

## REVISED ANNEX

to the

### COMMISSION IMPLEMENTING DECISION C(2014) 5650 final

**concerning the adoption of the work programme for 2014 and the financing for Union actions and emergency assistance within the framework of the Internal Security Fund – the instrument for financial support for external borders and visa**

#### **1. GENERAL BACKGROUND**

Internal security is an area where the Union will be facing important challenges such as terrorism and organised crime, drug trafficking, corruption, cyber-crime, trafficking in human beings and arms. Cross-border and organised crime can be expected to increase and become more sophisticated and international in nature. Further actions will also have to be taken to protect EU critical infrastructure more effectively, notably against terrorist attacks and develop an integrated Union approach to risk and crisis management. To tackle all these future challenges, enhanced actions at EU level are essential, including through adequate EU funding.

The Internal Security Fund (ISF), established by Regulation (EU) n° 515/2014<sup>1</sup> (the basic act) supports actions aiming at addressing precisely the above-mentioned challenges, in line with the five strategic objectives set by the EU Internal Security Strategy adopted in 2010: disrupting international crime networks; preventing terrorism and addressing radicalisation and recruitment; raising the levels of security for citizens and businesses in cyberspace; strengthening security through border management; and increasing Europe's resilience to crises and disasters.

Due to the different Treaty bases for the broad range of strategic objectives to be covered by the ISF, it is not legally possible to establish the ISF as a single financial instrument, reason why the Fund is divided in two sector-specific proposals, respectively; (i) Instrument for financial support for police cooperation, preventing and combating crime, and crisis management (ISF - Police); and (ii) Instrument for financial support for external border and visa (ISF - Borders and Visa). These two instruments are complemented by a horizontal instrument laying down common provisions.

Within the comprehensive framework of the Internal Security Fund, the financial assistance provided under **ISF-Borders and Visa** should contribute to supporting operating costs related to border control and visa policy and enable Member States to systematically maintain capabilities crucial for a service which is in the interest of the EU as a whole and to ensure correct and uniform application of the Union *acquis*. To ensure a uniform and high-quality external border control and to facilitate legitimate travel across external borders within the framework of the EU internal security strategy, this Instrument should contribute to the development of a EU common integrated border management system, which includes all the measures involving policy, legislation, systematic co-operation, the distribution of the burden, personnel, equipment and technology taken at different levels by the competent authorities of the Member States, acting in co-operation with the Frontex Agency, with third countries and, where necessary, with other actors, utilising, inter alia, the four-tier border security model and integrated risk analysis of the European Union. In pursuance of such objectives, the

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<sup>1</sup> JOL 150, 20.5.2014, pages 143-167.

Instrument can also support measures in or in relation with third countries.

While, according to its basic act, most of the "ISF-Borders and Visa" global resources will be channelled through the EU Member States national programmes (shared management), part of the fund's resources shall be implemented through Union Actions (transnational actions or actions of particular interest to the Union). Article 13 enumerates the type of Union Actions that can be funded through this instrument, including actions in third countries. As foreseen in its Article 14 (Emergency Assistance), through ISF-Borders the EU will also provide financial assistance to address urgent and specific needs in the event of an emergency situation (according to the definition foreseen in article 2 (e)).<sup>2</sup>

Within this context, and building on the process of strengthened capacities developed with the assistance of the former External Borders Fund, extending it further to take into account new developments, this 2014 work programme for the "Internal Security Fund – Borders and Visa" **identifies five clusters of priorities and objectives to be pursued through Union Actions for the year 2014**. In addition, the work programme establishes the **financial envelope available for emergency assistance** and sets the basic rules for its provision.

As foreseen in the basic acts, and in particular article 3.4 and 3.5 of Regulation (EU) n° 514/2014 (Horizontal regulation), actions in and in relation with third countries under this work programme will be carried out in synergy and in coherence with other actions outside the Union supported through EU funds, in particular external assistance instruments. The identification and implementation of such actions is fully coordinated with the EEAS and relevant Commission's external relations services, including ECHO as far as humanitarian assistance is concerned.

## **2. LEGAL BASIS**

Regulation of the European Parliament and of the Council establishing the Instrument for financial support for external borders and visa (ISF - Borders and Visa) (515/2014).

