



Brussels, 16.9.2021
C(2021) 6658 final

COMMISSION IMPLEMENTING DECISION

of 16.9.2021

amending the Implementing Decision C(2020) 4710 final on the financing of Union Actions in the framework of the Internal Security Fund - Borders and Visa and the adoption of the work programme for 2020

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

Having regard to Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 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 management², and in particular Article 6 and Article 8 thereof,

Having regard to Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC³, and in particular Article 5(4) and Article 13 thereof,

Whereas:

- (1) The work programme for 2020 for Union actions in the framework of the Internal Security Fund – Borders and Visa, was adopted by Commission Implementing Decision C(2020) 4710 of 16 July 2020. The maximum Union contribution for the implementation of the work programme for 2020 was set at EUR 11 505 000.
- (2) A substantial modification of the work programme annexed to Implementing Decision C(2020) 4710 is necessary in order to cancel the action ‘Proof of concept for the digitalisation of visa processing’ amounting to EUR 1 900 000. This amount should be allocated to the Migration Partnership Facility. In addition, EUR 300 000 identified as available among the programmed procurement activities should similarly be allocated to the Migration Partnership Facility.
- (3) In the interests of clarity, the Annex to Implementing Decision C(2020) 4710 final should be replaced. Implementing Decision C(2020) 4710 final should therefore be amended accordingly.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 150, 20.5.2014, p. 112. (According to Article 19 of Regulation (EU) No 515/2014, that Regulation shall also apply to the instrument for financial support for external borders and visa).

³ OJ L 150, 20.5.2014, p. 143.

- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192⁴. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (5) This Decision constitutes a development of the provisions of the Schengen *acquis*. Denmark notified the implementation of Regulation (EU) No 515/2014 in its national law in accordance with Article 4 of the Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community. Denmark is therefore bound under international law to implement this Decision.
- (6) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*⁵, which fall within the areas referred to in Article 1, Point B of Council Decision 1999/437/EC⁶.
- (7) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁷, which fall within the area referred to in Article 1, Point B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁸.
- (8) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁹, which fall within the area referred to in Article 1, Point B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU¹⁰.

⁴ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁵ OJ L 176, 10.7.1999, p. 36.

⁶ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁷ OJ L 53, 27.2.2008, p. 52.

⁸ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁹ OJ L 160, 18.6.2011, p. 21.

¹⁰ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

- (9) Union law in respect of the implementation of the Union programmes and activities committed under the MFF 2014-2020, including the rules on financial corrections and on clearance of accounts, continues to apply to the United Kingdom after 31 December 2020 until the closure of those Union programmes and activities. However, the United Kingdom was never bound by Regulation (EU) No 515/2014 or subject to its application and in consequence it is not bound by this Decision or subject to its application.
- (10) This Decision constitutes an act building upon, or otherwise relating to, the Schengen acquis within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, Article 4(1) of the 2005 Act of Accession and Article 4(1) of the 2011 Act of Accession.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Asylum, Migration and Integration and Internal Security Funds Committee established by Article 59(1) of Regulation (EU) No 514/2014,

HAS DECIDED AS FOLLOWS:

Sole article

The Annex to Implementing Decision C(2020) 4710 final is replaced by the text in the Annex to this Decision.

Done at Brussels, 16.9.2021

For the Commission
Ylva JOHANSSON
Member of the Commission



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ANNEX

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to the

COMMISSION IMPLEMENTING DECISION

amending the Implementing Decision C(2020) 4710 final on the financing of Union Actions in the framework of the Internal Security Fund - Borders and Visa and the adoption of the work programme for 2020

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ANNEX

Work programme for 2020 for Union Actions in the framework of the Internal Security Fund - Borders and Visa

1. INTRODUCTION

On the basis of the objectives given in Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143) (ISF Border and Visa Regulation)¹, this work programme contains the actions to be financed and the budget breakdown for year 2020 as follows:

- a) for grants (implemented under direct management) (point 2),
- b) for procurement (implemented under direct management) (point 3),
- c) for actions implemented under indirect management (point 4)
- d) for other actions or expenditure (point 5).

