Council of the European Union

Brussels, 15 October 2020
(OR. en)

11945/20

Interinstitutional File: 2018/0250(COD)

JAI 829
FRONT 296
ENFOPOL 250
CT 83
CADREFIN 331
CODEC 1004

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	12 October 2020
To:	Delegations
No. prev. doc.:	10972/2/20 REV 2
No. Cion doc.:	10154/18 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa - general approach

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Delegations will find in Annex the text of the general approach of the above-mentioned Regulation, as agreed by the Council on 12 October 2020.

ANNEX

2018/0250 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing the Internal Security Fund

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 82(1), 84 and 87(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

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Whereas:

(1) Ensuring internal security, which is a competence of the Member States, is a shared endeavour to which the EU institutions, relevant Union agencies and Member States should jointly contribute. In the period 2015 to 2020, the Commission, the Council of the European Union and the European Parliament have defined common priorities as set out in the European Agenda on Security of April 2015[3], which were reaffirmed by the Council in the renewed Internal Security Strategy of June 2015[4] and by the European Parliament in its Resolution of July 2015[5]. That shared strategy aimed at providing the strategic framework for the work at Union level in the area of internal security, and defined the main priorities for action to ensure an effective Union response to security threats for the period 2015-2020, namely tackling terrorism and preventing radicalisation, disrupting organised crime***,*** ~~and~~ fighting ***and preventing*** cybercrime.

(2) In the Rome Declaration signed on 25 ~~September~~ ***March*** 2017, leaders of 27 Member States affirmed their determination to a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime.

(3) The European Council of 15 December 2016 called for continued delivery on the interoperability of EU information systems and databases. The European Council of 23 June 2017 underlined the need to improve the interoperability between databases and on 12 December 2017, the Commission adopted a proposal for a Regulation on establishing a framework for interoperability between EU information systems (Police and judicial cooperation, asylum and migration)[6].

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3 COM(2015) 185 final of 28 April 2015.

4 Council Conclusions of 16 June 2015 on the renewed European Union Internal Security Strategy 2015-2020.

5 European Parliament resolution of 9 July 2015 on the European Agenda on Security (2015/2697(RSP)).

6 COM(2017) 794 final.

(4) The Union's objective of ensuring a high level of security within an area of freedom, security and justice pursuant to Article 67(3) of the Treaty on the Functioning of the European Union (TFEU) should be achieved, among others, through measures to prevent and combat crime as well as through measures for coordination and cooperation between law enforcement authorities and other national authorities of Member States, including with relevant Union agencies and other relevant Union bodies, and with relevant third countries and international organisations.

(5) To achieve this objective, actions should be taken at Union level to protect people***,*** ~~*and*~~ goods***,*** ***public spaces and critical infrastructure*** from increasingly transnational threats and to support the work carried out by Member States' competent authorities. Terrorism, serious and organised crime, itinerant crime, drug trafficking, corruption, cybercrime, trafficking in human beings and arms, among others, continue to challenge the internal security of the Union.

(6) Funding from the Union budget should concentrate on activities where Union intervention can bring added value compared to action by Member States alone. In-line with Articles 84 and 87(2) of the TFEU, funding should support measures to promote and support the action of Member States in the field of crime prevention and police cooperation involving all the Member States' competent authorities concerning especially information exchange, increased operational cooperation and supporting efforts to strengthen capabilities to combat and to prevent crime. ***The Fund should also support training of relevant staff and experts, in line with the European Law Enforcement Training Scheme (LETS) general principles.*** The Fund should not support operating costs and activities related to the essential functions of the Member States concerning the maintenance of law and order and the safeguarding of internal and national security as referred to in Article 72 of the TFEU.

(7) To preserve the Schengen *acquis* and to strengthen its functioning, Member States have, since 6 April 2017, been obliged to carry out systematic checks against relevant databases on EU citizens who are crossing the EU's external borders. Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross-border cooperation. Solidarity among Member States, clarity about the division of tasks, respect for fundamental rights and freedoms and the rule of law, a strong attention to the global perspective and the necessary coherence with the external dimension of security should be key principles guiding the Union and Member States' action towards the development of an effective and genuine security union.

(8) To contribute to the development and implementation of an effective and genuine security union aiming at ensuring a high level of internal security throughout the European Union, Member States should be provided with adequate Union financial support by setting up and managing an Internal Security Fund ('the Fund').

(9) The Fund should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights.

(10) Pursuant to Article 3 of the Treaty on European Union (TEU), the Fund should support activities which ensure the protection of children against violence, abuse, exploitation and neglect. The Fund should also support safeguards and assistance for child witnesses and victims, in particular those who are unaccompanied or otherwise in need of guardianship.

(11) In line with the shared priorities identified at Union level to ensure a high level of security in the Union, the Fund will support actions aimed at addressing the main security threats and in particular ***preventing and*** tackling terrorism and radicalisation, serious and organised crime and cybercrime***, managing effectively security-related risks and crises*** and ***by*** assisting and protecting victims of crime. The Fund will ensure that the Union and its Member States are well equipped also to address evolving and emerging threats***, including hybrid threats,*** with a view to implementing a genuine security union. This should be pursued through financial assistance to support better information exchange, increase operational cooperation and improve national and collective capabilities.

(12) Within the comprehensive framework of the Fund, the financial assistance provided through the Fund should in particular support police and judicial cooperation and prevention in the fields of serious and organised crime, illicit arms trafficking, corruption, money laundering, drug trafficking, environmental crime, exchange of ~~and access to~~ information, terrorism, trafficking in human beings, exploitation of illegal immigration, child sexual exploitation, distribution of child abuse images and child pornography, and cybercrime. The Fund should also support the protection of people, public spaces and critical infrastructure against security-related incidents and the effective management of security-related risks and crises, including through the development of common policies (strategies, policy cycles, programmes and action plans), legislation and practical cooperation.

(13) The Fund should build on the results and investments of its predecessors: the Prevention and fight against crime (ISEC) programme and the Prevention, preparedness and consequence management of terrorism and other security-related risks (CIPS) programme for the period 2007-2013 and the instrument for police cooperation, preventing and combating crime, and crisis management as part of the Internal Security Fund for the period 2014-2020, established by Regulation (EU) No 513/2014 of the European Parliament and of the Council[7], and should be extended it to take into account new developments.

[7] Regulation (EU) No 513/2014 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 police cooperation, preventing and combating crime, and crisis management and repealing Council Decision 2007/125/JHA (OJ L 150, 20.5.2014, p. 93).

(14) There is a need to maximise the impact of Union funding by mobilising, pooling and leveraging public and private financial resources. The Fund should promote and encourage the active and meaningful participation and involvement of civil society, including non-governmental organisations, as well as the industrial sector in the development and implementation of security policy, including where relevant with involvement of other relevant actors, Union agencies and other Union bodies, third countries and international organisations in relation to the objective of the Fund.

(15) Within the comprehensive framework of the Union's anti-drugs strategy, which advocates a balanced approach based on a simultaneous reduction in supply and demand, the financial assistance provided under this Fund should support all actions aimed at preventing and combating trafficking in drugs (supply and demand reduction), and in particular measures targeting the production, manufacture, extraction, sale, transport, importation and exportation of illegal drugs, including possession and purchase with a view to engaging in drug trafficking activities. The Fund should in particular cover the prevention aspects of the drugs policy. To bring further synergies and clarity in the drugs-related area, these elements of drugs-related objectives — which in 2014-2020 were covered by the Justice programme — should be incorporated into the Fund.

(16) With a view to ensuring that the Fund makes an effective contribution to a higher level of internal security throughout the European Union, to the development of a genuine security union, it should be used in a way that adds most value to the action of the Member States.

(17) In the interests of solidarity within the Union, and in the spirit of shared responsibility for the security therein, where weaknesses or risks are identified, in particular following a Schengen evaluation, the Member State concerned should adequately address the matter by using resources under its programme to implement recommendations adopted pursuant to Council Regulation (EU) No 1053/2013[8].

[8] Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

(18) To contribute to the achievement of the objectives of the Fund, Member States should ensure that the priorities of their programmes address the specific objectives of the Fund, that the priorities chosen are in-line with the implementing measures as set out in Annex II and that the allocation of resources between objectives ensures that the overall policy objective can be met.

(19) Synergies, consistency and efficiency should be sought with other EU funds and overlap between the actions should be avoided.

