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General Secretariat

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2018/0249(COD)**

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WK 879/2019 INIT

LIMITE

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WORKING PAPER

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WORKING DOCUMENT

From:	Presidency
To:	Ad Hoc Working Party on JHA Financial instruments
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 - Presidency compromise proposal

Delegations will find attached compromise proposals by the Presidency.

Changes vis-à-vis the original Commission proposal are highlighted in ***bold italics*** and ~~strikethrough~~.

New changes introduced in this compromise, vis-à-vis the original Commission proposal, are highlighted in ***bold italics underlined*** and ~~strikethrough underlined~~.

Both recitals and bracketed provisions are out of the scope of this compromise.

WK 879/2019 INIT

LIMITE

EN

2018/0249 (COD)

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

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 77(2) and 79(2)(d) 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 Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

¹ OJ C , , p. .

² OJ C , , p. .

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation establishes the instrument for financial support for border management and visa ('the instrument') as part of the Integrated Border Management Fund ('the Fund').
2. Jointly with Regulation (EU) No .../... [Customs Control Equipment Fund], establishing as part of the [Integrated Border Management Fund]³ the instrument for financial support for customs control equipment, this Regulation establishes the Fund.
3. It lays down the objectives of the instrument, the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding.

³ OJ L [...], [...], p.

Article 2

Definitions

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

- (1) '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 Council⁴** ~~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;
- (2) 'border crossing point' means any crossing point authorised by the competent authorities for the crossing of external borders as notified in accordance with Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council⁵;
- (3) 'European integrated border management' means the components listed in Article 4 of Regulation (EU) 2016/1624;
- (4) 'external borders' means the borders of the Member States: land borders, including river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including those internal borders at which the controls have not been lifted yet;

⁴ **Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018, 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).**

⁵ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

- (5) 'external border section' means the whole or a part of the external land or sea border of a Member State as defined by ***point (f) of Article 3 of Regulation (EU) No 1052/2013***;
- (6) 'hotspot area' means the hotspot area defined in Article 2(10) of Regulation (EU) 2016/1624;
- (7) 'internal borders at which the controls have not been lifted yet' means:
- (a) the common border between a Member State fully implementing the Schengen *acquis* and a Member State bound to apply the Schengen *acquis* in full, in conformity with its Act of Accession, but for which the relevant Council Decision authorising it to fully apply that *acquis* has not yet entered into force;
 - (b) the common border between two Member States bound to apply the Schengen *acquis* in full, in conformity with their respective Acts of Accession, but for which the relevant Council Decision authorising them to fully apply that *acquis* has not yet entered into force.
- (8) ***'emergency situation' means an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area, or any other situation in respect of which it is duly substantiated that it requires urgent action.***

Article 3

Objectives of the instrument

1. As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring strong and effective European integrated border management at the external borders, while safeguarding the free movement of persons within it, in full compliance with the Union's commitments on fundamental rights, thereby contributing to guaranteeing a high level of security in the Union.
2. Within the policy objective set out in paragraph 1, the instrument shall contribute to the following specific objectives:
 - (a) supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows;
 - (b) supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks.
3. Within the specific objectives set out in paragraph 2, the instrument shall be implemented through the implementation measures listed in Annex II.

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 instrument shall ~~in particular~~ support ~~the~~ actions ***as those*** listed in Annex III.
2. To achieve the objectives of this Regulation, the instrument may support 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.
3. The following actions shall not be eligible:
 - (a) the actions referred to in paragraph 1(a) of Annex III at those internal borders at which controls have not been lifted yet;
 - (b) the actions related to the temporary and exceptional reintroduction of border control at internal borders as referred to in Regulation (EU) 2016/399;
 - ~~(c) as regards the control of goods:~~
 - ~~(1) actions of which the exclusive aim or effect is control of goods;~~
 - ~~(2) purchase, maintenance or upgrading of equipment, excluding means of transport, of which one of the aims or effects is control of goods;~~
 - ~~(3) other actions under this Regulation of which the primary aim or effect is the control of goods.~~
 - (c) ***the actions of which the primary purpose is customs control;***

4. Where an emergency situation occurs, non-eligible actions referred to in this paragraph 3 may be considered eligible.

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 interventions, 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 instrument shall be implemented in shared, direct or indirect management in accordance with Articles 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 instrument for the period 2021-2027 shall be [EUR 8 018 000 000] in [current prices].

2. The financial envelope shall be used as follows:

- (a) [EUR 4 811 000 000] shall be allocated to the programmes implemented under shared management, of which [EUR 157 200 000] for the Special Transit Scheme referred to in Article 16, implemented under shared management;
- (b) [EUR 3 207 000 000] shall be allocated to the thematic facility.

[2a. The above amounts include a dedicated, significant component for external migration management.]