1.1. Legal basis

This work programme is based on the objectives given in Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143) (ISF Borders and Visa Regulation).

All Member States, with the exception of 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 Ireland can only participate on a no-cost basis. Third countries may take also part as co-beneficiaries in the actions that are supported under this financial instrument, when explicitly mentioned in the calls for proposals.

Union law in respect of the implementation of the Union programmes and activities committed under the MFF 2014-2020, including the rules on financial corrections and on clearance of accounts, continues to apply to the United Kingdom after 31 December 2020 until the closure of those Union programmes and activities. However, the United Kingdom was never bound by Regulation (EU) No 515/2014, or subject to its application and in consequence it is not bound by this Decision or subject to its application.

All activities implemented under this work programme shall respect and shall be implemented in line with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.

Consistency, complementarity and synergies with other Union instruments shall be ensured. As foreseen in Article 3(4) and Article 3(5) of Regulation (EU) No 514/2014², actions in and in relation

¹ OJ L 150, 20.5.2014, p. 143.

² Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial

with third countries under this work programme will be carried out in synergy and in coherence with other actions outside the Union supported through Union funds, in particular external assistance instruments. Post 2020 Interreg³ programmes can support actions in the fields of integrated border management and mobility and migration-related challenges. The identification and implementation of such actions is fully coordinated with European External Action Service and relevant Commission external relations services. Activities falling within the scope of humanitarian aid and civil protection shall not be funded under this programme.

1.2. Budget line

Budget line 18 02 01 01 – Support of border management and a common visa policy to legitimate travel

Implementation arrangements	Total (EUR)
Grants	3 500 000
Procurement	4 805 000
Indirect management	2 700 000
Other actions or expenditures	500 000
TOTAL	11 505 000

1.3. Objectives pursued

The objective of this work programme is to contribute to ensuring a high level of security in the Union while facilitating legitimate travel, through a uniform and high level of control of the external borders and the effective processing of Schengen visas, in compliance with the Union's commitment to fundamental freedoms and human rights.

1.4. Expected results

The work programme for Union actions in the framework of ISF-Borders and Visa will support the efforts listed above and further increase support for better managing the borders and strengthen the

support for police cooperation, preventing and combating crime, and crisis management (OJ L 150, 20.5.2014, p. 112).

³ Interreg programmes under the European territorial cooperation goal of Cohesion policy are supported by the European Regional Development Fund (ERDF) Programmes on EU external borders – Interreg NEXT and Interreg IPA – are supported by ERDF and external financing instruments, NDICI and-or IPA.

common visa policy. It will result in:

- continuous support to the Schengen evaluation mechanism;
- support the development of policies in the areas of border management, common visa policy and new IT tools, via studies, support to discussions and communication;
- support to the network of immigration liaison officers.

2. GRANTS

The global budgetary envelope reserved for grants under this work programme is EUR 3 500 000.

2.1. Direct awards supporting the work programme of the European Network of Immigration Liaison Officers, according to the Regulation (EU) 2019/1240

Type of applicants targeted by the direct awards

The direct awards will be awarded to legal persons formally designated by the Steering Board of the Immigration Liaison Officers.

They will be public bodies or agencies of the Member States participating in ISF-Borders and Visa instrument. In duly justified cases, where their participation is necessary to achieve the objectives of the programme and if explicitly mentioned in the invitation letter to the direct award, legal persons established in third countries may participate, but only as co-applicants.

The international organisations may only participate as co-applicants.

Description of the activities to be funded by the direct awards

Regulation EU 2019/1240 on the creation of a European Network of Immigration Liaison Officers establishes a Steering Board as a coordination mechanism for the network. Article 8 of this Regulation, defines the tasks of the Steering Board and gives the mandate to establish priorities and plan activities to achieve the objectives of the Regulation, indicating the resources needed to support that work. Article 8(4) of this Regulation gives the possibility to award grants to the countries concerned to carry out these activities in accordance with Regulation (EU) No 515/2014.