(20) The Fund should be coherent with and complementary to other Union financial programmes in the field of security. Synergies will be sought ensured in particular with the Asylum***,*** ~~and~~ Migration ***and Integration*** Fund, the Integrated Border Management Fund consisting of the border management and visa instrument established by Regulation (EU) X and the customs control equipment instrument established by Regulation (EU) X as well as the other Cohesion Policy Funds covered by Regulation (EU) X [CPR], the security research part of the Horizon Europe programme established by Regulation (EU) X, the Rights and Values programme established by Regulation X, the Justice programme established by Regulation EU X, the Digital Europe programme established by Regulation EU X and the InvestEU programme established by Regulation EU X. Synergies should be sought in particular on security of infrastructure and public spaces, cybersecurity and the prevention of radicalisation. Effective coordination mechanisms are essential to maximise the effective achievement of policy objectives, exploit economies of scale and avoid overlaps between actions.

(20a) In an effort to strengthen complementarities between the Internal Security Fund and the Border Management and Visa Instrument, the Fund should be able to finance multipurpose equipment and ICT systems of which the primary purpose is in accordance with this Regulation but which also contribute to the achievement of the objectives of the Border Management and Visa Instrument established by Regulation (EU) No …/ … [BMVI].

(21) Measures in and in relation to third countries supported through the Fund should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question. In relation to the external dimension, the Fund should enhance cooperation with third countries in areas of interest to the Union's internal security, such as countering terrorism and radicalisation, cooperation with third country law enforcement authorities in the fight against terrorism (including detachments and joint investigation teams), serious and organised crime and corruption, trafficking in human beings and migrant smuggling. ***In that context, a significant part of the funding from the thematic facility should be used to support actions in or in relation to third countries. In its conclusions of 28 June 2018, the European Council underlined the need for flexible instruments, allowing for fast disbursement, to combat illegal migration.***

(22) Funding from the Union budget should concentrate on activities where Union intervention can bring added value as compared to actions by Member States alone. Security has an inherently cross-border dimension and therefore a strong, coordinated Union response is required. Financial support provided under this Regulation will contribute in particular to strengthening national and Union capabilities in the security area.

(23) A Member State may be deemed not to be compliant with the relevant Union *acquis* as regards the use of operating support under this Fund if it has failed to fulfil its obligations under the Treaties in the area, of security if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the *acquis* on security or if an evaluation report under the Schengen evaluation and monitoring mechanism identified deficiencies in the relevant area.

(24) The Fund should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the objectives laid down in this Regulation.

(25) This Regulation should establish the initial amounts to Member States calculated on the basis of criteria laid down in Annex I.

(26) These initial amounts should form the basis for Member States' long-term investments in security. To take account of changes in security threats or in the baseline situation, an additional amount should be allocated to the Member States at mid-term based on the latest available statistical data, as set out in the distribution key~~, taking into account the state of programme implementation~~.

(27) As challenges in the area of security are constantly evolving, there is a need to adapt the allocation of funding to changes in security threats and steer funding towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of Union added value, part of the funding will be periodically allocated to specific actions, Union actions and emergency assistance via a thematic facility.

(28) Member States should be encouraged to use part of their programme allocation to fund actions listed in Annex IV benefiting from a higher Union contribution.

(29) Part of the available resources under the Fund could also be distributed for the implementation of specific actions which require cooperative effort amongst Member States or where new developments in the Union require additional funding to be made available to one or more Member States. These specific actions should be defined by the Commission in its work programmes.

(30) The Fund should contribute to supporting operating costs related to internal security and enable Member States to maintain capabilities which are crucial to the Union as a whole. Such support consists of full reimbursement of a selection of specific costs related to the objectives under the Fund and should form an integral part of the Member States' programmes.

(31) To complement the implementation of its policy objective at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union.

(32) In order to strengthen the Union's capacity to react immediately to security-related incidents or newly emerging threats to the Union, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation. Emergency assistance should ~~therefore~~ not be provided to support mere contingency and long-term measures ~~or to address situations where the urgency to act results from inadequate administrative organisation and insufficient operational planning on the part of the competent authorities~~ ***and when the competent authorities fail to plan and react properly***.

(33) In order to ensure the necessary flexibility of action and respond to emerging needs, it should be made possible for decentralised agencies to be provided with the appropriate additional financial means to carry out certain emergency tasks. In instances where the task to be undertaken is of such urgent nature that an amendment of their budgets could not be finalised in time, decentralised agencies should be eligible as beneficiaries of emergency assistance, including in the form of grants, consistent with priorities and initiatives identified at Union level by the EU institutions.

(34) The policy objective of this Fund will be also addressed through financial instruments and budgetary guarantee under the policy windows of the InvestEU. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the Internal market. Actions should have a clear European added value.

(34a) Blending operations have a voluntary nature and are operations supported by the Union budget combining repayable and/or non-repayable forms of support from the Union budget with repayable forms of support from promotional/ development or other public finance institutions, as well as from commercial finance institutions and investors.

(35) This Regulation lays down a financial envelope for the Internal Security Fund (ISF) which is to constitute the prime reference amount, within the meaning of paragraph ***[**X**]*** of the Interinstitutional Agreement of ***[**X**]*** between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management[9], for the European Parliament and the Council during the annual budgetary procedure.

(36) ***Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council*** ~~Regulation (EU, Euratom) No [the new FR]~~[10] ~~(the 'Financial Regulation')~~ applies to this Fund. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation, financial assistance, financial instruments and budgetary guarantees. In order to ensure coherence in the implementation of Union funding programmes, the Financial Regulation is to apply to the actions to be implemented in direct or indirect management under ISF.

(37) For the purpose of implementation of actions under shared management, the Fund should form part of a coherent framework consisting of this Regulation, ~~the Financial Regulation~~ ***Regulation (EU, Euratom) 2018/1046*** and the Common Provisions Regulation (EU) No X[11].

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[9] ~~OJ C 373, 20.12.2013, p. 1. http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.373.01.0001.01.ENG&toc=OJ:C:2013:373:TOC~~

[10] ~~Full reference~~ ***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 966/2012 OJ L 193, 30.7.2018***

[11] Full reference

(38) Regulation (EU) No X [CPR] establishes the framework for action by the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+), the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum***,*** ~~and~~ Migration ***and Integration*** Fund (AMIF), Internal Security Fund (ISF) and the instrument for border management and visa (BMVI), as a part of the Integrated Border Management Fund (IBMF), and it lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for EU funds implemented under shared management. Additionally it is necessary to specify the objectives of the Internal Security Fund in this Regulation, and to lay down specific provisions concerning the activities that may be financed with the support of this Fund.

(38a) A pre-financing scheme for the Fund/instrument is set out in Regulation EU…/….[CPR] with a specific pre-financing rate set out in this Regulation. In addition, in order to ensure a prompt reaction to an emergency situation, it is appropriate to set up a specific pre-financing rate for emergency assistance. The pre-financing scheme should ensure that a Member State has the means to provide support to beneficiaries from the start of the implementation of the programme.

(39) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the objectives of the actions and to deliver results, taking into account, in particular, the costs of control, the administrative burden, and then expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~.

(40) In accordance with ***Regulations (EU, Euratom) 2018/1046***[12] ***(the "Financial Regulation) and*** ~~Regulatio~~n (EU, Euratom) No 883/2013 of the European Parliament and of the Council[13], Council Regulation (Euratom, EC) No 2988/95[14] ***and*** Council Regulation (Euratom, EC) No 2185/96[15] and ~~Council Regulation~~ (EU) 2017/1939[16], the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities ***including*** ~~and~~ fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation***s (Euratom, EC) No 2185/96 and*** (EU, Euratom) No 883/2013 ~~and Regulation (Euratom, EC) No 2185/96~~, the European Anti-Fraud Office (OLAF) may carry out administrate investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other criminal offences affecting the financial interests of the Union. In accordance with Council Regulation (EU) 2017/1939, the European Public Prosecutor's Office ***("the EPPO")*** may investigate and prosecute ***offences against*** ~~fraud and other illegal activities affecting the financial interests of~~ the Union***'s financial interest*** as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council[17]. In accordance with ~~Regulation (EU, Euratom) 2018/1046~~***Financial Regulation***, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests to grant the necessary

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12 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 966/2012 (OJ L 193, 30.7.2018, p. 1).

13 Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248 18.9.2013, p. 1).

14 Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p. 1).