- 3. Up to 0.52 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission for the implementation of the instrument.
- 4. Under the relevant provisions of their association agreements, arrangements shall be made in order to specify the nature and modalities of the participation by countries associated with the implementation, application and development of the Schengen *acquis*. The financial contributions from those countries shall be added to the overall resources available from the Union budget referred to in paragraph 1.

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;
 - (b) Union actions; ~~and~~

(c) **and** 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 be used to respond to urgent needs, in line with agreed Union priorities as outlined in Annex II.
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 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 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 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 under the annual appropriations of the Union budget.
6. 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 the actions to be supported and specifying the amounts for each of its components, as referred to in 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 procedure referred to in Article 30(2).**

7. Following the adoption of a financing decision as referred to in paragraph 63, the Commission may amend the programmes implemented under shared management accordingly.
8. The 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 be 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 Regulation (EU) No .../... [CPR].

Article 10

Budgetary resources

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 4 009 000 000] to the Member States in accordance with the criteria in Annex I;
 - (b) [EUR 802 000 000] to the Member States for the adjustment of the allocations for the programmes as referred to in ~~in~~ Article 13(1).

~~2. 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 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 the 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, including the Special Transit Scheme.
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 31(2)(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 instrument for the types of action referred to in paragraphs 1 to 5.

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

- (a) the total contribution, including the public and private contribution; ~~or~~
- (b) public contribution only.

Article 12

Programmes

1. Each Member State shall ensure that the priorities addressed in its programme are consistent with and respond to the Union priorities and challenges in the area of border management and visa, and that they are fully in line with the relevant Union *acquis* and agreed Union priorities. In defining the priorities of their programmes, Member States shall ensure that the implementing measures as set out in Annex II are adequately addressed.
2. The Commission shall ensure that the European Border and Coast Guard Agency and where appropriate, eu-LISA, are ~~associated with the process of developing the programmes of Member States~~ *consulted* at an early stage, in so far as ~~it~~ *the envisaged actions in the programme* falls within the agencies' competencies.
3. ~~It~~ *The Commission* shall consult the European Border and Coast Guard Agency, and where appropriate, eu-LISA, on the draft programmes with a specific emphasis on the activities included under operating support ~~in line with Article 3(2)(a)~~ to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid double financing and to achieve cost efficiency. *The consultation shall be conducted in a timely manner without delaying the approval and implementation of the programmes.*
4. The Commission may associate the European Border and Coast Guard Agency, and where appropriate, eu-LISA, with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union *acquis* and agreed Union priorities.

5. Following the adoption of recommendations within the scope of this Regulation in accordance with Regulation (EU) No 1053/2013, and the recommendations issued in the framework of carrying out vulnerability assessments in accordance with Regulation (EU) 2016/1624, the Member State concerned shall examine, together with the Commission, the most appropriate approach to address these recommendations with the support of this instrument, where appropriate.
6. The Commission shall, where relevant, associate the European Border and Coast Guard Agency with the process of examination on the most appropriate approach to address the recommendations with the support of this instrument.
7. When implementing paragraph 5, the Member State concerned shall make the implementation of measures to address any identified deficiencies, especially measures to address serious deficiencies and non-compliant assessments, a priority for its programme.
8. Where necessary, the programme in question 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.
9. In cooperation and consultation with the Commission and the European Border and Coast Guard Agency in accordance with the Agency's competencies, the Member State concerned may reallocate resources under its programme, including those programmed for operating support, with the aim of addressing the recommendations referred to in paragraph 5 which have financial implications.
10. Whenever a Member State decides to implement *new* projects with or in a third country with the support of the instrument, the Member State concerned shall *inform* ~~consult~~ the Commission prior to the approval ~~start~~ of the project.

11. Whenever a Member State decides to implement actions with or in a third country with the support of the instrument relating to monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating illegal immigration and cross-border crime or contributing to the protection and saving the lives of migrants, it shall ensure that it has notified the Commission of any bilateral or multilateral cooperation agreement with that third country in accordance with Article 20 of Regulation (EU) No 1052/2013.
12. As regards operating equipment, including means of transport, and communication systems required for effective and secure border control purchased with the support of this instrument, the following shall apply:
- (a) before launching the purchase procedures to acquire ***large-scale*** operating equipment, including means of transport, and communication systems with the support of the instrument, the Member States shall ensure that this equipment complies with the standards ***in force at the time of the start of the purchase procedure*** established by the European Border and Coast Guard Agency, where such standards exist, and shall verify with the European Border and Coast Guard Agency their technical specifications with the aim of ensuring interoperability of the assets used by the European Border and Coast Guard;
 - (b) all large-scale operating equipment for border management, such as aerial and maritime means of transport and surveillance purchased by the Member States shall be registered in the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) of Regulation (EU) 2016/1624;

- (c) Member States may decide to purchase items for multi-purpose maritime operations supported by the instrument, provided that these items when operated by the relevant national authorities are involved in border surveillance operations at least 60 % of the total period of use for national purposes within a year. These items shall be registered at the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) of Regulation (EU) 2016/1624;

c1) Member States may decide to develop ICT systems and purchase large scale operating equipment for multi-purpose operations supported by the instrument, provided that those actions contribute to the Union priorities in the area of freedom, security and justice and are used in majority for the purpose of the European integrated border management, and double-financing is avoided. The large scale operating equipment shall be registered at the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) of Regulation (EU) 2016/1624.

