Template for preparation by Member States of the

**EVALUATION REPORT ON IMPLEMENTATION OF ACTIONS CO-FINANCED BY THE EXTERNAL BORDERS FUND**

(Report set out in Article 52(2) (a) of Decision No 574/2007/EC)

*Please fill in the enclosed template
(preferably in English, French or German)*

*and submit it to the Commission no later than 30 June 2010*
INTRODUCTORY REMARKS

1. The enclosed template is intended to assist Member States in the preparation of the evaluation report which they have to submit to the Commission no later than 30 June 2010, as set out in Article 52(2) (a) of Decision No 574/2007/EC.

Please always use this format, as this is the only way to ensure a homogeneous evaluation across all Member States and for the Community wide evaluation subsequently.

You are free to add any further document you think can be useful in the context of this evaluation. If so, enclose them as an annex, but not as part of this template.

2. When filling in this template please be as concrete as possible, providing facts, examples, figures, etc. - It is essential that the description can easily be understood by those who are familiar with the EBF, but not necessarily familiar with the national programme concerned. Wherever relevant highlight national specificities.

3. A maximum length of description is indicated for many items. As far as possible this limit should be respected.

4. The analysis and assessment of the annual programmes under review start with a summary of the most important features of the multiannual programme and of the programmes approved by the Commission. The reason we ask for this is that we need to have a homogeneous presentation for the subsequent Community wide report. In this context, we think you are the best placed to identify the most relevant features of your programmes.

5. When your opinion is asked for, please explain the reasons on which your opinion is based.

6. As the content of this mid term evaluation report is on implementation it is not required to have recourse to evaluation expertise: the report can be prepared by the Responsible Authority itself. However, for your convenience, you may choose to have recourse to evaluation expertise.

In any case please fill in first the questionnaire on the first page of the template.

Whether you had recourse to evaluation expertise or not, the evaluation report must always be signed by the Responsible Authority. The Responsible Authority remains responsible for its content.
EVALUATION REPORT ON IMPLEMENTATION OF ACTIONS CO-FINANCED BY THE EXTERNAL BORDERS FUND

(Report set out in Article 52(2) (a) of Decision No 574/2007/EC)

Report submitted by the Responsible Authority of: (Member State)

Spain

Date:

30th June 2010

Name, Signature (authorised representative of the Responsible Authority):

Luis Luengo Alfonso.
General Director.

Name of the contact person (and contact details) for this report in the Member State:

Felipe del Pozo Blanco.
Ministry of Interior.
C/ Pío XII, n º 17-19
28016 Madrid (Spain)
Tel. +34 91 537 18 04
GENERAL INFORMATION TO BE PROVIDED BY THE RESPONSIBLE AUTHORITY ON EVALUATION EXPERTISE AND ON METHODOLOGY

- Did you have recourse to an evaluation expertise to prepare this report?

No

- If yes, for what part(s) of this report?

- Please explain what kind of evaluation expertise you had recourse to:

* In-house evaluation expertise (for instance, Evaluation department of the Ministry, etc.) : (please describe)

* External evaluation expertise: (please describe)

Brief description of the methodology used by the evaluation expertise

Important remark

Any evaluation expertise must be obliged by the Responsible Authority to:
- use this template, exclusively
- fully comply with any instruction, methodological note, maximum length, etc. set out in this template.
EVALUATION REPORT ON THE RESULTS AND IMPACTS OF ACTIONS
CO-FINANCED BY THE EXTERNAL BORDERS FUND

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Part I

Summary of the Multiannual Programme 2007-2013

ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE AND STRATEGY TO ACHIEVE THE OBJECTIVES
1. ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE

- The requirements in the Member State in relation to the baseline situation.

During the last few years, due to the increasing migration flows Spain has been subject to, especially concerning maritime borders, significant efforts have been implemented to achieve a uniform and quality external borders control that is compatible also with flexible cross border traffic. Notwithstanding the advances achieved, needs which are not completely covered have been detected and therefore the general requirements in Spain are:

- Reinforcement of the surveillance and control of the external borders:

In the scope of maritime borders, the gradual implementation of SIVE and use of support boats and helicopters have allowed meeting the surveillance requirements up to about 10 miles from the shore line. Nevertheless, it is necessary to increase the surveillance range of current systems. At the same time, control of land borders and airports must be strengthened as well as cooperation with countries of migrant’s origin.

- Development of systems for a more efficient management of the flow of persons at the external borders to ensure a high level of protection and, at the same time, smooth border crossing.

- Improvement of infrastructures and human and material resources for persons whose entry is refused and for persons who are intercepted after having crossed or tried to cross the border illegally.

- Uniform application by border guards of the provisions of Community law on the crossing of external borders.

- Enhance the activities organised by the consular services and other services in third countries.

- The operational objectives of the Member State designed to meet its requirements.

- Maritime borders surveillance and control: deployment of the Integrated External Borders Surveillance System (SIVE) in the Canary and Balearic Islands, and the eastern Mediterranean coastal region of Spain (“Levante”), improve the existing deployments: increase coverage (new sensor stations) and increase the coverage and integration of new systems, upgrade the capabilities of the Mobile Units for Surveillance, increase and improve the surveillance, intercept and rescue means currently available, implement the Sea Horse project and develop a national coordination centre.

- Land borders and airports surveillance and control: improvement of infrastructures, systems and equipment at border crossing points (land border crossing points, harbours and airports), through the use of new identification technologies such as biometrics. Improved facilities in Ceuta and Melilla Spanish borderline with Morocco, upgrading of the operating equipment used by the Territorial Fiscal Patrol and increase and foster border control aerial means and land based equipment.

- Development of systems for a more efficient management of the flow of persons at the external borders: implementation of the SIS II, VIS and FADO systems, upgrade the national information systems to incorporate state-of-the-art technology, improve and enlarge their functionalities and provide for interoperability with the new systems.

- Improvement of infrastructures and human and material resources for persons whose entry is refused and for persons who are intercepted after having crossed or tried to cross the border illegally: upgrading and retrofitting the existing reception centres to meet the current legislation, construction of new reception centres and increasing the means available at them (medical care, translation services, etc.) in order to provide high quality assistance and facilitate the return process.

- Training for border guards in Community law on border control in order to achieve a uniform application of the provisions of Community law on the crossing of external borders (especially regarding Schengen border code).

- Enhance the activities organised by the consular services and other services in third countries: fostering cross-border coordination between the central services responsible for the fight against illegal immigration, annual meetings Europe-Africa to set up a regular communication channel, courses on illegal immigration for officials from concerned African countries to improve their qualification, development of the network of immigration liaison officers to reinforce the fight against illegal immigration and improvement of consular means and facilities to increase its personnel’s efficiency, taking into account the generated needs by the implementation of VIS.
2. STRATEGY TO ACHIEVE THE OBJECTIVES

Priority 1: Support for the gradual establishment of the common integrated border management system as regards checks on persons and the surveillance of the external borders.

The objectives under this priority are the improvement of infrastructures, systems and equipment at border crossing points (land border crossing points, harbours and airports), especially those concerning the checks of persons, through the use of new identification technologies such as biometrics, upgrading of the operating equipment for border surveillance used by the Territorial Fiscal Patrol (PAFITE), upgrading and retrofitting the existing reception centres to meet the current legislation and construction of new reception centres.

Examples of key actions are: development of systems for automatic recognition of security patterns in travel documents and facial biometric identification, development of Schengen border crossing control system, project for biometrics applied to passports, operating equipment for border crossing points (for instance, equipment for detection of false or forged documents), SIAM (Automatic Number Plate Recognition System) project for collecting information about the vehicles that travel from Africa through Spanish ports by means of visual-infrared cameras, refurbishing and enlargement of reception centres in the south of the Peninsula and construction of new reception centres in the south of the Peninsula and in the Canary islands.

So far, no specific action aimed to implement any of the specific priorities has been identified.

Priority 2: Support for the development and implementation of the national components of a European Surveillance System for the external borders and of a permanent European Patrol Network at the southern maritime borders of the EU Member States.

The general objective under this priority is the reinforcement of the surveillance and control of the external borders. More specifically, this implies: the SIVE deployment in the Canary and Balearic Islands and in the Eastern Spain coastal area (“Levante”), improvement of existing deployments, upgrade the capabilities of the Mobile Units for Surveillance, increase and improve the surveillance, intercept and rescue means currently available, acquisition of long-range air surveillance means interoperable with the SIVE and integration with higher levels and development of a national coordination centre.

Examples of key actions are: integrated and fixed SIVE deployments in different Spanish provinces, integration of AIS information in SIVE deployments, integration of Mobile Units for Surveillance with the Command and Control Centres, different equipment acquisitions: deep sea ship for maritime patrol and for fighting irregular immigration, a fixed-wing aircraft and several helicopters. As key actions corresponding to the last objective we can highlight the C4I (Command, control, communications, Computers and Intelligence) Program, building of the National Centre for Maritime Borders and Las Palmas Coordination Centre.

The projects for the development of the National Centre for Maritime Borders, Las Palmas Coordination Centre and the C4I project are linked to the establishment of one single national coordination centre allowing the integrated, centralised and uninterrupted management of maritime borders (in the case of the National Centre for Maritime Border and Las Palmas Coordination Centre, under Guardia Civil responsibility) and of the border crossing points located at airports, harbours and land borders (in the case of the C4I project, under National Police Force responsibility). Therefore, these actions address directly the specific priorities 1 and 2. The specific priority 2 is also addressed by the new SIVE deployments and the upgrading of the existing ones, as well as through the enhancement of the available means and capabilities.
As far as specific priority 3 is concerned, different actions are foreseen that address such priority. Actions linked to the acquisition of fixed-wing aircraft and other air surveillance means should be highlighted, due to their special relevance.

