

FAQs about Specific Actions under Thematic Facility Work Programmes AMIF, BMVI, ISF 2021-2022

State of play on 24 January 2022

Horizontal questions raised on Specific Actions

| Topic classification | Questions | Reply |
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| <p>Application process</p> <p>Commitments for the successful Specific Actions projects</p> <p>Implementation mode of the specific actions</p> <p>The impact of the extra allocation for a Specific Action project on the legal thresholds/ Fund or Instrument</p> | <ol style="list-style-type: none"> 1. Do we understand correctly that practically the expression of interest is already a real application or there will be second round of selection? 2. In case of successful proposals would the Commission conclude a contract with the Beneficiary or the commitment for the Specific Action project would be made by the Commission's side by the approval of revised programme of the Member State? 3. As the Specific Action will be included in the programme does it mean that the implementation of them would be handled under share management? If this is the case what will be the role of the Managing Authority further to being responsible for submitting the proposal on behalf of the entity (who is the beneficiary)? Would it need to monitor the project and handle payment claims by the beneficiary etc. as regarding other projects under the programme? 4. As the projects will be included in the programme of the Member State we understand that its budget will be incorporated also in the budget of the programme, meaning that the total allocation will be increased by this amount. Does it also mean that this also counts when | <ol style="list-style-type: none"> 1. The Commission has launched already three calls for expression of interest: Member States' Managing Authorities may submit application(s), as well as the budget and partnership declaration forms. The applications will be assessed by the Commission according to the set criteria. 2. The commitment of the awarded EU contribution for the Specific Action project will be made by the Commission. That will be done either when approving the Member State's programme or, if the programme has already been approved, via its amendment. 3. Once earmarked in the Member State's programme, the funding of the specific actions will be managed under shared management, according to the set of EU and national rules. That includes the Financial Regulation, the concerned Fund/Instrument Regulation, the Thematic Facility Work Programme and the Common Provisions Regulation. The Managing Authority will treat the successful Specific Action project like any other project included in the programme. 4. The budget of the awarded specific action project will be incorporated into the budget of the Member State's programme. Consequently, the total allocation of the programme will increase accordingly. This will impact on the minimum/ maximum thresholds requirements if those thresholds are calculated based on the overall allocated amount (e.g. in case of equipment purchased under ISF, this will be accounted against the maximum of 35% of the total amount programmed, including eventual transfers and allocations under the Thematic Facility). |

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| | calculating the minimum/ maximum requirements (e.g. a maximum of 35 % of the allocation may be used for the purchase of equipment)? | |
| Prefinancing | <ol style="list-style-type: none"> 1. What is the level of prefinancing that COM will give to successful MS under a call for expression of interest for a specific action? 2. How can we ensure that Specific Actions project promoters do not wait too long to get some cash from the Managing Authorities? | <ol style="list-style-type: none"> 1. There are no dedicated pre-financing rates for the specific actions. The pre-financing rate applicable is the one set out in the HOME Affairs Funds Regulations which is 7% for 2021 and 2022 combined. In addition, Member States can ask for interim payments up to 6 times a year, so they do not have to wait a year or more to get reimbursed. Member States national authorities shall establish the contractual/ grant obligations, including on pre-financing, in the light of the importance of the Specific Actions. 2. The Commission services recommend that the Managing Authority communicates with project beneficiaries about how to ensure proper cash flow and financial management. Article 74(2) of the CPR Regulation (EU) 1060/ 2021 provides that the managing authority must ensure, subject to the availability of funding, that a beneficiary receives the amount due in full and no later than 80 days from the date of submission of the payment claim by the beneficiary; the deadline may be interrupted if information submitted by the beneficiary does not allow the managing authority to establish whether the amount is due. Usually, the management verifications and audit authority (including ECA audits) check that the managing authority fulfils this obligation and do not delay any payment (pre-financing, interim or final) to the beneficiary. Such requirement is included in the contract/grant agreements that the managing authority signs with the beneficiaries. |
| CPR rules and Member States declaration on implementation of the project | In the application form for specific action, which you are sending now, you are asking for „Written declaration from the Managing Authority“ in which the MA declares agreement with the project | The CPR does not define specific rules or modalities for the Thematic Facility or its components. Nevertheless, when implemented in shared management, specific actions of the Thematic Facility are subject to the CPR rules like any other operation in relation to the Member State’s programme. |

