MANAGEMENT BOARD DECISION 12/2018
of 14 June 2018

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 organised and/or coordinated by Frontex in 2019

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\(^2\) in border management activities at the level of the European Union with a view to contribute to an efficient, high and uniform level of border control;

(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 organised and/or coordinated by Frontex in order to show their solidarity towards other Member States under specific and disproportionate migratory pressure;

(3) Pursuant to Article 39(5) of the European Border and Coast Guard Regulation, the Executive Director identifies the minimum number of items of technical equipment required to meet the needs of Frontex, 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) This Decision provides the basis for the Annual Bilateral Negotiations (ABN) and agreements between Frontex and the Member States.

---


\(^{2}\) For the purpose of this Decision, the term ‘Member State’ hereby includes also the States participating in the relevant development of the Schengen acquis in the meaning of the Treaty on the Functioning of the European Union and its Protocol (No 19) on the Schengen acquis integrated into the framework of the European Union.
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 (hereinafter as ‘MNITE’) and the Rapid Reaction Equipment Pool for 2019, the conditions for deployment and reimbursement of costs for operational activities organised and/or coordinated by Frontex during 2019.

2. The Decision also sets out the criteria for selection of the technical equipment to be deployed in 2019 and defines the conditions for amendment of MNITE 2019.

Article 2
Definition and types of assets required for the MNITE 2019 and Rapid Reaction Equipment Pool in 2019

1. For the purpose of this Decision, the MNITE 2019 is defined as the number of required asset-months per type of equipment. An asset-month represents operational deployment of an asset for a month, or the equivalent. The Rapid Reaction Equipment Pool in 2019 is defined as the minimum number of assets of a specific type available for immediate deployment in a rapid border intervention at any point during the year.

2. The MNITE 2019 for the planned operational activities and the Rapid Reaction Equipment Pool in 2019 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;
   - Buses;\(^2\)
   - Heartbeat Detectors;
   - Carbon Dioxide Detectors (CO\(_2\)).

3. The MNITE 2019 for the planned operational activities is presented as the required number of asset-months per type of equipment in the table below:

<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>
<th>Bus</th>
<th>Heart Beat Detector</th>
<th>CO(_2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of asset-months in 2019</td>
<td>67</td>
<td>82</td>
<td>80</td>
<td>56</td>
<td>45</td>
<td>184</td>
<td>875</td>
<td>6</td>
<td>24</td>
<td>48</td>
</tr>
</tbody>
</table>

4. The Rapid Reaction Equipment Pool in 2019 is presented as the required minimum number of items of equipment of specific type at any point during the year in the table below:

\(^2\) Buses are included in MNITE 2019, but not foreseen for the Rapid Reaction Equipment Pool in 2019.
5. To fill possible gaps in equipment for the MNITE 2019 and the Rapid Reaction Equipment Pool in 2019, and in order to develop its own operational capacity, Frontex may use its own acquired or leased technical equipment.

**Article 3**  
**Policy for selection of technical equipment**

1. Frontex strives to cover the identified operational needs for technical equipment by selecting suitable resources proposed by the contributing Member States.

2. In case the resources proposed by the contributing Member States are not sufficient to cover the operational gaps identified, these gaps may be covered by the use of Frontex own operational capacity where such capacity is available.

3. If the gaps identified cannot be filled in by the use of the Frontex own operational capacity, Frontex may re-prioritise the operational needs in order to ensure proper implementation of the envisaged operational activities.

4. The proposals 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 the MNITE 2019 and the Rapid Reaction Equipment Pool in 2019 are communicated by Frontex to the Member States in due time prior to the negotiation sessions of ABN 2019 in a form of a general call for contributions, where the specific requirements are indicated.

2. The Member States affirm 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 decides on the particular technical equipment to be included in the MNITE 2019 and the Rapid Reaction Equipment Pool in 2019.

3. During the negotiation sessions of ABN 2019 the Member States confirm their contributions to the MNITE 2019 and the Rapid Reaction Equipment Pool in 2019, 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 proposing technical equipment for operational activities organised and/or coordinated by Frontex and a transparent selection procedure, Frontex applies the following criteria:
   - Operational suitability;
   - Deployment capacity;
   - Cost efficiency.

---

**Table 2 - Rapid Reaction Equipment Pool in 2019**

<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>
<th>Heart Beat Detector</th>
<th>CO2</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of items required per month</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td>24</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
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 organised and/or coordinated by Frontex are further set out in the Annex.

**Article 6**

Conditions for deployment of technical equipment

1. Upon request of Frontex and in accordance with Article 39(8) of the European Border and Coast Guard Regulation, Member States make the equipment from the MNITE 2019 and the Rapid Reaction Equipment Pool in 2019 available for deployment during operational activities organised and/or coordinated by Frontex.

2. Frontex deploys the technical equipment from the MNITE 2019 and the Rapid Reaction Equipment Pool in 2019 under the conditions agreed with the respective Member States during the ABN 2019 process.

3. The conditions for the deployment of technical equipment which does not form part of the MNITE 2019 or the Rapid Reaction Equipment Pool in 2019 may be negotiated between Frontex and the Member States during the negotiation sessions of ABN 2019, 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 2019

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 2019, 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. In accordance with Article 39(12) of the European Border and Coast Guard Regulation, the Management Board informs the Commission of the shortfall and the steps it has taken. The Commission subsequently informs the European Parliament and the Council thereof and of its own assessment.

**Article 8**

Reimbursement of deployment costs

1. In accordance with Article 39(16) of the European Border and Coast Guard Regulation, Frontex finances 100% of the eligible costs related to the deployment of technical equipment which forms part of the MNITE 2019 or the Rapid Reaction Equipment Pool in 2019.

2. In accordance with Article 39(16) of the European Border and Coast Guard Regulation, Frontex co-finances up to 100% of the eligible costs related to the deployment of technical equipment beyond MNITE 2019 or beyond the Rapid Reaction Equipment Pool in 2019. The exact level of such co-financing is decided by the Executive Director taking into consideration the criteria specified in the Annex and following negotiations with the Member State concerned.

---

3. The eligible costs related to the deployment of technical equipment and conditions for reimbursement are specified in the Grant Agreement, including its annexes, signed between Frontex and each Member State.

**Article 9**

**Entry into force**

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

Done in Warsaw, 14 June 2018

For the Management Board

[signed]
Marko Gašperlin
Chairperson of the Management Board

**Annex:** Criteria for selection of technical equipment to be deployed during operational activities organised and/or coordinated by Frontex in 2019
CRITERIA FOR SELECTION OF TECHNICAL EQUIPMENT TO BE DEPLOYED DURING OPERATIONAL ACTIVITIES ORGANISED AND/OR COORDINATED BY FRONTEX IN 2019

In order to assess the proposals of the Member States (MS) related to the technical equipment to be deployed during Frontex organised and/or 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.

The above 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 2019 and the Rapid Reaction Equipment Pool in 2019 the following three categories of criteria are applied with equal weight:

i. Operational suitability

This category of criteria assesses the relevance of the technical equipment in view of the operational area’s 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 proposals 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 proposals 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.