15 Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

16 Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

17 Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

rights and access to the Commission, OLAF, the EPPO***, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939,*** and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

(41) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern ~~the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding~~ ***other conditionalities to protect the budget [and the European Union Recovery Instrument (the 'European Recovery Instrument')]***[18].

(42) Pursuant to Article 94 of Council Decision 2013/755/EU[19], persons and entities established in overseas countries and territories (OCTs) are eligible for funding subject to the rules and objectives of the Fund and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.

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18 ***This recital may have to be updated pending the outcome of negotiations on the condionality regime.***

19 Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

(43) Pursuant to Article 349 of the TFEU and in line with the Commission Communication "A stronger and renewed strategic partnership with the EU's outermost regions[20]", endorsed by the Council in its conclusion of 12 April 2018, relevant Member States should ensure that their programmes address the specific challenges the outermost regions face. The Fund supports these Member States with adequate resources to help these regions as appropriate.

(44) Pursuant to paragraph 22 and 23 of the Interinstitutional Agreement for Better Law-Making of 13 April 2016[21], there is a need to evaluate this Fund on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Fund on the ground. In order to measure the achievements of the Fund, indicators and related targets should be established in relation to each specific objective of the Fund.

(44a) For the purpose of the implementation of the programmes with a view to achieving the objectives of the Fund, it is necessary to process certain personal data of participants in operations supported by the Fund. The personal data should be processed for the common indicators, for monitoring, evaluation, control and audit and, where applicable, for determining the eligibility of participants. The processing of personal data should be done in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council.[22]

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20 COM (2017)623 final.

21 Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

22 ***Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).***

(45) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Fund will contribute to mainstream climate actions and to the achievement of an overall target of ***30*** ~~25~~% of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the Fund's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes.

(46) Through these indicators and financial reporting, the Commission and the Member States should monitor the implementation of the Fund in accordance with the relevant provisions of Regulation (EU) No X [CPR] and this Regulation.

(46a) Regulation (EU) No 514/2014 or any act applicable to the 2014–2020 programming period should continue to apply to programmes and projects supported by the Fund under the 2014–2020 programming period. Since the implementation period of Regulation (EU) No 514/2014 extends over to the programming period covered by this Regulation and in order to ensure continuity of implementation of certain projects approved by that Regulation, phasing provisions should be established. Each individual phase of the phased project should be implemented in accordance with the rules of the programming period under which it receives funding.

(47) In order to supplement and amend non-essential elements in this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the list of actions eligible for higher co-financing as listed in Annex IV, operating support and in order to further develop the monitoring and evaluation framework. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016.

(48) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers[23]. The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission~~, and the advisory procedure should be used for the adoption of implementing acts relating to the modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature~~.

(49) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(50) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the ***Treaty on European Union*** ~~TEU~~ and to the ***Treaty on the Functioning of the European Union*** ~~TFEU~~, ~~and without prejudice to Article 4 of that Protocol~~, Ireland ~~[is not taking part in the adoption of this Regulation and is not bound by it or subject to its application / ~~has notified its wish to take part in the adoption and application of this Regulation~~]~~.

(51) It is appropriate to align the period of application of this Regulation with that of Council Regulation (EU, Euratom) No X laying down the multiannual financial framework[24],

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[23] OJ L 55, 28.2.2011, p. 13.

[24] Council Regulation (EU, Euratom) No XXX.

HAVE ADOPTED THIS REGULATION:

CHAPTER I
GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation establishes the Internal Security Fund ('the Fund') ***for the period from 1 January 2021 to 31 December 2027***.

2. It lays down the objectives of the Fund, the budget for the period 2021-2027, the forms of Union funding and the rules providing for such funding.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(a) 'blending operation' means actions supported by the Union budget, including within blending facilities pursuant to Article 2(6) of ***Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council*** ~~the Financial Regulation~~, combining non-repayable forms of support and/or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors;

(b) ‘crime prevention’ means all measures that are intended to reduce or otherwise contribute to reducing crime and citizens’ feeling of insecurity, as referred to in Article 2(2) of Council Decision 2009/902/JHA[25];

(c) ‘critical infrastructure’ means an asset, network, system or part thereof which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption, breach or destruction of which would have a significant impact in a Member State or in the Union as a result of the failure to maintain those functions;

(d) ‘cybercrime’ means cyber-dependent crimes, that is to say crimes that can be committed only through the use of information and communications technology (ICT) devices and systems, where the devices and systems are either tools for committing the crime or the primary targets of the crime; and cyber-enabled crimes, that is to say traditional crimes, such as child sexual exploitation, which can be increased in scale or reach by the use of computers, computer networks or other forms of ICT;

(e) ‘~~EMPACT~~***EU policy cycle operational*** action~~s~~’ means action~~s~~ undertaken in the framework of the ***EU Policy Cycle for organised and serious international crime, an intelligence-led and multidisciplinary initiative. Its aim is to fight the most important serious and organised crime threats to the Union by encouraging cooperation between the Member States, the Union institutions, the agencies and where relevant third countries and organisations*** ~~European multidisciplinary platform against criminal threats (EMPACT)[26]. EMPACT is a structured multidisciplinary cooperation platform of the relevant Member States, Union institutions and agencies, as well as third countries, international organisations and other public and private partners to address prioritised threats of organised and serious international crime under the EU Policy Cycle~~;

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[25] Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA (OJ L 321, 8.12.2009, p. 44).

~~[26] Conclusions of the Council of Justice and Home Affairs Ministers, 8 and 9 November 2010.~~

(f) ~~'EU Policy Cycle' refers to *the EU Policy Cycle for organised and serious international crime*, an intelligence-led and multidisciplinary initiative with the aim to fight the most important serious and organised crime threats to the Union by encouraging cooperation between the Member States, the Union institutions, the agencies and where relevant third countries and organisations;~~

(g) 'exchange of ~~and access to~~ information' means the secure collection, storage, processing, analysis and exchange of information relevant to the authorities referred to in Article 87 ***of the Treaty on the Functioning of the European Union (***TFEU***)*** as well as to Europol in relation to the prevention, detection, investigation, and prosecution of criminal offences, in particular cross-border organised crime ***and terrorism***;

(h) 'judicial cooperation' means judicial cooperation in criminal matters;

~~(i) 'LETS' means the European Law Enforcement Training Scheme, aimed at equipping law enforcement officers with the knowledge and skills they need to prevent and combat cross-border crime effectively through efficient cooperation, as outlined in the Commission Communication of 27 March 2013 on establishing a European LETS[27] and further referred to in the CEPOL Regulation[28];~~

(j) 'organised crime' means punishable conduct relating to participation in a criminal organisation, as defined in Council Framework Decision 2008/841/JHA[29];

~~[27] COM(2013) 172 establishing a European Law Enforcement Training Scheme (LETS).~~

~~[28] Regulation (EU) 2015/2219 of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL).~~

[29] Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

(k) ‘preparedness’ means any measure aimed at preventing or reducing risks linked to possible terrorist attacks or other security-related incidents;

(l) ‘Schengen evaluation and monitoring mechanism’ means the verification of the correct application of the Schengen *acquis* as laid down in ***Council*** Regulation (EU) No 1053/2013[30], including in the area of police cooperation;

(m) ‘tackling corruption’ covers all areas outlined in the United Nations Convention against corruption, including prevention, criminalisation and law enforcement measures, international cooperation, asset recovery, technical assistance and information exchange;

(n) ‘terrorism’ means any of the intentional acts and offences as defined in Directive (EU) 2017/541 of the European Parliament and of the Council ~~on combating terrorism~~[31].

(o) ***‘emergency situation’ means any security-related incident or newly emerging threat which has or may have a significant adverse impact on the security of people in one or more Member States.***

(p) ‘Flash money’ is genuine cash which is shown during a criminal investigation as proof of liquidity and solvency to the suspects or other persons who have information about availability or delivery or who act as intermediaries, in order to carry out a fictitious purchase aimed at arresting suspects, identifying illegal production sites or otherwise dismantling an organised crime group.

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30 ***Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).***

31 Directive (EU) 2017/741 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

Article 3

Objectives of the Fund

1. The policy objective of the Fund shall be to contribute to ensuring a high level of security in the Union in particular by ***preventing and*** tackling terrorism and radicalisation, serious and organised crime and cybercrime***, by managing effectively security-related risks and crises,*** and by assisting and protecting victims of crime.

