



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate E – Migration and Security Funds
Unit E1 – Programming

Brussels, 06 FEB. 2015

Subject: Observations on the proposed multiannual national programme under the Internal Security Fund for Italy

Dear [REDACTED]

Thank you for the proposed national programme under the Internal Security Fund for Italy formally submitted on 2 December 2014.

In accordance with Article 14(6) of Regulation (EU) No 514/2014 of the European Parliament and of the Council (Horizontal Regulation) *"The Commission shall make observations within three months of the date of submission of the proposed national programme. Where the Commission considers that a proposed national programme is inconsistent with the objectives of the Specific Regulation, in the light of the national strategy, or that the Union funding to be allocated to those objectives is insufficient or that the programme does not comply with Union law, it shall invite the Member State concerned to provide all necessary additional information and, where appropriate, to modify the proposed national programme."*

Following the examination by the Commission, we would like to provide you with our observations at this stage of the process and invite you to present us with an amended version of the programme within one month from the reception of this letter.

In general, the proposed programme has been prepared against the background set up in the applicable legal framework. Nevertheless, we would like to draw your attention to the annexed observations provided for each section and kindly ask you to modify the programme in this respect.

We would like to assure you that we stand ready to assist you in drafting the national programme and speed up the approval process.

The period of six months set for the approval of the multiannual national programme by the Commission referred to in Article 14(7) of Regulation (EU) No 514/2014 is hereby suspended until an amended version of the programme is provided.

Yours sincerely,

[REDACTED]
Head of Unit

Encl.: Annex - Observations on the proposed national programme

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium.
Telephone: (32-2) 299 11 11.

ANNEX
Observations on the proposed national programme

General

As a general remark, we would appreciate that all acronyms used in the document are spelled out (most particularly Italian acronyms).

Identification of the designated authorities

1. We take note that the Responsible Authority (RA) will in principle be the same as for the former SOLID Funds, although no formal designation has taken place yet (provisionally or fully). Please note that the RA shall be formally designated before making payments eligible to the Funds. We would like to furthermore draw your attention to Article 35 of Regulation n°514/2014 in which it is stipulated that the initial pre-financing payments by the Commission following the approval of national programme shall be paid to the designated RA. We take also note that no Delegated Authority is foreseen.
2. In accordance with article 2 of Delegated Regulation n°1042/2014, we invite Italy to transmit via SFC 2014 detailed information on the management and control system covering the three points in Art. 2.4, notably the main division of responsibilities between the organisational units of the Responsible Authority, as well as a summary of the main procedures for processing financial claims from beneficiaries and for authorising and recording expenditure.
3. Moreover, should the RA be provisionally designated, we invite Italy to inform about the duration of the provisional designation and, in line with article 31 of Regulation n°514/2014 and to allow the Commission to have a clear view on the reasons leading to the provisional designation as well as the content of the action plan, to transmit also the respective audit reports (including the conclusions i.e. non-compliances, the timeframes to address these non-compliances, etc.).

Section 1: Executive summary

3. The executive summary still needs some improvement, in particular as far as Visa Policy and Borders are concerned. Reference to Visa Policy is made only in a final paragraph, which is too vague and gives no information whatsoever on the planned/funded activities. For borders, in the executive summary the strategic objectives should be better explained and be more consistent with the national objectives developed in section 3 (Programme objectives). In particular, the current draft elaborates on the external dimension, without providing enough information on the core objectives of Italy's policy in this area (national objectives in terms of border surveillance and border checks are too summarily presented, with no mention for instance of Eurosur): on international dimension, clarification should be given as regards the reinforcement and development of international cooperation and on the training to be provided in third countries, considering also that those measures are not developed in the objectives (in fact no activities in/with third countries are listed under any of the national objectives). Finally, for the sake of coherence with the structure of the national programme, we believe that the order of presentation in the executive summary (and also in the baseline section) of the different policy areas/specific objectives should follow the order established for the programme.

