



European Commission

08.07.2022 No 14-13.5/1-3

**EE reply to the EC observations on the
BMVI Estonia programme 2021-2027
CCI: 2021EE65BVPR001**

Dear Director-General Monique Pariat,

Estonian Ministry of the Interior appreciates the feedback given by the Commission Services. 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. Estonia is committed and focused to the quick start of implementation of the BMVI programme and as the smallest change on the programme needs to get the government's pre-approval which extends the process, we kindly ask not to change the programme text.

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 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-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 (examples of equipment: radars, cameras to be placed along the border not in the border crossing points; 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 "*Border surveillance and control equipment compliant with Frontex standards (patrol vehicles, UAVs, cameras, etc.), priority will be given to landborder*".

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 agreed during the implementation of the programme in accordance with national procedures.

While programming the Estonian BMVI programme the checklist provided by the Commission was used and it has been made sure that all the requirements are fulfilled. The BMVI programme covers all the elements in the check list:

- ✓ *The word count is within limits (16000 limit (including spaces))*
- ✓ *The programme takes into account the outstanding Schengen Evaluation Recommendations*
- ✓ *The section 1 describes the initial situation/starting point of the programme*
- ✓ *The SO describes which of the main challenges the programme (in Section 1) it will tackle and proposed responses*
- ✓ *The SO describes which implementation measures (i.e. objectives) of Annex II will be addressed*
- ✓ *The section includes indicative actions, such as those included in Annex III. (EE comment: Indicative actions in line with Annex III are listed at the end of the SO section as bullet points and are kept general to allow flexibility. The BMVI nor the CPR regulation oblige Member States using the wording of Annex III of the regulation (EU) 2021/1148 in the programme)*
- ✓ *The section includes the expected contribution/result of the indicative actions to the SO*
- ✓ *The priority actions listed in Annex IV are included*

We assure that all Commission's previous recommendations made during the informal consultations have been taken on board and the text amended accordingly, we are in the position that the BMVI programme already covers all the necessary features foreseen in the BMVI regulation and the CPR as well as majority of observations made by the Commission in the Observation Letter sent on 30 June 2022.

All obligatory investments foreseen by the EU law including ones stemming from the Commission Implementing Regulation (EU) 2021/581 and Regulation (EU) 2019/1896 will be mostly financed from the national budget. Reference to the measures for EUROSUR have been made several times in the programme e.g. SO2 indicative list of actions "*Measures related to development of EUROSUR (ICT systems, equipment, technology, etc.)*".

Regarding the follow up of future Schengen evaluations and vulnerability assessment, the programme states that those are dealt with due care, however, will be mostly financed from the national budget (please see the last sentence in section 1 "*The possible future recommendations of the Schengen evaluation and Vulnerability assessment will be dealt with due care.*" 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").

Actions related to the digitalisation of travel documents and facilitation of travel, including investment in equipping border crossing points with the technical capacity needed in order to check fingerprint biometrics encoded in electronic travel documents against the holder of the document, as well as related training are also already foreseen in the BMVI programme (for example "Migration monitoring equipment (document readers, biometric data technology, etc.)".

under indicative list of action SO1, rental costs for ABC gates under operating support, “Acquisition of biometric data equipment” under indicative list of actions for SO2).

Regarding the revised VIS Regulation the reference has been made in Section 2 SO2 “*Estonia has decided to finance next generation VIS and its interfaces with other EU large-scale IT systems under BMVI as a priority.*“ There are also trainings and exchange programmes foreseen for officials regarding the revised VIS Regulation in the BMVI programme.

The BMVI programme takes into account the visa process digitalization initiative published by the Commission on April 27, 2022 and does not plan parallel development of the national visa application environment. Following the developments of the Visa Register 2.0, Estonia plans user comfort improvements to the already existing application, which enables to fill out the visa application form online. 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.

The measures of development and continuity of information and communication technologies, smart and innovative technological tools funded by the BMVI serve strictly the policy objective of the BMVI and are mentioned in the programme as well as in the supplementary document “Performance Framework EE BMVI” (ETIAS, EES, SIS, VIS, interoperability components, border control and surveillance equipment and necessary gadgets, e.g. switches, antennas, monitors).

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 and continue the collaboration. The renewed document of long version of HEC is attached to this letter and will be uploaded in the SFC2021 as a supplementary document of the BMVI programme.

We hope the explanations are sufficient for the European Commission to approve the BMVI programme. Should you have any more questions, please do not hesitate to contact the BMVI coordinator for Estonia Ms Aivi Kuivonen (aivi.kuivonen@siseministeerium.ee).

Yours sincerely,

(digitally signed)

Veiko Kommusaar
Acting Permanent Secretary

Annex: HEC_EE_long_eng_05.07.2022