MANAGEMENT BOARD DECISION No 5/2013
of 26 March 2013

adopting the rules related to the technical equipment to be deployed for
Frontex coordinated operational activities in 2014

THE MANAGEMENT BOARD

Having regard to the Frontex Regulation¹, in particular Article 7(5) thereof,

Whereas:

(1) Frontex strategy in supporting the Member States² to achieve an efficient, high and uniform level of border control is to provide added value to Border Management activities at the level of the European Union,

(2) According to Frontex’ Strategy and Multi Annual Plan 2014-2017, one of the main goals of the Agency is to deliver well targeted joint operations at sea, land and air borders and joint return operations, thus strengthening the capacity of Member States under specific and disproportionate pressure, enhancing proactive responses to significant uncertainties at external borders, and safeguarding the positive achievements in demanding situations,

(3) Frontex has to set up and keep centralised records of equipment in a Technical Equipment Pool for external border control purposes,

(4) The Member States have to contribute to the Technical Equipment Pool with technical equipment to be deployed during Frontex coordinated operational activities in order to show their solidarity towards Member States being under specific and disproportionate migratory pressure,

(5) The “Strategic Guidelines for co-financing of experts and technical means deployed during Frontex coordinated joint operations” adopted in the 38th meeting of the Management Board in March 2012 were taken into account,

(6) This decision concerns Frontex operational activities during 2014 and provides the basis for the annual bilateral negotiations and agreements between Frontex and the Member States as required by Article 7(3) of the Frontex Regulation.

² Member States of the European Union applying the Schengen Acquis and the Schengen Associated Countries.
HAS DECIDED AS FOLLOWS:

Article 1
Object

This decision establishes the rules relating to technical equipment, including the required overall minimum numbers per type of technical equipment (OMNTE), the conditions for deployment and reimbursement of costs for Frontex coordinated operational activities during 2014. The Decision sets the criteria for selection of the technical equipment to be deployed in 2014 and defines the conditions for amendment of the number and type of technical equipment from the OMNTE.

Article 2
Required overall minimum number of technical equipment

The required OMNTE for 2014 consists of the following types of technical equipment:

- Offshore Patrol Vessels (OPV);
- Coastal Patrol Vessels (CPV);
- Coastal Patrol Boats (CPB), including fast boats;
- Fixed Wing Aircraft (FWA);
- Helicopters;
- Thermo Vision Vehicles (TVV);
- Patrol Cars;
- Mobile Laboratories for Document Checking (Schengen buses);
- Heartbeat Detectors;
- Dogs.

The OMNTE is defined as “the number of required technical equipment per type and per month”.

The breakdown of the OMNTE to be deployed during Frontex coordinated operational activities in 2014 is presented in Annex 1, which constitutes an integral part of this Decision.

Article 3
Criteria for selection of the technical equipment

In order to ensure equal treatment of all the Member States offering technical equipment for Frontex coordinated operational activities and a transparent selection procedure, Frontex applies the following criteria:

- Value added at EU level;
- Operational suitability;
- Deployment capacity;
- Cost efficiency.

The principle of European solidarity and adequate burden sharing among the Member States is also taken into consideration for the selection of the equipment.

The criteria for selection of technical equipment to be deployed during Frontex coordinated operational activities and the procedure for selection of technical equipment for the OMNTE 2014 are described in Annex 2 to the present Decision.
Article 4
Conditions for the deployment of the technical equipment

The number of technical equipment per type and per month for the OMNTE 2014 will be communicated by Frontex to the Member States by an open call for contribution, where the specific requirements will be indicated. On the basis of the Member States’ proposals and the criteria for selection Frontex will decide on the particular technical equipment to be included in the OMNTE.

During the Annual Bilateral Negotiations 2013 the Member States confirm their contributions to the OMNTE 2014.

Equipment from the OMNTE for 2014 has to be made available by the Member State for deployment in Frontex coordinated operational activities upon a request by Frontex in accordance with Article 7 of the Frontex Regulation. Frontex deploys the equipment from the OMNTE under the conditions agreed with the Member States during the Annual Bilateral Negotiations 2013, unless a need for amendment exists, pursuant to Article 5 of this Decision.

The conditions for the deployment of technical equipment, which does not form part of the OMNTE, may be negotiated between Frontex and the Member States during the Annual Bilateral Negotiations 2013, during operational planning meetings or, in the event of a need identified, even during the course of the respective operational activity.

Article 5
Amendment of the number of technical equipment from the OMNTE

The individual figures in the OMNTE may be subject to amendments. Major changes in the circumstances at the EU external borders, including changes in the modus operandi of irregular migration or in related cross-border crime may require increasing the number of technical equipment within the OMNTE. In case the Frontex Executive Director so recommends, the Management Board decides on such amendments to the Annex 1 by written procedure pursuant to Article 8 of the Rules of Procedure of the Management Board.¹

Any amendments to the figures in the OMNTE have to be reflected accordingly in annual bilateral agreement(s) with the Member State(s) concerned.

