



Beyond walls and fences: EU funding used for a complex and digitalised border surveillance system

**Study on the use of the Border Management
and Visa Instrument during the 2021 – 2027
Multiannual Financial Framework**





June 2024
Written by Chiara Catelli,
Policy Officer at PICUM and ECRE

Design: www.chocolatejesus.be
Cover picture: Gabriel Tizón
(www.utopiaproject.es)



This paper has been supported by the European Programme for Integration and Migration (EPIM), a collaborative initiative of the Network of European Foundation



This report has received financial support from the European Union Programme for Employment and Social Innovation "EaSI" (2021-2027). For further information please consult: <http://ec.europa.eu/social/easi>. The information contained in this publication does not necessarily reflect the official position of the European Commission.

Contents

Executive Summary	3
Introduction	7
I. Overview of the BMVI Regulation: establishing facts	10
1.1 Overview of spending for border management	10
Trend of increasing resources for border management	10
Thematic Facility	12
National programmes	12
Criteria for the allocation of resources	14
1.2 Structure and content of national programmes	15
Outlining thematic spending per category	15
Assessing different priorities based on EU financing rates	17
II. An assessment of the effectiveness of border management spending	21
2.1 Understanding the objectives	21
EU policy objective	21
National programmes objectives	23
2.2 Analysis of the breakdown of spending at national level	24
Infrastructure and equipment	24
Use of technology for large-scale IT systems and databases	29
Assistance and protection	30
Strategy and human capacity	31
Third countries	32
Actions supporting Frontex development	33
III. Monitoring and evaluation and safeguards	35
3.1 Monitoring and evaluation	35
Monitoring and reporting from the Commission	35
Monitoring and reporting from Member States	37
Evaluation	39
3.2 Safeguards	40
Safeguards under the BMVI Regulation	40
Implementing safeguards under the CPR	41

Conclusion	45
Recommendations	47
To the European Commission and Member States:	47
To the European Commission:	47
To Member States:	48
To the negotiators of the next MFF (European Commission, European Parliament and EU Member States):	48
Annex 1 – Scope and methodology	50
Annex 2 – BMVI national programmes	51
Annex 3 – Categories of spending	53

List of abbreviations

AMIF:	Asylum, Migration and Integration Fund
BMVI:	Border Management and Visa Instrument
CJEU:	Court of Justice of the European Union
CPR:	Common Provisions Regulation
CSO:	Civil Society Organisation
EC:	European Commission
ECHR:	European Court of Human Rights
EIBM:	European Integrated Border Management
EP:	European Parliament
ETIAS:	European Travel Information and Authorisation System
FRA:	Fundamental Rights Agency
HEC:	Horizontal Enabling Conditions
ISF:	Internal Security Fund
MFF:	Multiannual Financial Framework
MS:	Member States

Executive Summary

This study provides a critical analysis of the use of EU resources available under the Border Management and Visa Instrument (BMVI) for EU Member States. The analysis covers the 24 national programmes that are publicly available - it excludes programmes from Latvia and Germany, which were not publicly available, and Ireland, which does not participate in the Instrument. It establishes facts and figures on the use of the BMVI for border management activities by the Member States and provides an assessment of the effectiveness of the fund, including by highlighting potential areas of misuse of EU funds. It also examines monitoring and evaluation mechanisms and explores existing safeguards, particularly in relation to upholding fundamental rights in EU funded activities at the border.

Chapter 1

The first chapter provides an overview of available BMVI resources and a breakdown of the different categories of spending and funding modalities. It also analyses the trends in resource allocation across Member States, including comparisons with the previous Multiannual Financial Framework (MFF).

Key findings include:

Trend of increasing resources for border management throughout the period 2021 – 2027. In 2023, following a mid-term revision, the European Commission increased the budget available for the BMVI by 1 billion euros (an increase of 16% compared to the original allocation). The approval of the EU Pact on Migration and Asylum is also likely to increase the funding available to the BMVI and AMIF (Asylum, Migration and Integration Fund) by 600 million euros per year, starting from 2027.

In line with the Common Provisions Regulation (CPR), which permits the transfer of resources from one fund to another, the study found that Greece received an additional 620 million euros from other CPR funding instruments. As a result, Greece is the country receiving the largest amount of resources in absolute terms, more than 1 billion euros, constituting around one quarter of the total EU resources available for national programmes under the BMVI for 2021 – 2027.

More EU resources available to Member States compared to the previous Multiannual Financial Framework (MFF).

The study also finds that resources available to Member States for border management have increased by 45% compared to the previous MFF (for 2014 to 2020). A substantial budgetary increase was registered in five countries: Germany (+ 103%), Greece (+ 171%), Latvia (+ 196%), Slovenia (+ 141%) and Sweden (+ 100%). However, allocations to other countries at the external border of the EU, like Cyprus and Malta, were reduced by 14% and 56% respectively.

Member States mainly prioritise actions where the standard EU financing rate (75%) applies.

Of the actions that can be supported under the BMVI, the study reveals that Member States primarily allocate funding to activities for which 75% of the costs can be covered by EU funds (with the Member State's own matching contribution at 25%). Activities where this funding rate applies account for 56% of the national programme. The priorities considered most important are included in Annex IV of the BMVI Regulation and can be financed up to 90 % by the Union budget. These actions represent 4% of the national programmes. Measures in this category include the purchase of operating equipment for Frontex, the deployment

of immigration liaison officers in third countries, and measures to increase capacity to render assistance to persons in distress at sea and to support search and rescue (SAR) operations in the context of border surveillance at sea. The analysis further shows that the European Commission has so far channelled additional 219 million euros to national programmes via Specific Actions (7% of national programmes funds) to support the purchase of technical equipment needed by Frontex, and the development of large-scale IT systems and the interoperability of those systems. These actions are 100% covered by the Union budget.

Chapter 2

The second chapter analyses six categories of expenditures, using a classification system developed by ECRE and PIUM for the purpose of comparing different types of border management measures across Member States' programmes. These categories and the funding allocated to each are as follows:

(1) Infrastructure and equipment. 35.66% of national programmes funds is dedicated to strengthening infrastructure and equipment. While the European Commission has ruled out the possibility of using BMVI funding for walls and fences, Member States can use it to finance the renovation and establishment of buildings and permanent surveillance infrastructures, including in countries with track records of pushbacks or unlawful detention at borders. The funding is also being used to increase border controls with new technologies and the deployment of artificial intelligence measures. Other activities include the acquisition of police dogs, as well as vehicles for the transportation of people apprehended at borders. Greece

and Cyprus are using BMVI resources to run the hotspots on the Greek islands and in Pournara, even though these centres have been consistently documented as having challenging conditions.

(2) Use of technology for large-scale IT systems and databases. 36.30% of national programmes funds are dedicated to developing and expanding databases and information systems, as well as enhancing their interoperability. This investment is crucial for operationalizing systems that form the architecture of large-scale EU border-crossing databases, including Eurodac, Entry-Exit Systems, the European Travel Information and Authorization System (ETIAS), and the Schengen Information System.

(3) Assistance and protection. Only 0.04% of the funding in Member States' programmes is allocated to initiatives designed to increase support and assistance to people with vulnerabilities and people wishing to apply for international protection. Among these, only Croatia and Finland have earmarked funds for such priorities, while details about these measures are sparsely documented.

(4) Strategy and human capacity. 24.59% is allocated to strengthening internal strategic and human resources for the border management capacity of Member States. This includes the development of risk analysis capabilities, inter-agency cooperation at both national and Union level, and operating support, such as training for personnel.

(5) Actions implemented with, in and in relation to third countries. 1.06 % is designated to third countries' spending. Investments are focused on capacity building projects for border guards in third countries, deployment of immigration liaison officers in third countries, and secondments of border guards to third countries.

(6) Actions supporting Frontex development. 2.35% of the national programmes as designated can be directly linked to spending for the development of Frontex. However, it should be noted that that Member States also have the option to purchase equipment that can be utilized by the agency, which would fall under the broader categories of expenditure such as infrastructure, equipment, and IT systems.

Chapter 3

The third chapter explores monitoring and evaluation and safeguards, including rules related to fundamental rights conditionality of EU funds.

Monitoring and Reporting. The chapter explores the roles of the European Commission and Member States in monitoring the implementation of EU legislation and funding programmes at the national level. It finds that Member States' reporting includes the number of people refused entry by border authorities. This framing reinforces the idea that a functioning integrated border management can be measured by the number of people that are prevented entry at the border. However, there are no dedicated indicators for measures aimed at building child protection systems or first-reception services for individuals with vulnerabilities.

Monitoring Committees. The study assesses the role and composition of the monitoring committees formed at the national level for overseeing the implementation of EU funds. In line with the CPR, members of the monitoring committees should include experts in fundamental rights, including civil society organisations, national human rights institutions, and potentially the Fundamental Rights Agency. However, civil society organisations, in particular, face challenges such as underrepresentation and insufficient capacity to contribute meaningfully.

Evaluation. The paper analyses the roles of the European Commission and EU Member States in evaluating the programme. It finds that evaluations should be carried out by independent experts and involve relevant partners like civil society and fundamental rights bodies. According to the BMVI, the Commission is also required to pay particular attention to actions implemented with or in relation to third countries.

Fundamental rights conditionality. The BMVI and CPR lay down the framework of safeguards. The BMVI Regulation requires actions funded under the instrument to comply with the rights and principles enshrined in the Union acquis and the Charter of Fundamental Rights, as well as the Union's international obligations regarding fundamental rights. The CPR requires that the management of EU funds must also fulfil horizontal principles (fundamental rights, gender equality, and non-discrimination) and horizontal enabling conditions related to public procurement, the UN Convention on the Rights of Persons with Disabilities, and the Charter of Fundamental Rights.

The Commission verifies compliance and may suspend reimbursements if conditions are not met. It uses qualitative criteria, considering both judicial and non-judicial sources. Member States are required to have in place mechanisms to address fundamental rights breaches and report non-compliance cases to monitoring committees. The study finds, however, challenges such as limited awareness and accessibility of these complaint mechanisms lead to low reporting rates and delays in resolving issues. Additionally, a lack of transparency in the overall framework presents another significant challenge.

During the approval phase of the national programmes, the Commission requested additional clarifications on various issues in Member States. This includes lack of access to asylum procedures in Greece, reception and detention conditions in Cyprus and Greece, allegations of pushbacks, anti-discrimination issues in Poland, and deficiencies in judicial independence in Hungary. However, only the programmes of Hungary, Cyprus and Poland were considered non-compliant with the horizontal enabling conditions related to the Charter in the beginning of 2023. All programmes were eventually approved after exchanges between the Commission and Member States. Criticisms from the European Parliament regarding transparency in the assessment process led to a lawsuit concerning budget disbursement to Hungary.

The study concludes with a set of recommendations for both the EU and Member States. These recommendations address the allocation of additional BMVI resources anticipated in the implementation of the Pact and the BMVI mid-term review. They also emphasize the need for strict enforcement of fundamental rights conditionality, enhanced participation of civil society in EU funding monitoring committees, and planning for the next Multiannual Financial Framework beyond 2027.

Introduction

In the current Multiannual Financial Framework (MFF) 2021 – 2027, the European Union (EU) is dedicating significant political effort and financial resources to building stronger and technically more sophisticated external borders.

Resources for the reinforcement and militarisation of external borders are also increasing at the EU level. The Integrated Border Management Fund (IBMF)¹ surged by 135% compared to the corresponding programme during the period 2014 – 2020.² Through the Border Management and Visa Instrument (BMVI)³, the EU supports Member States to reinforce equipment, personnel capacity, infrastructures, and technology to be used at the EU's external borders. According to the findings of this study, there was a 45% increase in resources available to Member States compared to the previous budgetary period (2014 – 2020). Moreover, the mid-term revision of the MFF finalised in January 2024, along with the recently adopted Pact on Migration and Asylum, will contribute to further increasing the resources available under the BMVI.

Physical fences have proliferated at Member States' external borders and within EU/Schengen countries, growing over six times longer between 2014 and 2022, across EU and Schengen countries' borders.⁴ These barriers have also become increasingly complex, combining physical

structures and cutting-edge technologies to control and prevent movements of people at the borders, resulting in increasing violence, pushbacks and other fundamental rights violations.

Despite Member States' repeated requests⁵ to the European Commission to allow the financing of physical barriers from the EU budget (particularly the BMVI) as measures to protect the EU's external borders, the Commission has consistently ruled out⁶ this possibility, considering them inefficient and disproportionate measures for ensuring border controls.⁷ However, this study finds that the BMVI can already support a number of equally disproportionate measures which do not fundamentally differ from building walls and fences in that they also have a high impact on the fundamental rights of people at the EU's external borders.

In line with the EU Integrated Border Management Strategy, the BMVI Regulation allows Member States to support several activities aimed at increasing search and rescue (SAR) capacity, as well as assistance for people in border areas. This study takes stock of how these competing priorities of protection and deterrence have been implemented, and asserts that EU resources for border management should prioritise protection and assistance components and implement sufficient and functioning safeguards to ensure compliance with international and European legislation.

1 The Integrated Border Management Fund includes the Border Management and Visa Instrument (BMVI) and the Customs Control Equipment Instrument (CCEI).

