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DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

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COMMITTEE FOR THE HOME AFFAIRS FUNDS

Subject: Launch of the call for expression of interests under the Specific action: “Equipment for EBCG¹ national components, purchased under BMVI and put at the disposal of Frontex² to increase its operational capacity, in accordance with Article 64(14) of the Regulation (EU) 2019/1896” - Reference No. BMVI/2023-2024/SA/1.2.2

Dear Members of the Committee for the Home Affairs Funds,

This note and its annexes officially launches the Specific action: **“Equipment for EBCG national components, purchased under BMVI and put at the disposal of Frontex to increase its operational capacity, in accordance with Article 64(14) of the Regulation (EU) 2019/1896”**.

Information regarding the governing principles of this call for the expression of interest, the application and evaluation procedures and the amendment of the BMVI programmes following a successful application are detailed below.

Furthermore, please save the date of **9 November 2022** for the webinar to be organised by the Commission - DG HOME and Frontex on this BMVI Specific action. You will receive in due time the invitation, the agenda and the connection details.

We invite you to **send us by 21 October 2022 the questions** you may have in relation to this BMVI Specific action call, to the following e-mail address: HOME-AFFAIRS-FUNDS-COMMITTEE@ec.europa.eu. We aim providing you during the webinar with the necessary information and first opportunity for clarifications, to help you prepare your application.

¹ EBCG means the European Border and Coast Guard, as per the Regulation (EU) 2019/1896

² The European Border and Coast Guard Agency (the ‘Agency’) is commonly referred to as Frontex
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1. INTRODUCTION

Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (BMVI) provides that Member States may receive funding for specific actions, in addition to their initial allocation in their respective programmes.

Specific actions aim to fund transnational or national projects that bring Union added value, in accordance with the objectives of the Instrument, for which one, several or all Member States may receive an additional allocation to their programmes.

These will be implemented as one of the components of the Thematic Facility, in line with Article 8 of the above mentioned Regulation.

By the present note, the Commission launches a call for expression of interest for the **Specific Action “Equipment for EBCG national components, purchased under BMVI and put at the disposal of Frontex to increase its operational capacity, in accordance with Article 64(14) of the Regulation (EU) 2019/1896”**. This call is launched in accordance with the financing decisions and the work programme of the Thematic Facility adopted by the Commission based on the Regulation (EU) 2021/1148, and in particular of the Article 8(7) thereof.

To participate to this call, each applicant should demonstrate its ability to operate the equipment once purchased with BMVI support, both at national and EU level, to ensure its maintenance and readiness for deployments to Frontex throughout its registration period in the technical equipment pool.

As per the Article 64(14) of the Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard, *“Upon a request made by the Agency (Frontex) in the framework of the annual bilateral negotiations, the Member States shall make technical equipment co-financed under the specific actions (...) available for deployment to the Agency. Each item of equipment shall be made available for a period of up to four months as planned in the annual bilateral negotiations. Member States may decide to deploy an item of equipment beyond four months.”*

In addition, in line with the cited Article, when this equipment is needed for urgent EU interventions and actions, the owner Member State may not invoke the exceptional situation referred to in Article 64(9) of the Regulation (EU) 2019/1896 in reply to the Frontex’s requests to deploy it.

2. GENERAL PRINCIPLES

Specific actions will be implemented by one or more Member States participating in the BMVI, via funding received in addition to the allocation under the Member States’ programmes, in line with Article 15 of Regulation (EU) 2021/1148.

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, projects implemented under specific actions benefit from an increased co-financing rate of 90% of the total eligible expenditure.

The specific action must be implemented by the Member States in accordance with the BMVI³ Regulation and the Common Provisions Regulation (EU) 2021/1060 (CPR)⁴.

Your attention is drawn in particular to one provision of the CPR. As regard the **value 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 THE EXPRESSION OF INTEREST

3.1. Indicative budget available

The BMVI Thematic Facility work programme indicates the overall budgetary allocation reserved for the specific actions.

The indicative amount envisaged for this Specific Action call no. BMVI/2023-2024/SA/1.2.2 is **EUR 200 416 572.75**.