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| | <p>proposal, accepts to include it in its programme and declares to implement it.</p> <p>We are afraid, that the MA is unable to provide declaration on implementation of the project proposal, because it has to follow article 73 of CPR. And the MA can only apply article 73 and select the operation when it is included in the programme (Art. 73, para 2 (a) clearly says MA has to ensure the operation complies with the programme).</p> <p>The phase of submitting the specific action proposal unfortunately is not at all reflected in CPR. However as soon as the action is included into the programme we have to follow CPR. Which means that we will have to accept project application, asses it, ensure all points of Article 73, and issue grant agreement. And for sure we cannot declare that we will issue the grant agreement, that would jeopardise the whole process if the result would be already known in the beginning.</p> <p>The only thing the MA can declare is, that it accepts it to include it into the programme. That is why we suggest to redraft the application form. If we are mistaken than we would kindly ask you to provide us with legal basis for such procedure, and explanation why the article 73 is not applicable for operations under specific actions.</p> | <p>As specified in the call and in the HOME Affairs Funds Regulations, a Member State may receive funding for specific actions provided that it is subsequently earmarked as such in its programme and is used to contribute to the implementation of the objectives of the Fund, including covering newly emerging threats. The funding for specific actions must not be used for other actions in the Member State's programme, except in duly justified circumstances and as approved by the Commission through the amendment of the Member State's programme. Therefore, safeguards are needed from the managing authority that it will ensure that the project, although not selected yet and integrated in the programme, will comply with the applicable EU and national rules, and with the objectives of the programme when implemented.</p> <p>Considering that the managing authority is responsible for managing the programme with a view to delivering the objectives of the programme, the Commission would be expecting that the managing authority will include the project in the programme, respecting the principles and criteria mentioned in Article 73 CPR.</p> |
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FAQ – Specific Actions BMVI

❖ BMVI/2021-2022/SA/1.2.1 - Innovation for sea/shore, and/or land border surveillance (operational testing in pilot projects)

| Topic classification | Questions | Reply |
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| Terminology used | <p>Comment traduiriez-vous « <i>uptake</i> » ce mot dans le contexte de cette action spécifique ?</p> <p>E.g. “- <i>The Commission envisages that a Union co-funding of a minimum of EUR 1 500 000 per project would be adequate to provide support for operational testing and uptake of innovative solutions.</i></p> <p>- <i>This specific action focuses on promoting the uptake (validation, piloting in real environment, procurement and/or deployment) of new technologies and methods for border surveillance, especially those coming from Union-funded research projects on border security.(...)”</i></p> | <p>The French word “<i>exploitation</i>” is the closest to what is meant when using “uptake” in the framework of EU security research for both calls for interest for Specific Actions on innovation/new technologies under BMVI and ISF.</p> |

FAQ – Specific Actions ISF

❖ ISF/2022/SA/2.2.1 - EMPACT

| Topic classification | Questions | Reply |
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| Lead applicant (who can perform this role, under which conditions) | <p>For High Value Grants and Low Value Grants Europol accepts agencies located in the Member States, e.g. CIVIPOL, FIIAP, AEI, AED...etc. as lead applicants, as long as there are sufficient Member States as co-applicants.</p> <p>The question now is if such an agency can also be the lead applicant for this particular call? Or what would be the exact conditions a lead applicant needs to fulfil?</p> <p>This question could be of relevance for a MS when deciding if to put forward an application or not.</p> | <p>Agencies located in the Member States may be the lead applicant for this call given that, according to the admissibility requirements in section 4.1 of the call, there is no limitation on the “entity” responsible for the implementation.</p> |

