Basic information

2011/0365(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Internal Security Fund: instrument for financial support for external borders and visa 2014-2020 Repealing Decision 574/2007/EC 2005/0047(COD) Amended by 2016/0357A(COD) See also 2013/2503(RSP) **Subject** 7.10.04 External borders crossing and controls, visas 7.30.09 Public security	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	MARINESCU Marian-Jean (PPE)	05/12/2011
	Shadow rapporteur ENCIU Ioan (S&D) MULDER Jan (ALDE) KELLER Ska (Verts/ALE) KIRKHOPE Timothy (ECR) VERGIAT Marie-Christine (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	FLAUTRE Hélène (Verts /ALE)	06/03/2012
DEVE Development	The committee decided not to give an opinion.	
BUDG Budgets	HOHLMEIER Monika (PPE)	15/02/2012
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Foreign Affairs	3309	2014-04-14
	Justice and Home Affairs (JHA)	3135	2011-12-13
	Justice and Home Affairs (JHA)	3244	2013-06-06

European Commission	**Commission DG**	**Commissioner**
	Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
15/11/2011	Legislative proposal published	COM(2011)0750	Summary
13/12/2011	Debate in Council		Summary
15/12/2011	Committee referral announced in Parliament, 1st reading		
06/06/2013	Debate in Council		
09/01/2014	Vote in committee, 1st reading		
14/01/2014	Committee report tabled for plenary, 1st reading	A7-0025/2014	Summary
12/03/2014	Debate in Parliament		
13/03/2014	Decision by Parliament, 1st reading	T7-0243/2014	Summary
13/03/2014	Results of vote in Parliament		
14/04/2014	Act adopted by Council after Parliament's 1st reading		
16/04/2014	Final act signed		
16/04/2014	End of procedure in Parliament		
20/05/2014	Final act published in Official Journal		

Technical information

Procedure reference	2011/0365(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Decision 574/2007/EC 2005/0047(COD) Amended by 2016/0357A(COD) See also 2013/2503(RSP)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/07972

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE489.446	27/06/2012	
Committee opinion	AFET	PE489.432	10/09/2012	
Committee opinion	BUDG	PE492.555	14/09/2012	
Amendments tabled in committee		PE496.290	18/09/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0025/2014	14/01/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0243/2014	13/03/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00141/2013/LEX	16/04/2014	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0750	15/11/2011	Summary
Document attached to the procedure	SEC(2011)1358	15/11/2011	
Document attached to the procedure	SEC(2011)1359	15/11/2011	
Commission response to text adopted in plenary	SP(2014)455	10/06/2014	
Follow-up document	COM(2018)0464	12/06/2018	Summary
Follow-up document	SWD(2018)0340	12/06/2018	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0750	01/03/2012	
Contribution	IT_SENATE	COM(2011)0750	09/03/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary

EESC	Economic and Social Committee: opinion, report	CES1581/2012	11/07/2012	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act	
Regulation 2014/0515 OJ L 150 20.05.2014, p. 0143	Summary

Delegated acts	
Reference	**Subject**
2019/2873(DEA)	Examination of delegated act
2018/2816(DEA)	Examination of delegated act
2018/2994(DEA)	Examination of delegated act
2019/2638(DEA)	Examination of delegated act

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

2011/0365(COD) - 13/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 439 to 96 votes with 31 abstentions, a legislative resolution on the proposal for a regulation 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 visas.

Parliament adopted its position at first reading following the ordinary legislative procedure.

Objectives: the general objective of the Instrument shall be to contribute to ensuring a high level of security in the Union. It will facilitate legitimate travel, through a uniform and high level of control of the external borders and the effective processing of Schengen visas.

Within the general objective, the Instrument shall:

- €€€€€€€ provide a **high quality of service to visa applicants**, ensure equal treatment of third country nationals and **tackle illegal immigration**;
- €€€€€€€ support **integrated borders management**, in accordance with common Union standards and through sharing of information between Member States and between Member States and the Frontex Agency;
- €€€€€€€ guarantee access to **international protection for those needing it**, in accordance with the obligations contracted by the Member States in the field of human rights, including the principle of non-refoulement.

