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DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

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HOME-Funds/2023/07

COMMITTEE FOR THE HOME AFFAIRS FUNDS

Subject: Launch of the call for expression of interest for the ‘Specific Action Council Recommendation on operational law enforcement cooperation – Turning recommendations into joint actions (ROLEC)’ under the Internal Security Fund (ISF) – Reference ISF/2023/SA/2.1.1.

1. INTRODUCTION

Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund (ISF) ⁽¹⁾ sets out that Member States may receive funding for specific actions in addition to their initial allocation for Member States’ programmes.

The specific actions aim at funding transnational or national projects that bring high Union added value in accordance with the objectives of the Fund and in line with agreed Union priorities.

These specific actions should be implemented as one of the components of the Thematic Facility.

The Commission has, on 23/11/2022, adopted the work programme for the implementation of the components of the Thematic Facility of the ISF for the years 2023, 2024 and 2025 ⁽²⁾.

By the present note, the Commission launches a call for expression of interest for the ‘Specific Action Council Recommendation on operational law enforcement cooperation –

⁽¹⁾ [Regulation \(EU\) 2021/1149](#) of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund

⁽²⁾ [C\(2022\) 8334 final](#). Commission implementing decision of 23.11.2022 on the financing of the components of the Thematic Facility under the Internal Security Fund and the adoption of the work programme for 2023, 2024 and 2025.

Turning recommendations into joint actions (ROLEC)', in line with the actions listed in the above-mentioned work programme.

2. GENERAL PRINCIPLES

Specific actions are defined as transnational or national projects that bring high Union added value in line with the objectives of the Fund for which one, several or all Member States may receive an additional allocation to their programmes. They are actions with Union added value which require cooperation among Member States or actions necessary to address developments in the Union which require additional funding to be made available to one or more Member States.

For this call, the actions must be transnational, *i.e.* implemented by two or more Member States participating in the ISF, via funding received in addition to the allocation under the Member States' programmes.

Funding for specific actions is added to the Member States' programme allocations by means of a programme amendment. That additional funding is earmarked for the specific action concerned and shall not be used for other actions in the Member State's programme, except in duly justified circumstances and as approved by the Commission through the amendment of the Member State's programme. This means that, as a rule, in case of under-spending or non-implementation of this specific action, Member States will not be able to use the corresponding amount to support any other action of their programme. In such cases, any unused amount would be reimbursed to the Union budget and/or decommitted, except under the circumstances referred to above.

Whereas the regular EU co-financing rate under the national programmes will not exceed 75% of the total eligible costs, specific actions may benefit from an increased co-financing rate of 90%.

The specific action must be implemented by the Member States in accordance with the ISF Regulation and the Common Provisions Regulation (EU) 2021/1060 (CPR)⁽³⁾.

Your attention is in particular drawn to one provision of the CPR. As regards the valued added tax ("VAT") eligibility regime, Article 64(1)(c) of the CPR provides that VAT is not eligible, except:

- (i) "for operations the total cost of which is below EUR 5 000 000 (including VAT);
- (ii) for operations the total cost of which is at least EUR 5 000 000 (including VAT) where it is non-recoverable under national VAT legislation".

3. CALL FOR EXPRESSION OF INTEREST

3.1. Indicative Budget available

The 2023-2025 ISF Thematic Facility work programme indicates that for all specific actions under this Fund EUR 16 500 000 are available.

⁽³⁾ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.

The indicative amount envisaged for this call is EUR 9 000 000.

The requested amount (i.e. EU contribution to a Member State ISF programme for this specific action) **per application must not be lower than EUR 400 000.**

The requested amount per application should ideally not exceed EUR 3 000 000.

Should a great number of applications be received and successful, the final amount to be allocated to a Member State's programme may be lowered.

3.2. Background for the specific action

One of the pillars of the Union legal framework underpinning law enforcement cooperation was designed 30 years ago through the Convention Implementing the Schengen Agreement (CISA) ⁽⁴⁾. The CISA sets out obligations for the Contracting Parties on law enforcement cooperation, to counteract any security deficit caused by the abolition of checks at the internal borders. Notably, the CISA sets baseline rules on the conduct of cross-border hot pursuits and cross-border surveillance operations.

