

Summary of the proposed amendment

Estonia proposes non-substantial amendment of the BMVI programme:

- 1) with editorial nature – small textual improvements agreed to be included with the first amendment,
- 2) with non-substantial transfers within the specific objective 1,
- 3) with inclusion of 4 specific actions selected by the Commission in the years of 2022-2023.

Justification:

Estonian government approved National BMVI programme on 21 April 2022. After that Estonia applied for support for two specific actions and the results were not published during the time of negotiations with European Commission. Estonian Government's approval is a pre-requisite for submission of amendment of the programme to the EC. Due to cumbersome and time-consuming procedures which come along with programme amendments in the Estonian government it was agreed that textual improvements will be made at the same time when Estonia submits the programme amendment stemming from inclusion of specific actions to the programme. The results for the specific action to acquire Frontex equipment were published on 19 June 2023.

Non-substantial transfer within the specific objective 1 is made to align financial tables and approved budgets of national projects. Initial actions were budgeted without personnel costs. With the amendment project management costs have been added to actions. Indicators are not changed because of non-substantial transfer.

EC has selected four BMVI specific actions for funding, which will be included to the national BMVI programme and implemented under shared management. Some indicators are increased due to additional actions (please see point 3 below).

Proposed amendments help to achieve the objective 1 of the regulation (EU) 2021/1148 of the European Parliament and of the Council.

The programme with tracked changes is enclosed to amendment documents to enable transparent procedure.

1) Textual improvements:

Commission's observations	Member State reply to Commission's observation	Comments /	EE comments sent on 19.07.2022	EE comments sent together with the
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			Follow up¹ 15.07.2022		programme amendment proposal
1	Please include a confirmation in the programme that you will ensure consistency between BMVI investments and the EBCG capability development planning, in particular the national capability development plan (Article 9(4) EBCG Regulation) and the future capability roadmap (Article 9(8) EBCG Regulation).	We assure that all actions planned to finance from the BMVI are in line with national and EU legislation, strategies as well as development plans. The monitoring Committee of the BMVI will monitor that the consistency between the BMVI investments and development planning, in particular the national capability development plan (Article 9(4) EBCG Regulation) and the future capability roadmap (Article 9(8) EBCG Regulation), is ensured.	<p>The Estonian authorities should add a sentence confirming the approach in the programme, as done by all other Member States. Most other Member States include this statement / confirmation in section 1, as this is a matter of the relevant policy departments. If according to the Estonian authorities, this is a point for the monitoring committee, they should mention this aspect of the role of the monitoring committee in section 6.</p> <p>Other Member States have included a sentence for instance as follows:</p> <p><i>X's future national capability development</i></p>	<p>The confirmation is in more broader wording in the section 1. The wording was given by the COM during the informal consultations:</p> <p>Section 1 <i>“The actions contribute to latest requirements set out in the EBCG 2.0 Regulation, the improvement of information exchange, ensuring control of the external border in accordance with the common standards of the EU and uniform application of the EU acquis. Priority is given to the measures that support either maintaining or expanding the national capability to manage external borders</i></p>	The sentence <i>“National capability development plan is based on the strategic priorities in the national IBM strategy and other relevant strategies and programmes in the field of border management. The development of national border management capabilities will among other things be carried out in the framework of the EBCG capability development planning in accordance with</i>

¹ Please specify whether the programme’s adjustment is considered fully satisfactory with respect to the respective observation and or whether follow-up actions are considered/needed in the future (e.g. in the context of programme’s amendments).