The achievement of the specific objectives of the Fund shall be evaluated using **common indicators**, as set out in Annex IV and programme-specific indicators included in national programmes.

The **operational objectives** are the following:

- €€€€€€€ gradually establishing an integrated management system for external borders, **based on solidarity and responsibility**, in particular by means of: i) the reinforcement of external border checks and surveillance systems and of interagency co-operation between border guards, customs, migration, asylum and law enforcement authorities of Member States at the external borders, including in the maritime border area; ii) any measures also contributing to the prevention and fight against cross-border crime at external borders relating to the movement of persons, including trafficking of human beings and human smuggling;

- €€€€€€€ ensure **better consular coverage** and harmonised practices on visa issuing;

- €€€€€€€ reinforce **situational awareness** at the external borders and the reaction capabilities of Member States;

- €€€€€€€ **prevent and tackle illegal immigration**, as well as the co-operation with third countries in these regards in full coherence with the objectives and principles of Union external action and humanitarian policy.

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

Otherwise, wherever possible, special attention should be given by Member States when implementing actions to the identification, immediate assistance and referral to protection services of vulnerable persons, in particular children and unaccompanied minors.

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

Eligible actions: some amendments were made to clarify the eligible actions of the Funds. Among other things, new measures were added to highlight: i) training regarding the use of the equipment necessary for surveillance between border crossing points; ii) the secondment of border guards between Member States or between a Member State and a third country; iii) actions aiming to foster interagency cooperation either within Member States or between Member States or relating to the interoperability and harmonisation of border management systems; pilot projects and best practices resulting from the operational cooperation between Member States and Union Agencies.

Financial framework: the global resources shall be **EUR 2 760 million** until 2020, allocated 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 of the Union;

- €€€€€€€ **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.

Member States shall devote to **EUROSUR** the necessary funding in order to ensure the good functioning of this system.

The Commission shall consult the Frontex Agency on draft national programmes, in particular on the activities financed under the operating support, submitted by the Member States. The objective shall be to **develop complementarity between the Frontex Agency'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.

The Instrument may contribute up to **EUR 1. 7 million annually** for technical assistance to the Internal Security Fund.

National programmes: in general, Member States should ensure that their national programmes address the specific objectives of this Regulation and that the **allocation of resources between objectives is proportional 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 shares for some objectives of the national programmes, set in this Regulation, the Member State concerned should provide a justification within the programme.

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

Indicators: in order to measure achievements of this Fund, common indicators should be established in relation to each specific objective of this Instrument. A new annex was introduced in these senses (outlining in particular support for the common visa policy to facilitate legitimate travel or support for the common management of borders).

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

2011/0365(COD) - 14/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Marian-Jean MARINESCU (EPP, RO) on the proposal for a regulation 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

The committee recommended that Parliament's position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Objectives: the general objective of the Instrument shall be 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 shall

- provide a **high quality of service to visa applicants**, ensure equal treatment of third country nationals and tackle illegal immigration;
- support **integrated borders management**, in accordance with common Union standards and through sharing of information between Member States and between Member States and the Frontex Agency,
- guarantee access to **international protection for those needing it,** in accordance with the obligations contracted by the Member States in the field of human rights, including the principle of non-refoulement.

The achievement of the specific objectives of the Fund shall be evaluated using **common indicators**, as set out in Annex IV and programme-specific indicators included in national programmes.

The **operational objectives** are the following:

- gradually establishing an integrated management system for external borders, **based on solidarity and responsibility**, in particular by means of:

(i) the reinforcement of external border checks and surveillance systems and of interagency co-operation between border guards, customs, migration, asylum and law enforcement authorities of Member States at the external borders, including in the maritime border area;

(ii) any measures also contributing to the prevention and fight against cross-border crime at external borders relating to the movement of persons, including trafficking of human beings and human smuggling;

- ensure **better consular coverage** and harmonised practices on visa issuing;
- reinforce **situational awareness** at the external borders and the reaction capabilities of Member States;

prevent and tackle illegal immigration, as well as the co-operation with third countries in these regards in full coherence with the objectives and principles of Union external action and humanitarian policy.

Actions funded under the Instrument shall be implemented **in full compliance with fundamental rights and human dignity.**

When implementing actions funded under the Instrument which are related to **maritime border surveillance,** Member States will have to pay special attention to their obligations under international maritime law to render assistance to persons in distress.