2 EPRS briefing, *Migration and border management*, Heading 4 of the 2021 – 2027 MFF, 2021.

3 Regulation 2021/1148 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy, hereafter "BMVI Regulation".

4 European Parliament Research Service (EPRS) briefing, *Walls and fences at EU borders*, 2022.

5 <https://www.infomigrants.net/fr/post/35620/europe-should-pay-for-walls-against-migrants-say-ministers>

6 [Parliamentary question | Answer for question E-003322/21 | E-003322/2021\(ASW\) | European Parliament \(europa.eu\)](#)

7 [Parliamentary question | Answer for question E-003322/21 | E-003322/2021\(ASW\) | European Parliament \(europa.eu\)](#)

In particular, the study focuses on the first sub-objective of the BMVI Regulation⁸ related to border management:

“Supporting effective European integrated border management at the external borders, implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows.”

(Article 3(2) of the BMVI Regulation)

In 2024, the European Commission will conduct a mid-term review of the BMVI programme implemented at the national level, providing a key opportunity to assess the Member States’ performance in integrated border management. By analysing 24 national programmes⁹, as well as other publicly available sources, this paper aims to contribute to the mid-term review process, by critically analysing the programming and implementation of the BMVI in EU Member States.

The first chapter conducts an assessment of available BMVI resources and provides an overview of various areas of spending and spending modalities, including comparisons with

the previous MFF. The second chapter examines the effectiveness of the fund through an analysis of the most frequent categories of spending or underspending. This analysis aims to identify good practices related to the use of BMVI resources for the protection and assistance of people at borders, while also highlighting potential misuses of or risks in programme activities. The third chapter assesses monitoring and evaluation and existing safeguards, particularly in relation to fundamental rights. The study concludes providing recommendations to the Member States and the European Commission.

⁸ Article 3(2) of the BMVI Regulation. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1148>

⁹ All EU Member States except Ireland are associated with the BMVI, which brings the total number to 26 countries. However, the scope of this study is limited to the 24 countries whose programmes were publicly available at the time of this research, which means all countries except Latvia and Germany. Some of the missing data about these two countries have been complemented with Cohesion Data Platform managed by the European Commission. See Annex I for a full listing of the 24 Member States’ publicly available national programmes.

I. Overview of the BMVI Regulation: establishing facts

1.1 Overview of spending for border management

Trend of increasing resources for border management

The BMVI¹⁰ is one of the two components of the Integrated Border Management Fund (IBMF)¹¹, the 2021-2027 funding instrument dedicated to border management, visa and customs control. The IBMF replaces the Internal Security Fund – Borders and Visa (2014-2020), with a 135% increase from the previous budgetary period¹². The BMVI now boasts an overall budget of around 6.2 billion euros for the 2021 – 2027 period.¹³

In line with the BMVI Regulation, 59% of the funds are administered by EU Member States via shared management, and 41% by the European Commission via a Thematic Facility. The resources in the BMVI have continued to grow since the beginning of its implementation in 2021 due to a combination of political initiatives and implementation of existing rules, as observed in the table below.

10 Regulation 2021/1148 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy, hereafter "BMVI Regulation".

11 The Integrated Border Management Fund is made of two components: the Border Management and Visa Instrument (BMVI), and the Customs Control Equipment Instrument (CCEI).

12 EPRS briefing, *Migration and border management*, Heading 4 of the 2021 – 2027 MFF, 2021.

13 Allocations are expressed in 2018 as per in the BMVI Regulation unless specified. Discrepancies between the figures expressed in 2018 or current prices are due to the current levels of inflation.

BMVI ALLOCATIONS: CONSISTENT GROWTH SINCE 2021	
<p>Mid-term revision. In January 2024, the European Council adopted a revision of the current MFF, which, among others, increases the Migration and Border Management chapter by 2 billion euros for 2025 – 2027. Regarding the BMVI, the revision foresees an increase of 1 billion euros to be added to the Thematic Facility and channelled to the Member States’ programmes through Specific Actions.¹⁴</p>	<p>+1 billion euros (+ 16%) to the BMVI Thematic Facility to be channelled into MS programmes</p>
<p>Approval of the Pact on Migration and Asylum. In 2024, EU co-legislators approved a broad reform of the Common European Asylum System, which also amended the BMVI Regulation and established a Solidarity Mechanism. The Solidarity Mechanism will constitute a pool for Member States to participate in solidarity efforts, including through at least 600 million euros of financial contributions for AMIF and BMVI. These contributions will be channelled into the Union budget and then used to implement solidarity actions in select benefitting Member States via their national programmes. The Solidarity Mechanism should become fully operational by 2027.¹⁵</p>	<p>+600 million for AMIF and BMVI (as a minimum) per year for the Solidarity Pool starting from 2027</p>
<p>Transfers from other Common Provisions Regulation (CPR) funds.¹⁶ The Regulation allows for transfers of up to 5% of the initial allocation of other funds covered by the CPR. Although a comprehensive overview for all countries is not available, the findings of the research indicate that the Greek BMVI programme has benefited from this option, securing an additional 620 million euros from various CPR funds, including ERDF, ESF+, Cohesion Fund and EMFAF. This addition more than doubled the resources initially available for the BMVI.</p>	<p>+620 million euros transferred from various CPR funds to the Greek BMVI programme</p>

14 ECRE and PICUM Policy Note, *Revision of the MFF – Key recommendations on asylum and migration*, 2023.

15 Further analysis is included in the ECRE comments to the Asylum Migration Management Regulation, available at: [ECRE_Comments_Asylum-and-Migration-Management-Regulation.pdf](#)

16 The Common Provisions Regulation (2021/1060) covers eight funding instruments: European Regional Development Fund (ERDF), European Social Fund Plus (ESF+), Cohesion Fund, Just Transition Fund (JTF), European Maritime, Fisheries and Aquaculture Fund (EMFAF), Asylum and Migration Fund (AMIF), Internal Security Fund (ISF), Border Management and Visa Instrument (BMVI).

Thematic Facility

The European Commission's Thematic Facility consists of around 2.5 billion euros, to be managed in accordance with priorities defined by Work Programmes. The number and frequency of the Work Programmes are not defined by the BMVI Regulation but rather decided by the Commission itself in line with the BMVI Regulation objectives. So far, the European Commission has adopted two Work Programmes (2021-2022 Work Programme¹⁷ and 2023-2025 Work Programme¹⁸), and a third programme is expected for the remainder of the MFF period.

The purpose of the Thematic Facility is to have resources that can be allocated in a more flexible manner and adapted to unforeseen challenges

that may arise during the seven years of implementation of the MFF. The EC can manage such funds using different modalities:

- **Shared management** enables the EC to allocate additional funds to the MS programmes through Specific Actions. According to the Work Programmes, the EC has increased MS allocations by 219 million euros.
- **Union Actions and Emergency Assistance** are the parts of the Thematic Facility that are administered by indirect or direct management through calls for proposals, procurement, direct awards (to MS or international organisations) and delegation agreements.

National programmes

The BMVI Regulation allocates around 3.7 billion euros to Member States for the priorities identified in their national programmes. It further indicates that additional 611 million euros will be assigned following the mid-term review process, due by December 2024. After this review, the Member States have the opportunity to modify their programmes to adapt to new challenges. In addition, the European Commission has also used Specific Actions and Emergency Assistance to add to the funds allocated to Member States, as can be noted

in the national programmes themselves. Another way to increase the national allocations is through transfers from other CPR funds, as mentioned in the above table.

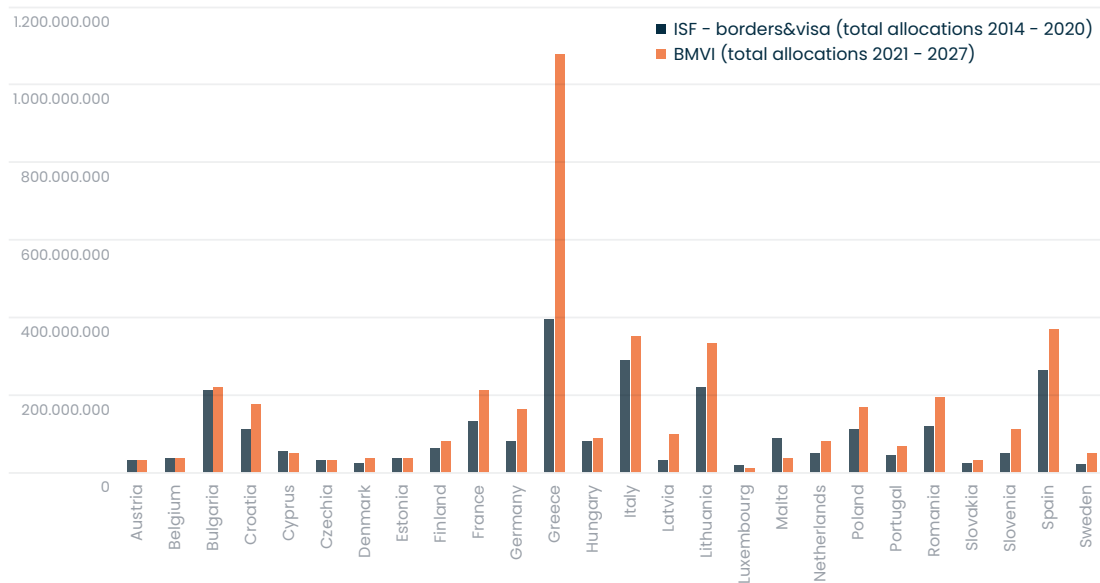
This means that overall, Member States have so far received 4 billion euros, an increase of 45%¹⁹ compared to the resources received under the Internal Security Fund (ISF) – Borders & Visa for 2014 – 2020 (the equivalent programme under the previous MFF).

17 https://home-affairs.ec.europa.eu/document/download/fdb3b8e6-2fac-4347-820e-f8f3010991ae_en?filename=BMVI%20sixth%20revised%202021-22%20work%20programme_en.pdf Work Programme

18 https://home-affairs.ec.europa.eu/document/download/3d7f4412-fecd-4f08-a9ea-11e8f4e43d3a_en?filename=Second%20revised%202023-2025%20Work%20Programme%20%28non-substantial%29.pdf

19 The overall percentage increase is calculated based on publicly available sources reporting allocations for ISF-borders&visa funds for the period 2014 – 2020 (https://home-affairs.ec.europa.eu/document/download/876c41e3-0512-4fcd-9e48-4f0a1b66e70_en?filename=ANNEX-8-Report-with%20%20bit%20notes_en.pdf) and current BMVI allocations 2021 - 2027 (https://home-affairs.ec.europa.eu/system/files/2023-09/AMIF-BMVI-ISF-total-allocations-per-Member-State-for-the-2021-2027-period_en.pdf). The allocations include top-ups from the Thematic Facility. The websites were last accessed on 19 February 2024.

Table 1: Total allocations of ISF Borders&Visa (2014–2020) and BMVI (2021–2027) per Member State



Source: ECRE and PICUM based on publicly available sources

The distribution of BMVI funding among Member States is complex and fragmented. In some cases, the current allocations are similar to those in the previous MFF, for example, there are similar amounts, with just a slight increase of below 5%, for Austria, Belgium, and Estonia. The allocations to two countries at the external border of the EU, Cyprus and Malta, were reduced by 14% and 56% respectively. On the other hand, the programmes of five countries increased substantially compared to previous allocations under the ISF – Borders & Visa (Germany +103%, Greece +171%, Latvia +196%, Slovenia +141% and +Sweden 100%).

Greece stands out as the country receiving the largest amount of resources in absolute terms, with more than 1 billion euros, representing around a quarter of the total EU resources available under the BMVI for 2021 – 2027. While the initial allocations for Greece amounted to 558 million euros, they were more than doubled by transferring resources from various other CPR funds, as demonstrated by the table above.²⁰ This further shows that supporting migration and border management in Greece has been a high priority for the EU in recent years.²¹

²⁰ Partnership Agreement with Greece 2021 – 2027. Available at: https://commission.europa.eu/publications/partnership-agreement-greece-2021-2027_en

²¹ <https://www.theguardian.com/world/2020/mar/03/migration-eu-praises-greece-as-shield-after-turkey-opens-border>

In this spirit, the multiple European Court of Human Rights (ECtHR) judgments condemning Greece for its human rights violations related to migration and border management, and continuous reports

of persistently degrading conditions, prison-like conditions, and restriction of movements in state-managed centres have had little impact on EU policies or funding allocations.²²

Criteria for the allocation of resources

The criteria for allocating BMVI resources are specified in Annex I of the Regulation: two tranches, at the beginning of the implementation period and following a mid-term review in 2024.

Initially, each Member State is allocated 8 million euros. Exceptions to this rule include Greece, Cyprus, and Malta, each allocated 28 million euros. Additionally, Lithuania is allocated approximately 201 million euros for administering the Kalingrad Special Transit Scheme.²³ The remaining 3 billion euros are distributed based on quantitative criteria which include the extension of land borders (35% of resources), sea borders (35%), workload at airports (20%), and consular offices (15%). For the external land and sea borders, the agreed formula also foresees an assessment of the workload based on the number of crossings at border crossing points (70%) and the number of third-country nationals refused entry (30%).

The same criteria (updated to reflect more recent statistics) are also applied to the 611 million euros that Member States will receive as of January 2025, following the mid-term review process. To receive the corresponding top-ups, Member States

need to show that they reached a minimum implementation rate of 10% of the initial allocations. If a Member State does not meet the criterion, the Thematic Facility will reabsorb the corresponding resources. As of end of April 2024, Latvia, Romania, Slovakia and Bulgaria are the only four countries which have received less than 10% of their payments.²⁴ However, they still have time to submit payment applications until 31 July 2024 (Article 91 of the CPR).

