



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate E – Migration and Security Funds  
Unit E1 – Programming

Brussels, 27 March 2015

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

Dear 

Thank you for the proposed national programme under the Internal Security Fund for Spain formally submitted on 24 February 2015.


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 of the draft national programme by the Commission, you will find here enclosed our observations at this stage, and would like to invite you to present an amended version of the programme addressing these observations within one month of the reception of this letter.

The Commission stands ready to assist you in the drafting process in order to facilitate the approval of the national programme.

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,

  
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 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.
2. We also note that, although a detailed description of the Management and Control System (MCS) is provided in a separate document, there is no summary description in the national programme itself. We would therefore invite Spain to include such summary description in the next version of the programme.

**Section 1: Executive summary**

3. The structure and content of this section is significantly improved compared to the previous version. However, we note that the Visa Policy part remains extremely general and there is no mentioning of Smart Borders measures, and would therefore invite Spain to complete it with further information.

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

4. The presentation of the baseline situation is much improved, but some more information is still necessary, namely:
5. A brief presentation of Spain's institutional set up in all the policy areas directly relevant to the national programme, with a clear explanation of mandates and responsibilities.
6. Information on past EU funding in all relevant areas (the document just provides such information as regards the Ministry of Foreign Affairs (MFA)). As mentioned before, such information, including also an indication of which of the described available means have been financed with EU funding, is important to better understand not only Spain's needs but also the weight of EU funding.
7. As regards visas and borders:
  - a) Please provide figures on the number of persons barred from entry in Ceuta & Melilla, as well as some more information on the migratory pressure in those territories;
  - b) Considering that support through the ISF (like previously under EBF) concerns short stay Schengen visas, please provide figures on the number of that type of visas that has been issued.
  - c) Please indicate areas where SIVE operates (such info was deleted from the previous version of the programme);
  - d) As mentioned above, more information on the institutional set up, notably on the repartition of competences between the CNP and Guardia Civil;
  - e) More information as regards Spain's risk analysis capacities;
  - f) The needs as far as Schengen visas are concerned should also be better explained;
  - g) As regards "*Operación Paso del Estrecho*", the document should provide essentially the information which is relevant for the programme, notably the measures taken in the border crossing points (BCP), with some figures if possible;

8. As regards ISF-Police areas:

- a) Information is no longer given on training in ISF-Police areas, as the paragraph included in previous version has been deleted. We invite Spain to put such useful information back in the programme, underpinned with concrete figures;
- b) There is no information on the baseline situation as regards the fight against corruption and no assessment of the needs and results to be obtained in this area.

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

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

9. As regards National Objective 1 (National Capacity), we would like to note the following:

- a) Considering the amount allocated to this NO (more than €10 million) and the investment already made with EBF support for IT and infrastructure, we would appreciate if the needs and activities are better explained;
- b) We would like also to stress once again that, as through ISF support can be provided only for processing of Schengen visa applications, the funding foreseen under this NO must be proportionate to the Schengen visa processing workload of the consulates;
- c) As the VISION system will soon cease to exist, we suggest dropping reference to it, as well as the reference to the national data collection system.
- d) It is also not very clear what exactly is meant under the second bullet point of the funding priorities. When processing Schengen visa applications, Spain has already the obligation to check the person in the SIS. Spain should therefore rephrase this point and, maybe in a separate document, explain clearly its intentions and objectives. In the baseline situation no reference is made to such need. Not clear either which new methods Spain has in mind under the fifth bullet point.
- e) We suggest to put the eight bullet point, referring to consular cooperation, under NO3 instead.
- f) Please also confirm that the ninth bullet point of the funding priorities concerns the preparations for visa issuing with VIS at the border and not only VIS verification. If it was the latter, it should then be put under SO2 instead.
- g) Also not clear what is meant under the tenth bullet point (document security measures). Corresponding needs are not mentioned either, so further clarifications are necessary.

10. On the National Objective 2 (Union *Acquis*), we would suggest that, as regards training of border guards, Spain spells out clearly that their training concerns the use of VIS and Schengen visa issuing in general. Moreover, as to the 175 videoconferencing equipment it is once again noted that the financing should be related to trainings in Schengen visa processing (if for instance such equipment is to be approximately ninety percent used by diplomats for communicating with Madrid and only ten percent for Schengen visa related trainings, then only that share of ten percent of the costs would be eligible for funding under ISF).

11. As regards the National Objective 3 (Consular Cooperation), and as noted above, the measures concerning consular cooperation presented under NO1 should be moved to the NO3 section. Besides, It would be useful to have a more clear idea of the third countries where Spain sees a potential for consular cooperation. In this respect, we would like to draw also your attention to the need to use funding for meetings and workshops in a cost-effective manner and exploit all the communication possibilities offered by new technologies.

#### ***SO2 – Borders***

12. As regards the operation “Paso del Estrecho”, as noted above the draft should indicate more clearly the actions under such operation that fall under the remit of ISF.