- (d) in order to support the coherent capability development planning for the European Border and Coast Guard and the possible use of joint procurement, Member States shall communicate to the Commission as part of the reporting in line with Article 27 the available multiannual planning for the equipment expected to be purchased under the instrument. The Commission shall transmit this information to the European Border and Coast Guard Agency.

12a. In the sense of paragraph 12, large-scale operating equipment are air- or sea-borne or land-based means of transport, surveillance or other stationary or mobile items of equipment that cannot be hand-held.

13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding, **where such standards exist.**
14. Member States ~~may shall~~ pursue ~~in particular~~ the actions listed in Annex IV. 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 29 to amend Annex IV.

15. 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 1 of Annex VI.

Article 13

Mid-term review

1. In 2024 the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 1(c) of and in paragraphs 2 to 11 of Annex I. The allocation shall be based on the latest available statistical data for the criteria referred to in paragraph 1(c) and in paragraphs 2 to 11 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 its 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 consequently earmarked as such in the programme and is used to contribute to the implementation of the objectives of this Regulation.

3. 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.

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 ~~30~~ **40** % of the amount allocated under the instrument to its programme to finance operating support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.
3. Member States using operating support shall comply with the Union acquis on borders and visas.
4. Member States shall justify in the programme and in the annual performance reports as referred to in Article 27 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, following a consultation of the European Border and Coast Guard Agency, and where appropriate, eu-LISA, as regards the Agencies's competencies in accordance with Article 12(3), assess the baseline situation in the Member States which have indicated their intention to use operating support, taking into account the information provided by those Member States and, where relevant, the information available in the light of Schengen evaluations and vulnerability assessments, including the recommendations following Schengen evaluations and vulnerability assessments.
5. Without prejudice to Article 4(3)(c), 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 29 to amend the specific tasks and services in Annex VII.

Article 16

Operating support for the Special Transit Scheme

1. The instrument shall provide support to compensate for foregone fees from visas issued for the purpose of transit and additional costs incurred in implementing the facilitated transit document (FTD) and the facilitated rail transit document (FRTD) scheme in accordance with Regulation (EC) No 693/2003 and Regulation (EC) No 694/2003.
2. The resources allocated to Lithuania for the Special Transit Scheme pursuant to Article 7(2)(a) shall be made available as additional operating support for Lithuania, in line with the eligible actions for operating support within the programme, as referred to in Annex VII.
3. By way of derogation from Article 15(2), Lithuania may use the amount allocated to it in line with Article 7(2)(a) to finance operating support in addition to the amount defined in Article 15(2).
4. The Commission and Lithuania shall review the application of this Article in the event of changes which have an impact on the existence or functioning of the Special Transit Scheme.

SECTION 3

SUPPORT AND IMPLEMENTATION UNDER DIRECT AND INDIRECT MANAGEMENT

Article 16a

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) a 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 in overseas countries or territories linked to those states or in third countries, are eligible.

Article 17

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 18

Union actions

1. Union actions are transnational projects or projects of particular interest to the Union, in line with the objectives of this Regulation.
2. At the Commission's initiative, the instrument may be used to finance Union actions concerning the objectives of this Regulation as referred to in Article 3 and in accordance with Annexes II and 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. They may also provide financing in the form 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 (EU) No .../... [Successor of the Regulation on the Guarantee Fund] shall apply.

Article 19

Blending operations

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

Article 20

Technical assistance at the level of the Commission

The instrument 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 21

Audits

Audits on the use of the 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 **Regulation (EU, Euratom) 2018/1046** ~~the Financial Regulation~~.

