

Annex 2 – Replies to FAQs on the Implementation of Specific Actions by Member States

The content of each reply is based on the information provided by the country concerned and therefore only applies to the precise question or situation described. The Commission is committed to providing accurate responses to the questions by the country concerned. However, the information provided cannot be considered or interpreted as being contractually binding. 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.

Topic classification	Question	Reply
Legal and financial reporting obligations for the Managing Authority/final beneficiary	<p>1. The budget will now be allocated to the partner Member State's ISF programme. In this revised ISF programme, which indicators should be added? All project-related indicators? Or only the ones of the sub-part (the working groups) which will be led by that partner Member State?</p> <p>2. In addition, how will the beneficiary have access to the budget for this specific action project? Should a specific grant agreement be signed? It will then be a bit of a strange project (sub-part of a transnational project).</p> <p>3. Is the Managing Authority of the partner Member State expected to control both the costs made (financial controls) and the indicators? Or will these be controlled on the level of the full/entire project (by the lead Member State)?</p>	<p>Transnational Specific Actions – 1 lead Member State and one/several partner Member State(s) – Option 2 (budget allocated to several Member States' programmes) – with clearly identified work packages per Member State (see <i>HOME-Funds/2022/07 "Transnational specific actions under the Asylum, Migration and Integration Fund (AMIF), the Instrument for Financial Support for Border Management and Visa Policy (BMVI), and the Internal Security Fund (ISF) – Arrangements between partners"</i> - Ares(2022)1060102 of 14/02/2022)</p> <p>1. Each Member State (both lead and partner) should only adapt the indicators related to the sub-activities where they have the lead. Indicators assessing the overall performance of the project in its entirety should be reported by the lead Member State only to avoid double counting.</p> <p>2. It is the responsibility of the Managing Authority of each participating Member State to decide which contractual agreement is suitable based on the national legislation. The application and budget forms of the specific action project could be included as annex to the agreement. It may take the form of a grant agreement, a memorandum of understanding, etc.</p> <p>3. The control procedures should be discussed and decided by all partners within the consortium. Furthermore, each Member State is ultimately responsible for 1) the legality of the expenditure by its "national" beneficiary/ies, and 2) the indicators defined by it for the activities where its "national" beneficiary/ies have the lead.</p>
Amendment of the content of a specific action project	Should a Managing Authority accept changes, such as modifying, postponing or extending the duration of certain activities, delivering more units of equipment than initially envisaged, changing the operational area of intervention, adding new categories of costs etc. for the implementation of a specific action, departing from the specific action project proposal accepted for financing by the Commission?	<p>It is the Managing Authority's responsibility to assess if changes are needed (as proposed by a beneficiary or considered by the Managing Authority itself) during the specific action implementation and are aligned with the objectives set both in the Commission's call for expression of interest/invitation under the specific action concerned, and the specific action project proposal accepted for funding by the Commission (including, where applicable, the recommendations made in the letter of notification for that project proposal).</p> <p>The Managing Authority may - during the implementation of the specific action project – agree on some adjustments to the targets set for individual</p>