The agreed formula to allocate resources does not entail a qualitative analysis of the Member States' performance, including for the allocation of the second tranche. For instance, ECRE has previously suggested²⁵ that the number of people arriving at a Member State's border wishing to claim asylum should be added to the formula to ensure that countries are supported to respond to asylum requests. At the same time, a detailed assessment of a Member State's capacity to provide assistance and support to people at the borders could be included, with the objective of ensuring a balanced analysis of both qualitative and quantitative elements.

22 AIDA Report Greece 2022. Available at: <https://asylumineurope.org/reports/country/greece/>

23 Under the Special Transit Scheme, Lithuania receives support from the EU in managing the transit of persons from the Kalingrad Oblast (an exclave of the Russian territory between Lithuania, Poland and the Baltic sea) to the Russian Federation.

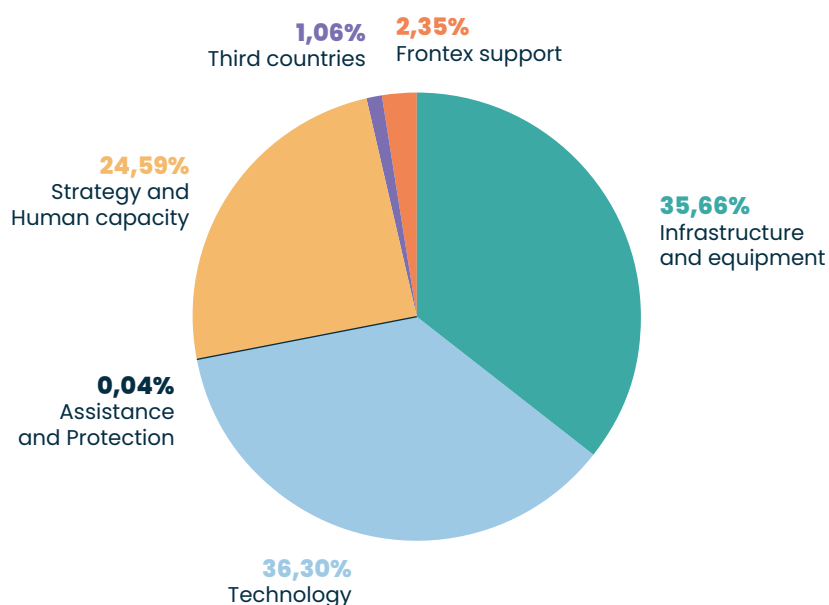
24 Cohesion Data Platform. Available at: <https://cohesiondata.ec.europa.eu/funds/bmvi/21-27#eu-payments> (last accessed 30 April 2024).

25 ECRE, Outspending on Migration?, 2018. <https://www.ecre.org/wp-content/uploads/2019/05/Policy-Note-18.pdf>

1.2 Structure and content of national programmes

Outlining thematic spending per category

Table 2: Total allocations per thematic category of spending



Source: 24 national programmes publicly available (see Annex 2)

The BMVI is divided into two policy areas, border management and common visa policy, with the requirement to dedicate at least 10% of the total allocations to the second policy objective. In their national programmes, MS dedicate an average of 75% of their BMVI allocations to the first objective on border management, ranging from 69% in Sweden to over 90% in Estonia.

The division into these two policy objectives provides only a broad picture of the thematic areas supported by the BMVI. However, Annex III

of the Regulation provides a detailed list of Union priorities defining the scope of support of the instrument. For the purpose of this study, ECRE and PICUM have developed a classification system for the spending under the BMVI Regulation, based on grouping the exhaustive list of activities included in Annex VI of the Regulation, and in line with the EC Communication on EIBM Strategy²⁶ and the priorities enlisted in Annex III (more details and explanations can be found in Appendix 3 of this study).

²⁶ European Commission, Communication from the European Commission establishing the multiannual strategic policy for European integrated border management, 2023. Available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52023DC0146>

The research finds that 36.30% of available BMVI resources in the national programmes are currently planned to be spent on the use of technology for border control purposes, including strengthening large-scale IT systems (such as ETIAS, EUROSUR and interoperability systems).

The second major allocation, comprising around 35.66% of the national programmes focuses on strengthening infrastructures and equipment. This includes renovating buildings at border crossing points, procuring operating equipment for border surveillance (surveillance technology, vehicles, potentially also for search and rescue purposes) and resourcing hotspots.

By grouping together these two categories, the EU Member States plan to spend around 2.3 billion euros (corresponding to 71 % of the EU budget) on objectives directly contributing to reinforcing their ability to control the EU's external borders.

A percentage of 24.59% of spending of the national programmes is devoted to strengthening strategic and human capacity of border control personnel. This includes activities aimed at developing risk analysis capacity, which, in line with the EIBM Communication Strategy,²⁷ aims to provide “analytical findings” for legal, technical and operational actions. In addition, activities financed under this category also aim at reinforcing inter-agency cooperation at national and Union level, for example by improving exchange of information between border control authorities at national level, Frontex and return authorities. MS have also planned to use these resources for operating support to the authorities responsible for integrated border management, and may include

a range of activities, potentially also trainings on fundamental rights.

As found by ECRE and UNHCR,²⁸ the scope for supporting actions implemented with, in and in relation to third countries has significantly broadened in the BMVI Regulation. Although it is clarified that the primary purpose of BMVI is to serve internal Union policy, it allows resources to be spent outside the EU with, in or in relation to a third country. Indeed, while any action enlisted in Annex III can support measures in third countries, due to the national programmes' structure, only some of the eligible activities can be clearly linked to spending in third countries. So far, only a small percentage of spending (around 1.06%) can be directly linked with spending under this priority, including inter-agency cooperation with third countries or the secondment of immigration liaison officers to third countries.

A slightly higher percentage (2.35%) can also be linked to direct spending in the national programmes to support the development of Frontex. However, it should be noted that the MS can also purchase equipment that can be put at the disposal of the Agency under the larger categories of spending 1 “Infrastructure and equipment” and 2 “Technology”. While this is often mentioned in the narrative part of the national programmes, it is impossible to make the connection between the purchase of equipment for Frontex and specific spending lines. It is, however, included in the list of “core performance indicators” under Annex V, which the Commission is required to report on to the European Parliament and Council, in line with the Financial Regulation.²⁹

²⁷ Ibid

²⁸ ECRE and UNHCR, *Follow the Money IV*, available at: https://ecre.org/wp-content/uploads/2022/11/UNHCR-ECRE-Follow_the_money-screen.pdf

²⁹ Article 41(3) of Regulation 2018/1046 on the financial rules applicable to the general budget of the Union, the “Financial Regulation”.

The BMVI can also be used to finance measures related to support of people with vulnerabilities, international protection applicants, victims of trafficking in human beings, and children, with a higher co-financing rates (up to 90% of the project costs instead of the usual 75%). Eligible measures include enhancing the “identification of, and the immediate support to, victims of trafficking in human beings”, and developing referral mechanisms, as well as developing integrated

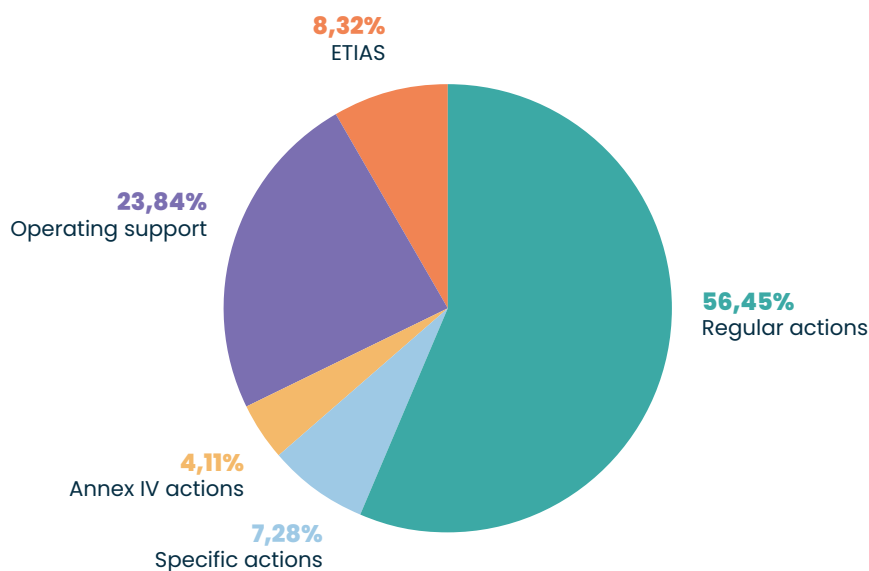
child protection systems at the external borders, including through the sufficient training of staff and the exchange of good practices. However, the study reveals that only two Member States (Croatia and Finland) have allocated funding to these priorities, representing a mere 0.04% of the total resources available in all national programmes (1.3 million euros).

Assessing different priorities based on EU financing rates

The national programmes also show a breakdown of actions by the level of contribution from the EU budget to the identified priorities, i.e. the EU financing rate, the percentage of funding for the activity covered by the EU (with the remaining percentage covered by the Member State’s own resources), as specified in Article 12 of the BMVI Regulation. Each funding modality corresponds to a different co-financing rate from the Union budget (75%, 90% or 100%), with higher rates meaning

higher prioritisation by the EU. This classification helps identify the priorities established by the European Commission, particularly those delivered as Specific Actions, which supplement the initial allocations to Member States.

Table 3: Total allocations by funding modality



Source: 24 national programmes publicly available (see Annex 2)

Regular Actions: The majority of the projects (around 56.45% of all actions) financed under the national programmes are activities for which the 75% financing rate applies. This includes all regular actions that are enlisted in the programmes and that do not require special support rates excluding the actions mentioned here below.

Operating support: About 23.84% of the national programmes are dedicated to operating support for the public authorities responsible for carrying out the tasks that are a “public service for the Union”. This may include covering the salaries of public authorities, including, for example, those of border guards, trainings, running costs of operations, maintenance or repair of equipment and

infrastructure. These expenses can be fully covered by the Union budget, i.e. with 100% financing rate.

ETIAS: Around 8.32% of the national programmes will be used to develop ETIAS. ETIAS is the new EU’s travel authorisation system for people travelling visa-free to the Schengen zone, which came into force in 2022. As highlighted by PICUM,³⁰ ETIAS is one of several EU information systems underlying the EU’s ‘interoperability’ framework, enabling the collection of information on people travelling visa-free, and denying entry to those who pose a security risk. These expenses can be fully covered by the Union budget.

30 PICUM, *Digital Technology, Policing and Migration – What does it mean for undocumented migrants?*, 2022. Available at: <https://picum.org/wp-content/uploads/2022/02/Digital-technology-policing-and-migration-What-does-it-mean-for-undocumented-migrants.pdf>

Annex IV actions. This category is a list of actions included in Annex IV of the Regulation, for which a 90% financing rate applies. Spending for these actions represents overall 4.11% of the priorities included in the national programmes. Member States “should be encouraged” to use their allocations to fund these activities (Recital 46), which include purchase of operating equipment for Frontex, measures supporting inter-agency cooperation with bordering third countries and the deployment of immigration liaison officers to third countries. These categories of resources can also be used to increase capacity to render assistance to persons in distress at sea and to support search and rescue operations in the context of border surveillance at sea.

Specific Actions: About 7.28% of the priorities of the national programmes are specific actions identified at Union level and in addition to the initial MS allocations. These actions correspond to roughly 219 million euros of the analysed programmes and concern “actions with Union added value which require cooperation among Member States” or “actions necessary to address developments in the Union which require additional funding” (Recital 49). The analysis of their content provides an outline of the priorities set at the European Commission level. This includes purchase of technical equipment needed by Frontex, the development of large-scale IT systems and the establishment of interoperability between those systems.

Key priorities identified by the European Commission in the national programmes include:

- Implementation of interoperability systems in 20 countries³¹;
- Purchase of new equipment for Frontex, including means of transport, surveillance capacity and patrol vehicles (in Slovakia and Estonia);
- Implementation of a 2.7-million-euro project on artificial intelligence in Greece and Cyprus. The national programmes specify that the project “REACTION: REal-time ArtiFicial InTelligence for BOrders Surveillance via RPAS data aNalytics to support Law Enforcement Agencies” will be led by the Hellenic Ministry of Migration and Asylum, with the objective to “to integrate, validate, and demonstrate a fully functional, next generation, holistic border surveillance and awareness platform, providing pre-frontier situational awareness beyond remote areas as an effective means for early identification of critical situations”.³²
- A 2-million-euro project in Estonia (BMVI/2021-2022/SA/1.2.1/003) that aims to increase border surveillance. It focuses on areas “where it is not economically feasible to build a permanent infrastructure”³³ by purchasing innovative mobile remote sensing systems.
- A 138-million-euro project (BMVI/2021/SA/1.5.8) in Lithuania, Latvia and Poland which will expand or build surveillance systems at the border with Belarus. In Poland, the specific action will be used to finance ‘Technical protection of the Polish state’s border (Construction of

31 Austria, Belgium, Bulgaria, Croatia, Czechia, Estonia, Finland, France, Greece, Hungary, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden.

