

## Annex

### EXTERNAL BORDERS FUND

2007-2013

### COMMUNITY ACTIONS

### SPECIFIC ACTIONS

### ANNUAL WORK PROGRAMME 2008

#### 1. GENERAL BACKGROUND

Since the Tampere Programme in 1999 and the following *The Hague Programme* in 2004, the management of the external borders has been one of the cornerstones of the progressive establishment of the European Union as an area of freedom, security and justice.

Progressively, the Schengen area enlarged and the need for a stronger and integrated external border management became a priority; a European Agency for the Management of Operational Cooperation at the External Borders (Frontex) was set-up and the External Borders Fund (EBF) was adopted as part of the General Programme 'Solidarity and Management of Migration Flows' in order to enhance an integrated approach to external borders management. In the framework of EBF, **Frontex** is called to provide an annual **risk analysis** describing the difficulties in carrying out border surveillance and pointing out weaknesses at strategic border points, in regards of illegal immigration.

In 2006 the *Schengen Borders Code (SBC)* was established, defining rules governing border control of persons crossing the external borders of the European Union. In July 2008 a Regulation was adopted, defining the purpose of, the functionalities and the responsibilities for the **Visa Information System (VIS)**, as already established in 2004. The VIS Regulation as well as the proposal for amending the SBC envisages an access to the VIS based on biometrics, in order to strengthen the control of external borders.

In February 2008 the Commission presented a **border package** to reinforce all dimensions of border controls, mainly concerning controls on the movement of persons: border checks, border surveillance and operational coordination. A first Communication examined the creation of a *European Border Surveillance System (EUROSUR)* and suggested to Member States a roadmap for gradually developing such a "system of systems"; a second communication was a *Report on the evaluation and future development of the FRONTEX Agency*, which underlined the central role of Frontex for the long-term development of the Union's integrated border management strategy and the need for an improved cooperation between the relevant customs and other border control authorities in the Member States; finally, the Communication *"Preparing the next steps in border management in the European Union"* put forward reflections for enhancing the integrated European border management of the future, like the possibility of introducing

an electronic system for travel authorisation and the creation of a system to register the entry/exit system of third country nationals admitted for a short stay.

As regards immigration, in June 2008 the Commission adopted a Communication on a **common immigration policy**, defining principles, actions and tools, building on the Tampere European Council's milestones, the Hague Programme and the *Global Approach to Migration*, launched in 2005, covering the broad spectrum of immigration policies, and enhancing the principle of cooperation with third countries in migration management, fight against illegal immigration, as well as the role of the **Immigration Liaison Officers (ILO) network**.

As regards visa, the Hague programme underlines the need for further development of the **common visa policy**, through further harmonisation of national legislation and handling practices at local consular missions. The Commission has presented a proposal for a *Regulation amending the Common Consular Instructions (CCI)*, establishing **common centres for the reception of visa applications** (CAC). Furthermore, the Commission has presented also a proposal for establishing a *Community Code on Visas*, a single instrument that reviews and incorporates all the provisions on visa-issuing procedures, also with the aim of enhancing local consular cooperation.

Finally, the *European Council* in June 2008 underlined the importance of continuing work on the further development of the integrated border management strategy, also through the use of modern technologies, in particular after the finalisation of the enlargement of the Schengen area by nine Member States though the abolition of controls at internal air borders from March 2008; in that perspective, the Commission is invited to present proposals for a registered traveller system and an entry/exit and by the beginning of 2010. At the same time, the European Council underlined the importance of continuing the dialogue, partnership and cooperation with third countries on migration issues.

Within this context, in order to build on key orientations reflected in the mentioned policy instruments, the 2008 annual work programme identifies a number of priorities and objectives to be pursued through Community actions and Specific Actions.

## **2. GENERAL OBJECTIVES**

The Decision of the European Parliament and of the Council No 574/2007/EC of 23 May 2007 establishes the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" (see OJ L 144, 6.6.2007, p.22) (hereafter 'the Decision').

The objective of the Fund is to contribute to the development of a European common integrated border management system. To that end, it establishes a financial solidarity mechanism to support the states who endure, for the benefit of the Community, a lasting and heavy financial burden arising from the implementation of common standards on control and surveillance of external borders and visa policy.

The Fund is part of a policy mix of instruments and measures available to the Community for integrated management of the external borders of the Member States<sup>1</sup> of the European Union and the implementation of common visa policy. As such, it operationally complements the European Agency for the management of operational cooperation at the external Borders (FRONTEX Agency).

The bulk of resources available for the Fund will be allocated to the Member States each year (shared management), in order to support actions relating to the general objectives defined in Article 3 of the Decision.

Amounts have been reserved by the Commission services in Article 7 (Community actions) and Article 19 (Specific actions).

### **3. ANNUAL WORK PROGRAMME FOR 2008 "COMMUNITY ACTIONS" (GRANTS)**

#### **3.1. Introduction**

In accordance with Article 7(1) of the Decision, the Commission may use up to 6% of the Fund's available resources to finance transnational actions or actions of interest to the Community as a whole (hereinafter referred to as 'Community actions').

