MANAGEMENT BOARD DECISION 16/2017
of 14 June 2017

adopting rules relating to technical equipment, including the Minimum Number of items of Technical Equipment, in which is included the Rapid Reaction Equipment Pool to be deployed during operational activities coordinated by Frontex in 2018

THE MANAGEMENT BOARD

Having regard to the European Border and Coast Guard Regulation1, in particular Article 39 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) Member States contribute to the Technical Equipment Pool with technical equipment to be deployed during joint operations, migration management support team deployments, pilot projects, rapid border interventions, return operations or return interventions coordinated by Frontex in order to show their solidarity towards Member States under specific and disproportionate migratory pressure;

(3) The technical equipment pool must include a rapid reaction equipment pool containing a limited number of items of equipment needed for possible rapid border interventions;

(4) This Decision provides the basis for the Annual Bilateral Negotiations (ABNs) and agreements between Frontex and the Member States pursuant to Article 39(8) of the European Border and Coast Guard Regulation.

HAS DECIDED AS FOLLOWS:

Article 1
Object

1. This Decision establishes the rules relating to technical equipment, including the required minimum number of items of technical equipment (MNITE 2018) in which is included the Rapid Reaction


2Member States of the European Union applying the Schengen Acquis, as well as the Schengen Associated Countries.
Equipment Pool, the conditions for deployment and reimbursement of costs for operational activities coordinated by Frontex during 2018.

2. The Decision also sets the criteria for selection of the technical equipment to be deployed in 2018 and defines the conditions for amendment the number and the type of technical equipment from the MNITE 2018.

**Article 2**

**Definition and types of assets required for the MNITE 2018**

1. For the purpose of this Decision, the MNITE 2018 including Rapid Reaction Equipment Pool is defined as the number of required asset-months per type of equipment. Asset-months measure the deployment time of an asset for a month that is needed to perform operational activities, or the equivalent.

2. The MNITE 2018 for Operational Activities and the Rapid Reaction Equipment Pool 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;
   - Buses (except for Rapid Reaction Equipment Pool);
   - Mobile Laboratories for Document Checking (Schengen buses);
   - Heartbeat Detectors;
   - Carbon Dioxide Detectors (CO2).

3. The MNITE 2018 for Operational Activities and Rapid Reaction Equipment Pool is presented as the required number of asset-months per type of equipment in the tables below:

<table>
<thead>
<tr>
<th>2018</th>
<th>OPV</th>
<th>CPV</th>
<th>CPB</th>
<th>FWA</th>
<th>Helicopters</th>
<th>TVV</th>
<th>Patrol Cars</th>
<th>Buses</th>
<th>Mobile Laboratories</th>
<th>Heart Beat Detectors</th>
<th>CO2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asset-months</td>
<td>54</td>
<td>73</td>
<td>138</td>
<td>38</td>
<td>37</td>
<td>122</td>
<td>345</td>
<td>72</td>
<td>7</td>
<td>12</td>
<td>108</td>
</tr>
</tbody>
</table>

   - Planned Operational Activities in 2018:

<table>
<thead>
<tr>
<th>2018</th>
<th>OPV</th>
<th>CPV</th>
<th>CPB</th>
<th>FWA</th>
<th>Helicopters</th>
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<th>CO2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asset-months</td>
<td>27</td>
<td>36</td>
<td>69</td>
<td>19</td>
<td>18</td>
<td>61</td>
<td>172</td>
<td>3</td>
<td>6</td>
<td>54</td>
<td></td>
</tr>
</tbody>
</table>

   - Rapid Reaction Equipment Pool in 2018:

4. To fulfil possible gaps of equipment for the MNITE 2018, and in order to develop its own operational capacity, Frontex may use technical equipment acquired or leased by Frontex.

**Article 3**

**Policy for selection of technical equipment**
1. Frontex covers the identified operational needs of technical equipment by selecting suitable resources proposed by the contributing Member States.

