



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

Directorate E – HOME Affairs Funds
The Director

Brussels
HOME.E.1/MB

HOME-Funds/2022/26

COMMITTEE FOR THE HOME AFFAIRS FUNDS

**Subject: BMVI Specific Action –
Invitation to submit an application for the Specific Action “Support to
comply with the implementation of the relevant interoperability legal
framework” – BMVI/2021/SA/1.5.4**

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)¹ provides that Member States may receive funding for specific actions in addition to their initial allocations 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.

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

On 25 November 2021, the Commission adopted the financing decision and the work programme for BMVI Thematic Facility, covering the years 2021-2024 for actions implemented under shared management².

By the present note, the Commission invites you to submit an application to address your needs for Specific Action “1.5.4 Support to comply with the implementation of the relevant interoperability legal framework”, in line with the actions listed in the above-mentioned Commission’s financing decision and work programme.

¹ 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.

² Commission Implementing Decision C(2021) 8459 final of 25.11.2021.

2. GENERAL PRINCIPLES

Specific actions will be implemented by one or more Member States participating in the Instrument via funding received in addition to the allocation under their Fund programmes.

Funding for specific actions is added to the Member States' programme allocations at the time of the approval of the initial programme or 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 programme. This means that, as a rule, in case of under-spending or non-implementation of the 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 Member States' programmes will not exceed 75% of total eligible expenditure, projects implemented under specific actions may benefit from an increased co-financing rate of 90% of total eligible expenditure.

Specific actions must be implemented by the Member States in accordance with the BMVI Regulation and the Common Provisions Regulation (EU) 2021/1060 (CPR)⁴.

Your attention is drawn, in particular, to one provision of the CPR. As regards the value added tax ("VAT") eligibility regime, Article 64(1)(c) 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. SPECIFIC ACTION "SUPPORT TO COMPLY WITH THE IMPLEMENTATION OF THE RELEVANT INTEROPERABILITY LEGAL FRAMEWORK"

3.1. Background for the Specific Action

3.1.1. Policy background for this Specific Action:

a) Compliance with Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC)

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.

No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.

b) Compliance with Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816.

3.1.2. Implementation background for this Specific Action:

The implementation of the Interoperability Regulations referred to above has an important information technology component that must be completed by all Member States under given deadlines. However, attention also needs to be paid to the preparation of the end-users and to the transition period before the interoperability architecture becomes operational. The present Specific Action is therefore addressing the preparation of the end-users and the specific role the SIRENE offices will have during the transitional period.

The Specific Action comprises therefore two parts:

First, sub-action 1.5.4.1 deals with the adaptation of national business processes, national handbooks and manuals, training of end users as well as with the acquisition or development of the corresponding information technology means. These actions are viewed as necessary pre-conditions for Member States to be able to declare their readiness for implementing interoperability once the technical conditions are met (scheduled by the end of 2023).

This proposed sub-action will not necessarily cover all training needs or cover exhaustively all cases that occur in the policy domains covered. It can therefore be completed by further requests under the national programmes.

Second, sub-action 1.5.4.2 deals with the adaptation of SIRENE offices for handling yellow links during the MID (Multiple Identity Detector) transitional period. The SIRENE offices are the only authorities entrusted to resolve the so-called yellow links when one of the linked identities stems from an alert in SIS. All the yellow links need to be resolved before the MID is used operationally and yields the major benefit expected from interoperability. Therefore the Union added value of this action is considerable. Under this action, Member States can propose to strengthen their existing SIRENE offices by extending their capacity in terms of personnel, equipment, information technology and communication means, and the required premises for work.

3.2. Scope and purpose of the Specific Action

The objective of this Specific Action is to support Member States to comply with the implementation of the interoperability legal framework.

It targets all Member States in the Schengen Area that operate external borders.

The Specific Action can include the following activities:

- Adaptation of national business processes, national handbooks and manuals, training of end users,
- Acquisition and/or development of the information technology means in order to apply or use the proposed processes and trainings,
- Adaptation of SIRENE offices for handling yellow links during the MID transitional period.