**Priority 3: Support for the issuing of visas and the tackling of illegal immigration, including the detection of false or falsified documents by enhancing the activities organised by the consular and other services of the Member States in third countries**

Within this priority there are two general objectives: the improvement and speeding up of visa issuing activities and the support to visa issuing through the improvement of security in consulate public areas. Inside these, there are three specific objectives identified: the creation of suitable spaces in each consulate to allow biometric data capture of visa applicants, the assignment of new spaces for VIS-related equipment and ensuring security conditions for officials, visitors and consulate facilities. As examples of key actions we can mention: the refurbishing of waiting and attention areas for applicants at consulates, setting up of VIS equipment and setting up of suitable security measures to avoid vandalism or attacks.

So far, no specific actions aimed at implementing any of the specific priorities have been identified. However, throughout the period covered by the Fund, specific priorities will be tackled, and it will be duly indicated in the respective annual program.

**Priority 4: Support for the establishment of IT systems required for the implementation of the Community legal instruments in the field of external borders and visas**

The general objective under this priority is the development of systems for a more efficient management of the flow of persons at the external borders. Inside this there are four specific objectives detected: the implementation of SIS I, SIS II and FADO systems and the upgrading of the national information systems to incorporate state-of-the-art technology, improve and enlarge their functionalities and provide for interoperability with the new systems (SIS-II, VIS).

Examples of key actions are: modification of the project SIS-II and development of a conversion module SIS-I ↔ SIS-II, visa database improvement, consisting of the centralisation and real time work from all Spanish consulates abroad, improvement of the visa data capture program, including equipment for digitalization of documents, the assignment of an independent system of biometric data capture to consulates, increase of bandwidth between Spanish consulates and the central system to enable the transmission of biometric data in real time from consulates to the central system, projects of interconnection with VIS, adaptation of SIRENE to SIS-II and functional improvement of the tool, integration of the software tools of the National Police Force PERPOL and OBJETOS with the SIS-II and integration of the Visa Integrated System, VIS, with SIS-II.

All actions related to the implementation of SIS-II address specific priority 1. It can be mentioned here the modification of the project SIS-II and the development of a conversion module SIS-I ↔ SIS-II or the adaptation of SIRENE to SIS-II.

As for specific priority 2, actions related to the VIS project, carried out by the Ministry of Foreign Affairs and Cooperation, as well as the National Police Force, will implement the VIS along with the connection of other National Police Force systems to such system.

**Priority 5: Support for effective and efficient application of relevant Community legal instruments in the field of external borders and visas, in particular the Schengen Borders Code and the European Code on Visas.**

The general objective within this priority is the uniform application by border guards of the provisions of Community law on the crossing of external borders. There are two specific objectives within this framework: the training for border guards in Community law on border control and the gradual establishment of uniform education, training and qualification of border guards.
As examples of key actions we can stress the performance of training courses, the dissemination of the Schengen Borders Code and Practical Handbook for Border Guards and actions aiming at implementing a common core curriculum for border guards.

So far, no specific actions aimed to tackle any of the specific priorities have been identified. However, throughout the period covered by the Fund it is foreseen to address some of the specific priorities, particularly specific priority 1, and it will be thus indicated in the relevant annual programme.

**Finally, list the most important indicators set out in Part 3 of the Multiannual Programme 2007-2013 and the corresponding quantified/qualitative targets, broken down by Priority:**

**Priority 1**
Main indicators: Number of illegal immigrants detected at border crossing points, average time required to cross the border legally, number of immigrants and boats detected and intercepted, number of complaints received and number of centres built.

The targets associated to them are: increase effectiveness and efficiency in border control and improve decision making processes as well as intercept capability, achieve better accommodation conditions and sufficient capacity to properly accommodate illegal immigrants.

**Priority 2**
Main indicators: number of vessels and immigrants detected and intercepted in the different territories, number of operations in which the Mobile Units are involved, number of operations carried out and number of operations managed and coordinated from national coordination centres.

The targets linked to them are: increase security of the maritime borders in the Canaries and in the Mediterranean coast, increase effectiveness and efficiency in border control and improve decision-making processes, increase operational flexibility in emergency situations at specific locations and increase capability to participate in cooperation actions and progress in establishing a European Border Surveillance System.

**Priority 3**
Main indicators: number of new suitable spaces implemented to allow biometric data capture to visa applicants, number of installed equipment and number of security systems installed or updated.

The targets associated to them are: achieve greater comfort and safety for both officials and applicants, minimise waiting time and social impact due to biometric data capture from visa applicants and improve security conditions.

**Priority 4**
Main indicators: Number and scope of new software for the implantation of the SIS II system and its integration with national systems, number of irregular immigrants detected, number of biometric visas issued, number and nature of assigned resources to introduce and update documents into FADO and number and scope of new software for interconnection between national systems and new and existing systems at an European level.

The targets linked to them are: increase efficiency and achieve a higher integration of the processes for immigration control at the external borders and consulates and improve the decision making process.
Priority 5

Main indicators: number of border guards trained in Community law on border control and number of border guards that are trained and receive qualification based on a common core curriculum. The targets linked to them are: a uniform and consistent application of Community law on border control.
Part II

SUMMARY OF THE ANNUAL PROGRAMMES
2007, 2008 AND 2009
(excluding Technical Assistance measures and Information and Publicity)

Reference documents to be used for this part:

- Your annual programmes 2007, 2008 and 2009 as approved by the Commission, in particular the description of actions
- All other relevant information available to the Responsible Authority
- Any external evaluation of relevance to the items addressed below, if available

Please provide a summary of the actions contained in your annual programmes 2007 through 2009 (based on the description included in item 1 of each action – purpose and scope), broken down by Priority (each of the five Priorities as defined in the Strategic Guidelines of the Commission - Decision C(2007)3925 of the Commission) as set out on the next pages.

Under each Priority describe separately actions/projects implemented under the “awarding body” method, on the one hand, and those under the “executing body” method, on the other hand (where applicable).

No breakdown per year is required, however you will be asked to highlight any significant change to the actions of the programmes concerned in a specific item (see the template on the following pages).

A concise, but very concrete description is required. It is essential that the description can easily be understood by those who are familiar with the EBF, but not necessarily familiar with your national programme. Wherever relevant highlight national specificities.

A maximum length is indicated for each item.
1. Summary of actions under Priority 1 in the annual programmes, 2007 through 2009

Actions to be implemented under the “awarding body” method

Not applicable

Actions to be implemented under the “executing body” method

Actions implemented under Priority 1 in Annual Programmes from 2007 to 2009, according to what is stated in Article 3(1)(a) and (b) of the basic act, are focused on providing support for the further gradual establishment of the common integrated border management systems as regards the checks on persons and the surveillance of the external borders. The final purpose is to arrive to an efficient organization of control, covering both checks and surveillance tasks relating to the external borders, and the efficient management by the Member States of the flows of persons at the external borders.

In order to contribute to the achievement of the previous objectives and converge towards the common integrated border management system, it is necessary to develop new working methods and state-of-the-art technologies so as to strengthen systematic checks of persons at border crossing points.

Therefore actions within this objective cover a wide range of activities. First of all, if the quality and efficiency of the systematic control of persons at authorised border posts is to be enhanced, these must be provided with the technical equipment necessary to effectively carry out that task. Thus, through the three different Annual Programmes, the acquisition of operating equipment for external border control has been a constant activity. Other actions within this Priority are the VDF (Verification of Documents at the Borders) project which is a control system based on the use of automatic recognition of security patterns in travel documents and facial biometric identification, the development of Schengen border crossing control system, the development of visa issuing system at the borders which allows to issue visas at the border for those people who are trying to enter Schengen territory and, for whatever reason, don’t have a visa at their arrival to the border, an action entailing the acquisition of “Mobility Control” equipment based on automated vehicle number plate recognition systems and the acquisition of CCTV at border controls.

2. Summary of actions under Priority 2 in the annual programmes, 2007 through 2009

Actions to be implemented under the “awarding body” method

Not applicable

Actions to be implemented under the “executing body” method

According to Article 3(1)(a) of the Basic Act, the objectives of the Fund include the efficient organisation of control, covering both checks and surveillance tasks related to the external borders. In turn, the efficient control of external borders includes the development and application of measures that improve surveillance systems between border crossing points, according to Article 4(1)(b) of the Basic Act.

As far as Spain is concerned, this includes upgrading surveillance systems to locate and identify vehicles, boats and aircraft.
The actions carried out in the different Annual Programmes from 2007 until 2009 under Priority 2 are directly related to accomplish the reinforcement of the surveillance and control of the external borders, which would be achieved through the improvement and extension of the SIVE (Integrated External Surveillance System), as well as through the increase and improvement of other surveillance and intercept means.

The surveillance systems developed and deployed in order to provide adequate coverage of the border, will constitute necessary steps towards the establishment of the national components of a European Surveillance System for External Borders, and of a Permanent European Patrol Network at the southern maritime borders of EU Member States. Within this framework there are different actions involved which entail the procurement of new vehicles, vessels, helicopters and surveillance means that will stand for an extension and empowerment of the means already provided by current SIVE systems. Under this Priority different actions are envisaged implying the extension of the SIVE system in different Spanish provinces such as Castellón, Balearic Islands and Tenerife in order to enlarge its coverage.

3. Summary of actions under Priority 3 in the annual programmes, 2007 through 2009

Actions to be implemented under the “awarding body” method

Not applicable

Actions to be implemented under the “executing body” method

According to Article 3(1)(d) of the basic act, one of the objectives of the Fund is the improvement of the consular activity management as well as of other services of the Member State in third countries, as regards the flows of third-country nationals into the territory of the Member State, as well as cooperation between Member States in this regard.

To help achieve the above-mentioned objectives and to ensure that consular departments work more efficiently, it is necessary to develop activities that apply the new visa issuing systems and improve the working conditions and facilities for staff in those departments.

The actions proposed under this priority throughout Annual Programmes 2008 and 2009 (Priority 3 was not addressed in Annual Programme 2007) are directly related to the accomplishment of, the improvement and speeding up of visa issuing activities and support to visa issuing through the improvement of security in consulate public areas. These two goals will be achieved through the creation of suitable spaces within consulates to allow proper capture of biometric data from applicants in the first place and secondly through the purchase and installation of better security and protection equipment in their facilities.