Regulation of the European Parliament and of the Council 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 (514/2014).

## **3. BUDGET LINE**

18 02 01 - Internal Security Fund

18 02 01 01 - Support of borders management and a common visa policy to facilitate legitimate travel

## **4. GENERAL OBJECTIVES AND PRIORITIES FOR THE YEAR**

The "ISF – Borders and Visa" basic act sets out two main specific objectives, respectively:

- (i) Supporting a common visa policy to facilitate legitimate travel, ensure equal treatment of third-country nationals and tackle irregular migration, including smuggling;
- (ii) Supporting borders management, to ensure a high level of protection of external borders and the smooth crossing of the external borders in conformity with the Schengen *acquis*.

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<sup>2</sup> Whenever appropriate, synergy with the Research and Innovation activities in this area supported by Horizon 2020 will be promoted.

**The 2014 indicative budget available to support Union Actions and Emergency Assistance amounts to 15.7 million EUR, of which 8.9 million EUR will be allocated to Union Actions and 6.8 million EUR to Emergency Assistance.**

The amount available for **Union Actions** should be used to support the priorities/actions grouped under the **five clusters** presented below, as well as some information and communication activities<sup>3</sup>.

## **I. SCHENGEN EVALUATION MECHANISMS**

### ***a) Developing and implementing the Schengen Evaluation Mechanism***

The main objective under this priority is to support the preparatory, monitoring, administrative and technical activities, required to implement external borders and visa policies, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by the Regulation (EU) No 1053/2013 on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and the Schengen Borders Code, in particular mission expenditure for experts of the Commission and the Member States participating in on site visits. This includes also trainings linked to the implementation of the Schengen Evaluation Mechanism.

## **II. EUROSUR**

### ***b) Improving border surveillance by enhancing cooperation between Member States in the framework of EUROSUR***

Within this priority, Union actions would focus in particular on the following activities:

- Activities supporting the regular and structured collection of information by Member States' embassies and consulates as well as by European Union delegations and offices which is relevant for maintaining the European Situational Picture and the Common Pre-frontier Intelligence Picture of EUROSUR;
- Activities supporting exchange of the situational picture of neighbouring external border sections between the national coordination centres of neighbouring Member States;
- Activities supporting improvement of the technical and operational capability of the Member States to detect and track small vessels with a view to preventing irregular migration and cross-border crime, as well as to reducing the loss of migrants' lives at the external sea borders.

## **III. VISA ISSUANCE**

### ***c) Regional training programmes for consular officials – pilot project***

Ensuring uniform and effective implementation of the visa policy by organising regional training programmes for Schengen States' consuls on the implementation of the Union Code on Visas, visa facilitation agreements etc., as well as the exchange of information on common problems and challenges faced in a given region. The training programmes will be elaborated

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<sup>3</sup> It is not foreseen that the "ISF – Borders and Visa" contributes financially to corporate communication in 2014 in accordance with article 13(2)(g) of the Regulation. However, this is without prejudice to the fact that it shall do so in future exercises, as agreed by the Commission in the Communication SEC(2013) 486 final of 23.9.2013.

under the auspices of the Commission. The 2014 priority foresees conducting a pilot project in a selected region.

#### **IV. COOPERATION WITH THIRD COUNTRIES**

##### **d) *Regional Cooperation between Member States and Third countries aimed at improving the management of the EU external borders***

Actions related to exchange of information and best practices, including support studies, seminars, workshops, conferences, training and pilot projects in third countries with the aim of enhancing the regional cooperation in border control (surveillance and checks) between Member States and third countries.

##### **e) *Support to the preparation and implementation of current and future Mobility Partnerships (MPs) and Common Agendas for Migration and Mobility (CAMMs)***

Mobility Partnerships (MP) and Common Agendas for Migration and Mobility (CAMMs) contribute significantly to the operationalization of the Global Approach to Migration and Mobility (GAMM), offering a political framework for an enhanced and tailor made EU dialogue and cooperation with third countries in the area of migration, including on internal security-related aspects.