Sub-action 1.5.4.1 deals with the adaptation of national business processes, national handbooks and manuals, training of end users. It also deals with the automation of these processes and/or trainings. The expected outputs are all deliverables that define how the work in border control, migration, visa and police checks needs to perform effectively and efficiently with interoperable systems. As examples, this includes therefore business process definitions at a detailed level, development of corresponding handbooks and manuals, as well as the necessary training material. It also includes the information technology means that help support the application of these processes and trainings.

Sub-action 1.5.4.2 deals with the adaptation of SIRENE offices for handling yellow links during the MID (Multiple Identity Detector) transitional period. The expected outputs are the correctly resolved "yellow links". Yellow links are the cases where the same biometrics are found to correspond with different (claimed) identities. The SIRENE offices deal with the cases where one of the identities is contained in a SIS (Schengen Information System) alert. The means used could be process definitions, information technology tools, additional personnel.

Although each action needs to be adapted to the specific Member State context, there is the same EU legislation to be met. Therefore national implementations are often variations on a few similar patterns of solutions. For this reason, the Commission considers that there is a need for Member States to be able to share experiences. This will be covered by DG HOME organising a few times per year knowledge sharing workshops with Member States participating in this Specific Action.

3.3. Expected results following the Specific Action

In accordance with Annex VIII (10) and (19) of the BMVI Regulation, the expected results for this Specific Action will be measured by the number of IT functionalities developed/maintained/upgraded, and, where appropriate, by the number of participants who report three months after a training activity that they are using the skills and competences acquired during that training activity.

However, in addition to the indicators of the BMVI Regulation, the Commission recommends to measure the expected results with the following indicators:

- The number of business uses cases for which links established by the MID (Multiple Identity Detector) can be handled by corresponding competent authority;
- The number of participants who successfully completed the training;
- The number of training hours delivered: the number of training sessions organised multiplied by the number of participants in these trainings, in case actual trainings are delivered;
- For the support to the SIRENE offices, the indicator is the number of yellow links each SIRENE office has resolved.

Annex B lists specific indicators the Commission recommends to be used for reporting on the expected results of this Specific Action. *Member States participating in this Specific Action are invited to make sure that this information is collected from the start of the implementation of the action and report on these specific indicators within the framework of the knowledge sharing workshops mentioned above.*

3.4. European Union added value of the Specific Action

The European Union added value of the proposed Specific Action is to ensure that from the start the resolution of links between same or similar identities found in different large-scale IT systems is analysed correctly and without delay by all responsible Member State authorities. A further added value is to keep the transitional period as short as possible by having the SIRENE offices strengthened during that period characterised by an additional workload.

The Specific Action is also defined in a way that participating Member States are encouraged to exchange information on the results obtained in order to create some synergies across them.

4. PROCEDURE FOR APPLICATION

4.1. Admissibility and assessment aspects

All EU Member States operating at least one external border post and participating in the BMVI are eligible. The Schengen Associated Countries will be eligible once the legal arrangements for their participation in the BMVI will be in place⁶. Until the arrangements are in place, Member States may choose to involve Schengen Associated Countries on a no-cost basis in the implementation of the projects.

The Specific Action proposed should not start before 1 January 2021.

You are invited to submit your application at the latest by **Tuesday 31 May 2022** using the official BMVI/2021/SA/1.5.4. Application Form attached to this Note.

The application should be submitted to the BMVI specific actions functional mailbox HOME-BMVI-SPECIFIC-ACTIONS@ec.europa.eu.

To be considered admissible your proposal:

1. has to be submitted within the deadline (see below) to the HOME-BMVI-SPECIFIC-ACTIONS@ec.europa.eu in the official BMVI/2021/SA/1.5.4. Application Form attached to this note, and
2. has to 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.

⁶ The participation of the Schengen Associated Countries in this call for expression of interest is conditional upon the conclusion of the arrangements referred to in Article 7(6) BMVI Regulation (EU) 2021/1148, and without prejudice to the relevant association agreements with these countries. Agreements can therefore only be signed once such arrangements are concluded.