In order to capture biometric data, it is necessary to install kiosks of biometric capture in areas specifically designed for this purpose. This will help to avoid queuing at the applying counters, allowing to speed up the application process, and to carry out the process in a discreet way, taking into account the different dress codes and customs found in Muslim countries. To this end, a specific action with this purpose is to carry out refurbishment works in North African consulates.

To ensure officials and applicant security at consulates, waiting rooms accessible to visa applicants at the consular services must be protected. It is also necessary to be protected against the possibility of attacks and vandalism. This protection is implemented by setting up security elements such as armoured glasses and steel protections at the visa information counter, including, in some cases, metal detection arches and X-ray scanners.
4. **Summary of actions under Priority 4 in the annual programmes 2007 through 2009**

Actions to be implemented under the “awarding body” method

*Not applicable*

Actions to be implemented under the “executing body” method

Priority 4 is addressed in Article 3(1)(d) of the basic act, and aims to provide support for the establishment of IT systems required for implementation of the European Union legal instruments in the field of external borders and visas. Therefore to achieve the efficient management by the Member States of the flows of persons at the external border it is essential to put in place ICT systems supporting real-time consultation of data at border crossing points.

Thus, actions within priority 4 through the three different Annual Programmes from 2007 to 2009 cover different activities regarding the Schengen Information System, such as upgrading the current version SIS I+ towards the implementation of the SIS II (Schengen Information System II), functional improvement and adaptation of the tool SIRENE to SIS II, the development of a web-based application for the management of data about people and objects of interest for the Police (PERPOL and OBJETOS), the development of the European image-archiving FADO conceived for the purpose of exchanging by computerised means and within very short periods of time information concerning genuine and false documents that have been recorded.

Other actions within this priority entail the development of the VIS (Visa Information System), and the VISMAIL (visa communication system) and the implementation of the Integrated Passenger List System at ports and airports which will provide information permitting the identification of all passengers entering Spain through airports from third countries outside the Schengen area.

Finally another action envisaged within this priority is the acquisition of independent systems of biometric data capture and computer equipment for consulates in North Africa.

5. **Summary of actions under Priority 5 in the annual programmes 2007 through 2009**

Actions to be implemented under the “awarding body” method

*Not applicable*

Actions to be implemented under the “executing body” method

Under Article 3(1)(c) of the Basic Act, one of the main components of the common integrated management of external borders and one of the general objectives of the Fund is the uniform application by border guards of the provisions of Community law on the crossing of external borders. In the scope of the uniform application by border guards of the provisions of Community law, one of the specific objectives of the EBF (refer to Article 4(3)(a) of the basic act) is the gradual establishment in each Member State of uniform education, training and qualifications of border guards, particularly by implementing the Common Core Curriculum for training.

With this purpose there are several proposed actions consisting of organizing training courses for border guards. The content of the course are related to the Community law on the crossing of external
borders, in particular to the application of the Schengen Borders Code, the use of the Practical Handbook for border guards and other Community legal instruments in the field of external borders.

6. Any significant change to the actions of the programmes concerned (revisions of annual programmes and revisions of the financial breakdown lower than 10%)

Annual Programme 2007 did not experience any significant change either in the actions addressing the different priorities or in the financial breakdown. Annual Programme 2008 experienced the necessary revisions of its initial version that were followed by a dialogue with the Commission until reaching the last version that was finally approved. The most significant change shown in Annual Programme 2009 is the inclusion of a new action within Priority 4 (support for the establishment of IT systems required for implementation of the Community legal instruments in the field of the external borders and visas) addressed to the development of the VISMAIL system, with a total estimated cost of 120,000 €, that had not been envisaged in the initial versions. This new action was included in order to develop and put into service this communication exchange system with the purpose to help in the accomplishment of the main objective of the MAP under priority 4, systems development for more efficient management of person’s flows at external borders.
Part III
IMPLEMENTATION OF THE PROGRAMMES IN THE “AWARDING BODY” METHOD

Did you implement the 2007, 2008 and 2009 programmes in the “awarding body” method (as defined in Article 7 (2) of Commission Decision 2008/456/EC of 5.3.2008 - the External Borders Fund Implementing Rules), at least for part of the programmes?

Yes/No: No

If yes, fill in this part.

If No, do not fill in Part III and go to Part IV (Implementation of the programmes in the executing body method).
### III.1 Share of the overall EU contribution to the programmes granted in the “awarding body” method from 2007 to 2009

For each programme year from 2007 to 2009, enter the share of the overall EU contribution to the programme (excluding the EU contribution for technical assistance) which was granted in the “awarding body” method (in percentage, no decimal)

<table>
<thead>
<tr>
<th>Programme Year</th>
<th>Share of EU Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>% of the EU contribution to the programme (excluding the EU contribution for technical assistance)</td>
</tr>
<tr>
<td>2008</td>
<td>%</td>
</tr>
<tr>
<td>2009</td>
<td>%</td>
</tr>
</tbody>
</table>

### III.2 Calls for proposals

For each programme year from 2007 to 2009, please provide the number and calls for proposals organised for the implementation of the annual programmes in the “awarding body” method

<table>
<thead>
<tr>
<th>Programme Year</th>
<th>Number of Calls for Proposals</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>(number of calls for proposals)</td>
</tr>
<tr>
<td>2008</td>
<td>(number of calls for proposals)</td>
</tr>
<tr>
<td>2009</td>
<td>(number of calls for proposals)</td>
</tr>
</tbody>
</table>
III.3 Proposals received, selected and funded after calls for proposals

Definitions:
- If more than one call for proposals was organised for a given annual programme, provide in the table below, for that programme, figures combining all of that programme’s calls.

- Project funded = a contract, a grant agreement or any equivalent form of legal instrument has been signed with the beneficiary

- If multiannual projects have been funded, they should be counted only in the first programme year they were received, selected and funded

Definition of a multiannual project: According to the legal basis, the end of the eligibility period for projects under the 2007 Programme is 31st December 2009. For the 2008 and 2009 Programmes the end of the eligibility period for projects is 30th June 2010 and 30th June 2011, respectively. A multiannual project is a project approved for funding under any of the programmes mentioned above, whose eligibility period extends later than the eligibility period for projects of the programme under which it was selected and funded.

<table>
<thead>
<tr>
<th>Number ofProposals received</th>
<th>Programme 2007</th>
<th>Programme 2008</th>
<th>Programme 2009</th>
<th>TOTAL 2007-2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects selected</td>
<td></td>
<td></td>
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<tr>
<td>Projects funded</td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

Have all projects selected for funding after calls for proposals been funded?

Yes/No: ……. 

- If No, explain why:
III.4  Projects funded in the “awarding body” method without a call for proposals

In duly justified cases, grants may be awarded in the “awarding body” method without a call for proposals (Article 7 (2) of Commission Decision 2008/456/EC of 5.3.2008 - the External Borders Fund Implementing Rules, third paragraph). The continuation of multiannual projects which were selected after a previous call for proposals should not be taken into account. Neither should Technical Assistance measures, since they are not considered as “projects”.

Please indicate the number of projects funded (see definition on page 18) in the “awarding body” method without a call for proposals.

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Number</td>
<td></td>
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</table>

III.5  Total number of projects funded in the “awarding body” method in the programmes 2007, 2008 and 2009

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Projects funded after calls for proposals (see table III.3)</td>
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</tr>
<tr>
<td>Projects funded without a call for proposals (see table III.4)</td>
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</tr>
<tr>
<td>TOTAL Projects funded in the “awarding body” method</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
**Part IV**

**IMPLEMENTATION OF THE PROGRAMMES IN THE “EXECUTING BODY” METHOD**

Did you implement the 2007, 2008 and 2009 programmes in the “executing body” method (as defined in Article 8 of Commission Decision 2008/456/EC of 5.3.2008 - the External Borders Fund Implementing Rules), at least for part of the programmes?

Yes/No : Yes

If Yes, fill in this section

If No, do not fill in Part IV and go to Part V( Summary description of the projects funded in the “awarding body method” and in the “executing body” method, 2007 through 2009).
IV.1  **Share of the overall EU contribution to the programmes granted in the “executing body” method from 2007 to 2009**

For each programme year from 2007 to 2009, enter the share of the overall EU contribution to the programme (excluding the EU contribution for technical assistance) which was granted in the “executing body” method (in percentage, no decimal).

- Programme 2007: 100% of the EU contribution to the programme (excluding the EU contribution for technical assistance)
- Programme 2008: 100%
- Programme 2009: 100%

IV.2  **Calls for expression of interest or for proposals or similar selection method**

For each programme year from 2007 to 2009, please provide the number of calls for expression of interest or for proposals or similar organised for the implementation of the EBF annual programmes in the “executing body” method

- Programme 2007: 0(number of calls for expression of interest or for proposals or similar selection method)
- Programme 2008: 0(number of calls for expression of interest or for proposals or similar selection method)
- Programme 2009: 0(number of calls for expression of interest or for proposals or similar selection method)
Explanatory note by the AR: All of the actions that have been carried out in Spain within the framework of the different Annual Programmes of 2007, 2008 and 2009 in the field of border control and surveillance within the EBF, have been executed with the Responsible Authority acting as the executing body, either by itself or in conjunction with the public authority which holds a de jure monopoly to carry out a particular task. For each of the actions described hereafter, the reason to employ this implementation mode has been either the existence of the mentioned statutory monopoly or for security requirements. This circumstance has been reflected in this template especially in Part 5, making questions from 1 to 6 not applicable for the situation in Spain.
IV.3 Proposals received, selected and funded after calls for expression of interest, call for proposals or similar selection method in the “executing body method”

Definitions:
- If more than one call for expression of interest, call for proposals or similar was organised for a given annual programme, provide in the table below, for that annual programme, figures combining all of that annual programme’s calls.
- Project funded = a contract, a grant agreement or any equivalent form of legal instrument has been signed with the beneficiary
- If multiannual projects have been funded, they should be counted only in the first programme year they were received, selected and funded

Definition of a multiannual project: According to the legal basis, the end of the eligibility period for projects under the 2007 Programme is 31st December 2009. For the 2008 and 2009 Programmes the end of the eligibility period for projects is 30th June 2010 and 30th June 2011, respectively. A multiannual project is a project approved for EBF funding under any of the programmes mentioned above, whose eligibility period extends later than the eligibility period for projects of the annual programme under which it was selected and funded.