32 Greece BMVI national programme. Available at: <https://migration.gov.gr/mg/>

33 Estonia BMVI national programme. Available at: <https://www.siseministeerium.ee/bmvi21-27>

technical protection of the EU's external border in wetlands, waterside areas and rivers along the Polish-Belarus border — 225 km)', and a work package to strengthen radio communication and data transmission for border guard officers at the external border. In Lithuania, it will focus on purchasing means of transport "of the services controlling the border and irregular migrants"³⁴. According to CEPS³⁵, this project was awarded following a request of 338 million euros by the three countries during the crisis

at the border with Belarus. This project follows a similar activity funded under emergency assistance to Lithuania from the ISF-Borders during the previous MFF. The border is currently fenced with physical barriers and concertina wires, and NGOs report that is not possible to determine whether EU resources were used for that purpose.³⁶

34 Lithuania BMVI national programme. Available at: <https://lr.v.lt/lt/es-fondu-investicijos-lietuvoje-2021-2027-m>

35 https://cdn.ceps.eu/wp-content/uploads/2023/10/EPRS_STU2023753156_EN.pdf

36 PRAB Policy Note III, *Walls and tech at Europe's borders: the new normal and a tool used to prevent people from crossing borders and even injuring those trying to reach safety*, May 2023 (page 8). Available at: https://pro.drc.ngo/media/2c9nt3oq/prab_-_policy-note_-_walls-and-high-tech-at-europe-s-borders.pdf

II. An assessment of the effectiveness of border management spending

2.1 Understanding the objectives

EU policy objective

A first step in assessing the effectiveness of spending is to analyse the objectives of national programmes. Here it is found that the overall objectives of the BMVI are not translated into programme objectives in a balanced way. Instead, the national programmes prioritise certain objectives – and then actions – at the expense of others. This limits the overall effectiveness of the BMVI because actions do not reflect the full range or objectives or the prioritisation in the instrument.

The overall objective of the BMVI Regulation is “to develop and implement strong and effective European integrated border management at the external borders, thereby contributing to ensuring a high level of internal security within the Union”. In addition, they should do it by “safeguarding the free movement of persons within it and fully respecting the relevant Union acquis and the international obligations of the Union and the Member States arising from the international instruments to which they are party” (Article 3(1)).

In addition, as already mentioned, the scope of this study is limited to the first sub-objective (Article 3(2)) that is to support “effective European integrated border management at the external

borders, implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect illegal immigration and cross-border crime and to effectively manage migratory flows”.

The EIBM Strategy published in March 2023 further explains that different components of border management objectives are to be pursued in parallel. The strategy acknowledges the same level of importance to the facilitation of “legitimate” border crossings, prevention of unauthorised crossings, detection of cross-border crimes, and ensuring “the swift registration and provision of care to persons in need of, or applying for, international protection”.³⁷ In addition to that, the overall objective of the BMVI also refers to a general duty to respect international obligations and Union acquis, which include international refugee and human rights law.

Furthermore, the policy objective is to be read in conjunction with the following list of implementation measures in Annex II.

³⁷ European Commission Communication establishing the multiannual strategic policy for European integrated border management, March 2023. Available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52023DC0146>

Implementation measures (Annex II):

- a. Improvement of border control by reinforcing capacities for carrying out checks and surveillance at the external borders, including measures to facilitate legitimate border crossing and measures related to
 - the prevention of cross-border crime (smuggling, trafficking and terrorism),
 - and the reinforcement of mechanisms and procedures for the identification of vulnerable persons, unaccompanied minors and persons who are in need of, or who wish to apply for international protection.
- b. Implementing technical and operational measures within the Schengen area;
- c. Risks analysis on threats that may affect functioning or security of external borders;
- d. Development of Frontex;
- e. Enhancement of inter-agency cooperation at national and Union level;
- f. Application of Union acquis in relation to external border;
- g. Implementation of large-scale IT systems (SIS, ETIAS, EES, Eurodac);
- h. Increase capacity to render assistance to persons in distress at sea and supporting search and rescue operations which might arise during border surveillance operation at sea;
- i. Support to search and rescue in the context of border surveillance at sea.

The list offers an overview of measures that can be financed by the BMVI, ranging from border control capacity activities and risks analysis, to implementation of large-scale IT systems and the development of Frontex, among others. An element of particular interest is that the BMVI can be used to increase capacity to render assistance to persons in distress at sea and to support search and rescue operations in the context of border surveillance at sea. This includes, for instance, expenditures in the area of equipment

and infrastructure, which could also serve the purpose. However, a prescriptive analysis of the national programmes – that is carried out more in detail in the next session – shows that investments in the area of equipment and infrastructure are primarily aimed at strengthening border control, including for the aim of preventing migrants from crossing borders, and do not devolve the same level of attention to the assistance of persons with vulnerabilities and international protection needs.

National programmes objectives

The BMVI Regulation outlines the general framework for intervention and specifies a closed list of activities eligible for support. However, MS have the flexibility to set their priorities within their national programmes, in line with the EU objectives.³⁸ The analysis of the descriptive part of national programmes, particularly the “Description of specific objective” section in the national programmes, reveals varying levels of emphasis on different elements of the BMVI objectives. Most Member States prioritise activities such as combating irregular crossings, enhancing border control and surveillance, or fostering cooperation with third countries. Conversely, they deprioritise activities like providing assistance to individuals at borders or enhancing search and rescue capacity, which could be funded through the BMVI too.

Particularly, several countries refer to the need to combat “illegal immigration” (Croatia) and prevent “illegal” crossings, including at sea and through unauthorised entry points (Greece). Cyprus also mentions that BMVI resources will facilitate smoother border crossings, detect smugglers and combat human trafficking. Croatia refers to the need to carry out “passenger profiling as much as possible”, in order to “train the segments of detection of forged documents and smuggling methods, and to provide for the routes of movement used for smuggling”.

Several programmes (including Belgium, Denmark, Czechia, Finland) also stress the importance of investing in interoperability systems, reflecting the EU’s strong efforts to build a system with complex databases storing the personal and biometric data of every non-EU citizen who comes to Europe.³⁹

Some countries (e.g. Finland and Poland) also mention that they will prioritise BMVI spending for enhancing “upgraded technology for border surveillance”. The Polish case is particularly interesting to understand how EU and national funding’s objectives intertwine. The national plan aims to “reduce the physical surveillance of the border”, by investing in technical means of border surveillance, such as optoelectronic systems on watch towers, mobile perimeter systems, portable thermal and night vision devices, and motion-activated security cameras. BMVI funding will also be used for the reinforcement of “technical surveillance” of the Polish-Ukrainian border (31 km), and it will complete plans to continue the border reinforcement (ca. 400 km) along the Polish border with Russia, Belarus and Ukraine. While EU funding supports the construction of anything that is not explicitly physical barriers, PRAB reports that national funding is being used for the construction of physical barriers of a “2,5 meter high and 3 meter wide wired fence (three rows of razor wire) at the Polish - Russian border (Kaliningrad Oblast)”.⁴⁰

38 The entire chapter, including the quotes, are based on an analysis of 24 BMVI national programmes that are publicly available on national EU funding websites. All consulted websites are listed in Appendix 2 of the study.

39 PICUM and Statewatch, *Data Protection, Immigration Enforcement and Fundamental Rights: What the EU’s Regulations on Interoperability Mean for People with Irregular Status*, 2019. Available at: <https://picum.org/wp-content/uploads/2019/11/Data-Protection-Immigration-Enforcement-and-Fundamental-Rights-Full-Report-EN.pdf>

40 PRAB Policy Note III, *Walls and tech at Europe’s borders: the new normal and a tool used to prevent people from crossing borders and even injuring those trying to reach safety*, May 2023 (page 8). Available at: https://pro.drc.ngo/media/2cqt3oa/prab-_-policy-note-_-walls-and-high-tech-at-europe-s-borders.pdf

Other countries strongly emphasise cooperation with third countries (Finland, Spain, Austria). Spain, for instance, mentions that it embodies the role of “guard of the EU Southern border”, which it will carry out by deploying personnel in countries of origin and transit of irregular migrants (Senegal, Mauritania, Cabo Verde, Gambia, Guinea Bissau, Republic of Guinea, Niger and Mali).

It is also noteworthy to highlight that only Italy has included among the objectives of its plan a reference to reinforcing the capacity to render assistance to people following search and rescue operations. The Italian programme is the only one among Mediterranean countries specifically framing assistance to people following search and rescue operations as a priority to be tackled with BMVI resources.

2.2 Analysis of the breakdown of spending at national level

This section provides an analysis of the types of activities that MS are planning to implement per category of spending described in Section 1.2 of this paper.

Infrastructure and equipment

MS have earmarked around 1.2 billion euros to bolster infrastructure and equipment, including for buildings at border crossing points and operating equipment for border surveillance, such as vehicles and vessels. Additionally, funds can be spent for equipment used in identification procedures, fingerprinting, registration, and the operation of hotspots. The Commission has reiterated its stance that EU funding cannot be allocated to walls or fences,⁴¹ deeming them inefficient and disproportionate measures for ensuring border controls.⁴² However, EU funding can already support a combination of equally disproportionate measures, such as permanent infrastructure, buildings at and between border crossing points, vehicles and equipment, including with integrated high technology systems.

Eight MS have planned to support the establishment or upgrade of border crossing points and surveillance infrastructure along their external borders, including in Croatia, Cyprus, France, Greece, Poland, Romania, Slovakia, and Spain. For example, in Lithuania, EU resources will be used to establish “specialised surveillance towers” with thermal vision and video surveillance cameras. In Poland, as mentioned in the previous section, EU money will support the construction and expansion of the infrastructure and buildings “which are not a physical barrier”. In Hungary, infrastructure interventions will focus on eight border crossing points, including renovations of border crossing points at the borders with Ukraine and Serbia. The programme specifically mentions that infrastructure renovations will build on the plans developed under 2014-2020 for Rösztke and Tompa at the Hungarian-Serbian border, and Kübekháza and

41 [Questions and Answers: Future EU funding for Borders and Migration \(europa.eu\)](#)

42 [Parliamentary question | Answer for question E-003322/21 | E-003322/2021\(ASW\) | European Parliament \(europa.eu\)](#)

Záhony, at the border with Romania and Ukraine, respectively. It is worth noting that the transit zone in Röszke was already targeted by a judgement of the Court of Justice of the EU in 2020, which ruled that third country nationals were being unlawfully detained, amounting to a deprivation of their liberty.⁴³

Several countries will use the BMVI to purchase various types of vehicles, with various degrees of technological sophistication, which in some cases include artificial intelligence. The programmes

of Estonia, Hungary, Greece, Poland, Romania, Slovakia and Italy will invest in new specialised vehicles equipped with integrated thermal imaging cameras, satellite communication, and x-ray identification systems, with off-road capabilities. In Lithuania, EU resources will allow the purchase of a stationary search detector for persons hidden in vehicles, and the new means of transport will be used to “apprehend promptly persons having committed illegal activities that are recorded by surveillance systems, and to prevent illegal migration”.

Use of surveillance systems and the General Data Protection Regulation (GDPR) – the case of Greece

In April 2024, the Greek Data Protection Authority (DPA) issued a 175,000 euros fine to the Ministry of Asylum and Migration.⁴⁴ The DPA decision found that the implementation of two border management systems, KENTAUROS and HYPERION, both funded by the ISF-BV during 2014-2020, violated several articles of the GPDR. In particular, the Greek authority found that the Ministry failed to conduct a Data Protection Impact Assessment (Articles 25 and 35), as well as to cooperate with the authorities by providing due clarifications on data processing (Article 31).

The decision provides some clarity on the obligations of Member States to duly assess the impact of surveillance systems on the rights of migrants, in line with the GDPR. KENTAURUS programme was applying integrated digital security systems utilising cameras and artificial intelligence behavioural analytics, while the CENTAUR programme included the use of video-surveillance and drones for data processing. Similar measures are included in the national programmes mentioned in this research.⁴⁵

43 ECRE, CJEU *Classifies Accommodation of Asylum Seekers in Hungarian Transit Zone as Detention*, March 2020. Available at: <https://ecre.org/cjeu-classifies-accommodation-of-asylum-seekers-in-hungarian-transit-zone-to-detention/>

44 Greece Data Protection Authority, press release: <https://www.dpa.gr/index.php/en/enimerwtiko/press-releases/ministry-migration-and-asylum-receives-administrative-fine-and-gdpr>

45 More information can be found at: <https://edri.org/our-work/greek-ministry-of-asylum-and-migration-face-a-record-breaking-e175000-fine-for-the-border-management-systems-kentauros-hyperion/>

The national programmes also enable MS to purchase vehicles for transporting people apprehended at the borders, with Croatia, Lithuania, Slovenia, and Spain set to make use of it. In particular, Slovenia will acquire minibuses for the transport of people apprehended at the border to the locations of “implementation of police procedures according to the Schengen Borders Code and bilateral agreements”. Slovenia has several bilateral readmission agreements in place with Croatia, Austria and Italy. According to AIDA country report 2023,⁴⁶ in 2022, Slovenia returned 2,361 people to Croatia and received 58 individuals from Austria and 65 from Italy. Such agreements have been deemed unlawful by a number of courts in Italy, Slovenia and Austria, as they form a system outside of EU legislation, allowing the “internal pushback” of migrants to other MS in informal procedures without a return decision, no individual assessment and no right to appeal or to legal aid and representation.⁴⁷

