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NOTE

from: the Commission services
to Council (Justice and Home Affairs) Mixed Committee
(EU-Iceland/Norway/Switzerland/Liechtenstein)
on 25 - 26 October 2012
Subject: Greece's National Action Plan on Asylum Reform and Migration Management
= *Information by Greece, the Commission, Frontex and EASO*

This note provides an update of the activities on the implementation of the Action Plan on Migration and Asylum as well as on Borders and Return issues, since the previous JHA Council meeting in June.

Developments

The close cooperation between the European Commission, Greek authorities, the Member States and the other stakeholders (EU Agencies, International Organizations, NGO's) has brought **several positive developments**. The most noticeable development is the deployment of 1800 border guards to the Evros region; the strengthening of controls at the land border between Greece and Turkey has resulted in a sharp decrease of irregular migration, though a partial shift of migratory routes towards the islands has occurred as a consequence. Moreover, an additional number of 200 posts of public administrators have been committed for the three new services [asylum, first reception and appeals authority] and will be opened gradually. A number of projects are also under preparation, aiming at providing information and interpretation in the Evros region and the Aegean Islands, supporting the functioning of the asylum service and the appeal committees and further reducing the backlog. These can be supported under SOLID funds and EASO. Greece also requested the Commission for additional financial support [4 m euro] under the 2012 ERF emergency measures that could help to address deficiencies in the Aegean islands and Evros. The Commission also welcomes and encourages the close co-operation between the authorities, the UNHCR and other stakeholders.

However, **a number of deficiencies remain**. Of particular concern is the fact that reception conditions in the detention centres for migrants, including asylum seekers, in the areas of Evros and the Aegean islands are substandard; the situation is particularly problematic in the islands where the police is clearly not equipped to provide solutions. Access to the asylum procedure is impaired, *inter alia*, since the Petrou Ralli police station only registers 20 to 40 asylum applications per day and the provision of information and interpretation, especially in detention centres, is insufficient; the wide use of detention of migrants may also deter requests to access protection. Finally, open reception capacities remain insufficient throughout the country while the responsible authorities have not yet identified structures that could be used for accommodation purposes nor have they explored possibilities for EU funding.

Commissioner Malmström's visit to Greece (8-9 October)

After visiting the Evros region, the Commissioner had bilateral meetings with relevant Ministers, and other stakeholders, to discuss progress on the implementation of the Action Plan.

The Commissioner welcomed the measures aimed at reinforcing border controls, but also noted the importance of ensuring adequate reception conditions in the detention centres and access to international protection. She also encouraged Greece to ensure that the current controls at the border are not of temporary nature, but are included in a long term strategy for an Integrated Border Management and the full implementation of the Schengen Action Plan.

The Greek authorities also announced their intention to radically reform their structures in charge of managing financial assistance in order to improve the absorption capacity of SOLID Funds.

At the end of the visit, a list of specific deliverables was agreed with Minister Dendias, in charge of Public Order and Citizen Protection (see Annex), aimed at addressing some of the challenges identified. In particular, the deliverable focus on improvement of the situation in the Evros region and the islands, clear progress of the asylum procedure, concrete actions to ensure sustainability of border controls, increased capacity on return, and better absorption of financial assistance, as well as implications from the Syrian crisis.

Matching exercise workshop – Brussels 12 October

On 12 October, the Commission services organised a workshop aiming at matching the needs of the Greek authorities in the field of Asylum, Migration, Borders and Return with the offers of assistance on the side of Member States. As concluded in the first workshop in June, this second workshop was preceded by an in-depth analysis of needs carried out by the Greek authorities in collaboration with the Commission and sent to Member States on 28 September.

A few number of pledges were submitted by participating Member States, namely in the area of interpretation, provision of information materials and COI, while the great majority noted commitment to continue supporting Greece via participation in EASO and FRONTEX activities.

Return workshop – Athens 15-16 October

The workshop was the first tangible response to the request of support in this area by the Greek authorities. Organised jointly by Greek Return services, Frontex and COM, it brought together selected return experts from Member States and Frontex to identify obstacles, assess needs and identify possible solutions and support from Member States to increase return capacity. While it is clear that the main solution to increase capacity lies with a reinforcement of staffing of the Greek return services, concrete ideas were discussed, such as the establishment of a return protocol, the setting up of an advisory group, the participation of Greece in the Eurint Project (joint visit to key third countries) and the organisation of field visits to return services of other Member States.

Follow up:

- **Implementation of the agreed deliverables**

Implementation of the deliverables agreed between the Commissioner Malmström and Minister Dendias shall start immediately. A follow up meeting at the level of Commission and Greece services will be arranged in November, with the aim to ensure that these deliverables are integrated in the revised Greek Action Plan to be finalised by the Greek authorities by December. The revised Action Plan will also incorporate Member States offers of support and will be accompanied by deadlines and clear benchmarks on the implementation of the envisaged activities.

