

Annex 1

EXTERNAL BORDERS FUND

2007-2013

COMMUNITY ACTIONS

ANNUAL WORK PROGRAMME 2010

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 and support the common Schengen visa policy.

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 envisages an access to the VIS based on biometrics, in order to strengthen the control of external borders.

In February 2008 the Commission presented a **border package** to reinforce all dimensions of border controls. 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". The *Report on the Evaluation and Future Development of Frontex* 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 2010 the Commission presented a proposal (COM(2010)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.

The Hague programme underlined the need for further development of the **common Schengen 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* was adopted in April 2009. These provisions were included in the **Community Code on Visas**, adopted in July 2009 (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 2010 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 2010 annual work programme identifies a number of priorities and objectives to be pursued through Community Actions.

2. LEGAL BASIS

Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows"¹.

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 and a common visa policy. To that end, it establishes a financial solidarity mechanism to support the states who have to endure, for the benefit of the European Union, 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 European Union for integrated management of the external borders of the Member States² 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).

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 European Union as a whole (hereinafter referred to as 'Community Actions').

The budget for Community Actions for 2010 amounts to € 13.855.020 which shall be used for the objectives defined in Article 7(1) of the Decision.

The indicative distribution of the budget for Community Actions in the year 2010 according to the type of activities is as follows:

Grants	11.650.000 €
Tenders	2.205.020 €

¹ See OJ L 144, 6.6.2007, p.22) (hereafter 'the Decision')

² 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.

4. BUDGET LINE

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5. GRANTS

5.1 PRIORITIES OF THE YEAR, OBJECTIVES AND FORESEEN 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 certain external borders of the Member States.

Objectives

- 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);
- 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);
- Training for experts taking part in the evaluation of the implementation of the Schengen acquis in the Member States;
- Support to the Member States in duly substantiated emergency situations requiring urgent action at external borders.

Expected results

15-25 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 PARTICIPATION IN THE PROJECTS

Participation in the projects is open to:

- The 25 Member States which are participating in the Fund in 2010 (Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Denmark (as Denmark has notified by letter of 19 June 2007 that it has decided to implement Decision 574/2007/EC in its national law), Germany, Greece, Spain, France, Hungary, Italy, Luxembourg, The Netherlands, Latvia, Lithuania, Malta, Austria, Portugal, Poland, Romania, Slovakia, Slovenia, Finland, Sweden);
- Schengen associated third countries (for the time being Norway, Switzerland and Iceland);

- International Organisations, European Union agencies and Non-Governmental Organisations registered in the 28 countries mentioned above may also participate in the projects as partners, provided that they all work on a strictly non-profit basis and have proven experience in the fields covered.

Participation in the projects as partners on a no cost basis is open to:

- Ireland and the United Kingdom as they are not participating in the Fund.

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

Attention has to be paid to ensure optimal synergy with the programmes carried out at EU and national level. This will require effective information sharing about the activities so that the necessary contacts and connections can be made.

5.3 IMPLEMENTATION

Objective of Community Actions	Implementation
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 Support to the Member States in duly substantiated emergency situations requiring urgent action at external borders	Grants should be awarded without a call for proposals. In duly substantiated exceptional cases provisions of the FR art. 112 (1) and IR art. 171, 168 (2) may be applied.

5.4 TIMETABLE

Publication of the call for proposals and deadline for submission of proposals of house	Last quarter 2010
Evaluation of projects and award decision	First quarter 2011

5.5 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.

5.6 EXCLUSION AND ELIGIBILITY CRITERIA

Exclusion 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 2002³ 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.

5.7 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.
- Except for public authorities of Member States, entities acting as partners will have to demonstrate their capacity to finance the proposed activities.

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 of the proposed action, impact and its value for money.

³ OJ L 248, 16.09.2002, p. 1

5.8 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. European Union funding per project may not be less than a set indicative minimum amount - 100.000 €.

The duration of projects shall not exceed 18 months.

5.9 GRANT AWARDED TO A BODY TAKING INTO ACCOUNT ITS ADMINISTRATIVE POWER

Grants can be awarded to national public administrations in the context of the Presidencies of the European Union for the organisation of conferences and other events on account of their administrative power. A grant for the organisation of the seminar on identification and protection of unaccompanied minors (fourth quarter 2010) will be awarded pursuant to Article 110 of the Financial Regulation and to Article 168(1) (f) of its Implementing Rules taking into account the specific characteristics and the administrative power required for the organisation of such a seminar. The expected results are the continuation of political debate in the field of protection of unaccompanied minors.

The maximum European Union contribution for the above-mentioned seminar shall not exceed 100.000 €. The amount of the grant cannot exceed 90% of the total eligible costs.

6. TENDERS

6.1 AMOUNT ALLOCATED TO CALLS FOR TENDERS

The global budgetary envelope reserved in 2010 for the procurement contracts amounts to 2.205.020 €.

6.2 TYPE AND OBJECT OF CALLS FOR TENDERS

Studies

Studies:

- a) to implement the priorities of the Stockholm programme in the area of external border control and migration management, in particular as regards the use of modern technologies, the development and setting up of surveillance systems, communication networks and analytical tools;
- b) to implement the priorities of the Stockholm programme in the area of the common Schengen visa policy, including the use of modern technologies and the roll out of the VIS.

This may include at the following studies:

- Feasibility study on the development of a common Schengen visa Internet site in accordance with recital (23) of the Visa Code;
- A study on the requirements for children travelling alone or accompanied, crossing the external borders of the Member States, in accordance with Article 1(1) of Regulation (EC) No 444/2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States.

Service contracts

Service contracts for:

- a) providing the Member States, Frontex and the European Commission with technical advice, assistance and support to ensure a coherent implementation of the different EUROSUR components;
- b) the organisation of events such as seminars in order to exchange views with Member States and other stakeholders on the implementation of the Stockholm programme in the areas of external border control, migration management and the common Schengen visa policy;
- c) the organisation of information and awareness raising activities on the implementation of the Stockholm programme in the areas of external border control, migration management and the common Schengen visa policy.

Indicative Timetable

Publication of the calls for tenders	First quarter 2011
Evaluation and award decision	Second quarter 2011