

## **FAQs about Specific Actions under Thematic Facility Work Programmes AMIF and ISF 2021-2022, BMVI 2021-2024**

**19 May 2022**

*The content of each reply is based on the information provided and therefore only applies to the precise question or situation described. The Commission is committed to providing accurate responses to the questions by Member States; however, the information provided cannot be considered or interpreted as being contractually binding in any way. The Commission cannot be held liable for any use made of these replies. No aspect of these replies can be considered as a formal position of the Commission.*

**Note 1 – Annex 1 HOME-Funds/2022/3**, registration number Ares(2022)636750 of 27/01/2022 - **questions 1 to 14**

**Note 2 – Annex 2 HOME-Funds/2022/06**, registration number Ares(2022)1022596 of 11/02/2022 - **questions 15 to 18**

**Note 3 – Annex 3 HOME-Funds/2022/11**, registration number Ares(2022)1616607 of 04/03/2022 - **questions 19 to 30**

**Note 4 – Annex 4 HOME-Funds/2022/18**, registration number Ares(2022)2116636 of 23/03/2022 - **questions 31 to 37**

**Note 5 – Annex 5 HOME-Funds/2022/23**, registration number Ares(2022)2440143 of 1/04/2022 - **questions 38 to 43**

**Note 6 – Annex 6 HOME-Funds/2022/27**, registration number ARES(2022)3019044 of 13/04/2022 – **questions 44 to 52**

**Note 7 – Annex 7 HOME-Funds/2022/31**, registration number ARES(2022)3378258 of 02/05/2022– **questions 53 to 57**

### **FAQ – Specific Actions BMVI**

#### **❖ BMVI/2022/SA/2.3.1 - BMVI Specific Action “Visa policy - digitalization, consular cooperation and other”**

<b>Number</b>	<b>Topic classification</b>	<b>Questions</b>	<b>Reply</b>
58	<b>Partner involvement after the start of the project</b>	Should the project receive interest from a member state or organization to become involved in the project 3 months into the project would it be acceptable to include them in the project? Budget would be taken from the allocated budget or financed through the new interested MS or organization.	Including another MS in a project should in principle be possible. You should however note that no additional funding can be allocated to a project and in practice redistribution of funds for covering costs of a new partner seems only feasible in case the partnership opted for OPTION 1. Redistributing the project budget among the partners once the individual allocations were included in the different national programmes (which is the case in OPTION 2) will not be technically possible, as the funding once de-committed from a national programme cannot be reassigned to another Member State’ programme. The new partner can fund its contribution from its own resources. In any case the Commission services should be consulted on the plans on adding a new partner to the project.

❖ **BMVI/2022/SA/1.5.4 - “Support to comply with the implementation of the relevant interoperability legal framework”**

Number	Topic classification	Questions	Reply
59	Activity and Eligibility	<p>1) Is the beneficiary obliged to use the funds only on the activity/activities, which will be specified within part 2 of the application form? For example, the beneficiary indicates that the funds will be used for the implementation of the development of the information technology for trainings but this activity will not be finally implemented. Is that ok? Can the beneficiary implement activity/activities, which are not indicated within the submitted application form?</p> <p>2) Is there a possibility to use the funds from this Specific Action on the development of the support program that would be integrated within the interoperability information technology component (ESP,...)?</p>	<p>1) The additional funding is provided with the aim to achieve the objectives set out in the call for expression of interest. Member States should aim to implement the activities described in their application and report on the implementation of the action as part of their regular reporting obligations under the national BMVI programme. This includes information on difficulties encountered during the implementation and proposals for modifications (if applicable). This information can only be assessed at the time of reporting, the Commission services are not in the position to provide preliminary assessment on these issues.</p> <p>2) The specific action’s objective is to help in the implementation of interoperability. We understand that Member States claim that there is an important need for process description, training and then a specific support required during the MID Transitional Period. If the way to ensure the correct execution of processes is by having end-user documentation as part of the software used (this is how we understand the description given), there is nothing prohibiting this choice. A way to check whether this meets the objectives is by checking whether the indicators can be met.</p>
60	SAC Participation	<p>We are writing to you regarding the invitation letter for specific action (SA) 1.5.4. about interoperability, as we are not sure on how to proceed due to our status as a Schengen associated country.</p> <p>In the invitation letter, it is mentioned under the point 4.1 (admissibility) that CH (or any other SAC) can only take part in this SA <i>once the legal arrangements for their participation in the BMVI will be in place</i>, which is going to be in Autumn 2023 at the earliest for CH. In the annex A of the invitation letter, however, CH has been allocated a fixed amount. We understand this as CH being able to participate in this SA. Even though we are interested in participating, some uncertainties remain:</p>	<p>1) The Schengen Associated Countries that are interested in participating in this Specific Action are also invited to fill in the application form. This will allow DG HOME to plan the necessary financial resources. However, the action cannot be financed from the BMVI before the supplementary agreement is signed between the EU and the SAC and before the BMVI programme is approved by the Commission.</p> <p>2) Yes. Once the supplementary agreement enters into force, the SACs can apply the BMVI Regulation. The Regulation provides that the eligibility period is from 1 January 2021,</p>