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<tbody>
<tr>
<td>Proposals received</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projects selected</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Projects funded</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Have all projects selected for funding after calls for expression of interest, call for proposals, or similar been funded?

Yes/No : ……..

- If No, explain why :
IV.4 **Projects funded in the “executing body” method without a call for expression of interest or for proposals or similar**

*Please indicate the number of projects funded (see definition) in the “executing body” method without a call for expression of interest, a call for proposals, or similar.*

*The continuation of multiannual projects which were selected after a previous call should not be taken into account. Neither should Technical Assistance measures, since they are not considered as “projects”.*

<table>
<thead>
<tr>
<th>Projects funded in the “executing body” method without a call for expression of interest or for proposals or similar selection method</th>
<th>Programme 2007</th>
<th>Programme 2008</th>
<th>Programme 2009</th>
<th>TOTAL 2007-2009</th>
</tr>
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<tbody>
<tr>
<td>Number</td>
<td>17</td>
<td>28</td>
<td>17</td>
<td>62</td>
</tr>
</tbody>
</table>

**IV.5 Total number of projects funded in the “executing body” method in the programmes 2007, 2008 and 2009**

<table>
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<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Projects funded after calls for expression of interest, calls for proposals, or similar selection method (see table IV.3)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Projects funded without such calls (see table IV.4)</td>
<td>17</td>
<td>28</td>
<td>17</td>
<td>62</td>
</tr>
<tr>
<td><strong>TOTAL Projects funded in the “executing body” method</strong></td>
<td><strong>17</strong></td>
<td><strong>28</strong></td>
<td><strong>17</strong></td>
<td><strong>62</strong></td>
</tr>
</tbody>
</table>
Part V

SUMMARY DESCRIPTION OF THE PROJECTS FUNDED
IN THE “AWARDING BODY” METHOD AND
IN THE “EXECUTING BODY” METHOD
2007 - 2009

Reference documents to be used for this part:

- The information on the projects funded available to the Responsible Authority (description of the project supported to be found in each grant agreement)
- All information on implementation available to the Responsible Authority
- Any external evaluation of relevance to the items addressed below, if available

Please provide a summary description of the projects funded (see definition on page 18) under your annual programmes 2007 through 2009, broken down by Priority as set out on the next pages. Under each Priority describe separately projects funded in the “awarding body” method, on the one hand, and projects funded in the “executing body” method, on the other hand.

In addition please describe separately (as set out in the template) projects funded in the “awarding body” method without a call for proposals and projects funded in the “executing body” method without a call for expression of interest, for proposals, or similar selection method.

No breakdown per year is required in the items 1 to 6.

Describe separately any change to the distribution for projects funded in the “awarding body” method, on the one hand, and for projects funded in the “executing body” method, on the other hand.

In addition, highlight any significant change to the projects funded in the “awarding body” method, on the one hand, and to projects funded in the “executing body” method, on the other hand (other than their distribution).

It is not required to make a full description of all projects. What is needed is a concise, but very concrete description of the types of operations implemented under each Priority. Wherever relevant highlight national specificities. It is
essential that the description can easily be understood by those who are familiar with the EBF, but not necessarily familiar with your national programme.

You will be asked to highlight 1-5 projects under each annual programme which deserve, in your opinion, particular mention since you consider them as a good practice, or of an innovative nature, of interest for other Member States or of particular value in the light of the multiannual strategy and your national requirements.

Finally, you will be asked to describe one "success story” and one “failure”, among all projects funded from 2007 to 2009.

For each item the maximum length is mentioned beneath the item’s description.
1. Summary description of the projects funded under Priority 1 in the annual programmes, 2007 through 2009

In the “awarding body” method

Not applicable

In the “executing body” method
See point 7.

Maximum length: 15 lines

2. Summary description of the projects funded under Priority 2 in the “Executing body” method in the annual programmes, 2007 through 2009

Maximum length: half a page at the maximum

In the “awarding body” method

Not applicable
Maximum length: 15 lines

In the “executing body” method
See point 7.

Maximum length: 15 lines

3. Summary description of the projects funded under Priority 3 in the annual programmes, 2007 through 2009

In the “awarding body” method

Not applicable
Maximum length: 15 lines

In the “executing body” method
See point 7.

Maximum length: 15 lines

4. Summary description of the projects funded under Priority 4 in the annual programmes, 2007 through 2009

In the “awarding body” method

Not applicable
Maximum length: 15 lines
In the “executing body” method
See point 7.

Maximum length: 15 lines

5. Summary description of the projects funded under Priority 5 in the annual programmes, 2007 through 2009

In the “awarding body” method
Not applicable
Maximum length: 15 lines

In the “executing body” method
See point 7.
Maximum length: 15 lines

6. Summary description of the projects funded in the “awarding body” method without a call for proposals, in the annual programmes 2007 through 2009

Not applicable

7. Summary description of the projects funded in the “executing body” method without a call for expression of interest, a call for proposals or similar selection method, in the annual programmes 2007 through 2009

In Spain the Civil Guard and the National Police Corps, within the Ministry of Interior, are the authorities responsible for developing the actions within the EBF enjoying a de jure monopoly position for that purpose. Therefore all actions carried out in annual programmes 2007 to 2009 have been performed in the “executing body” method without a call for expression of interest, a call for proposals or similar selection procedure.

Due to this special feature, after inquiring the Commission on this subject and following its advice, we will hereafter describe all projects related the EBF (and funded in the “executing body” method) in annual programmes 2007, 2008 and 2009, broken down by priority.
Projects within Priority 1

All projects within this priority aim at providing support for the gradual establishment of the common integrated border management system as regards the checks on persons at and the surveillance of the external borders. This could involve investment in infrastructure, systems and equipment within the framework of the eligibility rules of the Fund. Therefore the projects contained in annual programmes 2007, 2008 and 2009 that address this priority involve a wide range of different operations.

- Acquisition of operating equipment for external border control: this project is addressed to the acquisition of operational equipment to enhance border control such as equipment for document inspection and false document detection that has been developed at the borders (maritime, aerial and at the National Police Offices in Madrid) to increase the efficiency and quality of border control.

- The projects aiming at developing the Schengen border crossing system, the visa issuing system and the document verification at border crossing (deployed at aerial borders) that are developed through the different Annual Programmes have the main purpose to achieve a more integrated and efficient border crossing.

- The system for verification of false documents is available in 26 maritime border posts, 31 air border posts, 4 ground border posts and 8 Police-Customs Cooperation Centres. Also, the system has been deployed on each of the 13 Units of Immigration and Border Control of the National Police Corps.

- The Schengen border crossing system comprises the required software development work, the upgrade of the central servers and the update of some of the most obsolete Information Technology equipment at border crossings (network switches and computers). All border crossings with connection to the central servers are intended to have this system available.

- The Visa issuing system consists on the development of a subsystem forming part of the alien management system (ADEXTTTRA) allowing to issue visas at the border for those people who are trying to enter Schengen territory and, for whatever reason, don’t have a visa at their arrival to the border. The system digitizes the picture of the citizen, issues the visa and prints the official form with the picture that has been taken.

- Automated Number Plate Recognition System (SIAM project): this projects aims to improve surveillance at the borders using video and infrared cameras to capture information from vehicles travelling from Africa to all Spanish ports. The information this project generates plays an increasingly relevant role in the effective surveillance of our borders.

Projects within Priority 2

Priority 2 pursues the support for the development and implementation of the national components of a European Surveillance System for the external borders and of a permanent European Patrol Network at the southern maritime borders of the EU Member States. Projects to achieve this Priority enclosed in annual programmes 2007 through to 2009 are mainly focused on developing the necessary engineering systems to extend the cover and develop the SIVE (Integrated External Surveillance System) in order to reinforce security and control at Spanish (and the rest of the EU) borders.

- The SIVE main objective is to seal the European Union Southern border by deploying a number of technical equipment in the areas deemed to be of higher risk concerning illegal immigration. Through the different Annual Programmes the SIVE has been deployed along the Mediterranean coast and that of the Canary Islands. Its operating concept is based on implementing several fixed deployments along the affected coastal zones. The mentioned equipment allows increasing the operating range and speed of response redounding in a more effective control of small boats, allowing detecting them several
miles away from the shore. This way the Civil Guard can plan ahead their operations producing better results in terms of higher number of intercepted vessels and safer rescue missions in terms of avoiding lives lost.

Projects within Priority 3

This Priority was firstly addressed in annual programme 2008. The projects involved in this priority pursue to contribute to the achievement of the Fund objectives and to converge towards a higher efficiency in consular service activities applying new visa issuing systems, in order to improve the conditions and work methods of the personnel engaged in such services. Therefore the projects proposed under this priority are directly related to the improvement and speeding up of visa issuing activities and support to visa issuing through the improvement of security in consulate public areas. These two goals will be achieved through the creation of suitable spaces within consulates to allow for proper capture of biometric data from applicants, and the purchase and installation of better security and protection equipment in their facilities. This involves different kinds of projects:

-Projects aiming at the refurbishment of facilities at different consulates, especially in Northern Africa, including changes in the waiting rooms of consulates in order to install biometric capture kiosks and by placing panels and installing security systems.

-Other projects within this priority also aim at improving security at the consulates through the development of security systems in access areas for visa applicants. This protection is implemented by setting up security elements such as armoured glasses and steel protections at the visa information counter, including, in some cases, metal detection arches and X-ray scanners.

Projects within Priority 4

-Projects under this priority aim to develop the **SIS** (Schengen Information System) and the **VIS** (Visa Information System and its derivates, like the Visa Communications System). These projects entail the implementation of the visa management system using biometrics, making possible the issue of visas at border posts, the incorporation of fingerprint identification into the border pass control system and the operational use of data. They have also required the necessary IT developments to effectively integrate and adapt national systems to them.