Financial framework: the global resources shall be **EUR 2 760 million** until 2020, allocated 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 of the Union;
- **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.

Member States shall devote to **EUROSUR** the necessary funding in order to ensure the good functioning of this system.

The Commission shall consult the Frontex Agency on draft national programmes, in particular on the activities financed under the operating support, submitted by the Member States in order to **develop complementarity between the Frontex Agency'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.

The Instrument may contribute up to **EUR 1. 7 million annually** for technical assistance to the Internal Security Fund.

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.

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

2011/0365(COD) - 15/11/2011 - Legislative proposal

PURPOSE: to establish, as part of the Internal Security Fund, **the instrument for financial support for external borders and visa**. This Fund will take over from the External Borders Fund 2007-2013 which shall be repealed with effect from 1 January 2014.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the policies related to the Area of Freedom, Security and Justice have been steadily growing in importance over the last years. These policies are at the heart of the European project to create an area without internal borders where Union citizens and third-country nationals may enter, circulate, live and work.

In the field of Internal Security, key documents such as the Commission's Communication on the Internal Security Strategy have provided clear guidance on the direction of activities in the years to come.

For border management and visa policy, the Communication on Migration outlined in more detail the challenges ahead in relation to border security and the development of an area without internal borders. The Communication on the Schengen governance presented proposals to strengthen the Schengen acquis by means of a governance system capable of responding effectively, and in a timely and coordinated Union-wide way, to exceptional circumstances and challenges which might put the overall functioning of Schengen at stake. The Communication on smart borders – options and the way ahead outlines how new IT systems such as an Entry/exit system and a Registered Traveller Programme can contribute to a better management of migration flows in the Union.

A key component in the common integrated border management system has been the **development of Union solidarity mechanisms**, supporting a uniform and high-quality application of the Union standards on border management and the common visa policy. Enhancing the coordination of operational co-operation by the Member States on border control through the Frontex Agency constitutes an important step towards the development of the system. Moreover, with the External Borders Fund, the Union expresses solidarity through **financial assistance to those Member States that apply the Schengen provisions on external borders and visa**.

It is against this background that the Commission, in its proposal on the next multi-annual financial framework for the period 2014-2020, suggested to set up an **Internal Security Fund**, **as part of a simplified two-Fund structure for future expenditure in the home affairs area which also includes the creation of an Asylum and Migration Fund**.

IMPACT ASSESSMENT: in accordance with the greater emphasis placed on evaluation as a tool to inform policy making, this proposal is informed by evaluation results, stakeholder consultation and impact assessment.

Work on the preparation of the future financial instruments for home affairs started in 2010 and continued into 2011. It was completed in July 2011 and brought together available evaluation results for the existing financial instruments and informed the problems, objectives and policy options, including their likely impact, examined in the impact assessment.

On the basis of this study, the Commission drafted an **impact assessment report**. The main conclusion may be summarised as follows:

- to **broaden the scope of action for Union funding in the field of asylum and migration**, including as regards its external dimension,
- to work towards more **simplification of delivery mechanisms and greater flexibility**, notably to respond to emergencies.

In the area of internal security, stakeholders considered that the broad thematic priorities have already been fixed by the 2009 Stockholm Programme and the 2010 Internal Security Strategy. A future **funding mechanism** should therefore be defined comprehensively, comprising law enforcement, border guards and customs communities. The need to make greater use of relevant Union agencies, such as Europol and Frontex was also considered important. There was broad support to reduce the number of financial instruments to a **two-Fund structure** on the condition that this leads to simplification. Stakeholders also agreed on the need for a flexible emergency response mechanism.

LEGAL BASIS: Article 77 (2) of the Treaty on the Functioning of the European Union (TFEU). The creation of the Internal Security Fund requires the adoption of **two legislative instruments which jointly constitute the Fund**. This overall structure was chosen in light of the Treaty obligations. It is not legally possible to draw up one single comprehensive legislative proposal for an Internal Security Fund, despite the coherence of the policy objectives to be addressed.

