the Commission, the European Union Agency for the Operational Management of Large-Scale IT systems in the Area of Freedom, Security and Justice (eu-LISA) and Member States' authorities and experts.

Furthermore, in 2018 legislation was also adopted as regards the establishment of a European Travel Information and Authorisation System (ETIAS).

Eu-LISA is now in the process of developing both the Entry/Exit System and European Travel Information and Authorisation System with planned entry into operation in the first half of 2022 and by the end of 2022 respectively.

19. *There are many growing problems between Greece and Turkey in recent years, how does this affect the work of DG Home and agencies such as Frontex?*

### **Commission's answer:**

We recognise the complex and difficult situation at the Greek-Turkish border, which concerns not only Greece but Europe as a whole. It is important that the EU authorities and agencies act in a way that is proportionate and in line with European values. While the overall relations are delicate, Turkey remains a key

partner for managing migration.

Despite challenges, the EU-Turkey Statement remains valid and should continue to be implemented as our key framework for cooperation on migration. We expect Turkey to stand by its commitments and to deliver on all elements in the Statement. This includes, among others, preventing irregular departures towards Greece, but also to other Member States as well as resuming readmission of returnees from the Greek islands.

The Home Affairs agencies support the delivery of different elements of the EU-Turkey Statement. As regards Frontex cooperation with Turkey, following the Memorandum of Understanding signed in 2012 and the deployment of a Frontex liaison officer to Ankara in April 2016, the Cooperation Plan 2020-2022, signed in January 2020 between Turkey and Frontex, sets out additional actions for cooperation. Even if the implementation of the Cooperation Plan is slower than expected, efforts are being made to keep the communication channels open. The Commission acknowledges the important contribution of the technical, operational cooperation between Frontex and the competent Turkish authorities to the overall cooperation between the EU and Turkey in the field of migration and border management with a view to address common challenges of the EU and Turkey.

EASO cooperation with Turkey remains strong, with engagement with Turkish authorities focussing on two important strands of work: capacity building in the area of asylum and cooperation on resettlement.

20. *Following the allegations in the press regarding pushback in Greece, what are the actions put in place internally by Frontex?*

**Commission's answer:**

At the request of the Commission, the Frontex Management Board has held an extraordinary meeting on 10 November 2020 and agreed that urgent action is needed in order to investigate all aspects related to the allegations of pushbacks. It decided to set up a sub-group of the Management Board to further consider all related aspects and investigate the allegations. The Commission will take an active role in this sub-group. The Commission is analysing the reply of the Executive Director of 24 November to a number of detailed written questions sent by the Commission on 13 November. The Management Board of 25 November decided to convene another extraordinary meeting in December to consider this important matter.



21. *Concerning the spending of Frontex and EU-LISA, there has been allegation of non-compliance. Is there a system in place to ensure that funding is spent in full compliance with the Charter of Fundamental Rights? How does the Commission proceed with the allegations of non-compliance – if possible, could the Commission provide statistics on relevant cases?*

**Commission's answer:**

The decentralised agencies established in the area of Home Affairs have their own legal personality and are, in accordance with their respective founding Regulations, governed by a Management Board composed of the Member States and two Commission representatives. The Commission cannot veto decisions taken by the Management Board.

To monitor the work of the agencies, the Commission has developed a control strategy with clear procedures.

Frontex and eu-LISA both implement a specific Internal Control Framework based on the Internal Control Framework of the European Commission. Their Single Programming Document must provide information on the internal control systems, while the Consolidated Annual Activity Report must contain information on the efficiency and effectiveness of the internal control systems, including as regards risk assessment. The reports, as endorsed by the agencies' Management Boards, is sent every year to the European Parliament and the Council. It is the basis for their individual discharge procedure.

The eu-LISA and Frontex 2019 reports state that the management of the agencies has reasonable assurance that appropriate internal controls are in place and that they are functioning as intended. Throughout the year, the major risks were appropriately identified and managed. This assurance is further confirmed by the results of the internal and external audits performed.

