

| EVALUATION AND FITNESS CHECK (FC) ROADMAP | | | |
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| TITLE OF THE EVALUATION/FC | Ex-post evaluation of the External Borders Fund 2011-2013 | | |
| LEAD DG RESPONSIBLE UNIT | HOME E.3 | DATE OF THIS ROADMAP | 10 / 2015 |
| TYPE OF EVALUATION | Evaluation | PLANNED START DATE | 03 / 2015 |
| | Ex-post | PLANNED COMPLETION DATE | 12 / 2016 |
| | Mixed | PLANNING CALENDAR | http://ec.europa.eu/smart-regulation/evaluation/index_en.htm |
| This indicative roadmap is provided for information purposes only and is subject to change. | | | |

| A. Purpose |
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| (A.1) Purpose |
| <p>The purpose of the External Borders Fund (EBF) 2011-2013 ex-post evaluation is:</p> <ul style="list-style-type: none"> to meet the legal obligations (please see section A.2); to ensure transparency and accountability for the implementation of the EBF; to contribute to making the future implementation of EU financial instruments in the field of border controls and visas (i.e. Internal Security Fund – instrument for borders and visa) more relevant, effective, efficient, sustainable and coherent. |
| (A.2) Justification |
| <p>According to Article 21(6) of Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC, the Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by 31 December 2015 the ex-post evaluation report under Decision No 574/2007/EC concerning the period 2011-2013.</p> <p>According to Article 51(2) of Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme Solidarity and Management of Migration Flows, the EBF shall be evaluated by the Commission in partnership with the Member States to assess the relevance, effectiveness and impact of actions in the light of the objectives referred to in Article 3.</p> <p>According to Article 18(3) of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, all programmes or activities, including pilot projects and preparatory actions, where the resources mobilised exceed EUR 5 000 000 shall be subject of an interim and/or ex-post evaluation in terms of the human and financial resources allocated and the results obtained in order to verify that they were consistent with the objectives set.</p> |

| B. Content and subject of the evaluation |
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| (B.1) Subject area |
| The EBF was established for the period 2007 to 2013 by Decision No 574/2007/EC as one of four funds under the General programme "Solidarity and Management of Migration Flows". |

The EBF has been implemented via actions under annual programmes of the Member States, Community actions and Specific actions.

EBF annual programmes of the Member States

The EBF annual programmes (referred to in Article 23 of Decision No 574/2007/EC) were drafted on the basis of the EBF 2007 (2010)-2013 multi-annual programmes of 25 Member States and three Schengen associated States and implemented by the authorities of these 28 states under the shared/indirect management mode.

In accordance with Article 5 of Decision No 574/2007/EC, the actions under the EBF annual programmes should have supported, among others, investments in border crossing infrastructures, border surveillance infrastructure, operating equipment (sensors, video-surveillance, document examination devices, detection tools, terminals for consulting the Schengen Information System (SIS) and the Visa Information System (VIS)), means of transport for the control of external borders (vehicles, vessels, helicopters, aircrafts), IT systems and trainings.

The EBF allocations for the annual programmes of the Member States were determined on the basis of a methodology defined in Article 14 of Decision No 574/2007/EC which took into account the length of the external land and maritime borders, workload at the external land, maritime and air borders and at the consular offices and the number of consular offices.

Under the EBF annual programmes for Lithuania, a Special Transit Scheme referred to in Article 6 of Decision No 574/2007/EC was supported. The Special Transit Scheme provided support for the compensation for foregone fees from transit visas and additional costs incurred in implementing the Facilitated Transit Document and the Facilitated Rail Transit Document scheme in accordance with Council Regulation (EC) No 693/2003 and Council Regulation (EC) No 694/2003.

EBF Community actions

The EBF Community actions were implemented under the direct management mode, either via projects supported by grants awarded by the Commission or via contracts for services concluded following the calls for tenders published by the Commission.

In accordance with Article 7 of Decision No 574/2007/EC, the Community actions should have supported activities organised by the consular services and other services of the Member States in third countries as regards the flow of third-country nationals into the territory of the Member States and the co-operation between Member States in this regard (including the activities of air liaison officers and immigration liaison officers); integrated border management; and services to Member States in emergency situations requiring urgent action at external borders (emergency actions).