Please note that **the 6% Technical Assistance (TA) should be covered within the indicative amount mentioned above**. Therefore, in the application, Member States are required to indicate the technical assistance to be added to their programmes, as per the notes sent to the Committee for the home affairs funds HOME-Funds/2022/10⁵ and ⁶. The budget form, attached to the application, should include the different amounts, as indicated:

- a) the total cost of the purchase of the equipment, after adding up the cost per each category, type and no. of units;
- b) the EU contribution to the purchase of the equipment (up to 90% of total cost mentioned under point a);
- c) Technical Assistance (6% of the EU contribution);
- d) TOTAL EU contribution (b+c).

In order to ensure the purchase of the equipment needed by Frontex and the widest possible geographical distribution of co-financed equipment, the Commission reserves its right to assess and limit the number, types and categories of assets to be awarded per Member State.

As per the results of the evaluation of the proposals received, the Commission reserves its right not to make available to the successful applicants all the requested amount. In addition, if the set objectives, criteria and standards are not met, the Commission may not award entirely the budget for this Specific Action.

³ Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy.

⁴ 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.

⁵ ARES(2022) 1616638 of 04/03/2022

⁶ ARES(2022) 5157574 of 15/07/2022

3.2. Background information, including the EU strategic and legal framework applicable to the technical equipment

The Security Union Strategy 2020-2025⁷ presented by the Commission on 24 July 2020, acknowledges that “*modern and efficient management of external borders has the dual benefit of maintaining the integrity of Schengen and providing security for our citizens. (...) Joint operational activities of the recently strengthened EBCG contribute to the prevention and detection of cross-border crime at the external borders and beyond the EU.*” In addition, the “**Strategy towards a fully functioning and resilient Schengen area**”⁸ issued on 6 June 2021, highlights that “*The Union and the Member States need to jointly work towards achieving a fully effective European integrated border management in practice, bringing together all relevant actors at both European and national levels.*”

To manage the challenges at EU external borders, sufficient and adequate equipment for border surveillance is needed. The European Union actively supports the build-up of a resilient and performant integrated border management at strategic and operational level. The reinforced mandates of the relevant EU agencies, in particular of Frontex (2019) and Europol (2022), the establishment of the European Border and Coast Guard (EBCG) standing corps - to be composed of 10 000 Frontex and national officers - and the capacities’ investments, such as for the technical equipment pool (TEP) of Frontex, contribute to the mutual support and to a European integrated border management.

This Specific Action should be seen in the context of Frontex’s role in providing for the appropriate technical and operational assistance to Member States in need, so as to reinforce their national capacity to implement their obligations with regard to the external borders control and to cope with the challenges at the EU external borders.

To accomplish its mandate, Frontex should, at the request of a Member State or on its own initiative, organise and coordinate joint operations, rapid border interventions and other operational activities for one or more Member States and deploy European Border and Coast Guard teams, as well as the necessary technical equipment, where needed. The technical equipment pooled at EU level will facilitate the standing corps operation and support on the ground to Member States facing challenges at the common external borders and will contribute to make returns more effective. Having the necessary equipment and staff, Frontex will be able to perform in line with the EU strategic and operational framework.

This Specific Action builds on similar actions co-financed during 2014-2020 multiannual financial framework, from the instrument for financial support for external borders and visa, which was part of the Internal Security Fund (ISF) – Borders and Visa⁹. Notably, three specific actions were launched in 2015, 2017 and 2018 by the European Commission to provide Frontex with additional equipment purchased by the Member States, allocating an overall amount of EUR 336,797,034.78, as EU contribution to 17 Member States for a total of 69 initial equipment items¹⁰. Despite the requirements and some progress in the registration process of the purchased equipment in the TEP, shortages remain. As of February 2022, only 36 equipment items have been registered in the TEP.

Therefore, Frontex has so far largely relied on the Member States voluntary offers of technical equipment, experiencing significant shortages. This Specific Action aims at overcoming this situation, providing the Agency with better suitability and availability of equipment for the operations carried out by Frontex. It also enables the Agency to provide for equipment which otherwise would not be available or sufficient in the Member States hosting those operations.

⁷ COM (2020) 605 final

⁸ COM (2021) 277 final

⁹ 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.

¹⁰ Coastal patrol vessels (CPV), Coastal patrol boats (CPB), Coastal patrol boats - Fast Boats (CPB – RHIB), Off-shore Patrol Vessels (OPV), Thermo vision vehicles/ surveillance vehicles (TVV), fix wing planes and a helicopter.