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| <p>Assessment process of the application (scoring, evaluation committee membership)</p> | <ol style="list-style-type: none"> 1. Do you intend to inform about the scoring, especially how many points are the maximum for each criterion and will you provide feedback to applicants how many points the applications received for each criterion? 2. Regarding the evaluation committee, will it be composed of DG HOME (EC) staff? | <ol style="list-style-type: none"> 1. Eligible applications will be ranked according to the criteria outlined in the call, and in descending order, until the available budget has been fully allocated. 2. The applications will be examined by a Steering Committee and its composition depends on the content of each specific action. A Specific Action Steering Committee consists of staff members from DG HOME. However, on ad hoc basis it may also require the expertise of other services of the Commission and/or EU Agencies. |
| <p>Budget allocation between the partners</p> <p>Addition of the Specific Actions allocations to the Member States programmes</p> <p>Pre-financing</p> <p>External contractor</p> | <p>Spain is 'driving' several EMPACT OAPs and Co-driving others. It would be interested to propose a specific action within the EMPACT criminal topic "Environmental Crime" for which, ES is one of the co-drivers (Driver, Italy) as well as ES is Action leader of several OAs within this priority.</p> <p>According to the Chapter 3.5 "Target audience for the call" of COM guidance document "Call for Interest": "The Member States 'driving' (and 'co-driving') the various EMPACT OAPs, or specifically involved in the implementation of a strategic goal, form the prime target audience for this call, together with their partners and following up a detailed partnership agreement.</p> <p>Should Member States be 'driving' several OAPs, they can submit several applications. Theoretically, one application should be submitted per OAP or topic.</p> <p>The lead Member State will have to make sure that all participating Member States (co-drivers, action (co)leaders and participants) duly sign the "Partnership Declaration Form" and are listed in the Application Form indicating the share each will receive from the top up amount allocated if</p> | <p>See below:</p> |

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| | <p>the project proposal is successful. Based on this common agreement, each partner will have a role and resulting responsibilities in the implementation of the project and delivering on its objectives.”</p> <p>Q1: Due to the aforementioned Chapter 3.5, for us it is not clear through whom we should channel the application, either the driver or the Spanish N.E.C? (of course, we have to inform both, partnership declaration, etc).</p> <p>Q2: In case our application was selected, we would be very pleased to know how EU Commission would allocate the Budget along the Project to the beneficiary Member State. Furthermore, we would like to know if the total Budget would be allocated to the lead applicant or could be assigned different budget allocations for the potential co-beneficiaries.</p> <p>Q3. Which percentage and when (timing) would the Commission proceed with the prefinancing? (important information for the financial unit).</p> <p>Q4. Concerning the external technical assistance, we would like to know if would be possible to contract it for the Project and the threshold of the total budget for this concept.</p> | <p>A1: We are aware that Italy (IT) drives this EMPACT priority ‘Environmental Crime’ for the first 2 years of the new cycle (2022 & 2023) and that Spain (ES) will drive the priority for the second 2 years (2024 & 2025) – Italy becoming a co-driver. We would suggest that Spain (SEPRONA) directly discuss the best approach (for the Member States) with the Driver (Italy), while involving both NECs (ES/IT) in the discussion. What is important for the Commission is to receive only one application on Environmental Crime. It could either be IT as lead applicant with ES (and others) involved, OR it could be ES as lead applicant with IT (and others) involved. It is up to Member States to discuss and agree on the best approach.</p> <p>A2 Following the information provided to the applicants about a successful application, the Member States concerned will submit to the Commission the request to amend accordingly their ISF programme, by adding the allocated amount following the Specific Action call for the expression of interest. For a transnational application, jointly submitted, there is the possibility to allocate the EU contribution to the lead applicant only or to divide it between the participants, according to the Partnership Declaration (option 1 or option 2 on page 4 of the Application Form).</p> <p>A3 See the relevant reply under the horizontal aspects</p> <p>A4 if it relates to administrative overhead, the national rules for implementing the ISF programme will apply. NB technical assistance under the basic act is only for the Managing Authority or for the Commission.</p> |
| <p>Who should submit the application?</p> | <p>Application covering CHSGs? By whom should it be submitted?</p> | <p>Even if Member States are in most cases not ‘coordinating’ the CHSG (apart from FR on Doc Fraud), Member States still can choose to cover this specific angle. For instance (only an illustration), BE as Driver of HRCN can could either submit a proposal containing activities to tackle this criminal issue or</p> |

