

FAQs about Specific Actions under Thematic Facility Work Programmes AMIF, BMVI, ISF 2021-2022

4 February 2022

Horizontal questions raised on Specific Actions

Topic classification	Questions	Reply
<p>Technical assistance</p> <p>CPR rules</p> <p>- Article 24 CPR</p> <p>- Articles 72 and 73 CPR</p> <p>The impact of the extra allocation for a Specific Action</p>	<ol style="list-style-type: none"> 1. For programmes supported by the AMIF, the ISF and the BMVI, the Union contribution for technical assistance shall be made only as a flat rate (6%). In case the Member State receives additional funding for the specific action and the MS submits the payment application, the TA 6% will be added automatically. Has the Commission considered this and budgeted additional TA for the specific actions on the frame of the Thematic Facility or will the allocation for the national programme be decreased by that amount? Or specific actions will not be taken account when calculating the 6% TA? 2. According to CPR Article 24 „Amendment of programmes“ the Member State may submit a reasoned request for an amendment of a programme, together with the amended programme, setting out the expected impact of that amendment on the achievement of the objectives. – does this apply also in case of the specific actions where the Commission makes the funding decision? i.e. first the MS sends an 	<ol style="list-style-type: none"> 1. Specific actions will be taken into account when calculating the 6% technical assistance, which will be automatically increased. The additional allocations attributed to 6% technical assistance will have to be compensated by an equivalent decrease in other actions of the programme. The Commission is aware that the automatic increase of 6% technical assistance may raise concerns for Member States and it is examining the issue. 2. Indeed, the described steps and procedures are correct, as per CPR rules. The Commission aims for a swift amendment procedure, to commit the specific action additional funding as soon as possible.

	<p>application for a specific action, then the Commission approves the application and then the MS has to apply for amendment of the programme? And it will take the same time as set in § 2-4 of Article 24?</p> <p>3. Could you please explain, whether CPR Chapter II of Title VI “Management and Control” is applied in case of the Thematic Facility (especially in case of specific actions). E.g. § 1 point a) of Article 72 sets that the managing authority is responsible for selecting operations in accordance with article 73. However, in case of the specific actions the Commission selects the projects, so could you please explain the role of the managing authority there. What about other obligations of the managing authority set the Chapter – could you please elaborate which obligations apply for the specific actions, are there any obligations that won’t apply in case of specific actions?</p>	<p>3. All obligations listed in CPR Chapter II of Title VI apply to the specific actions. Considering that the Managing Authority is responsible for managing the programme with a view to delivering the objectives of the programme, the Commission would be expecting that the Managing Authority will include the project in the programme, respecting the principles and criteria mentioned in Article 73 of the CPR.</p>
<p>Partnership Agreement</p> <p>Option 2 in case of transnational specific action</p>	<p>In case option 2 is chosen in the application form (EU funding will be allocated to the programme of each partner Member State):</p> <ol style="list-style-type: none"> 1. do we understand it correctly, that then the partner Member State will cover also the co-financing for the activities that will be included in the programme of the partner MS? 2. in case the project application is approved by the Commission, the partner MS will also 	<ol style="list-style-type: none"> 1. The 10% co-financing is to be discussed and agreed between the partner Member States within the partnership agreement. 2. Indeed, each partner Member State will need to submit a request for amendment of its programme.

	<p>have to submit its ISF programme for amendment?</p> <p>3. the partner MS will be responsible for carrying out the activities of the specific action project included in its ISF programme</p>	<p>3. Indeed, each partner Member State will be responsible for carrying out its activities according to the partnership agreement and the amended programme.</p>
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FAQ – Specific Actions ISF

❖ ISF/2022/SA/2.2.1 - EMPACT

Topic classification	Questions	Reply
<p>Partnership membership</p> <p>Language of the application</p> <p>Programme amendment to include the additional funding</p> <p>Funding availability</p> <p>ISF threshold for purchased equipment impact on the Specific Action</p>	<p>1.Si le chef de file est français, quel est le statut des autres Français qui participent à l’AS mais qui ne sont pas chefs de file ?</p> <p>2.Combien d’Etats membres au minimum dans un consortium, chef de file compris ?</p> <p>3.Dans quelle langue faut-il répondre à l’appel à manifestation d’intérêt ?</p>	<p>1. When submitting an application to a Specific Action, any entity, other than the lead project beneficiary, is to be considered as other project beneficiary/ co-beneficiary (see application form part 1.B “project beneficiaries”).</p> <p>2. The consortium should involve to the maximum extent all partners in relevant countries and at least in two Member States. A ‘group of Member States’ is indeed expected to apply, under the leadership of a lead applicant, since the funds aim at supporting EMPACT activities that involves a large number of EU MS. All involved MS must sign a detailed partnership agreement (please see part 3.5. “Target audience for the call”).</p> <p>3. Preferably, in English, given that the partnership agreement requested for a transnational specific action should be drafted in a language understandable by all partners.</p>