Hungary’s strategy includes integrating artificial intelligence into vehicles for ground and air reconnaissance operations, potentially involving the employment of drones, unpowered vehicles or other technologies, drawing on the experience of international security research projects.⁴⁸ Greece and Estonia will use artificial intelligence to expand their aerial surveillance capacity, e.g. by using

drones and other unpowered aircraft. Malta will also invest in digital technologies to improve their aerial border surveillance capacity. Aerial surveillance will also be strengthened by buying new helicopters and new medium-range surveillance aircraft in Greece, investing in the maintenance of air vessels for search and rescue in Italy, and new aircraft in Slovakia, Spain and Malta. It is noteworthy that Malta has not allocated any spending to maritime equipment, but only to aerial border surveillance equipment that, according to the national plan, is expected to contribute to search and rescue operations. These findings confirm a general trend that has characterised Malta’s progressive disengagement from its search and rescue obligations. In the past years, Malta has reportedly ignored distress calls, and criminalised rescue at sea (the main case was the El Hiblu case, ongoing since 2019⁴⁹), has refused to provide assistance to migrants in distress in the Central Mediterranean, and has been involved in several cases of pushbacks, as reported by many observers, including the OHCHR.⁵⁰

46 AIDA country report Slovenia, 2023. Available at: https://asylumineurope.org/wp-content/uploads/2023/05/AIDA-SI_2022-Update.pdf

47 <https://picum.org/blog/joint-civil-society-statement-schengen-borders-code/#:~:text=Courts%20in%20Italy%2C%20Slovenia%20and,trigger%20so%2Dcalled%20chain%20pushbacks.>

48 A report by Euromed Rights and Statewatch from 2023 analyses the role of EU-funded border security research projects in developing an increasingly complex and optimised system for border surveillance and control, which includes studies commissioned by the European Commission on areas related to migration and border management that could be further expanded by AI technologies. Euromed Rights and Statewatch, Europe’s techno borders, 2022. Available at: <https://www.statewatch.org/media/3964/europe-techno-borders-sw-emr-7-23.pdf>

49 PICUM, More than 100 people criminalised in 2022. Available at: https://picum.org/wp-content/uploads/2023/03/More-than-100-people-criminalised-for-acting-in-solidarity-with-migrants-in-the-EU-in-2022_EN.pdf

50 AIDA country report Malta, 2023. Available at: https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-MT_2022-Update.pdf

Funding for service dogs despite reports of violence in Poland, Lithuania, Spain and Croatia

The BMVI will also allow the acquisition of service dogs in Poland, Lithuania, Spain and Croatia. In Poland, sniffer dogs will be acquired for “the purpose of protecting the border, in areas where the technical surveillance system does not cover the entire section of the land border”. In Lithuania, the programme mentions that they are “irreplaceable helpers of border guards in patrolling, chasing, apprehending and escorting offenders”. The Croatian programme reports that “49 dogs and 49 vehicles for the transport of dogs” have been acquired by 2021.

The use of dogs in violent border incidents, including in the context of pushbacks, has been reported by several NGOs, with documented cases in Croatia and other countries along the Balkan route.⁵¹ The Border Monitoring Violence Network, for instance, reported that dogs are used to threaten and even bite migrants in the context of pushbacks in Croatia.⁵² Similar reports were also documented by the Council of Europe Committee on Prevention of Torture (CPT) in a report of a visit to Croatia in 2020⁵³.

Other spending will be dedicated to expanding maritime equipment by purchasing new patrol and rescue boats (Greece, Italy, Cyprus). France will reinforce its security measures and naval protection of ports and critical infrastructure. In addition to that, MS will also invest in other sophisticated types of border control operating systems, including heartbeat detectors, cameras, thermal imaging and automated fingerprint identification system in Austria and Estonia, software for reading electronic documents in most countries, equipment for biometric data analysis, and other sensor-based surveillance systems.

In Greece and Cyprus, the BMVI will support the running of hotspots, reception centres and border crossing points. In Greece, EU funding will be used to support identification facilities, including by providing a number of services such as food provision, security, deployment of interpreters on the Multi-Purpose Reception and Identification Centres (MPRICs) and renovations or maintenance of hotspots on the islands and other centres in Elefsina and Thessaloniki. In Cyprus, the BMVI will support renovations and maintenance of the First Reception Centre in Pournara. Both the Greek and Cypriot centres have been heavily criticised by numerous observers for the violations

51 Human Rights Watch, 2023. Available at: https://www.hrw.org/report/2023/05/03/we-were-just-animals/pushbacks-people-seeking-protection-croatia-bosnia-and#_ftn179

52 Border Monitoring Violence Network, *Torture and Cruel, Inhumane, or Degrading Treatment of Refugees and Migrants in Croatia in 2019*. Available at: <https://borderviolence.eu/app/uploads/CORRECTEDTortureReport.pdf>

53 Committee on Prevention of Torture, report on Croatia (2020), paragraph 16(iii). Available at: <https://rm.coe.int/1680a4c199>

of several fundamental rights and de facto detention of migrants, including from the European Ombudsperson⁵⁴ and many ECRE and PICUM members^{55 56}. In January 2023, the European

Commission confirmed some of these concerns by opening an infringement procedure against the reception conditions in the MPRICs in Greece.⁵⁷

Use of BMVI to fund the independent monitoring mechanism in Croatia

In Croatia, the BMVI is financing the implementation of the independent monitoring mechanism for fundamental rights in the field of border protection, irregular migration and international protection.⁵⁸ The website of the Ministry of the Interior reports that the project (HR/BMVI/2022/PR/01) has already been running since December 2022⁵⁹ and will be completed by the second quarter of 2024. It will be implemented by the Police and Border Directorates of the Ministry of the Interior for a value of 345,000 euros. Despite several challenges related to the implementation of the mechanism (including as reported by AIDA country reports⁶⁰), the use of BMVI for monitoring fundamental rights at the border is an example of how this funding instrument can also be used to increase safeguards to the protection of fundamental rights. However, the example of Croatia is still a unique case so far.

54 <https://www.ombudsman.europa.eu/en/decision/en/170792>

55 ECRE Weekly Bulletin, 3 February 2023. <https://ecre.org/greece-infringement-letters-from-the-european-commission-ngos-urge-more-oversight-on-greek-islands-joint-civil-society-rule-of-law-submission-hundreds-of-thousands-prevented-entr/>

56 Press statement from Kisa on Pournara Centre. Available at: <https://kisa.org.cy/ho-more-investigations-resignation-of-competent-ministers-and-closure-of-pournara/>

57 https://ec.europa.eu/commission/presscorner/detail/en/inf_23_142

58 Croatia BMVI national programme (Field intervention: 001 – border checks). Available at: <https://eufondovi.mup.hr/financijski-instrumenti-eu-82/financijski-okvir-2021-2027/489>

59 <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Feufondovi.mup.hr%2FUserDocsImages%2Fdokumenti%2FFPOPIS%2520ODO-BRENIH%2520PROJEKATA%2520BMVI%2520DO%25201.4.2024..xlsx%3Fvel%3D21187&wdOrigin=BROWSELINK>

60 AIDA country reports for Croatia are available at: <https://asylumineurope.org/reports/country/croatia/>

Use of technology for large-scale IT systems and databases

Member States have allocated approximately 1.2 billion euros to develop and expand databases, information systems, and enhance their interoperability. Investments in this area represent more than one-third of Member States allocations under BMVI and are instrumental to the operationalisation of information systems and databases that are forming the architecture of large-scale EU border-crossings data.⁶¹

Seven countries have earmarked resources for implementing Eurodac for border management purposes (Bulgaria, Croatia, Lithuania, Netherlands, Poland, Spain, Sweden). All Member States will be required to contribute to putting in place a completely transformed system, from an asylum database containing relatively little information to a wider immigration database for the storage of personal data of international protection applicants, third country nationals found to be irregularly staying in the EU and resettled persons. While only the mentioned programmes explicitly dedicate resources to Eurodac, most programmes still prioritise the implementation of the new database as a primary objective in the descriptive parts. Analyses by both ECRE and PICUM have raised concerns about the implications for the fundamental rights of undocumented migrants, applicants and beneficiaries of international protection stemming from the deployment of a reformed Eurodac. They highlight significant risks

for the right to privacy, data protection, access to asylum, right to human dignity, right to liberty and effective remedy that are not countered with sufficient safeguards.^{62 63}

The Entry/Exit System (EES) Regulation, adopted in 2017, originally scheduled for implementation in 2022, has faced multiple postponements, and is now projected to be implemented in late 2024. As a result of these implementation plans, the EES is a priority in several countries' programmes, including those of Cyprus, Finland, Malta, Italy, Netherlands and Croatia. As the system replaces manual stamping of passports with individual files in a centralised database, it requires a substantial expansion of biometric data detection and storage capacity. Registration of biometric data is mentioned as a key BMVI-financed activity in the Belgian, Croatian, French, Hungarian and Polish programmes. Hungary further specifies that this will include the development of "automatic facial recognition as a solution for the effective detection of the identity switches".

Following the introduction of EES, the implementation of the European Travel Information and Authorisation System (ETIAS) is set for mid-2025. Almost all of the analysed country programmes⁶⁴ earmark funding for the implementation of the new travel authorisation system, whose purpose is to assess whether third-country nationals exempt

61 A more detailed analysis of the timeline and content of these legislative measures can be found in a recent study by Eurostat and Statewatch, *Europe's techno borders*, 2023. Available at: <https://www.statewatch.org/media/3964/europe-techno-borders-sw-emr-7-23.pdf>

62 ECRE, *Focus on Eurodac: disentangled from the "package approach" but is it fit to fly?*, April 2023. Available at: <https://ecre.org/wp-content/uploads/2023/04/ECRE-Working-Paper-19-Focus-on-the-Eurodac-Dossier.pdf>

63 PICUM and Statewatch, *Data Protection, Immigration Enforcement and Fundamental Rights: What the EU's Regulations on Interoperability Mean for People with Irregular Status*, 2019. Available at: <https://picum.org/wp-content/uploads/2019/11/Data-Protection-Immigration-Enforcement-and-Fundamental-Rights-Full-Report-EN.pdf>

64 Austria, Belgium, Bulgaria, Croatia, Cyprus, Estonia, France, Greece, Hungary, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden.

from visa requirements pose a “security, illegal immigration or high epidemic risk”⁶⁵ by comparing these applications with other EU databases, including Europol, Interpol, EES, and SIS. One of the objectives of ETIAS is to enable an automated profiling system and create a watchlist accessible to Europol and Member States that will compare individuals’ applications with some risk indicators. While the watchlist technical specifications are still being developed with substantial delays as reported by EDRI,⁶⁶ the Dutch programme already makes it a clear priority, by stating that “data-driven profiling and ‘watchlist’ will be developed for border control”.

Almost all of the analysed countries’ programmes allocate funding to the Schengen Information System (SIS), another EU database⁶⁷ to build a

system to verify that a traveller does not constitute a threat to internal security. This system has been operational since 2001 and was reformed in 2018 to include information on return orders and entry bans, as well as a system for recognition of return decisions among Member States.

As demonstrated by the analysis of the structure of national programmes provided in Section 1.2, the descriptive parts of the national programmes contain several references to strengthening interoperability among the described systems, which stands out as a clear top priority in the programmes. In addition, the European Commission further supports such measures in 20 of the analysed programmes through Specific Actions that are included in the national programmes.

Assistance and protection

The BMVI Regulation allows MS to utilise EU funding to finance various measures to support individuals with vulnerabilities and international protection applicants. Particularly, the Regulation refers to the following measures:

- Technical and operational reinforcement and mechanisms and procedures for the identification of vulnerable persons and unaccompanied minors (Annex II, 1(a));
- Identification of, information provision to and referral of persons who are in need of, or who wish to apply for, international protection (Annex II, 1(a));
- To increase capacity to render assistance to persons in distress at sea and supporting search and rescue operations in situations which might arise during a border surveillance area (Annex II, 1(f));
- To enhance the identification of, and the immediate support to, victims of trafficking in human beings, as well as developing and supporting adequate referral mechanisms for those target groups (Annex IV, measure (5));
- The development of integrated child protection systems at the external borders, including through the sufficient training of staff and the exchange of good practices among Member States and with the European Border and Coast Guard Agency (Annex IV, measure (6)).

65 ETIAS Regulation 2018/1240.

66 EDRI, <https://edri.org/our-work/development-of-eu-border-police-watchlist-is-progressing-well/>

67 Belgium, Bulgaria, Croatia, Cyprus, Estonia, France, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden.

However, only two types of interventions related to assisting people at the border have clear spending lines associated with them, i.e. the referral and identification of vulnerable people and potential international protection applicants. The analysis of the national programmes indicates that spending in this category is the least used by Member States' programmes, with only two countries (Croatia and Finland) earmarking funding for these priorities, allocating one million euros and approximately 300,000 euros in total.

Strategy and human capacity

Around a quarter (835 million euros) of the entire BMVI resources available to MS will be spent to strengthen internal strategic and human resources for the border management capacity of Member States. This category of spending includes a variety of activities such as operating support to authorities, i.e. staff costs, trainings, running costs of operations (Annex VII of the Regulation), as well as other human resources measures, including those related to risk analysis capacity and inter-agency cooperation at national and Union level.

All the programmes analysed include different training modules targeting national staff and border guards in the field of border management, including on fundamental rights and on curricula either developed by or to provide further support to Frontex. While it is impossible to quantify spending on trainings at the national level due to the lack of this level of details in the budget breakdown, the analysis of the descriptive parts of the programmes provides an overview of the main areas that national authorities are prioritising.

The descriptive parts of other countries' plans do not provide information on other actions that could be associated with this purpose, with the exception of training modules, which will be analysed in the next section (2.2.4). The Spanish programme also refers to general measures to enhance the identification, health and humanitarian assistance to people during a maximum period of 72 hours. However, these are not linked to specific budget lines.