		<p>1) According to the invitation letter, we should submit the application form for the 31 May. Is that the case for CH as well or should we rather wait until <i>the legal arrangements for the participation in the BMVI are in place</i> before applying?</p> <p>2) Also, can the project activities actually begin informally before the <i>legal arrangements for our participation in the BMVI are in place</i>, just as it is the case for the projects under the National Programme? Or do we have to wait until the legal arrangements are in place to actually start the project's activities?</p>	<p>subject to the conditions set out in note HOME- Funds/2022/25 (Ares(2022)3004061 of 13.4.2022).</p>
61	<b>Actions and Indicators</b>	<p>1) We aim to utilize this instrument to the highest possible extent, therefore we would like to make sure whether the sub-action 1.5.4.1 is also applicable for the activities which need to be done in order to prepare for the full MID period (after the MID transitional period is concluded and full MID is launched) – i.e. adaptation of business processes, handbooks, training and IT development needed to support all the responsible authorities (border, visa, asylum, immigration etc.), not just SIRENE. Is our understanding correct?</p> <p>2) Do we understand it correctly, that the participation at the knowledge sharing workshops is compulsory for the beneficiaries? I. e. this will have to be condition in the grant agreement.</p> <p>3) Reporting of indicators is based on Annex VII Reg. No 2021/1060 (CPR). The recommended indicators which are not defined by Reg. No 2021/1148 cannot be reported through the regular channels based on Annex VII. The COM suggests that these indicators should be reported through framework of knowledge sharing workshops. We understand it that at the workshops the beneficiaries will participate, not the Managing Authorities. That is why it will not be official reporting of indicators in the sense of CPR, however just some informal sharing of data non-confirmed by the MAs. Is our understanding correct?</p>	<p>1) Yes, your understanding is correct. The support to the SIRENE offices is specific to the MID transitional period. The other part of the sub-action is for the implementation of interoperability within and also beyond this period.</p> <p>2) It would be recommended, but not compulsory.</p> <p>3) Yes.</p>
62	<b>Timing of the Specific Action</b>	<p>We have taken note of the fact that the Specific Action proposed should not start before 01/01/2021, but is there a fixed period / timeframe within which the funds have to be spend (i.e. end date of the eligibility)</p>	<p>The call does not specify any end date for project implementation. Article 1 of Chapter 1 of the BMVI Regulation (EU)No 2021/1148 states that the Regulation applies from 1/01/2021 until 31/12/2027. Therefore, the projects can in principle be implemented until 31/12/2030. Thus, the end date of eligibility of costs for implementation is 31/12/2030.</p>