Section 2: Baseline situation in the Member State

4. The presentation of the baseline situation needs further improvement. Information on past measures financed by the EU should be more detailed; furthermore, it would be also important to know the size of the annual resources from the national budget dedicated to each priority, in order to better understand Italy's needs and the weight of EU funding. More particularly:

- For borders, there is no real gap analysis/needs assessment (some needs are mentioned in the general description of the Specific Objective "*Borders*", but even that information is not complete enough);
- As regards Visas, certain needs / priorities are not clear (e.g. "update the electronic visa processing systems", "controlling the procedures' regularity", "data warehouse for joint checks and document sharing". Moreover, we would suggest to drop the point "support to checks of visa applications for family reunification", as it is out of the scope of Schengen visa processing and, thus, out of the scope of the ISF.
- There is no indication of past EU funding for policy areas under SO 5 and 6. The future needs for CBRN-E and THB are not clearly identified, while in terms of police training no real figures are given in the baseline situation making it impossible to evaluate the state of play and the real needs of the country in this area.

Section 3: Programme objectives

SO1 – Support the Common Visa Policy

5. The draft presents too summarily the national strategy in this area. Many of the priorities are not clear (e.g. "computerization of more rapid and effective procedures"; "migration of network connectivity and elimination of the dangerous possible bottlenecks at node interconnections"; "expansion of the SAN system"): further clarifications are necessary, to allow the Commission to have a clear view of Italy's main priorities in this area. Furthermore, there is no clear distinction between the main actions and the funding priorities: targets /desired outcomes are not clearly identified as such.

6. Regarding trainings, we suggest deleting the reference to "national" regulations since in the area of Schengen Visas the room for such legislation is extremely limited, if any.

7. As regards National Objective 1 (*National Capacity*), it would be useful to have further clarifications on all the actions foreseen (for instance the idea behind the "outsourcing platform" is unclear, while as regards "remote access" it would be necessary to clarify what information and why). We would also appreciate if the language used is as clear and simple as possible: terms and acronyms such as telematics interface, data warehouse, M-VIS, TVIS, VISA Out, SAN network, etc., are not fully comprehensible, and should therefore be avoided.

8. On the National Objective 2 (*Union Acquis*), it would be better to refer to Union or Schengen *acquis*, instead of *acquis communautaire*. Also, instead of "entry visas" we suggest referring to "Schengen visas". It should also be noted that the training to be funded under the ISF should concern Schengen visa processing, not consular training in general.

9. As regards the National Objective 3 (*Consular Cooperation*), the draft proposes several actions which do not seem to correspond in full to consular cooperation in the sense provided by the Visa Code and its recast proposal, as well as the ISF-Borders Regulation. Consular cooperation is a form of cooperation between EU MS which would lead to a meaningful increase in Schengen visa processing coverage, reducing costs for Schengen States, increasing the visibility of the European Union and improving the service offered to visa applicants. Consular cooperation can take the shape of representation arrangements, co-location, establishing common application centres or any other form adapted to local circumstances. However, the draft mentions actions of cooperation between EU MS aiming at tackling illegal migration in the broader sense and problems related to family reunification who do not correspond to that notion: the latter is clearly out of the scope of the ISF, as it concerns long stay / residence and the issuing of D-visas and/or residence permits.

10. Reference is made under Specific Action 1 (*Consular cooperation*), to a Belgium led action titled "*European Documents Advisors and Informal Network*" (EDAIN)". Assuming that Italy is referring to the action titled "Consular Cooperation Mechanism on Schengen Visa Processing (CCM)", we would appreciate that you revise the text, so that the description of the

action is fully consistent with the proposal submitted by Belgium. We would also appreciate that Italy confirms its participation, indicating also whether you intend to contribute financially to the action (if this is the case) and providing a short and general indication (1 line would suffice) of Italy's potential role as participating Member State.

11. Reference is made under Specific Action 1 (*Consular cooperation*), to a Netherlands led action titled "*Regional Schengen Cooperation Officers (RSCO)*". Please confirm your participation in this action, indicating also whether you intend to contribute financially to the action (if this is the case) and providing a short and general indication (1 line would suffice) of Italy's potential role as participating Member State.

SO2 – Borders

12. The draft presents too summarily the national strategy in this area, with no mention of the international dimension (highlighted in the executive summary). There is no clear distinction between the main actions and the funding priorities, and the targets /desired outcomes are also not clearly identified as such.

13. As regards National Objective 2 (*Information exchange*), we see that information systems for border management (SIF, SATM, etc.) are indicated under both national objectives 1 and 2: although they are indeed related to both, we believe that for the management of the action and the classification of future actions it would be preferable to indicate them only under NO2.

14. As regards National Objective 6 (*National Capacity*), we would like to make the following comments:

- Considering that the draft national programme proposes to allocate €45 million to the strengthening of the national capacity in order to intercept migration flows, we would appreciate to have further details, namely a financial breakdown per activity. It would also be useful to have further information in order to differentiate the SIS II related activity from the one described under SO3.NO2.