Information, communication and publicity

1. The recipients 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 the media and the public, *except where it is restricted due to its classified or confidential nature, particularly concerning security, public order and the protection of personal data, according to the applicable law.*
2. The Commission shall implement information and communication actions relating to this instrument, its actions and results. Financial resources allocated to this instrument shall also contribute to the corporate communication on 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 23

Emergency assistance

1. The instrument shall provide financial assistance to address urgent and specific needs in the event of an emergency situation ~~resulting from an urgent and exceptional pressure where a large or disproportionate number of third country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area, or any other situation of urgent and exceptional pressure within the scope of this Regulation that requires immediate action.~~
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 consequently 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.
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 Commission shall regularly inform Member States about the available financial means for emergency assistance and the types of action which may be eligible.***

Cumulative, complementary and combined funding

1. An action that has received a contribution under the instrument 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, or which comply with the following cumulative comparable conditions:
 - (a) they have been assessed in a call for proposals under the instrument;
 - (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, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article 67 of Regulation (EU) No .../... [CPR] and Article 8 of Regulation (EU) No .../... [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 or instrument providing support shall apply.

SECTION 5

MONITORING, REPORTING AND EVALUATION

Sub-section 1 Common provisions

Article 25

Monitoring and reporting

1. In compliance with its reporting requirements pursuant to Article [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 29 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 indicators to report on progress of the instrument towards the achievement of the objectives of this Regulation 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.
4. The performance reporting system shall ensure that data for monitoring programme implementation and 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, the Member States.

5. In order to ensure effective assessment of the progress of the instrument towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex VIII to review and complement the indicators where necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including information to be provided by the Member States. *Any amendment to Annex VIII shall only start to apply in the first accounting year following the year of adoption of the delegated act.*

Article 26

Evaluation

1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under this instrument.
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 27

Annual performance reports

1. 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 annual performance report as referred to in Article 36(6) of Regulation (EU) No .../... [CPR]. The report submitted in 2023 shall cover the implementation of the programme carried out until 30 June 2022.

2. The annual performance report shall in particular set out 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 instrument 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;
 - (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 reports 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 30(32).

Article 28

Monitoring and reporting

1. Monitoring and reporting in accordance with Title IV of Regulation (EU) No .../... [CPR] shall be based on the types of intervention set out in Tables 1, 2 and 3 in Annex VI. To address unforeseen or new circumstances or to ensure the effective implementation of the funding, the Commission shall be empowered to adopt delegated acts to amend Annex VI in accordance with Article 29.
2. The ~~common~~ indicators *set in Annex VIII* shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) No .../... [CPR].

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 29

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, 25 and 28 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, 25 and 28 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 simultaneously notify the European Parliament and the Council thereof.
6. A delegated act adopted pursuant to Articles 12, 15, 25 and 28 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 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 30

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**⁶.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. ***Where reference is made to this paragraph, Article 5 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 27(4).~~

Article 31

Transitional provisions

1. This Regulation shall not affect the continuation or modification of the actions concerned under the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, established by Regulation (EU) No 515/2014, which shall continue to apply to those actions until their closure.
2. The financial envelope for the instrument may also cover technical and administrative assistance expenses necessary to ensure the transition between the instrument and the measures adopted under its predecessor, the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, as established by Regulation (EU) No 515/2014.

⁶ **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 32

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

The President

For the Council

The President

[ANNEX II]

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

1. [The available resources referred to in Article 10 shall be broken down between the Member States as follows:
 - (a) each Member State shall receive a fixed amount of EUR 5 000 000 from the instrument at the start of the programming period only;
 - (b) an amount of EUR 157 200 000 for the Special Transit Scheme to be allocated to Lithuania at the start of the programming period only;
 - (c) and the remaining resources referred to in Article 10 shall be distributed based on the following criteria:
 - 30 % for external land borders;
 - 35 % for external sea borders;
 - 20 % for airports;
 - 15 % for consular offices.
2. The resources available under paragraph 1(c) for external land borders and external sea borders shall be broken down between Member States as follows:
 - (a) 70 % for the length of their external land borders and external sea borders, which will be calculated, on the basis of weighting factors for each specific section as defined in Regulation (EU) No 1052/2013⁷, determined in accordance with paragraph 11; and

⁷ Regulation (EU) No 1052/2013 of 22 October 2013 establishing the European Border Surveillance System (Eurosur), (OJ L 295, 6.11.2013, p.11).

- (b) 30 % for the workload at their external land and external sea borders, as determined in accordance with paragraph 7(a).
3. The weighting as referred to in paragraph 2(a) shall be determined by the European Border and Coast Guard Agency in accordance with paragraph 11.
4. The resources available under paragraph 1(c) for airports shall be broken down between Member States according to the workload at their airports, as determined in accordance with paragraph 7(b).
5. The resources available under paragraph 1(c) for consular offices shall be broken down between Member States as follows:
- (a) 50 % for the number of consular offices (excluding honorary consulates) of the Member States in the countries listed in Annex I of Council Regulation (EC) No 539/2001⁸, and
- (b) 50 % for the workload as regards the management of visa policy at consular offices of Member States in the countries listed in Annex I to Regulation (EC) No 539/2001, as determined in accordance with paragraph 7(c) of this Annex.
6. For the purpose of the distribution of resources under paragraph 1(c), ‘external sea borders’ shall mean the outer limit of the territorial sea of the Member States as defined in accordance with Articles 4 to 16 of the United Nations Convention on the Law of the Sea. However, in cases where long range operations on a regular basis are required in order to prevent illegal immigration or illegal entry, this shall be the outer limit of high threat areas. The definition of ‘external maritime borders’ in this regard shall be determined by taking into account the operational data over the past two years as provided by the Member States concerned. This definition shall be used exclusively for the purpose of this Regulation.

