Specific Action under BMVI:

“Equipment for EBCG (1) national components, purchased under BMVI and put at the disposal of Frontex (2) to increase its operational capacity, in accordance with Article 64(14) of the Regulation (EU) 2019/1896”

(Reference no, BMVI/2023-2024/SA/1.2.2)

8 June 2023 – Assessment report

1. Background of the Specific Action

The Security Union Strategy 2020-2025(1) presented by the Commission on 24 July 2020, acknowledges that “modern and efficient management of external borders has the dual benefit of maintaining the integrity of Schengen and providing security for our citizens. (...) Joint operational activities of the recently strengthened European Border and Coast Guard contribute to the prevention and detection of cross-border crime at the external borders and beyond the EU.” In addition, the Strategy towards a fully functioning and resilient Schengen area (2) issued on 6 June 2021, highlights that “The Union and the Member States need to jointly work towards achieving a fully effective European integrated border management in practice, bringing together all relevant actors at both European and national levels.”

The European Border and Coast Guard Agency (hereafter “the Agency”/Frontex) has underlined (3) persistent challenges as per its operational needs, deriving from shortages of maritime, land and aerial means of transport and border surveillance capacities. Therefore, an envelope dedicated for the purchase of technical equipment for European Border and Coast Guard national components, i.e. to be put at Frontex’s disposal, in accordance with Article 64(14) of Regulation (EU) 2019/1896(4), was earmarked via a specific action within the 2023-2025 BMVI Thematic Facility.

This equipment aims to increase Frontex’s operational capacity for providing support to Member States in need and for contributing to the overall protection of EU external borders.

(1) EBCG means the European Border and Coast Guard, as per the Regulation (EU) 2019/1896
(2) The European Border and Coast Guard Agency (the ‘Agency’) is commonly referred to as Frontex
(3) COM (2020) 665 final
(4) COM (2021) 277 final
The call contributes further to the long-term objectives of overcoming the persistent gaps regarding large-scale equipment and reducing the Agency’s dependency on the voluntary pooling of such equipment from Member States. The Agency will be able to rely on the equipment purchased via this Specific Action and improve the planning of its operations. Additionally, this call targets all Member States to equip Frontex with the necessary capabilities to support frontline Member States and to implement operational activities in or in relation to third countries.

This Specific Action builds on similar actions launched in 2015, 2017 and 2018 (7).

**Funding provided through** this Specific Action is complementary to the actions that Member States could finance under their BMVI programmes, in accordance with the BMVI Regulation.

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On 10/10/2022, an invitation to submit applications for the **Specific Action “Equipment for EBCG national components, purchased under BMVI and put at the disposal of Frontex to increase its operational capacity, in accordance with Article 64(14) of the Regulation (EU) 2019/1896”** was sent to the Member States’ Managing Authorities [Ares(2022)6982248] with the initial deadline 19/12/2022, extended on 19/12/2022 to 20/01/2023 [Ares(2022)8820303], upon the expression of interests of Member States to allow for more time to prepare their applications for this call.

The invitation note included information on the overall procedure for the evaluation of proposals, including about the assessment criteria (relevance, quality, sustainability and expected results), as per the point 5.3 of the call document (see excerpt included in **Annex I - Assessment criteria**).

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2. Response of the Member States to this Specific Action

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Detailed information is provided in Annex II - Applications submitted.

3. Steering Committee Evaluation and Conclusions

3.1. Composition

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Experience</th>
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<tbody>
<tr>
<td>John Doe</td>
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<td>Robert Brown</td>
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<td>Sarah Johnson</td>
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<td>David White</td>
<td>Mem</td>
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3.2. Process, meetings and key discussions

On 12 July 2022, the Steering Committee (SC) met for the first time to discuss the main objectives and key policy priorities of this call for the expression of interest.

The SC members exchanged views on the documents and annexes of the call and agreed on the timeline for the assessment process, allocation of tasks in view of finalising the admissibility, eligibility and assessment checklists specific to this call.

The SC decided as well to continue involving Frontex in the process, in particular on its operational needs and eligibility criteria.

The SC met 5 times (1), between July and December 2022 to prepare the call documents, prepare the webinar, agree on replies to questions from Member States during the application process, and plan in more detail the evaluation process, in line with the two-step approach set out in the call.

In January 2023, applications received were registered. They were first checked against the admissibility and eligibility criteria, and then against the assessment criteria.

The admissibility of the applications was verified by the Commission in the period 21 January – 20 February 2023, by checking whether the applications were completed and submitted within the deadline, by the BMVI Managing Authorities (the applicant) of the EU Member States, to the indicated functional e-mail address and whether the project beneficiary(ies) responsible for the implementation of the specific action in the Member State were clearly indicated in the application form.

As part of the admissibility checks, the Commission asked for clarification requests to some applicants, such as confirmation of the VAT regime retained in Annex IV – Budget form, with a short deadline for reply (3 days), as per the call document.