In line with its objectives, in particular the following actions could be financed under the ISF Borders: (1) support the dialogue on visa issues with third countries as well as their consular capacities and cooperation with the EU and its Member States, in line with the EU common visa policy; (2) capacity-building of partner countries' authorities in border surveillance, integrated border management and cross-border cooperation; with the aim of enhancing regional cooperation in border management between Member States and third countries (3) strengthening the security of identity and travel documents in third countries.

#### **V. SUPPORT TO SMART BORDERS**

##### **f) *Implementation models of the Entry-Exit System (EES) and Registered Traveller Programme (RTP) proposals (Smart Borders Package)***

This priority would be implemented through two following activities:

- ***Complementary study*** (aiming at the preparation of the Smart Borders pilot project. It should cover possible additional requirements that could arise from the first preliminary study following its completion in September 2014 (funded under the External Borders Fund). It should also present options and recommendations in order to determine the choices to be the subject of the pilot project by the end of 2014 and prepare the terms of reference for the pilot project.
- ***Smart Borders pilot project***, following the preliminary study, will test and validate the retained technical solutions for the EES and RTP and validate the retained concepts for both ABC and manual checks. Given the specific nature of the activities, the pilot project will be entrusted to Agency eu-LISA via a delegation agreement.

## **5. IMPLEMENTING MODALITIES AND FINANCIAL BREAKDOWN**

The table below gives an overview of the financial breakdown according to the different implementing modalities:

Action type/implementation mode	Total indicative allocation
<b>I. Union Actions</b>	8 900 000 €
A. Direct management	
1. Direct award (EUROSUR cooperation between MS, regional cooperation on borders, )	1 850 000 €
2. Specific grant agreement	
3. Procurement (Regional trainings for consular officers, Complementary feasibility study for Smart Borders, Information/communication activities, evaluation of the eu-Lisa Agency )	500 000 € 1 600 000 €
B. Indirect management (Mobility Partnership, Smart Borders Pilot Project)	
C. Mission expenditure (SCHEVAL)	4 500 000 € 450 000 €
<b>II. Emergency assistance</b> (grants awarded without a call for proposals)	6 813 194 €
<b>TOTAL</b>	15 713 194 €

All EU Member States<sup>4</sup>, with the exception of United Kingdom and Ireland, as well as the Schengen Associated Countries are participating in the "ISF – Borders and Visa": hence entities established in these participating countries can take part as beneficiaries in the actions that are supported under this financial instrument. Entities established in the United Kingdom or Ireland can only participate on a no-cost basis. International Organisations could participate as beneficiaries in the actions when appropriate. In duly justified cases, third countries can participate as co-beneficiary in emergency actions.

### **A. UNION ACTIONS**

#### **5.1. DIRECT MANAGEMENT**

##### **5.1.1. GRANTS**

###### **Grants directly awarded**

The following action(s) will be implemented through direct award of a grant to the relevant national authorities in the Member States, for an amount of 1.85 M €

#### **a) Improving border surveillance by enhancing cooperation between Member States in the framework of EUROSUR (indicative amount of 1.35 M€)**

<sup>4</sup> To participate in ISF-Borders, Denmark will have to notify its intention to implement the ISF-Borders regulation into its national law.

The grants will be awarded directly either following an invitation to submit proposals or following a request for funding from the Member States participating in the ISF-B<sup>5</sup> and playing a key role in the implementation of the EUROSUR Regulation, for activities in line with the objectives for 2014, in accordance with the provisions of Article 128 of Regulation (EU, Euratom) N° 966/2012 of 25 October 2012 on the financial rules applicable to the general budget of the Union and to Article 190(1) (f) of its Rules of Application (Commission Delegated Regulation (EU) N° 1268/2012 of 29 October 2012).

The direct awarding of the grant is justified by the specific characteristic of the action requiring the technical competence and a high degree of specialization in the area of border management which are only available at the level of the competent authorities of the Member States responsible for border management.

Maximum possible rate of EU co-financing 95% of the eligible costs.

Expected results: 3-5 applications selected.

Selection criteria

The verification of the financial and operational capacity shall not apply to public bodies of the EU Member States in accordance with Article 131 (3) of the Financial Regulation.