			<p><i>plan will be based on the strategic priorities in the national IBM strategy and other relevant strategies and programmes in the field of border management. The development of national border management capabilities will among other things be carried out in the framework of the EBCG capability development planning in accordance with the EBCG Regulation.”</i></p>	<p><i>as well as contribute to solidarity.” /.../</i></p> <p><i>“IBM is a part of the Enhanced Border Security Program of the ISDP and is developed to fulfil the national obligation stipulated in the Regulation (EU) 2019/1896 on the European Border and Coast Guard. The IBM Strategy is accompanied with a specific action plan. The IBM Strategy and Action Plan are living documents, which are updated when necessary and brought in line with the respective European and Frontex strategies.”</i></p> <p>In the future, when we go to the government to amend the programme because of the IO SA, we will add the extra sentence “future national capability development</p>	<p><i>the EBCG Regulation” has been included in the narrative part (page 5 in tracked version, page 5 in clean version).</i></p>
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4	<p>The programme refers to current Schengen recommendations in the area of visa policy. The Commission services invite you to include a statement in the programme that you may use the BMVI to give priority for any follow up on future Schengen evaluations and vulnerability assessments by the EBCG Agency, in case the measures to</p>	<p>Regarding the follow up of future Schengen evaluations and vulnerability assessment, the programme says that those are dealt with due care, however, will be mostly financed from the national budget (please see the last sentence in section 1 <i>“The possible future recommendations of the Schengen evaluation and Vulnerability assessment</i></p>	<p>It is unclear what the Estonian authorities mean when they indicate “mostly” and what is meant with this statement about dealt with due care.</p> <p>DG HOME is concerned in general by the follow up of Schengen recommendations. For this reason, we have consistently underlined for all programmes the</p>	<p>“Dealt with due care” means that recommendations will be taken seriously, and shortcomings will be eliminated. Since the BMVI funds for Estonia are small and we do not know yet what kind of recommendations there will be, EE chooses to use national budget to fund any possible investments stemming from the</p>	<p>The sentence <i>“Measures to ensure follow up of future Schengen recommendations insofar as the deficiencies identified and the action plan concerned identifies operational measures to</i></p>

	<p>remedy the situation will have financial implications. We recommend that you identify “measures to implement Schengen recommendations” in the list of indicative actions under both SO1 and SO2 (in line with request in point 7 below).</p>	<p><i>will be dealt with due care.</i> “ and the comment in table 2.1.2 of result indicators R.1.18 and R.2.9 as well as in supplementary document “Performance Framework EE BMVI”).</p>	<p>importance of a commitment from the Member States to use their allocation under the EU budget with priority for a speedy roll out of any action plans addressing future recommendations. It is in line with the logic to be flexible and ensure EU added value.</p> <p>The Estonian authorities are requested to add a clear general statement in the paragraph in section 1 under “Schengen recommendations and vulnerability assessment” about their approach to future recommendations and include references under the list of indicative actions to confirm this commitment, just like other MS have done following our request. Under the lists in SO 1 and SO2 it could formulated for instance as follows: “Measures to ensure follow up of future</p>	<p>Scheval evaluations/vulnerability assessments.</p> <p>There is a sentence in section 1 stating that “<i>Estonian priorities are measures addressing outstanding shortcomings identified in the Vulnerability Assessment/Scheval Evaluation recommendations.</i>”</p> <p>In the future, when we go to the government to amend the programme because of the IO SA, we will add the extra measure “<i>*Measures to ensure follow up of future Schengen recommendations insofar as the deficiencies identified and the action plan concerned identifies operational measures to remedy them that require funding</i>” under the SO1 and SO2 indicative action lists</p>	<p><i>remedy them that require funding</i>” included under the SO1 (page 12 in tracked version, page 12 in clean version) and SO2 (page 21 in tracked version, page 20 in clean version) indicative action lists. The Schengen evaluation has been scheduled at the end of 2023. So far EE has no recommendations pending.</p>
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			Schengen recommendations insofar as the deficiencies identified and the action plan concerned identifies operational measures to remedy them that require funding”.		
6	The Commission services invite the Estonian authorities to elaborate more on the list of indicative actions, using examples from Annex III and indicating more clearly the type of activity envisaged for each Specific Objective.	The programme states that “...although the BMVI scope foresees measures for the most of the issues in the area of border management and visa, it is not feasible to overcome all the current challenges solely with the help of the BMVI funding. This programme seeks to address these to the maximum extent possible while also leaving a degree of flexibility to be able to respond to future events and changing priorities/.../The actions to be financed will depend on the resources available and priorities at the time. The precise actions and the source of financing will be	The Commission services reiterate the request to the Estonian authorities to include under the indicative list of action under each of the Specific Objectives at least one or two concrete examples that demonstrate the connection between the information the tables 1, 2 and 3 and the narrative part of each Specific Objective. This will improve the clarity of the presentation of the programme. Under SO1 it is clear for measures aimed at the development of the national components of the EBCG (reference to the SNE) but not under large scale IT systems. The references for	In the future, when we go to the government to amend the programme because of the IO SA, we will amend the narrative part with some examples. At this point the concrete examples are given in the supplementary document “ Evaluation Monitoring Framework ”. In addition EE has compiled a detailed financing plan listing all investment objects as well as indicators, we could share it with the COM. 1 infrastructure is the Estonian-Russian border for which the operating	Concrete examples have been included in the narrative part of the SO 1. (pages 9-12 in tracked version, pages 9-12 in clean version)

