

ANNEX

Observations on Estonia ISF programme 2021 – 2027

Section 1 – Programme strategy: main challenges and policy responses

Reference: Article 22(3)(a)(iii), (iv), (vii) and (ix) of Regulation (EU) 2021/1060 (CPR)

- (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.
- (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.

Section 2 – Specific objectives

Reference: Article 22(2)(c), Article 22(3), and Article 22(4) CPR

All Specific Objectives

- (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 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.
- (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.
- (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.

Specific Objective 1

- (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.
- (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.
- (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 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.
- (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.
- (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.

Specific Objective 2

- (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.
- (13) 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.

Indicators

- (14) 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.

Section 4 – Enabling conditions

Reference: Article 22(3)(i) CPR

- (15) The Commission services have analysed the Estonian assessment of fulfilment of the horizontal enabling condition on Effective monitoring mechanisms of the public procurement market and consider it as fulfilled.
- (16) Regarding the horizontal enabling condition (HEC) 3 on the “Effective application and implementation of the EU Charter of Fundamental Rights” (‘the Charter’) and HEC 4 on the “Implementation and application of the United Nations Convention on the rights of persons with disabilities (UNCRPD)”, these were first assessed within the framework of the informal submission of the Estonian Programme for Cohesion Policy Funds 2021-2027. The observations were sent to Estonian authorities on 28 February 2022 (Ares(2022)1477322). Further information and description of these horizontal enabling conditions have been subsequently provided to the Commission services, including together with the formal submission of the multi-fund programme (2021EE16FFPR001) on 16 June 2022. The Estonian authorities are invited to address the Commission observations provided in February and consider all subsequent Commission’s comments and analysis in order to align the text of the horizontal enabling conditions between different programmes and ensure consistency, and include additional information which was provided with the multi-fund programme (“long version” of enabling conditions), as additional material to ISF programme as well. In this context, Estonia is invited to address in particular the following elements.

With respect to the assessment for the HEC 3 on the Charter:

- (17) On criterion 1, the Estonian authorities are invited to specify the arrangements in place in all phases of the programming and implementation to effectively ensure compliance with the Charter. In particular, the Estonian authorities should clearly indicate the role and tasks of all authorities and bodies involved in effectively ensuring the compliance of the programmes with the Charter (who is involved and when).
- (18) Furthermore, the Estonian authorities are invited to set out which bodies or persons will provide assistance and expertise on fundamental rights matters and, where relevant, will have the ability to contribute to effectively ensure compliance with the Charter. The Commission services welcome that the Ministry of the Interior will provide trainings on fundamental rights but invites the Estonian authorities to provide concrete information on the trainings.
- (19) On criterion 2, the Estonian authorities are invited to provide more detailed information about the reporting arrangements to the monitoring committee, such as the frequency and content (scope, remedial actions) of reporting on complaints and cases of non-compliance. In particular, they are invited to clearly differentiate between the reporting arrangements for cases of non-compliance of operations supported by the Funds with the Charter and complaints, as well as to provide concrete information in this regard. As it stands currently, the self-assessment

explicitly refers only to the reporting arrangements as regards complaints and does not cover these as regards cases of non-compliance.

- (20) The Commission services welcome the inclusion in the monitoring committee of the Chancellor of Justice, the Gender Equality and Equal Treatment Commissioner and the Estonian Chamber of Disability, as well as the Estonian Human Rights Centre. However, as regards these bodies, and in particular of the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner, their concrete means of action, beyond issuing reports, in terms of their ability to effectively ensure compliance with the Charter, should be clarified in relation to the implementation of the programmes.

With respect to the assessment for the HEC 4 on the UN CRPD:

- (21) On criterion 2 of the HEC 4 on the UN CRPD, the Commission services welcome the role of the Equality Competence Centre, as an advisory and training unit, in providing advice and monitoring compliance with the requirements in the measures-based legislation for managing and implementing bodies on accessibility and equal opportunities aspects. However, the Estonian authorities are invited to provide more concrete information on the measures to ensure that accessibility policies, legislation and standards are duly taken into account in the design and implementation of programmes. This includes information on the role and tasks of different authorities and bodies (MA-s, intermediate bodies etc.) in ensuring that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes and how the compliance with the UN CRPD, anti-discrimination law on the grounds of disability and accessibility will be checked at all stages of programming.
- (22) On criterion 3, the Estonian authorities are invited to provide more detailed information about the reporting arrangements to the monitoring committee, such as the frequency and content (scope, remedial actions) of reporting on complaints and cases of non-compliance as well as to clarify whether the arrangements will cover both complaints and cases of non-compliance.
- (23) The respective Managing Authority should be encouraged to continue the collaboration with the MA of the Cohesion Policy Funds for 2021-2027 in order to ensure coherence.