2. Within the policy objective set out in paragraph 1, the Fund shall contribute to the following specific objectives:

   (a) to ~~increase~~ ***enhance*** the exchange of information among and within ~~the Union~~ law enforcement and other competent authorities and ~~other relevant~~ Union bodies as well as with third countries and international organisations ***and to enhance the related capacities of the Member States****;*

   (b) to intensify cross-border joint operations among and within ~~the Union~~ law enforcement and other competent authorities in relation to ***all forms of crime, in particular to terrorism and*** serious and organised crime with a cross-border dimension; and

   (c) to support effort at strengthening the capabilities in relation to combatting and preventing crime ~~including~~ ***and*** terrorism ***including*** ~~in particular~~ through increased cooperation between public authorities~~,~~ ***and all the relevant actors*** ~~including civil society and private partners across the Member States~~.

3. Within the specific objectives set out in paragraph 2, the Fund shall be implemented through the implementation measures listed in Annex II.

4. Actions funded shall be implemented in full respect for fundamental rights and human dignity. In particular, actions shall comply with the provisions of the Charter of Fundamental Rights of the European Union, Union data protection law and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). In particular, wherever possible, special attention shall be given by Member States when implementing actions to the assistance and protection of vulnerable persons, in particular children and unaccompanied minors.

Article 4

Scope of support

1. Within the objectives referred to in Article 3 and in-line with the implementation measures listed in Annex II, the Fund shall ***support actions such as those*** ~~in particular support the actions~~ listed in Annex III.

2. To achieve the objectives of this Regulation, the Fund may support the actions in-line with Union priorities as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article ~~5~~ ***15a***.

2a. Multipurpose equipment and ICT systems financed under this Fund may be used for achieving the objectives of the Instrument for financial support for border management and visa established by Regulation (EU) No ../..[BMVI], as long as the primary purpose of those equipment and ICT systems is in accordance with this Regulation and double-financing is avoided.

3. The following actions shall not be eligible:

(a) actions limited to the maintenance of public order at national level;

~~(b) actions covering the purchase or maintenance of standard equipment, standard means of transport or standard facilities of the law-enforcement and other competent authorities referred to in Article 87 TFEU;~~

(c) actions with a military or defence purpose;

(d) equipment of which ~~at least one of~~ the ***primary*** purpose~~s~~ is customs control;

(e) coercive equipment, including weapons, ammunition, explosives and riot sticks, except for training;

(f) informant rewards and flash money~~[32]~~ outside the framework of an ***EU policy cycle operational action*** ~~EMPACT action~~.

Where an emergency situation occurs, non-eligible actions referred to in this paragraph may be considered eligible.

~~[32] 'Flash money' is genuine cash which is shown (exhibited) during a criminal investigation as proof of liquidity and solvency to the suspects or other persons who have information about availability or delivery or who act as intermediaries, in order to carry out a fictitious purchase aimed at arresting suspects, identifying illegal production sites or otherwise dismantling an organised crime group.~~

Article 5

Eligible entities

1. The following entities may be eligible:

(a) legal entities established in any of the following countries:

(i) a Member State or an overseas country or territory linked to it;

(ii) third country listed in the work programme under the conditions specified therein.

(b) any legal entity created under Union law or any international organisation.

2. Natural persons are not eligible.

3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states or in third countries, are eligible.

CHAPTER II

FINANCIAL AND IMPLEMENTATION FRAMEWORK

SECTION 1

COMMON PROVISIONS

Article 6

General principles

1. Support provided under this Regulation shall complement national, regional and local intervention, and shall focus on bringing added value to the objectives of this Regulation.

2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to other Union instruments.

3. The Fund shall be implemented under shared, direct or indirect management in accordance with Article~~s~~ 62(1)(a), (b) and (c) of ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~.

Article 7

Budget

1. The financial envelope for the implementation of the Fund for the period 2021-2027 shall be EUR ~~***2 500 000 000***~~***1 931 000 000*** in current prices.

2. The financial envelope shall be used as follows:

(a) EUR ~~***1 500 000 000***~~***1 352 000 000*** shall be allocated to the programmes implemented under shared management;

(b) EUR ~~***1 000 000 000***~~***579 000 000*** shall be allocated to the thematic facility.

3. Up to 0.84 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission for the implementation of the Fund.

4. Without prejudice to the resources allocated to Member States under shared management and transferrable in accordance with Article 21 of Regulation (EU) XX [CPR], up to 5% in total of the initial national allocation from any of the funds of the Common Provisions Regulation under shared management may, at the request of Member States, be transferred to the instrument under direct or indirect management. The Commission shall implement those resources directly in accordance with Article 62(1)(a) of the Financial Regulation or indirectly in accordance with Article 62(1)(c). Those resources shall be used for the benefit of the Member State concerned.

Article 8

General provisions on the implementation of the thematic facility

1. The financial envelope referred to in Article 7(2)(b) shall be allocated flexibly through the thematic facility using shared, direct and indirect management as set out in work programmes. Funding from the thematic facility shall be used for its components:

(a) specific actions;

(~~a~~ ***b***) Union actions; and

(~~b~~ ***c***) emergency assistance.

Technical assistance at the initiative of the Commission shall also be supported from the financial envelope for the thematic facility.

2. Funding from the thematic facility shall address priorities with a high added value to the Union or to be used to respond to urgent needs, in line with agreed Union priorities as outlined in Annex II. ***A significant part of the funding from the thematic facility shall be used for supporting actions in or in relation to third countries in order to contribute to external migration management in relation to combatting illegal migration and trafficking in human beings.***

3. When funding from the thematic facility is granted in direct or indirect management to Member States, it shall be ensured that selected projects are not affected by a reasoned opinion by the Commission in respect of an infringement under Article 258 ~~of the~~ TFEU that puts at risk the legality and regularity of expenditure or the performance of projects.

4. When funding from the thematic facility is implemented in shared management, the Commission shall, for the purposes of Article 18 and Article 19(2) of the Regulation (EU) No [CPR], assess whether the foreseen actions are not affected by a reasoned opinion by the Commission in respect of an infringement under Article 258 ~~of the~~ TFEU that puts at risk the legality and regularity of expenditure or the performance of the projects.

5. The Commission shall establish the overall amount made available for the thematic facility at under the annual appropriations of the Union budget. The Commission shall ***by means of implementing acts*** adopt financing decisions as referred to in Article ~~[~~110~~]~~ of ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~ for the thematic facility identifying the objectives and actions to be supported and specifying the amounts for each of its components as referred to paragraph 1. Financing decisions shall set out, where applicable, the overall amount reserved for blending operations. ***Those implementing acts shall be adopted in accordance with the ~~advisory~~ examination procedure referred to in Article 29(2).***

6. Following the adopting of the financing decision as referred to in paragraph ***5*** ~~3~~, the Commission may amend the programmes implemented under shared management accordingly.

7. These financing decisions may be annual or multiannual and may cover one or more components of the thematic facility.

SECTION 2

SUPPORT AND IMPLEMENTATION UNDER SHARED MANAGEMENT

Article 9

Scope

1. This section applies to the part of the financial envelope referred to in Article 7(2)(a) and the additional resources to the implemented under shared management according to the Commission decision for the thematic facility referred to in Article 8.

2. Support under this section shall be implemented under shared management in accordance with Article 63 of ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~ and ~~the~~ Regulation (EU) No [CPR].

Article 10

Budgetary resources

~~3~~***1***. Resources referred to in Article 7(2)(a) shall be allocated to the national programmes implemented by Member States under shared management ('the programmes') indicatively as follows:

(a) EUR ~~1 250 000 000~~***1 127 000 000*** to the Member States in accordance with the criteria in Annex I;

(b) EUR ~~250 000 000~~***225 000 000*** to the Member States for the adjustment of the allocations for the programmes as referred to in Article 13(1).

~~4. Where the amount referred to in paragraph 1(b) is not allocated, the remaining amount may be added to the amount referred to in Article 7(2)(b).~~

Article 10a

Pre-financing

In accordance with Article 84(3) of Regulation EU…/…[CPR], the pre-financing for the Fund shall be paid in yearly instalments before 1 July of each year, subject to the availability of funds, as follows:

(a) 2021: 5%

(b) 2022: 5%

(c) 2023: 5%

(d) 2024: 5%

(e) 2025: 5%

(f) 2026: 5%

Where a programme is adopted after 1 July 2021, the earlier instalments shall be paid in the year of adoption.

Article 11

Co-financing rates

1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of a project.

2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for projects implemented under specific actions.

3. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for actions listed in Annex IV.

4. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for operating support.

5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance.

