

FAQs about Specific Actions under Thematic Facility Work Programmes AMIF, BMVI, ISF 2023-2025

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❖ General questions raised on Specific Actions

Topic classification	Questions	Reply
Decommitment	<p>Our application was approved and committed to the programme in 2022, which, in compliance with the n+3 rule, means that the allocation has to be spent until the end of 2025. In the approved programme the thematic facility amounts are on separate line which indicates that they are considered as special commitments and will be decommitted separately.</p> <p>Is our interpretation correct?</p>	<p>The arrangements for decommitment of budgetary commitments are set out at programme level (recital 75 and Article 105 of the CPR).</p> <p>Pursuant to Article 105(1) of the CPR, the Commission will decommit any amount in a programme which has not been used for pre-financing or for which a payment application has not been submitted by 31 December of the third calendar year following the year of the budget commitments for the years 2021 to 2026 (the so called “N+3 rule”).</p> <p>In accordance with Article 105(2) CPR, “the part of commitments still open on 31 December 2029”, i.e. commitments for the years 2026 and 2027, will be decommitted if the assurance package and the final performance report for programmes supported by the HOME Funds have not been submitted to the Commission by 15 February 2031, i.e. in the context of the closure of the programme. For the 2027 budgetary commitment, this means de facto an application of an “N+2” rule, as 31 December 2029 is the reference point for a potential decommitment.</p> <p>The CPR rules do not provide derogations or exceptions for the Home Affairs Funds or the Thematic Facility under these Funds.</p>

❖ AMIF/2023/SA/1.2.1 MS under pressure AMIF Lot 2

Topic classification	Questions	Reply
Eligibility of costs	<p>Could you please clarify if the above call can cover the operational costs for the operation of a Centre for Unaccompanied minors?</p>	<p>Please refer to the Note 7 and Annex 7 HOME-Funds/2023/38 as sent to the Home Affairs Funds Committee on 3 August 2023 (Ares(2023)5376115). Your question is answered under the heading “Operational costs” (answer is applicable to both lots).</p>

<p>Application detail</p>	<p>What level of detail is required when describing the planned activities in individual work packages, e.g., in the case of the renovation of the centre - or is a lower level of detail, more general, acceptable (so that later, at the stage of implementation of activities, you have some flexibility in this regard)?</p>	<p>There is no need for a detailed plan, but an outline of the objectives, how they relate to the scope and purpose of the call, accompanied by a reasonable budget forecast so that the Managing authority will be in a position to sign a grant agreement or equivalent. In particular all required information from these following sections should be available in the proposal:</p> <p>3.2.4. Minimum requirements for proposal 3.3.2 General principles for specific actions Member States under Pressure 3.4. Objectives and activities of the specific action – this is quite detailed and includes a list of actions and activities not covered under the call.</p> <p>Hence, the proposal must meet the requirements, so DG HOME can understand how the activities will contribute to the intended results. In this call special attention is to be paid how the proposal outlines that a MS is under pressure.</p>
<p>VAT</p>	<p>Will Vat be ineligible for the entire project budget exceeding €5 million, or does this condition apply to a particular work package?</p>	<p>The term work package relates to the specific action MS under pressure reception/UAM and should not be confused with terminology in the CPR. Once a work package is selected by the Commission for funding, it will be entered into the AMIF programme of a Member State. Bearing in mind the definition of Article 2(4) CPR, VAT can be eligible for a work package selected under a specific action if separate agreements/contracts are drawn up covering a total cost above 5 million including VAT for that work package. We recall that if a MS aims to get VAT reimbursed under the Programme, a declaration is mandatory to confirm that the beneficiary cannot recover the VAT under national VAT legislation, for the purpose of the audit trail.</p> <p>‘Operation’ (other than in the context of financial instrument) is defined in Article 2(4) of the CPR as “a project, contract, action or group of projects selected under the programmes concerned”. Article 2(10) of the AMIF Regulation, Article 2(8) of the BMVI Regulation, and Article 2(15) of the ISF Regulation further provide that “‘specific actions’ means transnational or national projects that bring Union added value in line with the objectives of the Fund/Instrument for which one, several or all Member States may receive an additional allocation to their programmes”. This definition is rather open as to what constitutes an operation and give certain flexibility to Member States in this regard. The underlying rationale is that an operation should be the minimum unit of</p>

		<p>observation for the activities supported. A grant decision/financial agreement with the beneficiary normally helps to identify an operation. Within the frame of the Home Affairs Funds, reference is typically made to single project or action. In any event, a single operation should refer to a sufficiently homogeneous strand of activities with respect to both financial as well as physical aspects (type of action, intervention, target group etc.). In the case of call for proposals for the award of projects under the Thematic Facility specific actions, individual projects/action should be normally considered an operation unless the call is made up of a large number of nearly identical projects.</p> <p>The Managing Authorities should ensure that the assessment of the EUR 5 000 000 threshold is carried out at the level of the operation.</p>
Own personnel	<p>Are ineligible under the project the costs of own personnel, in connection with the fact that the planned activities will be additional duties or an increase in the number of existing tasks for the staff implementing the activities (salary supplements), and are there any guidelines in this regard?</p>	<p>Please refer to the Note 6 and Annex 6 HOME-Funds/2023/38 as sent to the Home Affairs Funds Committee on 28 July 2023 (Ares(2023)5239711). Your question is answered under the heading “Management Costs”</p>