		<p><i>agreed during the implementation of the programme in accordance with national procedures.”</i></p>	<p>control and monitoring equipment could be more specific. The list could explain also the reference to 1 facility and infrastructure in light of the indicators in table 1.</p> <p>For these actions, we would also invite you to provide a statement that equipment purchased with the help of the Instrument will comply with technical standards set out by FRONTEX and that large-scale operating equipment for border management will be registered in the Technical Equipment Pool and made available for the Agency’s deployment, in line with the requirements of the EBCG Regulation and Article 13 BMVI Regulation.</p> <p>Under SO 2 you could in the list of indicative actions at least mention the renewal of fingerprint scanners and facial recognition equipment and provide a</p>	<p>support will be used (repair and maintenance costs for surveillance system)</p> <p>1 facility – small renovation works, furniture and computers for one room in the border control centre where the camera pictures transferred from the EE-RU border are monitored.</p> <p>The indicative list of actions already states the compliance with FX standards <i>“Border surveillance and control equipment compliant with Frontex standards (patrol vehicles, UAVs, cameras, etc.), priority will be given to land border”</i></p> <p>EE is in the position that the obligations stipulated in the BMVI regulation or in the CPR should not be repeated in the programme, since these</p>	
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			few more indications on the VIS.	must be followed at any case.	
7	<p>The Commission services invite the Estonian authority to provide more details on the amount allocated to “border surveillance –land equipment” in table 3 (more than 12 M EUR), as such a consistent amount does not seem to be reflected in SO1 description. We invite the Estonian authority to note that, in table 3, equipment at the border crossing points should not be included under “surveillance equipment” but under “border checks”.</p>	<p>The programming started already in 2019 and we agree that within 3 years the circumstances have somewhat changed, i.e. the very recent commission initiatives in visa policy. To keep the programme as up to date and allow flexibility Estonia has opted for the approach to keep the wording of the BMVI programme as general as possible. Furthermore, the BMVI funds cover very valuable but only a small amount of costs in border management and visa policy therefore Estonia decided to concentrate resources to the most pressing need in protection of the EU external border and we appreciate the Commission’s compliments on this. More than 12 million euros has been planned for the land-</p>	<p>Useful clarification. The text of the programme could be improved by making a distinction in the list of indicative actions between two categories of measures: equipment for surveillance and equipment for other border control (at BCP) as elsewhere in the narrative part there was this reference to crossing points (which was clearly misunderstood).</p>	<p>These are under the same measure since according to the fiche of the BMVI monitoring framework these actions are reported under the same indicator.</p>	<p>The distinction between two categories of measures: equipment for border control and equipment for surveillance has been made in the list of indicative action (page 12 in tracked version, page 12 in clean version).</p>

		border equipment and it goes to the Estonian-Russian border. This is not border control equipment, but indeed surveillance equipment and therefore in our opinion in a correct slot in the table 3 (radars, cameras to be placed along the border not in the border crossing points and servers, different switches and cables to enable the transfer of camera picture to the border control centre). In the SO1 it is included under indicative list of actions as <i>“Border surveillance and control equipment compliant with Frontex standards (patrol vehicles, UAVs, cameras, etc.), priority will be given to landborder”</i> .			
	The description in the programme on the visa digitalisation requires an update, in light of the recent Commission proposal. The Commission services invite	„The BMVI programme takes into account the visa process digitalization initiative published by the Commission on April 27, 2022 and does not plan	It was not entirely clear from the text of the NP and we therefore recommend that you indicate in the programme that the mentioned application is	In the future, when we go to the government to amend the programme because of the IO SA we will add the sentence “Application is planned to	Estonia is using BMVI for creating an interface to the EU on-line visa application, once