2. In case that the resources proposed by the contributing Member States are not sufficient to cover the operational gaps identified, Frontex revises the operational needs in order to ensure proper implementation of the envisaged operational activities.

3. The gaps identified after re-prioritisation of the operational needs are covered by the use of Frontex own operational capacity where such capacity is established.

4. The offers made by the host Member State may be considered only exceptionally and as a last resort, after all other options have been considered, and all other possibilities have been exhausted.

**Article 4**

Procedure for selection of technical equipment

1. The MNITE 2018 will be communicated by Frontex to the Member States in due time prior to the ABNs 2018 in a form of an open call for contributions, where the specific requirements will be indicated.

2. The Member States will state the availability for deployment of each proposed asset and the estimated cost for this particular deployment. 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 MNITE 2018.

3. During the ABNs 2018, the Member States will confirm their contributions to the MNITE 2018, which are followed by the conclusion of agreements between Frontex and each Member State.

**Article 5**

Criteria for selection of technical equipment

1. In order to ensure equal treatment of all Member States offering technical equipment for operational activities coordinated by Frontex and a transparent selection procedure, Frontex applies the following criteria:
   - Operational suitability;
   - Deployment capacity;
   - Cost efficiency.

2. The principles of added value at the EU level and responsibility sharing among the Member States are also taken into consideration for the selection of the equipment.

3. The criteria for selection of technical equipment to be deployed during operational activities coordinated by Frontex are further described in Annex 1.

**Article 6**

Conditions for deployment of technical equipment

1. Upon Frontex request, and in accordance with Article 39(8) of the European Border and Coast Guard Regulation, Member States make the equipment from the MNITE 2018 available for deployment during operational activities coordinated by Frontex.
2. Frontex deploys the technical equipment from the MNITE 2018 under the conditions agreed with Member States during the ABNs 2018.

3. The conditions for the deployment of technical equipment which does not form part of the MNITE 2018 may be negotiated between Frontex and the Member States during the ABNs 2018, during operational planning meetings or, if relevant, during the course of the respective operational activity.

**Article 7**

Amendment of the number of technical equipment from the MNITE 2018

1. Where the minimum number of items of technical equipment is not reached, the Management Board decides on the re-prioritisation of the deployment of technical equipment and appropriate steps to remedy the identified shortcomings, in particular by amending the number or type of technical equipment within the MNITE 2018, pursuant to Article 39(12) of the European Border and Coast Guard Regulation.

2. The Management Board decides on the amendments referred to in paragraph 1 by written procedure, pursuant to Article 9 of the Rules of Procedure of the Management Board.

3. Any amendments to MNITE 2018 are reflected in the bilateral agreements with the Member States concerned.

**Article 8**

Reimbursement of deployment costs

1. In accordance with Article 39(16) of the European Border and Coast Guard Regulation, Frontex finances the eligible costs incurred by the Member States related to the deployment of the technical equipment which forms part of the MNITE 2018 and co-finances the eligible costs of deployment of technical equipment beyond MNITE 2018.

2. The level of co-financing of technical equipment beyond MNITE 2018 will be up to a maximum of 100 per cent, unless otherwise decided by the Frontex Executive Director on a case by case basis in accordance with the criteria set in Article 3 of this Decision.

3. The eligible costs related to the deployment of technical equipment are described and specified in the Framework Partnership Agreements (FPAs) signed between Frontex and each Member State.

4. Frontex reimburses the eligible costs related to the deployment of technical equipment in accordance with the conditions defined in the Specific Financing Decisions (SFDs), established for each operational activity.
Article 9

Entry into force

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

Done in Warsaw, 14 June 2017

For the Management Board

[signed]

Marko Gašperlin
Chairperson of the Management Board
CRITERIA FOR SELECTION OF TECHNICAL EQUIPMENT TO BE DEPLOYED DURING OPERATIONAL ACTIVITIES COORDINATED BY FRONTEX IN 2018

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 MNITE 2018 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.