

**Annex 1 - Replies to FAQs on the submission and selection phases of Specific Actions under the Thematic Facility Work Programmes
2023-2025 for AMIF, BMVI and ISF**

The content of each reply is based on the information provided by the country concerned and therefore only applies to the precise question or situation described. The Commission is committed to providing accurate responses to the questions by the country concerned. However, the information provided cannot be considered or interpreted as being contractually binding. The Commission cannot be held liable for any use made of these replies. No aspect of these replies can be considered as a formal position of the Commission.

BMVI/2024/SA/1.5.1 – Support to Member States for Smart Borders

Nr	Topic classification	Question	Reply
1.	Co-financing rate, funding under the specific action for already existing project(s)	1. Is it mandatory for us to finance activities on the national level at 90% under this specific action? Can we decide to distribute the funding based on 75% co-financing rate?	<p>1. No.</p> <p>According to the invitation to submit applications, the EU contribution to the project may be “up to 90%”, in line with Art. 12(2) of the BMVI Regulation, EU(2021)/1148. You may, therefore, request a lower rate in your application under this specific action. The requested co-financing rate for the EU contribution will be subsequently applied to earmark the additional funding to the financial plan of your programme.</p> <p>If your question concerns payments by the Member State to beneficiaries: please refer to the questions and answers complementing the background note on key financial management aspects of the Member States’ programmes for the programming period 2021-2027, Ares(2022)8286088, published in SFC2021 (HOME-Funds/2022/69), in particular question No 6, payment of Union contribution vs payment by Member States to beneficiaries.</p>

		<p>2. Linked to this, and due to the delays in the smart borders timeline, we have taken remedial action to reorient/add additional BMVI funding (with 75% cofinancing rate) to an existing EES project. This put a great strain on our BMVI National Programme. Given that the scope of this specific action completely matches the scope of the existing project, is it possible to use its amount to justify (in part) the expenses made in the context of this existing project?</p>	<p>2. Yes, under the following conditions.</p> <p>Under this specific action, expenditure is eligible as of 1 January 2021 for the Member States that included all the relevant types of interventions in their initially approved BMVI programmes.</p> <p>Funding from this specific action may be used for a project that has already been selected under the BMVI programme, to cover costs linked to the delays in the delivery of EES and ETIAS and falling in the scope of the specific action.</p> <p>This possibility needs to be assessed by the Managing Authority taking into account any provisions and limitations laid down in the national rules on project selection, grant agreements and eligibility of expenditure, and the general prohibition of selecting operations physically completed or fully implemented before the application for funding is submitted (Article 63(6) of the Common Provisions Regulation (EU) 2021/1060).</p> <p>The Managing Authority will need to consider the implications on the definition of the operation, in light of the need to ensure a proper audit trail for the part(s) of the operation under the regular action in the BMVI programme and the part(s) under the specific action, and taking account the specificities and requirements of the specific actions, particularly if payment applications/accounts have already been sent to the Commission.</p> <p>The Managing Authority will also need to consider the implications for the system of transmission of data to the Commission.</p>
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2. Eligibility		<ol style="list-style-type: none"> 1. As regards Lot 1: EES/ETIAS, may support activities (e.g., upgrading network tools, extending license) be financed in the context of the development of Member States' IT systems in relation to ETIAS? These activities would be necessary to ensure the proper functioning of the network tools and back-up facilities serving the ETIAS system. 2. As regards Lot 2: SIS, may the planned improvements be aimed at improving the consultation between the SIRENE Bureau and the national authorities handling alerts and the management of the relevant forms? This would mean the further management of the forms received by the SIRENE Bureau from the ETIAS central unit and their transmission to the competent national authorities. 	<ol style="list-style-type: none"> 1. Yes, to the extent that such activities are directly linked to and serving ETIAS. 2. No, this specific action aims to adapt the case management system of the SIRENE Bureau to be able to receive and process U forms in the SIS. The further transmission of that information to other national competent authorities falls out of the scope of the SIS supplementary information exchange.

3	Eligibility	<p>As regards Lot 2: SIS</p> <ol style="list-style-type: none"> 1. Is the mentioned SIRENE case management system the same as the one referred in Article 16 of Directive (EU) 2023/977 on the exchange of information between the law enforcement authorities of Member States? 2. Would costs related to the case management system referred to in Directive (EU) 2023/977 be eligible under this specific action? 	<ol style="list-style-type: none"> 1. No. The SIRENE case management system is the one used at the SIRENE Bureau for the purpose of exchanging supplementary information related to alerts on the SIS (sending and receiving forms). It is different from the case management system referred to in Directive (EU) 2023/977. 2. No. This specific action may support the development or the adaptations of the SIRENE case management system necessary for the processing of the U form in the SIS.
4	Eligibility	<p>The call document refers to the overall preparedness of the Member States for the start of operations of the new EU IT systems. Are costs incurred <i>after</i> the start of operation (for example, costs of further development, maintenance etc.) eligible under this specific action?</p>	<p>Yes. The eligible activities under lot 1-EES/ETIAS, as outlined in section 3.3 of the invitation to submit applications, do not include restrictions in this sense.</p> <p>However, given the purpose of the specific action, DG HOME would expect that activities aimed at the timely preparation at national level for the entry into operation of the EES / the ETIAS are prioritised. To the extent that this is ensured, Managing Authorities are best placed to assess whether applications may also include expenditure for activities taking place after the entry into operation of the EES / the ETIAS, in view of the proper functioning of those systems.</p> <p>In any event, Member States are required to set out in the application form (Part 2, point 4) how the specific action will complement activities carried out under the 2014-2020 ISF-Border programme and activities financed from the 2021-2027 BMVI programme.</p>

5	Flexibility option	If expected expenditure for Lot 2-SIS does not exceed EUR 500 000.00, may the remaining amount be used to finance expenditure under Lot 1-EES/ETIAS (on top and above the allocated amount of EUR 1 633 333.00)?	<p>Yes. This point was not set out clearly enough in the invitation to submit applications ¹.</p> <p>Member States may use part of their allocation under Lot 2 for the EES/ETIAS related projects under Lot 1. If they wish to do so, they should provide a written confirmation in their application form that the activities under Lot 2 will be fully carried out.</p>
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¹ In the invitation to submit applications, reference is only made to the possibility that Member States wish to use **all of** their allocation under Lot 2 for the EES/ETIAS related projects under Lot 1. The reference to using “part or all” of the allocation under Lot 2 for Lot 1 is only made in the Annex, footnote 14.