

COMMISSION IMPLEMENTING REGULATION (EU) 2023/168**of 25 January 2023****establishing the template for the annual performance reports on the Instrument for Financial Support for Border Management and Visa Policy for the 2021-2027 programming period, pursuant to Regulation (EU) 2021/1148 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy ⁽¹⁾, and in particular Article 29(5) thereof,

After consulting the Home Affairs Funds Committee,

Whereas:

- (1) Regulation (EU) 2021/1060 of the European Parliament and of the Council ⁽²⁾, together with the Regulations (EU) 2021/1147 ⁽³⁾, (EU) 2021/1148 and (EU) 2021/1149 of the European Parliament and of the Council ⁽⁴⁾ ('Fund-specific Regulations') establishing respectively the Asylum, Migration and Integration Fund, the Instrument for Financial Support for Border Management and Visa Policy and the Internal Security Fund, constitute a framework for Union funding contributing to the development of the area of freedom, security and justice.
- (2) Regulation (EU) 2021/1060, and in particular Article 41(7) thereof, requires Member States to submit an annual performance report to the Commission for each programme in accordance with the Fund-specific Regulations.
- (3) To ensure uniform conditions in the implementation of annual reporting and that the information provided to the Commission is consistent and comparable, the Regulation (EU) 2021/1148 sets out the need to establish a template for the annual performance reports by means of an implementing act.
- (4) In accordance with Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland does not take part in Regulation (EU) 2021/1148. Therefore, Ireland is not bound by this Regulation.
- (5) In accordance with Article 4 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark implemented Regulation (EU) 2021/1148 in its national law. Therefore, Denmark is bound by this Regulation.

⁽¹⁾ OJ L 251, 15.7.2021, p. 48.

⁽²⁾ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).

⁽³⁾ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1).

⁽⁴⁾ Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund (OJ L 251, 15.7.2021, p. 94).

- (6) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* ⁽⁵⁾ within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* which fall within the area referred to in Article 1, Points A and B of Council Decision 1999/437/EC ⁽⁶⁾.
- (7) However, pursuant to Article 7(6) of Regulation (EU) 2021/1148, participation of Iceland and Norway in the Instrument for Financial Support for Border Management and Visa Policy requires arrangements to specify the nature and modes of such participation in accordance with the relevant provisions of their respective association agreements. Therefore this Regulation should apply to Iceland and Norway only once such arrangements are concluded.
- (8) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁷⁾ which fall within the area referred to in Article 1, points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁸⁾.
- (9) However, pursuant to Article 7(6) of Regulation (EU) 2021/1148, participation of Switzerland in the Instrument for Financial Support for Border Management and Visa Policy requires arrangements to specify the nature and modes of such participation in accordance with the relevant provisions of its association agreement. Therefore this Regulation should apply to Switzerland only once such arrangements are concluded.
- (10) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on Liechtenstein's association with the implementation, application and development of the Schengen *acquis* ⁽⁹⁾ which fall within the area referred to in Article 1, points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽¹⁰⁾.
- (11) However, pursuant to Article 7(6) of Regulation (EU) 2021/1148, participation of Liechtenstein in the Instrument for Financial Support for Border Management and Visa Policy requires arrangements to specify the nature and modes of such participation in accordance with the relevant provisions of its association agreement. Therefore this Regulation should apply to Liechtenstein only once such arrangements are concluded.
- (12) To allow for the prompt application of the measures provided for in this Regulation and to ensure that there is no delay in the implementation of the programmes, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

⁽⁵⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁶⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽⁷⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁸⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽⁹⁾ OJ L 160, 18.6.2011, p. 21.

⁽¹⁰⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation establishes the template for the annual performance reports on the Instrument for Financial Support for Border Management and Visa Policy referred to in Article 41(7) of Regulation (EU) 2021/1060 and in Article 29 of Regulation (EU) 2021/1148.

The template is set out in the Annex.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 25 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Template for the Annual Performance Reports by the Member States to the Commission on the Instrument for Financial Support for Border Management and Visa Policy, as referred to in Article 29 of Regulation (EU) 2021/1148

IDENTIFICATION

CCI	
Title	
Version	
Accounting year	
Date of approval of the report by the monitoring committee	

1. Performance**1.1. Progress in implementation – Article 29(2), point (a), of Regulation (EU) 2021/1148**

For each specific objective, report on progress in implementing the programme and in achieving the milestones and targets set out in it, taking into account the most recent data for the accounting year, as required under Article 42 of Regulation (EU) 2021/1060. This refers to the cumulative data provided by 31 July of the year before the year that the report is submitted.