The Article 64(14) of the Regulation (EU) 2019/1896 has further clarified and reinforced the legal obligations of Member States to make available the equipment purchased for deployments to the Agency, given the **clear objective of such specific actions to increase Frontex's operational capacity**.

The following legal requirements are applicable for the equipment purchased under this call:

Table 1:

<u>Obligations under Article 64(14) of the EBCG Regulation</u>	<u>Legal requirements</u>
<p><u>1. be registered¹¹ in the technical equipment pool (TEP), managed by Frontex</u></p>	<p>Member States shall register in the Agency’s TEP the equipment purchased under such dedicated Specific Action and shall provide information on the necessary staff to operate it, within 5 working days after the successful purchase (final technical acceptance of the equipment delivered), for a minimum duration¹², which vary according to the type of equipment.</p> <p>In the event Member States acquire new technical equipment with the remaining amounts or savings, this equipment should be registered in TEP.</p> <p>In accordance with Article 64(5) of the Regulation (EU) 2019/1896 and the Article 13(14)(a) and Annex III (1b) of the Regulation (EU) 2021/1148, the equipment owned by Member States and registered in the TEP shall meet the quality requirements and technical standards¹³, defined by the Agency, in cooperation with Member States and the Commission¹⁴.</p>
<p><u>2. form part of the minimum number items of technical equipment (MNITE) for a given year and shall be made available by Member States to Frontex operations, regardless the place of deployment at the EU external borders</u></p>	<p>The equipment shall be put at disposal of Frontex, except in case of <i>exceptional situation substantially affecting the discharge of national tasks</i>, as stipulated in Article 64(9) of the Regulation (EU) 2019/1896.</p> <p>In the annual bilateral negotiations, Frontex will inform the Member States owning the equipment when, for which period and where the equipment would be required to ensure the Agency's operational effectiveness and the necessary coverage of the deployment needs.</p> <p>Member States should deploy the purchased equipment anywhere at the request of the Agency, unless those Member States are faced with an exceptional situation substantially affecting the discharge of national tasks.</p>

¹¹ In accordance with recitals (7) and (8), and Article 4(3) of the Decision 18/2022 of the Management Board of Frontex adopted rules relating to the technical equipment, including the Minimum Number of items of Technical Equipment (MNITE) as well as the Rapid Reaction Equipment Pool to be deployed during operational activities coordinated by Frontex in 2023, Member States shall register in the Technical Equipment Pool (TEP) all means of transport and operating equipment purchased with EU funding support, under the Instrument for Financial Support for Border Management and Visa Policy Specific Actions, in accordance with Articles 64(9) and (14) of Regulation (EU) 2019/1896. The Member States shall make available the purchased equipment for the duration requested by the Agency. However, the exact timing for deployment has to be planned during the Annual Bilateral Negotiations (ABN), taking into account the principles of proportionality and equal treatment (ie. high seasons, low seasons.)

<p><u>3. be made available at least for a period of up to 4 months per year, in accordance with the request of the Agency, as planned in the annual bilateral negotiations. To respond to the Agency's requests, Member States may decide to deploy it beyond four months.</u></p>	<p>At the Agency's request, the technical equipment purchased shall be put at the disposal of Frontex, as planned in the annual bilateral negotiations.</p> <p>The exact timing for making available this technical equipment should be agreed between each Member State and the Agency through annual bilateral negotiations, taking into account capacity and proportionality.</p> <p>It should be noted that the equipment considered as <i>'being put at the disposal of the Agency for a minimum period of 4 months per year'</i> is the equipment made available for Frontex-coordinated operations carried out in another Member State and not in the context of deployments by the owner Member States within its own territory.</p>
<p><u>4. be made unconditionally available and deployed by Member States for rapid border interventions and urgent actions at the external borders.</u></p>	<p>For rapid border interventions, and for situations at the external borders requiring urgent action which were not included in the annual planning of the Agency, as referred to in Articles 39 and 42 of the Regulation (EU) 2019/1896, the equipment purchased under this Specific Action must be made available unconditionally by the Member States, upon the request for deployment by the Agency.</p> <p>Thus, the equipment must be registered in the Rapid Reaction Equipment Pool.</p>

3.3. Scope and purpose of the Specific Action

This Specific Action falls within one of the specific objectives of the BMVI, notably to *support effective European integrated border management at the external borders, implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows.*¹⁵

The equipment to be purchased under this call should be put at the Agency's disposal, in accordance with the Article 64 of the EBCG Regulation (EU) 2019/1896, and aims to increase Frontex's operational capacity for providing support to Member States in need and for contributing to the overall protection of EU external borders.