-This priority also encompasses other projects that aim at supplying automatic biometric data capture systems and other computerised devices for the consulates in Middle Eastern Mediterranean countries. These improvements have been implemented in the central offices (central systems) of the Ministry of Foreign Affairs and of Cooperation (MAEC) in Madrid. It is in these offices that the information coming from the consulates is centralized and from where it shall be sent to the central European server in Strasbourg.

Projects within Priority 5

Priority 5 aims at supporting the effective and efficient application of relevant Community legal instruments in the field of external borders and visas, in particular the Schengen Borders Code and the European Code on Visas. The objective is to achieve a gradual implementation in each Member State of standardised teaching, training and credentials for border guards, mainly through the implementation of training based on a common core curriculum.

Projects inside this priority are addressed to develop training courses for border officials from the Civil Guard and the National Police Corps on Community Law as regards the control of external borders, and the training of consular service personnel. More specifically the courses were:

-36 courses were successfully organised in Annual Programme 2007.
-10 courses were attended in 2008.
-18 courses were envisaged in Annual Programme 2009 (they are still under implementation).

8. **Explain any significant change to the distribution of the projects funded in the “awarding body” method, by Priority and by Specific Priority, in the annual programmes 2007 through 2009**

*Not applicable*

9. **Explain any significant change to the distribution of the projects funded in the “executing body” method, by Priority and by Specific Priority, in the annual programmes 2007 through 2009**

Annual Programme 2008 experienced some changes in the financial breakdown over the 10% that needed its financial revision. The main changes on the original programme were a result of savings or of identification of additional needs in the originally foreseen actions. With reference to the Delegated Authority, its share of European co-financing was reduced, since the final costs of their actions were lower than the estimated ones, thus being unable to raise the percentages of its actions (already foreseen at 75% in the previous versions of the annual programme) and also because the DA could not contribute with any additional project or cost. Therefore the RA and the DA decided jointly to leave the DA actions at 75%. The circumstance explained affected mainly projects within Priority 3, Specific Priorities 1 and 2.

With reference to the Beneficiaries (National Police Corps and Civil Guard), although their action costs had been reduced for several reasons, the RA decided jointly with them to raise the percentages of all their actions from 60% to 70%, in order to benefit them and not the RA itself. This change influenced mostly projects encompassed in the framework of Priorities 1, 2, 4 and 5, in all their Specific Priorities.

Also within Priority 4, Specific Priority 1, another significant change in the distribution of projects was produced, when a new action addressed to the development of the VISMAIL system was included with the purpose to help in the accomplishment of the main objective of the MAP under this priority: systems development for more efficient management of person’s flows at external borders.

If we compare Annual Programmes from 2007 to 2009 to find out if there are differences in the share of projects and/or budget distributed by priority and specific priority, the results are as follows:

The share of projects within priority 2 has experienced a progressive increase complementary to the reduction in the share of budget within priority 1. This implies the concentration of budgetary efforts on projects within priority 2, as the SIVE (Integrated External Surveillance System) project, included in it, is the one that concentrates the most important part of budgetary allocations along Annual Programmes 2007 to 2009.

Budget of projects within Priority 3 has also increased as it was not until Annual Programme 2008 that projects were included within this priority. They refer to the competence matters of the Ministry of Foreign Affairs (MAEC) and it was not until that date that it started to develop projects concerning consular affairs within the framework of the EBF.

The share of budget within Priority 5 has also increased as so has done the number of training courses for border officials, Civil Guard Staff and staff at consular posts.

10. **Highlight any significant change (other than the distribution referred to under points 8 and 9) to the projects funded in the “awarding body” and “executing body” method in the annual programmes 2007 through 2009**
In the “awarding body” method

Not applicable

In the “executing body” method

The only changes experienced through the three different annual programmes in the “executing body” method have been caused by variations in the distribution of funds, as explained in Point 6 (Part I) and therefore no other significant change due to other reason shall be referred.

11. Important projects funded in the annual programmes 2007 to 2009

2007 annual programme

Among all projects included in this Annual programme there are two worth mentioning related to the deployment of the SIVE in Levante (Eastern Mediterranean Coast of Spain) and the Province of Tenerife (Canary Islands).

The integrated deployment in the Province of Tenerife consisted of the implantation of the SIVE System in the islands of Tenerife, La Gomera and El Hierro, as well as its integration in a Command and Control Centre located at the Civil Guard headquarters in Santa Cruz (capital of the island of Tenerife). The Command and Control Centre in Tenerife centralizes, integrates and displays the information received from the different means composing the system (optronic system, radar and the signal from helicopters). The stations in La Gomera and El Hierro were also provided with autonomous operation capabilities should it be necessary. The Command and Control Centre integrates other information systems from the Civil Guard (AVL, AIS, COC) and communications systems (GSM/GPRS, SIRDEE, etc.) to increase the efficiency of the service. Whenever the operation makes it necessary, it is possible to inform and coordinate the Operative Units to establish the most convenient intervention strategy.

The project involving the integrated deployment of SIVE in the area of Levante consisted of the implantation of this system in the autonomous region of Murcia, the provinces of Valencia and Alicante and the island of Ibiza.

The deployment in each province consisted of a number of stations; a Command and Control Centre; the communications network and a system for the reception of the helicopters signal and some training courses for the operation of the acquired means. The said training took into account that separate formational actions for system operators and 1st level maintenance personnel should be included.

These two projects deserve to be highlighted in Annual Programme 2007 due to their results in terms of the operating range and speed of response that implied a more effective control of small boats by allowing detecting them several miles away from the shore. This way the Civil Guard can plan ahead their operations producing better results in terms of higher number of intercepted vessels and safer rescue missions, thus preventing lives lost.

2008 annual programme

Particular mention deserves the project addressed to implement an Integrated Passenger List system within this Annual Programme. It is a management system at ports and airports aiming to provide information permitting the identification of all passengers (including surname and forenames, date of birth, nationality and passport number) entering Spain through airports from third countries outside the Schengen area.
Received data are incorporated into an advanced information system about passengers, implemented in the Under Directorate General for Security Information and Communications Systems within the Ministry of Interior. This system provides National Security Forces and Corps, as well as other possible organizations to be determined, with integrated information.

The system integrates the data from the different airlines and shipping companies, gathering the information from a specific website specifically set up for that purpose. The passenger list files provided are temporarily stored in a data structure called the Passenger List Storage System. Lastly, a Passenger List Communication System is set up to transfer this data to the Civil Guard and the National Police Corps, the law enforcement authorities in Spain.

This advanced system has greatly contributed to improve control measures at ports and airports achieving a noteworthy impact in terms of greater border security.

2009 annual programme

One of the most important and worth mentioning projects from the Annual Programme 2009 is the supply for automatic biometric data capture systems and other computerized devices for the consulates in Mediterranean countries of the Middle East, namely: Israel, Jerusalem, Jordan, Lebanon, Syria, Afghanistan, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates, Yemen.

The purpose was to enable the capture of biometric data at the consulates in the above-mentioned areas, in accordance with the European Commission’s forecasts for deployment of the VIS project in 2009. That data should be captured using bespoke devices (biometric capture kiosks) so that both photographs and fingerprints could be taken quickly, easily and efficiently. These devices function independently from other consular resources, so as not to interfere with the visa application and issue workflow.

The number of consulates where the independent biometric data capture systems (kiosks) were installed is of 16 (Regions 2 and 3 of the deployment of the VIS proposed by the European Commission). The number of the kiosks foreseen in the project was 20 and for the windows systems were 32.

This Project has achieved the expected results in terms of modernisation of the biometric capture systems and has improved the working conditions for consular staff reaching a significant impact in terms of more effective infrastructures and more secure visa issuing process.

12. Description of one “success story”, among all the projects funded in the annual programmes 2007 to 2009

The undoubted successful story within the EBF through the different Annual Programmes is the SIVE (Integrated External Borders Surveillance System) project developed by the Spanish Civil Guard. It aims directly to implement Priority 2 as defined in the Basic Act “support for the development and implementation of the national components of a European Surveillance System for the external borders and of a permanent European Patrol Network at the southern maritime borders of the EU member states”.

The SIVE main objective is to seal the European Union Southern border by deploying a number of technical equipment in the areas deemed to be of higher risk concerning illegal immigration.
SIVE operating concept is based on implementing several fixed deployments along the affected coastal zones. Each deployment consists of several sensor stations equipped with radar and optronic sensors, as well as a Command and Control Centre where the information generated by each sensor station is centralised and processed. It encloses, as well, the required communications infrastructure that supports information exchanges between sensor stations and the Command and Control Centre and the system receiving helicopter signals.

The mentioned equipment allows increasing the operating range and speed of response redounding in a more effective control of small boats, allowing detecting them several miles away from the shore. This way the Civil Guard can plan ahead their operations producing better results in terms of higher number of intercepted vessels and safer rescue missions in terms of avoiding lives lost.

The SIVE project is highly innovative not just because of its integrated and added value conception but also because it involves the most advanced and developed state-of-the-art technologies what is really a differential element compared to the rest of the MS initiatives.

13. **Description of one “failure”, among all the projects funded in the annual programmes 2007 to 2009**

No failure as such has been identified.

If we need to identify the reasons that may hamper the successful implementation of projects within the Fund, examples of “internal” reasons are for example bureaucratic delays in, for instance, the official reception of equipment that might cause delays regarding the eligibility period.

Also the Commission delays in approving Annual Programmes has sometimes caused delays in the projects and uncertainty as it reduces the time for the programmes execution. This uncertainty entails also important budgetary constraints, since national budgets are established in a yearly way.
Part VI

TECHNICAL ASSISTANCE

INFORMATION AND PUBLICITY

Reference documents to be used for this part:

- The information on technical assistance and on information and publicity available to the Responsible Authority
- Any relevant national document and information available to the Responsible Authority in these matters
- Any independent evaluation of the items addressed below, if available

1. Technical assistance

Please provide a concrete description of the activities implemented under the Technical Assistance measures of the annual programmes 2007 through 2009. No annual breakdown is required.