The Internal Security Fund is therefore created as a comprehensive financial framework which is composed of **two separate acts**, setting up the different components of the Fund and laying down the objectives, the eligible actions and the envelopes of each component:

- A Regulation setting up, as part of the Fund, the component for police co-operation, preventing and combating crime, and crisis management;

- This Regulation setting up, as part of the Fund, the border management and common visa policy component.

CONTENT: with this proposal, the Commission proposes to establish the instrument for financial support for the management of external borders and the common visa policy as part of the Internal Security Fund.

Jointly with the future Regulation establishing as part of the Internal Security Fund, the instrument for financial support for police co-operation, preventing and combating crime, and crisis management, this Regulation establishes for the period from 1 January 2014 to 31 December 2020 the Internal Security Fund.

Main objectives: the general objective of the Instrument shall be to contribute to ensuring a high level of security in the European Union.

Within the general objective, the Instrument shall contribute - in line with the priorities identified in relevant EU Strategies, programmes, threat and risk assessments - to the following **specific objectives**:

- **supporting a common visa policy** to facilitate legitimate travel, ensure equal treatment of third country nationals and tackle irregular migration;
- **supporting borders management**, to ensure, on one hand, a high level of protection of external borders and, on the other hand, the smooth crossing of the external borders in conformity with the Schengen acquis.

To achieve these objectives, the instrument shall contribute to the following operational objectives:

- **support and reinforce the national capabilities in the area of border control and visa policy** and thus expressing financial solidarity with the tasks entrusted to individual Member States at external borders and in consulates in the interest of the border-free area as a public service provided to the Union (national programmes, including "operating support");
- **finance the development of the smart border package**, i.e. the setting up of an EU Entry Exit System (EES) and an EU Registered Traveller Programme (RTP);
- **finance the introduction and operation of the European Border Surveillance System, EUROSUR**, notably through the purchase of equipment, infrastructure and systems in Member States;
- **reinforce the Schengen governance** and the evaluation and monitoring mechanism to verify the application of the Schengen acquis by (a) funding the operation of that mechanism under direct management; (b) introducing conditionalities based on compliance with the Schengen acquis for the disbursement of operating support to Member States and (c) requiring Member States to (re)allocate resources received for programmes under this instrument with priority to remedy weaknesses if these have been identified under the mechanism;
- **boost the operational potential of the Frontex Agency** by inviting Member States to earmark additional resources under their programmes for specialised equipment which can be put at the disposal of the Agency for its joint operations;
- support the development and implementation of the relevant Union policies in the EU, in and with third countries under "Union actions", thus improving the overall management of migration flows to the Union (projects managed either directly, such as studies or pilot projects to reinforce co-operation with third countries, or indirectly, in accordance with the Financial Regulation;
- have readily available adequate resources to provide emergency assistance in case of situations of urgent or exceptional migratory pressure;
- **continue support for the functioning of the Specific Transit Scheme for Lithuania**, in accordance with the obligations of the EU10, providing support to compensate for foregone fees from transit visas and additional costs incurred by Lithuania in implementing the Facilitated Transit Document (FTD) and Facilitated Rail Transit Document (FRTD) scheme, such as replacing and upgrading equipment, IT systems, training and operational costs.

For each of these objectives, key indicators are defined.

It should be noted that **actions related to the temporary and exceptional reintroduction of border control at internal borders as referred to in the Schengen Borders Code are not eligible**.

Implementation: the Commission envisages to give the implementation tasks of this programme to the Agency for the Operational Management of Large-Scale IT-Systems in the area of Freedom, Security and Justice (IT Agency). This Regulation would in this case be amended at the appropriate time to include the tasks specifically in the mission of the Agency.

Allocation of Funds: in view of the above, the allocation of funding under **shared management** is based on a combination of:

- a **basic amount allocated to the Member States** at the start of the next Multi-annual Financial Framework (MFF);
- a **flexible amount** to be added to the basic amount, allocated in two phases.

(1) The basic amount is allocated to the Member States at the start of the next MFF and calculated on the basis of objective criteria and needs. It is 60% of the overall envelope for national programmes and the allocations are laid down per Member State in Annex I of this Regulation. They are based on the 2010-2012 calculations under the External Borders Fund, whilst incorporating a minimum amount for each Member State. This will ensure some continuity with the current MFF and give the Member States financial stability to plan their national multiannual programmes.

