



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate C : Migration and Borders
Head of Unit C4 : Financial support – Migration and Borders

Brussels, 9 July 2013

Dear Members of the SOLID Committee,

Subject: Guidance note on setting priorities for the use of the External Borders Fund for 2013

1. Priority should be given in the EBF 2013 annual programmes to the continuation of the development of key strategic objectives at EU level.

In 2013, the envelope available to finance actions under the national programmes should increase by 29 % in comparison with 2012. 2013 being the last year of the multiannual programme, no major modifications are foreseen as regards the priorities for the use of the Fund. As for the 2012 allocations, these allocations will have to be used for strategic objectives in the field of border management and visa policy. These five strategic objectives are the same as the ones for the 2012 programmes.

These objectives are fully in line with the strategic guidelines adopted by the Commission at the beginning of the 2007-2013 programming period and all actions related to these objectives can benefit from a 75% cofinancing rate (i.e. falling under a specific priority of the strategic guidelines), in accordance with the following table:

<i>key strategic objectives</i>	
SIS II project	Priority 4, specific priority 1
VIS roll out	Priority 4, specific priority 2
Consular co-operation programmes (according to Visa Code - Articles 40 & 41)	Priority 3, specific priorities 1 or 2
European Border Surveillance Systems	Priority 2, specific priorities 1, 2 or 3, depending on the nature of the investments
State of the art technology	Priority 1, specific priority 2 for the development of Automated Border Control systems (ABC) which use the e-passports

	<p>and for the purchase of equipment to support the implementation of foreseen EU level systems such as the VIS, SIS II, entry/exit system and Registered Traveller Programme. As these systems have the potential to be used for all EU citizens (ABC) and/or are required in case of third country nationals (SIS II, VIS if applicable etc.), the requirement of interoperability with other Member States is met.</p>
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A description of the actions to be financed under 2013 annual programme is provided hereafter and the conditions for co-financing are also indicated.

The requirements for the presentation of the information in the annual programme 2011 and 2012 will remain applicable for the 2013 programme: i.e. you are requested to provide a short overview on the implementation of the five key strategic objectives at the beginning of the programme (chapter 1). Moreover, the typology of actions as presented in SOLID/2010/10 remains applicable.

1. Investments at national level for the SIS II

The SIS II is a major project for the European Union in the field of the management of migration flows. The implementation of this large IT system will only be possible if Member States carry out the necessary investments at national level in order to connect their national systems with the central system. In addition, Member States that are currently connected to the SIS 1+R2 system will need to perform the necessary activities to switch-over their national systems and their national applications to SIS II. This will be done during the so-called "migration phase". The period for the migration from the SIS 1+R2 system to the SIS II system is foreseen for the first quarter of 2013, followed by the entry into operation of SIS II at the end of the first quarter of 2013. This means that most of the preparatory activities shall already be completed before. In the remainder of 2013, only final adjustments, corrections and bug fixing is to be expected.

2. Investments at national level for the VIS

Member States must continue their preparations for the implementation of the Visa Information System (VIS) in all their consulates and visa issuing offices at the Schengen border crossing points. In light of this objective, Member States will have to carry out the necessary investments in accordance with the further schedule of the VIS roll-out. Accordingly, with regards to the VIS, the following tasks will have to be carried out by Member States by the end 2013:

- Implementation of VIS-mail phase II by the end of the worldwide roll out of the VIS. By that time, VISION will be replaced by VIS mail phase II and Member States must be in the position to make use of VIS mail phase II.
- Equipment of all external border crossing points with fingerprint scanners by the end of the transitional period (3 years after the VIS has started operations) when the verification of

visa holders with the visa sticker number in combination with fingerprints will become mandatory

- Connection of consulates in region 4-11 to the VIS to be in a position to issue Schengen visas using the VIS by the end of 2013. (The target date is based on the current discussions between COM and Member States on the further roll out).