For 2007-2013, the overall budget for Community actions is estimated to amount to M€ 109. The budget for Community actions for 2008 amounts to M€ 10,17 which shall be used for the following objectives defined in Article 7(1) of the Decision, with the following indicative distribution:

(a) contributing to the enhancement of the activities organised by the consular and other services of the Member States in third countries as regards the flow of third-country nationals into the territory of the Member States and the cooperation between Member States in this regard, including the activities of air liaison officers and immigration liaison officers	<b>M€ 8.92</b>
(b) promoting the progressive inclusion of customs, veterinary and phyto-sanitary controls in integrated border management activities in line with policy evolution in this field;	<b>M€ 0.25</b>
(c) providing of support services to Member States in duly substantiated emergency situations requiring urgent action at external borders	<b>M€ 1.00</b>

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<sup>1</sup> For the purpose of the External Borders Fund and in line with Decision No 574/2007/EC, the term "Member States" covers all Member States with the exception of United Kingdom and Ireland and, for 2007 to 2009 also, with the exception of Romania and Bulgaria. The term "Member States" includes also the Schengen associated third countries (for the time being Norway, Switzerland and Iceland). Whenever reference is made to "Member States" in this annual work programme, this group of states is covered.

According to the Decision, to be eligible for funding, the actions listed above under paragraphs (a) and (b) shall in particular:

- (1) further Community cooperation in implementing Community law and good practices;
- (2) support the setting-up of transnational cooperation networks and pilot projects based on transnational partnerships between consular services from two or more Member States designed to stimulate innovation and facilitate the exchange of experience and good practice;
- (3) support studies, dissemination and exchange of information on best practices and all other aspects of the general objective of contributing to enhancement of the activities organised by the consular services of the Member States in third countries and the cooperation between Member States in this field, including on the use of state-of-the-art technology;
- (4) support projects and studies exploring the possibility of new forms of Community cooperation and Community law in this area, in particular common application centres;
- (5) support the development and application by Member States of common statistical tools, methods and indicators for measuring policy developments in the field of visa policy and consular cooperation.

The indicative distribution of the budget for Community actions in the year 2008 according to the kind of activities is as follows:

- for grants: 9.270.000 €;
- for tenders: 900.000 €. (Tenders are described under point 4).

### **3.2. Priorities and Objectives**

The objectives laid down in Article 7(1) (a), (b) and (c) of the Decision will be pursued in 2008 by taking into account the policy context and by further building on the priorities identified for the 2007 annual work programme for community actions. The eligible actions for each of the five categories are described below.

<b>Category 1    Setting up and further development of common visa application centres</b>
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#### **Policy context**

Common visa application centres will have advantages both for participating Member States and visa applicants:

- Member States will rationalize procedures and save considerable costs, by pooling and sharing their resources in such a centre, be it in a consulate or in other premises, instead of installing the necessary equipment for collecting biometric identifiers in every consular office;

- Member States will also reinforce local consular cooperation;
- Other benefits for Member States are the reduction of visa shopping; one central access makes it easier to meet data protection requirements and to ensure the security and protection of data; improvements in the implementation of common visa policy;
- For the visa applicant, such a centre facilitates the process of lodging the visa application in those third countries (e.g. Republic of Moldova) or regions of a third country (e.g. in Russia or China) where only a few Member States are present / represented.

### **Eligible actions**

- Setting up and further development of common visa application centres with participation of at least two Member States in order to receive the visa applications addressed to these Member States.

Eligible costs must be directly related to setting up and further development of the visa application centre, such as costs for premises; adaptation works to ensure building security and IT security, ICT systems and operating equipment; communication and maintenance costs; training for staff; staff costs; information campaign to create awareness of existence of centre in host country etc.

The Decision allows funding of activities for common visa application centres under the national programme(s) and under the Community actions. In case of co-financing of an activity by both the national programme(s) and the Community actions, a clear division has to be established in order to avoid double-funding.

<b>Category 2    Establishing and further development of Immigration Liaison Officers ('ILOs') activities</b>
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### **Policy context**

The concept of ILO covers a wide range of Member State's officers posted abroad by the immigration service or other competent authorities in order to establish and maintain contacts with the authorities of the host country with a view to contributing to the prevention and combating of illegal immigration, facilitating the return of illegal immigrants and managing legal migration (airline liaison officers, document advisors and law enforcement liaison officers).

ILOs are usually posted to the consular offices of Member States in third countries or to the relevant authorities of other Member States, but could also be posted to the competent authorities of the third countries concerned, as well as to international organisations.

In order to further develop the cooperation in this field, Member States should be encouraged to make use of the provision set out in Article 5 of Regulation 377/2004, according to which Member States may bilaterally or multilaterally agree that their ILOs, who are posted to a third country or international organisation, shall also look after the

interests of one or more other Member States. Member States may also agree that their ILOs shall share certain tasks among each other.

These kinds of agreements would enable Member States to ensure their appropriate representation in third countries in a cost-effective manner. Bearing in mind that ILOs shall also be entitled to render assistance in establishing the identity of third country nationals and in facilitating their repatriation – activities that would need intensive liaisons with the competent authorities in the countries of origin, it seems to be evident that such assistance would not be possible without the necessary arrangements among Member States.

In order to facilitate the practical implementation of these possibilities and support the burden of this measure, the Community actions shall be used to co-finance the activities of ILOs that work for the benefit of other Member States or in close cooperation with them.

