

Internal Security Fund: instrument for financial support for external borders and visa 2014-2020

2011/0365(COD) - 16/04/2014 - Final act

PURPOSE: to establish the **Instrument for financial support for the management of external borders and the common visa policy**. This Instrument takes over from the [External Borders Fund 2007-2013](#), which is repealed by this Regulation.

LEGISLATIVE ACT: Regulation (EU) N° 515/2014 of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC

CONTENT: this Regulation establishes the Instrument for financial support for the management of external borders and the common visa policy as part of the Internal Security Fund.

Structure of the Fund: due to the legal particularities applicable to Title V of the Treaty on the Functioning of the European Union (TFEU), it is not legally possible to establish the Fund as a single financial instrument. The Fund is therefore established as a comprehensive framework for Union financial support in the field of internal security comprising the instrument for financial support for external borders and visa (this Regulation) as well as the [instrument for financial support for police cooperation, preventing and combating crime](#). The new two-pillar structure of funding in the field of home affairs should contribute to the simplification, rationalisation, consolidation and transparency of funding in that field. Synergies, consistency and complementarity should be sought with other funds and programmes, but overlap between the different funding instruments should be avoided.

Objectives: the general objective of the Instrument is to contribute to ensuring a high level of security in the Union while facilitating legitimate travel, through a uniform and high level of control of the external borders and the effective processing of Schengen visas, in compliance with the Union's commitment to fundamental freedoms and human rights.

Within the general objective, the Instrument will contribute to:

- **supporting a common visa policy** to facilitate legitimate travel, provide a high quality of service to visa applicants, ensure equal treatment of third-country nationals and tackle illegal immigration;
- **supporting integrated border management**, including promoting further harmonisation of border management-related measures in accordance with common Union standards and through the sharing of information between Member States and between Member States and the Frontex Agency, to ensure, on one hand, a uniform and high level of control and protection of the external borders, including by the tackling of illegal immigration and, on the other hand, the smooth crossing of the external borders in conformity with the Schengen acquis, while respecting the principle of non-refoulement.

The achievement of the specific objectives of the Instrument will be evaluated using **common indicators**, as set out in Annex IV to the Regulation.

The general objectives will be achieved by means of **operational objectives** aiming for:

- promoting the development, implementation and enforcement of policies with a view to ensuring the absence of any controls on persons;
- gradually establishing an integrated management system for external borders, **based on solidarity and responsibility**, in particular by means of:
 - a. the reinforcement of external border checks and surveillance systems and of inter-agency cooperation between border guards, customs, migration, asylum and law enforcement authorities of Member States at the external borders, including in the maritime border area;
 - b. any measures also contributing to the prevention and fight against cross-border crime at external borders relating to the movement of persons, including trafficking in human beings and human smuggling;
 - c. measures within the territory relating to the management of external borders.
- ensuring **better consular coverage** and harmonised practices on visa issuing;
- setting up and running IT systems, their communication infrastructure and equipment that support the common visa policy;
- reinforcing **situational awareness** at the external borders and the reaction capabilities of Member States;
- **preventing and tackling of illegal immigration**, as well as the cooperation with third countries in that respect in full coherence with the objectives and principles of Union external action and humanitarian policy.

Human rights and et vulnerable persons: actions funded under the Instrument shall be implemented in **full compliance with fundamental rights and respect for human dignity**. In particular, actions shall comply with the principle of fair treatment of third-country nationals, the right to asylum and international protection, the principle of non-refoulement and the international obligations of the Union and Member States arising from international instruments to which they are signatory such as the Geneva Convention.

In particular, wherever possible, Member States shall give special attention to **vulnerable persons**, in particular children and unaccompanied minors.

Maritime borders: when implementing actions funded under the Instrument that are related to **maritime border surveillance**, Member States shall pay special attention to their obligations under international maritime law to render assistance to **persons in distress**.