The technical assistance for the 2007, 2008 and 2009 annual programmes was only used by the Responsible Authority. The activities implemented under the technical assistance of the above-mentioned annual programmes were the following:

- Implantation and implementation of the Management and Control Systems.
- Coordination with the certification and the audit authorities.
- Preparation and revision of the multiannual programme.
- Monitoring of the projects financed and technical support for beneficiaries in the context of compliance with the Fund rules.
- Preparation of accounting justification for the projects and for applications for requests for payment.
- Drafting of progress and implementation reports of 2007, 2008 and 2009 annual programmes.
- Administrative tasks linked to the implementation of the Fund.
2. **Information and Publicity**

Please provide a concrete description of the information and publicity activities (as per Articles 33 and 34 of the EBF Implementing Rules) implemented under the annual programmes 2007 through 2009. No annual breakdown is required.

Describe separately the information and publicity activities by the Responsible Authority and those by the final beneficiaries.

As part of the information and publicity activities by the Responsible Authority, please specify the yearly information activities which you have organised up to now, as of 2008, the launch of the multiannual programme or the achievements of the annual programme(s), as set out in Article 33 (2)(a) of the EBF Implementing Rules.

Please also describe when you developed the website referred to in Article 33(2) (b) of the EBF Implementing Rules and indicate, for each annual programme, when the required data was introduced on the website.

- **Information and publicity activities by the Responsible Authority**

The website referred to in Article 33(2)(b) has been developed in July 2008 introducing the data of the 2007 and 2008 annual programmes. It has been gradually updated afterwards as the different annual programmes were approved.

The DGIMS (Directorate General for Infrastructures and Material for Security), as the responsible authority, has organized several activities to inform the beneficiaries about the multiannual and annual programmes and also about the information and publicity rules (among other things). Several meetings were held with the potential beneficiaries to present the Fund and to collaborate in the preparation of the multiannual programme and the 2007, 2008, 2009 and 2010 annual programmes. They were also informed about the publicity rules, the monitoring of the annual programmes in execution and the approval of the multiannual programme and annual programmes.

- **Information and publicity activities by the final beneficiaries**

The DGIMS, the DGSE (Directorate General for the Foreign Service within the Ministry of Foreign Affairs), the National Police Corps and the Civil Guard, as the final beneficiaries of the actions of 2007, 2008 and 2009 annual programmes, have undertaken the measures laid down in paragraphs 2, 3 and 4 of Article 34 of the implementing rules. The DGIMS has also been responsible for the supervision of the observance of the guidelines.

Regarding point 2 of the said Article, a plaque was put when the action that entailed the purchasing of a physical object or financing infrastructure or construction project and the amount of the EU contribution to the project exceeds EUR 100 000. Moreover, when the action encompassed the purchase of a large number of devices or equipment, it was affixed a label carrying the same information to each piece of device/equipment, where this was feasible.

Regarding the information received from the Delegated Authority (MAEC), on software applications and websites, it has been introduced a text reading “Financiado a través del Fondo para las Fronteras Exteriores”.
Part VII

ASSESSMENT OF IMPLEMENTATION

Based on:
- All information available to the Responsible Authority on the implementation of each annual programme
- Any external evaluation available to the Responsible Authority

provide your assessment of the implementation of the annual programmes from 2007 through 2009 for the following items.

In each case please explain the reasons for your judgement. If for any item you cannot provide an assessment by June 2010, please answer "Not known by June 2010".
VII.1. **Assessment of the implementation of the 2007 Annual Programme**

1. **Has the 2007 programme been implemented as originally planned and broadly in line with the programme schedule?**

*15 lines maximum*

Even though all the actions planned at the beginning were finally implemented, there were some modifications in the annual programme as originally planned (in the initial version). In most of the cases, they were due to the fact that the final procurement costs differed from the initial estimated ones.

The reason why final procurement costs differ from initially estimated ones lays down in the fact that they are estimations. The characteristics of Spanish public procurement procedure itself also affect in this way: in the Annual Programmes elaborating phase the budgets considered for each action are most of the times the ones published in the public tender (“licitación pública”, that is, the official document published in the Spanish Official Bulletin in which the conditions and requirements for the project, including the economic ones, are laid down). Nevertheless, the final real costs of projects consider the public contract awarding prices (“precios de adjudicación”). Therefore an important part of the difference mentioned is due to a decrease in the awarding prices experienced during public procurement processes.

In less frequent cases the equipment acquired has experienced a reduction in its number compared to the number initially estimated as necessary in the programming phase. Despite of these changes the 2007 annual programme was finally implemented in line with the programme schedule.

2. **Have you encountered problems on implementation of the 2007 annual programme? If so, what measures did you take?**

*15 lines maximum*

The main difficulties were caused by the delays in the approval of the legal framework and the uncertainty that entailed. No special problems arose during the implementation, apart from some minor ones linked to the starting of the management of the Funds.

By “some minor problems linked to the starting of the management of the Funds” we mean the starting up costs that every projects incurs at the beginning of a new regulatory framework, for example: it was necessary to dedicate more time to get used to the legal Funds framework and implementation methods, it was also necessary to hold several meetings and contacts until the procedures are clearly defined and established etc.

3. **Has a revision of the 2007 programme by the Commission been necessary? If so, what were the main changes?**

*15 lines maximum*

It was necessary to make several revised versions of this annual programme until reaching the final version approved by the European Commission. For this same reason there was no need of an economic revision of this annual programme.

4. **Have you implemented the 2007 programme (the case being, the revised programme) fully? (= all or nearly all actions set out in the programme approved**
by the Commission, or in the revised programme approved by the Commission, could be implemented by the end of this programme)

15 lines maximum
All actions envisaged in the 2007 annual programme approved by the Commission were executed successfully within the eligibility period foreseen for this annual programme despite several minor changes.

5. Have the expected quantitative and qualitative results of the 2007 programme - as set out in the programme / revised programme approved by the Commission - been achieved at the end of this programme?

15 lines maximum
The expected results were fully achieved at the end of 2007 annual programme eligibility period despite two main reasons. Firstly the necessary changes in the estimated costs of some actions during their implementation that were made in order to reflect the real costs as accurately as possible and secondly the delays in the annual programme approval procedure by the European Commission.

6. In the light of the implementation of the 2007 programme, do you consider that the distribution of funding between the actions was appropriate? Were the actions set out in the programme you submitted to the Commission appropriate?

15 lines maximum
We consider that the distribution of funding among the actions foreseen in the 2007 annual programme approved by the Commission was appropriate, although some adjustments were done. The distribution of funding was done according to the needs identified and communicated by the final beneficiaries. Notwithstanding the changes introduced, the reallocation of the funding among the final beneficiaries has allowed them to fully implement the actions encompassed in the annual programme submitted to the Commission complying with the expected results. In that sense it can be affirmed that the actions were appropriate.
VII.2. Assessment of the implementation of the 2008 Annual Programme

1. Has the 2008 programme been implemented as originally planned and broadly in line with the programme schedule?

15 lines maximum

Even though all the actions planned at the beginning were finally implemented, there were many modifications in the annual programme as originally planned (in the initial version), thoroughly explained in the last economic revision of the 2008 annual programme approved by the European Commission.

The modifications in AP 2008 were needed because the estimated costs considered in the initial version of this programme did not fit the final costs of the actions. This was due to two main reasons:

1. The final procurement costs differed from the estimated ones in the Annual Programme.

   The reason why final procurement costs differed from initially estimated ones lays down in the fact that they were estimations. The characteristics of Spanish public procurement procedure itself have also affected in this way: in the Annual Programmes elaborating phase the budgets considered for each action are most of the times the ones published in the public tender (“licitación pública”, that is, the official document published in the Spanish Official Bulletin in which the conditions and requirements for the project, including the economic ones, are laid down). Nevertheless, the final real costs of projects consider the public contract awarding prices (“precios de adjudicación”). Therefore an important part of the difference mentioned has been due to a decrease in the awarding prices experienced during public procurement processes.

2. In less frequent cases the equipment acquired has experienced a reduction in its number compared to the number initially estimated as necessary in the programming phase.

These modifications in AP 2008 implied a reallocation of the funding among the projects (as explained in the next point) and the need for a Financial Revision.

For a brief explanation of changes included in the AP 2008 Financial Revision, see point VII.2.3, where they are specifically described.

Despite of these changes the 2008 annual programme was finally implemented in line with the programme schedule.

2. Have you encountered problems on implementation of the 2008 annual programme? If so, what measures did you take?

15 lines maximum

The main problem encountered while implementing the 2008 annual programme was that the estimated costs considered in the initial version of this programme did not fit the final costs of the actions due to the reasons explained in the previous point of this Report (point VII.2.1).

This implied a reallocation of the funding among the final beneficiaries (as explained in the next point) allowing them to fully implement the foreseen actions in the annual programme.

Important is also to mention that the implementation period of the actions included in Annual Programme 2008 finalizes the same day as the deadline to submit this Intermediate Evaluation
Report. This fact implies that the last part of the implementation of some of the projects included in 2008 Annual Programme is still to be revised at this present time.

With reference to the Delegated Authority (MAEC), being this the first year that it has requested financing from this Fund, it had problems related to the lack of experience, especially on the administrative and management sides. To offset these inconveniences, the DA has requested the support of a state-owned company with experience in the management of the External Borders Fund, the same as the one that supports the Ministry of Interior in these tasks (ISDEFE).

3. Has a revision of the 2008 programme by the Commission been necessary? If so, what were the main changes?

15 lines maximum

Annual Programme 2008 experienced some changes in the financial breakdown over the 10% that needed its financial revision. The main changes on the original programme were a result of savings or of identification of additional needs in the originally foreseen actions. With reference to the Delegated Authority, its share of European co-financing was reduced, since the final costs of their actions were lower than the estimated ones, thus being unable to raise the percentages of its actions (already foreseen at 75% in the previous versions of the annual programme) and also because the DA could not contribute with any additional project or cost. Therefore the RA and the DA decided jointly to leave the DA actions at 75%.