⁸ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

7. For the purposes of the initial allocation of funding, the assessment of the workload shall be based on the latest average figures covering the preceding 36 months available on the date of the applicability of this Regulation. For the purposes of the mid-term review, the assessment of the workload shall be based on the latest average figures covering the preceding 36 months available at the time of the mid-term review in 2024. The assessment of the workload shall be based on the following factors:

(a) at external land borders and external sea borders:

(1) 70 % for the number of crossings of the external border at authorised border crossing points;

(2) 30% for the number of third-country nationals refused entry at the external border.

(b) at airports:

(1) 70 % for the number of crossings of the external border at authorised border crossing points;

(2) 30% for the number of third-country nationals refused entry at the external border.

(c) at consular offices:

the number of visa applications for short stays or airport transit.

8. The reference figures for the number of consular offices as referred to in paragraph 5(a) shall be calculated according to the information contained in Annex 28 of Commission Decision C(2010) 1620 of 19 March 2010 establishing the Handbook for the processing of visa applications and the modifications of issued visas.

Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, the reference figure shall be zero.

9. The reference figures for the workload referred to:
- (a) in paragraph 7(a)(1) and 7(b)(1) shall be the latest statistics provided by Member States in accordance with Union law;
 - (b) in paragraph 7(a)(2) and 7(b)(2) shall be the latest statistics produced by the Commission (Eurostat) on the basis of data provided by Member States in accordance with Union law;
 - (c) in paragraph 7(c) shall be the latest visa statistics published by the Commission in accordance with Article 46 of the Visa Code⁹.
 - (d) Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, the reference figure shall be zero.
10. The European Border and Coast Guard Agency shall provide the Commission with a report on the breakdown of resources as regards external land borders, external sea borders and airports, as referred to in paragraph 1(c).
11. For the purposes of the initial allocation, the report referred to in paragraph 10 shall identify the average level of threat of each border section based on the latest average figures covering the preceding 36 months on the date of the applicability of this Regulation. For the purposes of the mid-term review, the report referred to in paragraph 10 shall identify the average level of threat of each border section based on the latest average figures covering the preceding 36 months available at the time of the mid-term review in 2024. It shall determine the following specific weighting factors per section applying the threat levels as defined in Regulation (EU) No 1052/2013:

⁹ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

- (a) factor 0.5 for low threat;
- (b) factor 3 for medium threat;
- (c) factor 5 for high threat;
- (d) factor 8 for critical threat.↓



ANNEX II

Implementation measures

1. The instrument shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:
 - (a) improving border control in line with Article 4(a) of Regulation (EU) 2016/1624 by:
 - i. reinforcing the capacities for carrying out checks and surveillance at the external borders, including measures to prevent and detect cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism;
 - ii. supporting search and rescue in the context of carrying out border surveillance at sea;
 - iii. implementing technical and operational measures within the Schengen area which are related to border control;
 - iv. carrying out analyses of the risks for internal security and analyses of the threats that may affect the functioning or security of the external borders;
 - v. supporting, within the scope of this Regulation, Member States facing existing or potential disproportionate migratory pressure at the EU's external borders, including through technical and operational reinforcement, as well as by deploying migration management support teams in hotspot areas.
 - (b) further developing the European Border and Coast Guard, through common capacity-building, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination between the Member States and the European Border and Coast Guard Agency;

- (c) enhancing inter-agency cooperation at national level among the national authorities responsible for border control or for tasks carried out at the border, and at EU level between the Member States, or between the Member States, on the one hand, and the relevant Union bodies, offices and agencies or third countries, on the other;
- (d) ensuring the uniform application of the Union *acquis* on external borders, including through the implementation of recommendations from quality control mechanisms such as the Schengen evaluation mechanism in line with Regulation (EU) No 1053/2013, vulnerability assessments in line with Regulation (EU) 2016/1624, and national quality control mechanisms;
- (e) setting up, operating and maintaining large-scale IT systems in the area of border management, including the interoperability of these IT systems and their communication infrastructure.

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

- (a) providing efficient and client-friendly services to visa applicants while maintaining the security and integrity of the visa procedure;
- (b) ensuring the uniform application of the Union *acquis* on visas, including the further development and modernisation of the common policy on visas;
- (c) developing different forms of cooperation between Member States in visa processing;
- (d) setting up, operating and maintaining large-scale IT systems in the area of the common policy on visas, including the interoperability between these IT systems and their communication infrastructure.