EBF Specific actions

The EBF Specific actions were implemented under the direct management mode, via projects supported by grants awarded by the Commission.

In accordance with Article 19 of Decision No 574/2007/EC, the specific actions should have contributed to the development of the European common integrated border management system by addressing weaknesses at strategic border points.

(B.2) Original objectives of the intervention

The general objectives of the EBF were defined by Article 3(1) of Decision No 574/2007/EC as follows:

- a) Efficient organisation of control, covering both checks and surveillance tasks relating to the external borders;
- b) Efficient management by the Member States of the flows of persons at the external borders in order to ensure, on the one hand, a high level of protection at the external borders and, on the other, the smooth crossing of the external borders in conformity with the Schengen acquis and the principles of respectful treatment and dignity;
- c) Uniform application by border guards of the provisions of Community law on the crossing of external borders, in particular Regulation (EC) No 562/2006;

- d) Improvement of the management of activities organised by the consular and other services of the Member States in third countries as regards the flows of third-country nationals into the territory of the Member States and the co-operation between Member States in this regards.

Specific objectives of the EBF, corresponding to the general objectives, were defined by Article 4 of Decision No 574/2007/EC.

In addition to the general and specific objectives of the EBF, Decision No 2007/599/EC defined the following five priorities for the EBF:

- (1) Support for the further gradual establishment of the common integrated border management system as regards the checks on persons at and the surveillance of the external borders;
- (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;
- (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;
- (4) Support for the establishment of IT systems required for implementation of the Community legal instruments in the field of external borders and Schengen visas;
- (5) Support for the effective and efficient application of relevant Community legal instruments in the field of external borders and Schengen visas, in particular the Schengen Borders Code and the European Code on Visas.

(B.3) How the objectives were to be achieved

The EBF objectives were to be achieved by the implementation of actions supported by the Fund. The actions supported by the EBF included, among others:

- investments in border crossing infrastructures (related to general objective 3(1)(a) and Priority 1);
- investments in border surveillance infrastructure (related to general objective 3(1)(a) and Priority 2);
- investments in operating equipment (sensors, video-surveillance, document examination devices, detection tools, terminals for consulting the Schengen Information System (SIS) and the Visa Information System (VIS))(related to general objectives 3(1)(a) and 3(1)(b) and Priorities 1, 2 and 4);
- investments in the means of transport for the control of external borders (vehicles, vessels, helicopters, aircrafts) (related to general objective 3(1)(a) and Priorities 1 and 2);
- investments in IT systems (mainly SIS II and VIS) (related to general objective 3(1)(b) and Priority 4);
- investments in the security of consulates (related to general objective 3(1)(d) and Priority 3);
- trainings of border guards and consular officers (related to general objective 3(1)(c) and Priority 5);
- posting of immigration liaison officers in third-countries (related to general objective 3(1)(d) and Priority 3).

C. Scope of the evaluation/FC

(C.1) Topics covered

The evaluation will cover the following:

- Actions supported under the EBF 2011, 2012 and 2013 annual programmes of the Member States (including the Special Transit Scheme as included in the EBF 2011, 2012 and 2013 annual programmes for Lithuania). The evaluation will cover the eligibility period of the 2011-2013 EBF annual programmes (1 January 2011 – 30 June 2015).
- EBF Community actions under the 2010, 2011, 2012 and 2013 annual work programmes (including the emergency actions). Three Emergency actions were selected for co-financing under the 2010 EBF annual work programme, eight Community actions and eleven Emergency actions were selected for co-financing under the 2011 EBF annual work programme, nineteen Community actions and five Emergency actions were selected under the 2012 annual work programme and one Community action and six Emergency

actions were selected under the 2013 annual work programme. Community actions under the 2010 annual work programme shall be covered by the evaluation if they were implemented after 1 January 2011, which was only the case for the previously mentioned emergency actions. The period covered by the evaluation will be 1 January 2011 – 31 March 2016.

- EBF Specific actions under the 2010, 2011 and 2012 annual work programmes. Eleven projects were selected for co-financing under the 2010 EBF Specific actions, four projects were selected for co-financing under the 2011 EBF Specific actions and ten projects were selected under the 2012 Specific actions. In 2013 it was decided not to allocate any budget for Specific actions and therefore no actions were co-financed. Specific actions under the 2010 annual work programme shall be covered by the evaluation if they were implemented after 1 January 2011, which was the case for all the eleven 2010 Specific actions referred to above. The period covered by the evaluation will be 1 January 2011 – 31 December 2015.