After the completion of the admissibility checks, the Steering Committee agreed that all applications are admissible and endorsed the way forward regarding the eligibility checks.

The eligibility of the applications was verified by Frontex on the technical specifications (dedicated part of the eligibility checklist) and by the Commission as well.

(1) 12 July, 27 September, 7, 15 and 30 November 2022
Frontex examined in particular if the general mandatory requirements, the minimum mandatory and desirable requirements, as well as the minimum technical standards per type of equipment, in line with the Annex I to the call document are met.

The Commission examined if the implementation of the proposed action started before 01/01/2021, not to infringe on the eligibility of BMVI funding, if the proposed equipment was already procured and delivered, if compliance with the needs and maximum number of units per type of equipment identified by Frontex as per the section 3.4.1 – Table 2 of the call document and with Article 64(14) of the EBCG Regulation (EU) 2019/1896 were ensured.

With regard to application BMVI/2023-2024/SA/1.2.2/11 submitted by Spain, it included the request for two Fixed-wing Aircrafts (FWAs) - one having the General Department for Civil Guard and one having the National Police, as beneficiary. The Managing Authority realised only after having submitted its application that this exceeds the maximum number of units allowed per Member State, as per eligibility criteria set out in section 5.2 of the call (“any number of units above the maximum set per Member State in section 3.4.1 – Table 2 of the call document will not be considered eligible”) and considered the possibility of withdrawing one of the two items at this stage of the procedure. With a view to ensuring an objective selection process, the approach retained by the Commission was that both FWAs should be assessed and, once this process is completed, the FWA with the lowest score would not be considered eligible.

To complete the evaluation process in a timely manner, the SC decided to have weekly meetings with Frontex, to finalise the eligibility checks as quickly as possible, to proceed with the eligibility checks of the Commission and agreed to start the examination of the applications, to ensure the readiness to perform their full assessment once that the first step of the evaluation (admissibility and eligibility) was completed.

The Steering Committee concluded that all applications were found eligible with the exception of application no. BMVI/2023-

The assessment of the applications was performed between 12 May – 8 June 2023 for each type of equipment, in the order of the categories provided by Frontex and listed in Table 2 of the call document.
As per the call document, for each type of equipment, the proposals were ranked according to their total score (average of the points allocated for each criterion and sub-criterion by the evaluators from respectively the policy and financial units concerned).

No equal total scores were registered.

At its meeting on 08 June 2023, the Steering Committee finalised the discussion on the assessment of proposals. The SC agreed on the ranking of the applications and the individual scores as presented in Annex III “Assessment results”.

The SC took into account the exchanges with Frontex, during which Frontex stated that the categories and type of equipment listed in Table 2 of the call document reflect an order of priority in terms of operational needs of the Agency, i.e. maritime equipment to be addressed with priority.

The SC also considered the need to take into account the geographical repartition of the capacities listed in Table 2 of the call, to ensure an optimal coverage of the EU external borders, as per the existing and emerging challenge. In that context, the SC noted the conclusions of 9 February 2023 European Council meeting, which call on the Commission “to fund measures by Member States that directly contribute to the control of the EU external borders, such as the border management pilot projects, as well as to the enhancement of the border control in key countries on transit routes to the European Union, with a priority on the Bulgaria-Türkiye border”. It also “call on the Commission to immediately mobilise substantial EU funds and means to support Member States in reinforcing border protection capabilities and infrastructure, means of surveillance, including aerial surveillance, and equipment”.
The SC decided as well that equipment not proposed for award will be on a reserve list, in the order of priority set for the three categories and the best ranked under each type of equipment, the application submitted by Poland for a coastal patrol vessel being the first on that list.

In case one of the projects proposed for funding is withdrawn, or should, for any reason, funds become available under this specific action, the next projects on the ranking list should be financed.

3.3. Conclusions

The Committee recommends the allocation of EU contribution under this specific action, as per the Annex V "Applications proposed for award".

The co-financing rates as set out in the successful applications were accepted.

The SC recommended that the notification letters to the successful applicants should recall the obligations of Member States regarding the compliance with the BMVI and CPR Regulations, with particular emphasis on the rules for VAT and public procurement, as well as obligations to deploy the equipment purchased to Frontex, as per the Article 64(14) of the EBCCG Regulation. It also underlined the importance of closely monitoring the implementation of these actions.

The Committee recommends putting on the reserve list the following applications, as per Annex VI "Reserve list".

With regard to application BMVI/2023-2024/SA/1.2.2/11 submitted by Spain, as per the outcome of the eligibility and assessment made – as mentioned above – out of the proposal concerning the Fixed Wing Aircraft type of equipment, for the General Department for Civil Guard and the National Police respectively, only the one which beneficiary is National Police will be included on the reserve list, as it received a higher score.
Attachments:

Annex I: Assessment criteria
Annex II: Applications submitted
Annex III: Assessment results
Annex IV: Equipment requested by Frontex.
Annex V: Applications proposed for award
Annex VI: Reserve list