(2) The flexible amount will be added to the basic amount depending on the willingness of each Member State to finance under its national programme actions that respond to specific Union priorities. These specific actions are defined in Annex II and can be amended. In principle, it would be allocated in two phases: at the start of the MFF, as part of the policy dialogue and negotiations on the national programmes of the relevant Member States, and during a mid-term review in 2017.

This mid-term review would be the occasion to re-examine the situation in Member States and to allocate new resources for the remaining years of the MFF (2018-2020).

Mid-term review: this mid-term review would be the occasion to re-examine the situation in Member States and to allocate new resources for the remaining years of the MFF (2018-2020). These risk/needs assessments could be produced with the help of the Frontex Agency. Member States who, on the basis of these assessments, have more needs or face increased risks will receive an additional amount, thereby giving tangible expression to the principle of solidarity and responsibility-sharing.

Union agencies: to use more effectively the competences and expertise of relevant Union agencies in the home affairs field, the Commission also envisages to make use of the possibility offered by the Financial Regulation to entrust, with the resources available under this Regulation, the implementation of specific tasks to such agencies, in the framework of their missions and in complementarity to their work programmes.

For the tasks covered under this Instrument this concerns in particular: (i) the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex Agency), for activities in and outside the Union requiring operational expertise on border control;(ii) the European Asylum Support Office (EASO), for activities such as training on asylum addressed to border guards; (iii) the European Police Office (Europol) and the European Police College (CEPOL) in the light of interagency co-operation of law enforcement authorites with border guards; (iv) the Agency for the Operational Management of Large-Scale IT-Systems in the Area of Freedom Security and Justice (IT Agency) insofar as the development of new IT systems is concerned.

BUDGETARY IMPLICATION: the Commission's proposal for the next multi-annual framework includes a proposal of **EUR 4 648 million** (in current prices) for the Internal Security Fund for the period 2014-2020. Within this global envelope, the resources available for the implementation of this specific Regulation amount to EUR 3,520 million.

Indicatively:

- about 61% of this amount (EUR 2 150 million) should be used for national programmes of Member States and the support to the Special Transit Scheme implemented by Lithuania;
- 31% (EUR 1 100 million) should be dedicated to the development of the smart border package and the remainder should then be available to fund Union actions, emergency actions and technical assistance, whilst taking into account also the contributions expected from the Schengen associated countries, which would be added to the total envelope.

Moreover, outside the scope of the Internal Security Fund, a separate envelope of EUR 822 million (current prices) is set aside for the management of existing large scale-IT systems (Schengen Information System II, Visa Information System and Eurodac). The management of these systems will gradually be transferred from the Commission to the future Agency for the Operational Management of Large-Scale IT-Systems in the Area of Freedom Security and Justice (IT Agency) after it begins operations in late 2012.

DELEGATED ACTS: in order to supplement or amend provisions in this instrument regarding the **definition of specific actions under the national programmes** the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

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

2011/0365(COD) - 13/12/2011

The Council held a **first exchange of views** on the Commission proposals in the justice and home affairs area in the context of the multiannual financial framework (2014-2020):

- a regulation laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management;
- two regulations establishing, as part of the Internal Security Fund, the instrument for financial support for – external borders and visas; police cooperation, preventing and combating crime and crisis management;
- a regulation establishing the Asylum and Migration Fund.

On the justice side, the Council discussed the two proposals for regulations establishing the Justice programme and the Rights and Citizenship programme.

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

2011/0365(COD) - 12/06/2018

In accordance with Regulation (EU) No 514/2014 of the European Parliament and of the Council, the Commission presents the results of the interim evaluation of the Asylum, Migration and Integration Fund and the Internal Security Fund.

The report covers:

- Regulation (EU) No 514/2014 (horizontal provisions) as well as:

- the Specific Regulation No 513/2014 establishing as part of the Internal Security Fund the instrument for police cooperation, preventing and combating crime and crisis management (ISF-P);
- this Specific Regulation 515/2014 establishing as part of the Internal Security Fund the instrument for external borders and visa (ISF-BV); and
- the Specific Regulation (EU) No 516/2014 establishing the Asylum, Migration and Integration Fund (AMIF).