### **Eligible actions**

In line with Article 1 of Regulation 377/2004/EC, the eligible action shall promote the establishing and further development of ILO activities and networks and thereby contribute to the prevention and combating of illegal immigration, the return of illegal immigrants and the management of legal migration to the European Union. In this context, the following actions shall be eligible:

- Action 1: Support to the activity, at locations on the African continent, with particular emphasis on Maghreb, Central, Western and Eastern Africa, and countries located in the Eastern and South-Eastern regions neighbouring the EU<sup>2</sup>, of an ILO of a Member State who:
  - works on behalf of at least two Member States (including his/her own) and/or
  - shares a common office with one or more ILOs from at least one other Member State and shares tasks and/or information on its activities on a regular and systematic basis with the other ILO(s), thus also looking after the interests of the other Member State(s) .
- Action 2: Support for activities at locations on the African continent with particular emphasis on Maghreb, Central, Western and Eastern Africa and countries located in the Eastern and South-Eastern regions neighbouring the EU and which promote actual and future ILO networks, such as
  - the facilitation of exchange of information between the ILOs by means of local or regional periodical meetings, if necessary, with the participation of national authorities of the Member States and/or other partners;
  - training activities addressed to ILOs of the same network.

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<sup>2</sup> Turkey, the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslavian Republic of Macedonia, Montenegro, Serbia, including Kosovo), Ukraine, Republic of Moldova, Belarus, Armenia, Azerbaijan, Georgia and the Russian Federation.

Eligible costs must be directly related to establishing and further development of ILO activities, such as costs for premises; ICT systems and operating equipment; communication and maintenance costs; training for staff; staff costs etc.

Flat-rate financing have been defined to cover specific categories of expenditure which are clearly identified in advance by applying a standard scale of unit costs. This simplified approach can be combined with the identification of individual costs not covered by the flat-rate financing or lump-sums when establishing the forecast budget for each action.

For action 1 or 2, the following standard scale of unit costs and lump-sums are defined:

- daily cost for a full time Senior Immigration Liaison Officer outside the EU including the basic infrastructure and logistic support at his normal premise. This cost is calculated at 580€/day and is equivalent to the Commission staff average of 122 000€ (based on 210 working days per year);
- daily cost for basic infrastructure and logistic support for a full time assistant to the ILO outside the EU. This cost is calculated at 290€/day;
- average cost of one travel mission inside a given country where the ILO is based or inside an EU Member State estimated at 300€ (each);
- average cost of one travel mission between two EU Member State estimated at 500€ (each);
- average cost of one travel mission between two countries within the same continent (except the EU) estimated at 1000€ (each);
- average cost of one intercontinental travel mission estimated at 6000€ (each);
- per diem for local accommodation and other costs such as local transport linked to missions estimated at 200€/day;
- In addition to per diem, average daily cost per participant for training activities (including logistical arrangements, training materials and fees, follow-up activities), estimated at 200€/day (each);

The final report must contain the details of each budget heading above for each unit. The Commission contribution will be limited in accordance to the maximum amounts cited above for the type of costs covered by the flat-rate financing and the lump-sums defined.

The unit costs were defined in accordance with Article 181.1a of the Implementing rules of the Financial Regulation. The unit costs as defined represent the basis for calculations of the Community contribution and shall be reviewed every two years. For future calls the maximum amounts and unit costs will be reviewed based on the actual costs submitted and, where applicable, any changes in the Commission rates.

The activities of a particular Immigration Liaison Officer cannot be co-financed both by the national programme of a Member State and by the Community actions.

<b>Category 3    Use of the Visa Information System (VIS) at the external borders and by consular services in third countries - pilot project</b>
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### **Policy context**

In March 2006 the European Parliament and Council established the Schengen Borders Code, defining rules governing border control of persons crossing the external borders of the European Union.

In July 2008 the European Parliament and Council adopted a Regulation, defining the purpose of, the functionalities and the responsibilities for the Visa Information System (VIS), as established by Article 1 of Decision 2004/512/EC.

Whereas the VIS Regulation provides how to access the VIS data, the Schengen Borders Code (SBC) lays down how border guards should use the VIS. Therefore a proposal amending the SBC was submitted by the Commission.

Since only biometrics can confirm with certainty that a person wishing to enter the Schengen area is the person to whom the visa has been issued, both the VIS Regulation and the proposal amending the SBC foresee that the competent authorities for carrying out checks at the external borders should access to the VIS using systematically the number of the visa sticker in combination with the verification of fingerprints of the visa holder. Consulates will take and store visa holders' fingerprints in the VIS. Only in exceptional case (a visa issued at the border) border guards will act as a visa authority as defined in the VIS Regulation.

The VIS Regulation provides a transitional period of three years during which the search may be carried out using only the number of the visa sticker. The SBC provides also a three year transitional period during which the VIS may be consulted by using the visa sticker number only. However, the use of the visa sticker number alone is allowed only if certain conditions are met, e.g. waiting time becomes excessive and all resources are exhausted.

After these transitional periods, the search in the VIS will only be allowed with the visa sticker number in combination with the verification of fingerprints of visa holders.

In the longer term, an entry-exit system would require also third-country nationals not subject to the visa requirement to give biometrics at each border crossing.

### **Eligible actions**

Within the framework of a pilot project, initiatives should come from Member States, aimed at defining and testing the best possible equipment, methodologies and procedures for the verification of fingerprints at the external borders, in order to allow the systematic check of the VIS once the transitional period will expire. An important part of the projects is to verify in practice the quality of fingerprints taken by consulates. Such projects should also allow for gathering experiences with a view to a possible future entry/exit system.

