



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

Directorate E – Migration and Security Funds  
Unit E1 – Programming

Brussels,

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

Dear [REDACTED]

Thank you for the third version of the national programme under the Internal Security Fund for Spain submitted on 20 May 2015, following the official observations sent by the Commission on 1 April 2014.

Following the re-examination of the national programme by the Commission, we would like to provide you with additional observations on this amended version, and invite you to present us with a modified programme as soon as possible.

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 a revised version of the programme is submitted.

Yours sincerely,

[REDACTED]  
Head of Unit

Encl.: Annex - Observations on the proposed national programme

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## **ANNEX**

### **Observations on the proposed national programme**

#### **General**

We are pleased to note that Spain took substantially in consideration the observations made by the Commission on the previous version. However, although considerably improved, the document still needs to be amended and completed on a number of points before the programme can be considered ready for approval.

#### **Identification of the designated authorities**

1. We take note that the formal full designation has not taken place yet, only a provisional one. In line with article 31 of Regulation n°514/2014, the Commission would appreciate to receive information on the reasons leading to the provisional designation as well as the content of the action plan, and invites Spain to transmit also the respective audit reports.
2. We appreciate the detailed information on the programme's management and control system (MCS) provided in a separate document. We invite Spain to provide a brief summary of that information in the national programme itself. We note that the table on the first page is not fully completed (no information is given on the activities delegated) and in the MCS section below reference is made only to the type of procedures foreseen without describing them. We invite therefore Spain to complete this section by completing the table and providing in the respective section some brief information on the main division of responsibilities between the organisational units of the Responsible Authority, its relationship with the delegated authority, the activities to be delegated and the main procedures for supervising these delegated activities, as well as a summary of the main procedures for processing financial claims from beneficiaries and for authorising and recording expenditure.

#### **Section 2: Baseline situation in the Member State**

3. The presentation of the baseline situation is much improved. To complete it we would need a detailed explanation as regards the needs underlying actions falling under National Objective 1 (*National Capacity*) such as building renovations, security, IT developments, etc. for which substantial EBF funding has already been provided notably for refurbishing and enhancing the security equipment of consulates.
4. Spain is invited to provide also some more information on its risk analysis capacity. We note that although mentioned in this section, no reference is made throughout the programme to actions in this area. It would be useful to know which type of measures are needed to improve Spain's risk analysis capacity (for instance through improved information gathering and exchange, through additional staff trainings on risk analysis, through increased risk analysis exchange with other Member States and Frontex, etc.). It would also be important to know the current available means/equipment for border control, as well as any particular needs in this respect.

#### **Section 3: Programme objectives**

##### ***SO1 – Support the Common Visa Policy***

5. We note that Spain mentions as funding priorities under this section of the programme an action related to SIS-II (*"Integración de listados SIS-II: el listado de extranjeros no admisibles incluye tanto a los que tengan decretada la devolución o expulsión como a los que se les haya prohibido la entrada"*). Likewise, Spain mentions as expected result under National Objective 1

(*National Capacity*) the "full operability of SIS II". As actions related to SIS-II should normally be included under SO2 (*Borders*), we would appreciate to receive further clarifications on the type of actions envisaged and why Spain believes that they are better placed under SO1.

6. We note that under National Objective 1 (*National Capacity*) Spain includes measures such as "maintenance /expansion of the network of consular offices". In principle maintenance measures should be covered under operating support, in accordance with the ISF-Borders Regulation. However, if the purchase of equipment is co-financed by the national programme and in the purchasing contract also the maintenance of the equipment is foreseen, such measures could indeed be included under this section of the NP.

7. As regards the National Objective 3 (*Consular Cooperation*), Spain seems to have misunderstood Commission's request for further information on the third countries where it sees a potential for consular cooperation, having referred instead to EU MS with whom it sees such potential. We still would appreciate to receive the requested information. Furthermore, only a small fraction of the funds (if any) should be spent on meetings, workshops, studies, etc. If there are real needs and willingness to cooperate it can be done without forums and workshops.

## **SO2 – Borders**

8. As regards this specific objective, we would appreciate to receive further information on the strategic lines followed by Spain in the implementation of Integrated Border management (IBM), apart from the strategic document attached to the proposal which elaborates on the implementation of the Smart Borders Package.

Also, in light of the identified need for increased inter-agency cooperation in EU borders management, as indicated in the 2013 Guidelines for cooperation between Border Guards and Customs Administrations, Spain is invited to provide information on the inter-agency customs cooperation in the actions planned under the national programme (i.e. structured exchange of information, risk analysis, training, equipment, investigations, operational activities at Border Crossing Points).

9. As regards National Objective 1 (*Eurosur*), it is still not clear which national systems will be connected with Eurosur (first bullet of the funding priorities). As some €14 million are earmarked for this action, more information would be useful.