	<p>4. A quel moment l'enveloppe nationale est-elle révisée par le montant de la subvention de l'AS ?</p> <p>5. Quand et comment est versée la subvention sur le/les programmes nationaux ?</p> <p>6. Quand, comment et par qui sont versées les subventions si les autorités de gestion décident que la subvention correspondant à l'activité de leurs nationaux dans l'AS est versée sur le programme national de chacune d'elles ?</p> <p>7. Le plafond (35 %) pour les acquisitions d'équipements, moyens de transports, installations liées à la sécurité ne s'applique que sur l'enveloppe nationale</p>	<p>4. and 5.</p> <p>If a project proposal is successful, funds will be transferred to Member States' ISF programme(s).</p> <p>There is a need for coherence between the Member State's ISF programme(s) and the project proposal (EMPACT activities planned under Specific Objective 2 and respect of its 10% minimum allocation). Funds are planned to be added to Member States' ISF programme early autumn, after a programme amendment or in the initial version of the programme, depending on the state of play of each Member State programme's approval procedure.</p> <p>The update to the Member States' ISF programme(s) requires the following changes: 1. Wording / description of the action 2. Amount (€) 3. Indicators (see Annex 3 of the call). The request for an amendment to Member States' ISF programme(s) should be sent to the Commission services and the procedure may take 4 to 8 weeks.</p> <p>6. Each Managing Authority has to decide when, how and by whom the funding will be allocated to other Member States participating in the specific action. This should be a point addressed in the partnership agreement between the participating Member States. Member States' Managing Authorities must establish the contractual/ grant obligations, including on pre-financing, in the light of the importance of the Specific Actions.</p> <p>The Commission services recommend that the Managing Authority communicates with project beneficiaries about how to ensure proper cash flow and financial management.</p> <p>7. The budget of the awarded specific action project will be incorporated into the budget of the Member State's</p>
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	<p>hors actions spécifiques. Quelle est la règle concernant les équipements de l'action spécifique elle-même ?</p> <p>8. La subvention de l'AS est-elle prise en compte dans le calcul du dégagement d'office ? Si oui, comment s'effectue ce calcul ? Quelles sont les années prises en compte ?</p> <p>9. Que nous soyons chef de file ou partenaire, nous souhaitons que la subvention soit versée sur les programmes nationaux des participants à l'AS. J'ai bien compris que ce point est à voir avec les AG concernées.</p> <p>10. Dans la mesure où notre programme national n'est pas encore validé par la Commission, dès que je sais si nous allons répondre à l'appel à manifestation d'intérêt, je dois le mentionner dans le programme. Ai-je bien compris ? Du coup, si le programme est en relecture chez vous (ce qui est le cas en ce moment), comment faisons-nous ? Je vous envoie une version corrigée de ma propre initiative ? Quid si nous sommes partenaires ? Devrons-nous également mentionner l'action spécifique dans notre programme</p>	<p>programme, thus increasing the total allocation to the Member State. For the equipment purchased under ISF Specific Actions (Article 13 (7) of the ISF Regulation), the expenditure will be accounted against the maximum of 35% of the newly increased total amount programmed.</p> <p>8. The additional funding for the EMPACT Specific Action will be committed in 2022 and will be earmarked on the 2022 year in the financial plan of the programme. They will be subject to the 'N+3' decommitment rule by 31/12/2025 pursuant to Article 105 of the CPR. Member States are invited to plan the implementation of the specific actions within a reasonable timeframe in order to avoid decommitment.</p> <p>9. The choice between option 1 or option 2, as indicated in the application form, should be decided by the participating Member States in the partnership agreement.</p> <p>10. No. The specific action will only be added to the ISF programme after the Commission has informed the successful Member States and it has received their request for a programme amendment or, alternatively, the specific action has been included in the initial version of the programme, depending on the state of play of each Member State programme's approval procedure. This applies to both situations (lead Member State or participating Member State).</p>
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	<p>national dès lors qu'il sera abondé par une partie de la subvention de l'AS ?</p> <p>11. Peux tu me confirmer que les dépenses de l'action spécifique EMPACT seront éligibles dès 2022, dès lors que l'action spécifique aura été mentionnée dans le PN avant sa validation par la Commission ?</p> <p>12. Dans quelle mesure l'AS impacte le montant du préfinancement annuel?</p>	<p>11. Indeed, the eligibility of costs under EMPACT Specific Action starts from 1st January 2022, as stated in section 4.1 of the call for the expression of interest.</p> <p>12. If the Commission approves a programme initially with the specific action additional allocation, the pre-financing will be paid for 2021 and 2022, amounting to 7% of the overall allocation to that programme (subject to availability of funds). If the initial programme is approved before 1st of July 2022 without the specific action additional allocation, then the pre-financing for 2021-2022 paid will amount to 7% of the overall allocation as per the programme. In this case, the pre-financing for the overall programme allocation, including the specific action additional allocation, will be paid in 2023 (5% of the overall allocation as per the amended programme). According to Article 90(2) of CPR, Article 11 of the BMVI and ISF Regulations and Article 14 of the AMIF Regulation, the pre-financing instalments are paid annually before 1st July each year. In addition, Member States can ask for interim payments up to 6 times a year, so they do not have to wait a year or more to get reimbursed.</p>
<p>Public Procurement</p>	<p>If applications include technical material or devices considered as “<i>secret</i>” or “<i>confidential</i>” in its model of acquiring them and deemed to require launching a secret contracting, is there</p>	<p>EU and national rules for public procurement apply also to any purchase of equipment under “Specific Action EMPACT”. The Managing Authority and Audit Authority for Member States ISF programme shall check that both</p>

	any problem to use this kind of contracting procedure?	directives on public procurement Directive 2014/24/EU and Directive 2009/81/EC (on security and defence) are adequately applied also for “SA EMPACT”.
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