More specifically eligible actions should:



- define the technical and operational specifications and requirements of the equipment used at the borders (especially mobile fingerprint scanners),
- test such equipment at border crossing points,
- provide feedback to consulates on the quality of fingerprints taken during the enrolment,
- involve at least three Member States and the testing of equipment at least six different border crossing points involving different characteristics as concerns current infrastructure, passenger flows, and means of transport used, as well as involving sea, land and air border crossing points.
- involve the testing of an entry/exit functionality, i.e. the electronic recording of the dates of entry and exit,
- comply in full with relevant EC legislation notably in the area of borders, visas and data protection, and
- develop best practices how to integrate new equipment into border check procedures/workflow and how the infrastructure may be adapted.
- Involve the FRONTEX Agency in the definition of best practices as external expert. The involvement of FRONTEX is exclusively based on its specific technical expertise and shall be on a non cost basis under the Community actions of the External Borders Funds.

**Category 4 Providing training for experts taking part in the evaluation of the implementation of the Schengen acquis in the Member States**

**Policy context**

The Schengen acquis created a common area where checks at internal borders are abolished; this area without internal borders is based on full mutual trust between participating Member States: e.g. checks at external borders are carried out by a Member State only in the view of protecting its internal borders but also on behalf of all other member States to which the person could travel once crossed the external border.

To ensure the correct application of the Schengen acquis in the Member States, there is a functioning mechanism of Schengen evaluation, based mainly on physical inspections conducted by experts from the Member States in the field.

Between 1999 and 2005, all Member States were submitted once to an evaluation on the correct implementation of the Schengen acquis after the lifting of internal border control. During 2005-2007 the evaluations have focused exclusively on the new MS with a view to the lifting of internal border controls. In the next 2009-2013 more evaluations are planned, on average 5 countries per year.

Member States repeatedly expressed the strong need for Schengen evaluation training for their experts. The Commission will address the training of evaluation experts in its proposal on the new SCH-EVAL mechanism, presented in January 2009.

### **Eligible actions**

- Preparation and organisation of training seminars for experts from Member States on Schengen evaluation in the area of borders and visas

Eligible costs must be directly related to preparation, organisation, and costs of participation of trainers and trainees, training materials and follow up activities related to organisation of the training seminars. The staff costs of participants are not eligible but flat-rate financing have been defined to cover specific categories of expenditure which are clearly identified in advance by applying a standard scale of unit costs:

- average cost of one travel mission inside a given country where the expert is based or inside an EU Member State estimated at 300€ (each);
- average cost of one travel mission between two EU Member State estimated at 500€ (each);
- per diem for local accommodation and other costs such as local transport linked to missions estimated at 200€/day;
- In addition to per diem, average daily cost per participant for training activities (including logistical arrangements, training materials and fees, follow-up activities), estimated at 200€/day (each).

Flat-rate financing have been defined to cover specific categories of expenditure which are clearly identified in advance by applying a standard scale of unit costs. This simplified approach can be combined with the identification of individual costs not covered by the flat-rate financing or lump-sums when establishing the forecast budget for each action.

The final report must contain the details of each budget heading above for each unit. The Commission contribution will be limited in accordance to the maximum amounts cited above for the type of costs covered by the flat-rate financing and the lump-sums defined. This simplified approach can be combined with the identification of individual costs not covered by the flat-rate financing or lump-sums when establishing the forecast budget for each action.

**Category 5    Support services to Member States in duly substantiated emergency situations requiring urgent action at external borders**

### **Policy context**

In the last years, several Member States have been confronted with a considerable influx of illegal migrants crossing the southern maritime borders of the EU in the Mediterranean Sea and the Atlantic Ocean (Canary Islands).

In order to address to this situation, on 11 July 2007, Regulation (EC) No 863/2007 of the European Parliament and of the Council establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers (see OJ L 199, 31.7.2007) has been adopted.

In line with this Regulation, at the request of a Member State faced with a situation of urgent and exceptional pressure, especially regarding the arrival at points of the external borders of large numbers of third-country nationals trying to enter the territory of that Member State illegally, the FRONTEX Agency may deploy for a limited period Rapid Border Intervention Teams (hereinafter referred to as "team(s)") on the territory of the requesting Member State for the appropriate duration.

In addition, in case a Member State is faced with such a situation of urgent and exceptional pressure, a situation confirmed by FRONTEX, Member States may also ask for financial support for costs not financed by the FRONTEX budget. As Member States are facing constant pressure at their borders it is appropriate to identify the amount dedicated to emergency measures specifically in this work programme.

The involvement of FRONTEX is exclusively based on its specific technical expertise and shall be on a non cost basis under the Community actions of the External Borders Funds.

### **Eligible actions**

- Assistance to Member States in providing an immediate, timely and adequate response
  - to duly substantiated emergency situations resulting from political events or crisis situations arising in a specific third country or region, exposing the Member State(s) concerned to specific circumstances when implementing the common policy on external border control, in particular arising from the massive influx of illegal migrants by sea arriving via the Southern Mediterranean and Atlantic neighbours;
  - by mounting specific operations or enhancing specific activities or structures relating to the prevention of illegal entry, checks at border crossing points or the surveillance between border crossing points in the areas concerned.

