

## Annex 1

# EXTERNAL BORDERS FUND 2007-2013 COMMUNITY ACTIONS ANNUAL WORK PROGRAMME 2011

## 1. POLICY CONTEXT

Since the Tampere Programme in 1999 and following the *The Hague Programme* in 2004, the management of the external borders has been one of the cornerstones of the progressive establishment of the European Union as an area of freedom, security and justice. The following Stockholm programme indicates the integrated management of the external borders as a fundamental principle of the European Union, which "must continue to facilitate legal access to the territory of the Member States while in parallel taking measures to counteract illegal immigration and cross-border crime and maintaining a high level of security".

Progressively, the Schengen area enlarged and the need for a stronger and integrated external border management became a priority; a European Agency for the Management of Operational Cooperation at the External Borders (Frontex) was set-up and the External Borders Fund (EBF) was created as part of the General Programme 'Solidarity and Management of Migration Flows' in order to enhance an integrated approach to external borders management.

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

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

In February 2011 the Commission presented a proposal (COM(2011)61) in order to reinforce the role of **Frontex** and its operational capacity in the assistance and coordination of the Member States in the border management. In the framework of EBF,

**Frontex** is called to provide an annual **risk analysis** identifying the difficulties in carrying out border surveillance and pointing out weaknesses at strategic border points. As regards visa, the Hague programme underlined the need for further development of the **common visa policy**, through further harmonisation of national legislation and handling practices at local consular missions. The *Regulation amending the Common Consular Instructions (CCI) in relation to the introduction of biometrics including provisions on the organization of the reception and processing of visa applications (OJ L 131, 28.5.2009, p.1)*, establishing **common centres for the reception of visa applications** (CAC), was adopted in April 2009. These provisions were included in the **Community Code on Visas**, adopted in July 2009 (OJ L 243, 15.9.2009, p 1.) (hereafter the Visa Code), establishing the procedures and conditions for issuing visas for transit through or intended stays in the territory of the Member States not exceeding three months in any six-month period, and thus incorporating all the provisions on visa-issuing procedures, also with the aim of enhancing local consular cooperation. According to the Stockholm Programme adopted in December 2009, the entry into force of the Visa Code and the gradual roll-out of the VIS will create important new opportunities for further developing the common visa policy. Therefore, the European Council encourages the Commission and Member States to take advantage of these developments in order to intensify regional consular cooperation by means of regional consular cooperation programmes, which could include, in particular, the establishment of common visa application centres.

The European Council has also stressed that effective action against illegal immigration remains essential when developing a common immigration policy. Integrated border management and cooperation with countries of origin and transit, must remain a key priority for this purpose. The Stockholm Programme calls for the development of the networks of liaison officers in countries of origin and transit and encourages EU Member States' liaison officers to further strengthen their cooperation, sharing of information and best practices.

Since 2008 work has been on-going to establish a European Border Surveillance System (EUROSUR) to reinforce the control of the Schengen external borders. The priority awarded to EUROSUR has been confirmed by Council conclusions of June 2008 and February 2011 as well as by the Stockholm Programme.

Within this context, in order to build on key orientations reflected in the mentioned policy instruments, and bearing in mind the priorities set in earlier work programmes the 2011 annual work programme identifies a number of priorities and objectives to be pursued through Community actions.

At the same time, the External Borders Fund stands ready to assist Member States that are under considerable pressure of irregular migration. Decisions in relation to return and their implementation might require substantial time and resources. The latest data available shows the acute need to mobilise the resources that the EU has at its disposal to address the imminent challenges the Member States closest to the North African shores may be facing. According to the data from Italian Ministry of Interior, the figure for 2011 of landings on Italian shores from Tunisia alone reached almost 15 thousand individuals at the second half of March, while the respective figure for the entire 2010 was only 25. The need to properly address this humanitarian emergency might require using the entire allocation of the Community Actions 2011 for the emergency measures.

## 2. LEGAL BASIS

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

## 3. GENERAL OBJECTIVES AND FINANCIAL BREAKDOWN

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

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

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

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

The budget for Community actions for 2011 amounts to €16.530.000<sup>2</sup>. It will be allocated to grants, including emergency assistance provided to the Member States in duly substantiated emergency situations.

The indicative budget for the call for proposals shall be determined based on the amount available for Community Actions after deducting of the budgetary resources for emergency measures already awarded at the moment of the launch of the call.

Appropriate account of budgetary availability will be taken into consideration in case of receiving applications for emergency measures between the launch of the call and the end of 2011.

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

<sup>2</sup> Subject to the adoption of the draft amending budget n°4 by the budgetary authority.

#### 4. BUDGET LINE

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#### 5. COMMUNITY ACTIONS (GRANTS)

##### 5.1 PRIORITIES OF THE YEAR, OBJECTIVES AND EXPECTED RESULTS

###### **Priorities**

Strengthening of consular co-operation between Member States in several regions and/or third countries;

Enhancement of activities of immigration liaison officers in several regions and/or third countries;

Enhancement of competence for experts in the Schengen evaluation process;

Support in emergency situations requiring urgent action at external borders of the Member States.

