

IPS correspondent Apostolis Fotiadis interviews Michele Cercone, spokesperson for home affairs of the European Union.

Q: When was the Return Fund structure altered to allow for a 95 percent coverage of programmes from the EC and when were the implementing rules of the RF amended to include running costs for the detention camps?

A: The Commission proposed an amendment increasing the EU co-financing rate (from 50% or 75% by 20 percentage points) for all the four SOLID Funds for Member States benefiting from a financial support mechanism. The amendment would not result in any increase of the EU funding, but it would allow the Member States concerned to decrease the national compulsory co-financing. In case of Greece, the national required co-financing for projects could be decreased from 25% to 5%. The legislative proposal is currently in the final stage of discussions between the European Parliament and the Council and expected to be adopted in the course of March 2013.

The amendment of the implementing rules for the Return Fund was adopted in September 2012 introducing several changes, amongst other, extending the possibility to finance infrastructure projects such as renovation and refurbishment or, in case of specific needs, construction of detention facilities. In addition, regarding the running costs a new guidance was provided to Member States in July 2012 in order to support the Member States in the effective implementation of the Return Directive and to improve the reception conditions in detention facilities.

Q: When was the Border Fund altered to allow for covering running costs of operations on the borders and does this change coincide with the funding of operation Aspis on the Greek-Turkish border of Evros that commenced on the August the 2nd 2012? Since when has the commission been funding this operation and for how much longer does it intend to?

A: The eligibility rules of the External Borders Fund have not been amended recently (the last time in spring 2011). While as a general rule, the Fund focus on the long term reinforcement of the Member States capacity for border control and visa policy by supporting investments in equipment and infrastructure, some categories of running costs can be also financed under specific conditions. So far, the Greek authorities requested the EBF co-financing for the reinforcement of border control at the Greek-Turkish borders under the 2012 annual programme (February-June 2013) and formally indicated their intention to present a request under the revised 2011 AP to cover the first stage of the operation (August 2012- January 2013). The further details can be obtained from the Greek Responsible Authority for the EBF (European & Development Programs Division of the Ministry of Public Order and Citizen Protection)

Q: What mechanism does the Commission utilise in order to monitor funding of operations through RF and BF? Is there any possibility of withdrawing support for projects that violate standards pre-set by the Commission?

A: The SOLID Funds in Greece and in other EU Member States are implemented in the so-called shared management mode with Member States. Each year, on the basis of annual allocation calculated by the Commission, each Member State submits a draft national annual programme. The implementation of each programme is subject to a 2.5 year eligibility period. After the end of this period, a Member State has additional 9 months to complete a detailed report with technical and financial parts and to submit it to the Commission for closure. Only after the completion of the whole process, it is possible to assess in detail the effective use of the Funds. The closure process encompasses different checks of technical, operational and financial nature. This involves also the assessment of results against pre-set description of the actions/projects, compliance with the regulatory framework and rules of the particular Fund and general compliance with EU law. Following this assessment, in case of inconsistency or lack of compliance, the Commission may decide not to accept the costs related to a whole action or its part as chargeable to the Fund and not to pay the corresponding amount.

Of course, throughout the implementation of programmes the Commission is also monitoring the general management and control system of the Funds as well as specific projects/actions selected on a sample basis.

In addition, as far as Greece is concerned in the last 2.5 years, the Commission has undertaken several general monitoring missions to Greece, involving visits to different facilities, in particular in the Evros region. The reports from these missions were presented to the Council of the European Union and the European Parliament.

Q: Does the Commission accept responsibility for human rights violations arising out of the border control and deportation operations that it is funding?

A: The European Commission is assisting Greece within the limits and boundaries of International obligations and EU legislation on fundamental rights and human rights. This applies to all forms of assistance, including the Frontex coordinated operations. Please bear in mind that it is for Member States to correctly implement EU legislation and to guarantee it is fully respected.

The Commission, in its role of Guardian of the Treaties, is carefully monitoring the asylum situation in Member States and, where it is proved necessary, launches infringement procedures against those Member States which do not comply with the EU standards. In particular, the Commission is very concerned about the Greek asylum system, and has initiated infringement proceedings against Greece on the basis of our concerns about the compatibility of various aspects of its asylum system with EU law,

such as the issue of effective access to asylum procedure and the reception conditions which it provides for asylum seekers. The Commission has taken steps to review reported deficiencies in the asylum system in Greece, which raise concerns as to whether the Greek asylum system is in compliance with the minimum standards prescribed by EC law, and notably those set out in the Procedures Directive, the 'Qualification' Directive and the Reception Conditions Directive.