5a. Within the limits set out in Article 30~~1~~(5~~2~~)(b)(v~~d~~) of Regulation (EU) No [CPR], technical assistance of Member States may be financed up to 100 % of the Union budget contribution.

6. The Commission decision approving a programme shall set the co-financing rate and the maximum amount of support from this Fund for the types of actions referred to in paragraphs 1 to 5.

7. For each ***type of action*** ~~specific objective~~, the Commission decision ***approving a programme*** shall set out whether the co-financing rate for the ***type of action*** ~~specific objective~~ is ~~to be~~ applied to ***either of the following***:

   (a) the total contribution, including the public and private contributions; ~~or~~

   (b) the public contribution only.

Article 12

Programmes

1. Each Member State shall ensure that the priorities addressed in its programmes are consistent with and respond to Union priorities and challenges in the area of security and are fully in line with the relevant Union *acquis* and agreed Union priorities. In defining these priorities of their programmes, Member States shall ensure that the implementing measures as set out in Annex II are adequately addressed in the programme.

2. ***At an early stage of the programming, t*~~T~~he Commission shall ***consult*~~ensure that~~ the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) ~~are associated to the development of the programmes consulted at an early stage~~, as regards the areas of their competence.

2a. ~~Specifically~~***In order to avoid overlaps***, Member States shall ~~consult~~ ***inform*** Europol***, or EMCDDA or CEPOL*** ~~on the design of their actions~~ ***when including in their programmes EU Policy Cycle operational actions or other actions related to the areas of competence of the abovementioned agencies*** ~~in particular when including EU policy cycle or EMPACT actions or actions coordinated by the Joint Cybercrime Action Taskforce (J-CAT) in their programmes. Prior to including training in their programmes, Member States shall coordinate with CEPOL in order to avoid overlaps~~.

3. The Commission may associate ~~the Union Agency for Law Enforcement Cooperation (~~Europol~~)~~, ~~the European Union Agency for Law Enforcement Training (~~CEPOL~~)~~ and ~~the European Monitoring Centre for Drugs and Drug Addiction (~~EMCDDA~~)~~ where appropriate in the monitoring and evaluation tasks as specified in Section 5 in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union *acquis* and agreed Union priorities.

4. A maximum of ~~15~~ ***50%*** of the allocation of a Member State programme may be used for the purchase of equipment, means of transport or the construction of security-relevant facilities. This ceiling may be exceeded only in duly justified cases. ***This ceiling shall not apply to ICT equipment.***

5. In their programmes, Member States shall give priority to addressing:

   (a) Union priorities and *acquis* in the area of security in particular information exchange and interoperability of I***C***T systems;

   (b) recommendations with financial implications made in the framework of Regulation (EU) No 1053/2013 ~~on the Schengen evaluation and monitoring mechanism in the area of police cooperation~~;

   (c) country-specific deficiencies with financial implications identified in the framework of needs assessments such as European Semester recommendations in the area of corruption.

6. Where necessary, the programme shall be amended to take into account the recommendations referred to in paragraph 5. Depending on the impact of the adjustment, the revised programme may be approved by the Commission.

7. Member States ***may*** ~~shall~~ pursue ~~in particular~~ the actions listed in Annex IV. In the event of unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 to amend Annex IV.

8. Whenever a Member State decides to implement ***new*** projects with or in a third country, with the support of the Fund, the Member State concerned shall ***inform*** ~~consult~~ the Commission prior to the ***approval*** ~~start~~ of the project.

9. Programming as referred to in Article 17(5) of Regulation (EU) No [CPR] shall be based on the types of intervention set out in Table ***2*** ~~1~~ of Annex VI.

Article 13

Mid-term review

1. In 2024, the Commission shall allocate to the programmes of the Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 2 of Annex I. Funding shall be effective for the period as of the calendar year 2025.

~~2. If at least 10 % of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications submitted in accordance with Article 85 of Regulation (EU) No [CPR], the Member State concerned shall not be eligible to receive the additional allocation for the programme referred to in paragraph 1.~~

3. The allocation of the funds from the thematic facility as from 2025 shall, where appropriate, take into account the progress made in achieving the milestones of the performance framework as referred to in Article 12 of Regulation (EU) No [CPR] and identified implementation shortcomings.

Article 14

Specific actions

1. Specific actions are transnational or national projects in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes.

2. Member States may, in addition to their allocation calculated in accordance with Article 10(1), receive funding for specific actions, provided that it is earmarked as such in the programme and is used to contribute to the implementation of the objectives of this Regulation, including covering newly emerging threats.

3. The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.

Article 15

Operating support

1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.

2. A Member State may use up to ~~10~~ ***30*** % of the amount allocated under the Fund to its programme to finance operating support for the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.

3. A Member State using operating support shall comply with the Union *acquis* on security.

4. Member States shall justify in the programme and in the ~~annual performance~~ report~~s~~, as referred to in Article 26, the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall assess the baseline situation in the Member States which have indicated their intention to request operating support, taking into account the information provided by those Member States as well as recommendations from quality control and evaluation mechanisms such as the Schengen evaluation mechanism and other quality control and evaluation mechanisms.

5. Operating support shall be concentrated on specific tasks and services as laid down in Annex VII.

6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 to amend the specific tasks and services in Annex VII.

SECTION 3

SUPPORT AND IMPLEMENTATION UNDER DIRECT AND INDIRECT MANAGEMENT

Article 15a

Eligible entities

1. The following entities may be eligible:

(a) legal entities established in any of the following countries:

(i) a Member State or an overseas country or territory linked to it;

(ii) third country listed in the work programme under the conditions specified therein.

(b) any legal entity created under Union law or any international organisation.

2. Natural persons are not eligible.

3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states or in third countries, are eligible.

Article 16

Scope

Support under this section shall be implemented either directly by the Commission in accordance with point (a) of Article 62(1) of ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~ or indirectly in accordance with point (c) of that Article.

Article 17

Union actions

1. Union actions are transnational project or projects of particular interest to the Union, in line with the objectives of this Regulation.

2. At the Commission's initiative, the Fund may be used to finance Union actions concerning the objectives of this Regulation as referred to in Article 3 and in accordance with Annex III.

3. Union actions may provide funding in any of the forms laid down in ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~, in particular grants, prizes and procurement. It may also provide financing in the form ~~or~~ ***of*** financial instruments within blending operations.

4. Grants implemented under direct management shall be awarded and managed in accordance with Title VIII of ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~.

5. The evaluation committee, assessing the proposals, may be composed of external experts.

6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~. The provisions laid down in [Article X of] Regulation X [successor of the Regulation on the Guarantee Fund] shall apply.

Article 18

Blending operations

Blending operation decided under this Fund shall be implemented in accordance with the InvestEU Regulation[33] and Title X of ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~.

Article 19

Technical assistance at the initiative of the Commission

The Fund may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures may be financed at the rate of 100%.

Article 20

Audits

Audits on the use of Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of ~~the Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union]~~ ***Regulation (EU, Euratom) 2018/1046***.

[33] Full reference.

Article 21

Information, communication and publicity

1. The recipient of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting the actions and their results by providing coherent, effective and proportionate targeted information to multiple audiences, including media and the public***, except where it is restricted due to its classified or confidential nature, particularly concerning security, public order, criminal investigations and the protection of personal data, according to applicable law***.

2. The Commission shall implement information and communication actions relating to the Fund and ~~its actions and~~ ***to the*** results ***obtained***. Financial resources allocated to the Fund shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives of this Regulation.

SECTION 4

SUPPORT AND IMPLEMENTATION UNDER SHARED, DIRECT AND INDIRECT MANAGEMENT

Article 22

Emergency assistance

1. The Fund shall provide financial assistance to address urgent and specific needs in the event of an emergency situation ~~resulting from a security-related incident or newly emerging threat within the scope of this Regulation which has or may have a significant adverse impact on the security of people in one or more Member States~~;

2. Emergency assistance may take the form of grants awarded directly to the decentralised agencies.

3. Emergency assistance may be allocated to Member States' programmes in addition to their allocation calculated in accordance with Article 10(1), provided that it is earmarked as such in the programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. ***Pre-financing for emergency assistance may amount to 95% of the Union contribution, subject to the availability of funds.***

4. Grants implemented under direct management shall be awarded and managed in accordance with Title VIII of ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~.