Discussions in the Steering Board will bring the biennial work programme to definition, including the actions to be carried out, the Member States implementing them and where relevant the third countries targeted by the actions. On the base of these discussions, the Commission, acting as Chair of the Steering Board, will propose the draft biennial work programme, which will be adopted by the Steering Board by absolute majority. Some of the actions agreed in the biennial work programme will benefit from financial support of the work programme for Union actions in the

framework of ISF-borders. The actions that will benefit from the Union's financial support will have a transnational character.

The activities should be mainly aimed at capacity building for the immigration liaison officers and ad hoc actions by networks of immigration liaison officers in third countries, in line with Article 8(2) and (3) Regulation EU 2019/1240.

The number of grants directly awarded is estimated at seven.

Implementation

The action will be implemented directly by the Directorate-General for Migration and Home Affairs.

3. PROCUREMENT

The global budgetary envelope reserved for procurement under this work programme is EUR 4 805 000.

IT development and procurement choices will be subject to pre-approval by the European Commission Information Technology and Cybersecurity Board.

3.1. Actions implemented by procurement contracts

General description of the contracts envisaged:

Support to the European Network of Immigration Liaison Officers (ILO)

Organisation of Meetings of the ILO Steering Board according to Regulation (EU) 2019/1240 and of meetings of the ILOs local and regional networks in third countries in 2020 and 2021.

Support to activities in the field of border management and common visa policy

Studies, evaluations, meetings, technical workshops, seminars, surveys, events, web maintenance, web editor content support, graphic designer support; studies, information and communication activities, printed publications; press seminars; audio-visual products in the field of border management and common visa policy.

Support to the IT systems in the border management

Studies, evaluations, meetings, technical workshops, seminars, surveys, events, web maintenance, web editor content support, graphic designer support; studies, information and communication activities, printed publications; press seminars; audio-visual products; in the field of IT systems and border and visa management.

Corporate communication on the priorities of the Union

As set out in the Communication on Corporate communication action in 2019-2020 under the Multiannual Financial Framework 2014-2020, DG HOME will contribute to the corporate communication actions of the European Commission and will align its communication activities with the priorities of the EC's corporate communication.

This action will cover the production of content, including photos, audio-visual, graphic and written material; provision of other corporate technical services which benefit the institution as a whole such as online services, including the institutional web presence and social media activity; dissemination of information through integrated communication actions including on multi-media platforms; acquisition of media space, including TV and radio air time, outdoor and indoor advertising, web adverts and other online promotion techniques and print media space; organisation of and participation in events, including exhibitions, forums, dialogues and other activities aimed at citizens; studies and evaluations, where relevant.

Implementing the Schengen Evaluation Mechanism

These actions will support the preparatory, monitoring, administrative and technical activities, required to implement external borders and visa policies, including strengthening the governance of the Schengen area by implementing the evaluation mechanism as established by Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis, in particular mission expenditure for experts of the Commission and the Member States participating in on site visits, in line with article 13 (2) (a) of Regulation (EU) No 515/2014.

This includes trainings linked to the implementation of the Schengen Evaluation Mechanism (Schengen Evaluators' training – for experts from the Commission and the Member States who go to evaluations on the spot) as well as communication and IT equipment necessary for implementing the Schengen Evaluation Mechanism.

The allocation will in particular cover mission expenditure for experts of the Commission and the Member States participating in on the site visits in line with Article 13(2)(a) of Regulation (EU) No 515/2014.

Implementation

These actions will be implemented directly by the Directorate-General for Migration and Home Affairs or via subdelegation or co-delegation to the Directorate-General for Justice and Consumers, to the Director-General for Communication and to the Director-General for Informatics and Office for Administration and Payment of Individual Entitlements (PMO).

The Schengen evaluation mechanism is implemented directly through the Directorate-General for Migration and Home Affairs' specific contract under the framework contract and via a co-delegation to the Directorate-General for Financial Stability, Financial Services and Capital Markets Union.