Annex: *Issues agreed between Commissioner Malmström and Minister Dendias on 9 October 2012*

The establishment of an effective system of border management/returns and the access to international protection are two sides of the same coin. The Commission strongly welcomes progress achieved so far in the areas of asylum, border management and returns. The Commission is committed to continue supporting Greece via its financial instruments to implement the reform of the relevant policies. At the same time, Commissioner Malmström and Minister Dendias agree that the following issues should be addressed as a matter of urgency:

1. While recent political initiatives to improve the border management in the Evros Region have been very successful, the guarantee of appropriate reception conditions in Greece (and in particular on the Aegean Islands) needs to be ensured in order to fully comply with EU obligations.
2. The Commission welcomes recent measures to strengthen border controls in the Evros region. It is Greece's responsibility to ensure that these measures will not be of a temporary nature and to integrate them in a long term strategy for the management of the external borders and the implementation of the Schengen Action Plan. The Commission and Frontex stand ready to provide the needed technical and financial support with a view to more sustainable capacity of the Greek structures. In particular, Greece will ensure progress on the establishment of the National Coordination Centre in order to better coordinate its action at its external borders.

3. An efficient return policy, in full respect of fundamental rights, is essential for the credibility of the asylum and migration system. The achievements Greece made in the field of returns, both voluntary and forced, have resulted in a considerable increase in the numbers of those returned. The Commission and Frontex will continue to assist Greece, both technically and financially, to further increase their capacity in this area. Moreover, the Commission is ready to offer political support on the top countries of return to deliver travel documents to their third country nationals, and notably improve the implementation of existing readmission agreements.
4. Complementary to these measures reception conditions in the Evros region and the Aegean Islands need to be urgently improved, not least in view of the coming winter months. Reception conditions need to be further improved in line with the judgements of the European courts. Renovations in the centres of Chios, Samos [by end October 2012], and Fylakio [by January 2013] will be finalized. These centres will be used for providing reception conditions to third country nationals as prescribed under the relevant national law [3907/2011].
5. Greece will continue its efforts to reduce the backlog of pending asylum cases at first and in particular at second instance. The Commission welcomes the embarking of a project in Greece to this effect which will be supported by EASO with the collaboration of UNHCR. It equally welcomes the envisaged increase of staffing in its new asylum service in order to ensure a fair and efficient asylum procedure in line with international obligations.

6. The Greek Action Plan submitted to the Commission in August 2010 will be revised by the Greek Authorities by the end of the year. It will reflect the current state of affairs and include concrete objectives and deliverables (benchmarks) in order to ensure fast and significant progress and allow for a concrete picture as regards the degree of implementation. It should also allow for adaptation if further needs emerge.
7. In this context the Greek government and the Commission appeal to Member States to offer concrete support measures on the basis of the Greek needs assessment transmitted on 28 September to Member States. The upcoming Justice and Home Affairs Council on 25/26 October could mark the beginning of a new phase in the implementation of the Greek Action Plan.
8. Administrative laws and practices will be reformed to ensure the maximum absorption of EU financial support in the area of migration, asylum and borders. In particular, the effective implementation of key actions under the External Borders Fund requires simplification of internal workflows for the preparation of tenders and improving the multiannual planning of procurement based on a comprehensive identification of needs. The Commission will continue to provide technical assistance in this respect.
9. The Commission and the Greek government appeal to the European Parliament and the Council to accept the recently proposed amendment increasing the EU co-financing rate for the SOLID Funds in the area of migration, asylum and borders (from 75% to 95% for Member States benefiting from a financial support mechanism, which also includes Greece).

10. The arrival of third country nationals from Syria confronts in particular Greece with political and financial challenges. The Commission stands ready to support the Greek authorities to cope with such (future) challenges. In this context EASO asylum experts can also be deployed to provide assistance on the ground.
11. Having concluded the negotiation of the EU-Turkey readmission agreement on 21 June 2012, the Commission will continue making efforts in view of persuading Turkish authorities to sign this agreement and to ratify it as soon as possible. Until the entry into force of the EU-Turkey readmission agreement, the Commission will continue also reminding to the Turkish authorities about the need to fully and effectively implement their readmission obligations with the Member States, as well as to step up their efforts to prevent irregular migration flows from exiting the Turkish territory directed towards the EU. In line with the Council conclusions adopted on 21 June 2012, the Commission will also soon enter into contact with Turkish authorities to propose the development of a dialogue and cooperation framework in all Justice and Home Affairs matters.
12. The Greek government and the European Commission will closely cooperate as of next year in order to ensure a coherent implementation of the revised legal instruments further completing the Common European Asylum System.
13. Implementation of the above actions shall start immediately. In order to ensure a swift implementation a follow up meeting on the level of services shall be arranged in November, with the aim to agree on further benchmarks and deadlines. The result of this meeting shall be summarised in a report to be approved at the political level.