With reference to the Beneficiaries (National Police Corps and Civil Guard), although their action costs had been reduced for several reasons, the RA decided jointly with them to raise the percentages of all their actions from 60% to 70%, in order to benefit them and not the RA itself.

After the reallocation of co-financing was jointly decided, the RA revised the annual programme and sent it to the European Commission for the approval.

This revision involved changes in actions within priorities 1, 2, 4 and 5.

4. Have you implemented the 2008 programme (the case being, the revised programme) fully? (= all or nearly all actions set out in the programme approved by the Commission, or in the revised programme approved by the Commission, could be implemented by the end of this programme)

15 lines maximum

All actions envisaged in the 2008 annual programme approved by the Commission were executed successfully within the eligibility period foreseen for this annual programme.

5. Have the expected quantitative and qualitative results of the 2008 programme - as set out in the programme / revised programme approved by the Commission - been achieved at the end of this programme?

15 lines maximum

The expected results were fully achieved at the end of 2008 annual programme eligibility period despite two main reasons. Firstly the necessary changes in the estimated costs of some actions during their implementation that were made in order to reflect as accurately as possible the real costs and secondly the delays in the annual programme approval procedure by the European Commission.
With regard to the Delegated Authority and in relation to consular actions, the results have been very satisfactory, although on training, some projects could not be carried out with full success due to a not enough exhaustive planning by the MAEC. This was due to the fact that 2008 was the first year that the Ministry of Foreign Affairs (MAEC) took part in the EBF and therefore the first time for them to carry out projects within the Fund. That entailed several minor problems linked to the starting of the management of the Funds, as explained in point VII.1.2. Nevertheless, these difficulties were overcome and, as they assessed, the results were very satisfactory.

6. **In the light of the implementation of the 2008 programme, do you consider that the distribution of funding between the actions was appropriate? Were the actions set out in the programme you submitted to the Commission appropriate?**

*15 lines maximum*
We consider that the distribution of funding among the actions foreseen in the 2008 annual programme approved by the Commission was appropriate, although some adjustments were done. The distribution of funding was done according to the needs identified and communicated by the final beneficiaries. Notwithstanding the changes introduced, the reallocation of the funding among the final beneficiaries has allowed them to fully implement the actions encompassed in the annual programme submitted to the Commission complying with the expected results. In that sense it can be affirmed that the actions were appropriate.

**VII.3. Assessment of the implementation of the 2009 Annual Programme**

1. **Has the 2009 programme been implemented as originally planned and broadly in line with the programme schedule?**

*15 lines maximum*
All actions included in 2009 annual programme adopted by the European Commission are currently being implemented at the moment and it is expected that they will be finalized in line with the programme schedule.

2. **Have you encountered problems on implementation of the 2009 annual programme? If so, what measures did you take?**

*15 lines maximum*
So far the only significant problem that has arisen during the implementation of the 2009 annual programme is referred to the competence framework of the Delegated Authority. This problem encountered by the MAEC, is the uncertainty in the deployment of the VIS (Visa Information System). A large part of the investment for the year 2009 was assigned for the deployment of the VIS, including the purchase of the biometric captures elements, security systems and the refurbishment of rooms for visa applicants. Since the VIS has been delayed, these investments have been necessarily postponed.

3. **Has a revision of the 2009 programme by the Commission been necessary? If so, what were the main changes?**
15 lines maximum

A financial revision of the 2009 annual programme is foreseen and expected to be sent to the European Commission in the following months. It is estimated that this revision will involve changes in actions under more than one priority.

So far it has only been necessary to make several minor changes that have already been included in the different versions of this annual programme until reaching the final version approved by the European Commission.

4. Have you implemented the 2009 programme (the case being, the revised programme) fully? (= all or nearly all actions set out in the programme approved by the Commission, or in the revised programme approved by the Commission, could be implemented by the end of this programme)

15 lines maximum

As all the actions foreseen in 2009 annual programme are currently being implemented at the moment it is expected that they will be finalized in line with the eligibility period.

5. Have the expected quantitative and qualitative results of the 2009 programme - as set out in the programme / revised programme approved by the Commission - been achieved at the end of this programme?

15 lines maximum

Again as all actions in 2009 annual programme are being implemented it is foreseen that the expected quantitative and qualitative results will be achieved at the end of this programme.

With regard to the Delegated Authority and in relation to the consular actions and due to the problem explained in section 2, it was not possible to make the investments planned. Therefore, the objectives of this programme had to be modified to the new situation.

6. In the light of the implementation of the 2009 programme, do you consider that the distribution of funding between the actions was appropriate? Were the actions set out in the programme you submitted to the Commission appropriate?

15 lines maximum

We consider that the distribution of funding among the actions foreseen in the 2009 annual programme approved by the Commission was appropriate, although some adjustments were done. The distribution of funding was done according to the needs identified and communicated by the final beneficiaries.

Notwithstanding the changes introduced, the reallocation of the funding among the final beneficiaries has allowed them to fully implement the actions encompassed in the annual programme submitted to the Commission complying with the expected results. In that sense it can be affirmed that the actions were appropriate.

VII.4. The Management and Control System for the Fund and the implementation of the Annual Programme 2007 through 2009
Based on:
- All information available to the Responsible Authority on the implementation of each annual programme 2007 through 2009
- The Management and Control system of the External Borders Fund in your Member State
- Any external evaluation available to the Responsible Authority
- Any other analysis carried out by your government as regards the Fund

Provide your assessment for the following item. Please explain the reasons for your judgement.

1. Has the Management and Control System of the External Borders Fund which you designed in 2007-8, been efficient for the implementation of the annual programmes so far?

*Half a page maximum*

So far the Management and Control Systems (MCS) designed have been efficient for the implementation of all annual programmes.

2. Please list any changes you have made in the Management and Control System of the External Borders Fund which you designed in 2007-8, bearing in mind the experiences gained/ lessons learned during the implementation of the annual programmes 2007 – 2009 and/or any comments from the Commission and/or audits

*Half a page maximum*

The Management and Control Systems have not suffered any substantial modification during the implementation of the 2007-2009 annual programmes.

The only modification experienced by the MCS was proposed by the Certification Authority and consisted of the clarification of its activities and responsibility areas according to the External Border Fund Basic Act and to update the contact persons in charge. The need for a revision is being addressed at present.
Part VIII


In case you had recourse to an external expertise for other parts of this report : this part must always be filled in by the Responsible Authority itself

VIII.1. What is your overall assessment of the implementation of the External Borders Fund in your Member State from 2007 to 2009?

1 page maximum

The overall assessment of the implementation of the EBF in Spain from 2007 to 2009 has been most satisfactory. Despite the necessary adjustments made with aim to reflect the real costs of the actions, the 2007 and 2008 annual programmes have been fully implemented. For the 2009 annual programme though it is expected to make some changes as a reaction to the economic crisis and the consequent budgetary constraints and also to the delay of the VIS implementation, its full implementation is also foreseen.

The communication among the beneficiaries and the different authorities has been very fluent thus permitting to properly address through the different actions and projects the necessities expressed by them and better contribute to the achievement of the general objectives.

Due to the fact that in 2007 and 2008 there were some delays in the approval procedure by the European Commission, it logically implied a slower carrying out of the actions by the final beneficiaries.

As a general assessment it would also be very helpful in order to accelerate the overall implementation of the annual programmes if it did not systematically delay the approval procedures for several months, and the adoption of decisions etc which directly affects the fund implementation by Member States.

With reference to the Delegated Authority and in relation to consular activities, the implementation of the consular investments under the 2008 annual programme, the only one finished, has been fruitful. The uncertainty of the VIS deployment and the budget constraints (due to the economic situation) could cause a reallocation of the funding among the other actions included in 2009 annual programme.

As an overall conclusion it is important to highlight the fact that the fund has allowed developing all actions included in the annual programmes at the maximum extent and with the highest quality standards without being subjected to budgetary constraints, being this of the highest importance in the current European economic situation. Furthermore the funds perceived by Spain under the EBF have prevented the Fund objective to improve both inland security and of the whole EU from being compromised due to national budgetary restrictions.
VIII. 2 Taking into account the overall implementation of the External Borders Fund in your Member State from 2007 to 2009, what is your preliminary assessment in relation to the following aspects of the External Borders Fund on the following aspects?

1. Relevance of the programme's priorities and actions to the national situation

Please describe how relevant the programme's objectives are overall to the problems and needs identified in the field of external border control and visa policy. Has there been an evolution which required a reshaping of the intervention?

15 lines maximum

The programme’s objectives were outstanding to the national situation and the evolution of threats. The actions implemented through the annual programmes have met the national requirements established in the multiannual programme. In fact, the actions of 2007 annual programme addressed mainly the general requirements related to the reinforcement of the surveillance and control of the external borders, and the development of systems for a more efficient management of the flow of persons at the external borders. The 2008 and 2009 annual programmes also addressed the uniform application by border guards of the provisions of European law on the crossing of external borders and, the enhancing of the activities organised by the consular services and other services in third countries.

In the following annual programmes to come, it is expected to also address the rest of the general objectives as stated in the multiannual programme, related to the general requirements about to the infrastructures and resources for persons whose entry is refused and for persons who are intercepted after having crossed or trying to cross the border illegally.

The reshape of the intervention has not been advised but due to the current economic situation that has produced some budgetary constraints it may be necessary to prioritize some actions over others in order to comply with national priorities.

2. Effectiveness of the programme

Please highlight the key results of the programme overall and the extent to which the desired results and objectives (as set out in the multiannual programme strategy) been attained. Are the effects resulting from the intervention consistent with its objectives?

15 lines maximum

Through the three annual programmes (2007, 2008 and 2009), almost all the general objectives set out in the multiannual programme strategy have been attained and therefore the effects resulting from the intervention have been consistent with them. More specifically the following results of the programme overall have been attained: the reinforcement of the surveillance and control of the external borders, the improvement of infrastructures and human and material resources for persons whose entry is refused and for persons who are intercepted after having crossed or trying to cross the border illegally, the reinforcement of the surveillance and control of the external borders, the improvement and speeding up of visa issuing activities, the support to visa issuing through the improvement of security in consulate
public areas, the development of systems for a more efficient management of the flow of persons at the external borders and the uniform application by border guards of the provisions of Community law on the crossing of external borders.