The Community contribution shall be complementary to support that can be provided by the Rapid Border Intervention Teams and other interventions co-financed by the budget of the FRONTEX Agency and therefore the following conditions must apply:

- The requesting Member State "faces a situation of urgent and exceptional pressure, especially the arrival at points of the external borders of large numbers of third-country nationals trying to enter the territory of that Member State illegally" (Article 1 of Regulation (EC) No 863/ 2007);
- The FRONTEX Agency has confirmed that the conditions of an urgent and exceptional pressure were fulfilled;
- The requesting Member State needs support to cope with one or more "duly substantiated emergency situations requiring urgent action at external borders" (Article 7(1) (c) of the Decision), involving costs not otherwise co-financed by the Community budget via FRONTEX.

The actions, which should allow for a quick reaction to the crisis situation, shall be eligible for support if they are intended to be implemented immediately. Eligible costs must be directly related to the emergency situation and necessary to respond to the situation, such as costs for equipment and staff costs.

### 3.3. Expected results

- 20-25 projects selected;
- Local consular co-operation between Member States strengthened in several of the third countries indicated;
- Activities of immigration liaison officers (ILOs) enhanced in several of the third countries indicated;
- Best practices in the systematic use of VIS at the external borders identified and promoted;
- Enhanced competence for experts in the Schengen evaluation process;
- Support provided in emergency situations requiring urgent action at certain external borders of Member States.

### 3.4. Budgetary implications

#### 3.4.1. Amount of the grant

For each of the categories of actions listed in section 3.1 the amount of grant per project will not exceed 90% of the total eligible costs.

The duration and the minimum funding per project are fixed as follows:

Category of Community actions as defined in section 3.1	Indicative total amount	Indicative Minimum EU funding per project	Duration	Estimated number of actions
Category 1 (Setting up and further development of "common visa	€ 2.800.000	Minimum: € 500.000	Maximum 18 months	4 - 6

application centres")				
Category 2 (Establishing and further development of "Immigration Liaison Officers" activities)	€ 2.000.000	Minimum: € 200.000	Maximum 18 months	6 – 9
Category 3 (Use of the VIS at the external borders - pilot project)	€ 2.800.000	Minimum: € 500 000	Maximum 18 months	3-4
Category 4 (Providing training for experts taking part in the evaluation of the implementation of the Schengen acquis in the Member States)	€ 670.000	Minimum: € 100 000	Maximum 12 months	4-5
Category 5 (Support services to Member States in duly substantiated emergency situations requiring urgent action at external borders)	€ 1.000.000	Minimum: € 100.000	Maximum 12 months	2 – 4

The above figures on the minimum funding relate to the amount of grant requested from the Community (EU funding) and not to the total cost of the project.

The Commission will determine the amounts of financial assistance to be awarded, based on the available budget.

#### 3.4.2. *Payment conditions*

The grant shall normally be paid under the following conditions:

- Pre-financing, representing 75% of the amount of the grant awarded upon signature of the grant agreement by the last of the parties;
- If the Commission considers it necessary based on the financial accounts of the applicant, it may request a financial guarantee for an amount equivalent to the amount of pre-financing granted;
- The balance upon receipt and approval by the Commission of the final technical and financial implementation reports, together with a request for payment.

### 3.5. Procedure for project selection and implementation

The implementation of the annual work programme is fixed as follows:

<b>Category of Community actions as defined in section 3.1</b>	<b>Implementation</b>
Category 1 (Setting up and further development of "common visa application centres")	Grants will be implemented pursuant to a call for proposals (see section 3.6).
Category 2 (Establishing and further development of "Immigration Liaison Officers" activities)	Grants will be implemented pursuant to a call for proposals (see section 3.6).
Category 3 (Use of the VIS at the external borders - pilot project)	Grants will be implemented pursuant to a call for proposals (see section 3.6).
Category 4 (Providing training for experts taking part in the evaluation of the implementation of the Schengen acquis in the Member States)	Grants will be implemented pursuant to a call for proposals (see section 3.6).
Category 5 (Support services to Member States in duly substantiated emergency situations requiring urgent action at external borders)	Grants to be awarded for exceptional and duly substantiated emergencies in accordance with Article 168(1) (b) IR (section 3.7). Therefore there will be no call for proposals.

### 3.6. Grants awarded through a call for proposals (Categories 1, 2, 3 and 4)

#### 3.6.1. Access to the programme

This call for proposal is addressed only to public authorities with responsibilities in the field of visa policy, external borders control and immigration controls which are registered in the Member States, i.e. for the purpose of this work programme:

- the 22 Member States which are participating in the Fund in 2008 (Belgium, Cyprus, Czech Republic, Estonia, Germany, Greece, Spain, France, Hungary, Italy, Luxembourg, Netherlands, Latvia, Lithuania, Malta, Austria, Portugal, Poland, Slovakia, Slovenia, Finland, Sweden); and

- Denmark, as Denmark has notified by letter of 19 June 2007 that it has decided to implement Decision 574/2007/EC in its national law.

Access to the programmes as partners to projects on a no cost basis covers:

- The countries associated with the implementation, application and development of the Schengen acquis as they are not participating in the Fund in 2008;
- Romania and Bulgaria as they are not participating in the Fund in 2007-2009;
- Ireland and the United Kingdom as they are not participating in the Fund.

This means that the cost for their participation may not be covered by the Community contribution and must be financed entirely by non-Community resources.

Community Agencies, International Organisations, private bodies and Non-Governmental Organisations registered in the 23 Member States mentioned above may also participate in the projects as partners, provided that they all work on a strictly non-profit basis and have proven experience and expertises in the fields covered.