Award criteria

In accordance with Article 132 of the financial regulation and article 203 of the Rules of Application, proposals for an action shall be evaluated on the basis of the conformity, quality of the proposed action, cost-effectiveness and European added value.

Indicative timetable

The indicative timeline for the signature of grant agreements for improving border surveillance by enhancing cooperation between Member States in the framework of EUROSUR: Q4 2014 - Q3 2015,

**d) Regional Cooperation between Member States and Third countries aimed at improving the management of the EU external borders** (*indicative amount of 0.5 M€*)

The grants will be awarded without a call for proposals, following a request for funding from the Member States participating in the ISF-B<sup>6</sup> for activities in line with the objectives for 2014, in accordance with the provisions of Article 128 of Regulation (EU, Euratom) N° 966/2012 of 25 October 2012 on the financial rules applicable to the general budget of the Union and to Article 190(1) (f) of its Rules of Application (Commission Delegated Regulation (EU) N° 1268/2012 of 29 October 2012).

The International Organisations could be involved as co-beneficiaries if appropriate to facilitate the cooperation between the Member States and third countries.

The direct awarding of the grant is justified by the specific characteristic of the action requiring the technical competence and a high degree of specialization in the area of border management which are only available at the level of the competent authorities of the EU Member States responsible for border management.

Maximum possible rate of EU co-financing: 95% of the eligible costs.

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<sup>5</sup> All EU Member States with the exception of United Kingdom and Ireland, as well as the Schengen Associated Countries.

<sup>6</sup> See footnote 1.

Expected results: 1-2 applications selected.

Selection criteria

The verification of the financial and operational capacity shall not apply to public bodies of the EU Member States and International Organisations in accordance with Article 131 (3) of the Financial Regulation.

Award criteria

In accordance with Article 132 of the financial regulation and article 203 of the Rules of Application, proposals for an action shall be evaluated on the basis of the conformity, quality of the proposed action, cost-effectiveness and European added value.

Indicative timetable

Q4 2014 - Q3 2015

**Specific grant agreement**

**a) Funding for the TV programme "On the Frontline", broadcasted by Euronews**  
(indicative amount of 0.5 M€)

This specific grant will be directly awarded, for the purpose of raising awareness of the policies related to DG Home Affairs in the form of broadcasts of TV news programmes, to Euronews under a framework partnership convention between DG COMM and Euronews<sup>7</sup>.

The grant will take the form of reimbursement on the basis of unit costs, according to Article 124 of the Financial Regulation<sup>8</sup>.

Maximum possible rate of EU co-financing: 95% of the eligible costs.

Indicative timetable

Q3 2014 – Q4 2015

Selection criteria

The verification of the financial and operational capacity shall not apply to public bodies of the EU Member States and International Organisations in accordance with Article 131 (3) of the Financial Regulation.

Award criteria

In accordance with Article 132 of the financial regulation and article 203 of the Rules of Application, proposals for an action shall be evaluated on the basis of the conformity, quality of the proposed action, cost-effectiveness and European added value.

5.1.2. PROCUREMENT

In 2014 the Commission intends to undertake several actions through contracts following public procurement.

The indicative global budgetary envelope reserved in 2014 for the procurement contracts amounts to approximately 1,6M€ Procurement envelope will be used through concluding specific contracts (indicatively 4) under the existing framework contracts.

It will cover in particular the following priority actions (*with respective indicative timeline for launching the procurement procedure*):

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<sup>7</sup> C(2010) 6827

<sup>8</sup> C(2013) 7360

- regional training programmes for consular officials (pilot project): Q1 – Q2 2015
- an evaluation study on the eu-Lisa Agency: Q4 2014 – Q1 2015
- a complementary study aiming at the preparation of the Smart Borders pilot project: Q3 2014 – Q4 2014

Funds will also be made available to support several information and communication activities with a view to further strengthen information on European issues in the field of home affairs.

Within the indicative budgetary envelope and in addition to the above specific items conferences, seminars may be held and studies, evaluation and impact assessments may be undertaken as far as they are needed in order to prepare, or accompany new legislation or to respond to policy changes in the area of borders and visa.