The main training curricula will involve:

a) Fundamental rights and vulnerabilities: While the BMVI is only providing limited operational support to people with different vulnerabilities or to actions in the areas of fundamental rights, at least six countries (Croatia, Cyprus, Greece, Finland, Italy, Poland, Romania) are planning training modules mainly for border guards in these areas. Particularly, Croatia, Cyprus, Poland and Romania will organise trainings for the identification and referral of vulnerable groups and trafficking in human beings. Lithuania will also organise modules on data protection and anti-smuggling of persons, and Poland on the protection of children, asylum law and non-refoulement.

b) Language support: Some countries (including Croatia, Czechia, France and Italy) are also investing in language courses for border guards. Greece, Italy and Poland will also use the funding opportunity to hire additional cultural mediators and interpreters to support border activities.

c) IT skills: To support the deployment of additional various large-scale IT and other technological equipment, seven national programmes (Bulgaria, Czechia, Netherlands, Poland, Romania, Slovenia and Spain) are planning to invest in the IT skills of border guards. This includes various training modules on the operation of specific optoelectronic, surveillance, check and control devices (Poland), and biometrics (Romania).

d) Frontex: In line with the objectives of the BMVI instrument, Malta, Cyprus, France, Portugal and Spain are planning to use operational guidelines and training curricula developed by Frontex to train their police and border guards. Concerning their content, trainings in Cyprus and Greece aim to enhance search and rescue (SAR) operations, and in Spain, to improve general border surveillance capacity.

The BMVI also plays a significant role in covering the overall running costs essential for programme operation. This can include resources for hiring new personnel responsible for IT systems (Netherlands), running integrated security systems at borders (e.g. at the Bulgarian-Turkish border or Automated Surveillance System at the Bulgarian-Serbian border), or paying for fuel and insurance for vehicles, ships and helicopters (Bulgaria). In Greece, the BMVI will provide around 328 million euros to support a wide range of operating support measures. These will include covering personnel costs of 1,600 new police recruits, border guard salaries and daily allowances, as well as the recruitment of staff for the purpose of “guarding, security, and emergency response” in the Multi-Purpose Reception and Identification Centres (MPRICs).

Third countries

Member States have earmarked around 36 million euros of the programmes analysed to third countries' spending, which correspond to about 1% of the total allocations. However, as mentioned in section 1.2, this number is likely only a small proportion of all activities that the BMVI is supporting in, with or in relation to third countries. In particular, the figure includes measures that can be directly associated with spending, i.e. those related to inter-agency cooperation with third countries and joint deployment of liaison officers. Nevertheless, the scope of the BMVI is considerably broader and it may potentially cover all activities enlisted in the Scope of Support section (Annex III). The descriptive parts of the programmes provide some additional details in this regard.

Several countries plan to invest in capacity building projects for border guards in third countries. Austria plans to implement capacity building projects in both country of origin and transit (e.g. Kosovo and Tunisia), “similar to the ICMPD projects in Libya, Tunisia, Moldova and Ukraine”. The Italian programme will invest on capacity building and sharing of best practices in the area of counter-smuggling, with the objective of reinforcing the police and border guards of third countries in “managing irregular flows”. For example, they intend to organise training sessions and workshops for border operators from non-Schengen countries in Egypt. Portugal has also planned to train border guards from nine third countries (Angola, Brazil, Cape Verde,

Guinea-Bissau, Equatorial Guinea, Mozambique, São Tomé and Príncipe, and East Timor) on a number of topics, such as: prevention of irregular migration, assistance to irregular migration, trafficking in human beings and other illicit trafficking, document fraud, border surveillance, fundamental rights, and application of ICT for border management. Lastly, France will invest in an operational taskforce to improve communication with the British authorities.

Member States are also investing substantial BMVI resources in the deployment of immigration liaison officers in third countries, and secondments of border guards to third countries, with the aim to reinforce cooperation, operational capacity and exchange of best practices (Recital 36, BMVI Regulation). Austria, Bulgaria, Finland,

Italy, Romania, Slovenia, Spain and Sweden have planned activities and ring-fenced related spending to deploy immigration liaison officers and border guards in third countries. Particularly, Spain and Slovenia have respectively allocated 11.5 and 10.3 million euros to the deployment of immigration liaison officers in third countries, amounting to about two-thirds of all the resources earmarked to these measures in all the analysed programmes. Romania specifies that by 2024, they will deploy personnel in Bosnia and Herzegovina, Serbia, North Macedonia, Montenegro, Albania and Kosovo. Within the framework of bilateral police cooperation aiming for the “prevention of irregular migration”, Serbia and North Macedonia will deploy eight teams of up to 10 police officers per group on a yearly basis.

Actions supporting Frontex development

The analysed Member States' programmes allocate 79.9 million euros to the development of the European Border and Coast Guard. However, this figure is likely to be underestimating the entire amount of resources that Member States dedicate to Frontex development. This figure complements the budget of around 5.6 billion euros already allocated to Frontex for the period 2021 – 2027, which skyrocketed since the previous budgetary period.⁶⁸

The BMVI objective to support effective European integrated border management has to be developed under shared responsibility by Frontex

and the national authorities responsible for border management. Consequently, there are several areas outlined in the BMVI Regulation where Member States activities can either contribute to or benefit from the agency's work. One area concerns the analytical tools, training curricula, and operational and technical guidelines material developed by Frontex already analysed in section 2.2.4, which require Member States to take them into consideration in their plans. Another area relates to the Specific actions analysed under section 1.2, which allow Member States to use part of the BMVI funding to purchase technical equipment needed by the agency. Additionally, Member States have

⁶⁸ Statewatch, *At what cost? Funding the EU's security, defence, and border policies, 2021–2027*, 2022. Available at: <https://www.statewatch.org/publications/reports-and-books/at-what-cost-funding-the-eu-s-security-defence-and-border-policies-2021-2027/>

the option to procure technical equipment outside of specific actions to meet their obligation to contribute to Frontex's technical equipment pool⁶⁹. However, the national programmes can refer to the equipment purchased for Frontex capacity in intervention fields that are not immediately associated with this purpose, such as those related the intervention fields analysed in Section 2.2.1.

While the financial planning of the programmes shows that twelve Member States (Austria, Croatia, Denmark, Estonia, Finland, Germany, Greece, Italy, Malta, Romania, Spain and Sweden) are earmarking resources on Frontex development, the descriptive sections of implementation

measures offer some additional details. Most of the analysed countries are contributing to the technical equipment tools, by purchasing vessels, aircraft, drones and other surveillance equipment (Romania, Croatia, Denmark, Italy). Spain and Malta are providing border guards and other personnel to contribute to Frontex Standard Corps. For example, Malta will make available 48 border guards and 16 information officers. Importantly, a significant proportion of the funding is concentrated in Denmark and Germany's programmes, which allocate 10 and 57 million euros respectively, out of a total of 79.9 million euros dedicated to this category.

69 Regulation 2019/1896, "Frontex Regulation", Article 64(9).

III. Monitoring and evaluation and safeguards

Monitoring and evaluation is a requirement for all EU programmes and involves a variety of different tools and mechanisms which are aimed at assessing the delivery of programmes, their effectiveness and their quality, as well as seeking to prevent misuse.

A related issue is the safeguards built into EU law which aim to prevent violations of fundamental rights in the EU activities, including in EU funded programmes. This reflects the obligations in EU primary law, and notably the Charter of Fundamental Rights of the EU (the Charter), references to which are mainstreamed throughout EU secondary legislation including the BMVI.

Monitoring and evaluation and safeguards are linked in that monitoring and evaluation includes evaluation of compliance with fundamental rights obligations – among other objectives – and safeguards may include the ongoing monitoring of activities. This chapter first examines the monitoring and evaluation tools for the BMVI, and then, given the significant risks of fundamental rights violations outlined in the previous sections, it provides an analysis of the available safeguards, according to the BMVI and CPR Regulations.

3.1 Monitoring and evaluation

Monitoring and reporting from the Commission

The European Commission has a formal role in monitoring the implementation of EU legislation at national level, including EU funding programmes. The Commission is specifically tasked with reporting to the European Parliament and Council on a yearly basis. This involves preparing a document detailing the progress

towards achieving programme objectives to the annual draft budget of the EU, as outlined in Article 41(3) of the Financial Regulation. The reporting exercise is based on a list of performance indicators included in Annex V of the BMVI Regulation, which the Commission has the possibility to amend through delegated acts.

Core performance indicators:

1. The number of items of equipment registered in the technical equipment pool of the European Border Coast Guard Agency.
2. The number of items of equipment put at the disposal of the European Border Coast Guard Agency.
3. The number of initiated/improved forms of cooperation of national authorities with the EUROSUR national coordination centres.
4. The number of border crossings through automated border control systems and e-gates.
5. The number of addressed recommendations from Schengen evaluations and from vulnerability assessments in the area of border management.
6. The number of participants who report three months after a training activity that they are using the skills and competences acquired during that training activity.
7. The number of persons who have applied for international protection at border crossing points.
8. The number of persons refused entry by border authorities.

While Member States are required to report on the number of people applying for international protection at border crossing points, their performance is also linked to the number of people refused entry by border authorities. This framing reinforces the idea that a functioning integrated border management can be measured by the number of people that are prevented entry at the border. Furthermore, there are no dedicated indicators allowing Member States to report on their performance in the areas of building integrated child protection systems, first-reception measures for people with vulnerabilities, international protection applicants or those rescued following search and rescue operations. The European Commission also updates a

website with information on the progress of programmes implementation. It provides information on the implementation at both national level and through the Thematic Facility. For instance, it reports that the BMVI emergency assistance strand contributed to managing “external border crossings in line with the Commission’s operational guidelines and first-reception activities within the area dedicated to border controls”.⁷⁰

⁷⁰ https://commission.europa.eu/strategy-and-policy/eu-budget/performance-and-reporting/programme-performance-statements/integrated-border-management-fund-performance_en

Monitoring and reporting from Member States

Member States have the obligation to monitor the implementation of the BMVI programme through dedicated monitoring committees formed at national level, as defined by the Common Provisions Regulation.

The architecture of the Common Provisions Regulation allows for the participation of experts in the field of fundamental rights, including civil society organisations, national human rights institutions (e.g. national ombudspersons), as well as the Fundamental Rights Agency in the monitoring of programmes at national level. This practice of involving partners in all stages of the programming period is commonly referred to as partnership principle. However, as reported by the EU Fundamental Rights Agency (FRA)⁷¹, as well as by several ECRE and PICUM members, both civil society and equality bodies experience several challenges to their participation that are common to all Home Affairs funds. For instance, civil society organisations are still underrepresented in the monitoring committees, and in some cases, they experience difficulties in providing a meaningful contribution due to insufficient capacity and lack of expertise to go through technical documents and procedures that are discussed in the monitoring committees.

Composition of the monitoring committees:

- Relevant Member State authorities
- Intermediate bodies
- Representatives from relevant partners:
 - » regional, local, urban and other public authorities
 - » economic and social partners
 - » non-governmental organisations
 - » bodies responsible for promoting social inclusion, fundamental rights (such as national human rights institutions), rights of persons with disabilities, gender equality and non-discrimination
- The European Commission in an advisory capacity
- Possibility to participate for decentralised agencies

71 FRA, EU funds: ensuring compliance with fundamental rights, December 2023. Available at: <https://fra.europa.eu/en/publication/2023/eu-funds>

Positive practices on inclusion of migrants' rights organisations in monitoring committees

There are also some positive developments in terms of level of participation registered in the first year of actual implementation of the programmes. In Hungary, for example, ECRE and PICUM members report that the Home Affairs monitoring committee now includes a member from civil society responsible for each funding programme, as a result of direct push from the European Commission on the implementation of the partnership principle. In Spain, when the BMVI/ISF monitoring committee was created in 2023, it first only included an organisation working in the area of disability rights, but no organisations in the area of asylum and migration. Several organisations denounced this shortcoming in a report to the anti-fraud agency OLAF, arguing that if the committee was ticking the box of civil society participation, its membership lacked the sufficient representation of organisation directly working at the borders and providing support to migrants. Eventually, an ECRE-PICUM member was admitted in the membership of the monitoring committee.

Regarding the functions, the committees are tasked to examine, among others, the progress in programme implementation, any issues affecting performance and the contribution of the programmes to tackling country-specific challenges. They also play an important role in examining the fulfilment of enabling conditions and their application throughout the programming period, as further analysed in the next section and in a previous ECRE-PICUM policy note from 2023.⁷² Furthermore, they also approve the annual performance reports to be submitted every year by 15 February, which are then discussed by the managing authority and the Commission at least twice during the period 2021 – 2027. These reports should include information on the progress of implementation, on the fulfilment of enabling conditions, in particular in

compliance with fundamental rights, as well as on implementation of projects in or in relation to a third country. However, there is no obligation to publish the reports, and only short summaries are regularly uploaded on the European Commission website.⁷³ Given that all programmes were delayed and approved towards the end of 2022, the summaries currently available only provide some general information on content, the date of approval, and whether the calls have been launched. Furthermore, the summaries of Portugal and Germany's reports are not yet available.

72 ECRE and PICUM, *Fundamental Rights compliance of funding supporting migrants, asylum applicants and refugees inside the European Union*, March 2023. Available at: <https://ecre.org/wp-content/uploads/2023/03/PIC-ECR-Rights-and-EU-funds-March-2023.pdf>

73 Summaries of BMVI annual performance reports. Available at: [a18c70d8-e188-4801-8955-1d38e1928619_en \(europa.eu\)](https://ecre.org/wp-content/uploads/2023/03/PIC-ECR-Rights-and-EU-funds-March-2023.pdf). Last accessed: 24 April 2024.