###### **Objectives**

1. Setting up and further development of regional consular co-operation programmes (setting up and further development of common application centres, consular cooperation and training programmes for consular staff);

2. Establishing and further development of Immigration Liaison Officers ('ILOs') activities (support to the activities of ILO working on behalf of several Member States, training activities addressed to ILOs, building ILO networks);

3. Training for experts taking part in the evaluation of the implementation of the Schengen Acquis in the Member States;

4. Cooperation and exchange of information on migration flows between the Member States with the possibility to connect with third countries with the aim of counteracting irregular migration.

5. Support to the Member States in duly substantiated emergency situations requiring urgent action at external borders.

###### **Expected results**

Support to the Member States in duly substantiated emergency situations provided.

20-30 projects selected. Selected projects should enable progress to be made in achievement of one or more of the objectives within the priorities defined above.

## 5.2 IMPLEMENTATION

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

<b>Objective of Community actions</b>	<b>Implementation</b>
Objective 1 Regional consular cooperation programmes	Grants will be implemented pursuant to a call for proposals.
Objective 2 Immigration liaison officers	Grants will be implemented pursuant to a call for proposals.
Objective 3 Providing training for experts taking part in the evaluation of the implementation of the Schengen Acquis in the Member States	Grants will be implemented pursuant to a call for proposals.
Objective 4 Cooperation and exchange of information on migration flows between the Member States with the possibility to connect with the third countries with the aim of counteracting irregular migration	Grants will be implemented pursuant to a call for proposals.
Objective 5 Support to the Member States in duly substantiated emergency situations requiring urgent action at external borders	Grants to be awarded for exceptional and duly substantiated emergencies in accordance with Article 168(1) (b) of the Implementing Rules without a call for proposals.

## 5.3 TIMETABLE FOR THE CALL FOR PROPOSALS

Publication of the call for proposals and deadline for submission of proposals	Third quarter of 2011
Evaluation of projects and award decision	Fourth quarter of 2011

## 5.4 RATE OF CO-FINANCING

Maximum rate of co-financing - 90% of the eligible costs. The grant shall be paid under the following conditions:

- Pre-financing, representing 75% of the amount of the grant awarded upon signature of the grant agreement by the last of the parties;
- The balance upon receipt and approval by the Commission of the final technical

and financial implementation reports, together with a request for payment.

## 5.5 EXCLUSION AND ELIGIBILITY CRITERIA

The organisations involved in the project must not be in one of the situations listed in article 93 and 94 of Council Regulation No 1605/2002 of 25 June 2002<sup>3</sup> on the Financial Regulation applicable to the budget of the European Union.

### Eligibility criteria

In addition to meeting all technical requirements which will be detailed in the call for proposals, projects must meet the following criteria:

- Applications must be submitted within the deadline mentioned in the call for proposals;
- Actions should be developed and implemented in partnership between eligible entities in the Member States in accordance with the requirements defined in the call for proposals.

Applications submitted for emergency assistance will not be subject to the call for proposals (re. Article 168(1) (b) of the Implementing Rules), subsequently, the eligibility criteria specified above will not be applicable. In this case, an application for funding must be sent to the Commission. Only Member States and/or International Organisations may apply.

## 5.6 SELECTION AND AWARD CRITERIA

### Selection criteria

- Applicants and partners will have to demonstrate their operational (technical and management) capacity to complete the action to be supported and must have expertise in the field.
- Applicants must have stable and sufficient sources of funding to maintain their activity throughout the period during which the action is being carried out and to participate in its funding.

### Award criteria

The Commission will select the proposals achieving the highest score following evaluation according to the award criteria set out in the call for proposals, the essential award criteria being relevance, quality, clarity, feasibility, impact of the proposed action and its value for money.

For grants awarded without a call for proposals, the award criteria will be relevance of the proposal and the estimated impact of the proposed activities on the crisis situation.

## 5.7 FORM OF THE GRANTS AND VALUE

Grants shall be covered by a written agreement.

The necessary co-financing must be assured at the date of the application.

For objectives 1 to 4 European Union funding per project may not be less than a set

<sup>3</sup> OJ L 248, 16.09.2002, p. 1

indicative minimum amount - 100.000 € The initial duration of projects shall not exceed 18 months.

## **6. PROCUREMENT**

The maximum global budgetary envelope to be used for procurement will be 530 000 € covering 1-2 studies and 1-2 service contracts.

### **6.1 INDICATIVE NUMBER AND TYPE OF CONTRACTS ENVISAGED**

#### **Studies**

1-2 studies to complete the efforts to implement the Stockholm programme in particular as regards:

- a) the use of modern technologies, the development and setting up of surveillance systems and communications networks in the area of external borders control and migration management;
- b) further developments in the common visa policy, such as the transition of common visa application centres into common visa centres.

#### **Service contracts**

1-2 service contracts

- to support the organisation of on-going efforts to develop and set up surveillance systems, communication networks and analytical tools;
- to support the implementation of the Stockholm programme in the area of external border control, migration management and common visa policy.

Other contracts might be added if a need arises after adoption of this annual work programme.

### **6.2 INDICATIVE TIMEFRAME**

Open calls for tenders for the studies in section 6.1 will be published in the 3<sup>rd</sup> quarter of 2011. Service contracts will be linked to existing framework contracts where possible and established in the 3<sup>rd</sup> quarter of 2011.