The 2008 Prüm Decisions ⁽⁵⁾ set out baseline rules on how to conduct joint patrols and other joint operations across EU internal borders, as well as cross-border assistance in case of disaster and serious accidents.

Member States have systematically complemented, and built up on, the Schengen *acquis* through bi- and multilateral cooperation agreements between themselves.

On 8 December 2021, the Commission adopted a proposal for a Council Recommendation on operational law enforcement cooperation ⁽⁶⁾. The Commission formulated its proposal based on the data collected during an extensive consultation of a wide range of experts, national authorities, representatives of the organized civil society and citizens on their expectations and concerns relating to strengthening law enforcement cooperation within the Union.

During the consultation, stakeholders identified several issues that hamper an effective police cooperation between Member States.

- Uncertainty and lack of clarity about the rules that police officers must follow when intervening in another Member State. This is due to the current Union legal framework. Member States may choose between alternative conditions for cooperating with other Member States;
- Excessive fragmentation of the legal framework generated by the proliferation of bilateral agreements which have created a complex web of several different arrangements, containing different applicable rules;
- Uneven level of cooperation across Member States reflecting the limited harmonisation in the development and implementation of cooperation agreements.

⁽⁴⁾ OJ L 239, 22.09.2000, p. 19.

⁽⁵⁾ Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, OJ L 210, 6.8.2008, p. 1, and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA ('Prüm Council Decision'), OJ L 210, 6.8.2008, p. 12. Article 17 of Council Decision 2008/615/JHA addresses joint operations, and Article 18 addresses assistance in connection with mass gatherings, disasters and serious accidents.

⁽⁶⁾ [COM/2021/780 final](#), 8.12.2021.

Some bi- or multilateral cooperation agreements between Member States are outdated or underused; others go much further than the Union rules, allowing the establishment of what could be considered good practice to more effectively fight cross-border crimes;

- Deficiencies in the technical capabilities for effective communication between law enforcement officers on the field due to the incompatibility of secured communication equipment used in different Member States;
- Inadequate coordination mechanisms when it comes to joint patrols and other joint operations taking place in the Union;
- Insufficient training of police officers involved in cross-border law enforcement cooperation in the Union.

Following the Commission proposal, the Council adopted on 10 June 2022, by unanimous vote, the Recommendation on operational law enforcement cooperation (the ‘Council Recommendation’) ⁽⁷⁾.

The Council Recommendation sets out a series of actions to foster the development of common standards to enable police officers to cooperate effectively, within the limits set out in Union law. Those standards build on the good practices of some Member States under bi- or multilateral cooperation agreements.

Specifically, the actions relate to:

- Addressing obstacles to operational law enforcement cooperation when law enforcement officers operate in another Member State, notably during cross-border hot pursuits, cross-border surveillances, and joint operations;
- Police and customs cooperation centres (PCCCs);
- Setting-up a support platform for joint patrols and other joint operations;
- Ensuring effective remote access to national and EU/international databases and communication;
- Joint training and professional development relating to cross-border operational law enforcement cooperation.

It is the responsibility of the Member States to implement the Council Recommendation.

The Council Recommendation sets out that, two years after its adoption, the Commission will assess how Member States gave effect to this Recommendation.

In the meantime, the Commission will provide financial support to Member States participating in the Internal Security Fund in implementing the Recommendation.

One of the ways to provide such support is this call for expression of interest.

This call for Specific Action ‘ROLEC’ provides opportunities to support the development of new transnational actions requiring the joint participation of two or more Member States. According to the Council Recommendation, such initiatives are necessary to strengthen the security in the Union by filling specific gaps in the field of operational law enforcement cooperation that, by nature, cannot be addressed as effectively and/or

⁽⁷⁾ Council Recommendation (EU) 2022/915, OJ L 158, 13.6.2022, p. 53.

efficiently by the Member States with individual actions. The initiatives concerned are also complementary to, and strengthen, other initiatives that Member States may finance under their ISF programmes in accordance with the Basic Act.

3.3. Scope and purpose of the specific action

The objective is to provide financial support to Member States participating in the ISF in the joint implementation by two or more Member States of the recommendations contained in the Council Recommendation.