- Clarification should be also provided on what is meant when it is indicated that the ISF will be used "to finance cooperation agreements with third countries".

- The draft also mentions the strengthening of "Immigration experts in third countries": further information should be provided, namely in order to assess if they can be considered full time Immigration liaison officers (ILOs).

15. Reference is made under Specific Action 2 (*FRONTEx equipment*), to a list of 11 proposals submitted by Italy. As announced in our e-mail sent to Italy on the 5 February 2010, the examination of the proposals submitted by EU Member States has now been concluded, having the Commission decided to provide additional funding, under this specific objective, to the purchase by Italy of a total of four items, two fixed wing planes and two coast patrol vessels. We would therefore like to invite you to include them in your draft national programme. The additional amount allocated as EU co-financing for this specific action represents €58.725.000 which should be included in the financial table of your national programme.

SO3 – Operating Support

16. No Annex II has been submitted. Italy should send the annex on Operating Support to enable the Commission to adequately assess its national programme.

17. The draft just lists a number of actions to be supported: it should provide a general presentation of Italy's use of Operating Support, spelling out the objectives and targets to be achieved, as well as services and tasks which will be funded through the programme. We note that no reference is made to any measures related to Entry Exit System (EES)/Registered Traveller Programme (RTP). It would be useful also to have a financial breakdown per activity.

18. On National Objective 1 (*Operation Support Visa*), we believe that the training activities would be better placed under SO2 NO4 (*Union acquis*). Also, in the light of SO1.NO2, which also concerns IT/VIS related actions, we would appreciate to receive a clear explanation of the need for such a high amount for maintenance of the VIS.

SO4 – Preventing and combating crime

19. The strategy is too summarily presented. It gives some details about only a few areas discussed in the Policy Dialogue (drugs, CBRN, anti-terrorism, information exchange and training), mentioning also the "*favoreggiamento immigrazione illegal*" as one of the key issues to address in this area. This section needs to be completed with more information on different topics.

20. As in other sections, no clear distinction is made between the main actions and the funding priorities. Targets/desired outcomes are also not clearly identified as such.

21. As regards more particularly National Objective 1 (*C-Prevention and Combating*), on anti-corruption the draft continues to just refer to improving transparency of public procurement but provides no further details (for instance no mention is made of whistle-blower protection). On drugs, although MAOC is mentioned in the rationale and as an objective, there is no reference to it when it comes to operational action: the draft should therefore be reviewed in order also to ensure consistency throughout the document.

SO6 – Risks and crisis

22. The strategy on this SO is presented in a too general manner. Also in this section, no clear distinction is made between the main actions and the funding priorities. Also the targets/desired outcomes are not clearly identified as such.

Section 3: Indicative timetable

23. The indicative timetable is consistent with the proposed actions: however, only one action (Eurosur) is scheduled to start being planned in 2014: Italy is invited to look again at its time-planning and confirm it.

24. More particularly, in terms of police trainings it should be noted that LETS may not be implementable before 2016, so it might be helpful to extend training activities over a broader period.

Section 5: Common Indicators and Programme Specific Indicators

25. As regards SO Visas, we note that no target is provided for indicator C3 (*Number of specialised posts in third countries supported by the Fund*).

26. As regards SO Borders, we note that no target is provided for indicator C5 (*Number of incidents reported by the Member State to the European Situational Picture*).

Section 6: Framework for preparation and implementation of the programme by the Member State

27. In terms of complementarity and coordination with other EU Funds, the draft duly mentions ESIF (due reference to "*PON Sicurezza*" and its successor for 2014-2020, "*PON Legalità*"), as well as AMIF: however, no reference is made to the EU external aid funds and coordination with EU Agencies.

28. In terms of partners to be consulted in the preparation and implementation phase, please note that, as regards police training, CEPOL is always to be considered as a relevant partner (the narrative of SO5 is making clear reference to CEPOL's platforms).

29. As regards direct awards, we note that the draft indicates that "*in via residuale*", grants will be directly awarded, which suggests that the most common mode of implementation will be calls for proposals. We invite Italy to confirm this interpretation.

Section 7: The financing plan of the programme

30. Only once Italy has submitted a revised version of the programme, in the light of the comments made above, would the Commission be in a position to check if the allocations for the National Objectives are reasonable and correspond to the actions under the funding priorities and the targets set for them.