Article 23

Cumulative~~, *complementary*~~ and ~~*combined*~~ *Alternative* funding

1. An action that has received a contribution under the Fund may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

2. Actions awarded a seal of Excellence certification ***under this Fund by complying~~, or which comply~~*** with the following cumulative comparable conditions:

   (a) they have been assessed in a call for proposals under the Fund;

   (b) they comply with the minimum quality requirements of that call for proposals;

   (c) they may not be financed under that call for proposals due to budgetary constraints.

   may receive support from the European Regional Development Fund, ~~the Cohesion Fund~~, ***or*** the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article [67] of Regulation (EU) X [CPR]~~and Article [8] of Regulation (EU) X [Financing, management and monitoring of the Common Agricultural Policy], provided that such actions are consistent with the objectives of the programme concerned~~. The rules of the Fund providing support shall apply.

SECTION 5

MONITORING, REPORTING AND EVALUATION

Sub-section 1 Common provisions

Article 24

Monitoring and reporting

1. In compliance with its reporting requirements pursuant to Article ***41(3)(h)(iii)*** ~~[43(3)(h)(i)(iii)]~~ of ***Regulation (EU, Euratom) 2018/1046*** ~~the Financial Regulation~~, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 28 to amend Annex V in order to make the necessary adjustments to the information on performance to be provided to the European Parliament and the Council.

3. ~~The i~~***I***ndicators to report on progress of the Fund, towards the achievement of the specific objectives set out in Article 3, are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative.

3a. The Commission shall also report on the share of the thematic facility used for supporting actions in or in relation to third countries.

4. The performance reporting system shall ensure that data for monitoring programme implementation and ***the*** results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and**,** where ~~relevant~~ ***appropriate, on*** Member States.

5. ~~In order t~~***T***o ensure effective assessment of the ~~progress of~~ the Fund***'s progress*** towards the achievement of its objectives, the Commission ~~shall be~~***is*** empowered to adopt delegated acts in accordance with Article 28 to amend Annex VIII to review ~~and~~***or*** complement the indicators where ***considered*** necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including for project information to be provided by the Member States. ***Any amendment to the content of Annex VIII shall only start to apply in the first accounting year following the year of adoption of the delegated act.***

Article 25

Evaluation

1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under this Fund.

2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process in accordance with the timeline set out Article 40 of Regulation (EU) No [CPR].

Sub-section 2 Rules for shared management

Article 26

Annual performance *review* ~~reports~~

1. ***For the purpose of the annual performance review as referred to in article 36 of Regulation (EU)…/… [CPR],*** ~~B~~***by*** 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission ~~the~~ ***a*** ~~annual performance~~ report ~~as referred to in Article 36(6) of Regulation (EU)…/2021 [Common Provisions Regulation]~~. ***The reporting period shall cover the last accounting year as defined in Article 2(28) of Regulation (EU)…/… [CPR], preceding the year of submission of the report.*** The report submitted ~~in~~ ***on 15 February*** 2023 shall cover ~~the implementation of the programme in~~ the period ***from 1 January 2021*** ~~to 30 June 2022~~.

2. The ~~annual performance~~ report shall in particular include information on:

   (a) the progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest data as required by Article 37 of Regulation (EU) No [CPR];

   (b) any issues affecting the performance of the programme and the actions taken to address them;

   (c) the complementarity between the actions supported by the Fund and support provided by other Union funds, in particular those in or in relation to third countries;

   (d) the contribution of the programme to the implementation of the relevant Union *acquis* and action plans;

~~(e) the implementation of communication and visibility actions;~~

(***e***~~f~~) the fulfilment of the enabling conditions and their application throughout the programming period.

3. The Commission may make observations on the ~~annual performance~~ report within two months of the date of its receipt. Where the Commission does not provide observations within that deadline, the report shall be deemed to have been accepted.

4. In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt an implementing act establishing the template for the ~~annual performance~~ report. This implementing act shall be adopted in accordance with the ***examination*** ~~advisory~~ procedure referred to in Article 29(2).

Article 27

Monitoring and reporting

1. Monitoring and reporting, in accordance with Title IV of Regulation (EU) No [CPR], shall be based on types of intervention set out in Tables 1, 2***,*** ~~and~~ 3 ***and 4*** of Annex VI. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts to amend Annex VI in accordance with Article 28.

2. The indicators ***set in Annex VIII*** shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) No [CPR].

Article 27a

Processing of personal data

1. ***For the purposes of the implementation of the Fund with a view to achieving the objectives set out in Article 3, the Managing Authority, the Audit Authority and the beneficiaries, as data controllers, shall process, in accordance with Regulation (EU) 2016/679, the personal data necessary for the common indicators in Annex VIII, for monitoring, evaluation, control and audit and, where applicable, for determining the eligibility of participants.***

2. ***The personal data referred to in paragraph 1 shall be retained in accordance with Article 76 Regulation (EU)…/… [CPR].***

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 28

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 12, 15, 24 and 27 shall be conferred on the Commission until 31 December 2028.

3. The European Parliament or the Council may revoke the delegation of powers referred to in Articles 12, 15, 24 and 27 at any time. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council thereof.

6. A delegated act adopted pursuant to Articles 12, 15, 24 and 27 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it or if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 29

Committee procedure

1. The Commission shall be assisted by a Coordination Committee for the Asylum, ~~and~~ Migration ***and Integration*** Fund, the Internal Security Fund and the Instrument for Border Management and Visa. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011 ***of the European Parliament and of the Council***[34].

2. Where reference is made to this paragraph, Article 54 of Regulation (EU) No 182/2011 shall apply. ***Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.***

~~3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act. This shall not apply to the implementing act referred to in Article 26(4)~~.

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[34] ***Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers***.

Article 30

Transitional provisions

~~1. Regulation (EU) No 513/2014 is repealed with effect from 1 January 2021.~~

~~2. Without prejudice to paragraph 1, t~~ ***T***his Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under the Police Instrument of the Internal Security Fund, which shall continue to apply to those actions concerned until their closure.

3. The financial envelope for the Fund may also cover technical and administrative assistance expenses necessary to ensure the transition between the Fund and the measures adopted under its predecessor, the Police Instrument of the Internal Security Fund established by Regulation (EU) No 513/2014.

4. Where Member States continue after [insert the date of application of CPR] to support a project selected and started under Regulation (EC) No 513/2014, in accordance with Regulation 514/2014, they shall ensure that the following cumulative conditions are met:

(a) the project so selected has two phases identifiable from a financial point of view with separate audit trails;

(b) the total cost of the project exceeds EUR 500 000;

(c) payments for the first phase of the project shall be included in payment requests under Regulation (EU) 514/2014. Expenditure for the second phase of the project shall be included in payment applications under Regulation (EU) No …/… [CPR];

(d) the second phase of the project complies with the applicable law and is eligible for support from the Fund under this Regulation and Regulation (EU) No …/… [CPR];

(e) the Member State commits to complete the project, render it operational and report it in the annual performance report submitted by 15 February 2024.

The provisions of this Regulation and of Regulation (EU) No …/… [CPR] shall apply to the second phase of the project.

Article 31

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament *For the Council*

The President *The President*

ANNEX I

Criteria for the allocation of funding to the programmes under shared management

The financial envelope referred to in Article 10 shall be allocated to the Member States programmes as follows:

(1) a one-time fixed amount of EUR ~~5 000 000~~***8 000 000*** will be allocated to each Member State at the start of the programming period to ensure a critical mass for each programme and to cover needs that would not be directly expressed through the criteria indicated below;

(2) the remaining resources will be distributed according to the following criteria:

(a) 45 % in inverse proportion to their gross domestic product (purchasing power standard per inhabitant),

(b) 40 % in proportion to the size of their population,

(c) 15 % in proportion to the size of their territory.

The initial allocation shall be based on the ~~latest~~ annual statistical data produced by the Commission (Eurostat) covering the ~~preceding calendar~~ year ***2019***. For the mid-term review, the reference figures shall be the ~~latest~~ annual statistical data produced by the Commission (Eurostat) covering the ~~preceding calendar~~ year ~~available at the time of~~ ***2023 prior to*** the mid-term review in 2024.

ANNEX II

Implementation measures

The Fund shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:

(a) to ensure the uniform application of the Union *acquis* on security supporting information exchange for example via Prüm, EU PNR and SIS II, including through the implementation of recommendations from quality control and evaluation mechanisms such as the Schengen evaluation mechanism and other quality control and evaluation mechanisms;

(b) to set up, adapt and maintain security relevant Union ***and national*** I***C***T systems and ~~communication~~ networks, including their interoperability, and to develop appropriate tools to address identified gaps;

(c) to increase the active use of Union ***and national*** security relevant information exchange tools, systems and databases ensuring that these are fed with high quality data;

(d) to support relevant national ***and Union*** measures if relevant to implement the specific objectives set out in Article 3(2)(a).