¹² For the Coastal Patrol Vessels (CPV), Offshore Patrol Vessels (OPV) and multipurpose vessels and the Fixed-wing Aircrafts (FWA) the minimum duration period of the registration in the TEP is 10 years, while for the other types of equipment it is 5 years.

¹³ According to these legal provisions, the equipment acquired by Member States which is listed in the technical equipment pool (TEP) has to meet the technical standards for the equipment as defined by the Agency in the Management Board Decision 51/2021 of 21 September 2021 adopting Technical Standards for the equipment to be deployed in Frontex activities.

¹⁴ See Annex I on the applicable requirements and standards for the technical assessment.

¹⁵ Article 3(2)(a) of the BMVI Regulation (EU) 2021/1148.

This call contributes further to the long term objectives of overcoming the persistent gaps regarding large-scale equipment and reducing the Agency's dependency on the voluntary pooling of such equipment from Member States. The Agency will be able to rely on the equipment purchased via this Specific Action and improve the planning of its operations.

Additionally, this call targets all Member States to equip Frontex with the necessary capabilities to support frontline Member States and to implement operational activities in or in relation to third countries.

3.4. Expected results

The main expected result is an increased overall Frontex operational capacity, through the purchase and the registration in the TEP, by the Member States, of equipment, in line with the categories, types and quantity identified and requested by the Agency. The maritime, land and aerial equipment will help to address temporary shortcomings caused by the exceptional need of surge capacity for external borders surveillance.

Once purchased and registered in the TEP, the equipment will serve, as a priority, Frontex, upon the request of the Agency to deploy it for joint operations, rapid border interventions and other missions at EU level to provide rapid support at the external borders, e.g. to help Member States in need, to address possible crisis, and to ensure a coherent European integrated border management, rendering more effective the application of Union measures for the management of the external borders and return.

The equipment will serve as well the EBCG national components to fulfil their tasks at national level.

3.4.1. The Agency's equipment needs

The operational needs to be covered with this Specific Action have been identified in consultation with Frontex.

The Agency has underlined some persistent challenges in their operational needs, deriving from shortages of maritime, aerial and land means of transport and border surveillance capacities. Such shortages are evident for instance from the comparison between the commitments for deployment of technical equipment from Member States and Frontex operational needs for 2020. According to the Annual Implementation Report for the Agency for 2020, only 32% coverage of the Agency's needs has been achieved¹⁶. Looking at specific equipment, this has led to a coverage of only 22% of Offshore Patrol Vessels (OPV), 38% of Coastal Patrol Vessels (CPV) and of 35% of Patrol Cars. Despite the significant increase of operational activities between 2020 and 2022, important gaps in technical capabilities are still reported. The projection for the second operational cycle of 2022 provides still for a low coverage of the above-mentioned assets, respectively of 58%, 37% and 40%, including as well only 11% of needs coverage of Canine Team Vehicles.

The Specific Actions funded under ISF - Borders and Visa (2015, 2017 and 2018 calls) were used to co-finance Member States' acquisition of aircrafts and vessels, the results of which should result in a boost of the TEP in the near future.

In view of the significant increase of the operational footprint of the Agency and of the number of Standing Corps, who will need sufficient equipment to operate and provide efficient support on the ground, TEP should be further strengthened during the current Multiannual Financial Framework 2021-2027.

¹⁶ Frontex Annual Implementation Report 2020, link: [Public Register of Documents \(europa.eu\)](#)

In light of this analysis, Frontex has identified **three main categories of needed capacities**, to be reinforced, as follows:

- 1) **Maritime means of transport and surveillance capacities;**
- 2) **Land-based means of transport and surveillance capacities;**
- 3) **Aerial means of transport and surveillance capacities.**

This Specific Action aims to enhance the TEP with the following **types of equipment and number of units**, as per the three categories mentioned above:

Table 2:

Number of units to be co-financed and added to the TEP	Type of equipment needed	Max. number of units per Member State	Approximate funding (in million EUR per total number of units needed)
<u>Category no. 1: Maritime means of transport and surveillance</u>			
2	Coastal Patrol Vessels	1	40
2	Offshore Patrol Vessels or Multipurpose Vessels	1	100
<u>Category no. 2: Land means of transport and surveillance</u>			
150	Patrol Cars	20	16
30	Patrol Cars equipped with canine team inserts	5	4
<u>Category no. 3: Aerial means of transport and surveillance</u>			
1	Fixed-wing Aircrafts	1	20
10	Vertical Take-off and Landing Remotely Piloted Aircraft - hybrid	2	6
2	Systems comprising 3 Vertical Take-off and Landing Remotely Piloted Aircraft (40/50 Kg each)	1	4
2	Counter Unmanned Aerial Systems	1	4
1	Tethered Surveillance System	1	6

The Member States are invited to submit applications for the equipment listed in the Table 2, as set out in the annexes of this document (see in particular the applicable quality requirements and the applicable standards for technical assessment¹⁷ defined in Annex I).

Only costs linked to the purchase of the equipment itself are eligible under this Specific Actions. Running costs and costs for maintenance during periods when the equipment is not

¹⁷ Management Board Decision 51/2021 of 21 September 2021 adopting Technical Standards for the equipment to be deployed in Frontex activities.

deployed for an operational activity of the Agency should either be covered under the national budget or by the BMVI programmes of the Member States, under operating support.

The proposed number of units to be co-financed by the call (see Table 2 above, first column) should be considered as indicative and the final number will depend on the total costs of the best proposals, within the limit of the available EU budget.

4. APPLICATION PROCEDURE

Deadline for the application: Member States are invited to submit their individual proposals (1 application per Member State, covering the purchase of one or more categories, types and units of equipment) by **19 December 2022** at the latest, in English, using the following forms:

- **the application form (Annex II)**
- **the technical information form** (standards applied per each category and type of equipment to be purchased) (**Annex III**),
- **the budget form**, indicating the costs per category, type and units of equipment (**Annex IV**).

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

If, following the dedicated webinar on this call (on 9 November 2022), a need for clarification arises, the Member States can send **written questions** by **25 November 2022 at latest**, to HOME-AFFAIRS-FUNDS-COMMITTEE@ec.europa.eu. In order to respect the equal treatment and transparency, the replies to the written questions for clarification will be sent to all Member States.

To ensure equal and fair treatment of the applicants, proposals submitted after the deadline will not be admissible.

No modification to the application is allowed once the deadline for submission has elapsed. However, if there is a need to clarify certain aspects or to correct clerical mistakes, the Commission may contact the applicant during the evaluation process. A reply should be provided by the Member State within 3 working days from the request date.

The Commission will assess all applications simultaneously.

During the first semester of 2023, the applicants will be informed in writing about the results of the evaluation process of the applications. The respective amendment of the BMVI programmes of Member States, following a successful application, can be carried out immediately after.

5. PROCEDURE FOR THE EVALUATION OF PROPOSALS

In their application, the Managing Authorities should provide explanations, as well as documentary and technical information, which will allow the Commission to assess the applications based on all the criteria below, including the elements for the technical assessment, as set in Annex I.

The Commission will assess the proposals submitted by the Member States, in close consultation with Frontex, as regards in particular the technical requirements and standards.

A two-step evaluation procedure of the applications will be applied to make the selection.

The applications will be checked first against the admissibility and eligibility criteria, then against the assessment criteria.

5.1. Admissibility criteria

To be considered **admissible**, a proposal:

1. **has to be submitted by the EU Member States, individually, and in accordance with the BMVI Regulation.** The Schengen Associated Countries can apply if - by the deadline set for submission of the applications for this call - the legal arrangements for their participation to the BMVI are entered into force.
2. **has to be submitted within the deadline** (see the point 4 of the Application Procedure), **to the BMVI specific actions functional mailbox (HOME-BMVI-SPECIFIC-ACTIONS@ec.europa.eu)**, by filling the official BMVI/2023-2024/SA/1.2.2 Application Form attached to this note, together with its annexes (Annex II, III and IV attached to the call document) and relevant supporting documents, in a readable and complete manner (all fields for assessment are filled in).
3. **has to be submitted by the BMVI Managing Authority of the Member State** on behalf of the beneficiary(ies) in the Member State that will be responsible for the implementation of the specific action;
4. **has to identify the project beneficiary(ies)** that will be responsible for the implementation of the specific action in the Member State.