3. Set-up of national coordination centres in the framework of the EUROSUR project

With the objective of making the European Border Surveillance System (EUROSUR) operational by 2013, all Member States located at the southern maritime and eastern land borders of the EU should make full use of the External Borders Fund for implementing the national components of EUROSUR in the coming period.

Member States should in particular continue with the establishment of their national coordination centres as defined in the context of EUROSUR. Furthermore, considerable investments should be foreseen in some Member States participating in EUROSUR to further extend and upgrade the mobile and stationary components of their national border surveillance systems.

4. Implementation of state-of-the-art technology equipment for border control

State of the art technology plays a vital role in meeting the twin objectives of border management namely security and facilitation. It is essential to ensure effective and efficient border checks at the external borders. The state of art technology represents a key element for the development of the future integrated border management concept.

In 2013 Member States should consider investments in order to ensure availability of fixed and mobile (handheld) border check devices such as travel document readers as well as fingerprint scanners. Furthermore, Member States should consider investments in Automated Border Control (ABC) systems especially at their busiest border crossing points, which could facilitate EU citizen's border crossing.

In the perspective of an Integrated Border Management, exploitation of new technology and the availability of adequate equipment for border checks will be essential for the possible development of future border check systems such as a Registered Traveller Programme (RTP) and an Entry/Exit system (EES) as well as for the good functioning of VIS and SIS II.

In that respect, Member States are encouraged to consider the use of fingerprints as the main biometric identifier for ABC systems, thus including the procurement of fingerprint readers in their ABC projects, in order to make them future-proof in relation to the EES and RTP (Smart Borders initiative).

5. Promotion of consular cooperation between Member States for the issuing of visas

Consular cooperation between Member States should allow to improve the reception of visa applications using the different forms of cooperation between Member States foreseen in the Visa Code. At first, the Commission had mostly encouraged the creation of Common Application Centres through calls for proposals financed under the Community actions of

the External Borders Fund. However, the results have been limited because of the limited interest shown by Member States and the lack of human resources to manage these projects. There has also been a general trend to invest in ways of cooperation perceived as easier to implement, such as representation of several Member States by one Member State, and outsourcing. This trend seemed to continue in 2011-2012, although the previous priority setting and the latest call for proposals already envisaged the support of other kinds of initiatives developed in the field of consular cooperation, such as co-location and representation.

Bearing in mind the priority set under the strategic guidelines and the importance of consular cooperation in the Stockholm Programme, besides the establishment and further development of common application centres, the description of the measures which could be considered for support by the External Borders Fund would not change. These are as follows:

A/ Financing of co-location of visa sections of several Member States in one building of a Member State

The principle would be to finance the infrastructure and equipment necessary to host several visa sections of Member States at a single location, either in a separate building or at a consulate section of one of the Member States concerned.

Costs that could be financed:

Purchase/construction of the building or renovation;
Rental of a building;
Furniture/equipment.

The following conditions should be fulfilled by Member States asking for the reimbursement of costs under its national programme:

The number of visas processed by the Member State(s) hosted in the premises of another Member State should represent at least 20% of the visa applications processed by all Member States co-located in the same building.

B/ Financing of costs linked to representation of Member States

Costs that could be financed:

Staff;
Premises;
Equipment.

Conditions to fulfil by the Member State asking for the reimbursement of costs under its national programme:

The expenditure reimbursed under the Fund must be additional. This could be done using a simple pro rata calculation, i.e. on the basis of the number of visa processed on behalf of other Member States divided by the total number of visas processed by the concerned Member State. The visa fees on visa issued for other Member States should be deducted from the total eligible costs calculated.

C/ "Mixed solutions"

Depending on the local circumstances, the combination of the above mentioned forms of cooperation can also be considered eligible, provided that the envisaged projects are in line with the objectives (e.g. increasing the consular coverage, facilitation and further harmonisation of the procedure) and principles (genuine, trans-national cooperation between two Member States at least) of the forms of cooperation set out in the Visa Code.

D/ Purchase of equipment in the framework of outsourcing for the collection of biometric data on behalf of several Member States

In very specific cases and where outsourcing is a last resort solution, it could be envisaged to finance the purchase or rental of equipment for the collection of biometric data, as these are expenditure which Member States would need to make in any case, regardless of the use of an external service provider.