The specific action must support joint actions related to the implementation of the Council Recommendation as regards one or more of the following topics:

- Cross-border hot pursuit,
- Cross-border surveillance,
- Police and customs cooperation centres / joint police stations,
- Joint risk analysis / joint crime analysis,
- Joint patrols and other joint operations in intra-EU border areas or other parts of the Union,
- Remote secure access to national and EU/international databases and communication when operating or being deployed in other Member States,
- Joint training and professional development on operational law enforcement cooperation.

The specific action cannot include activities related to:

- Meetings, workshops and events taking place at the Headquarters of EU institutions, bodies or Agencies.
- Already existing operational law enforcement cooperation activities or actions between Member States.
- Purely national actions needed to implement the Council Recommendation in a single Member State, as these activities should be funded via the individual Member State Programmes.
- Actions limited to the maintenance of public order at national level.
- Actions with a military or defence purpose.

Moreover, bearing in mind the scope and purpose of the ISF Regulation, the specific action cannot support expenditure that relates to:

- Equipment of which the primary purpose is customs control.
- Coercive equipment, including weapons, ammunition, explosives and riot batons, except for training purposes.
- Contribution (generally in cash) paid to third parties or used by law enforcement authorities to sustain an investigation, such as allowance for operational activities.
- Rewards for members of general public who contribute to arrests of fugitive criminals.
- Fictitious purchase (confidence buy) aiming at arresting suspects, identifying illegal production sites of illicit goods, seizing illegal goods or gaining access to intelligence through building a relationship of trust with a criminal network.

- Witness protection measures in the form of contribution to the expenses related to witness relocation.
- Purchase of equipment beyond the 35% threshold stipulated in Article 13(7) of the ISF Regulation ⁽⁸⁾.

3.4. Expected results following the call

The non-exhaustive list of expected results from this call include:

- *Cross-border hot-pursuits:*
 - Facilitation of the conduct of cross-border hot-pursuits across land, sea and air, without geographical or temporal limitations, through e.g. joint training and exercises (especially on the rights, privileges and obligations of the deployed officers), the development of joint standard operating procedures, the development of mechanisms to facilitate the coordination of cross-border hot-pursuits, etc.
 - Sharing of good practices on organisational, technical and tactical issues related to cross-border hot pursuits.
 - Facilitation of collecting, compiling and reporting statistics on cross-border hot pursuits.
 - Facilitating the development of common specifications and standards on technical equipment to be used on cross-border hot pursuits.
- *Cross-border surveillance:*
 - Facilitation of the conduct of cross-border surveillance pursuits across land, sea and air, through e.g. improving joint operational standards, through joint trainings and exercises (especially on the rights, privileges and obligations of the deployed officers), and the development of mechanisms to facilitate the coordination of cross-border surveillances.
 - Sharing of good practices on strategical, organisational, technical and tactical issues related to cross-border surveillance, especially by developing a single European network of surveillance experts across Member States.
 - Facilitating the 24/7 function of the central authority/ies to coordinate inbound and outbound cross-border surveillance and cooperation with the Single Point of Contact.
 - Facilitation of the pooling of cross-border surveillances material, improving and innovating technical surveillance capabilities, initiating interoperability, the conduct of joint initiatives between Member States on technical operational surveillances, and the development of standard operating procedures.
 - Facilitation the development of common specifications and standards on technical equipment to be used on cross-border surveillances.
- *PCCCs:*
 - Quantitative increase in the number of PCCCs carrying out crime analysis and a qualitative increase in the level of analysis done by PCCCs from step one (exchange of crime statistics related to border regions) to step two

⁽⁸⁾ This ceiling may be exceeded only in duly justified cases.