The Commission runs an annual risk management exercise to identify and assess potential high risks related to the Agencies' operations. Risks considered as critical are reported annually in the Annual Activity Report of the partner Directorate-Generals, such as the Directorate-General for Migration and Home Affairs, and are accompanied by action plans stating the mitigating action.

The Commission does not keep any statistics relating to cases of non-compliance of the Charter of Fundamental Rights, but it can assure the European Parliament that it follows up on all such cases as a matter of priority.

Regulation (EU) 2019/1896 sets up the mandate for Frontex in full compliance with fundamental rights. The Regulation also provides for an independent Fundamental Rights Officer who will be assisted by a deputy and by at least 40 fundamental rights monitors.

The Executive Director, after consulting the Fundamental Rights Officer and informing the Member State concerned, should withdraw the financing for any activity by the Agency, or suspend or terminate any activity by the Agency if he or she considers that there are violations of fundamental rights or international protection obligations related to the activity concerned that are of a serious nature or are likely to persist (Article 46 (4)(5)).

22. *How do you analyse the evolution of the refugee facility in Turkey? In particular, how do you see the operational links with NGOs to properly manage the funds and projects or the use of the resources made available? Have the projects put in place had the expected results?*

**Commission's answer:**

The Facility for Refugees in Turkey is a key component of the 2016 EU-Turkey Statement. Its full operational envelope of €6 billion was committed at the end of 2019. €5.1 billion has been contracted, out of which close to €4 billion has been disbursed. The Commission will contract the balance by the end of 2020.

Funding has been made available in two tranches of €3 billion each. Whereas the 2016-2017 tranche mainly focused on the provision of emergency assistance, the 2018-2019 tranche has allowed for a gradual shift to development assistance, emphasising the need for refugees to become self-reliant to facilitate their stay in Turkey. The Facility allows over 1.7 million refugees to meet their basic needs, and provides 2 million refugees with access to health care and 685,000 refugee children with access to education.

The European Court of Auditors carried out an operational audit of the Facility in 2018. It concluded that the Facility had provided valuable support to refugees. It also noted that Facility assistance had been provided at a rate that was five times quicker than regular EU external assistance. The Facility benefits from a comprehensive monitoring capacity, with bi-annual reports on progress in Facility implementation. These reports are shared with the Facility Steering Committee, including a select number of members of the European Parliament participating as observers. The most recent Facility Monitoring Report was issued in November 2020. The Facility is also subject to a mid-term evaluation, the results of which should be available early 2021.

International non-governmental organisations are involved in implementation in two ways; through the provision of humanitarian assistance and by means of projects implemented within the framework of the EU Trust Fund in response to the Syrian Crisis. Humanitarian funding under the Facility can only be channelled through EU certified humanitarian partner organisations. International non-governmental organisations have found the working environment in Turkey challenging and the Commission continues to be in close consultation with the Turkish authorities – including in the Facility Steering Committee – in an effort to find acceptable solutions to issues involving registration and permits. The Commission will continue to advocate for the simplification of rules for said organisations, with full respect for Turkish law, also outside the immediate scope of the Facility.

***Question concerning integration etc.***

23. *In 2019, 101 million has been spent to help the integration of legal migrants. What is your assessment of this policy? The employment of foreigners remains problematic, especially in certain countries such as Belgium, France, Germany and Austria. How do you assess the programs set up in these countries to integrate foreigners with EU funds?*

**Commission's answer:**

Integration is a key aspect of migration management. The Commission supports a holistic approach to integration, taking into account all areas that can have an impact on the integration process. On 24 November 2020, the Commission adopted the Action Plan on Integration and Inclusion 2021-2027. The support provided under the 2014-2020 Multiannual Financial Framework went beyond language classes and civic courses and addressed also issues linked to active participation in society and access to services that can have an impact on long-term integration.

Although these efforts are necessary and useful, they do not necessarily translate into immediate results in the field of employment as integration in the labour market takes time (from 5 to 15 years, depending on a series of criteria such as age, initial skills levels, etc.). Other parameters also influence the employment of third-country nationals: national level of unemployment, dynamism of domestic labour markets, general economic situation, and the COVID-19 pandemic, which has heavily impacted migrants. Third-country nationals are generally more often employed under short term and precarious terms than natives, which makes their situation in the labour market very sensitive to the overall economic situation.