Attention has to be paid to ensure optimal synergy with programmes carried out at Community and national level by the FRONTEX Agency, the Member States and international organisations. This will require effective information sharing about the activities so that the necessary contacts and connections can be made.

### *3.6.2. Eligibility criteria*

Projects must be presented by public authorities as defined in section 3.6.1.

Projects must fall within the first four categories as defined in section 3.2.

The indicative budget, the objectives of the project and its intended impact must be clearly indicated, and a detailed description must be given of the activities envisaged, the results and impacts anticipated, and the approach, working methods and timetable to be followed.

The duration of the projects must be in line with the table as set out in section 3.4.1.

Selection criteria

- As actions will always only be implemented by national authorities of Member States, applicants will not have to demonstrate their capacity to finance the proposed activities properly;
- As actions will always only be implemented by national authorities of Member States, applicants will not have to demonstrate their operational capacity to complete the action to be supported.

### *3.6.3. Award criteria*

Among the projects which have passed eligibility and selection criteria, the Commission will select the proposals achieving the highest score following evaluation according to the award criteria set out below, taking into account the funds available:

- *Relevance*: the extent to which the proposed action falls within the priorities and objectives defined for 2008 in section 3.2 above and the clarity and pertinence of the project's objectives;
- *Added value included in the proposal*, such as innovative approaches compared to the current practice in the Member State(s) concerned,
- *Quality of the proposed action*: the thoroughness, appropriateness and feasibility of the approach, methodology and timeframe and organisation;
- *Value for money*: the adequacy of the forecast budget, sources of financing other than the European Commission, appropriateness of the amount requested as to the expected results;
- *The impact of the project*: the sustainability of the project and/or its results after termination of the grant (where relevant); adequacy of measures proposed to ensure follow-up of project outputs, the dissemination of results, lessons learned and acquired know-how beyond the national level as well as the likelihood of transferability of positive result of actions to other Member States, locations and/or regions.

#### *3.6.4. Timetable*

Publication of the notice of the call for proposals:	January 2009
Deadline for submission of proposals:	March 2009
Processing and evaluation of projects:	April 2009
Selection of projects:	July 2009
Award Decision:	July 2009
Individual commitments and signature grant agreements:	July - October 2009

### **3.7. Grants awarded for emergencies (category 5)**

#### *3.7.1. Access to the programme*

In case an emergency situation arises, the co-financing request for an action will be triggered by an application from the authority which is responsible for the implementation of the Fund in the Member State concerned ('responsible authority' as defined in Article 27(1)(a) of the Decision).

The applicant has to demonstrate the existence of the emergency situation and why it requires urgent action at the external borders. The situation must be adequately substantiated by facts. Consequently, the application must provide all available information, including:



1. a detailed description of the current situation, the effects on the operational capacities and the urgent needs, as well as a substantiated forecast of possible developments of the situation in the short term;
2. a substantiated description of the extraordinary character of the situation, demonstrated by elements which may include recent statistical and other data regarding the inflow of persons at the particular border points concerned.

The FRONTEX Agency may also participate in the projects as partner on a non cost basis.

#### *3.7.2. Award criteria*

The Commission award grants according to the award criteria set out below:

- *Relevance*: the extent to which the proposed action falls within the priorities and objectives defined for 2008 in section 3.2 above and the clarity and pertinence of the project's objectives;
- *Quality of the proposed actions*: the thoroughness, appropriateness and feasibility of the approach, methodology and timeframe and organisation;
- *Value for money*: the adequacy of the forecast budget, sources of financing other than the European Commission, appropriateness of the amount requested as to the expected results.

#### *3.7.3. Timetable*

Applications can be submitted from the date of the adoption of the annual programme until 30/09/2009 (or earlier, until the resources are exhausted).

#### *3.7.4. Implementation*

The implementation will be on the basis of either a standard grant agreement for action with the Responsible Authority or a standard grant agreement for an action with multiple beneficiaries in the situation where the Responsible Authority will act as a coordinator in partnerships with other co-beneficiaries.

#### 4. ANNUAL WORK PROGRAMME FOR 2008 "COMMUNITY ACTIONS" (TENDERS)

##### 4.1. Amount allocated to Calls for tenders

In 2008 the indicative amount available for tenders is 900.000 €.

##### 4.2. Policy context

In February 2008 the Commission presented a **border package**, composed of three Communications, aimed at reinforcing all dimensions of border controls, mainly concerning controls on the movement of persons: border checks, border surveillance and operational coordination.

In particular, the Commission issued a *Report on the evaluation and future development of the FRONTEX Agency*, underlining that FRONTEX will be central for the long-term development of the Union's integrated border management strategy. In that perspective, an **improved cooperation between the relevant customs and other border control authorities** of the Member States is a key element of the integrated border management model, whereby persons and goods are controlled using similar working methods and risk management approaches.

Furthermore, the Communication "*Preparing the next steps in border management in the European Union*" develops reflections for new tools that could form an integrated part of the European border management of the future; in particular, the Communication indicates the possibility of introducing an **electronic system for travel authorisation (ESTA)**. Such a system would apply to third-country nationals not subject to the visa requirement who would be requested to make an electronic application supplying, in advance of travelling, data identifying the traveller and specifying the passport and travel details. The data could be used for verifying that a person fulfils the entry conditions before travelling to the EU, while using a lighter and simpler procedure compared to a visa (§4 of COM(2008)69).

In February 2008, the Commission adopted a Communication on a European Border Surveillance System (**EUROSUR**).