ANNEX III

Scope of support

1. Within the specific objective referred to in Article 3(2)(a), the instrument shall ~~in particular~~ support ***actions such as*** ~~the following~~:
 - (a) infrastructures, buildings, systems and services required at border crossing points, in hotspot areas and for border surveillance between border crossing points to prevent and tackle unauthorised border crossings, illegal immigration and cross-border crime at the external borders, as well as to guarantee the smooth flows of legitimate travellers;
 - (b) operating equipment, including means of transport, ~~and communication systems,~~ ***services and rehabilitation and refurbishment of buildings*** required for effective and secure border control ***at border crossing points, in hotspot areas and for border surveillance***, ~~in accordance with standards developed by the European Border and Coast Guard Agency, where such standards exist;~~
 - (c) training in the field of or contributing to the development of European integrated border management, taking into account operational needs and risk analysis and in full compliance with fundamental rights;
 - (d) secondment of joint liaison officers to third countries as defined in Regulation (EU) No .../ ... [new ILO Regulation]¹⁰ and secondment of border guards and other relevant experts to Member States or from a Member State to a third country, reinforcement of cooperation and operational capacity of networks of experts or liaison officers, as well as exchange of best practices and boosting the capacity of European networks to assess, promote, support and develop Union policies;

¹⁰ OJ L [...], [...]. p.

- (e) studies, pilot projects and other relevant actions aiming to implement or develop European integrated border management, including measures aiming at the development of the European Border and Coast Guard, such as common capacity-building, joint procurement, establishment of common standards and other measures streamlining the cooperation and coordination between the European Border and Coast Guard Agency and Member States;
- (f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, in particular deploying the results of security research projects where such deployment has been identified by the European Border and Coast Guard Agency, acting under Article 37 of Regulation (EU) 2016/1624, as contributing to the development of operational capabilities of the European Border and Coast Guard;
- (g) preparatory, monitoring, administrative and technical activities, required to implement external border policies, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen *acquis* and the Schengen Borders Code, including mission expenditure for experts of the Commission and the Member States participating in on-site visits as well as measures to implement recommendations issued following vulnerability assessments carried out by the European Border and Coast Guard Agency in line with Regulation (EU) 2016/1624;
- (h) identification, fingerprinting, registration, security checks, debriefing, provision of information, medical and vulnerability screening and, where necessary, medical care as well as referral of third-country nationals to the appropriate procedure at the external borders, in particular in hotspot areas;
- (i) actions aimed at enhancing awareness of external border policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;

- (j) development of statistical tools, methods and indicators;
- (k) operating support for the implementation of European integrated border management;
- (l) ***actions, equipment and surveillance means necessary for the implementation of Regulation 1052/2013.***

2. Within the specific objective referred to in Article 3(2)(b), the instrument shall in particular support ***actions such as*** the following:

- (a) infrastructures and buildings required for the processing of visa applications and consular cooperation, including security measures, as well as other actions aimed at improving the quality of service for visa applicants;
- (b) operating equipment and communication systems required for the processing of visa applications and consular cooperation;
- (c) training of consular and other staff contributing to the common visa policy and consular cooperation;
- (d) the exchange of best practices and experts, including the secondment of experts, as well as boosting the capacity of European networks to assess, promote, support and further develop Union policies and objectives;
- (e) studies, pilot projects and other relevant actions, such as actions aimed at improving knowledge through analyses, monitoring and evaluation;
- (f) 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 research projects;

- (g) preparatory, monitoring, administrative and technical activities, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen *acquis*, including mission expenditure for experts of the Commission and the Member States participating in on-site visits;
 - (h) awareness-raising activities on visa policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;
 - (i) development of statistical tools, methods and indicators;
 - (j) operating support for the implementation of the common visa policy.
3. Within the policy objective referred to in Article 3(1), the instrument shall ~~in particular~~ support **actions such as** the following:
- (a) infrastructures and buildings required for the hosting of large-scale IT systems and associated communication infrastructure components;
 - (b) equipment and communication systems necessary to ensure the proper functioning of large-scale IT systems;
 - (c) training and communication activities in relation to large-scale IT systems;
 - (d) development and upgrading of large-scale IT systems;
 - (e) studies, proof of concepts, pilot projects and other relevant actions related to the implementation of large-scale IT systems including their interoperability;
 - (f) 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 research projects;

- (g) development of statistical tools, methods and indicators for large-scale IT systems in the field of visa and borders;
- (h) operating support for the implementation of large-scale IT systems.