Within each specific objective, the information on progress should preferably be structured around the implementation measures, indicative actions and desired outcomes identified in the programme.

Describe also any steps taken and relevant activities related to the implementation of the partnership as per Article 8(2) of Regulation (EU) 2021/1060.

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1.2. Issues affecting performance – Article 29(2), point (b), of Regulation (EU) 2021/1148

For each specific objective, describe any issues affecting the performance of the programme during the accounting year and any actions taken to address them.

Whenever possible and relevant, you are encouraged to distinguish between issues related to:

- underreporting of achievements ⁽¹⁾;
- target setting ⁽²⁾;
- procedural delays and administrative capacity ⁽³⁾;

⁽¹⁾ This refers to the situation when there is a gap between the nominal target achievement rate measured by the indicators and the actual progress in implementation. For instance, under-reporting of output and results could be due to issues with the development of the IT system, ongoing operations for which output and results are not yet reported, issues with the data collection leading to slow or incomplete reporting, etc.

⁽²⁾ This refers to a situation where the low target achievement rate is not due to slow progress but rather to incorrect or unrealistic target setting. It may include lessons learned in connection with the establishment of a the methodology for target setting – such as wrong or incomplete assumptions or issues with the benchmark values selected – and any planned changes to it.

⁽³⁾ For instance, issues related to tendering procedures, issues with audit procedures, issues linked to lack of resources at the managing authority level, an unforeseen delay in the adoption of the programme, etc.

- contextual changes ⁽⁴⁾;
- the design and/or implementation of the operations; ⁽⁵⁾ and
- any other matter.

Describe any changes to strategy or national objectives, or any factors that may lead to changes in the future, as well as the modifications that those changes have produced in the targets estimated as per the methodology to establish the performance framework.

Include information on any reasoned opinions delivered by the Commission in respect of infringement proceedings under Article 258 of the Treaty on the Functioning of the European Union (TFEU), and which are linked to the implementation of the Instrument.

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1.3. *Specific mitigation measures*

If relevant, describe briefly how the programme activities contributed to mitigating the effects of any relevant and sudden changes in the pressure on the management of the external borders resulting from any unforeseen deterioration of the socioeconomic or political situation in third countries, as appropriate. Whenever possible, refer to the volume of resources redeployed for this purpose, and the related outputs and results achieved.

Pay specific attention to activities carried out to mitigate the effects of such sudden changes and whose achievements may not be fully captured by the common output and result indicators.

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1.4. *Operating support – Article 16(3) of Regulation (EU) 2021/1148*

If operating support was used during the accounting year, describe how it contributed to achieving the objectives of the Instrument ⁽⁶⁾.

Clarify if operating support was used for the operation and maintenance of large-scale IT systems, including the European Travel Information and Authorisation System (ETIAS).

If the total cumulative eligible cost of operating support for the operations selected for support exceeds 33 % of the total programme allocation at the end of the accounting year, explain the reasons. Additionally, if there is a risk that the threshold is exceeded by the end of the programming period, describe the measures envisaged to mitigate it.

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⁽⁴⁾ This can include, for instance, socioeconomic or political factors, changes in the regulatory context, etc.

⁽⁵⁾ For instance, issues to do with the scope of the action (e.g. eligibility criteria), low interest from beneficiaries or participants, any deviation in the implementation of the action etc.

⁽⁶⁾ If relevant for this purpose, refer to the information which is in scope of Regulation (EU) 2021/1148 and available as a result of Schengen evaluations, carried out in accordance with Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27) and Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013 (OJ L 160, 15.6.2022, p. 1). Likewise, if relevant, refer to vulnerability assessments carried out in accordance with Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard including recommendations following Schengen evaluations and vulnerability assessments (OJ L 295, 14.11.2019, p. 1) and related recommendations.

1.5. *Specific actions* ⁽⁷⁾

Describe the main achievements of any specific actions carried out during the accounting year, and how they contributed to achieving the objectives of the programme and generating Union added value ⁽⁸⁾.