4. INDIRECT MANAGEMENT

The global budgetary envelope reserved for actions under indirect management under this work programme is EUR 2 700 000.

4.1. Migration Partnership Facility

Implementing entity

The International Centre for Migration Policy Development (ICMPD) is a specialised international organisation with a sound experience in implementing regional migration dialogues with third countries and in managing funding and programmes linked to migration management. The ICMPD successfully passed the Commission's ex-ante "pillar assessment" on its level of capacity of financial management and protection of financial interests and has been selected as the entity entrusted to implement this action in indirect management based on its competence.

Furthermore, the ICMPD established a strong network with EU Member States and partner countries relevant for migration engagement and has project-based offices in some partner countries.

Description

The main objective of Migration Partnership Facility is to offer a tailor-made policy dialogue and operational cooperation with third countries. Migration dialogues can take different shapes, such as Migration Partnerships, Common Agendas on Migration and Mobility or Terms of Reference. The Migration Partnership Facility is complementary to other instruments of the Commission and was already supported under the annual work programmes for 2014, 2017 and 2019 of AMIF and Internal Security Fund (ISF). Based on the lessons learned since 2014 and based on the evolution of the political migration context and nature of the actions supported which cover migration at large and not only or specifically mobility, the Mobility Partnership Facility has been renamed to the Migration Partnership Facility.

Actions eligible for funding by the Facility shall be in line with the objectives of the AMIF and ISF, and each Fund will support actions falling within its remit. Priority shall be given to support:

- border management;
- partner countries' policy and legal frameworks for migration and mobility, including migration management, monitoring asylum and protection;
- circular and temporary migration schemes and pilot projects on legal pathways to migration;
- information to potential migrants on opportunities for legal migration and on requirements for legal stay, as well as on the risks of irregular migration;
- information on and protection of migrants, including pre-departure training;
- capacity building;
- migration dialogues;
- countering people smuggling;
- countering trafficking in human beings;
- exchange of personnel;

- provision of specific equipment to build capacities;
- organisation of meetings and exchange of expertise.

Projects supported through the Migration Partnership Facility will be implemented preferably via call(s) for proposals, open to public authorities or agencies of EU Member States as lead applicants. Public authorities of priority partner countries, international organisations or non-governmental organisations working on a non-profit basis established in the EU or in the priority partner countries will be able to apply as co-applicants (future co-beneficiaries). When no EU Member State is in a position to apply under the call for proposals or no proposal presented could be selected for funding, the Steering Committee may task ICMPD to implement the activities concerned.

Governance and control structure

A Steering Committee for the Migration Partnership Facility, led by the Commission and comprising representatives of the European External Action Service (EEAS), will ensure effective governance and control of the action by providing overall strategic guidance, and adopt, and whenever necessary revise, the annual work plan of the facility. ICMPD will ensure the secretariat of the Steering Committee and provide technical support/assistance when necessary. Management tasks of ICMPD include the management of the award procedures, accounting and administration of the Facility, as well as monitoring and reporting. The Steering Committee of the Facility will meet regularly and at least twice a year.

5. OTHER ACTIONS OR EXPENDITURE

The global budgetary envelope reserved for other actions or expenditure under this work programme is EUR 500 000.

5.1. Joint Research Centre's support for testing the compliance of Member States with EU document security requirements

Indicative Amount

EUR 500 000

Through an administrative arrangement, the Joint Research Centre is expected to provide support in assessing whether Member States implement technical specifications in eMRTD correctly.

Description

Such compliance will be assessed by running the conformity tests specified by the relevant standards established by ICAO and by the EU legislation. The technical support provided in the context of this AA will consist of:

- Set up and maintenance of the laboratory equipment required for the compliance testing
- Execution of the tests at all communication layers grouped as specified in the tests specifications
- Drafting of the test reports
- Assessing the quality of the biometrics information stored in the samples
- Providing a final test report collecting all tests executed on each eMRTD sample provided
- Providing technical and scientific support to the Committee established by Article 6 of Council Regulation (EC) N°1683/95, including its technical subgroup.