### 5.1.3. OTHER ACTIONS

#### **a) Developing and implementing the Schengen Evaluation Mechanism (0.45 M€)**

In line with article 13 (a) of the ISF B Regulation, the Union Actions should support the preparatory, monitoring, administrative and technical activities, required to implement external borders and visa policies, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by the Regulation (EU) No 1053/2013 on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis and the Schengen Borders Code, in particular mission expenditure for experts of the Commission and the Member States participating in on site visits. This includes also trainings linked to the implementation of the Schengen Evaluation Mechanism.

An indicative amount of EUR 350 000 is envisaged for this activity. This allocation will in particular cover mission expenditure for experts of the Commission and the Member States participating in on site visits in line with Article 13.2 (a) of the ISF B Regulation. The allocation will also cover expenditures related to communication and IT equipment necessary to perform and document the visits as well as costs of the organisation of relevant trainings.

### 5.2. INDIRECT MANAGEMENT

#### **a) *Delegation agreement with ICMPD - Support to the preparation and implementation of current and future Mobility Partnerships and Common Agendas for Migration and Mobility - Mobility Partnership Facility (1M €)***

Mobility Partnerships and Common Agendas for Migration and Mobility (CAMMs) contribute significantly to the operationalization of the Global Approach to Migration and Mobility (GAMM), offering a political framework for an enhanced and tailor made EU dialogue and cooperation with third countries in the area of migration, including on internal security-related aspects.

In order to support the preparation and implementation of current and future Mobility Partnerships and Common Agendas for Migration and Mobility, funding will be provided, through a Mobility Partnership Facility (MPF), to actions which represent a high priority to the EU and its Member States and have a direct impact on the EU migration agenda, in particular in the areas of border surveillance, integrated border management and cross-border cooperation, visas and consular cooperation, and document security.



Under the 2014 Annual Work Programme relevant support will be provided as a priority to the MP with Azerbaijan, Morocco, Jordan and Tunisia.

Support to these actions will complement that provided through the AMIF and ISF-Police funded components of the Mobility Partnership Facility (one single facility supported via the three funds), as well as those actions covered through the national programmes of the EU Member States and those more development-oriented actions to be funded through external cooperation instruments.

In order to achieve the objectives of the above actions, in particular the following activities should be financed: (i) Capacity-building support through the deployment of experts (mainly from EU Member States); (ii) Development and implementation of trainings and training material; (iii) Exchange of personnel; (iv) Provision of specific equipment which would be indispensable in relation to the abovementioned capacity-building support and training (i.e. software related to border or visa management systems); (v) Information and awareness raising campaigns; (vi) Organisation of expert meetings and conferences; (vii) Studies, evaluations and monitoring activities.

The facility will be managed indirectly by the **International Centre for Migration Policy Development (ICMPD)** after signing a delegation agreement.

Considering the limited resources available, the need to be able to adjust and respond rapidly and in an effective manner to the priorities identified in the framework of MP/CAMM (existing or under preparation), as well as the need to ensure complementarity with the actions funded through external cooperation instruments (which remain the main source of funding of the GAMM), such an implementing mode is considered to be the most adequate to serve EU needs: it allows the necessary flexibility in the identification of concrete actions to be implemented, with COM - in cooperation with the EEAS and close consultation with EU MS - steering and monitoring closely the financial support provided by the facility.

ICMPD is an international public-sector organisation set up by intergovernmental agreements. Apart from its specific mandate and expertise in this area, ICMPD already has a proven track record in managing EU funds (including facilities) in cooperation with third countries, as well as in supporting migration dialogues and Mobility Partnerships. Its established network with EU Member States and third countries' practitioners on migration issues represents a key condition for the MPF to be successful.

ICMPD has successfully passed the four-pillar assessment in 2013. In accordance with Article 60 (2) of the new Financial Regulation, a six-pillar assessment of ICMPD is planned to be initiated in 2014 before the signing of the delegation agreement.

#### *Governance and control structure*

To ensure effective governance and control by the EU, a MPF steering committee will be set up under the leadership of the European Commission and comprising also EEAS representatives. ICMPD will ensure the secretariat of the steering committee and provide technical support/assistance when necessary.