The evaluation will cover the 28 states participating in the EBF.

The evaluation will not cover the actions implemented under the EBF 2007-2010 annual programmes, as they were covered by the EBF 2007-2010 ex-post evaluation, carried out in accordance with Article 52(3)(c) of Decision No 574/2007/EC.

(C.2) Issues to be examined

The evaluation will examine the implementation of actions co-financed by the EBF and assess their relevance, utility, effectiveness, efficiency, sustainability, coherence, complementarity and EU added value.

Under the relevance theme, the evaluation will examine to what extent the EBF objectives corresponded to needs related to the management of the EU external borders and the processing of the Schengen visas.

Under the utility theme, the evaluation will examine to what extent the actual effects of the EBF 2011-2013 actions corresponded to needs related to the management of the EU external borders and the processing of the Schengen visas.

Under the effectiveness theme, the evaluation will examine to what extent the EBF 2011-2013 actions contributed to the achievement of the objectives defined in Article 3(1) of Decision No 574/2007/EC and to the priorities defined by Decision No 2007/599/EC.

Under the efficiency theme, the evaluation will examine to what extent the effects of the EBF 2011-2013 actions were achieved at a reasonable cost in terms of financial and human resources deployed.

Under the sustainability theme, the evaluation will examine to what extent the positive effects of the EBF 2011-2013 actions lasted after the interventions were terminated.

Under the coherence theme, the evaluation will examine to what extent the EBF 2011-2013 actions were coherent with other actions related to the management of the EU external borders and the Schengen visa processing financed by other EU financial instruments and from national resources of the Member States.

Under the complementarity theme, the evaluation will examine to what extent the EBF 2011-2013 actions were complementary to other actions related to the management of the EU external borders and the Schengen visa processing financed by other EU financial instruments and from national resources of the Member States and in particular to the activities of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

Under the EU added value theme, the evaluation will examine to what extent the Member States would be able to carry out the investments necessary for the implementation of the EU policies in the field of border management and Schengen visa processing and in particular the investments related to EUROSUR, VIS, SIS II, automatic border controls, consular co-operation and contribute to the Frontex joint operations, without the support of the EBF 2011-2013 actions.

The impact of the EBF actions will be evaluated under the above mentioned evaluation themes. Under the utility theme, the correspondence between the actual impacts and the needs will be assessed. Under the effectiveness theme, the actual impacts will be compared to the general objectives set for the Fund. Under the sustainability theme, the sustainability of the impacts will be assessed.

(C.3) Other tasks

The evaluation will include an analysis of national evaluation reports which will be submitted by the participating Member States in accordance with Article 21(5) of Regulation (EU) No 515/2014. The analysis will be fully integrated into the evaluation work, i.e. the analysis of the national evaluation reports, together with the analysis of other data, will be the basis for the answering of the evaluation questions.

D. Evidence base

(D.1) Evidence from monitoring

The information on the progress against the indicator targets defined in the EBF annual programmes is provided in final reports submitted by the Member States nine months after the end of the eligibility period for the annual programme concerned (i.e. final reports for the 2011 annual reports were submitted by 31 March 2014, final reports for the 2012 annual programmes were submitted by 31 March 2015 and final reports for the 2013 annual programmes will be submitted by 31 March 2016).

The Member States which requested the payment of a second pre-financing submitted also progress reports.

The programming of the EBF annual programmes was not based on a set of compulsory common indicators. In consequence, the indicators used by the different national EBF annual programmes are very different and it is therefore impossible to aggregate them at the EU level. In order to address this issue, DG HOME developed ex-post a set of common indicators and requested that the Member States provide values for these common indicators in their national evaluation reports. The list of these common indicators was communicated to the Member States in September 2014, as part of a template for the national evaluation reports. However, there is a considerable risk that not all values will be provided by all Member States.

The national evaluation reports will be provided by November 2015. The regulatory deadline of June 2015 cannot be met, as the eligibility period of the EBF 2013 annual reports ends on 30 June 2015 and it is not reasonable to expect that an ex-post evaluation can be finalized at the same date as the implementation ends.

