

Annex 1

| Commission's observations on Estonia ISF programme 2021-2027 | Member State reply to Commission's observation |
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| <p>1 Section 1 – Programme strategy: main challenges and policy responses <i>Reference: Article 22(3)(a)(iii), (iv), (vii) and (ix) of Regulation (EU) 2021/1060 (CPR)</i></p> <p>(1) The Commission services invite the Estonian authorities to re-examine the programme in light of possible security related challenges resulting from the invasion of Ukraine by the Russian Federation and the refugee inflow from Ukraine. Member States may wish to refer to such challenges and allow for flexibility in programming actions to address them with the 2021-2027 resources. Coordination with the Managing Authorities in charge of other relevant EU Funds is also recommended.</p> | <p>The ISF funds cover a valuable part of our needs, however a significant part of the needs is covered from our national funds. This goes also for the costs related to the Russian Federation's invasion into Ukraine, which are mainly covered from the state budget. As our national ISF envelope is limited, we cannot finance all the activities that are eligible from ISF from our national ISF programme. In our ISF programme we would like to concentrate only on some areas, so that the ISF programme would have a visible impact.</p> |
| <p>2 The measures to address the challenges for ISF include developments and continuity of information and communication technologies, smart and innovative technological tools. As ERDF and RRF are also financing ICT in public services, please add a clearer demarcation.</p> | <p>In Estonia, all the ICT developments are approved by the Ministry of Economic Affairs and Communications, including the ICT developments financed from the state budget, ERDF, RRF, ISF and other funds. Hence, there will be no overlap in financing.</p> <p>The measures of development and continuity of information and communication technologies, smart and innovative technological tools funded by the ISF serve strictly the policy objective of the ISF and are mentioned in the programme as well as in the supplementary document "ISF Performance Framework" (e.g. under SO1 the PNR (Passenger Name Record) database, the monitoring system of the Police and Border Guard Board, the Criminal Police system, the Cyber Unit system, the surveillance system (incl. data gathering during surveillance activities, and relevant information exchange within and by the criminal police will be improved via development of the ICT system), to prevent money laundering and terrorist financing, an appropriate portal for reporting needs to be introduced.).</p> |
| <p>3 Section 2 – Specific objectives <i>Reference: Article 22(2)(c), Article 22(3), and Article 22(4) CPR</i> <i>All Specific Objectives</i></p> <p>(3) The Commission services acknowledge the source neutral strategic planning for 2021-2027 programming period of Estonia. However, the Estonian authorities are invited to clearly present under each Specific Objective and within the framework of the selected implementation measures the list of indicative actions, using examples of Annex III and indicating more clearly the type of activity envisaged for each Specific Objective. The Estonian authorities are also invited to clearly indicate in the programme which planned actions are considered under Annex IV of the ISF</p> | <p>The narrative part of the programme has been complemented with examples of Annexes III and IV. Examples are given also in the supplementary document "Performance Framework".</p> <p>We would also like to draw your attention to the fact that all the actions in Estonian ISF programme have the same co-funding rate – 75%, even the actions that fall under Annex IV of the ISF Regulation.</p> |

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| | Regulation and may benefit from a higher co-funding rate. | |
| 4 | The Commission services invite the Estonian authorities to include under the relevant Specific objective of the national programme a commitment that would allow them to use the funds of the national programme to also address any future recommendations with financial implications, stemming from the Schengen evaluations in the field of SIS/SIRENE and Police Cooperation with a priority. | Regarding the future needs stemming the future Schengen evaluations in the field of SIS/SIRENE and Police Cooperation, they will be mostly financed from the national budget. As our national ISF envelope is quite small and limited and taking into account that we do not know yet what kind of recommendations there will be, EE chooses to cover any possible costs stemming from the Schengen evaluations from the state budget. However, ISF funding could be considered, when necessary. |
| 5 | Estonia is asked to make a reference in the programme to align the training portfolio to the outcomes of the EU Strategic Training Needs Assessment 2022-2025, with special attention to the 8 core capability gaps which should feature in all training activities dedicated to law enforcement. | The Estonian ISF programme is in line with the EU Strategic Training Needs Assessment 2022-2025, reference to the document has been added into the ISF programme. |
| 6 | Estonian authorities are kindly reminded of Article 13(11) of the ISF Regulation according to which whenever a Member State decides to implement a project supported by the ISF, in or in relation to a third country, the Member State must consult the Commission prior to approval of the project. | Well noted. The Commission will be informed of such projects prior approval of the projects. |
| 7 | Regarding information exchange, the Commission services welcome the overall approach of Estonia towards the digitalisation and automation of processes, as well as the investment in ICT related capabilities. While Estonia is a very active user of EIS searching function it is advisable to continue with its roll-out to more competent authorities. It is also recommended to increase Estonian's contributions of data entry. Implementation of an automated data loader could support this endeavour. | Europol Information System is accessible to all competent authorities in Estonia through EUROPOL QUEST service. New data categories are added as a result of an ongoing project. The use of the data loader and the timeframe for implementation will be assessed after the implementation of the new data loader version by EUROPOL and the launch of the new version of the police information system. Until then manual and batch upload are used. The work processes to use the batch upload have been recently changed to increase the number of entries. |
| 8 | The importance of SIENA Confidential will be significantly increasing with the activities in the context of EU Interoperability, PRUM II and ECRIS as there will be follow up and exchange of classified data. Estonian authorities are invited to consider implementation of SIENA Confidential in order to be able to exchange higher classified information. In light of the priority for EU cooperation of this tool, we recommend to include it as an action under the indicative list of actions. | As our national ISF envelope is quite small and limited, we cannot finance all the activities that are eligible from ISF from our national ISF programme. Any obligatory costs related to implementing SIENA Confidential will be covered from the state budget. |
| 9 | The standalone development and maintenance of the national ECRIS-TCN itself is not within the remit of the ISF. However to ensure a high level of security of the Union, the interoperability components of ECRIS TCN and the adaptations required to establish | The Ministry of Justice of Estonia is currently implementing a ECRIS-TCN project in the Frame of the EU Justice Programme. The objective of the project is to implement the needed adaptations of the national criminal records systems for the linking |