	<p>the Estonian authorities also to clarify their intentions for funding under the BMVI in this area, as any development of online visa application at national level should dovetail with the European approach. In this context, there could be some doubts on the formulation in the programme that “after the national Visa Register 2.0 is completed, a new, updated, pre-filled, online visa application could be created”, depending perhaps on the respective timelines for national and European actions.</p>	<p>parallel development of the national visa application environment. Following the developments of the Visa Register 2.0, Estonia plans improvements to the already existing application, which allows filling out the visa application form online, in order to ensure better user comfort. The mentioned application is planned to be used until it becomes possible to create an interface with the EU's unified visa application platform (expectedly 2026). Planned developments in national electronic visa application are prerequisites for recording electronically submitted applications, which will facilitate the future interface of the national visa register with the EU's unified platform.”</p> <p>We can confirm that no large investment will be made, we have</p>	<p>planned to be used until it becomes possible to create an interface with the EU's unified visa application platform (expectedly 2026).</p>	<p>be used until it becomes possible to create an interface with the EU's unified visa application platform (expectedly 2026).” under SO2.</p>	<p>the central system is ready. The text is amended accordingly: “<i>Eu-LISA and DG HOME worked on the project to develop and test a prototype of the EU online visa application portal. The prototype of the e-application environment was introduced in 2021. EE will implement the EU visa online application platform after its completion.</i>” (page 20 in tracked version, page 20 in clean version).</p>
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		programmed 200 000 euros (75% of BMVI and 25% national funds) for update of electronic national visa application and the future interface with the EU platform.			
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2) Non-substantial transfer within the specific objective 1

Indicative amounts have been adjusted to be in line with committed budget of approved projects. During the programming phase, the beneficiary did not take into account the project management costs. To be able to cover those cost an initially planned project (national IT-system KILP - intervention code 008) will not be executed from the BMVI but will be developed with the help of the Structural Funds and partially of national budget.

Transfers in table 3 of section 2.1.3 (SO1) were approved by the monitoring committee in the 7 September 2023 (minutes of the MC meeting no 3, ref. 14-13.2/22-1).

3) Thematic Facility

The Commission has selected 4 specific actions for funding. Appendix 3 has been included to the programme and relevant adjustments made in the table 1 and 2 of section 2.1.2 (SO1), table 2 of section 2.1.3 (SO1), table 4 of section 2.2.2, table 5 of section 3.1 and table 6 of section 3.2.

BMVI/2021-2022/SA/1.2.1/003 “Establishment of mobile autonomous remote surveillance capability”. The aim of the project is to get a better situational picture from the European Union external border sections, where it is not economically reasonable to build permanent infrastructure. Police and Border Guard Board procures 4 innovative sets of mobile remote monitoring systems, tests and adapts them to guard the border in terrain of varying complexity.

Output indicators O.1.1, O.1.8 and O.1.8.1 were adjusted.

Result indicators R.1.14, R.1.15 and R1.19 were adjusted.

BMVI/2022/SA/1.5.7/003 – BMVI/2022/SA/1.5.7/007 – “iSPoC + analysis”. The objective of this specific action is to secure an effective implementation of the provisions of the Schengen Information System (SIS) Regulations and implementing acts. The scope of this project is SIRENE bureau business processes analysis and system analysis of the application. As a result of the project, SIRENE bureau processes are analyzed and documented. The possibilities for automation of business processes will be mapped, therefore the analysis serves as a base document for further development of the system.

Indicators were not adjusted since IT-systems and functionalities are counted only once during the programme and SIS is already listed.

BMVI/2021/SA/1.5.4/008 – “Support to comply with the implementation of the relevant interoperability legal framework” under BMVI. The objective of this Specific Action is to support Schengen countries to comply with the implementation of the interoperability legal framework. The action has two aspects: 1) preparing the end-users of EU IT system for handling properly the information on identities contained in other systems as a result of interoperability and 2) extending the capacity of the SIRENE offices to resolve yellow links during the period that makes the Multiple Identity Detector (MID) operational. ESTONIA implements both aspects.

Output indicators O.1.8 and O1.8.1 were adjusted.

Result indicator R.1.19 was adjusted.

BMVI/2023-2024/SA/1.2.2/01 – Specific Action “Enhancement of Land Border Patrolling Capacity” aims to increase Frontex operational capacity and the EE operational capacity to implement its obligations with regard to the overall protection of the EU external borders, through the purchase of equipment – to be put at the Agency’s disposal – under the categorie 2: land-based means of transport and surveillance capacities (20 patrol cars).

Output indicator O.1.1 was adjusted.

Result indicators R.1.14 and R.1.15 adjusted.