Evaluation

The evaluation of the BMVI programmes is another shared task between the European Commission and the Member States.

Mid-term evaluations by Member States. The Member States are required to perform an evaluation of the BMVI programmes by March 2024. Their evaluations should include “one or more of the following criteria: effectiveness, efficiency, relevance, coherence and Union added value”. The legislation also opens up to cover “other relevant criteria, such as inclusiveness, non-discrimination and visibility”.⁷⁴ While there are no specific requirements to evaluate the human rights impact, according to the EU Fundamental Rights Agency (FRA)⁷⁵, the legislation provides sufficient room to increase the focus to include specific examples of projects promoting fundamental rights or additional information on the horizontal enabling conditions. This might also be complemented by operations that provide assistance to people at borders or strengthen search and rescue capacity at sea.

The evaluations have to be entrusted to functionally independent experts and published on the relevant national websites. Relevant partners, such as civil society and fundamental rights bodies in the meaning of CPR, should also be involved in the process through the monitoring committees, which have a formal role in approving the evaluation plans.

BMVI Evaluation timeline

Mid-term evaluation by Member States: **31 March 2024**

Mid-term evaluation by European Commission: **31 December 2024**

Ex-post (retrospective) evaluation by European Commission: **31 December 2031**

Mid-term and Ex-post (retrospective) evaluation by the European Commission. The Commission is tasked to perform a mid-term evaluation of the BMVI Regulation by the end of 2024, and a final evaluation by the end of 2031. Such evaluation should assess the effectiveness, efficiency, relevance and coherence of the programme implementation. Particularly, the effectiveness of the programme has to take into account the already available annual performance reports, and a list of results and output criteria laid down by Annex VIII. According to that list, the evaluation reports should also contain information on the number of cooperation projects with third countries and on the number of persons who have applied for international protection at border crossing points. The Commission has also an obligation to “pay particular attention to the evaluation of actions implemented with, in or in relation to third countries” (Art. 28(5) of the BMVI). The mid-term and retrospective evaluations should be published

⁷⁴ Common Provisions Regulation, Article 44.

⁷⁵ FRA, EU funds: ensuring compliance with fundamental rights, December 2023. Available at: <https://fra.europa.eu/en/publication/2023/eu-funds>

by the Commission, except in duly justified cases. The Commission formally receives inputs from civil society through the platform Have your say, where a consultation was published in 2023.⁷⁶

Thematic Facility. In line with Article 8 of the BMVI Regulation, the Commission has the obligation

to engage with civil society organisations and relevant networks in preparing and evaluating the work programmes for Union actions financed under the instrument. However, no formal consultation mechanisms were established to prepare the current work programmes.

3.2 Safeguards

Safeguards under the BMVI Regulation

The Member States and the European Commission are required to observe specific rules and safeguards ensuring that the Charter of Fundamental Rights, principles of non-discrimination, and non-refoulement in EU-funded activities are respected.

Some of these safeguards are laid down by the BMVI Regulation. Article 4 states that:

“Actions funded under the Instrument shall be implemented in full compliance with the rights and principles enshrined in the Union acquis and the Charter and with the Union’s international obligations as regards fundamental rights, in particular by ensuring compliance with the principles of non-discrimination and non-refoulement”.

While these safeguards apply to all funded actions under the programme, which include resources managed at national and Commission levels, there are some additional guarantees applying to the Thematic Facility. The Regulation clarifies that funding from the Thematic Facility should not support projects in Member States where they may be affected by a reasoned opinion by the Commission in respect of infringement proceedings (Article 8(4)).

Recital 41 further explains that a Member State may be considered not compliant with the relevant Union acquis on three occasions:

- If it fails to fulfil its obligations under the Treaties, including as regards fundamental rights;
- If there is a clear risk of a serious breach of Union values; or
- If the Schengen evaluation and monitoring mechanism identifies deficiencies in these areas.

⁷⁶ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13851-Border-Management-and-Visa-Instrument-BM-VI-for-2021-2027-mid-term-evaluation_en

Implementing safeguards under the CPR

The CPR sets out common rules for using EU funds under shared management for eight funding instruments, including the BMVI. The CPR carries a significant potential for operationalising the conditionality of EU funds to the Charter of fundamental rights and other horizontal principles.

- Prevention of any forms of discrimination based on gender, racial, ethnic origin, religion or belief, disability, age or sexual orientation at all stages of the programmes;
- Sustainable development and environmental considerations.

Horizontal Principles (Article 9)

All actions implemented by Member States and the Commission should respect several horizontal principles, which include:

- Fundamental rights;
- Gender equality, gender mainstreaming and a gender perspective in all phases of preparation, implementation, monitoring, reporting and evaluation of programmes;

Horizontal enabling conditions (HEC) (Article 15)

The Member States programmes need to respect a number of horizontal enabling conditions (HEC) in the area of public procurement, implementation and application of the UN Convention on the Rights of Persons with Disabilities, as well as implementation and application of the Charter of Fundamental Rights. Particularly, on the latter, the Regulation requires Member States to have in place effective mechanisms to ensure compliance with the Charter of Fundamental Rights.

Horizontal enabling conditions on the Charter of Fundamental Rights:

- (1) Arrangements to ensure compliance of the programmes supported by the Funds and their implementation with the relevant provisions of the Charter
- (2) Reporting arrangements to the monitoring committees regarding cases of non-compliance of operations supported by the Funds with the Charter and complaints regarding the Charter submitted in accordance with the arrangements made pursuant to Article 69(7) of the CPR.

These requirements should be met at all stages of programme implementation, and the European Commission is obligated to verify compliance. If the Commission determines that the horizontal enabling conditions are not met, it must suspend reimbursements requested by the Member States, except for measures necessary to fulfil these conditions.⁷⁷ Information on whether the Member States' programmes fulfil the horizontal enabling conditions can be found in a dedicated section of the approved national programmes (Table 9). However, such information is often vague and limited to general remarks on which mechanisms are in place. The Commission assessments are also not systematically published, although they have been made partially available in redacted form, following a request for access to documents filed for the purpose of this study.⁷⁸ Following various requests from stakeholders and the members of the European Parliament⁷⁹, the Commission also agreed to publish an internal checklist used by its staff to assess compliance with the horizontal enabling conditions. The request to receive the final assessments of the horizontal enabling conditions in several countries was denied, but some interim assessments were published in a heavily redacted format.

According to the internal checklist, the Commission should conduct a qualitative assessment to establish whether any material breaches of the Charter could have a direct link with the management and implementation of the fund. In addition to a self-assessment submitted by the MS, Commission staff should also use other sources including, at least, infringement proceedings, court cases from the CJEU and ECHR, national court

cases, reports from the FRA, well-substantiated complaints underpinned by evidence, as well as the Rule of Law Reports, Article 7 TEU, relevant Country Specific Recommendations in the context of the European Semester. This means, in practice, that both judicial and non-judicial sources are taken into account by the Commission to formulate its evaluation.

HEC 1:

To fulfil the first criterion, the Member States need to have sufficient guarantees that any alleged material breach of fundamental rights will be addressed as a matter of principle. This includes having in place a judicial system that can ensure the right to effective remedy and fair trial, as well as national legislation that does not contravene the Charter, including in the practice of national court judgements.

The checklist mentions that developing a "Fundamental rights checklist" with the ombudspersons or the national human rights institutions can be a good practice. For instance, such guidelines have been produced in Romania to support the relevant ministries in applying the Charter to EU funding management. In other cases, appointing of a Charter focal point within the relevant ministries (such as in Belgium and France) is also a common practice to support the fulfilment of this criterion. Other examples include organising trainings on fundamental rights addressed to the EU funds management authorities. In addition, the Commission staff should verify whether the Monitoring Committee ensures a balanced representation of relevant partners, such as National Human Rights

77 Further analysis and considerations are included in a previous ECRE and PICUM policy note published in March 2023, available at: <https://ecre.org/wp-content/uploads/2023/03/PIC-ECR-Rights-and-EU-funds-March-2023.pdf>

78 https://www.asktheeu.org/en/request/ec_assessments_of_enabling_condi

79 LIBE Committee meeting of 19 March 2024. Streaming available at: https://multimedia.europarl.europa.eu/en/webstreaming/committee-on-civil-liberties-justice-and-home-affairs_20240319-0930-COMMITTEE-LIBE

Institutions, Equality bodies and civil society organisations, with the necessary independence to ensure compliance with the Charter.

HEC 2:

The second enabling condition obliges Member States to set up reporting arrangements to the monitoring committees regarding cases of non-compliance with the Charter and complaints regarding the Charter. The complaint mechanism is regulated at the national level, and in line with Article 69(7) of the CPR – responsibilities of Member States – it should allow for “effective examination of complaints” regarding fundamental rights breaches.

However, the Commission’s checklist adopts a restrictive approach to its monitoring of complaint mechanisms. Given that this is the responsibility of Member States, its control is limited to the frequency and modalities to report to the monitoring committees. According to the CPR, this point should be discussed in the monitoring committees at least once a year. Even though all Member States should have such mechanisms in place, the number of fundamental rights complaints is reportedly very low, as observed by FRA, which many factors could explain.

First, as already noted by ECRE and PICUM, although complaint mechanisms are an obligation at the national level, information regarding how to access them does not reach the general public. This is underpinned by a survey of 59 civil society respondents from January 2023, which shows that civil society organisations (CSOs) working in the field of asylum and migration are generally unaware of any complaint mechanisms related to EU funds.

FRA research also observes a general lack of knowledge of which body should be competent to deal with complaints on EU funds. This has caused substantial delays in dealing with issues in some cases and can further strengthen the argument that there is a general lack of awareness of Charter complaint mechanisms.

In some cases, such as in Spain and Germany, there is a possibility to complain about the use of EU funds by sending an email to the Managing Authority. This does not ensure that the complaints can be handled with the relevant independence and protection of complainants, which is a common practice in EU law. This is also linked to another issue related to the lack of technical knowledge of fundamental rights of the authorities that deal with complaints. For instance, FRA research found that in Greece “no complaint mechanism has been identified to receive complaints related to the ‘ex-ante conditionalities’ or the ‘horizontal enabling conditions’ for the EU Charter and the UNCRPD. The only existing mechanism is for complaints concerning fraud in the funding programmes (i.e. the National Transparency Agency)”.

Some positive practices have been observed where there is a formal involvement of national human rights institutions to handle complaints about EU funding in breach of the EU Charter on Fundamental Rights. This is the case in Cyprus, Slovakia and the Netherlands, where information on contacting the NHRI for fundamental rights complaints in EU-funded operations can be found on the website.

Recent cases of application

The Commission's assessments on the fulfilment of HEC are not systematically published. However, some of the correspondence has been recently published following the abovementioned request to access to documents.⁸⁰ This study found that the Commission has focused on the following elements to carry out its assessment:

- Lack of access to the asylum procedure in Greece
- Reception and detention conditions in Cyprus and Greece
- Allegations of pushbacks in Cyprus and Greece
- Anti-discrimination on the ground of sexual orientation in Poland
- Role of different bodies in the implementation of fundamental rights, i.e. NHRI and managing authorities in Cyprus, Greece, Poland, Spain
- Deficiencies in judicial independence in Hungary

Nevertheless, since the application of these rules under the current MFF (2021-2027), the Commission has found on three occasions that the BMVI national programmes did not meet the horizontal enabling conditions when approving the programmes of Hungary, Poland, and Cyprus in early 2023. Following further exchanges between the Commission and those Member States, all BMVI programmes have been greenlighted. However, the European Commission has been criticised by

the European Parliament, which has a formal role of supervising budget implementation, for not allowing sufficient transparency regarding the criteria used to assess the horizontal enabling conditions. The criticisms particularly concerned the Commission's decision to greenlight over 10.2 billion euros to Hungary, including cohesion, maritime and fisheries funds, part of AMIF, and the entirety of ISF and BMVI funds.⁸¹ While BMVI funding can now be used in Hungary, AMIF funds supporting the objectives on the Common European Asylum System and return are still blocked due to serious shortcomings in the area of asylum, return, and fundamental rights. These shortcomings are mentioned in the Commission's decision approving the AMIF national programme of Hungary. They include "the deficiencies regarding the right to asylum, procedures and safeguards concerning return and the principle of *non-refoulement*" and the lack of implementation of two judgments of the Court of Justice of the EU in those areas (Cases C-808/18 and C-821/19)⁸². In March 2024, the Members of the European Parliament decided⁸³ to file a lawsuit against the European Commission concerning the contested⁸⁴ decision to disburse the 10.2 billion euros to Hungary, including the BMVI programme, claiming that the decision was based on political considerations rather than on the concrete improvements in the area of rule of law.⁸⁵

80 https://www.asktheeu.org/en/request/ec_assessments_of_enabling_condi

81 https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6465

82 Commission Implementing Decision approving the AMIF programme of Hungary (2022), available at: [Document 33.1 C 2022 10022 F1 ANNEX EN V2 P1 2472409.pdf](https://www.asktheeu.org/P12472409.pdf) ([asktheeu.org](https://www.asktheeu.org))

83 [JURI-PV-2024-03-11-1_EN.pdf](https://www.europarl.europa.eu/press-room/2024031112IPR16780/the-hungarian-government-threatens-eu-values-institutions-and-funds-meps-say) ([europa.eu](https://www.europa.eu))

84 <https://www.europarl.europa.eu/news/en/press-room/20240112IPR16780/the-hungarian-government-threatens-eu-values-institutions-and-funds-meps-say>

85 Agence Europe (12 March 2024): <https://agenceurope.eu/en/bulletin/article/13369/10>

Conclusion

A recent decision of the European Ombudsman, Emily O'Reilly, affirmed that the current EU approach to border management fails to address current needs related to increasing search and rescue capacity at sea, protect migrants at the border, ensure access to asylum, and prevent violence against people at borders.⁸⁶ The decision⁸⁷ was delivered in the context of an inquiry opened to investigate on the responsibilities of Frontex on a particularly tragic shipwreck occurred in June 2023. The incident involved an overcrowded fishing trawler, departed from Libya, which capsized near Pylos, in Greece, leading to the death of more than 600 people, only a few miles away from the Hellenic Coast Guard and Frontex.