- (analysing exchanged statistics) to step three (processing thorough analysis up to initiating criminal investigations).
- Use of advanced crime analysis methodology, techniques and software.
 - Facilitation of the development of common analysis and information management standards and practices, and joint analysis and information management trainings, for the PCCC's staff.
 - Increase in the level of facilitation, support and coordination provided by the PCCCs to cross-border operations and joint-patrols, and investigations into cross-border crimes.
 - Increase of synergies between law enforcement authorities (Police, Border guards, Gendarmeries, Customs, etc.).
 - Development of the concept of joint intelligence-led policing in intra-EU border areas, for instance by creating joint-crime analysis centres.
- *Joint patrols and other joint operations in intra-EU border areas:*
 - Analysis, development and set-up of permanent joint structures of coordination and support for the deployment of joint patrols (for instance joint police stations, mixed-operational brigades, etc.), in and across intra-EU border areas, for specific regional areas or ways of communication crossing several Member States (for instance the Rhine River, Danube River, the Alps, Baltic Sea, European route E40, etc.).
 - Facilitation of collecting, compiling and reporting statistics on Joint patrols and other joint operations in intra-EU border areas.
- *Joint patrols and other joint operations in other parts of the Union:*
 - Analysis, development and set-up of permanent or temporary joint structures of coordination and support for the deployment of officers from several Member States involved in joint patrols and other joint operations during schedulable influx of people (e.g. in connection with touristic/holiday seasons, with mass gatherings and major events).
 - Development of a coordination / support platform for the planning and deployment of officers across the EU.
 - Facilitation of collecting, compiling and reporting statistics on Joint patrols and other joint operations in other parts of the Union.
- *Access to information and communication when operating or being deployed in other Member States:*
 - Increased use by Member States of secure remote access to their own databases when operating in the territory of another Member State.
 - Increased use by Member States of secure real-time communication equipment that is capable of operating in the territory of another Member, allowing to communicate with their authorities and the one of the other Member State.
 - Training, cross-border exercises and development of standard operating procedures and best practices on the use of the secure remote access to databases, communication equipment and IT solutions, when operating in the territory of another Member State.

- Development across Member States of a common secure Operations Management IT solution which allows to support cross border operations performed by law enforcement officers through ensuring secure real-time communication, control, coordination and command functions. Ensuring the interconnectivity of secure means of communication across borders and the interoperability with the technical solutions provided, for instance, by Europol or by Union funded projects or networks.
- *Joint training and professional development on operation law enforcement cooperation:*
 - Enhanced EU law enforcement culture through the development of joint initial trainings, large scale long-term exchange programs, and life-long professional development in the field of operational law enforcement cooperation.
 - Increased number of trainings (neighbouring countries languages, operational procedures, administrative and criminal law, and criminal procedures) to law enforcement officers who involved in cross-border operational law enforcement cooperation.

3.5. Admissibility and assessment aspects

All EU Member States participating in the ISF are eligible.

Denmark and the Schengen Associated Countries may be associated to projects financed under this call on a no-cost basis.

The specific action should not start before 1st September 2023 and be indicatively completed by 31st December 2025.

The proposals submitted by the Member States will be assessed by DG HOME.

To be considered admissible, the proposal has to:

1. be submitted within the deadline (see 3.6) and in the official Application Form attached to this Note, together with its annexes, and be readable and complete (all fields necessary for assessment are filled in);
2. be transnational (two or more Member States) and include partnership declaration forms of all participating Member States ⁽⁹⁾;
3. respect the minimum amount specified in the call;
4. be submitted by the Managing Authority on behalf of the entity in the Member State that will be responsible for the implementation of the specific action;
5. identify project beneficiaries (an entity) that will be responsible for the implementation of the action in the Member State (lead).

Other entities can be involved in the implementation of the action as co-beneficiaries.

⁽⁹⁾ Please refer to the note HOME-Funds/2022/07, which details the arrangements between partners to be sought when submitting proposals for transnational specific actions.

DG HOME will assess admissible proposals based on the following criteria ⁽¹⁰⁾.

A. Relevance (30 points – minimum ‘pass score’: 15 points):

1. **Clarity and consistency of the objectives and scope** of the proposed specific action seen against the expected impact/outcomes mentioned under 3.4. The group of Member States having expressed interest should demonstrate that the participation in the specific action may effectively contribute to their operational needs and the objectives of the Council Recommendation.
2. **Cost-effectiveness:** the Member States should present the amount of financial support requested, its detailed breakdown, and its appropriateness in relation to the scale and type of the activities (personnel, equipment, travel, etc.), and to the (long-term) expected results. They should also demonstrate the overall costs effectiveness and value for money of the proposal.
3. **Complementarity with other projects and/or funding sources:** the Member States should demonstrate the overall complementarity and/or articulation with other projects and/or funding sources, including Member States’ programmes and Union actions under the ISF Regulation.