The Commission monitors the outcomes of Member States' labour market policies through the European Semester process, which includes an examination of the measures and outcomes relating to the integration of third-country nationals in the labour market. In 2019, four Member States (Belgium, France, Germany and Austria) received a country-specific recommendation linked to the integration of third-country nationals in the labour market, highlighting the need for these Member States to consider specific actions for the employment of third-country nationals, which is also due to the high number of third-country nationals living in these Member States.

***Programmes in specific countries***

*Austria:* In 2019, Austria reported having supported integration projects in the area of language and education as well as preparatory measures for labour market integration, with the objective to promote the acquisition of German for children, adolescents and adults, support preparation for the job market as well as promote coexistence and intercultural dialogue. In 2019, 10 806 third-country nationals benefitted from integration measures in the framework of national, local and regional strategies under the Asylum, Migration and Integration Fund. Austria put three local, regional and national policy measures in place for the integration of third-country nationals involving civil society, migrant communities as well as all other relevant stakeholders. The respective target value (12) was reached for the 2014-2020 period. Austria also supported four funded projects under the Asylum, Migration and Integration Fund to develop, monitor and evaluate integration

policies in 2019.

*France:* Since 2014, France has approved 146 projects under the Asylum, Migration and Integration Fund related to integration, of which 61 were active in 2019. 167 640 people were supported with the help of these projects in 2019. 10 582 people received support from the Asylum, Migration and Integration Fund for access to and maintenance of housing. Professional integration with training or active mediation projects benefited 8 845 individuals in 2019. France funded four projects dedicated to language training as well as two compulsory civic training projects dedicated to the appropriation of civic values, codes and customs of France and Europe.

*Germany:* The national programme under the Asylum, Migration and Integration Fund has funded integration projects at federal, regional and local level. They mostly consist of civic orientation, language courses and prevocational training for third-country nationals, often providing individual and group counselling. The funded projects can be considered to have facilitated access to the labour market for third-country nationals. In 2019, 5 325 third-country nationals benefitted from integration measures in the framework of national, local and regional strategies under the Asylum, Migration and Integration Fund. Since the start of the Asylum, Migration and Integration Fund until early 2020, the total number of beneficiaries was 29 105, which means that the target value set at the beginning of the programme has already been exceeded.

*Belgium:* The national programme under the Asylum, Migration and Integration Fund has funded integration projects at federal as well as at regional level. They mostly consist of civic orientation and language courses for third-country nationals, often combining individual tutoring and collective sessions. Innovative integration projects and their mainstreaming (for instance targeting illiterate mothers or 15-19 year-olds) have also been funded. The funded projects can be considered to have contributed to facilitating access to labour market for third-country nationals. In 2019, 4 352 third-country nationals benefitted from integration measures in the framework of national, regional and local strategies under the Asylum, Migration and Integration Fund. Since the start of the Asylum, Migration and Integration Fund until early 2020, the total number of beneficiaries was 17 831, which means that the target value set at the beginning of the programme has already been exceeded.

***Questions concerning the European Travel Information and Authorisation System, Schengen etc.***

24. *Regarding the European Travel Information and Authorisation System (ETIAS): Could the Commission provide information on its state of play, including timeline and costs?*

**Commission's answer:**

The European Travel Information and Authorisation System (ETIAS) is planned to become operational by the end of 2022.

Since the adoption of the Regulation (EU) 2018/1240 establishing ETIAS in September 2018, intense preparatory work has been on-going in dedicated

committee and expert groups to prepare and adopt implementing and delegated acts necessary for the technical implementation of the system by the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA). Work is also ongoing to advance towards adoption of additional acts which are necessary for adoption before the entry into operation of ETIAS. In addition to preparations being carried out by eu-LISA, preparatory activities are also being undertaken by Frontex and Europol.

