COMISSÃO EUROPEIA

SECRETARIADO GERAL

Bruxelas, 22/XII/2008
SG-Greffe(2008) D/ **208514**

REPRESENTAÇÃO PERMANENTE
DE PORTUGAL JUNTO DA UNIÃO
EUROPEIA
Av. de Cortenberg, 12

1040 BRUXELLES

Assunto : **NOTIFICAÇÃO EM CONFORMIDADE COM O ARTIGO 254 DO TRATADO CE**

O Secretariado-Geral pede-lhe que transmita ao Ministro dos Negócios Estrangeiros a decisão anexa.

Pela Secretária-Geral

p.o. Karl VON KEMPIS

Em anexo : **C(2008)8471 final**

PT

COMISSÃO DAS COMUNIDADES EUROPEIAS

Bruxelas, 19.12.2008
C(2008) 8471 final

<u>NÃO PUBLICAR</u>

DECISÃO DA COMISSÃO

de 19.12.2008

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(Apenas faz fé o texto em língua portuguesa)

A COMISSÃO DAS COMUNIDADES EUROPEIAS,

Tendo em conta o Tratado que institui a Comunidade Europeia,

Tendo em conta a Decisão n.º 574/2007/CE do Parlamento Europeu e do Conselho, de 23 de Maio de 2007, que cria o Fundo para as Fronteiras Externas para o período de 2007 a 2013 no âmbito do programa geral "Solidariedade e gestão dos fluxos migratórios"[1] e, nomeadamente, o n.º 5 do seu artigo 21.º e o n.º 4 do seu artigo 23.º,

Considerando o seguinte:

(1)   Em 19 Dezembro 2007, Portugal apresentou à Comissão um projecto de programa plurianual para o período de 2007 a 2013. Este projecto foi posteriormente revisto, tendo sido recebida a versão final em 17 de Outubro de 2008. O programa contém os elementos necessários, tal como previsto no n.º 1 do artigo 21.º da Decisão n.º 574/2007/CE. A Comissão examinou o referido documento em conformidade com o n.º 3 do artigo 21.º da Decisão n.º 574/2007/CE e com a Decisão 2007/599/CE da Comissão, de 27 de Agosto de 2007, que aplica a Decisão n.º 574/2007/CE do Parlamento Europeu e do Conselho no que se refere à aprovação de directrizes estratégicas para o período 2007-2013[2].

(2)   Em 13 de Fevereiro de 2008, Portugal apresentou à Comissão um projecto de programa anual para 2007. Este projecto foi posteriormente revisto, tendo sido recebida a versão final em 17 de Outubro de 2008. O programa contém os elementos necessários, tal como previsto no n.º 3 do artigo 23.º da Decisão n.º 574/2007/CE, e está conforme com o programa plurianual.

(3)   Em 22 de Outubro de 2007, Portugal apresentou, em conformidade com o n.º 2 do artigo 34.º da Decisão n.º 574/2007/CE, uma descrição dos sistemas de gestão e de controlo, a qual contém os elementos necessários, tal como previsto no n.º 2 do artigo 34.º da Decisão n.º 574/2007/CE. Os sistemas de gestão e de controlo foram objecto de uma verificação. Em resultado da mesma, foi recebida uma descrição revista em 9 de Setembro de 2008.

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[1]   JO L 144 de 6.6.2007, p. 22.
[2]   JO L 233 de 5.9.2007, p. 3.

(4)   Os montantes afectados ao Estado-Membro, mediante co-financiamento, devem ser indicados.

(5)   Deve ser fixada uma data-limite para a elegibilidade das despesas, em conformidade com os pontos I.4 e V.3 do Anexo XI da Decisão 2008/456/CE da Comissão, de 5 de Março de 2008, que estabelece as normas de execução da Decisão n.º 574/2007/CE[3].

(6)   A autorização orçamental global para 2007 do Fundo para as Fronteiras Externas foi determinada com base na Decisão C(2007) 5805 da Comissão, de 30 de Novembro de 2007, relativa às dotações orçamentais do exercício de 2007 para a Decisão n.º 574/2007/CE do Parlamento Europeu e do Conselho, que cria o Fundo para as Fronteiras Externas para o período de 2007 a 2013 no âmbito do programa geral "Solidariedade e gestão dos fluxos migratórios".

(7)   As medidas previstas na presente decisão são conformes com o parecer do Comité criado pelo n.º 1 do artigo 56.º da Decisão n.º 574/2007CE.

ADOPTOU A PRESENTE DECISÃO:

Artigo 1.º

É aprovado o programa plurianual de Portugal para o período de 1 de Janeiro de 2007 a 31 de Dezembro de 2013, descrito no Anexo 1 da presente decisão.

Artigo 2.º

É aprovado o programa anual de Portugal para 2007, descrito no Anexo 2 da presente decisão.

Artigo 3.º

O montante total afectado a partir do Fundo para as Fronteiras Externas, mediante co-financiamento, para o exercício orçamental de 2007 é de 3 020 245,86 euros.

Artigo 4.º

Para o programa anual de 2007, a data-limite de elegibilidade das despesas é 31 de Dezembro de 2009 para as acções e 30 de Setembro de 2010 para a assistência técnica.

Artigo 5.º

No que diz respeito ao programa anual de Portugal para 2007, a presente decisão constitui uma decisão individual de financiamento na acepção do n.º 2 do artigo 75.º do Regulamento (CE, Euratom) n.º 1605/2002 do Conselho, de 25 de Junho de 2002, que institui o

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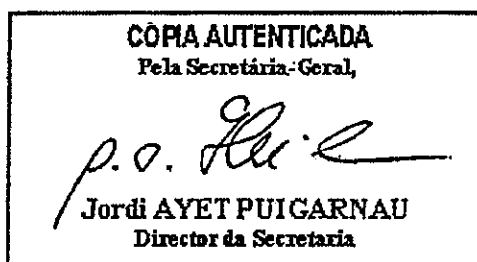
[3]   JO L 167 de 27.6.2008, p. 1.

