MANAGEMENT BOARD DECISION No 26/2012

of 28 November 2012

on the rules concerning the costs of the members of the European Border Guard Teams

THE MANAGEMENT BOARD

Having regard to the Frontex Regulation1, in particular Article 8h(2) thereof,

Whereas:

(1) Frontex is obliged to fully meet the costs enumerated in Article 8h(1) of the Frontex Regulation incurred by Member States in making available their border guards to the European Border Guard Teams for the purposes of deployment in joint operations, pilot projects and rapid interventions.

(2) Frontex is also obliged to fully meet the same costs incurred by Member States in making their border guards available for advanced training and exercises related to rapid interventions.

(3) The costs listed in Article 8h(1) of the Frontex Regulation include the daily subsistence allowances and the accommodation costs.

(4) The maximum daily subsistence allowances and accommodation ceilings established in Frontex mission rules based on the Commission’s Guide to missions for officials and other servants of the European Commission2 should be respected when calculating the maximum reimbursable costs.

(5) The costs of the border guards seconded to Frontex pursuant to Article 3b(3) of the Frontex Regulation ("Seconded Guest Officers") are met in accordance with Management Board Decision No 25/2012 of 28 November 2012 and, therefore, this Decision should not apply to Seconded Guest Officers.

(6) Framework Partnership Agreements between Frontex and the relevant authorities of the Member States specify the framework and the administrative and financial rules for participation in operational activities, in particular, the procedural rules applicable to the requests for reimbursement,


2 Commission Decision of 18.11.2008 on general implementing provisions adopting the Guide to missions for officials and other servants of the European Commission, as last updated.
HAS DECIDED AS FOLLOWS

**Article 1**
Scope and definition

This decision details the rules concerning the payment of the daily subsistence allowances, including accommodation costs, of the members of the European Border Guard Teams. This decision does not, however, apply to border guards seconded to Frontex pursuant to Article 3b(3) of the Frontex Regulation (Seconded Guest Officers).

For the purpose of this decision ‘Activity’ means joint operations, pilot projects, and rapid interventions as well as advanced trainings and exercises provided by Frontex and related to rapid interventions.

**Article 2**
Daily subsistence allowance

Members of the European Border Guard Teams receive their daily subsistence allowance from their home Member State in accordance with relevant national provisions.

**Article 3**
Reimbursement of daily subsistence allowance

Frontex, in accordance with the rules laid down in this decision, reimburses the relevant authority of the Member States for the daily subsistence allowances as paid in accordance with Article 2.

The daily subsistence allowance reimbursed to the Member States by Frontex cannot exceed the maximum amounts for daily subsistence allowances set by Frontex mission rules.

For the purpose of establishing the maximum reimbursable daily subsistence allowances, the length of the activity is calculated from the day of departure of the means of transport used to the day of its arrival on return to the place of departure in the home Member State.

Frontex does not reimburse a daily subsistence allowance in case the expenses normally covered by the daily subsistence allowance are covered by an other organisation than the relevant authority of the Member States during the activity.

**Article 4**
Accommodation costs

The relevant authority of the host Member State, with the coordination of Frontex, is to organize the accommodation for members of the European Border Guard Teams for the duration of the activity in accordance with the Operational Plan concerned. The relevant authority of the home Member State covers the accommodation costs of their border guards, unless other arrangements are agreed upon.

Frontex reimburses the accommodation costs incurred by the Member States for the purpose of the activity, under the conditions laid down in this decision.
The accommodation costs are reimbursed up to the maximum set by Frontex mission rules.

In the event of cancellation, postponement or alteration of a reservation the relevant authority of the Member State in charge of the reservation informs the accommodation service provider immediately in writing. Reimbursement of cancellation fees is possible only in case of force majeure or cancellation, postponement or alteration of the activity by Frontex.

**Article 5**

**Financial provisions**

The relevant authority of the Member State has to submit to Frontex one single request for reimbursement, covering all costs of the deployment of their border guards in a given activity (including the daily subsistence allowance, accommodation, travel costs, vaccinations, special insurance needs, health care and other eligible costs), in accordance with a Specific Financing Decision.

For the practical implementation of this decision, Frontex, and the relevant authorities of the Member States, conclude a Framework Partnership Agreement specifying the administrative and financial provisions that are applicable and must be followed.

**Article 6**

**Repeal**

Management Board Decision No 9/2007 of 27 August 2007, detailing the rules concerning the payment of the daily subsistence allowance of members of the Rapid Border Intervention Teams during deployment and border guards of the Rapid Pool who are participating in training exercises, is hereby repealed and replaced by this decision.

**Article 7**

**Entry into force**

This decision enters into force on the day following the date of its adoption.

Done in Nicosia, 28 November 2012

For the Management Board

[signed]

Ralf Göbel
Chairperson