MANAGEMENT BOARD DECISION No 3/2019
of 27 March 2019

adopting rules relating to technical equipment, including the Minimum Number of items of Technical Equipment as well as the Rapid Reaction Equipment Pool to be deployed during operational activities coordinated by Frontex in 2020

THE MANAGEMENT BOARD

Having regard to the European Border and Coast Guard Regulation\(^1\), in particular Article 39 thereof,

Whereas:

(1) Frontex aims to support the Member States\(^2\) 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 Executive Director shall identify the minimum number of items of technical equipment required to meet the needs of the Agency, in particular as regards carrying out joint operations, migration management support team deployments, rapid border interventions, return operations and return interventions, in accordance with its work programme for the year in question.

(4) 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.

(5) For the purpose of assessment of the required minimum number of items of technical equipment as well as the limited number of items for the rapid reaction equipment pool, a range of factors such as historical data, risk analysis and possible operational scenarios were considered.

(6) This Decision provides the basis for the Annual Bilateral Negotiations (ABNs) and agreements between Frontex and the Member States.

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\(^2\)Member States of the European Union applying the Schengen Acquis, as well as the Schengen Associated Countries.
HAS DECIDED AS FOLLOWS:

Article 1
Object

1. This Decision establishes the rules related to technical equipment, including the required minimum number of items of technical equipment (MNITE) and the Rapid Reaction Equipment Pool for 2020, the conditions for deployment and reimbursement of costs for operational activities coordinated by Frontex during 2020.

2. The Decision also sets the criteria for selection of the technical equipment to be deployed in 2020 and defines the conditions for amendment of MNITE 2020.

Article 2
Definition and types of assets required for the MNITE and Rapid Reaction Equipment Pool in 2020

1. For the purpose of this Decision, the MNITE 2020 is defined as the number of required asset-months per type of equipment. An asset-month represents operational deployment of an asset per operational rotation period, or the equivalent. The Rapid Reaction Equipment Pool is defined as the minimum number of assets of a specific type available for immediate deployment at any point of the year.

2. The MNITE 2020 for the operational activities and the Rapid Reaction Equipment Pool 2020 consist 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;

3. The MNITE 2020 for the operational activities is presented as the required number of asset-months per type of equipment in the table below:

Table 1 - MNITE for Planned Operational Activities in 2020

<table>
<thead>
<tr>
<th>Type of TE</th>
<th>OPV</th>
<th>CPV</th>
<th>CPB</th>
<th>FWA</th>
<th>HELO</th>
<th>TVV</th>
<th>Patrol Car</th>
</tr>
</thead>
<tbody>
<tr>
<td>Period 1 (29/01-26/02)</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>11</td>
<td>58</td>
</tr>
<tr>
<td>Period 2 (26/02-25/03)</td>
<td>4</td>
<td>6</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>11</td>
<td>58</td>
</tr>
<tr>
<td>Period 3 (25/03-22/04)</td>
<td>4</td>
<td>6</td>
<td>5</td>
<td>4</td>
<td>4</td>
<td>11</td>
<td>59</td>
</tr>
<tr>
<td>Period 4 (22/04-20/05)</td>
<td>4</td>
<td>10</td>
<td>7</td>
<td>6</td>
<td>6</td>
<td>14</td>
<td>67</td>
</tr>
<tr>
<td>Period 5 (20/05-17/06)</td>
<td>5</td>
<td>10</td>
<td>7</td>
<td>6</td>
<td>6</td>
<td>14</td>
<td>67</td>
</tr>
<tr>
<td>Period 6 (17/06-15/07)</td>
<td>5</td>
<td>10</td>
<td>7</td>
<td>6</td>
<td>6</td>
<td>14</td>
<td>67</td>
</tr>
<tr>
<td>Period 7 (15/07-12/08)</td>
<td>6</td>
<td>10</td>
<td>9</td>
<td>6</td>
<td>6</td>
<td>15</td>
<td>69</td>
</tr>
<tr>
<td>Period 8 (12/08-09/09)</td>
<td>6</td>
<td>10</td>
<td>9</td>
<td>6</td>
<td>6</td>
<td>15</td>
<td>69</td>
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<tr>
<td>Period 9 (09/09-07/10)</td>
<td>6</td>
<td>6</td>
<td>7</td>
<td>6</td>
<td>5</td>
<td>15</td>
<td>69</td>
</tr>
<tr>
<td>Period 10 (07/10-04/11)</td>
<td>6</td>
<td>6</td>
<td>7</td>
<td>5</td>
<td>4</td>
<td>14</td>
<td>69</td>
</tr>
<tr>
<td>Period 11 (04/11-02/12)</td>
<td>4</td>
<td>6</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>11</td>
<td>58</td>
</tr>
<tr>
<td>Period 12 (02/12-29/12)</td>
<td>4</td>
<td>5</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>11</td>
<td>58</td>
</tr>
<tr>
<td>Period 13 (29/12/20-27/01/21)</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>11</td>
<td>58</td>
</tr>
<tr>
<td>Total number of assets</td>
<td>62</td>
<td>93</td>
<td>78</td>
<td>63</td>
<td>59</td>
<td>167</td>
<td>826</td>
</tr>
</tbody>
</table>

4. The Rapid Reaction Equipment Pool is presented as the required minimum number of items of equipment of specific type available for immediate deployment at any point of the year in the table below:

   **Table 2 - Rapid Reaction Equipment Pool in 2020**

<table>
<thead>
<tr>
<th>Type of Asset</th>
<th>OPV</th>
<th>CPV</th>
<th>CPB</th>
<th>FWA</th>
<th>Helicopter</th>
<th>TVV</th>
<th>Patrol Car</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of items required per rotation</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>19</td>
</tr>
</tbody>
</table>

5. To fulfil possible gaps of equipment for the MNITE 2020 and Rapid Reaction Equipment Pool, and in order to develop its own operational capacity, Frontex may use technical equipment acquired or leased by Frontex.

