

ANNEX

Observations on Estonia AMIF programme 2021 – 2027

Horizontal Comments

The Commission services invite the Estonian authorities to review the programming strategy in the light of the consequences of the recent refugee inflow from Ukraine. While the Commission has brought forward proposals to extend the implementation period of the Home Affairs Funds 2014-2020 to release free unspent financial resources as a first measure, additional efforts will be necessary. We believe that all funding opportunities should be explored and the 2021 -2027 programme could provide an important contribution. To be able to tap quickly into the 2021-2027 allocations, you are invited to introduce a reference to the situation in section 1 of the programme and indicate that the programme can also cover measures benefiting the target population affected. Coordination with the Managing Authorities in charge of other relevant EU Funds is also recommended.

Section 1 – Programme strategy: main challenges and policy responses

Reference: Article 22(3)(a)(iii), (iv), (vii) and (ix) of Regulation (EU) 2021/1060 (CPR)

- (1) The Commission services would like to compliment the Estonian authorities on the good proposals of strategic value contained in the Estonia AMIF programme. It demonstrates the thoroughness of the consultation and presents well how it aims to continue and reinforce the investments made in 2014-2020.

Section 2 – Specific objectives

Reference: Article 22(2)(c), Article 22(3), and Article 22(4) CPR

- (2) The Commission services invite the Estonian authorities to move the indicative list of possible actions under their respective implementing measures to improve the presentation of what would be funded under the programme.
- (3) Concerning Result indicators, we invite the Estonian authorities to list year 2021 as reference year and set the baseline at “Zero” for all indicators.

Specific objective 2 – Strengthening and developing legal migration to the Member States in accordance with their economic and social needs, and promoting and contributing to the effective integration and social inclusion of third-country nationals

- (4) The Commission services note that the programme envisages support to campaigns (target of 3 under the output indicators O.2.4 on the number of information packages and campaigns to raise awareness of legal migration channels to the Union) and that there is a reference to EUR 900.000 on legal residence (amount under intervention code 010.Acquisition of legal residence). As we understand the text in Section 2 SO2 these indicators reflect the actions for

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registration of third country nationals in Estonia and not for legal migration from outside the Union. The Estonian authorities are asked to confirm that there are no projects on legal migration planned and, if so, revise the text/ intervention code accordingly.

- (5) The programme refers to actions in third countries, where it states that external actions will continue to be implemented in complementarity to the Neighbourhood, Development and International Cooperation Instrument and Instrument for Pre-Accession Assistance that are and will remain the primary tools to support the external dimension of the Union's migration and security policy. Please clarify whether the AMIF programme actually supports such actions or whether you mean that such actions are supported by NDICI in complementarity with AMIF.

Section 4 – Enabling conditions

Reference: Article 22(3)(i) CPR

- (6) The Commission services have analysed the Estonian assessment of fulfilment of the horizontal enabling condition on Effective monitoring mechanisms of the public procurement market and consider it as fulfilled.
- (7) Regarding the horizontal enabling condition (HEC) 3 on the “Effective application and implementation of the EU Charter of Fundamental Rights” (‘the Charter’) and HEC 4 on the “Implementation and application of the United Nations Convention on the rights of persons with disabilities (UNCRPD)”, these were first assessed within the framework of the informal submission of the Estonian Programme for Cohesion Policy Funds 2021-2027.

The observations were sent to Estonian authorities on 28 February 2022 (Ares(2022)1477322). Further information and description of these horizontal enabling conditions have been subsequently provided to the Commission services, including together with the formal submission of the multi-fund programme (2021EE16FFPR001) on 16 June 2022.

The Estonian authorities are invited to address the Commission observations provided in February and consider all subsequent Commission's comments and analysis in order to align the text of the horizontal enabling conditions between different programmes and ensure consistency, and include additional information which was provided with the multi-fund programme (“long version” of enabling conditions), as additional material to AMIF programme as well. In this context, Estonia is invited to address in particular the following elements.

With respect to the assessment for the HEC 3 on the Charter:

- (8) On criterion 1, the Estonian authorities are invited to specify the arrangements in place in all phases of the programming and implementation to effectively ensure compliance with the Charter. In particular, the Estonian authorities should clearly indicate the role and tasks of all authorities and bodies involved in effectively ensuring the compliance of the programmes with the Charter (who is involved and when).
- (9) Furthermore, the Estonian authorities are invited to set out which bodies or persons will provide assistance and expertise on fundamental rights matters and, where relevant, will have the ability to contribute to effectively ensure

compliance with the Charter. The Commission services welcome that the Ministry of the Interior will provide trainings on fundamental rights but invites the Estonian authorities to provide concrete information on the trainings.

- (10) On criterion 2, the Estonian authorities are invited to provide more detailed information about the reporting arrangements to the monitoring committee, such as the frequency and content (scope, remedial actions) of reporting on complaints and cases of non-compliance. In particular, they are invited to clearly differentiate between the reporting arrangements for cases of non-compliance of operations supported by the Funds with the EU Charter and complaints, as well as to provide concrete information in this regard. As it stands currently, the self-assessment explicitly refers only to the reporting arrangements as regards complaints and does not cover these as regards cases of non-compliance.
- (11) The Commission services welcome the inclusion in the monitoring committee of the Chancellor of Justice, the Gender Equality and Equal Treatment Commissioner and the Estonian Chamber of Disability, as well as the Estonian Human Rights Centre. However, as regards these bodies, and in particular of the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner, their concrete means of action, beyond issuing reports, in terms of their ability to effectively ensure compliance with the Charter, should be clarified in relation to the implementation of the programmes.

With respect to the assessment for the HEC 4 on the UNCRPD:

- (12) On criterion 2 of the HEC 4 on the UNCRPD, the Commission services welcome the role of the Equality Competence Centre, as an advisory and training unit, in providing advice and monitoring compliance with the requirements in the measures-based legislation for managing and implementing bodies on accessibility and equal opportunities aspects. However, the Estonian authorities are invited to provide more concrete information on the measures to ensure that accessibility policies, legislation and standards are duly taken into account in the design and implementation of programmes. This includes information on the role and tasks of different authorities and bodies (MA-s, intermediate bodies etc.) in ensuring that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes and how the compliance with the UNCRPD, anti-discrimination law on the grounds of disability and accessibility will be checked at all stages of programming.
- (13) On criterion 3, the Estonian authorities are invited to provide more detailed information about the reporting arrangements to the monitoring committee, such as the frequency and content (scope, remedial actions) of reporting on complaints and cases of non-compliance as well as to clarify whether the arrangements will cover both complaints and cases of non-compliance.
- (14) The Commission services invite the Managing Authority to continue the collaboration with the Managing Authorities of the Cohesion Policy Funds for 2021-2027 in order to ensure coherence.