The steering committee will work in close consultation with EU Member States and, whenever relevant, with international organisations. Its role will be to provide the overall strategic guidance for the implementation of the MPF, as well as to examine and approve each concrete action to be funded under the MPF, with due attention to the necessity to ensure coherence and coordination with other funds supporting the Mobility Partnerships/CAMM. It will also adopt, and whenever necessary revise, the annual work plan of the facility. All EU Member States having co-signed Mobility Partnerships will be consulted and informed in due

course before the adoption of the annual work plan. The MPF steering committee will meet regularly - at least twice a year - to assess the latest developments in terms of the implementation of GAMM and the various Mobility Partnerships, as well as to decide on the overall priorities for the use of the MPF.

On the basis of requests for concrete support to a Mobility Partnership submitted by a MP/CAMM partner country, by one or more EU Member State signatory of that Mobility Partnership, or at the initiative of the Commission, notably within the framework of the governance structures of each Mobility Partnership (Mobility Partnership meetings, Local Cooperation Platforms, etc.), the MPF steering committee tasks ICMPD to identify, in consultation with the relevant stakeholders, the relevant activities to be carried out.

ICMPD management tasks include the management of the award procedures, accounting and administration of the facility, as well as monitoring and reporting.

Actions supported through the MPF will be implemented by authorities/public agencies of EU MS having signed the MP/CAMM in question, or whenever relevant via international organisations. When no EU MS or international organisation is in a position to implement an action, the steering committee may task ICMPD with its direct implementation, under the condition that the action is of a short-term nature (i.e. training, short-term TA, conferences, seminars, workshops and study visits) and that the overall amount for actions directly implemented by ICMPD would not exceed one third of the facility's operational budget. Any decision taken by the steering committee to task ICMPD, or another international organisation, with the direct implementation of an action will be subject to the prior consultation of the relevant EU MS.

Further details on the functioning of the MPF will be laid down in the Delegation Agreement to be signed with ICMPD.

The initial duration of the MPF will be **24 months**.

The indicative amount under the 2014 ISF Borders Union Actions Annual Work Programme foreseen to support actions to be financed via the Mobility Partnership Facility (MPF) is **EUR 1.000.000**.

#### ***b) Smart Borders pilot project entrusted to eu-LISA (3,5 M€)***

Smart Borders pilot project, following the preliminary study, will test and validate the retained technical solutions for the EES and RTP and validate the retained concepts for both ABC and manual checks.

Given the specific nature of the activities, the pilot project will be entrusted to Agency eu-LISA via a delegation agreement. The **eu-LISA** is best placed to be entrusted with the above activities due to the nature of the actions and its unique expertise regarding operational actions and requirements in the context of establishing and managing for the EES and RTP.

#### **B. EMERGENCY ASSISTANCE (6,813 M€)**

The ISF-Borders shall provide financial assistance to address urgent and specific needs in the event of an emergency situation, resulting from an urgent and exceptional pressure where a large or disproportionate number of third country nationals cross or are expected to cross the external border of one or more Member States or any other duly substantiated situation requiring urgent action at external borders.

The Emergency Assistance will be provided in the form of grants. The grants will be awarded

without a call for proposals, following a request for funding submitted to the Commission, in accordance with the provisions of the Article 128 of the Financial Regulation and Article 190 (1) (a) and (b) of its Rules of Application.

Maximum possible rate of co-financing: up to 100 % of the total eligible costs.

The indicative maximum duration of activities will be 12 months.

Eligibility criteria

Applications for emergency assistance can be submitted only by:

- Member States<sup>9</sup>
- International Organisations
- EU agencies

Other entities can be involved in the implementation of the action as co-beneficiaries. In relation to emergency measures in or in relation to third countries, only the entities defined in article 8 (2) of the Horizontal Regulation could be involved in the implementation of the action as co-beneficiaries.

Selection criteria

The verification of the financial and operational capacity shall not apply to public bodies and International Organisations, in accordance with Article 131 (3) of the Financial Regulation.

Award criteria

In accordance with Article 132 of the financial regulation and article 203 of the Rules of Application, proposals for an action shall be evaluated on the basis of the conformity, quality of the proposed action, cost-effectiveness and European added value.

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See footnote 1.