

MANAGEMENT BOARD DECISION No 6/2014
of 26 March 2014

**adopting rules related to the technical equipment, including Overall
Minimum Number of Technical Equipment to be deployed for Frontex
coordinated operational activities in 2015**

THE MANAGEMENT BOARD

Having regard to the Frontex Regulation¹, in particular Article 7 (1) and (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) Frontex has to set up and keep centralised records of equipment in a Technical Equipment Pool for external border control purposes,
- (3) 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;
- (4) 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;
- (5) Frontex may deploy technical equipment leased or provided by the purchase of border surveillance services for the purposes of joint operational activities 2015;
- (6) This decision concerns Frontex operational activities during 2015 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.

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 2015.

¹ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union OJ L 349, 25.11.2004, p.1, as last amended.

² Member States of the European Union applying the Schengen Acquis, as well as the Schengen Associated Countries.

The Decision sets the criteria for selection of the technical equipment to be deployed in 2015 and defines the conditions for amendment of the number and the type of technical equipment from the OMNTE.

Article 2

Types of assets required for the overall minimum number of technical equipment

The OMNTE 2015 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 2015 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 2015 are described in Annex 2 to the present Decision.

To fulfil possible gaps of equipment for the OMNTE 2015 and in order to develop its own operational capacity Frontex may use other categories of technical equipment i.e. leased equipment by Frontex, as well as those provided by the purchase of border surveillance services.

Article 4

Conditions for the deployment of the technical equipment

The number of technical equipment per type and per month for the OMNTE 2015 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 (ABT) 2014 the Member States confirm their contributions to the OMNTE 2015.

Equipment from the OMNTE 2015 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 2014, 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 2014, during operational planning meetings or, in the event of a need identified, 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 and the related cross-border crime or any other occurring operational need may require increasing the number or amending the type 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.³

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

Article 6

Reimbursement of deployment costs

In accordance with Article 7(5) of the Frontex Regulation Frontex finances 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 will be 70 per cent which can be upgraded on a case by case basis in accordance with the criteria set in Article 3 of this Decision, as well as taking into consideration the "*Strategic Guidelines for co-financing the deployment of experts and technical means deployed during Frontex coordinated joint operations*"⁴.

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.

³ MB Decision No 10/2013 of 27 March 2013

⁴ *Strategic Guidelines for co-financing the deployment of experts and technical means deployed during Frontex coordinated joint operations*"⁴, adopted by the Management Board during its 38th meeting in March 2012.

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 8
Entry into force

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

Done in Warsaw, 26 March 2014

For the Management Board

[signed]

Ralf Göbel
Chairperson



ESTABLISHING THE RULES RELATED TO THE TECHNICAL EQUIPMENT,
INCLUDING OVERALL MINIMUM NUMBER OF TECHNICAL EQUIPMENT
TO BE DEPLOYED FOR FRONTEX COORDINATED OPERATIONAL
ACTIVITIES IN 2015

ANNEX 1

OVERALL MINIMUM NUMBER OF TECHNICAL EQUIPMENT PER TYPE AND PER MONTH TO BE DEPLOYED ON FRONTEX COORDINATED OPERATIONAL ACTIVITIES IN 2015

2015	OPV	CPV	CPB	FWA	Helicopters	TVV	Patrol cars	Mobile Laboratories	Heart Beat Detectors	Dogs
Jan	0	0	0	0	0	4	3	0	0	2
Feb	0	0	0	0	0	4	3	0	0	2
Mar	0	0	0	0	0	4	4	0	1	2
Apr	0	4	0	1	1	4	5	0	1	3
May	0	6	9	2	1	10	23	1	0	9
June	2	6	13	4	2	10	23	1	0	9
July	3	7	13	5	2	9	15	1	0	7
August	3	7	13	5	2	10	15	0	1	27
September	2	7	9	4	2	8	23	0	1	29
October	1	0	0	1	0	8	23	1	1	9
November	0	0	0	0	0	6	6	0	1	4
December	0	0	0	0	0	4	3	0	0	2
Total	11	37	57	22	10	81	146	4	6	105

CRITERIA FOR SELECTION OF TECHNICAL EQUIPMENT TO BE DEPLOYED FOR OPERATIONAL ACTIVITIES AND PROCEDURE FOR SELECTION OF THE OMNTE 2015

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 categories of criteria will be applied with equal weight:

1. Category I - 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.

2. Category II - 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.

3. Category III - 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.
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II. Procedure for selection of technical equipment to form part of the OMNTE 2015.

The procedure for selection of technical equipment for the OMNTE 2015 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 2015. 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 2015.
- Step 3 - Frontex evaluates the proposals from the Member States, and communicates the outcome of the selection to the Member States - prior to the ABT 2014.
- Step 4 - During the Annual Bilateral Talks the Member States confirm their contributions to the OMNTE 2015. Agreements between Frontex and the Member States are then made accordingly.