B. Quality and content (40 points – minimum ‘pass score’: 20 points):

1. **Maturity of the proposal** (including by demonstrating the experience and knowledge of the applying Member States in the subject field of the application); **appropriateness of the design; planned implementation**, considering the envisaged activities; **organisation of work and strategy for project management** (operational, financial, etc.); **innovative and ambitious aspect(s)** of the proposal; **expected results and their evaluation**, as well as the measures undertaken to mitigate the identified risks.
2. **Level of involvement and cooperation of all relevant competent authorities from the group of Member States:** police, gendarmes, border guards, customs and tax authorities and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences, as well as the training and professional development of officials involved in European law enforcement cooperation.
3. **Involvement of relevant EU entities (Institutions, Bodies and Agencies) whenever appropriate, and explanations on how this will be achieved:** e.g. sharing “joint risk analysis / joint crime analysis” produced at regional level, coordination on training activities, etc.

C. Impact (30 points – minimum ‘pass score’: 15 points):

1. The **impact or multiplier effect of the proposed specific action** in relation to the objective of the call for expression of interest **to achieve EU (Union)**

⁽¹⁰⁾ Only proposals scoring at least the ‘pass scores’ defined for each category (A, B and C) of selection criteria can be proposed for funding, depending on their overall ranking and budget availability.

added value and support the **overall development of a ‘European law enforcement culture’**.

2. This criterion will also evaluate the **sustainability** of the project proposal once it is completed.

Member State(s) should also ensure respect for the horizontal principles described in Article 9 or the Regulation (EU) 2021/1060 ⁽¹¹⁾.

3.6. Application procedure

Deadline for the application: Member States are invited to submit their proposals by 8 September 2023 at the latest, using the application form in Annex 1.

The proposals should be submitted to the ISF specific actions functional mailbox HOME-ISF-SPECIFIC-ACTIONS@ec.europa.eu. Member States may submit additional documentation if necessary.

Deadline for any clarification requests on this Note: Member States can send requests by 18 August 2023 at the latest to HOME-ISF-SPECIFIC-ACTIONS@ec.europa.eu.

The Commission may contact the lead Member State to request further specific information. A reply should be provided by the Member State within three working days.

In order to ensure equal and fair treatment of the proposals and allow the Commission to allocate at the same date all the available funding, DG HOME will assess all proposals simultaneously. Therefore, proposals submitted after the deadline will not be admissible. The Members of the Committee for the Home Affairs Funds will be informed at the latest 10 working days before the deadline for the submission of the proposals, in case the deadline is extended.

Member States will receive information on successful proposals in Q4 2023. The respective amendments of the ISF programmes will be carried out immediately after.

4. AMENDMENT OF THE ISF PROGRAMMES AND ELIGIBILITY OF EXPENDITURE

After having been informed of the outcome of the call for expression of interest, each successful Member State shall submit to the Commission a request to amend its ISF programme via SFC. The amended programme should include a short description of the specific action, adjust the output and result indicators and include the costs and codes linked to this specific action (respectively in the description and under tables 1, 2 and 3 of the relevant specific objective, and table 6 of the programme).

⁽¹¹⁾ [Regulation \(EU\) 2021/1060](#) of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.

When amending an ISF programme of a Member States, two situations may arise regarding the eligibility of expenditure¹²:

1. For Member States that have included all the types of interventions listed table 2, Annex VI of the ISF Regulation that are relevant for the “Specific Action Council Recommendation on operational law enforcement cooperation (ROLEC)” in table(s) 2.1.3 of the relevant specific objective(s) in their initially approved ISF programme: expenditure for the specific action will be eligible as of 1st September 2023.
2. For Member States that have *not* included all the types of interventions listed in table 2, Annex VI of the ISF Regulation that are relevant for the “Specific Action Council Recommendation on operational law enforcement cooperation (ROLEC)” in the table(s) 2.1.3 of the relevant specific objective(s) in their initially approved ISF programme: expenditure for the specific action will be eligible from the date of submission by the Member State of its request for amendment of the ISF programme that will add the respective types of interventions in the programme.

Electronically signed

Silvia MICHELINI

Annexes: Annex 1 Application Form SA ROLEC
 Annex 2 Budget Form SA ROLEC
 Annex 3 Partnership Declaration Form SA ROLEC
 Annex 4 Indicators SA ROLEC

c.c.: Permanent Representations – JHA Counsellors

¹² Art. 63(7) of Regulation (EU) 2021/1060.