ANNEX IV

Actions eligible for higher co-financing in line with Article 11(3) and Article 12(14)

- (1) Purchasing of operating equipment through joint procurement schemes with the European Border and Coast Guard Agency, to be put at the disposal of the European Border and Coast Guard Agency for its operational activities in line with Article 39(14) of Regulation (EU) No 2016/1624.
- (2) Measures supporting inter-agency cooperation between a Member State and a neighbouring third country with which the EU shares a common land or maritime border.
- (3) Further development of the European Border and Coast Guard, through common capacity building, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination between the Member States and the European Border and Coast Guard Agency, as outlined in paragraph 1(b) of Annex II.
- (4) Joint deployment of immigration liaison officers as referred to in Annex III.
- (5) Measures enhancing the identification of victims of trafficking in human beings and enhancing cross-border cooperation for detecting traffickers in the framework of border control.
- (6) Measures deploying, transferring, testing and validating new methodology or technology, including pilot projects and follow-up measures to Union-funded security research projects, as referred to in Annex III.
- (7) Measures for setting up and running hotspot areas in Member States facing existing or potential exceptional and disproportionate migratory pressure.

- (8) Further developing forms of cooperation among Member States in visa processing, as outlined in paragraph 2(c) of Annex II.
- (9) Increasing the consular presence or representation of Member States in visa-required countries, in particular in countries where no Member State is currently present.
- (10) *Measures which aim at improving the interoperability of IT systems and communication networks.*

ANNEX V

Core performance indicators referred to in Article 25(1)

- (a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows:
 - (1) Number of irregular border crossings detected at the EU external borders a) between the border crossing points; and b) at the border crossing points

Data source: European Border and Coast Guard Agency

- (2) Number of persons using fraudulent travel documents detected at the border crossing points

Data source: European Border and Coast Guard Agency

(b) Specific objective 2: Supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks:

(1) Number of persons using fraudulent travel documents detected at consulates supported by the Fund

Data source: Member States¹¹

~~(2) Average decision time (and trends) in the visa procedure~~

~~*Data source: Member States¹²*~~

¹¹ Data for this indicator is collected by Member States through the Visa Information System (VIS) and may be accessed by the Commission in the future for the purposes of reporting and statistics, pending the negotiations on the proposal of the Commission for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA (COM(2018) 302 final of 16.05.2018).

¹² Idem.

ANNEX VI

Types of intervention

TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION

I. European integrated border management	
001	Border checks
002	Border surveillance - air assets
003	Border surveillance - land assets
004	Border surveillance - maritime assets
005	Border surveillance - automated border surveillance systems
006	Border surveillance - other measures
007	Technical and operational measures within the Schengen area which are related to border control
008	Situational awareness and exchange of information
009	Risk analysis
010	Processing of data and information
011	Hotspot areas
012	European Border and Coast Guard development
013	Inter-agency cooperation - national level
014	Inter-agency cooperation - European Union level
015	Inter-agency cooperation - with third countries

016	Deployment of joint immigration liaison officers
017	Large-scale IT systems - Eurodac for border management purposes
018	Large-scale IT systems - Entry-exit System (EES)
019	Large-scale IT systems - European Travel Information and Authorisation System (ETIAS)
020	Large-scale IT systems - Schengen Information System (SISII)
021	Large-scale IT systems - Interoperability
022	Operating support - Integrated border management
023	Operating support - Large-scale IT systems for border management purposes
024	Operating support - Special Transit Scheme
II. Common visa policy	
001	Improving visa application processing
002	Enhancing the efficiency, client-friendly environment and security at consulates
003	Document security / document advisors
004	Consular cooperation
005	Consular coverage
006	Large-scale IT systems - Visa Information System (VIS)
007	Other IT systems for visa application processing purposes
008	Operating support - Common visa policy
009	Operating support - Large-scale IT systems for visa application processing purposes
010	Operating support - Special Transit Scheme

	III. Technical assistance
001	<u>Technical assistance</u> Information and communication
002	Preparation, implementation, monitoring and control
003	Evaluation and studies, data collection
004	<u>Capacity building</u>

TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION

001	Infrastructures and buildings
002	Means of transport
003	Other operating equipment
004	Communication systems
005	IT systems
006	Training
007	Exchange of best practices - between Member States
008	Exchange of best practices - with third countries
009	Deployment of experts
010	Studies, proofs of concept, pilot projects and similar actions
011	Communication activities
012	Development of statistical tools, methods and indicators
013	Deployment or other follow-up of research projects

TABLE 3: CODES FOR THE IMPLEMENTATION MODALITIES DIMENSION

001	Specific action
002	Emergency assistance
003	Actions listed in Annex IV
004	Implementation of Schengen evaluation recommendations
005	Implementation of vulnerability assessment recommendations
006	Cooperation with third countries
007	Actions in third countries