In addition to the final report, progress report and evaluation reports provided by the Member States, the Commission carried out its own monitoring visits and reports from these monitoring visits will be one of the sources of information for the evaluation.

The data on the implementation of projects supported under the 2010, 2011 and 2012 EBF Community actions and under the 2010, 2011 and 2012 EBF Specific actions is provided in the final reports of the projects.

(D.2) Previous evaluations and other reports

National evaluation reports will be submitted by the participating Member States in accordance with Article 21(5) of Regulation (EU) No 515/2014. Apart from the reporting on the common indicators (please see section D.1 above) and a brief description of the implementation of the national EBF annual programmes, the national evaluation reports will provide answers to 12 common evaluation questions, covering the themes of relevance, utility, effectiveness, efficiency, sustainability, coherence, complementarity and EU added value. The analysis of the national evaluation reports will be one of the main basis for the answering of the evaluation questions under the EU level EBF 2011-2013 evaluation.

The following evaluation reports will be also taken into account:

- Synthesis of the findings in the national EBF 2007-2010 ex-post evaluation reports;
- Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the results achieved and on qualitative and quantitative aspects of implementation of the External Borders Fund for the period 2007-2010 (COM(2014) 235);
- Mid-term evaluation of the External Borders Fund and European Return Fund and ex-post evaluation of the Schengen and Kaliningrad Facilities. Final Report
- Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the results achieved and on qualitative and quantitative aspects of implementation of the External Borders Fund for the period 2007-2009 (COM(2011) 857).

Special Report of the Court of Auditors No 15/2014 "The External Borders Fund has fostered financial solidarity but requires better measurement of results and needs to provide further EU added value" will be also taken into account.

(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)

The evaluation will take into account annual audit reports for the EBF 2011-2013 annual programmes drafted by the national Audit Authorities, as well as audit reports drafted by the DG HOME auditors and the Court of Auditors.

(D.4) Consultation

DG HOME will carry-out an internet based public open consultation (using a questionnaire) in the period January – March 2016. The purpose of the consultation will be to collect opinions of the general public on the importance / EU added value of the EBF funding for the external border control, as well as feedback from the general public (including third-country nationals) on their experience with border checks and with the application for the Schengen visas.

In addition, a significant number of stakeholders and direct beneficiaries (such as Ministries of the Interior, Border Guards, Ministries of the Foreign Affairs etc.) will be interviewed or surveyed by the Commission's external contractor under the data collection for case studies on different types of the EBF investments.

Moreover, the views of vast majority of stakeholders and direct beneficiaries of the EBF have been/will be collected under the national evaluations carried out for the EBF annual programmes of the Member States.

(D.5) Further evidence to be gathered

The following additional documents and data sources will be covered under the desk research stage of the evaluation:

- Relevant legal acts (Decision No 574/2007/EC; Decision No 2007/599/EC; Decision No 2008/456/EC; Regulation (EC) No 562/2006; Regulation (EU) No 1052/2013; Regulation (EC) No 810/2009; Council Decision 2004/512/EC; Regulation (EC) No 1987/2006);
- Relevant recommendations (Commission recommendation C(2006)5186, EU Schengen Catalogue);
- 2011-2014 Biannual reports on the functioning of the Schengen area (Communications from the Commission to the European Parliament and the Council);
- EBF 2007 (2010)-2013 multi-annual programmes of the Member States;
- EBF 2011, 2012 and 2013 annual programmes of the Member States;
- Descriptions of the Management and Control Systems for the EBF in the Member States;
- Annual Work Programmes for the 2010, 2011, 2012 and 2013 EBF Community actions and for the 2010, 2011 and 2012 EBF Specific actions;
- Frontex Risk Analysis (FRAN) Quarterly reports 2011-2015;
- Frontex 2011-2015 Programmes of work;
- Frontex 2011-2013 General Reports;
- EUROSTAT statistics for 2011-2015 on the third country nationals refused entry at the external borders.

E. Other relevant information/ remarks

While retaining the responsibility for the evaluation and its management, the Commission will rely on an external evaluation study, in order to ensure the highest possible credibility for the evaluation findings and to mobilise professional evaluation expertise.