



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

Directorate E – HOME Affairs Funds
The Director

Brussels
HOME.E.1

HOME-Funds/2021/27

**NOTE FOR THE ATTENTION OF THE RESPONSIBLE AUTHORITIES OF THE MEMBER STATES
FOR THE 2021-2027 FUNDING PERIOD**

Subject: Clarification on the eligible costs under operating support under the Home Affairs Funds

Dear Members of the Home Funds Committee,

Following the adoption of the Home Affairs Funds Regulations and in light of questions that have arisen in the programming exercise, DG HOME would like to provide you with information on operating support in general and, more specifically, what can be included under operating support under the Member States' programmes for the three Home Affairs Funds: AMIF, BMVI and ISF.

Operating support was introduced to all Home Affairs Funds under the 2021-2027 Multiannual Financial Framework as a novelty¹, aimed at assisting Member States in carrying out tasks and providing services which constitute a public service for the Union. This support is given by offering full EU financing (up to 100% EU contribution) to cover specified costs related to those public service actions.

Tasks and services constituting a “*public service for the Union*” depend on the objectives of the specific Fund/Instrument. However, not all costs related to these tasks and services constituting a “*public service for the Union*” can qualify for up to 100% EU financing in accordance with the Regulations. The costs falling within the scope of operating support are listed in each Annex VII of the specific Home Affairs Fund Regulations.

The Commission is empowered to amend that list, by means of a delegated act, to address unforeseen or new circumstances or to ensure the effective implementation of funding. In addition, the thresholds of the amount allocated/ Member State programme for the operating support, differs also per Home Affairs Fund/Instrument.

¹ It is a novelty for AMIF and ISF, whereas the predecessor of the BMVI already provided for the possibility of using operating support.

Each Member State will need to explain both in its programmes and in its annual performance reports how the use of operating support contributes to the achievement of the objectives of that Fund/Instrument.²

The case of BMVI programmes, which foresee the use of operating support, will be approved upon the assessment of the Commission following a consultation of the Frontex Agency and, where appropriate, eu-LISA, within the scope of those agencies' areas of competence in accordance with Article 13(4) of the BMVI Regulation, and taking into account the information provided by those Member States and, where relevant, the information available as a result of Schengen evaluations and vulnerability assessments, including recommendations following Schengen evaluations and vulnerability assessments.

The Member States concerned may reallocate resources under their programmes, including those programmed for operating support, with the aim of addressing those recommendations with financial implications.

Legal base for operating support under the three Home Affairs Funds

AMIF

According to Articles 2(6) and 21(1) of the AMIF Regulation (EU) 2021/1147 operating support represents a part (not higher than 15%) of the (total) amount allocated to a Member State programme under the AMIF, which may be used as support to the public authorities responsible for carrying out tasks and providing services which constitute a public service for the Union.

The fact that the maximum ceiling of operating support is calculated based on a percentage of the total programme allocation means that the amount of available operating support may need to be adjusted during the programming period in order to take account of any changes in the amount of the total allocation (e.g. increases due to top-ups or changes due to transfers).

Annex VII to the AMIF specifies that while operating support is applicable within all the four specific objectives of the Fund, set out in Article 3(2) AMIF, in terms of eligible expenditure operating support shall cover:

- staff costs;
- service costs, such as maintenance or replacement of equipment, including ICT systems;
- service costs, such as maintenance and repair of infrastructure

Staff costs include the actual salaries plus social security charges and other statutory costs included in the remuneration provided that they are in line with national law or the employment contract (or equivalent appointing act). Training costs are not listed as eligible for operating support under Annex VII to the AMIF. Training costs should be included as normal actions under the relevant AMIF specific objective at the standard co-financing rate.

Under the AMIF, tasks and services providing a public service for the Union could include, for example, public authorities implementing the Union acquis on asylum and/or return or, under certain conditions, running reception and detention centres.

Service Cost include only costs expressly listed or very closely related to those listed in Annex VII may be considered eligible.

² AMIF: Article 21(3), BMVI: Article 16(3), ISF: Article 16(3)

BMVI

According to Articles 2(9) and 16 of the BMVI Regulation (EU) 2021/1148, the operating support represents a part (not higher than 33%) of the amount allocated to a Member State programme, which may be used as support to the public authorities responsible for carrying out tasks and providing services which constitute a public service for the Union.

Operating support can be provided for the implementation of European integrated border management, of the common visa policy and of large-scale IT systems. In addition, operating support within Lithuania's BMVI programme shall provide support in accordance with Article 17(1), for the Special Transit Scheme.

For the implementation of **European integrated border management**, operating support shall cover the following costs **to the extent that they are not covered by Frontex in the context of its operational activities**:

- (1) staff costs, including for training;
- (2) maintenance or repair of equipment and infrastructure;
- (3) service costs within the scope of BMVI Regulation;
- (4) running costs for operations;
- (5) costs related to real estate, including rental and depreciation.

A host Member State within the meaning of Article 2(20) of Regulation (EU) 2019/1896 may use operating support for the purposes of covering its own running costs for its participation in the operational activities referred to in that point that fall within the scope of this Regulation or for the purposes of its national border control activities.

For the implementation of **the common visa policy**, operating support shall cover: staff costs, including for training, service costs, maintenance or repair of equipment and infrastructure and costs related to real estate, including rental and depreciation.

Operating support for **large-scale IT systems** shall cover:

- (1) staff costs, including for training;
- (2) operational management and maintenance of large-scale IT systems and their communication infrastructures, including the interoperability of those systems and rental of secure premises.

Staff costs include the actual salaries plus social security charges and other statutory costs included in the remuneration provided that they are in line with national law or the employment contract (or equivalent appointing act).

As regards **service costs**, only those within the BMVI's scope of support may be considered eligible.

ISF

In accordance with the ISF Regulation (EU) 2021/1149, the Fund may contribute to supporting operating costs that are related to the specific objectives of the Fund in order to enable Member States' public authorities to carry out the tasks and provide the services which constitute a public service for the Union. As per Articles 2 (16) and 16(4) of the ISF Regulation, operating support shall be concentrated on actions covered by expenditure as laid down by Annex VII.

The threshold for operating support under ISF is set at 20% of the total amount allocated to a Member State's ISF programme.

In Annex VII, **maintenance** is to be understood as work performed to maintain ICT system, technical equipment or means of transport in operating condition within the ISF scope of support. It can include system updates, access and licence fees in so far as the costs are needed for the routine operating of the IT system. **Helpdesk** means providing IT support services for the running of the IT systems.

Staff costs include the actual salaries plus social security charges and other statutory costs included in the remuneration provided that they are in line with national law or the employment contract (or equivalent appointing act). Training costs are not listed as eligible for operating support under Annex VII to the ISF. Training costs should be included as normal actions under the relevant ISF specific objective at the standard co-financing rate.

Operating support may cover **secondment of experts and deployment of Liaison Officers (LO)** only if experts are already seconded and LOs already deployed. However, MS are encouraged to deploy LOs or second experts in the framework of an actual project as highlighted in the note to the Home Affairs Funds Committee (HOME-Funds/2021/06) on Flagship activities under ISF, e.g. secondment of experts. In this context, deployment of LOs or secondment of experts would be the end of the process; it could be preceded by a thorough needs assessment, preparation of officers, preparation of back office structures in a MS to steer the process. Staff costs and pre-deployments costs would be eligible in this scenario. Therefore, the Commission would rather see a complete project encompassing the elements described above rather than only reimbursing the staff costs of LOs or seconded experts under OS.

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