13. It is not always clear under each NO which of the proposed actions are funding priorities. Spain is invited to clarify this aspect.
14. As regards National Objective 1 (Eurosur), considering the high amount being allocated to this NO (approximately €72.3 million), it would be useful to have, perhaps in a separate document, a detailed explanation on the repartition of funding between each of the main actions to be implemented. Some examples of actions (e.g. on means for border surveillance) would be useful, as well as information on how the new procurement would relate to already available capacities (please see above comment on the need to complete the baseline with information on what has been financed with the EBF, if the available equipment is enough or not, etc.).
15. 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 the third action to NO3.
16. As regards National Objective 3 (Common Union Standards), training of officials is still mentioned as one of the main actions under this NO, while as noted before such actions would be better placed under NO4 (*Union Acquis*). In fact it is not yet totally clear which concrete actions Spain intends to develop under this NO: for instance the setting up of ABC gates, which is mentioned as one of the actions to be developed when explaining Spain's border strategy, should be mentioned here, assuming that Spain intends to use ISF funds also for that purpose (it was mentioned in the previous version but deleted). Providing some more examples of how the expected results would be achieved would be useful. A specific reference should also be made to the availability and systematic check of the INTERPOL's Stolen and Lost Travel Documents database during border cross operations.
17. As regards National Objective 4 (*Union Acquis*), reference to training on visa issuance should not be made under this NO (it has already been mentioned under SO1).
18. 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 totally clear how such centres will inter-relate for instance with EUROSUR's national and regional coordination centres. Therefore, we would appreciate if Spain could provide further clarifications on this topic.

### **SO3 – Operating Support**

19. As mentioned before, as regards the measures related to the "*Operación Paso del Estrecho*" it should be clarified to what extent such measures are part of the integrated border management and fall therefore under ISF-Borders remit.
20. As regards more specifically operating support for visas, we would like to note the following:
- a) Language in the first indent ("*Maintenance of SIS II...on the occasion of becoming a part of VIS*") should be clarified, notably if it concerns national applications in the context of VIS. Also, in the second indent reference is made to "*Maintenance of VIS/ACCEDA... as a result of its integration into SIS II*": the planned actions should be clarified and, should it be on national applications, please elaborate, notably as regards conditions of access to VIS.
  - b) Activities related to developments and updates would be better placed under NO1 of the programme's SO1, while the cost of training would be better placed under its NO2.
  - c) As regards terminology, we see that annex for operating support still refers to "Biometric VIS": as noted before, please refer just to VIS, instead of "VIS Biometric" or "Biometric VIS".
  - d) Finally, please ensure consistency between the description of the actions listed in the annex for operating support and those listed under SO3 of the programme (for example the renovation and upgrading of consular offices does not appear in SO3 etc.).

21. As regards more specifically operating support for borders, we would like to note the following:

a) As noted already before, the Smart Borders measures consist only of EES and RTP systems: we invite Spain therefore to reformulate the text accordingly.

b) Under Operating support for borders the draft also mentions separately the maintenance of equipment and maintenance of FRONTEX equipment; we would appreciate if you could elaborate on the difference between these two.

c) Please further elaborate also on the updating of computer equipment for the management of migration flows, and in particular which systems are meant.

d) Considering the significant amount (€60M) foreseen for the "service costs, such as maintenance and repair" for the Guardia Civil only, we invite Spain to explain further the type of actions planned to be financed under this category (could be done, if necessary, in a separate annex).

e) Finally, we invite Spain to reflect on the possibility of covering the fuel costs through its ISF national programme under SO3 (Operating Support). This might be especially relevant for Member States facing high migratory pressure at the border (for example, the patrolling costs of the host Member States in Frontex joint operations could be covered as operating support). Those costs, if necessary, should be added under "operations".

#### ***SO4 – Preventing and combating crime***

22. The strategy is too summarily presented (it is better presented in the executive summary).

23. The NOs could be better explained: in several cases the draft just provides a list of actions and expected results, with no presentation of general context and objectives. It should be further improved to provide such general context and identify clearly the funding priorities under each NO.

24. As regards the fight against corruption, although it is mentioned as a priority, no concrete actions (except vaguely under training) are put forward. We would appreciate that Spain elaborates on the actions it intends to develop with respect to this priority. We note also that no mention is made of MAOC-N in the fight against drug trafficking.

25. As regards National Objective 2 (C-Exchange of Information), the draft should explain the meaning of a series of acronyms it refers to which are not commonly known.

26. As regards National Objective 3 (C-Training), Spain should consider also the provision of training for first-line practitioners (in addition to police officers, prison and probation staff, health and social workers, etc.) in how to prevent, recognise and tackle radicalisation.

#### ***SO6 – Risks and crisis***

27. As regards National Objective 2 (R-Exchange of Information), we would appreciate to have further details on the CBRN-E action *"Increase the capacity of anticipation and coordinated response at European level against deliberate attacks, especially with CBRN-E agents and against terrorist threats or violent extremists."*

28. As regards National Objective 3 (R-Training), we would appreciate to receive more information on the action *"Seminars and training courses in the field of critical infrastructure protection, bombings, CBRN threats and cyber-security, for officials from the EU and third countries with which there is close cooperation"*, namely to know which third countries are envisaged in each of the above-mentioned areas.

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

29. Please replace action 3 of SO2/NO3, which is also foreseen under NO4, by another one.

### **Section 5: Common Indicators and Programme Specific Indicators**

30. As regards SO Visas, we note that an amount of just EUR 251.000 is foreseen to support six consular cooperation activities, which might be insufficient. We note also that under common indicator C.4.2 Spain indicates a percentage of one hundred percent in terms of consulate coverage through the fund: in this respect, we would like to stress once again that ISF funding should focus on those consulates that process Schengen visas. We draw also your attention to common indicator C2.2, which seems to be incorrect (only 34 training courses (hours completed)).

31. As regards SO Borders, indicators 2.3.1 (number of border crossings of the external borders through ABC gates) and 2.3.2 (total number of border crossings) seem too low.

32. As regards SO Crime, some figures look too low (e.g. duration of training (person days)) and should be double-checked.

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

33. As regards coordination and complementarity with other instruments, reference should also be made to security research activities under FP7 and the Horizon 2020 Programme.

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

34. Please note that the allocations for the Specific/National Objectives will be re-assessed, to ascertain if they are reasonable and correspond to the actions under the funding priorities and the targets set for them, once Spain has submitted a revised version of the programme, in the light of the comments made above.