By collecting, combining, analysing and disseminating information in a structured manner from surveillance systems set by Member States (e.g. surveillance system covering the Slovak-Ukrainian land border, VTS, VTMS, SIVE, SPATIONAV, etc.), common surveillance tools (e.g. radar satellites, UAVs), European and international reporting systems (VMS, AIS, LRIT, etc.) and intelligence sources (national services, optical satellites, etc.), EUROSUR could provide a coherent framework for Member States' authorities involved in border control to act at local level, command at national level, coordinate at European level and cooperate with third countries at international level.

In several phases, the existing reporting and surveillance systems and mechanisms at Member States level could be interlinked, common tools and applications for border surveillance could be developed and implemented at EU level and a common information sharing environment resulting into a common operational picture should be created.

In addition to reducing the number of illegal immigrants who manage to enter the EU undetected, EUROSUR should also reduce considerably the tragic death toll of illegal immigrants, including the rescue of more lives at sea, while noticeably increasing internal security of the EU as a whole by contributing also to the prevention of trafficking in human beings, drugs smuggling, terrorism etc..

### **4.3. Type and object of calls for tenders**

As indicated in the Communications of the Border Package, the Commission proposes in this Annual Work Programme the following studies intended to contribute to enhancing an integrated border management strategy:

#### **Study 1**

##### **Horizontal integration at the border**

As proposed by the Commission in its *Report on the evaluation and future development of the FRONTEX Agency*, a study shall be carried out to examine existing cooperation mechanisms in Member States between authorities involved in border control matters, customs services and other competent authorities. The aim of the study should be to identify best practices and similarities in working methods and risk management approaches in order to further deepen the inter-agency coordination and cooperation between these authorities in Member States, within their fields of competence.

Indicative amount: 250.000 €

#### **Study 2**

##### **Electronic system for travel authorisation (ESTA).**

As proposed by the Commission in its Communication on *Preparing the next steps in border management in the European Union*, a study shall be carried out to analyse the feasibility, the practical implications and the impacts of a EU-wide electronic system for travel authorisation (ESTA), applicable to third-country nationals not subject to the visa requirement before their entry into the Schengen Area.

Indicative amount: 250.000 €

#### **Service contracts**

A first phase of the EUROSUR project was launched within the framework of the EBF community actions 2007 Work Programme.

While taking into account the results of previous and on-going studies being carried out by different Commission services and EU agencies as well as under the 7<sup>th</sup> Framework Programme for Research and Development, the Commission proposes in this Annual Work Programme a complementary action intended to further contribute to the development of the overall system architecture developed under the first phase, through quality assurance, enhanced interoperability and integration of emerging technologies.

Indicative amount: 400.000 €

#### **4.4. Timetable**

The open calls for tenders for the studies in section 4.3 will be published in the first quarter of 2009. Service contracts will be linked to existing framework contracts, if possible.

## **5. ANNUAL WORK PROGRAMME FOR 2008 "SPECIFIC ACTIONS" (GRANTS)**

### **5.1. Introduction**

In accordance with Article 19 of the Decision, the Commission shall establish each year a list of specific actions to be implemented by the Member States, where appropriate, in cooperation with the FRONTEX Agency, which contribute to the development of the European common integrated border management system by addressing weaknesses at strategic border points identified in a risk analysis carried out by the FRONTEX Agency.

In 2008, it is proposed to adopt a programme for the implementation of specific actions which will amount to 10 M€.

This amount will have to be used in accordance with the risk analysis carried out by the FRONTEX Agency referred to in article 15 of the Decision.

The 10 M€ budget for Specific actions in the year 2008 will only be spent through grants.

### **5.2. Priorities and objectives**

#### **Policy context**

As regards external land borders, the risk analysis conducted by the Frontex Agency identified the land borders of Greece with Turkey and Albania as the most critical. Despite the high numbers of detected illegal border crossings at these border points, several Member States continue to report an intra-Schengen flow of illegal migrants who have entered illegally at the Greek external land borders. In this respect, the land border with Turkey remains the most vulnerable.

Concerning the external maritime borders, the risk analysis pointed out the area of the Central and Eastern Mediterranean, especially Italy and Malta, as most vulnerable, taking into account the numbers of detections, recorded incidents and high risks of losses of human lives.

#### **Eligible actions**

On the basis of risk analysis and the weaknesses identified at the external borders by the Frontex Agency, the 2008 specific actions shall fall into the following two categories:

<b>Category 1 - Implementation of actions to reduce the weaknesses at the following external land borders:</b>  - Land border between Greece and Turkey	<b>M€ 5</b>
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- Land border between Greece and Albania	
<b>Category 2 - Implementation of actions to reduce the weaknesses at the following external maritime borders:</b>  - Maritime Border of Malta  - Maritime Border of Italy	<b>M€ 5</b>

In accordance with Article 19 (§ 4) of the Decision, financial assistance from the Fund for **specific actions shall be limited to a period of six months**.

To be eligible for funding, the actions shall in particular include one or more of the following measures:

- (a) Support the temporary reinforcement of aerial means of the Member State in order to increase the surveillance capacities by financing airplane/helicopter expenses, rental of highly specific equipment (i.e. unmanned aerial vehicle) and mission related expenses;
- (b) Support the temporary reinforcement of land means of the Member State in order to increase the surveillance capacities by financing land vehicles expenses, rental of highly specific equipment and mission related expenses;
- (c) Support the temporary reinforcement of maritime means of the Member State in order to increase the surveillance capacities by financing vessel expenses and mission related expenses;
- (d) Support other additional expenses incurred in the border control activities (salary related expenses are excluded).