The eligibility of such an action would be mostly linked to the fact that the external service provider would collect applications for several Member States. This would encourage cooperation between Member States for locations where outsourcing is the only way to provide appropriate physical access and an acceptable service for visa applicants (e.g. remote areas).

Costs that could be financed:

Equipment.

Conditions to be fulfilled by the Member State asking for the reimbursement of costs under its national programme:

The additional fee paid by the visa applicant should reflect the fact the equipment has been co financed by the External Borders Fund.

2. Consequences for the template of the 2013 annual programme

Please note that the template for 2013 annual programmes will be the same as the one used for 2011 and 2012, which means that for each of these strategic objectives Member States are requested to:

1. briefly describe in chapter 1 for each of the five key strategic objectives for 2013 the state of play on the implementation of the objective at national level; and
2. indicate for each strategic objective how the future national needs are to be covered, in line with the priorities on the expected investments as indicated in this letter: either through national funding or (partially) through co-financing by the Fund. If the latter, please indicate which actions in the draft annual programme seek to address the needs and where appropriate, how these actions build on actions implemented under previous annual programmes.

The typology of actions as presented in SOLID/2010/10 also remains applicable.

3. Other possible use of the Fund: continued capacity building and/or related operational costs

In case Member States either are already achieving the priorities mentioned above adequately and in a timely manner, or choose to use exclusively the national budget to achieve them, or will only partially use the Fund's allocation for this purpose, the (remaining) allocation under future annual programmes can enable Member States to continue their efforts made so far in capacity building in general, i.e. completing and upgrading infrastructure, equipment and means of transport in place to meet increasing demands at borders and in consulates.

Where investments on both of the above-mentioned five priorities and general capacity building are considered to have been met adequately through the national budget and/or the Fund, alternatives for using the remaining funds under the External Borders Fund could consist in supporting more explicitly an effective continued use of past investments made with EU resources. Thus, actions could be programmed financing the maintenance cost of the infrastructure, IT systems, equipment and means of transport already bought with EU resources, i.e. the maintenance cost pertaining to investments paid under previous annual programmes of the External Borders Fund and, in the case of some Member States, the Schengen Facility. This means that the cost for repairs, spare parts and maintenance, including service fees and staff cost in relation to the maintenance of those specific items, could be charged under the Fund as of the 2011 annual programme. The (administrative) expenditure of border guards and consular services in general (including fuel cost for operations) will remain ineligible (except in very exceptional circumstances, for instance linked to emergency situations) as the Fund is not a budget support mechanism.

In the same vein, as part of the investments made in purchasing and deploying properly new equipment, to ensure the optimal and effective use of that equipment, expenditure regarding testing, repairs and/or maintenance (during the guarantee period) are included, in particular where these services are covered by the same contract, these expenditure would be acceptable.

In case such actions are included in the annual programme, an explicit reference to the previous project/action within the framework of which the purchase was made under the Fund or Schengen Facility must be included in the description of the action and information identifying the equipment or means of transport must be provided (i.e. specifications, serial numbers etc).

4. Preventing double-financing with the FRONTEX operations and recording information on purchases co-financed by the Fund

As for the 2011 and 2012 annual programmes, Member States are reminded that a general preventive measure is considered appropriate to ensure that no double-financing with Frontex funding occurs. To ensure the application of this principle, Member States must ensure that there is a system in place at national level for recording and storing in computerised form all the information identifying properly the items purchased or upgraded under the Fund including those which might be used by the FRONTEX Agency.

5. Concluding observations

If deemed necessary, questions from Member States could be answered at the next SOLID Committee with a view to preparing the 2013 annual programmes.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a series of loops and a long horizontal stroke extending to the right.

Chiara GARIAZZO
Chair of the Committee

To the Members of the common Committee Solidarity and Management of Migration Flows

Copy to the Permanent Representations – JHA Counsellors