Describe how the individual actions have advanced, both procedurally ⁽⁹⁾ and operationally ⁽¹⁰⁾, and highlight any issues affecting their performance, in particular any risk of underspending.

If relevant, break this information down to the project level. If any deviation from the original planning is expected, explain the reasons for this, describe any mitigating actions taken, and provide the revised timetable.

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Enter in the Table below the details of all the national specific actions implemented in the programme. The reporting on transnational specific actions should be consistent with the chosen reporting option ⁽¹¹⁾.

Specific Objective	Name/reference number of the action	Beneficiary	Implementing period	Eligible cost ⁽¹⁾	Eligible expenditure ⁽²⁾	Progress in the relevant common and/or programme-specific indicators ⁽³⁾	
						Output	Result

⁽¹⁾ Total eligible cost of selected operations, as reported to the Commission by 31 July of the last accounting year.

⁽²⁾ Total amount of eligible expenditure declared by beneficiaries to the managing authority, as reported to the Commission by 31 July of the last accounting year.

⁽³⁾ If specific actions represent a top-up of previous operations and there are no dedicated monitoring arrangements, report the output and results pro-rata.

1.6. *ETIAS – Article 29(2), point (g), of Regulation (EU) 2021/1148*

Provide information on the expenditure in accordance with Article 85(2) and (3) of Regulation (EU) 2018/1240 of the European Parliament and of the Council ⁽¹²⁾ included in the accounts pursuant to the Article 98 of Regulation (EU) 2021/1060, as per the headings set out in the table below.

Type of cost	Expenditure in the accounting year
Large-scale IT systems – European Travel Information and Authorisation System (ETIAS) – Article 85(2) of Regulation (EU) 2018/1240	
Large-scale IT systems – European Travel Information and Authorisation System (ETIAS) – Article 85(3) of Regulation (EU) 2018/1240	

⁽⁷⁾ In the case of specific actions with a transnational nature, the scope of this section varies according to the distribution of roles and responsibilities between the lead Member States and the other participating Member States, as well as the choice of the reporting method used. This is described in the Commission's note of 14 February 2022 – Transnational specific actions under the Asylum, Migration and Integration Fund (AMIF), the Instrument for Financial Support for Border Management and Visa Policy (BMVI), and the Internal Security Fund (ISF) – Arrangements between partners (Ares (2022)1060102).

⁽⁸⁾ Union added value is defined as the generation of results beyond what would have been achieved by Member States acting alone.

⁽⁹⁾ For instance, in connection to procurement activities or any other preparatory steps taken.

⁽¹⁰⁾ For instance, in terms of deliverables, outputs, results etc.

⁽¹¹⁾ As set out in the Commission's note of 14 February 2022 (Ares (2022)1060102).

⁽¹²⁾ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

1.7. *Only in 2024: continuation of projects – Article 33(4), point (e), of Regulation (EU) 2021/1148*

Report on any projects continued after 1 January 2021 that were selected and started under Regulation (EU) No 515/2014 of the European Parliament and of the Council ⁽¹³⁾, in accordance with Regulation (EU) No 514/2014 of the European Parliament and of the Council ⁽¹⁴⁾.

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2. **Complementarity**

2.1. *Complementarity with other Union funds – Article 29(2), point (c), of Regulation (EU) 2021/1148*

Describe the complementarity and, if relevant, synergies achieved during the accounting year between the actions supported by the Instrument and the support provided by other Union funds, in particular the Instrument for Financial Support for Customs Control Equipment, the Internal Security Fund, the Asylum, Migration and Integration Fund, the Union external financing instruments ⁽¹⁵⁾ or in relation to maritime operations of a multipurpose character.

Describe also the complementarity of the activities carried out from the perspective of strengthening inter-agency cooperation ⁽¹⁶⁾, including cooperation with the European Border and Coast Guard Agency and the relevant national authorities.

Pay particular attention to:

- complementarity with any Union's external financing instruments for actions taken in or in relation to third countries, underlining the aspects that are consistent with the principles and general objectives of the Union's external policy;
- the use of enabling mechanisms, such as existing organisational and procedural arrangements that help achieve synergies and complementarities, and to any actions taken to improve them during the accounting year.