### 5.3. Expected results

- 6-8 projects selected
- Increase in the detection of illegal crossing attempts at the external land and maritime borders sections identified as showing weaknesses in the Frontex 2008 risk analysis;

### 5.4. Budgetary implications

#### 5.4.1. Amount of the grant

For both categories of actions listed in section 5.2 the amount of grant per project will not exceed 80% of the total eligible costs as defined in article 19 of the Decision.

The duration and the minimum funding per project are fixed as follows:

<b>Category of Specific actions as defined in section 4.1</b>	<b>Indicative total amount</b>	<b>Indicative Minimum EU funding per project</b>	<b>Duration</b>	<b>Estimated number of actions</b>
Category 1 (Implementation of actions to reduce the weaknesses at the external land borders)	€ 5.000.000	Minimum: € 750.000	Maximum 6 months	3 – 4
Category 2 (Implementation of actions to reduce the weaknesses at the external maritime borders)	€ 5.000.000	Minimum: € 750.000	Maximum 6 months	3-4

The above figures on the minimum funding relate to the amount of grant requested from the Community (EU funding) and not to the total cost of the project.

The Commission will determine the amounts of financial assistance to be awarded, based on the available budget.

Should a project be selected for support, a grant agreement will be signed between the selected beneficiary and the European Commission.

#### *5.4.2 Payment conditions*

The grant shall normally be paid under the following conditions:

- Pre-financing, representing 75% of the amount of the grant awarded upon signature of the grant agreement by the last of the parties;
- The balance upon receipt and approval by the Commission of the final technical and financial implementation reports, together with a request for payment.

### **5.5. Procedure for project selection and implementation**

As the actions to be subsidized under Article 19 of the Decision show specific characteristics that require a particular type of body on account of its technical competence, its high degree of specialisation or its administrative power, the annual work programme for specific actions will be implemented through grants without a call for proposals on the basis of article 110 (1) FR and 168(1) (f) IR.

### **5.6. Selection procedure**

#### *5.6.1. Access to the programme*

This selection procedure is addressed **only** to public national authorities with responsibilities in the field of visa policy, external borders control and immigration controls which are registered in the following Member States:

- **Greece, Italy, Malta.**

Access to the programmes as partners to projects on the basis of refundable costs covers:

- The 22 Member States which are participating in the Fund in 2008 (Belgium, Cyprus, Czech Republic, Estonia, Germany, Greece, Spain, France, Hungary, Italy, Luxembourg, Netherlands, Latvia, Lithuania, Malta, Austria, Portugal, Poland, Slovakia, Slovenia, Finland, Sweden); and
- Denmark, as Denmark has notified by letter of 19 June 2007 that it has decided to implement Decision 574/2007/EC in its national law;

Access to the programmes as partners to projects on a no cost basis covers:

- the countries associated with the implementation, application and development of the Schengen acquis as they are not participating in the Fund in 2008;
- Romania and Bulgaria as they are not participating in the Fund in 2007-2009;
- Ireland and the United Kingdom as they are not participating in the Fund.

This means that the cost for their participation may not be covered by the Community contribution and must be financed entirely by non-Community resources.

International Organisations, Community agencies, private bodies and Non-Governmental Organisations registered in the 23 Member States mentioned above may also participate in the projects as partners, provided that they all work on a strictly non-profit basis and have proven experience and expertises in the fields covered cannot be partner in the project.

Attention has to be paid to ensure optimal synergy with programmes carried out at Community and national level by the FRONTEX Agency, the Member States and international organisations. This will require effective information sharing about the activities so that the necessary contacts and connections can be made.

#### *5.6.2. Eligibility criteria*

- Projects must fall within the two categories as defined in section 5.2;
- The duration of the projects shall be limited to a period of six months.

#### *5.6.3. Selection criteria*



- As actions will always only be implemented by national authorities of Member States, applicants will not have to demonstrate their capacity to finance the proposed activities properly;
- As actions will always only be implemented by national authorities of Member States, applicants will not have to demonstrate their operational capacity to complete the action to be supported.

#### 5.6.4. Award criteria

Among the projects which have passed eligibility and selection criteria, the Commission will select the proposals achieving the highest score following evaluation according to the award criteria set out below, taking into account the funds available:

- *Relevance*: the extent to which the project targets the specific weaknesses and can be implemented successfully in 6 months maximum during the high-risks periods;
- *Quality of the proposed action*: the thoroughness, appropriateness and feasibility of the approach, methodology and timeframe and organisation;
- *Value for money*: the adequacy of the forecast budget, sources of financing other than the European Commission, appropriateness of the amount requested as to the expected results;
- *The expected results and impact* of the project in addressing the weaknesses identified in section 5.2.

#### 5.6.5. Timetable

Even if the annual work programme for specific actions will be implemented without an open call for proposals on the basis of article 110 (1) FR and 168 (1)f IR, a specific selection procedure will be launched for the three Member States concerned: **Greece, Italy, Malta.**

Publication of the notice of awarding procedure:	January 2009
Deadline for submission of proposals:	March 2009
Processing and evaluation of projects:	March - April 2009
Selection of projects:	May 2009
Award Decision:	May 2009
Individual commitments and signature grant agreements:	June 2009