10. We note also that Spain includes as funding priorities for NO1 the "*purchase of equipment for border surveillance, including the purchase and maintenance of aeroplanes and boats*". In principle maintenance measures should be covered under operating support, in accordance with the ISF-Borders Regulation. However, if the purchase of equipment is co-financed by the national programme and in the purchasing contract it is foreseen also the maintenance of the equipment, such measures could indeed be included under this section of the NP.

11. As National Objective 2 (*Information exchange*) is rather targeted at improving interagency cooperation (cf. manual on programming) within the country, we invite Spain to move any references/actions related to information exchange with either other EU MS or third countries to NO3. Considering the amount earmarked for NO2, we invite Spain to provide an indicative breakdown of the costs.

12. Still under NO2, the measures related to EURODAC still need to be better explained in order to check their eligibility. Given the purposes of EURODAC, measures which are eligible under ISF-Borders could be for instance the purchase of equipment (e.g. fingerprint scanners) to

be used by border guards at BCPs. Possibilities to finance other types of measures should rather be explored via other sources, e.g. AMIF.

13. We would appreciate to receive some explanation on PDYHR and BDSN. If these are systems, please explain their functions and links with border control and clarify also if they used for other purposes (different from border control).

14. As regards National Objective 3 (*Common Union Standards*) we recommend Spain to use the Guidelines for ABC gates when developing the implementation of the system.

15. As regards National Objective 4 (*Union Acquis*), full implementation of crucial horizontal training projects as the alignment of national curricula to the *Sectorial Qualifications Framework* for Border Guarding (SQF) and Fundamental Rights courses should be followed up in the national programming. We would recommend Spain to include also specialised trainings on screening and debriefing techniques for improved intelligence gathering at the borders, thus enabling stronger interviewing and profiling techniques allowing a swifter identification of migrants at the borders.

16. As regards National Objective 5 (*Future Challenges*), although Spain does provide in a separate document, as requested, some more information on the crisis centres (national and regional), it is still not clear how such centres will inter-relate for instance with Eurosur national and regional coordination centres. The description as provided in this version of the NP clearly gives the impression that the planned crisis centres would duplicate the functions of the Eurosur NCC, which was supported with funding from the EBF. In line with the Eurosur Regulation, the NCC shall be the single point of contact for the exchange of information and for the cooperation with other national coordination centres and with the Agency. Therefore, unless Spain provides further information that demonstrates the full compatibility of those crisis centres with the Eurosur system, the Commission would not consider this action as eligible for funding under the national programme.

17. As regards National Objective 6 (*National Capacity*), it is still not totally clear which of the proposed actions are the funding priorities. We note also that no mention continues to be made of RTP. Also, it would be useful to receive some explanation on the acronyms used in the programme such as ADEXTTRA.

18. As regards Specific Action 2 (*Frontex Equipment*), please include in this section - and in the financing plan - the equipment for a total amount of 12.528.000€ that has been approved for Spain under this Specific Action, respectively: 1 Coastal Patrol Vessel (CPV) (EU co-funding 3.870.000€); 1 Fixed-Wing Aircraft (TWA) (EU co-funding 7.830.000€); 2 All-Terrain Surveillance Vehicles (ATV) (EU co-funding 828.000€ - 414.000€ each). Additionally, please provide a short description of that equipment.

### ***SO3 – Operating Support***

19. As regards more specifically operating support for visas, and as noted before, the cost of training on visa policy should be placed under NO2 of SO1, while building renovations should be deleted from this section, as it is already foreseen under NO1. Allocation in the annex should be adjusted accordingly.

20. In the current context of high migratory pressure at Spain's enclaves of Ceuta and Melilla, Spain is invited to provide more information on the measures planned under operating support for borders concerning the two enclaves. We would also welcome the inclusion in the programme of funding for the premises in some areas related to the debriefing activities.

### ***SO5 – Preventing and combating crime***

21. As regards National Objective 3 (*C-Training*), we invite Spain to add reference to “*in cooperation with*” in the sentence where mention is made to CEPOL. The paragraph should therefore read as follows: “*Se continuará con la formación en la línea de **y en cooperación con** la Escuela Europea de Policía (CEPOL) con acciones ajustadas las necesidades reales según el programa europeo LETS*”.

### **Section 3: Indicative timetable**

22. As regards National Objective 1 (*R-prevention and combating*), we note that for the action “Desarrollo del sistema SCEPYLT” the date for the start of closing phase is currently set to 2017. We suggest, to better ensure the sustainability of the platform, to change that date to 2020 and that the action covers also “formación técnica”, like for the EWS action above.

### **Section 7: The financing plan of the programme**

23. Spain has included in the programme an amount of 280.800€ for a Specific Action on consular cooperation led by Belgium. As the EU-contribution for this action will not be allocated to Spain’s national programme, this amount must be deleted from the financing table.