		<p>activities, their duration, sequencing, and costs, if those modifications are necessary to achieve the expected results, including all deliverables mentioned in the specific action proposal and accepted for EU co-funding, without impacting negatively on the objectives of the specific action and EU contribution provided.</p> <p>For example, such margins for amendment exist for:</p> <ul style="list-style-type: none">a) training more staff, purchasing/leasing more equipment than initially envisaged, with the same conditions/standards, due to the savings/a better price (Note: this does not apply for the large-scale equipment to be deployed also to Frontex operations, for which the Agency is consulted by the Commission);b) adjusting the timetable(s) for the implementation of the sub-activities/work -packages of the specific action project (postpone, extend their duration). Unless the Commission's call/invitation for the specific action concerned includes references to specific EU legal obligations or policy requirements to be met or addressed within a given timeframe, or unless the call/invitation document specifies a date for the completion of the entire specific action, the Managing Authority may adjust the timetable(s) for the implementation of the related activities, as appropriate.c) adjusting the value of costs between the various sub-activities within the budget of the specific action, etc. It is also possible to consider additional types of costs than initially envisaged, provided that the call, the selected proposal and the EU contribution allocated allow for such costs.d) changing the location/operational area of intervention provided that this is not a core element of the selected proposal and still remains within the scope of the specific action call documents and the project proposal accepted by the Commission. <p>As a general rule, any change agreed by the Managing Authority needs to be in line with the objectives and expected results of the project proposal selected, the call/invitation specifications, in particular its purpose, scope and expected results, and the applicable national and EU legislation, including the Home Affairs Funds' objectives.</p> <p>In this sense, changing the types(s) of deliverables, such as the type of equipment to be purchased/ leased, lowering the standards/ technical specifications, modifying the systems, infrastructure etc., would be considered outside the scope of the project proposal, as it was defined in the project proposal assessed and approved by the Commission.</p> <p>Substantiated information on the adjustments to the specific actions' projects will be included in the yearly Annual Performance Report on the programme implementation.</p>
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<p>Commission recommendations in the notification letters – how and when to manage them?</p>	<p>We have received several Commission recommendations under the call ISF/2023/SA/2.1.1 (ROLEC).</p> <p>1. “General: The partnership should ensure that the evaluation and communication activities, currently not sufficiently described in the application, are duly carried out, also in order to ensure the necessary “buy-in” of the project’s outputs.”</p> <p><i>In the application form submitted, there is a part “3. Dissemination and Communication”. What do you mean by “evaluation and communication” activities? What do you mean “in order to ensure the necessary “buy-in” of the project’s outputs”?</i></p> <p><i>The grant agreement Managing Authority/beneficiary will be signed according to national rules which are made according to the CPR requirements. But is it possible to pay attention to it now in reverse order when the Commission has already approved the application for that project?</i></p> <p>2. “Involvement of EU entities: the partnership should seek coordination with CEPOL concerning all envisaged training activities, notably with a view to seeking synergies, avoiding duplications as well as sharing for future use/storage on LEEed any material which is not confidential.”</p> <p><i>Perhaps this is what the project should aim for? But is it possible to pay attention to it now in reverse order when the Commission has already approved the application for that project?</i></p> <p>“Additionally, the partnership should closely liaise with the relevant agencies and actors at EU level (Europol, etc)”</p> <p><i>Must the beneficiary with partners “closely liaise with the relevant agencies and actors at EU level (Europol, etc)”?</i></p>	<p>The Commission expects the Managing Authority to discuss the Commission recommendations with the beneficiary and have them confirm that they will indeed take them on board.</p> <p>The “reverse order” is the correct order in the case of specific actions. The proposal was unclear or not sufficient on some points and for this reason there were Commission recommendations.</p> <p>The Managing Authority could add the Commission recommendations in the contractual agreement with the beneficiary and verify them at project closure, when assessing whether the project was successful and the related expenditure eligible.</p> <p>In this specific case, the Commission recommendations should be understood as follows:</p> <ol style="list-style-type: none"> 1. The project will have an added value only to the extent that the project outputs will be used by practitioners (hence the reference to ensure the “buy-in”). Therefore, the outputs (such as the guidance document for SPOCs and the common curriculum for joint patrol) should be evaluated - are they likely to be used in practice in the future? are they effective? In addition, the information in the application on “dissemination and communication” should be clarified. The Commission recommends the Managing Authority to obtain some clarification from the beneficiary on how they will implement the statement in Section 3 of the application form that “information on the result of the project activities will be forwarded to all EU Member States”. 2. The project will have an added value if the project outputs are coherent with outputs produced by EU entities. For the involvement of EU entities in the implementation of the project, the Commission cannot define “how” this can be done in practice. The Managing Authority could for instance request the beneficiary to complement the initial project description by a declaration that

	<p>3. “Complementarity with other funding sources: the partnership should ensure possible synergies/complementarities with ongoing activities in the field, in particular, those stemming from the Member States ISF programmes”.</p> <p><i>Does the ISF Managing Authority need to ensure that, or is the beneficiary responsible here?</i></p>	<p>they will involve CEPOL and liaise with Europol or include an obligation to this end in the contractual agreement with the beneficiary.</p> <p>3. For complementarity with other funding sources, it is the Managing Authority that should double check whether the project is complementary to existing or planned projects in the Member State’s ISF programme. The Managing Authorities from each partner country should do the same regarding their ISF programmes.</p>
<p>Prolongation of the implementation period</p>	<p>The call text for the specific action ISF/2021/SA/2.1.1/EMPACT indicates that the projects should “not start before 1 January 2022 and be completed by 31 December of 2025”.</p> <p>If a project has been cost effective in using the funds, is it possible to prolong it until the end of 2027 to use all the funds allocated to the project for additional seminars, supporting investigations, etc.? Or should it be understood that in any case the project has to be completed by the time indicated in the call document (end of 2025) or can the Managing Authority decide to prolong the SA project beyond the completion date indicated in the call (e.g. by 31.12.2027)?</p> <p>If the project is transnational and the extension request is approved by the Commission, could it be automatically applicable to the other participating Member States, thus avoiding the need for individual requests?</p>	<p>Considering that specific actions are implemented under shared management, it is up to each Managing Authority to decide on whether to extend the project implementation period without any additional EU funding in order to optimise the use of the additional SA EMPACT funding received by the Member State, provided that the planned new activities ensure the full achievement of the objectives of the selected project and of the Specific Action call.</p> <p>In case of transnational projects/option 2, each national partner entity should request its national Managing Authority to amend the contractual agreement and prolong the project with similar end dates. The amendment of a transnational project should also be agreed with all Member States’ partners.</p> <p>It should be noted that when the project implementation period is specified in the call text for the purpose of ensuring EU policy priorities, it should be respected so that the results of the specific actions are adequately fed into EU policy developments.</p>
<p>Deadline for submitting the amended programme</p>	<p>What is the deadline for submitting the amended programme?</p>	<p>The programme amendment procedure can be launched at national level as soon as the notification letter on the successful application under the specific action has been received and the Commission has made the related Thematic Facility proposal in SFC.</p> <p>The Managing Authority should discuss with Commission services whether to group several changes and avoid multiple amendments in a row.</p> <p>Payment applications may be submitted only after the amendment has introduced the Specific Action into the programme. In any case, it may be important for Member States to incorporate as many specific actions as possible by May of each year in the programme, to benefit from the subsequent pre-financing in July.</p>