ECRE and PICUM's analysis also reveals that the EU's approach to integrated border management prioritises certain elements related to infrastructure, equipment and technology, while neglecting measures to assist people crossing borders, in particular those with vulnerabilities, children, and persons in need of protection. The study uncovered very limited examples of concrete assistance or protection measures, while it found several actions likely to violate the fundamental rights of people at the borders.

While the European Commission's refusal to allow financing of walls and fences is a positive step, it merely serves as a fig leaf to cover other measures that the BMVI already supports in Member States. In this regard, the findings of this research depict a scenario where BMVI funding contributes to an increasingly complex and digitalised system of border surveillance, forming an interconnected web of controls with significant implications for migrants' rights. The risks are particularly relevant in light of the forthcoming implementation of the Pact on Asylum and Migration and the mid-term revision of the BMVI, which will further increase resources for border surveillance activities. To genuinely respect the fundamental rights of people at the borders, including their protection from refoulement, inhuman or degrading treatment, and the right to life, as well as their often neglected right to access legal support and remedies, the EU and its Member States must ensure that existing safeguards are meaningfully and properly operationalised.

⁸⁶ <https://www.theguardian.com/world/2024/feb/28/watchdog-urges-eu-rescue-rules-change-after-migrant-boat-disaster-off-greece>

⁸⁷ European Ombudsman's Decision on case OI/3/2023/MHZ: <https://www.ombudsman.europa.eu/en/decision/en/182665>

The Horizontal enabling conditions have the potential to serve as safeguards to fundamental rights breaches in EU-funded activities. Not only this would ensure that people's rights are protected, but it would ensure that the EU lives up to its commitments and protect it from the reputational risks stemming from continuous reports of border violations. However, in order to do so, the European Commission and Member States must fundamentally change the way they engage with civil society organisations and other experts, particularly in the area of border management.

The next Multiannual Financial Framework should address the shortcomings in implementing the existing safeguards and establish a functioning system of partnerships and accountability. As already proposed by the SHARED project,⁸⁸ the Commission should consider setting up a system where the allocation and disbursement of any EU funding in the area of border control or migration management are preceded by a human rights impact assessment. Such assessment could incorporate inputs and contributions from various expert opinions, including the FRA, EU Ombudsman, the EU Anti-Fraud Office (OLAF), the European Court of Auditors and civil society organisations operating in border areas.

88 <https://www.qmul.ac.uk/law/media/law/docs/news/joint-Guidelines-on-Shared-Responsibility-for-eibm.pdf>

Recommendations

On the implementation of the current Multiannual Financial Framework (2021 – 2027):

To the European Commission and Member States:

Ensure that additional allocations prioritise needs:

- Ensure that additional resources stemming from the implementation of the EU Pact on Migration and Asylum and the mid-term revisions of the BMVI prioritise gaps in support for people at borders, including for search and rescue capacity, reception, quality procedures at borders, access to legal assistance, and monitoring mechanisms.

Implement the partnership principle in the monitoring committees:

- Meaningfully operationalise the horizontal enabling conditions by ensuring participation of civil society and other fundamental rights experts in the monitoring committees and in all stages of budget implementation, including by providing adequate funding opportunities to support participation.

Strengthen fundamental rights considerations in monitoring and evaluation:

- Ensure that reporting and evaluation exercises take in due account the impact of EU resources for border management on fundamental rights, such as by integrating an assessment of the horizontal enabling conditions.

To the European Commission:

Address underspending in the area of assistance and protection:

- Promote a comprehensive approach to integrated border management by correcting any imbalance of expenditures through additional resources in the Thematic Facility to underfunded actions in the area of assistance and protection of people at borders.

Revise the core performance indicators:

- Improve the monitoring framework by adopting a delegated act modifying the list of core performance indicators to include indicators on integrated child protection systems and first-reception measures.

Increase transparency and accountability:

- Guarantee sufficient transparency and accountability of fundamental rights by making assessments and evaluations public, engaging with the relevant stakeholders and ensuring a proper follow-up to reports of fundamental rights violations in EU-funded activities.

To Member States:

Conduct a fundamental rights impact assessment of border activities:

- Carefully consider the impact on fundamental rights before funding actions in the area of infrastructure, equipment, technology, and actions in, with or in relation to third countries, i.e. by ensuring that the monitoring committees have the expertise and dedicate sufficient time and consideration to these activities and on their impact on fundamental rights.

Enhance accessibility of complaint mechanisms:

- Ensure that information on complaint mechanisms at national level is easily accessible and treated as a matter of priority and with the highest levels of independence and protection complainants.

Publish additional information on Horizontal enabling conditions:

- Provide timely publication of annual performance report summaries, and dedicate enhanced attention to the fulfilment of enabling conditions, in particular in compliance with fundamental rights.

On the next Multiannual Financial Framework – MFF (starting from 2028):

To the negotiators of the next MFF (European Commission, European Parliament and EU Member States):

Prevent transfer of resources across EU programmes:

- Remove the possibility of transferring resources from EU cohesion funds (which are key for supporting the development of regions) to border management funds or other funds pursuing different priorities.

Include additional fundamental rights indicators in the monitoring and evaluation system:

- When revising the Common Provisions Regulation, reform the monitoring and evaluation system to include additional indicators on the fulfilment of enabling conditions related to fundamental rights.

Introduce a fundamental rights impact assessment system:

- Given the absence of a human rights impact assessment for the BMVI, introduce a system of impact assessments which adequately involves fundamental rights experts, such as the EU Fundamental Rights Agency and other stakeholders.

Create a platform for lodging complaints to the Commission:

- Develop an open platform ensuring the protection of complainants to directly communicate alleged breaches of the Charter of Fundamental Rights to the European Commission.

Improve Partnership Principle rules:

- Address shortcomings in the implementation of the Partnership Principle, such as by revising the rules related to its implementation at national level, i.e. by establishing that civil society participation in the monitoring committees is a pre-condition to receive funding, and that their engagement is duly remunerated or supported by EU funding.

Mainstream the partnership principle to all types of management:

- Extend the rules related to the partnership principle to funding managed via the Thematic Facility, for instance by establishing formal consultation mechanisms with relevant stakeholders, including civil society.

Annex 1

Scope and methodology

The analysis involved a comprehensive desk review of publicly available sources, including BMVI national programmes of 24 countries (excluding Germany and Latvia, whose programmes were not publicly available at the time of the research, and Ireland, which does not participate in the BMVI programme), the Cohesion Data Platform, EU funding national websites, Regulation 2021/1148 (the “BMVI Regulation”), and various European Commission communications and documents from Member States.

Additionally, existing literature was reviewed, encompassing AIDA country reports⁸⁹, media articles, and publications from the Fundamental Rights Agency. To gather further relevant information, targeted requests for access to documents were submitted to the European Commission. Calls for inputs and ad-hoc questions were circulated among ECRE and PICUM members to obtain insights on BMVI and specific projects.

For this analysis, ECRE and PICUM developed a classification system with six thematic areas to analyse and compare spending on various border management activities in 24 countries (see Annex 3). These categories are based on intervention field codes enlisted in Annex VI of the BMVI Regulation, as detailed in section 2.1.3 of “Table 3: Indicative breakdown” in the national programmes. Further analysis of Member States’ priorities and planned measures are based on sections 2.1.1, “Description of specific objectives – III Implementation measures,” of the national programmes.

Regarding its scope, the analysis is focused on the first specific objective of the BMVI Regulation related to border management, excluding the second sub-objective on Visa.

89 <https://asylumineurope.org/>

Annex 2

BMVI national programmes

Member State	Links to BMVI national programmes
Austria	https://www.bmi.gv.at/107/EU_Foerderungen/start.aspx
Belgium	https://amif-isf.be/fr/programmation-2021-2027
Bulgaria	https://www.mvr.bg/dmp/en/activities/financial-period-2021-2027/financial-period-2021-2027
Croatia	https://eufondovi.mup.hr/financijski-instrumenti-eu-82/financijski-okvir-2021-2027/489
Cyprus	http://www.moi.gov.cy/MOI/eufundsunit.nsf/all/3CB781A262229F8CC225870B003DC83F?opendocument
Czechia	https://dotaceeu.cz/cs/evropske-fondy-v-cr/kohezni-politika-po-roce-2020/programy
Denmark	https://uim.dk/arbejdsomraader/indrejseophold/det-internationale-udlaendingesamarbejde/bmvi-prgram/
Estonia	https://www.siseministeerium.ee/bmvi21-27
Finland	https://www.eusa-rahastot2021.fi/
France	https://www.immigration.interieur.gouv.fr/Info-ressources/Fonds-europeens/Les-fonds-europeens-programmation-2021-2027
Greece	https://migration.gov.gr/ma/
Hungary	https://www.palyazat.gov.hu/fejlesztési_programok_2021_2027
Italy	https://fondosicurezza.interno.interno.gov.it/node/869
Lithuania	https://lrv.lt/lt/es-fondu-investicijos-lietuvoje-2021-2027-m
Luxembourg	https://fonds-europeens.public.lu/fr/programmes/bmvi.html
Malta	https://fondi.eu/2021-2027/
The Netherlands	https://www.uitvoeringvanbeleidszw.nl/subsidies-en-regelingen/emvf-2021-2027

Member State	Links to BMVI national programmes
Poland	https://www.funduszeuropejskie.gov.pl/stro-ny/o-funduszach/fundusze-2021-2027/fundusze-europejskie-na-migracje-granice-i-bezpieczenstwo-2021-2027
Portugal	https://www.sg.mai.gov.pt/FundosComunitarios/QFP20212027/Paginas/default.aspx
Romania	https://fed.mai.gov.ro/fed-2021-2027/
Slovakia	https://www.minv.sk/?fondy-pre-oblast-vnutornych-zalezitosti-2021-2027
Slovenia	https://evropskasredstva.si/skladi-eu-s-podrocja-notranjih-zadev/
Spain	https://fondoseuropeosparaseguridad.interior.gob.es/opencms/es/portada/
Sweden	https://polisen.se/isfbmvi

Annex 3

Categories of spending

The analysis is based on a review of codes listed in Annex VI of the BMVI Regulation ("Types of Intervention"⁹⁰). All of the objectives below are found in TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION, I. European integrated border management. PICUM and ECRE have grouped them in six categories (infrastructures and equipment; use of technology etc.) to facilitate analysis into themes relevant for this study.

The categories of spending cover sub-objective 1 of the BMVI Regulation related to border management (Article 3(2), BMVI Regulation).

1. Infrastructures and equipment

- 001 Border checks
- 002 Border surveillance – air equipment
- 003 Border surveillance – land equipment
- 004 Border surveillance – maritime equipment
- 006 Border surveillance – other measures
- 007 Technical and operational measures within the Schengen area which are related to border control
- 011 Hotspot areas

2. Use of technology for large-scale IT systems and databases

- 005 Border surveillance – automated border surveillance systems
- 008 Situational awareness and exchange of information
- 010 Processing of data and information
- 019 Large-scale IT systems – Eurodac for border management purposes
- 020 Large-scale IT systems – Entry/Exit System (EES)
- 021 Large-scale IT systems – European Travel Information and Authorisation System (ETIAS) – others
- 022 Large-scale IT systems – European Travel Information and Authorisation System (ETIAS) – Article 85(2) of Regulation (EU) 2018/1240
- 023 Large-scale IT systems – European Travel Information and Authorisation System (ETIAS) – Article 85(3) of Regulation (EU) 2018/1240
- 024 Large-scale IT systems – Schengen Information System (SIS)
- 025 Large-scale IT systems – Interoperability

90 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1148>

027 Operating support – Large-scale IT systems for border management purposes

029 Data quality and data subjects' rights to information, access to, rectification and erasure of, their personal data, and to the restriction of the processing thereof

3. Assistance and protection

012 Measures related to the identification and referral of vulnerable persons

013 Measures related to the identification and referral of persons who are in need of, or who wish to apply for, international protection

4. Strategy and Human capacity

009 Risk analysis

015 Inter-agency cooperation – national level

016 Inter-agency cooperation – Union level

026 Operating support – Integrated border management

028* Operating support – Special Transit Scheme

5. Actions implemented with, in and in relation to third countries

017 Inter-agency cooperation – with third countries

018 Joint deployment of immigration liaison officers

6. Actions supporting Frontex development

014 European Border and Coast Guard development





PICUM

For undocumented migrants,
for social justice.

PICUM

Platform for International
Cooperation on Undocumented Migrants
Rue du Congrès 37-41
1000 Brussels, Belgium

Tel: +32 2 883 68 12
info@picum.org
www.picum.org



ecre

European Council
on Refugees and Exiles

ECRE

European Council
on Refugees and Exiles
Avenue des Arts 7/8
1210 Brussels, Belgium

Tel: +32 232 900 40
info@ecre.org
www.ecre.org