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## **COMMISSION IMPLEMENTING DECISION**

**of XXX**

**on the financing of the components of the Thematic Facility under the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy, and adoption of the work programme for the years 2023, 2024 and 2025**

## COMMISSION IMPLEMENTING DECISION

of **XXX**

**on the financing of the components of the Thematic Facility under the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy, and adoption of the work programme for the years 2023, 2024 and 2025 and amending Commission Implementing Decision C(2021)8459 on the financing of the components of the Thematic Facility under the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy, and adoption of the work programme covering the years 2021 and 2022 for actions implemented under direct and indirect management and the years 2021 to 2024 for actions implemented under shared management**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012<sup>1</sup>, and in particular Article 110 thereof,

Having regard Regulation (EU) No 2021/1148 of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy<sup>2</sup>, and in particular Article 8(7) thereof,

Whereas:

- (1) The Decision on the financing of the Thematic Facility under the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy, and which constitutes the multiannual work programme for 2021 and 2022 for actions implemented under direct and indirect management and the years 2021 to 2024 for actions implemented under shared management was adopted by Decision C(2021) 8459 on 25 November 2021. This Decision was amended by Decision C(2022) 3163 of 19 May 2022. Further to the postponing of the Frontex Specific Action implementation, it is necessary to amend Decision C(2021) 8459 to remove this Specific Action.
- (2) In order to ensure the implementation of the components of the Thematic Facility under the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy, it is necessary to adopt a multiannual financing decision, which constitutes the multiannual work programme, for 2023, 2024 and 2025. Article 110 of Regulation (EU, Euratom) No 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.

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<sup>1</sup> OJ L 193, 30.7.2018, p. 1.

<sup>2</sup> OJ L 251, 15.7.2021, p. 48.

- (3) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures<sup>3</sup> adopted pursuant to Article 215 TFEU.
- (4) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (5) Pursuant to Article 62(1)(c) of the Financial Regulation indirect management is to be used for the implementation of the work programme. Pursuant to Article 62(1), point (b) of the Financial Regulation shared management is to be used for the implementation of the work programme, and in particular for the implementation of the specific actions.
- (6) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of the Financial Regulation. To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation<sup>4</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (7) It is necessary to allow for the payment of interest due for late payment on the basis of of Article 116(5) of the Financial Regulation.
- (8) In order to allow for flexibility in the implementation of the work programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (9) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part; Ireland is therefore not bound by this Decision or subject to its application.
- (10) This Decision constitutes a development of the provisions of the Schengen *acquis*. Given that Regulation (EU) 2021/1148 builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol No 22 on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union. Denmark notified by letter of 24 September 2021 the implementation of Regulation (EU) 2021/1148 in its national law. Denmark is therefore bound by this Decision.
- (11) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis*<sup>5</sup> within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* which fall within the area referred to in Article 1, Points A and B of Council Decision 1999/437/EC<sup>6</sup>.

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<sup>3</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu) Note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy the OJ prevails.

<sup>4</sup> Except for the cases of Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment

<sup>5</sup> OJ L 176, 10.7.1999, p. 36.

<sup>6</sup> Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the

- (12) However, pursuant to Article 7(6) of Regulation (EU) No 2021/1148, participation of Iceland and Norway in the Instrument for Financial Support for Border Management and Visa Policy requires arrangements to specify the nature and modes of such participation in accordance with the relevant provisions of their respective association agreements. Therefore this Decision should apply to Iceland and Norway only once such arrangements are concluded.
- (13) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*<sup>7</sup> which fall within the area referred to in Article 1, points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC<sup>8</sup>.
- (14) However, pursuant to Article 7(6) of Regulation (EU) No 2021/1148, participation of Switzerland in the Instrument for Financial Support for Border Management and Visa Policy requires arrangements to specify the nature and modes of such participation in accordance with the relevant provisions of their respective association agreements. Therefore this Decision should apply to Switzerland only once such arrangements are concluded.
- (15) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on Liechtenstein's association with the implementation, application and development of the Schengen *acquis*<sup>9</sup> which fall within the area referred to in Article 1, points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU<sup>10</sup>.
- (16) However, pursuant to Article 7(6) of Regulation (EU) 2021/1148, participation of Liechtenstein in the Instrument for Financial Support for Border Management and Visa Policy requires arrangements to specify the nature and modes of such participation in accordance with the relevant provisions of their respective association agreements. Therefore this Decision should apply to Liechtenstein only once such arrangements are concluded.

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Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ([OJ L 176, 10.7.1999, p. 31](#)).

<sup>7</sup> OJ L 53, 27.2.2008, p. 52.

<sup>8</sup> Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

<sup>9</sup> OJ L 160, 18.6.2011, p. 21.

<sup>10</sup> Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

(17) The measures provided for in this Decision are in accordance with the opinion of the Committee for the Home Affairs Funds, established by Article 32 of Regulation (EU) No 2021/1148.