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2.2. *Multipurpose equipment and ICT systems – Article 13(14) of Regulation (EU) 2021/1148*

Describe briefly the relevant operations involving equipment and ICT systems purchased with the support of the programme during the accounting year and used in complementary areas of customs controls, maritime operations of a multipurpose character or achieving the objectives of the Internal Security Fund and of the Asylum, Migration and Integration Fund. Indicate the place(s) where multipurpose equipment and ICT systems were deployed.

For equipment, also provide information on the period when it was used in the complementary areas.

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⁽¹³⁾ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

⁽¹⁴⁾ Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (OJ L 150, 20.5.2014, p. 112).

⁽¹⁵⁾ In particular, e.g. the Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe and the Instrument for Pre-accession assistance (IPA).

⁽¹⁶⁾ Such as cooperation at Union level between the Member States, and between Member States and relevant Union bodies, offices and agencies, as well as cooperation at national level among the competent authorities within each Member State.

For a Union information system funded under the Regulation (EU) 2021/1148 that also serves the objectives of Regulation (EU) 2021/1147 and Regulation (EU) 2021/1149 (multipurpose) or activities required under the Union interoperability legal framework ⁽¹⁷⁾, fill in the table below.

Specific objective	Name of the operation	Beneficiary of the operation	Objective of the operation	Implementation period	Co-financing rate	Eligible costs ⁽¹⁾	Eligible expenditure ⁽²⁾

⁽¹⁾ Total eligible cost of selected operations, as reported to the Commission by 31 July of the last accounting year.

⁽²⁾ Total amount of eligible expenditure declared by the beneficiaries to the managing authority, as reported to the Commission by 31 July of the last accounting year.

2.3. Multiannual planning for the purchase of equipment – Article 13(14), point (d), of Regulation (EU) 2021/1148

Set out the multiannual planning for the expected purchase of equipment under the instrument.

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3. Implementation of the Union *acquis* – Article 29(2), point (d), of Regulation (EU) 2021/1148

Describe briefly how, during the accounting year, the programme contributed to implementing the relevant Union *acquis* (the body of Union law), especially on Schengen, border management and visa policy, and to any relevant action plans.

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4. Communication and visibility – Article 29(2), point (e), of Regulation (EU) 2021/1148

Describe how communication and visibility activities were carried out during the accounting year. In particular, refer to any progress made in relation to the objectives set out in the communication strategy, as measured by the relevant indicators and their targets. If relevant, describe any good practices in reaching out to the target groups and/or disseminating and exploiting the results of the projects.

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Provide a link to the website portal referred to in Article 46, point (b), of Regulation (EU) 2021/1060 and, if different, to the website referred to in Article 49(1) of that Regulation.

⁽¹⁷⁾ Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).

Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

5. **Enabling conditions and horizontal principles**

5.1. *Enabling conditions – Article 29(2), point (f), of Regulation (EU) 2021/1148*

Describe how it was ensured that the applicable enabling conditions in Annex III of Regulation (EU) 2021/1060 were fulfilled and applied throughout the accounting year, in particular as regards complying with the Charter of Fundamental Rights of the European Union. If relevant, describe any change that had an impact on how the enabling conditions were fulfilled, as provided for in Article 15(6) of Regulation (EU) 2021/1060.

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5.2. *Compliance with horizontal principles – Article 9 of Regulation (EU) 2021/1060*

Describe how you ensured compliance during the accounting year with the horizontal principles laid down in the Common Provision Regulation, in particular equality between men and women and the promotion of gender mainstreaming, as well as avoiding discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

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6. **Projects in or in relation to third countries – Article 29(2), point (h), of Regulation (EU) 2021/1148**

Describe any actions taking place in or in relation to third countries during the accounting year and how these bring Union added value in achieving the objectives set by the Instrument. Indicate the names of the third countries concerned. Provide a description that clarifies that the actions supported by the Instrument are not development-oriented, serve the interest of internal Union policies and are consistent with activities undertaken within the European Union. If relevant, refer to the consultations with the Commission before the project was approved (Article 13(12) of Regulation (EU) 2021/1148).

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7. **Summary – Article 29(2) of Regulation (EU) 2021/1148**

Provide a summary of the Sections 1 to 6, which will be translated and made available to the public.

As a minimum, the summary must cover all the points listed in Article 29(2), and should preferably be structured around them.

The use of bullet points, bold text or informative headings is encouraged, so that interested stakeholders can easily identify the programme's main achievements and the main issues affecting its performance.

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