5.2. Eligibility criteria

To be considered **eligible**, a proposal submitted under this specific action:

1. **should not have started before 01.01.2021.** The applicants should seek the completion of the implementation of the successful proposals under this specific action by 31.12.2026.
2. **cannot result in financing of equipment that has already been procured and delivered.** However, Member States may apply if they are already in the process of procuring assets clearly eligible under this Specific Action, notably if a contract was not signed and the co-funding for such equipment is not already committed either under ISF – Borders and Visa, BMVI or other EU programmes.
3. **has to include the explicit commitment of the relevant national authority to comply with the obligations under Article 64(14) of the EBCG Regulation,** as described in Table 1;
4. **has to comply with the needs identified by Frontex,** as per the **section 3.4.1 – Table 2** of this call; the purchase of types of equipment not included in Table 2 will not be considered eligible;
5. **has to comply with the maximum number of units/ type of equipment per Member State** as per the **section 3.4.1 – Table 2, third column** of this call; any number of units above the maximum set per Member State will not be considered eligible.
6. **has to comply with the standards per category and type of equipment (as per Annex I)** – this criterion will allow the Commission to assess, in close consultation with Frontex, in particular the adequacy and environmental

conditions for operation of the technical equipment proposed to be purchased against the defined needs. Assessment will take into account the compliance with the minimum requirements and technical standards¹⁸ for the inclusion in the Agency's Minimum Number of Items of Technical Equipment (MNITE).

Failure to comply with the above **admissibility AND eligibility criteria** will lead to the rejection of the application.

5.3. Assessment criteria

Proposals found admissible and eligible will be evaluated by the Commission against the **criteria** mentioned below.

The evaluation of these criteria by the European Commission - DG HOME will be done in the light of the technical assessment carried out by Frontex, according to the requirements and standards set in Annex I to this note.

The Commission will complete the conclusions of the technical assessment with operational and policy considerations, linked to the purpose and priorities, as detailed above, in the sections 3.3, 3.4 and 3.4.1, and the challenges for the external border management.

Each applicant should provide information and data to demonstrate their ability to operate the equipment once purchased, both at national and EU level, and to maintain it and ensure its readiness for deployments during its registration period in the TEP (notably, minimum 10 years for the Coastal Patrol Vessels (CPV), Offshore Patrol Vessels (OPV), multipurpose vessels and Fixed-wing Aircrafts (FWA) and minimum 5 years for the other types of equipment listed in Table 2 above).

As per the Article 64(14) of the EBCG Regulation, a successful Member State shall register in the technical equipment pool (TEP) all the means of transport and operating equipment purchased under this Specific Action of BMVI, with the clear objective of increasing the operational capacity of Frontex, in addition to the national one.

Following the request made by Frontex, the owner Member State shall make each item of the equipment available for deployment to the Agency, for a period of up to four months, as planned in its annual bilateral negotiations with the Agency. A Member State may decide to deploy an item of equipment to Frontex beyond four months.

When this equipment is needed for an operational activity referred to in Articles 39 “*Procedure for launching a rapid border intervention*” or in Article 42 “*Situation at the external borders requiring urgent action*” of the EBCG Regulation, the owner Member State may not invoke the exceptional situation referred to in paragraph 9 of Article 64 of the same Regulation. Therefore, when this equipment is needed for urgent EU interventions and actions, a Member State cannot refuse its deployment to Frontex by invoking an exceptional situation substantially affecting the discharge of its national tasks.

Therefore, in practical terms, the applicants will explain in their proposal:

- The relevance of the equipment for the management of the external borders ensured by the Member State, and for the overall needs addressed by this call.
- The features of the equipment and the cost-effectiveness and risk management elements of the purchase proposal.
- The existing mechanisms and procedures for ensuring the availability, service and maintenance of the equipment.

¹⁸ Management Board Decision 51/2021 of 21 September 2021 adopting Technical Standards for the equipment to be deployed in Frontex activities.

- The expected results to be obtained.

The proposals will be evaluated by each type of equipment, in the order of the categories listed in Table 2. Within each type of equipment, the proposals will be ranked according to their total score, by adding up all the points for each criterion/ type of equipment proposed in the applications submitted by the Member States.

Within each category, the highest ranked proposals by type of equipment will be considered for selection.