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| | interoperability with law enforcement IT systems may be financed from the ISF. Also interoperability of the information systems in the field of Justice is outside the scope of ISF. We invite you to consider clarification of the programme in this regard. | and exchange of alphanumeric data and fingerprints with the ECRIS-TCN central system. It should also be possible to add facial images if the law of the Member State of conviction allows for the collection and storage of facial images of convicted persons. When the project will be finalised in May 2024, the Estonian system will be fully interoperable with the ECRIS-TCN system. |
| 10 | Reducing of manual input and improving quality on crosschecking of SIRENE forms with national databases is mentioned as one of the highest priority for this period. However, it is not further reflected under SO1. Could you please clarify the source of financing and add it, if relevant, as an action under the indicative list of actions under SO1. | The programme refers to the ISF-Police project (that has been already implemented), in the frame of which Interpol inquiries were integrated into SIERNE. As the wording in the programme was confusing, it has been amended. |
| 11 | The link to international databases and information exchange with international organisations and third countries is mentioned only minimally. The programme could benefit from developing the international dimension. | Several IT-developments foreseen to be financed in the frame of the ISF programme are linked to the international databases, e.g. the Passenger Name Record (PNR) database interacts with Europol Information System, the surveillance system will be connected with the Europol Information System (EIS) and the Schengen Information System (SIS) (please see also the supplementary document "ISF Performance Framework"). The wording of the ISF programme has been complemented accordingly. Co-operation with third countries is planned in the area of trafficking in human beings. However, it is not yet possible to name the countries at this stage. |
| 12 | <i>Specific Objective 2</i> (12) The Estonian authorities derogate from the minimum of 10% funding for Specific Objective 2. Taking into consideration the insecurity linked to the crisis situation with Ukraine, Estonia is invited to revise the budgetary allocation and use the minimum allocation under this objective to support the cross-border operational cooperation with other Member States. | As already explained during the informal consultations and as it has been referred to in the ISF Programme, the minimum percentage set for Specific Objective 2 is not reached. This decision stems from the nature and amount of cross-border (joint) operations which cannot be forecast. These operations arise on a rolling basis in each field and Estonia continues to finance these from the state budget when the need occurs or use specially earmarked funds (e.g. funding provided by the Commission). Operational cooperation is of utmost importance and Estonia has and will continue actively participate both in bilateral and multilateral cross-border (operational) cooperation as described in the programme. However, not reaching the obligatory 10% for SO2 does not jeopardise the objective of SO2, as there are several co-operation actions planned under the Specific Objective 3 which have a broader purpose and therefore also contribute to the objectives of the SO2 (e.g. enhancing cooperation in the field of preventing and tackling corruption, international cooperation in preventing and combating cybercrime, digital evidence, cooperation in developing the competence centre for security science). |

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| 13 | <p>Furthermore, the Commission services would like to emphasise that specially earmarked funds of the Commission supporting the objectives of SO2 are not aimed to replace the ISF basic allocation. Estonia is encouraged to include under SO2 relevant EMPACT activities. The fight against trafficking in human beings (THB) is one of the priorities in Estonia. The possible participation of Estonia in the EMPACT Operational Action Plan on THB could be considered.</p> | <p>Additional cooperation mechanisms in the context of EMPACT may be considered during the implementation of the programme, but no concrete actions are planned at the time of drafting this programme.</p> <p>The fight against trafficking in human beings (THB) is addressed under SO 2 (co-operation with third countries in order to rise the capacity to fight the crime related to trafficking in human beings) and SO 3 (the use of the internet for trafficking in human beings), however, not under the EMPACT umbrella.</p> |
| 14 | <p>Indicators In line with the note HOME-Funds/2022/15 for each specific objective and all the indicators introduced in table 2 (Result indicators) all baseline values should be set at 0, and the reference year should be indicated as 2021. The Estonian authorities are also asked to ensure coherence between actions planned, values of output and result indicators and budget allocated.</p> | <p>The baseline values of indicators have been set at 0, the reference years we will indicate as 2021 in SFC. The supplementary document “ISF Performance Framework” shows the relation between the actions, their output and result indicators and the budget.</p> |
| 15 | <p>Section 4 – Enabling conditions .</p> | <p>The Estonian Ministry of the Interior works very closely with the Estonian Ministry of Finance who is responsible for Cohesion Policy. We have aligned the horizontal enabling conditions. Please find attached the renewed long version of HEC document. We will add the long version of HEC to SFC as a supplementary document of the ISF programme.</p> <p>We are concerned about the character limit set by the CPR to the justification part of the enabling conditions (we have already shortened the text approved by the Government to fit into the character limit set to SFC by CPR when we submitted the programme in SFC).</p> |