

MANAGEMENT BOARD DECISION No 12/2015
of 26 March 2015

adopting rules relating to the technical equipment, including Overall Minimum Number of Technical Equipment¹, to be deployed during Frontex coordinated operational activities in 2016

THE MANAGEMENT BOARD

Having regard to the Frontex Regulation², in particular Article 7(1), (3) and (5) thereof,

Whereas:

- (1) Frontex strategy in supporting the Member States³ (hereinafter MSs) 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) MSs contribute to the Technical Equipment Pool with technical equipment to be deployed during Frontex coordinated operational activities in order to show their solidarity towards MSs being under specific and disproportionate migratory pressure;
- (3) 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, as well as the “Guidelines on co-financing of Technical Equipment within and beyond OMNTE” adopted by Frontex Executive Director in August 2013, were taken into account;
- (4) This Decision provides the basis for the Annual Bilateral Talks (ABTs) and agreements between Frontex and the MSs.

HAS DECIDED AS FOLLOWS:

Article 1

Object

1. This Decision establishes the rules relating to technical equipment, including the required overall minimum number per type of technical equipment (OMNTE), the conditions for deployment and reimbursement of costs for Frontex coordinated operational activities during 2016.
2. The Decision also sets the criteria for selection of the technical equipment to be deployed in 2016 and defines the conditions for amendment of the number and the type of technical equipment from the OMNTE.

¹ OMNTE.

² Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004), as last amended.

³ Member States of the European Union applying the Schengen Acquis, as well as the Schengen Associated Countries.

Article 2

Definition and types of assets required for the OMNTE

1. For the purpose of this Decision, the OMNTE is defined as the number of required asset/months per type of equipment.
2. The OMNTE 2016 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;
 - Dog Teams.
3. The required number of asset/months per type of equipment is presented in the table below:

2016	OPV	CPV	CPB	FWA	Helicopters	TVV	Patrol cars	Mobile Laboratories	Heart Beat Detectors	Dogs
Asset/months	34	72	119	27	22	108	194	4	12	152

4. To fulfil possible gaps of equipment for the OMNTE 2016 and in order to develop its own operational capacity, Frontex may use other categories of technical equipment i.e. equipment acquired or leased by Frontex.

Article 3

Criteria for selection of the technical equipment

1. In order to ensure equal treatment of all the MSs offering technical equipment for Frontex coordinated operational activities and a transparent selection procedure, Frontex applies the following criteria:
 - Operational suitability;
 - Deployment capacity;
 - Cost efficiency.
2. The principles of added value at EU level and adequate responsibility sharing among the MSs are also taken into consideration for the selection of the equipment.
3. The criteria for selection of technical equipment to be deployed during Frontex coordinated operational activities are further described in Annex 1.

Article 4

Procedure for selection of technical equipment

1. The OMNTE 2016 shall be communicated by Frontex to the MS in due time prior to the ABTs 2015 by an open call for contributions, where the specific requirements shall be indicated.
2. The MS shall state the availability for deployment of each proposed asset and the estimated cost for this particular deployment. On the basis of the MS' proposals and the criteria for selection Frontex shall decide on the particular technical equipment to be included in the OMNTE.

3. During the Annual Bilateral Talks 2015 the MS shall confirm their contributions to the OMNTE 2016, to be followed by the conclusion of agreements between Frontex and each MS.

Article 5

Conditions for the deployment of the technical equipment

1. Upon Frontex request and in accordance with Article 7 of the Frontex Regulation MSs make the equipment from the OMNTE 2016 available for deployment during Frontex coordinated operational activities.
2. Frontex deploys the equipment from the OMNTE under the conditions agreed with the MSs during the ABTs 2015, unless a need for amendment exists, pursuant to Article 5 of this Decision.
3. The conditions for the deployment of technical equipment which does not form part of the OMNTE may be defined between Frontex and the MSs during the ABTs 2015, during operational planning meetings or, in the event of a need identified, during the course of the respective operational activity.

Article 6

Amendment of the number of technical equipment from the OMNTE

1. On a proposal by the Frontex Executive Director, the Management Board decides on amendments to the OMNTE due to 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 needs that may require increasing the number or amending the type of technical equipment within the OMNTE. The MB decides by written procedure pursuant to Article 8 of the Rules of Procedure of the Management Board⁴.
2. Any amendments to the figures in the OMNTE shall be reflected in the annual bilateral agreement(s) with the MS(s) concerned.

Article 7

Reimbursement of deployment costs

1. In accordance with Article 7(5) of the Frontex Regulation, Frontex finances the eligible costs incurred by the MSs 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.
2. The level of co-financing will be maximum 70 per cent, unless otherwise decided by the Frontex Executive Director to ensure the sustainability of operations, 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*"⁵ and the "*Guidelines on co-financing of Technical Equipment within and beyond OMNTE*"⁶.
3. The eligible costs related to the deployment of technical equipment shall be described and specified in the Framework Partnership Agreements (FPAs) signed between Frontex and each MS.

⁴ MB Decision No 10/2013 of 27 March 2013

⁵ Strategic Guidelines for co-financing the deployment of experts and technical means deployed during Frontex coordinated joint operations" adopted by the Management Board during its 38th meeting in March 2012.

⁶ "Guidelines on co-financing of Technical Equipment within and beyond OMNTE" adopted by Frontex Executive Director on 14 August 2013.

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

Article 8
Revision of the OMNTE

Where the minimum number of technical equipment is not reached, the provisions of Article 7(6) of the Frontex Regulation apply.

Article 9
Entry into force

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

Done in Warsaw, 26 March 2015

For the Management Board

[signed]

Ralf Göbel
Chairperson

CRITERIA FOR SELECTION OF TECHNICAL EQUIPMENT TO BE DEPLOYED DURING OPERATIONAL ACTIVITIES COORDINATED BY FRONTEX IN 2016

In order to assess the proposals of the MSs 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 MSs and ensures an adequate level of commitment of the MSs with reference to their capabilities as well as equal possibilities to participate in the operational activities.

For the purpose of selection of the OMNTE 2016 the following three categories of criteria will be applied with equal weight:

i. Operational suitability

This category of criteria assesses the relevance of the technical equipment in view of the operational area requirements and includes:

- 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.

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 MSs. 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.

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.