In parallel, to follow-up on the legal obligation to complete the ETIAS Regulation with amendments to legal acts establishing the EU information systems that are necessary for establishing their interoperability with ETIAS and corresponding provisions in the ETIAS Regulation (see Article 11 of Regulation (EU) 2018/1240), the Commission proposed in January 2019 so-called “ETIAS consequential amendments”. The file is still subject to inter-institutional negotiations. While the Council adopted its mandate in May 2019, the European Parliament is expected to adopt its mandate in December 2020. A swift start of trilogues and adoption in the first half of 2021 is necessary to meet the deadline of entry into operation of ETIAS by end 2022.

COVID-19 is causing some delays in implementation, with a few Member States reporting not being on track. The Commission is closely monitoring the situation and helping Member States to mitigate delays, and is ready to provide the necessary support.

As regards costs, the ETIAS Regulation includes provisions on costs incurred in connection to the development of the system, its connection to the Member States border infrastructures, to a national interface and its hosting, as well as the establishment of the ETIAS Central Unit within Frontex and Member States’ ETIAS National Units. The Regulation also contains provisions on costs following entry into operation, when ETIAS’s operating costs will be covered by fee revenues.

25. *A study has been published by the European Parliament regarding the costs of non-Schengen. Could the Commission be more proactive, including infringement procedures, where Member States reintroduce checks at internal borders in violation of the Schengen Borders Code?*

**Commission’s answer:**

In the interest of guaranteeing a fully functional and safe Schengen area, with free movement without controls at the internal borders, the Commission will continue to focus on the implementation of the Schengen Borders Code to ensure that any temporary border controls at the internal borders are proportionate and maintained only as long as necessary.

The Commission supports a process founded on concrete cooperation between the Commission and the Member States, based on mutual trust. On 30 November 2020, the Commission will hold its first Schengen Forum. The Schengen Forum will gather Members of the European Parliament, Member State Interior Ministers and representatives of national authorities. It will set the direction for reforms to be announced in the upcoming Strategy for a stronger Schengen area, which will



aim, among others, at gradually returning to a fully functioning Schengen, without internal border controls. The Commission has already taken a number of steps to address the challenges facing the Schengen area, notably:

- Recommending Member States to use alternative measures such as proportionate police checks and police cooperation, and to enhance cooperation with neighbouring Member States, to foster mutual trust and minimise inconvenience;
- Proposed to amend the Schengen Borders Code in 2017 to ensure that it allows for addressing the long-lasting threats to internal security and public policy (terrorism and secondary movements caused by the migration crisis).

Moreover, the Commission has also taken steps to strengthen the EU's external borders and internal security and aims to go further in this regard. The Commission will shortly present a proposal to strengthen the mandate of Europol. Successful implementation of the new European Border and Coast Guard Regulation will also significantly contribute to the strengthening of an area of freedom, security and justice without frontiers.

### ***Question concerning Libyan coast guard***

26. *The EU had the intention to train the Libyan coast guards. Or according the defence minister of Turkey, Turkey will take care of this training. DG Home could let us know what the situation is and what is the involvement of the EU in this matter?*

#### **Commission's answer:**

The training that the EU provides to the Libyan coast guard ranges from basic seamanship to operational sea training, all focusing heavily on human rights responsibilities. It is further aimed at enhancing Libya's abilities to fight smuggling activities and contribute to saving lives at sea within its territorial waters.

The main project through which the EU provides this assistance is the *Support to Integrated Border and Migration Management in Libya* (Phase 1), 2017-2020, implemented by the Italian Ministry of Interior. Strictly linked to this EU Trust Fund programme, an ISF-funded project (€1.8 million; completed in 2018) supported the Italian Coast Guard to assist the Libyan authorities with a feasibility study to set up a Libyan Maritime Rescue and Coordination Centre and declare the Libyan Search and Rescue region to the International Maritime Organization. The second phase of the EU Trust Fund programme is due to start in 2021. It has a total budget of €57.2 million.

Frontex also helps to train the Libyan coast guard, focussing on strengthening its capacities by delivering naval assets, setting up Coordination Centres, and enhancing the Libyan Border Guard's territorial surveillance capacity along the southern borders.

While the EU has noted Turkey's recent announcements regarding the Libyan Coast Guard, these statements have no bearing on the EU's conduct vis-à-vis Libya.