DG HOME will assess admissible proposals and will allocate an amount to each admissible proposal as per the table shown in Annex A. For your information, Annex A shows the allocated amount per Member State and explains the method of calculation used by the Commission for that purpose.

Even though amounts are known and allocated to individual Member States beforehand in accordance with Annex A, all Member States which wish to avail themselves of their allocated amount should transmit an application to the Commission within the deadline indicated.

The purpose of the (simplified) application form for this Specific Action is to enable each of these Member States 1) to provide the Commission a confirmation that it intends to participate in the Specific Action and that it will use the amount allocated for the purpose intended; and 2) to provide indications about the scope and nature of the activities/projects the Member State plans to implement within the framework of this Specific Action: Within the scope of this Specific Action and in the light of the limited amount, Member States may choose to focus on one or more of the different aspects and/or activities under one or more of the two sub-actions, depending on the specific national institutional set-up and needs.

You may send questions regarding this Specific Action by **Friday 13 May 2022** at the latest to HOME-AFFAIRS-FUNDS-COMMITTEE@ec.europa.eu.

5. AMENDMENT OF THE BMVI PROGRAMMES AND ELIGIBILITY OF EXPENDITURE

After submitting the application form to the Commission each eligible Member State shall submit to the Commission a request to amend its BMVI programme via SFC. The amended programme should include the short following title and description of the Specific Action:

“BMVI/2021/SA/1.5.4-Support to comply with the implementation of the relevant interoperability legal framework: adaptation of national business processes, national handbooks and manuals, training of end users; acquisition and/or development of the information technology means; adaptation of SIRENE offices for handling yellow links during the MID transitional period.”

When amending a BMVI programme of a Member States, two situations may arise regarding the eligibility of expenditure⁷:

1. For Member States that have included all the types of interventions listed in Annex VI of table 1 of the BMVI Regulation that are relevant for the Specific Action “Support to comply with the implementation of the relevant interoperability legal framework” in table(s) 2.1.3 of the relevant specific objective(s) in their *initially approved* BMVI programme: expenditure for the Specific Action will be eligible as of 1 January 2021.
2. For Member States that have *not* included all the types of interventions listed in Annex VI table 1 of the BMVI Regulation that are relevant for the Specific Action “Support to comply with the implementation of the relevant interoperability legal

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

framework” in table(s) 2.1.3 of the relevant specific objective(s) in their *initially approved* BMVI 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 BMVI programme that will add the respective types of interventions in the programme.

Yours faithfully,

Chiara GARIAZZO

Chair of the Committee for the
Home Affairs Funds

Enclosures: Annex A: Allocated amount per Member State
 Annex B: Recommended Indicators
 Application Form

c.c.: Permanent Representations – JHA Counsellors

Annex A**Allocated amount per Member State**

	31 750 000	Fixed	Variable points	Variable	Total (Fixed + Variable)
1	AT	150 000	2	891 057	1 041 057
2	BE	150 000	2	891 057	1 041 057
3	BG	150 000	2	891 057	1 041 057
4	CH	150 000	2	891 057	1 041 057
5	CY	150 000	1	445 528	595 528
6	CZ	150 000	2	891 057	1 041 057
7	DE	150 000	3.5	1 559 350	1 709 350
8	DK	150 000	2	891 057	1 041 057
9	EE	150 000	2	891 057	1 041 057
10	EL	150 000	2	891 057	1 041 057
11	ES	150 000	3.5	1 559 350	1 709 350
12	FI	150 000	2	891 057	1 041 057
13	FR	150 000	3.5	1 559 350	1 709 350
14	HR	150 000	2	891 057	1 041 057
15	HU	150 000	2	891 057	1 041 057
16	IS	150 000	1	445 528	595 528
17	IT	150 000	3.5	1 559 350	1 709 350
18	LT	150 000	2	891 057	1 041 057
19	LU	150 000	1	445 528	595 528
20	LV	150 000	2	891 057	1 041 057
21	MT	150 000	1	445 528	595 528
22	NL	150 000	2	891 057	1 041 057
23	NO	150 000	2	891 057	1 041 057
24	PL	150 000	3.5	1 559 350	1 709 350
25	PT	150 000	2	891 057	1 041 057
26	RO	150 000	2	891 057	1 041 057
27	SE	150 000	2	891 057	1 041 057
28	SI	150 000	2	891 057	1 041 057
29	SK	150 000	2	891 057	1 041 057
		4 350 000	61.5	27 400 000	31 750 000