Should two or more proposals for a type of equipment obtain equal total scores, they will be ranked according to their score under criterion “**Relevance**”, then if a tie remains, according to their score under criterion “**Quality**”, then if need be, on “**Expected results**”.

In addition to the assessment criteria below, when selecting the successful proposals, the Commission reserves its right to take into account: the geographical repartition of the capacities listed in Table 2, to ensure an optimal coverage of the EU external borders, as per the existing and emerging challenges. Therefore, the Commission may operate reductions compared to the application submitted by a Member State, notably regarding the categories, types and units of equipment to be co-financed.

Successful proposals will be proposed for selection, while the remaining ones will be included either in the reserve list or rejected.

Proposals will be considered for funding within the limits of the available budget.

A. Relevance (max. 30 points/100):

This criterion relates to the manner in which the proposal is meant to fulfil the needs described in section 3.4.1.

In relation to this criterion, the applicant should demonstrate:

1. suitability of the equipment for addressing the specific challenges and gaps at those external borders the security of which is ensured by the applicant Member State; **(max. 15 p)**
2. relevance of the proposal in the light of the overall needs of this call. Additional points will be attributed to the projects for purchasing categories, types, units of equipment for which not sufficient applications were submitted as per the needs identified by Frontex (section 3.4.1 and Table 2 above). **(max. 15 p)**

B. Quality (max. 35 points/100):

This criterion aims at assessing the technical elements of the equipment, the practical arrangements for the implementation of the project and the elements taken into account when calculating the costs.

When assessing this criterion, the Commission will use as a reference the following elements in the technical assessment made by Frontex:

- Affordability
- Project management
- Adequacy

In relation to this criterion, the applicant is requested:

1. To explain the appropriateness of the design and planned implementation of the project, taking into account:

- a) the project intervention logic - background information, needs assessment, proposed activities and expected results;
- b) the methodology, including operational and financial management,
- c) the indicative timeline and milestones, in particular the project delivery within the proposed timeframe;
- d) the monitoring strategy;
- e) the know-how, experience acquired and composition of the project team, as well as of the entities/units involved in the implementation.

(max. 15 p)

2. To detail – if considered - any possible relevant additional features of the equipment, increased availability for EU operations and missions, quick deployment, longer duration of its registration in the TEP and/or higher technical standards applied, including international standards, in addition to the minimum ones presented in Annex I of this call, which would enhance the capabilities of the equipment for the EU border management operations carried out by Frontex (e.g. state-of-the-art, innovative and knowledge-based solutions and technologies applied to the equipment to be purchased, to ensure its increased effectiveness, resilience, adaptability, versatility, ease and readiness for effective deployment to Frontex, etc.); **(max. 5 p)**
3. To describe the risk assessment and risk management procedures for the implementation of the project proposal once successful - from purchase and registration to the TEP to deployment of the proposed type of equipment, as well as the effectiveness of the identified mitigation measures presented; **(max. 5 p)**
4. To explain the cost effectiveness and feasibility of the project (notably, if the estimated costs are reasonable and feasible, taking into account the foreseen unit prices in relation to the technical features, types and units of equipment, the soundness of the methodology for the calculation of the costs and the justification of costs not directly linked to the equipment, if any) **(max. 10 p)**

C. Sustainability (max. 25 points/100)

This criterion aims at assessing to what extent the proposals demonstrate the ability of the applicant to:

- make available the purchased equipment on request
- run it in good service during its lifetime
- maintain the continuous functioning of the equipment

When assessing this criterion, the Commission will use as a reference the following sections in the technical assessment (as per Annex I):

- adaptability
- sustainability and strategic autonomy
- safety, security and health
- availability

In relation to this criterion, the applicant should:

1. describe the procedures for making the equipment swiftly available upon request from the Agency in terms of:
 - bodies/authorities involved and the chain of command;
 - workflow for responding to the request;
 - timing of the process;
 - back-up scenarios for unexpected events with may interfere with the swift provision of the equipment. **(max. 5 p)**

2. describe how it will run the equipment in the good service, once purchased with EU support, in particular, the material, financial and human resources that will be activated to operate and maintain the equipment for the EU operational activities. Details will be provided regarding:
 - a) the financial resources to be allocated for this purpose;
 - b) the infrastructure, facilities (storage) and logistics considered
 - c) the supply of crews, operators and maintenance teams and the ongoing/planned training measures, know-how and qualifications of the dedicated staff to operate the equipment, including through service contracts with specialised companies and exchanges of experience with other Member States,
 - d) ongoing/planned arrangements to ensure maintenance (preventive and corrective), fuel and consumables, including the availability of supply and service contracts/providers.