The Fund shall contribute to the specific objective set out in Article 3(2)(b), by focusing on the following implementation measures:

(a) to increase law enforcement operations between Member States, including when appropriate with other relevant actors, in particular to facilitate and improve the use of joint investigation teams, joint patrols, hot pursuits, discreet surveillance and other operational cooperation mechanisms in the context of the EU Policy Cycle ~~(EMPACT)~~, with special emphasis on cross-border operations;

(b) to increase coordination and cooperation of law enforcement and other competent authorities within and between Member States and with other relevant actors, for example through networks of specialised national units, Union networks and cooperation structures, Union centres;

(c) to improve inter-agency cooperation ~~and~~ at Union level between ~~the~~ Member States~~, or between Member States, on the one hand,~~ and the relevant Union bodies, offices and agencies ~~on the other hand~~ as well as at national level among the national authorities in each Member State.

The Fund shall contribute to the specific objective set out in Article 3(2)(c), by focusing on the following implementation measures:

(a) to increase law enforcement training, exercises, mutual learning, specialised exchange programmes and sharing of best practice including in and with third countries and other relevant actors;

(b) to exploit synergies by pooling resources and knowledge among Member States and other relevant actors, including civil society through, for instance, the creation of joint centres of excellence, the development of joint risk assessments, or common operational support centres for jointly conducted operations;

(c) to promote and develop measures, safeguards, mechanisms and best practices for the early identification, protection and support of witnesses, whistle-blowers and victims of crime and to develop partnerships between public authorities and other relevant actors to this effect;

(d) to acquire relevant equipment and to set up or upgrade specialised training facilities and ~~other essential~~ security relevant infrastructure to increase preparedness, resilience, public awareness and adequate response to security threats.

ANNEX III

List of indicative a~~A~~**ctions to be supported by the Fund in-line with Article 4**

- I***C***T systems and networks contributing to the achievement of the objectives of this Regulation, training on the use of such systems, testing and improving interoperability and data quality of such systems;

- monitoring of the implementation of Union law and Union policy objectives in the Member States in the area of security information systems;

- ~~EMPACT~~ ***EU policy cycle operational*** actions~~implementing or facilitating the implementation of the EU Policy Cycle~~;

- actions supporting an effective and coordinated response to crisis linking up existing sector-specific capabilities, expertise centres and situation awareness centres, including those for health, civil protection and terrorism;

- actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded security research projects;

- support to thematic or cross-theme networks of specialised national units to improve mutual confidence, exchange and dissemination of know-how, information, experiences and best practices, pooling of resources and expertise in joint centres of excellence;

- education and training of staff and experts of relevant law-enforcement and judicial authorities and administrative agencies taking into account operational needs and risk analyses, ~~based on the LETS and~~ in cooperation with CEPOL and, when applicable, the European Judicial Training Network;

- cooperation with the private sector in order to build trust and improve coordination, contingency planning and the exchange and dissemination of information and best practices among public and private actors including in the protection of public spaces and critical infrastructure;

- actions empowering communities to develop local approaches and prevention policies, and awareness-raising and communication activities among stakeholders and the general public on Union security policies;

- equipment, means of transport, communication systems and ~~essential~~ security-relevant facilities;

- cost of staff involved in the actions that are supported by the Fund or actions requiring involvement of staff for technical or security-related reasons.

ANNEX IV

Actions eligible for higher co-financing in-line with Articles 11(~~2~~*3*) ~~and 12(6)~~

- Projects which aim to prevent and counter radicalisation.
- Projects which aim at improving the interoperability of I***C***T systems and ~~communication~~ networks.~~[35]~~
- ***Projects which aim to fight all forms of cyber-crime.***
- ***Projects which aim at strengthening critical infrastructures.***

~~[35] In line with the Commission Communication on stronger and smarter information systems for borders and security COM(2016) 205.~~

ANNEX V

Core performance indicators referred to in Article 24(1)

Specific Objective 1: Better information exchange

1. Number of ICT systems and networks made interoperable

2. Number of administrative units that have newly put in place or upgraded existing mechanisms/procedures/ tools/guidance for exchange of information with other Member States/EU agencies/ international organisations/third countries

3. Number of participants who report a more effective use of EU information exchange mechanisms after the training activity

~~(1) Use of EU information exchange mechanisms,.~~

~~*data source: Europol, EU-LISA, Council, Member States*~~

Specific Objective 2: Increased operational cooperation

~~(1) Number of joint operational actions supported by the Fund.~~

~~*data source: Europol, Eurojust, Member States*~~

~~(2) The estimated value of assets frozen, estimated value of assets confiscated with the help of the Fund.~~

~~*data source: Member States*~~

~~(3)~~***1. Quantity*** ~~The value~~ of illicit drug ~~seizures achieved with involvement of~~ ***seized in the context of*** cross-border ***operations*** ~~cooperation between law enforcement agencies~~.

~~*data source: Member States, Union action grant beneficiaries*~~

2. Number of cross-border operations

3. Number of Schengen Evaluation Recommendations with a financial implication in the area of security addressed

~~(4) Number of Schengen Evaluation Recommendations with a financial implication in the area of security addressed with the support of the Fund, as compared to the total number of recommendations with a financial implication in the area of security.~~

~~*data source: Member States*~~

Specific Objective 3: Strengthened capabilities to combat and to prevent crime

1. Number of initiatives developed or expanded to prevent radicalisation and violent extremism

2. Number of critical infrastructure/public spaces with new/adapted facilities protecting against security related risks

3. Number of participants who completed the training activity/the exchange programme

4. Number of victims of crimes assisted

~~(5) Number of law enforcement officials that completed trainings, exercises, mutual learning or specialised exchange programmes on cross-border related topics provided with the support of the Fund.~~

~~*data source: Member States*~~

~~(6) Number of critical infrastructures and public spaces of which the protection against security-related incidents has been improved with the help of the Fund.~~

~~*data source: Member States*~~

~~(7) Number of initiatives to prevent radicalisation leading to violent extremism.~~

~~*data source: RAN*~~

ANNEX VI

Types of intervention

TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION

1	TER-Countering Terrorist Financing
2	TER-Prevention and countering of radicalisation
3	TER-Protection and resilience of public spaces and other soft targets
4	TER- Protection and resilience of critical infrastructure
5	TER-Chemical Biological Radioactive Nuclear
6	TER-Explosives
7	TER-Crisis Management
8	TER-Other
9	OC-Corruption
10	OC-Economic and Financial Crime
11	OC-Drugs
12	OC-Firearms trafficking
13	OC-Trafficking in Human Beings
14	OC-Migrant Smuggling
15	OC-Environmental Crime
16	OC-Organised Property Crime
17	OC-Other
18	CC-Cybercrime - Other
19	CC-Cybercrime – Prevention

20	CC-Cybercrime - Facilitating investigations
21	CC-Cybercrime - Victims assistance
22	CC-Child Sexual Exploitation - Prevention
23	CC-Child Sexual Exploitation – Facilitating investigations
24	CC-Child Sexual Exploitation - Victims assistance
25	CC- Child Sexual Exploitation – Other
26	CC-Other
27	GEN-Information exchange
28	GEN-Police or interagency cooperation (***e.g.*** customs, border guards, intelligence services)
29	GEN-Forensics
30	GEN-Victim support
31	GEN-Operating support
32	TA-Technical assistance ~~- information and communication~~
~~33~~	~~TA-Technical assistance - preparation, implementation, monitoring and control~~
~~34~~	~~TA-Technical assistance - evaluation and studies, data collection~~
~~35~~	~~TA-Technical assistance - capacity building~~

TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION

1	IT-systems, interoperability, data quality, communication systems (excluding equipment)
2	Networks, centres of excellence, cooperation structures, joint actions and operations
3	Joint Investigation Teams (JITs) or other joint operations
4	Secondment or deployment of experts
5	Training
6	Exchange of best practices, workshops, conferences, events, awareness raising campaigns, communication activities
7	Studies, pilot projects, risk assessments
8	Equipment ~~(included in calculation of 15% cap)~~
9	Means of transport ~~(included in calculation of 15% cap)~~
10	Buildings, facilities ~~(included in calculation of 15% cap)~~
11	Deployment or other follow-up of research projects