The amount allocated per Member State is determined as follows:

- Considering that each Member State will have to implement interoperability in its administrative context, there is an amount of EUR 150 000 attributed to each eligible Member State.
- The implementation of interoperability is related to the number of use cases to be addressed. This number is the same for all Member States, but the amount of effort required to define the way of proceeding depends on the size and complexity of the administration in place. The Member States' population size is taken as an approximation for this. The relationship between the work effort of handling a use

case and the complexity of the administration approximated by the Member State's size is taken as having three values. There are five countries (DE, ES, FR, IT, PL) with a large population (more than 35 million inhabitants) and four countries (CY, IS, LU, MT) with a small population (less than one million inhabitants). The other 20 countries out of the 29 that are eligible (or could be eligible) are neither big nor small.

- The total fund under Specific Action 1.5.4 is split as EUR 150 000 per MS. This means that $29 \times \text{EUR } 150\,000 = \text{EUR } 4.35$ million of the EUR 31.75 million available is attributed. The remainder ($\text{EUR } 31.75 \text{ million} - \text{EUR } 4.35 \text{ million} = \text{EUR } 27.40 \text{ million}$) is split by granting each Member State with a small population a weight of one, each Member State belonging to the “neither small nor large population” or medium population category a weight of two and to each of the Member States with a large population a weight of 3.5. The total of the weighting factors is $(4 \times 1) + (20 \times 2) + (5 \times 3.5) = 61.5$. Each Member State receives a budget calculated as $\text{EUR } 150\,000 + (\text{MS weight} / 61.5) \times \text{EUR } 27.40 \text{ million}$.

This method leads to the following result for allocating the budget of EUR 31.75 million.

MS Population	
Large (more than 35 million)	DE, ES, FR, IT, PL (5 MS) EUR 1 709 350 / MS
Medium	20 MS EUR 1 041 057 / MS
Small (less than 1 million)	CY, IS, LU, MT (4 MS) EUR 595 528 / MS

Annex B Recommended Indicators

To measure the results of the Specific Action, the following indicators are recommended:

- **The number of business uses cases for which links established by the MID (Multiple Identity Detector) can be handled by corresponding competent authority.**

The Interoperability Handbook drafted by the European Commission is structured according to 38 cards (example cards 14 to 18: Resolution of MID yellow links). Each card contains cases to be handled by one or more competent authorities. For the current purpose, there are six groups of competent authorities proposed: (1) border control authorities, (2) visa issuing/consular authorities, (3) police, (4) law enforcement authorities, (5) Immigration services, (6) judicial authorities.

Example:

Handbook cards	Competent authorities	Number of use cases in case each card is addressed nationally
006 – Access under Article 20	Police	1
014 to 20 – MID Yellow link resolution	All six groups	Potentially 42
...		

- **The number of participants who successfully completed the training**
- **The number of training hours delivered:** the number of training hours per session organised, multiplied by the number of participants in each session, in case actual trainings are delivered.

Number of training sessions organised	Number of participants per training	Number of training hours delivered
10 training sessions of 4 hours	30 participants/training	1 200 training hours (10 x 4 x 30)
...		

- **For the support to the SIRENE offices, the indicator is the number of yellow links each SIRENE office has resolved or corrected compared to the number of cases transmitted.**

Month of Transitional period	Number of cases received in this period	Number of cases resolved/corrected per period
July 2023	500	490
...		