ANNEX VII

Eligible actions for operating support

- (a) Within the specific objective set out in Article 3(2)(a), operating support shall cover the following costs on the condition that they are not being covered by the European Border and Coast Guard Agency in the context of its operational activities:
- (1) staff costs, ***including for training***;
 - (2) maintenance or repair of equipment and infrastructure ***including buildings, access roads and systems***;
 - (3) service costs, including at hotspot areas within the scope of this Regulation;
 - (4) running costs on operations;
 - (5) costs related to real estate, including rental and depreciation.**

A host Member State in the meaning of Article 2(5) of Regulation (EU) No 1624/2016¹³ may use operating support to cover its own running costs for its participation in the operational activities referred to in Article 2(5) of Regulation (EU) No 1624/2016 and falling within the scope of this Regulation or for the purposes of its national border control activities.

- (b) Within the specific objective specific objective set out in Article 3(2)(b), operating support shall cover:
- (1) staff costs, including for training;
 - (2) service costs;
 - (3) maintenance or repair of equipment and infrastructure;
 - (4) costs related to real estate, including rental and depreciation.

¹³ Regulation (EU) 1624/2016 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard (OJ L 251, 16.9.2016, p.1).

- (c) Within the policy objective set out in Article 3(1), operating support shall cover:
- (1) staff costs, including for training;
 - (2) operational management and maintenance of large-scale IT systems and their communication infrastructures, including the interoperability of these systems and rental of secure premises.
- (d) In addition to the above, operating support within the programme for Lithuania shall provide support in line with paragraph 1 of Article 16.

ANNEX VIII

Output and result indicators referred to in Article 25(3)

- (a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows:
- (1) Border control infrastructure, transport means and other equipment items financed with the support of the instrument:
- number of newly built or upgraded border crossing points out of the total number of newly built or upgraded border crossing points in the Member State concerned;
 - number of Automated Border Control gates;
 - number of air transport means;
 - number of maritime transport means;
 - number of land transport means;
 - ~~— number of items of equipment put at the disposal of the European Border and Coast Guard Agency;~~
 - ~~— number of other items of equipment, out of which the number of items of equipment for setting up, upgrading or maintaining hotspot areas for the purposes of this Regulation;~~
 - number of multipurpose items of equipment supported by the instrument.

- (2) Number of specialised posts in third countries supported by the instrument
- joint liaison officers, as referred to in Annex III;
 - other specialised posts related to border management.
- (3) Number of cooperation projects or cooperation streams set up in Member States with the support of the instrument between the national authorities and the European Border and Coast Guard Agency ~~contributing towards the development of the European Border and Coast Guard.~~
- ~~(4) Number of items of equipment used during the operational activities of the European Border and Coast Guard Agency purchased with support of the instrument out of the total number of items of equipment registered in the Technical Equipment Pool of the European Border and Coast Guard Agency.~~
- ~~(5) Number of cooperation projects or cooperation streams of national agencies with the Eurosur National Coordination Centre (NCC) established with support of the instrument.~~
- (6) Number of staff trained in aspects related to the integrated border management with the support of the instrument.
- (7) Number of IT functionalities developed, implemented, maintained or upgraded with the support of the instrument, including for interoperability purposes:
- SISII;
 - ETIAS;
 - EES;
 - VIS for border management purposes;

- Eurodac for border management purposes;
 - Number of connections of IT systems to the European Search Portal financed with the support of the instrument;
 - Any other large-scale IT systems within the scope of this Regulation.
- (8) Number of Schengen Evaluation recommendations in the area of borders and vulnerability assessment recommendations addressed with the support of the instrument, out of the total number of recommendations having financial implication.
- (b) Specific objective 2: Supporting the common visa policy to facilitate legitimate travel and prevent migratory and security risks:
- (1) Number of consulates outside the Schengen area set up or upgraded with the support of the instrument out of the total number of consulates set up or upgraded of the Member State outside the Schengen area.
 - (2) Number of staff trained and number of training courses in aspects related to the common visa policy with the support of the instrument.
 - (3) Number of IT functionalities developed, implemented, maintained or upgraded with the support of the instrument, including for interoperability purposes:
 - VIS;
 - EES;
 - Any other large-scale IT systems within the scope of this Regulation.
 - ~~(4) Number of forms of cooperation among Member States in visa processing set up and upgraded with the support of the instrument:~~
 - ~~——co-locations;~~

~~—— common application centres;~~

~~—— representations;~~

~~—— others.~~

- (5) Number of Schengen Evaluation recommendations in the area of the common visa policy implemented with the support of the instrument, as a share of the total number of recommendations having financial implications.
- ~~(6) Number of visa required countries where the number of Member States present or represented has increased with the support of the instrument.~~

OR:

- (6) Number of visa required countries where the number of Member States present or represented has increased with the support of the instrument.

data source: European Commission