TABLE 3: CODES FOR THE IMPLEMENTATION MODALITIES DIMENSION

1	~~Cooperation with third countries~~ ***Actions as per Art. 11.1***
~~2~~	~~Actions in third countries~~
~~3~~	~~Implementation of Schengen evaluation recommendations in the area of police cooperation~~
~~4~~ ***2***	Specific Actions ~~(not known at programming stage)~~
~~5~~ ***3***	~~Emergency Assistance (not known at programming stage)~~ ***Actions listed in Annex IV***
~~*6*~~***4***	~~Actions listed in Annex IV~~ ***Operating support***
5	~~*Other actions (as per Art. 11.1)*~~ ***Emergency Assistance***

TABLE 4: CODES FOR SECONDARY IMPLEMENTATION MODALITIES DIMENSION

1	***Cooperation with third countries***
2	***Actions in third countries***
3	***Implementation of Schengen evaluation recommendations in the area of police cooperation***

ANNEX VII

Eligible actions for operating support

Within specific objective *better information exchange*, operating support within the programmes shall cover:

- maintenance and helpdesk of Union and where relevant national I***C***T systems ***and networks*** contributing to the achievement of the objectives of this Regulation.
- staff costs contributing to the achievement of the objectives of this Regulation

Within specific objective *increased operational cooperation*, operating support within the national programmes shall cover:

- maintenance of technical equipment or means of transport used for actions in the area of prevention, detection and investigation of serious and organised crime with a cross-border dimension.
- staff costs contributing to the achievement of the objectives of this Regulation

Within specific objective *strengthened capabilities to prevent and to combat crime*, operating support within the national programmes shall cover:

- maintenance of technical equipment or means of transport used for actions in the area of prevention, detection and investigation of serious and organised crime with a cross-border dimension.
- staff costs contributing to the achievement of the objectives of this Regulation

Actions which are not eligible under Article 4(3) shall not be covered.

ANNEX VIII

Output and result indicators referred to in Article 24(3)

Specific Objective 1: Better information exchange

Output indicators

1. ***Number of participants in training activities***
2. ***Number of expert meetings/workshops/study visits***
3. ***Number of ICT systems/functionalities/services developed/maintained/upgraded***
4. ***Number of equipment items purchased***
5. ***Number of transport means purchased***

Result indicators

1. ***Number of ICT systems and networks made interoperable***
2. ***Number of administrative units that have newly put in place or upgraded existing mechanisms/procedures/ tools/guidance for exchange of information with other Member States/EU agencies/ international organisations/third countries***
3. ***Number of participants who report a more effective use of EU information exchange mechanisms after the training activity***

~~(1) Use of EU information exchange mechanisms measured through the:~~

~~(a) number of searches performed in the Schengen Information System (SIS);~~

~~(b) number of searches in the system for transnational exchange of forensic data (DNA, fingerprints, number plates) between Member States (Prüm automated data exchange system);~~

~~(c) number of messages exchanged through Europol's Secure Information Exchange Network Application (SIENA);~~

~~(d) number of searches performed ***information objects fed into*** in Europol's Information System (EIS);~~

~~(e) total number of passengers whose EU Passenger Name Record (PNR) data have been collected and exchanged;~~

~~*data source: Europol, EU-LISA, Council, Member States*~~

~~(2) Number of new connections between security-relevant databases made with support of the Fund:~~

~~(a) with EU and where relevant international databases;~~

~~(b) within the Member State;~~

~~(c) with one or more other Member States;~~

~~(d) with one or more third countries.~~

~~*data source: Member States*~~

~~(3) Number of active users of EU and where relevant national security relevant information exchange tools, systems and databases added with support from the Fund, as compared to number of total users.~~

~~*data source: Member States*~~

Specific Objective 2: Increased operational cooperation

Output indicators

1. ***Number of expert meetings/workshops/study visits/common exercises/manuals of best practice/ contributions to manuals prepared by another Member State***
2. ***Number of ICT systems/functionalities/services developed/maintained/upgraded***
3. ***Number of equipment items purchased***
4. ***Number of transport means purchased***

Result indicators

1. ***The estimated value of assets frozen in the context of cross-border operations***
2. ***Quantity of illicit drug seized in the context of cross-border operations***
3. ***Number of administrative units that have newly put in place or upgraded existing mechanisms/procedures/ tools/guidance for cooperation with other Member States/EU agencies/international organisations/third countries***
4. ***Number of cross-border operations***
   - ***4.1. Of which number of joint investigation teams***
   - ***4.2. Of which number of EU policy cycle operational actions***

5. Number of staff involved in cross-border operations

6. Number of Schengen Evaluation Recommendations with a financial implication in the area of security addressed

~~(4) Number of joint operational actions supported by the Fund, including the participating Member States and authorities and broken down by area (counter-terrorism, organised crime general, organised crime firearms, cybercrime, other):~~

~~(a) number of joint investigation teams (JITs);~~

~~(b) number of European Multidisciplinary Platform against Criminal Threats (EMPACT) operational projects;~~

~~(c) other joint operational actions.~~

~~*data source: Europol, Eurojust, Member States*~~

~~(5) Participation in transnational networks operating with support of the Fund.~~

~~*data source: Member States, Union action or EMAS grant beneficiaries*~~

~~(6) The estimated value of assets frozen, estimated value of assets confiscated with the help of the Fund.~~

~~*data source: Member States*~~

~~(7) Value of illicit drug seizures achieved with involvement of cross-border cooperation between law enforcement agencies.~~

~~*data source: Member States, Union action grant beneficiaries*~~

~~(8) Number of outputs of existing transnational networks generated with the help of the Fund, such as for example manuals on best practices, workshops, common exercises.~~

~~*data source: Union action grant beneficiaries*~~

~~(9) Number of Schengen Evaluation Recommendations with a financial implication in the area of security addressed with the support of the Fund, as compared to the total number of recommendations with a financial implication in the area of security.~~

~~*data source: Member States*~~

Specific Objective 3: Strengthened capabilities to combat and to prevent crime

Output indicators

1. ***Number of participants in training activities/exchange programmes***
2. ***Number of equipment items purchased***
3. ***Number of transport means purchased***
4. ***Number of items of infrastructure/security relevant facilities/tools/mechanisms constructed/ purchased/upgraded***
5. ***Number of activities to prevent crime and to assist victims of crimes***

Result indicators

1. ***Number of initiatives developed or expanded to prevent radicalisation and violent extremism***
2. ***Number of critical infrastructure/public spaces with new/adapted facilities protecting against security related risks***
3. ***Number of participants who completed the training activity/the exchange programme***
4. ***Number of victims of crimes assisted***

Data source for all indicators is Member States

~~(10) Number of law enforcement officials that completed trainings, exercises, mutual learning or specialised exchange programmes on cross-border related topics provided with the support of the Fund, broken down by the following areas:~~

~~(a) counter terrorism;~~

~~(b) organised crime;~~

~~(c) cybercrime;~~

~~(d) other areas of operational cooperation.~~

~~*data source: Member States*~~

~~(11) Number of manuals on best practices and investigation techniques, standard operating procedures and other tools developed with support of the Fund as a result of interaction between different organisations across the EU.~~

~~*data source: Member States, Union action or EMAS grant beneficiaries*~~

~~(12) Number of victims of crime assisted with the support of the Fund broken down by type of crime (trafficking in human beings, migrant smuggling, terrorism, serious and organised crime, cybercrime, child sexual exploitation).~~

~~*data source: Member States*~~

~~(13) Number of critical infrastructures and public spaces of which the protection against security-related incidents has been improved with the help of the Fund.~~

~~*data source: Member States*~~

~~(14) Number of initiatives to prevent radicalisation leading to violent extremism:~~

~~(a) number of hits on the website of the Radicalisation Awareness Network (RAN);~~

~~(b) number of participants in the RAN broken down by type of expert;~~

~~(c) number of study visits, trainings, workshops and counselling completed in Member States in close coordination with national Authorities broken down by beneficiaries (law enforcement authorities, other).~~

~~*data source: RAN*~~

~~(15) Number of partnerships established with the support of the Fund contributing to improving support of witnesses, whistle-blowers and victims of crime:~~

~~(a) with the private sector;~~

~~(b) with civil society.~~

~~*data source: Member States, Union action or EMAS grant beneficiaries*~~