6. The operational rotation days for 2020 are provided in Annex II.

**Article 3**

*Policy for selection of technical equipment*

1. Frontex covers the identified operational needs for technical equipment by selecting suitable resources proposed by the contributing Member States and by the resources acquired or leased by Frontex.

2. In case the resources proposed by the contributing Member States and the ones acquired and leased by Frontex 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 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 needs for MNITE and the Rapid Reaction Equipment Pool for 2020 will be communicated by Frontex to the Member States in due time prior to the ABNs 2020 in a form of a general 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 and the Rapid Reaction Equipment Pool for 2020.

3. During the ABNs 2020 the Member States will confirm their contributions to the MNITE and the Rapid Reaction Equipment Pool for 2020, after which bilateral agreements between Frontex and the Member States will be concluded.

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 I.

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 and the Rapid Reaction Equipment Pool for 2020 available for deployment during operational activities coordinated by Frontex.

2. Frontex deploys the technical equipment from the MNITE and the Rapid Reaction Equipment Pool for 2020 under the conditions agreed with Member States during the ABNs 2020.

3. The conditions for the deployment of technical equipment which does not form part of the MNITE or the Rapid Reaction Equipment Pool for 2020 may be negotiated between Frontex and the Member States during the ABNs 2020, 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 2020

1. Where the minimum number of items of technical equipment required in the pool has not been met, the Executive Director shall inform the Management Board without delay. The Management Board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the shortfall, in particular by amending the
number or type of technical equipment within the MNITE 2020, 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\(^1\) of the Management Board.

3. Any amendments to MNITE 2020 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 or the Rapid Reaction Equipment Pool for 2020 and co-finances the eligible costs of deployment of technical equipment beyond MNITE 2020.

2. The level of co-financing of technical equipment beyond the MNITE and the Rapid Reaction Equipment Pool for 2020 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 grant agreements, established for particular operational activities.

**Article 9**

**Entry into force**

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

Done in Bucharest, 27 March 2019

For the Management Board

[signed]
Marko Gašperlin
Chairperson

\(^1\)Management Board Decision no. 11/2017 of 30 March 2017 adopting the Rules of Procedure of the Management Board.
CRITERIA FOR SELECTION OF TECHNICAL EQUIPMENT TO BE DEPLOYED DURING OPERATIONAL ACTIVITIES COORDINATED BY FRONTEX IN 2020

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 of Frontex coordinated operational activities is to add value at the European Union level by providing additional resources to areas facing a high pressure at the external borders.

This promotes the principle of European solidarity between the MS and ensures an adequate level of commitment of the MS with reference to their capabilities as well as equal possibilities to participate in the operational activities.

For the purpose of selection of the MNITE and the Rapid Reaction Equipment Pool for 2020 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 MS. 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.
## Period of rotation for JO 2020

<table>
<thead>
<tr>
<th></th>
<th>Period 1</th>
<th>Period 2</th>
<th>Period 3</th>
<th>Period 4</th>
<th>Period 5</th>
<th>Period 6</th>
<th>Period 7</th>
<th>Period 8</th>
<th>Period 9</th>
<th>Period 10</th>
<th>Period 11</th>
<th>Period 12</th>
<th>Period 13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travelling day</td>
<td>28 Jan</td>
<td>25 Feb</td>
<td>24 Mar</td>
<td>21 Apr</td>
<td>19 May</td>
<td>16 Jun</td>
<td>14 Jul</td>
<td>11 Aug</td>
<td>08 Sep</td>
<td>06 Oct</td>
<td>03 Nov</td>
<td>01 Dec</td>
<td>28 Dec</td>
</tr>
<tr>
<td>Briefing meeting</td>
<td>29 Jan</td>
<td>26 Feb</td>
<td>25 Mar</td>
<td>22 Apr</td>
<td>20 May</td>
<td>17 Jun</td>
<td>15 Jul</td>
<td>12 Aug</td>
<td>09 Sep</td>
<td>07 Oct</td>
<td>04 Nov</td>
<td>02 Dec</td>
<td>29 Dec</td>
</tr>
<tr>
<td>Operational days</td>
<td>29 Jan</td>
<td>26 Feb</td>
<td>25 Mar</td>
<td>22 Apr</td>
<td>20 May</td>
<td>17 Jun</td>
<td>15 Jul</td>
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<td></td>
<td>26 Feb</td>
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<td>07 Oct</td>
<td>04 Nov</td>
<td>02 Dec</td>
<td>29 Dec</td>
<td>27 Jan</td>
</tr>
<tr>
<td>Debriefing meeting</td>
<td>26 Feb</td>
<td>25 Mar</td>
<td>22 Apr</td>
<td>20 May</td>
<td>17 Jun</td>
<td>15 Jul</td>
<td>12 Aug</td>
<td>09 Sep</td>
<td>07 Oct</td>
<td>04 Nov</td>
<td>02 Dec</td>
<td>29 Dec</td>
<td>27 Jan</td>
</tr>
<tr>
<td>Travelling day</td>
<td>27 Feb</td>
<td>26 Mar</td>
<td>23 Apr</td>
<td>21 May</td>
<td>18 Jun</td>
<td>16 Jul</td>
<td>13 Aug</td>
<td>10 Sep</td>
<td>08 Oct</td>
<td>05 Nov</td>
<td>03 Dec</td>
<td>30 Dec</td>
<td>28 Jan</td>
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</tbody>
</table>