Eligible actions: the Instrument shall support actions in or by Member States, in particular the following: (i) infrastructures, buildings and systems required at border crossing points; (ii) other equipment for the efficient management of migration flows; (iii) training in the use of the equipment and systems; (iv) secondment of border guards between Member States or between a Member State and a third country; (v) actions aiming to foster interagency cooperation either within Member States or between Member States and actions relating to the interoperability and harmonisation of border management systems; (vi) studies, pilot projects and actions aiming to implement best practices resulting from the operational cooperation between Member States and Union agencies.

N.B. Actions related to the temporary and exceptional reintroduction of border control at internal borders shall not be eligible.

Financial framework: the global resources for the implementation of the Instrument is **EUR 2 760 to 2020**, divided as follows:

- **EUR 1 551 million** for the national programmes of Member States;
- **EUR 791 million** for developing IT systems supporting the management of migration flows across the external borders;
- **EUR 154 million** for the Special Transit Scheme;
- **EUR 264 million** for Union actions, emergency assistance and technical assistance at the initiative of the Commission, of which at least 30 % shall be used for Union actions.

The countries associated with the implementation, application and development of the Schengen acquis will participate in the Instrument. Arrangements will be concluded on the financial contributions by those countries to the Instrument and the supplementary rules necessary for such participation. The financial contributions from those countries shall be added to the global resources available from the Union budget.

Resources for Member States and national programmes: the Regulation sets out the resources for eligible actions in Member States as well as the types of action eligible ('national programmes'). Precise percentages allocated are set out according to the type of action implemented. Annex I of the Regulation consists of a table setting out the amounts constituting the basis for the national programmes of Member States.

In general terms, Member States should ensure that their national programmes address the specific objectives of the Instrument and that the **allocation of resources between objectives is proportionate to the challenges and needs** and ensures that the objectives can be met. Where a national programme does not address one of the specific objectives or the allocation is below the minimum percentages for some objectives of the national programmes set in the Regulation, the Member State concerned should provide a justification within the programme.

Resources for specific actions: as well as resources for Member States described above, the latter may receive an additional amount for setting up consular cooperation mechanisms, as described in Annex II.

Member States must also devote the necessary funding to the European Border Surveillance System (**Eurosur**), in order to ensure the good functioning of that system. The Commission should consult the Frontex Agency on draft national programmes submitted by the Member States, and in particular on the activities financed under the operating support. The aim is to **develop complementarity between Frontex's mission and the responsibilities of the Member States** for the control and surveillance of external borders as well as to ensure consistency and to avoid cost inefficiency.

Additional amounts will also be provided, as follows:

- **resources in the framework of the mid-term review:** by 1 June 2017 an assessment of the burden of Member States in border management, including search and rescue activities which may arise during border surveillance operations at sea;

- the **Special Transit Scheme** (particularly for Lithuania);
- **Union actions:** transnational actions or actions of particular interest to the Union, supporting preparatory, and monitoring activities;
- **emergency assistance** as provided in the Regulation;
- **technical assistance**, up to EUR 1.7 million annually.

The Fund should take special account of those Member States that are facing **disproportionate burdens** from migratory flows due to their geographical location.

Implementation: the provisions of [Regulation \(EU\) No 514/2014](#) of the European Parliament and the Council will apply to the Instrument, particularly with regard to programming, financial management, management and control, clearance of accounts, closure of programmes and reporting and evaluation.

Review: the European Parliament and the Council shall, on the basis of a proposal of the Commission, review this Regulation by 30 June 2020.

Transitional provisions will ensure funding of actions undertaken during the course of the preceding programme.

ENTRY INTO FORCE: 21.05.2014. The Regulation is applicable from 01.01.2014.

DELEGATED ACTS: the Commission may adopt delegated acts regarding the definition of specific actions under the national programmes. The power to adopt delegated acts is conferred on the Commission for a **period of seven years from 21.05.2014**.

The European Parliament or the Council may raise objections to a delegated act within a period of two months from the date of notification (this may be extended by two months.) If the European Parliament or Council express objections, the delegated act will not enter into force.