As regards the Delegated Authority (MAEC) and in relation to consular actions, the 2008 annual programme has been effective since the objectives of the Fund met the objectives of Spain investment policy (Refurbishment and adaptation of North Africa consulates). Therefore, it is possible to conclude that the effects resulting from the intervention are consistent with the objectives.

As far as the effectiveness of projects included in the different AP is concerned, it is important to point out that in general, all projects included in Annual Programmes 2007, 2008 and 2009 have proved to be highly effective.

If some of them were to be highlighted, they would be the SIVE project, the Biometric Capture System in consulates and the purchase of different vessels for the Civil Guard Maritime Service.

The SIVE (Integrated External Surveillance System) has proved to be an extremely effective surveillance system that has contributed to reinforce the security and Spain’s and therefore EU borders integrity protection.

The biometric capture systems deployed in consulates are intended to enable the future implementation of the VIS project by capturing biometric data (they are biometric capture kiosks) in order for pictures and fingerprints to be taken in a quick and efficient manner.

The purchase of different kinds of patrol vessels for the Civil Guard Maritime Service has contributed to enhance surveillance and intervention capacity at sea permitting the Civil Guard to successfully complete its missions, especially the fight against illegal immigration.

3. Efficiency of the programme

Please estimate the cost of the management of the External Borders Fund so far and whether in your opinion the programme's objectives are being developed in accordance with the original planning and at a reasonable cost.

15 lines maximum

Since the Responsible Authority did not have the necessary experience to deal with the EBF and due to the complexity of the Fund framework, it considered adequate to appoint a state-owned company (ISDEFE) with high expertise in the field in order to increase the effectiveness of the Fund management both in the cost management and the results.

To estimate the costs of management of the EBF as a % of the total budget, as there is no way to estimate the human capital assigned to the different Annual Programmes in terms of personnel management effort in the Responsible Authority and in the beneficiaries, such an estimation of the cost of management can just be provided by calculating the % of budget assigned to the Technical Assistance to the Responsible Authority.

Therefore the “measurable” % of the cost of management for the three Annual Programmes is as follows:

-AP 2007: 0,33%
-AP 2008: 1,02%
-AP 2009: 0,78%

With regard to the Delegated Authority and in relation to consular actions, the management of the Fund has only been done by the civil servants of the MAEC until this moment.
Nevertheless it has implied many hours of dedication to the management in addition to the project working hours needed.

4. Complementarity

Please indicate any issues you have had with establishing the complementarity and/or synergies with other programmes and/or EC financial instruments such as the other Funds of the General Programme, the Thematic Programme on Asylum and Migration and/or the Structural Funds.

15 lines maximum
No particular issues have arisen while establishing the complementarity and/or synergies with other EU programmes.

The actions financed under the EBF have been developed guaranteeing the necessary complementarity with other actions financed by other EU programmes, as follows: the Programme Solidarity in Action and synergies with the Schengen Project or the Sea Horse Project (cofinanced by the Aeneas Programme), among other. Special attention is paid in order to avoid any overlapping of funds.

With regard to the Delegated Authority and as far as consular actions are concerned, there is not any complementarity with other programmes or financial instruments since the submitted projects have only been financed by the External Borders Fund.

5. Added value

Please indicate how you perceive the programme's added value in comparison with existing national programmes/policies at national, regional and local level, and in relation to the national budget in the area of intervention of the External Borders Fund.

15 lines maximum
The Fund programme follows the national programmes/policies line. During the three annual programmes, more equipment has been purchased and upgraded/updated in addition to the heavy investment already done in infrastructures, equipment, vehicles and Information and Communications Technologies, which can be used by the organizations responsible for border management (National Police Corps and Civil Guard).

The funds have allowed developing all actions included in the annual programmes at the maximum extent and with the highest quality standards without being subjected to budgetary constraints, being this of the highest importance in the current European economic situation. Furthermore the funds perceived by Spain under the EBF have prevented the Fund objective to improve both national security and of the whole EU from being compromised due to national budgetary restrictions.

VIII.3. Any suggestions / recommendations for improvements in the regulatory framework (basic act and implementing rules) and the Commission guidance documents which would help you to streamline and improve the annual programming exercise in general?

Half a page maximum
In line with the conclusion stated after the workshop on the modifications to the implementing rules held the last 14th of June Spain agrees with the suggestions proposed by all Member
States regarding the rules simplification in order to improve the efficiency of the whole annual programming exercise in general.

Final changes above the 10% established should also be allowed in duly justified cases, since the initial programming is done three years before the end of the eligibility period, whereas the national budgets are approved in a yearly way, therefore changes or cuts can take place even in the last year of the implementing period. More flexibility in general lines would be welcome for the annual programming, which is required to be defined in a very exhaustive manner for the actions in the executing mode.

Furthermore we would like to remark that it would be of the highest importance to contribute to achieve that efficiency that the European Commission accomplished the deadlines established for the approval of the working documents (MAP, APs, MCS) in the reference Decisions that guide the funding process.

**VIII.4. Any suggestions / recommendations for improvements in the regulatory framework (basic act and implementing rules) and the Commission guidance documents which would help you to streamline and improve the implementation of the actions / projects and the control mechanisms on the actions/ projects?**

*Half a page maximum*

The Responsible Authority, with reference to the staff, proposes the simplification of its guiding rules, specially relating to the staff appointed to state-owned organizations and the inclusion of support/administrative staff as a direct cost within this category.

As regards travel costs the RA suggests to admit all expenses related to the project disregarding the direct relation with the beneficiaries’ staff.

The RA also suggests that the indirect costs are calculated through a fixed percentage as proposed in the previous SOLID Committee meeting. With reference to this topic, especially for the EBF fund, we specifically ask for a change of the fixed percentages of indirect costs established in the Manual of the Eligibility Rules of costs reported for EU support in the context of the General Programme “Solidarity and Management of Migration Flows”. If it was feasible, we propose to increase these fixed percentages (at least from 5% to 20% (as a general rule) and from 2.5% to 10% (in the following situations: where the RA acts as an executing body as defined in Article 7(3), or where the combined total of subcontracting (II.1.6) and procurement (points II.1.3 and II.1.4) exceeds 40% of the eligible direct costs).

It is also of the highest importance to clarify which is the maximum threshold eligible for the specific maintenance costs for equipment regarding the total cost of an action, as the eligibility rules mention none while the manual states that “e.g. costs incurred recurrently under a long-term contract for the maintenance of helicopters might be reported under ‘Subcontracting’ (p.55). In spite of this, we have come across different interpretations of this article by the Commission, sometimes even contradictory, when it comes to funding actions consisting of operating costs. Maintenance costs for equipment not acquired through the Fund but used in actions financed by it (therefore complying with its objectives) should be considered eligible, specially for vehicles (aircrafts, helicopters, vessels) since they are inseparable and essential for the use of the equipment in question, implying a severe burden for the national authorities. As many of the actions funded in Spain within the EBF imply high maintenance costs, we hereby require a clarification of and more flexibility in this point.
With reference to subcontracting, we have had some problems relating to the fixed percentage of subcontracting established in the Manual of the Eligibility Rules of costs reported for EU support in the context of the General Programme “Solidarity and Management of Migration Flows”. In the Manual of the Eligibility Rules it is already foreseen that when “subcontracting costs exceeding 40% of the total direct eligible costs may be eligible for EU support provided that the reason for exceeding the limit of 40% is duly justified and approved by the RA”. If it was feasible, we propose to increase this fixed percentage: at least from 40% to 50%-60% without explicit approval of Responsible Authority, since the final beneficiaries do not have the necessary high expertise, specific technical skills and state-of-the-art technology required in the projects and in the implementation of the systems, and they are obliged to contract the development and implementation of these projects (particularly for the EBF).

As far as the technical assistance is concerned we suggest maintaining the 7% for the whole period and including in this category the purchase of equipment.

As far as the Delegated Authority is concerned and regarding consular actions, their implementation would also be improved if the implementing rules considered a higher level of flexibility in the eligible actions. It would also contribute to the efficiency of the projects if the actions did not have to be limited to a region or a specific European Project.

**VIII. 5. Any suggestions / recommendations for improvements in terms of the guidance and support by the Commission to the Member States on the implementation of the programming exercise and the management and control system?**

*Half a page maximum*

The Responsible Authority has detected that in order to increase the efficiency in the Fund running and due to the great workload, some meetings could be replaced by conference calls or workshops preceded by and exchange of proposals or document amendments by mail and followed by sending the conclusions or member states position also by mail. This way the procedures could be speeded up and the efficiency of the whole process would be improved.

It would also be very helpful in order to accelerate the overall implementation of the annual programmes if the European Commission did not systematically delay the approval procedures, and the adoption of decisions etc which directly affects the fund implementation by Member States.

The RA also suggests a clearer and more detailed definition of what is considered as a significant change in the MCS and therefore implies a formal revision of this document that has to be approved by the European Commission.

As far as the Delegated Authority is concerned and in relation with the projects implemented in third countries, these financial aids are good to facilitate the consular service and the visa issuing, paying special attention to person security within an environment sometimes problematic, to the comfort and dignity of workers and visa applicants, to the correct identification of the applicants and to avoid the abuse of visa-shopping by the applicants.

However, the use of the Fund should be more flexible in accordance with the above-mentioned general guidelines, thus the financial aid possibility does not affect the rational allocation of the investments of each Member State. That is, the advantage of obtaining co-
financing of the Fund does not oblige the Member State to subordinate neither the order nor the precedence of the national objectives to the EU priorities.

As a general conclusion it should be mentioned that all Authorities that deal in a day-to-day basis with the Fund agree in stating that it is an important and interesting aid for Spain and its implementation should be facilitated in a more flexible way, under the general objectives of the Fund.

End of the report

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