(max. 20 p)

D. Expected results (max. 10 points/100):

This criterion aims at evaluating to what extent a project is likely to have positive effects in addressing the identified needs, in particular for addressing the challenges for the management of external borders.

In relation to this criterion, the applicant should demonstrate:

1. long-term impact of the proposed specific action in light of its EU added value, namely to support other Member States, by increasing the operational capacity of Frontex; **(max. 5 p)**

2. impact on the national capabilities for the management of the applicant Member State's external borders; **(max. 5 p)**

6. AMENDMENT OF THE BMVI PROGRAMMES AND ELIGIBILITY OF EXPENDITURE

After having been informed of the outcome of this call for expression of interest, each successful Member State should submit to the Commission a request to amend its BMVI programme, via SFC. The amended BMVI programme should include a short description of the Specific Action BMVI/2023-2024/SA/1.2.2, adjust the output and result indicators and include the costs and codes linked to this specific action (respectively in the description and in the table under point 2.1.3 of the Specific objective no. 1 - European integrated border management, and in the table 6 of the programme).

Member States with successful applications are invited to start the preparatory steps of procurement procedure immediately after the initial notification by the Commission and

effectively launch the procurement process shortly after the amendment of their BMVI programme is adopted.

Moreover, the successful Member State should increase the BMVI's programme relevant output and results indicators listed in Annex VIII of the BMVI Regulation accordingly (i.e. number of aerial vehicles, maritime transport means or land transport means purchased; number of items of equipment registered in the Technical Equipment Pool of the Agency; number of items of equipment put at the disposal of the Agency) - see Annex V of this call document for further reference.

When amending a BMVI programme of a Member States, two situations may arise regarding the eligibility of expenditure¹⁹:

1. For Member States that have included all the types of interventions listed in table 1, Annex VI of the BMVI Regulation that are relevant for the Specific Action "Equipment for EBCG national components, purchased under BMVI and put at the disposal of Frontex to increase its operational capacity, in accordance with Article 64(14) of the Regulation (EU) 2019/1896" in table 2.1.3²⁰ of the specific objective no. 1 in their initially approved BMVI programme, the expenditure would be eligible as of 01/01/2021.²¹
2. If this is not the case, expenditure for this BMVI Specific Action will be eligible from the date of the submission of the request for the amendment of the BMVI programme.

If during the implementation of this Specific Action, the public procurement is relaunched, the equipment to be purchased should comply with the technical standards established in accordance with Articles 16 and 64 of Regulation (EU) 2019/1896, applicable when relaunching the purchase procedures. The Member States should consult the Commission - DG HOME in all these cases.

6. Reporting of the implementation of this Specific Actions

A structured and systematic reporting is required, allowing the Member States, the Commission and Frontex to follow the implementation of the projects under these Specific Actions more closely.

Successful Member States should deliver **every six months** detailed monitoring reports (template to be provided), informing the Commission on the state of play of the projects, including the different stages of the procurement procedure (tendering, evaluation, possible legal challenges, contracting, delivery, technical acceptance, etc.), the final registration of assets in the TEP and deployment of the assets. Any deviation from the initial planning, or any other unforeseen reasons that might endanger the timely delivery of the awarded assets, should be reported, accompanied by proposed solutions.

This dedicated monitoring process aims at ensuring the delivery the equipment and its deployment in response to the needs on the ground and in full compliance with EU law.

We look forward your replies to this call.

Electronically signed

Chiara GARIAZZO

¹⁹ Article 63(7) of Regulation (EU) 2021/1060.

²⁰ Article 13(18) of the BMVI Regulation (EU) 2021/1148

²¹ Article 63 of CPR Regulation (EU) 2021/1060

Enclosures: **Annex I** –Requirements and standards for the technical assessment
Annex II - Application form (to be filled in);
Annex III – Technical information form (specifications applied/ each type of equipment included in the application) (to be filled in);
Annex IV - Budget form (to be filled in);
Annex V – BMVI performance indicators (to be considered following a successful application).

c.c.: Permanent Representations – JHA Counsellors