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| | | <p>submit a project containing activities to implement the CHSG No 1 “<i>Investigations and judicial response, with a specific focus on high-risk criminal networks (HRCN) and key individuals</i>”. In this case, the activities would have to be designed for at least one of the 15 criminal topics (Drugs, THB, etc.) – the more, the better, obviously.</p> <p>Member States have to discuss and choose the best approach for them, the one that best matches the actions. Need to name it clearly.</p> <p>The application should be submitted by the lead Member State applicant through its Managing Authority in charge of the ISF programme.</p> |
| What kind of entity can apply? | Can private entities take part in the SA EMPACT call? | <p>External expertise is permitted (academic or private sector). No limit to who can participate in specific actions – refer to sections 3.5 and 4 of the call for details.</p> |
| Double funding | What about double funding? | <p>EMPACT Drivers have become quite accustomed to combining funding sources and are familiar with the importance of avoiding double funding.</p> <p>For each application, applicants must assess the complementarity with other EU funding.</p> <p>Complementarity: Page 14 of the application form.</p> |
| Third countries | Who is able to benefit from this funding? (buy equipment for other countries equipment? Third countries? Who can benefit if not co-applicants?) | <p>All the Member States in the OAPs should sign the partnership declaration form to benefit from funding.</p> <p>All partners need to agree.</p> <p>For third countries: the call provides that “<i>Activities and operational actions could involve third countries that are participating in EMPACT (bearing in mind that third countries could not benefit directly from EU funding)</i>” and that “<i>For the involvement of third countries, Member States are strongly encouraged to resort to other types of funding, notably grant schemes managed by Europol and projects financially supported by DG NEAR (European Neighbourhood and Enlargement Negotiations) and DG INTPA (International Partnerships)</i>”.</p> |

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| | | ISF has limited external dimension: bearing in mind that third countries could not benefit directly from EU funding. |
| Number of Applicants/ Number of applications | <p>Q1 After reading the application form of the ISF Specific Action EMPACT we would like to double check the number of MS involved in the consortium ; could you please confirm to us that at least 2 MS must be part of a consortium to apply to this call ?</p> <p>Q2 Also, if there are two applications per priority would you approve only one? and based on the criteria detailed in the call for interest?</p> | <p>A1 The consortium should involve to the maximum extent all partners in relevant countries and at least in two Member States. A ‘group of Member States’ is indeed expected to apply, under the leadership of a lead applicant, since the funds aim at supporting EMPACT activities that involves a large number of EU MS. All involved MS must sign a detailed partnership agreement (please see part 3.5. “Target audience for the call”).</p> <p>A2 Part 3.5 of the call provides that “Theoretically, one application should be submitted per OAP or topic”. Therefore, Member States should coordinate to avoid submitting two applications for the same priority. If two (or more) projects are currently planned under one priority, Member States should theoretically find a way to maximise their efforts and discuss their inclusion under a single application, which would then be stronger. The Member State driving the priority should assess the situation with its partners.</p> <p>However, each application will be assessed on its own merit against the award criteria listed in the call and ranked accordingly.</p> |
| Timeline for allocation of funding | What is the timeline? When will the funds be available? | <p>If project proposal is successful => funds will be transferred to Member States’ ISF programme(s).</p> <p>Need of coherence between the Member State’s ISF programme(s) and the project proposal (EMPACT activities planned under Specific Objective 2 and respect of its 10% minimum allocation).</p> <p>Funds are planned to be added to Member States’ ISF programme early autumn, after programme amendment.</p> <p>Need to update Member States’ ISF programme(s):</p> <ol style="list-style-type: none"> 1. Wording / description of the action 2. Amount (€) 3. Indicators (see Annex 3 of the call) |

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| | | Request an amendment to Member States' ISF programme(s) sent to the COM (from 4 to 8 weeks) |
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❖ ISF/2021/SA/3.4.1 - “Support for innovation and new technologies for the protection of public spaces - Innovation PPS”

| Topic classification | Questions | Reply |
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| <p>Eligible beneficiary (for profit organisation)</p> | <p>Does an enterprise (for profit organization) could be eligible to this funding opportunity.</p> <p>There are several organizations contacting us with a lot of questions. In this case, we were contacted by the APDL – Administração dos Portos do Douro, Leixões e Viana do Castelo, S.A. (https://www.apdl.pt/en_US/header) asking if they could be eligible to this funding opportunity.</p> <p>APDL is a company which adopts the form of a joint-stock company of exclusively public capital. It's mission is to manage the Douro, Leixões and Viana do Castelo ports and the inland waterway of Douro river, undertaking their economic exploitation, conservation and development, includes the powers assigned to the port authority.</p> <p>APDL didn't present to us any concrete idea. But they want to know if the fact that they are an enterprise (even though with exclusively public capital) would represent a problem to the ISF.</p> | <p>Yes, it may be eligible, subject to meeting the EU and national rules on financial management and audit.</p> <p>The legal statute of an entity participating to a consortium of applicants is secondary. What matters most is that the project's proposal is clearly within the scope of the call and that the tasks and roles of the different entities are detailed and relevant for the project implementation</p> <p>In this case, the project proposal should clearly justify why ports would be relevant under the call for the protection of public spaces.</p> |