The evaluation covers the period between 1 January 2014 and 30 June 2017 and reports on all national programmes, Union actions and emergency assistance financed under the funds.

This summary concerns **Internal Security Fund-Borders (ISF-BV),** which aims to ensure a high level of security in the EU while facilitating legitimate travel, and achieve these two objectives through (i) uniform and high-level control of the external borders and (ii) the efficient processing of Schengen visas. The report notes that since 2009, applications for EU visas have risen by 50 %. The **EU's common visa policy** has also been affected by the migration crisis with the increasing need for cooperation on irregular migration and return.

Budget: the total resources for ISF-BV's implementation over the period 2014-2020 were initially estimated at EUR 2 760 million. This was later reprogrammed to EUR 2.61 billion to take into account the increased allocation for EMAS and Frontex equipment, and the transfer of some part of the funds allocated to the IT systems supporting the management of migration flows at the external borders (e.g. Entry/Exit system, European Travel Information and Authorisation System (ETIAS)) to EU-Lisa. Around 65 % of the total (EUR 1.6 billion) is allocated to national programmes. In response to unforeseen needs caused by the migration crisis, the amount allocated for emergency assistance significantly increased from an initial 1.3 % to 14.8 % of the total Fund.

Member States have allocated 9 % (EUR 151 million) to the common visa policy objective, **57 % (EUR 928 million) to the borders management objective**, 21 % (EUR 333 million) to operating support, 9 % (EUR 148 million) to the Special Transit Scheme for Lithuania and 4 % (EUR 64 million) for technical assistance

Main findings:

Relevance: the report observes that the fund's original rationale and objectives are still relevant in the aftermath of the migratory crisis. The flexibility offered by the fund, consisting of transfers of money between different objectives, helped to address these changing needs.

Effectiveness: ISF-BV is considered effective in both the areas of common visa policy and integrated border management. This fund helped Member States to (i) purchase equipment to check the authenticity of documents used for visa applications, the development of information system for coordinating visa applications and (ii) procure security equipment for consular representations in third countries. The fund also:

- supported the purchase and upgrade and replacement of border control and surveillance equipment (e.g. document checking devices, communication equipment);
- training for harmonisation of practices on visa issuance, by providing consular staff with technical and up to date information on subjects related to visa and related systems;
- spent around EUR 200 million on specific actions to support the purchase of the European Borders and Coast Guard Agency equipment by 14 Member States, to be used in joint operations.
- used emergency assistance in seven Member States, mainly in Greece, Italy and Bulgaria, and played an important role in addressing the emergency needs at beginning of the period and in bridging the funding gap until the adoption of national programmes.

Coherence: the fund is considered to be coherent with other EU and national interventions, although the report notes room for improvement in terms of potential areas for synergies with the EU's Customs 2020 programme.

EU added value: this was ensured through innovative investments in infrastructure and equipment, and supporting cooperation between Member States. The report considers that a higher EU added value could have been expected in the areas of **consular cooperation, cooperation with third countries and IT systems**. Since large-scale IT systems need huge investments, it is likely that, without an EU intervention, national IT systems would have continued to be diverse, thus affecting the EU's capacity to achieve the overall objectives in its border and visa policy. The efficiency and speed of the Schengen Information System and the Visa Information System was improved, strengthening the interconnection with the Schengen partners.

Mid-term review: this review affected all the funds and allowed for the realignment of national programme priorities to the new policy initiatives and for the adaptation to the new situation in the security, borders and migration areas. However, it was **most relevant for ISF-BV** where an **extra financial allocation** of EUR 128 million was made available, which allowed for a renewed focus on certain specific priorities and needs at Member State level.

The report goes on to make a number of **general remarks about all three funds**. Overall and in the limits of available data, the evaluation indicated that the results of the funds were achieved at **reasonable costs** in terms of both human and financial resources. The Commission notes that the scope of ISF might need to be adapted further in the future to cater for the new policy initiatives to strengthen operational cooperation and exchange of information.

Lastly, the Commission recommends that an emergency instrument should be maintained and its ability further strengthened so it can respond rapidly and efficiently to changing circumstances.