(18)

HAS DECIDED AS FOLLOWS:

*Article 1*  
*Amendments to Commission Implementing Decisions C(2021)8459*

Commission Implementing Decision C(2021)8459[, as amended by Decision C(2022)3163,] is amended as follows:

- (1) In the title of the Decision, the text “covering the years 2021 and 2022 for actions implemented under direct and indirect management and the years 2021 to 2024 for actions implemented under shared management” is replaced by “covering the years 2021 and 2022”
- (2) In Article 1, the text “covering the years 2021 and 2022 for actions implemented under direct and indirect management and the years 2021 to 2024 for actions implemented under shared management” is replaced by “covering the years 2021 and 2022”.

- (3) Article 2 is replaced by the following:

*“Article 2*

*Union contribution*

The maximum Union contribution for the implementation of the work programme for the years 2021 and 2022 referred to in Article 1 is set at EUR 429 654 448.90 and shall be financed from the appropriations entered in the line 11 02 01 of the general budget of the Union, as follows:

(a) EUR 154 105 394.15 for 2021;

(b) EUR 275 549 054.77 for 2022.

The appropriations provided for in the first paragraph may also cover interest due for late payment.

The implementation of this Decision is subject to the availability of the appropriations provided for in the general budget of the Union for 2022 following the adoption of that budget by the budget authority.”;

- (4) In point 1 ‘Introduction’ of the Annex to the Decision, the table is replaced by the following one:

<b>Implementation arrangements</b>	<b>Budget line 11 02 01</b>
Grants (including EUR 124,2 million for emergency assistance)	EUR 140 326 286.42
Procurement	EUR 17 904 000
Indirect management <sup>11</sup>	EUR 7 100 000
Shared management	EUR 264 124 162.50
Other actions and expenditure	EUR 200 000
<b>TOTAL</b>	<b>EUR 429 654 448.92</b>

<sup>11</sup> Part of the emergency assistance budget accounted for under the heading “Grants” may be transferred to the heading “Indirect Management” in accordance with Article 4 of the Financing Decision

(5) Point 5 of the Annex is replaced by the following one:

**5. *Actions implemented under shared management***

Pursuant to Article 15 of Regulation (EU) 2021/1148, Member States may receive funding for specific actions in addition to their allocation through the national programmes.

The overall budgetary allocation reserved for specific actions in the years 2021 and 2022 is EUR 264 124 162.50.

Type of applicants targeted by the specific actions

All Member States participating in the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy.

Description of the activities to be funded by the specific actions

The specific actions will fund transnational or national projects that bring Union added value in accordance with the objectives of the Fund.

They will contribute to the implementation of the objectives of the Integrated Border Management Fund and focus on specific topics including:

- Innovation for border surveillance, facilitation/automation of border crossings and border control processes, and for support to Member States Integrated Border Management strategies. This can include testing, validation, further piloting and/or deployment of new technologies or methods;
- Support for establishment of shared technical copies of the Schengen Information System (SIS) by Member States and biometrics;
- Support to comply with the implementation of interoperability relevant legal framework;
- Visa policy – consular cooperation and trainings.

Funding allocated for specific actions shall 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.

Complementarities with similar actions funded under the national programmes shall also be specified so to avoid duplications.

Implementation

The actions will be implemented by one or more Member States participating in the Integrated Border Management Fund via funding received in addition to the allocation under the Member States' programmes, in line with Article 15 of Regulation (EU) 2021/1148.

*Article 2*  
*The work programme*

The multiannual financing decision, constituting the multiannual work programme for the implementation of the components of the Thematic Facility under the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy for 2023, 2024 and 2025, as set out in the Annex, is adopted.

*Article 3*  
*Union contribution*

The maximum Union contribution for the implementation of the work programme for the years 2023, 2024 and 2025 referred to in Article 2 is set EUR 1 034 696 862 and shall be financed from the appropriations entered in the line 11 02 01 of the general budget of the Union, as follows:

budget line 11 02 01:

- (a) EUR 349 209 437 for 2023;
- (b) EUR 308 039 820 for 2024;
- (c) EUR 377 447 605 for 2025.

The appropriations provided for in the first paragraph may also cover interest due for late payment.

The implementation of this Decision is subject to the availability of the appropriations:

- (a) as provided for in the draft general budget of the Union for 2023, following the adoption of that budget by the budget authority or as provided for in the system of provisional twelfths;
- (b) as provided for in the general budget of the Union for 2024 and 2025 following the adoption of that budget by the budget authority.

*Article 4*  
*Methods of implementation and entrusted entities or persons*

The implementation of the actions carried out by way of indirect management, as set out in the Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down respectively in point 4 of that Annex.

The implementation of the actions carried out by way of shared management are described in point 5 of that Annex.

*Article 5*  
*Flexibility clause*

Cumulated changes to the allocations to actions not exceeding 10% of the maximum Union contribution set in the first paragraph of Article 3 of this Decision shall not be considered to be substantial for the purposes of Article 110(5) of the Financial Regulation, where those changes do not significantly affect the nature of the actions and the objective of the work programme.

The increase of the maximum Union contribution set in the first paragraph of Article 2 of this Decision shall not exceed 20 %.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

#### *Article 6*

##### *Grants*

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex. Grants may be awarded to the bodies referred to in the Annex.

Done at Brussels,

*For the Commission*

*Ylva JOHANSSON*

*Member of the Commission*