			However, the specificities of the implemented activities should be taken into account, in case of funds allocated for expenses related to the MID transitional period for example it will be hard justifying expenses incurred significantly later than the end of the MID transitional period
63	<b>SIRENE</b>	<p>With regard to sub-action 1.5.4.2, which deals with the adaptation of SIRENE offices for handling yellow links during the MID (Multiple Identity Detector) transitional period, we have the following questions:</p> <p><b>1) Facilities:</b> What type of expenses are eligible within the scope of the facilities? Are rents included? And small construction works, such as renovation and repair of a structure included?</p> <p><b>2) Purchase of legal support and translation services:</b> Is it possible to purchase legal support and translation services that facilitate and help SIRENE operators carrying out their work?</p> <p><b>3) Training in “Data Protection Officer” (DPO):</b> National legislation requires the existence of a DPO in SIRENE. In this regard, there is a lack of HR with this qualification and knowledge, so it is important to question whether it is eligible to provide for the training of SIRENE operators in this area.</p> <p><b>4) SIRENE Operators Shift Supplement:</b> Can this sub-action support the payment of remuneration supplements for SIRENE operators?</p> <p><b>5) Deadlines:</b> What is the time frame for the project execution? From 2021 until ...?</p>	<p>1) Expenses related to facilities are not formally excluded but they clearly do not belong to the intentions when reading the objectives and the indicators. As a consequence, we would suggest keeping those expenses minor if not marginal compared to the other expenses. Rents could be included with the same considerations.</p> <p>2) Yes, if that can genuinely contribute to strengthening the SIRENE office during the MID transitional period.</p> <p>3) Yes, if that can genuinely contribute to strengthening the SIRENE office during the MID transitional period.</p> <p>4) This is not excluded but the Member State must ensure adequate controls of the use of funds.</p> <p>5) A project can in principle be implemented until 31/12/2030. However, since funds are allocated for expenses related to the MID transitional period, incurring expenses significantly later than the end of the MID transitional period must be duly justified.</p>
64	<b>SAC Participation</b>	<p>There is currently ongoing a project in the police directed at implementing the interoperability legal framework, and both the project and us as MA would like to clarify all conditions regarding financing as early as possible. We see from Annex A that an amount has been allocated to Norway (NO), however from the text it's clear that the SAC are not a part of this funding before the legal arrangements are concluded. That's probably not until the end of the year at the earliest in the case of Norway.</p> <p>1) Should we still fill in the application form, as we are interested in taking part of the SA, or should we wait until the legal arrangements for our</p>	<p>1) Yes, the Schengen Associated Countries should also fill in the application form. This will allow the EC to plan the necessary financial resources. However, the action cannot be financed from the BMVI before the supplementary agreement is signed between the EU and the SAC and before the BMVI programme is subsequently approved by the Commission.</p> <p>2) Yes. Once the supplementary agreement enters into force, the SACs can apply the BMVI Regulation. The Regulation provides that the eligibility period is from 1 January 2021,</p>

		<p>participation are concluded? – That will then be after the deadline of the 31th May as stipulated in the invitation letter.</p> <p>2) If the project is planning to do some of these activities before the signing of the agreement between NO and EU, will that still be eligible to support under this allocation?</p>	<p>subject to the conditions set out in note HOME- Funds/2022/25 (Ares(2022)3004061 of 13.4.2022).</p>
<b>65</b>	<b>Proposals and Budget</b>	<p>In regard to the matter noted on title I would like you to ask the following questions:</p> <p>1) How many proposals can be submitted? Is there a limitation? 2) Is there a minimum budget amount for a project to be considered?</p>	<p>A Member State interested in the Specific Action should submit one application briefly describing the projects it is planning to implement. It is for the Member State or Schengen Associated country to decide how many projects will be developed to implement the specific action with the amount allocated to it and how to distribute the EU contribution among the projects. The amount allocated per Member State or Schengen Associated Country is detailed in the table Annex A of the invitation letter. Nevertheless, only one proposal per MS/SAC can be submitted under this call.</p>
<b>66</b>	<b>Legal Advisory Services</b>	<p>It is not clear from the document, but Is it allowed (or not) to use legal advisory services under this specific action, i.e. Could we hire a law company /solicitors, which would support the institution in the analysis of EU regulations in the context of the necessary changes/adaptation of national regulations ?</p>	<p>Legal advice for assessing or ensuring the legal compliance with national law of changes to operational processes stemming from interoperability could be part of the costs covered by the specific action.</p> <p>The cost should however not cover the advice on the understanding of the interoperability regulation, which should be requested from the Commission services.</p>

#### FAQ – Specific Actions AMIF

- AMIF/2022/SA/1.2.1 - “Trafficking in Human Beings – Early identification and prompt referral of victims”
- AMIF/2022/SA/2.4.1 - "Provision of services to victims of trafficking in human beings who are third-country nationals” under the AMIF

<b>Number</b>	<b>Topic classification</b>	<b>Questions</b>	<b>Reply</b>
<b>67</b>	<b>Eligibility</b>	What happens if the victim of trafficking supported in not (yet) legally residing in the Member State (she/he receives a medical support but has no a legal status/is irregularly staying in the EU)? Will he/she be eligible only because of the fact of being a vulnerable person?	YES. Victims of trafficking who are not legally residing, but staying in the Member State are eligible for support under this action.
<b>68</b>	<b>International organisation as lead beneficiary</b>	Can an International Organisation, such as IOM, be the lead beneficiary?	It is for the Member State to decide how many projects will be developed to implement the specific action with the amount allocated to it. The Member States also decides on the lead beneficiary and on other beneficiaries for each project.

*The content of each reply is based on the information provided and therefore only applies to the precise question or situation described. The Commission is committed to providing accurate responses to the questions by Member States; however, the information provided cannot be considered or interpreted as being contractually binding in any way. The Commission cannot be held liable for any use made of these replies. No aspect of these replies can be considered as a formal position of the Commission.*