Article 6
Reimbursement of deployment costs

In accordance with Article 7(5) of the Frontex Regulation, Frontex finances all the eligible costs incurred by the Member States, relating to the deployment of the technical equipment which forms part of the OMNTE and co-finances the eligible costs of the deployment of the additional equipment, which does not form part of the OMNTE. The level of such co-financing is negotiated on a case by case basis taking into consideration the particular circumstances of the Member State deploying such equipment, as well as the “Strategic Guidelines for co-financing the deployment of experts and technical means deployed during Frontex coordinated joint operations”⁴.

¹ MB Decision No 8/2011 of 30 March 2011
⁴ Strategic Guidelines for co-financing the deployment of experts and technical means deployed during Frontex coordinated joint operations⁴, adopted by the Management Board during its 38th meeting in March 2012.
The eligible costs related to the deployment of technical equipment are described and specified in the Framework Partnership Agreement (FPA), signed between Frontex and the Member States.

Frontex reimburses the eligible costs related to the deployment of the technical equipment in accordance with the conditions defined in the Specific Financing Decision (SFD), established for the particular operational activity.

Article 7
Review

This decision may be reviewed in accordance with the provisions of Article 7(6) of the Frontex Regulation in the event described in that Article.

Article 7
Entry into force

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

Done in Warsaw, 26 March 2013

For the Management Board

[signed]
Ralf Göbel
Chairperson

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ESTABLISHING THE RULES RELATED TO THE TECHNICAL EQUIPMENT TO BE DEPLOYED FOR FRONTEX COORDINATED OPERATIONAL ACTIVITIES IN 2014

ANNEX 1

OVERALL MINIMUM NUMBERS
OF TECHNICAL EQUIPMENT PER TYPE OF TECHNICAL EQUIPMENT FOR FRONTEX COORDINATED OPERATIONAL ACTIVITIES IN 2014

<table>
<thead>
<tr>
<th>2014</th>
<th>OPV</th>
<th>CPV</th>
<th>CPB</th>
<th>FWA</th>
<th>Helicopters⁶</th>
<th>TVV</th>
<th>Patrol cars</th>
<th>Mobile Laboratories</th>
<th>Heart Beat Detectors</th>
<th>Dogs</th>
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</table>

⁶ In the case of joint operations at land borders the helicopters from the OMNTE may be replaced by FWA.
I. Criteria for selection of technical equipment to be deployed for Frontex Coordinated Operational Activities.

In order to assess the proposals of the Member States related to the technical equipment to be deployed during Frontex coordinated operational activities, Frontex has defined a set of criteria for the selection of the technical equipment.

The leading principle is to add value at the level of the European Union by the coordinated operational activities. The operational activities coordinated by Frontex are to add value at a European level by providing additional resources to areas facing a high pressure at the external borders. This promotes the principle of European solidarity between the Member States and ensures an adequate level of commitment of the Member States with reference to their capabilities as well as equal possibilities to participate in the operational activities.

In addition, the following three criteria will be applied:

**Operational suitability**

Frontex will use this category of criteria to assess the relevance of technical equipment in view of the requirements, set for a particular operational area. The operational suitability criteria include:

- Sufficient ability to operate and carry out tasks in the particular operational area;
- Suitability to the operational concept applied in a particular operational area;
- Presence of relevant surveillance equipment on board.

**Deployment capacity**

By this category of criteria Frontex will assess the best offers as regards the deployability of the technical equipment, based on the deployment parameters proposed by the Member States. Criteria for the deployment capacity include:

- Average number of patrolling hours per day;
- Length of deployment period;
- Share of patrolling and transfer hours;
- Double crew providing extended operational capacity of the technical assets.

**Cost efficiency**

Under this category, Frontex will assess the best offers as regards the cost of the deployment.

- Technical equipment purchased with the use of the EU funding;
- Cost of patrolling hour;
- Cost of patrolling day;
- Cost of the deployment per month.
II. Procedure for selection of technical equipment to form part of the OMNTE 2014.

The procedure for selection of technical equipment for the OMNTE 2104 is applied after having adopted the present Decision by Frontex Management Board. The procedure consists the following steps:

Step 1 - Frontex sends a call to the Member States for contribution to the OMNTE 2014. The call will include specific requirements as described in point I of this Annex. Such requirements will be prepared for each Frontex coordinated operational activity.

Step 2 - Member States submit their contribution to the OMNTE 2014.

Step 3 - Frontex evaluates the proposals from the Member States, and communicates the outcome of the selection to the Member States – deadline 10 September 2013.

Step 4 - During the Annual Bilateral Talks the Member States confirm their contributions to the OMNTE 2014. Agreements between Frontex and the Member States are then made accordingly.