Regulamento Financeiro aplicável ao orçamento geral das Comunidades Europeias[4], bem como do artigo 90.º do Regulamento (CE, Euratom) n.º 2342/2002 da Comissão, de 23 de Dezembro de 2002, que estabelece as normas de execução do Regulamento (CE, Euratom) n.º 1605/2002 do Conselho, que institui o Regulamento Financeiro aplicável ao orçamento geral das Comunidades Europeias[5].

Artigo 6.º

A República Portuguesa é a destinatária da presente decisão.

Feito em Bruxelas, em 19.12.2008

Pela Comissão
Jacques Barrot
Vice-Presidente

CÓPIA AUTENTICADA
Pela Secretária-Geral,

p. o.

Jordi AYET PUIGARNAU
Director da Secretaria

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[4] JO L 248 de 16.9.2002, p. 1. Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE, Euratom) n.º 1525/2007 (JO L 343 de 27.12.2007, p. 9).

[5] JO L 357 de 31.12.2002, p. 1. Regulamento com a última redacção que lhe foi dada pelo Regulamento (CE; Euratom) n.º 478/2007 da Comissão, (JO L 111 de 28.4.2007, p. 13).

MODEL MULTI-ANNUAL PROGRAMME

> MEMBER STATE: **Portugal**
>
> FUND: **Fund for External Border**
>
> RESPONSIBLE AUTHORITY: **Community Fund Management Task Force (*Estrutura de Missão para a Gestão de Fundos Comunitários*), Ministry of Interior**
>
> PERIOD COVERED: **2007 - 2013**

1.   SITUATION IN THE MEMBER STATE

1.1.   The national situation and the migratory flows affecting it

A)   Physical Description

Portugal has a very long coastline, with a border of around 1 700 km on the Atlantic Ocean, occupying a privileged position on the Atlantic face of the Iberian Peninsula, in addition to the archipelagos of the Azores and Madeira, located further out in the Atlantic.

It also has a central position in relation to shipping corridors, with emphasis on the control of the intercontinental routes which connect Europe to Africa and to America, as well as the North Atlantic to the Mediterranean.

The whole coastline is characterised by the existence of a large number of ports, anchoring places, marinas and estuaries, and most of Portugal's foreign trade is carried out by sea. On the other hand, the use of the Portuguese sea border assumes particular relevance with regard to irregular migratory movements, smuggling and the trafficking of drugs and human beings.

Given this geo-strategic position, which grants direct and easy access to an open sea, the task and responsibility of guaranteeing surveillance, supervision, control and security on this extensive sea border is fundamental - a national and at the same time a European imperative - the aim being to prevent threats against the internal security of the European Union.

B) Legal and Institutional Framework

National legal competences in terms of external borders reside with two security bodies, organised hierarchically under the Ministry of Home Affairs, the Foreigners and Frontiers Service (SEF) and the National Republican Guard (GNR), a military-style security force.

The complete control of the eight air borders (Lisbon, Porto, Faro, Funchal, Porto Santo, Lajes - Terceira, Santa Maria and São Miguel) is the responsibility of the SEF, as is the control of the 21 sea borders. Its tasks include controls on the movement of persons at borders, the entry, residence and activity of foreigners in Portugal, as well as the prevention and prosecution of crime relating to illegal immigration and the trafficking of people.

In turn, the GNR is charged with participating in controlling the entry and exit of people and goods in Portugal and performing land and sea surveillance, patrolling and interception, along the whole of the coast and territorial sea of mainland Portugal and the Azores and Madeira.

In terms of the coordination and implementation of consular policy this legal institutional framework is complemented by the work of the Ministry of Foreign Affairs, through the consular network within the respective hierarchy, which has around 122 consular posts.

C) Analysis of checks carried out at the border crossing points[1]

In recent years Portugal has seen an overall annual increase in the number of checks on persons at border crossings, and this trend is expected to continue for the current year.

At national air borders, the number of passengers controlled in 2006 was more than 9.9 million, representing an increase of 10% over 2005.

The number of passengers controlled in Lisbon and Faro airports is practically the same, although in Lisbon there is a greater diversity of airports from which the flights controlled come from. In Faro airport, the overwhelming majority of the flights are from and to non-Schengen Europe.

Among the nationalities most represented, Brazil is the most prominent country, followed by Bolivia and Venezuela.

Most represented nationalities	2005	2006	2007
Brazil	2.161	1.749	978
Bolivia	617	435	72
Venezuela	329	329	420
Senegal	120	273	213
Guinea-Bissau	105 (+Pakistan)	104	-
Angola	-	-	82
Unknown	150	124	71

(1) - Data reported to Aug.2007.
Source: SEF

There were around 3,600 entry refusals in 2006, of which:

> 27% were due to lapsed visas or a lack of a visas;

> 25% were due to having no reason to justify entry;

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[1]   Checks on individuals are carried out in accordance with the Schengen Borders Code: all persons travelling between Portugal and non-Schengen countries are subject to border controls.

> 19% were due to false or forged documents.

Compared with 2005 the total number of entry refusals decreased, although entry refusals due to false or forged documents increased by around 30%, while refusals due to lapsed visas or lack of visas decreased by almost 40% in 2006 compared with the previous year.

No visa or lapsed visa	1.591	38	977	27	638	24
No grounds to justify entry	962	23	888	25	616	23
No means of subsistence	694	17	-	-	-	-
False or forged document	514	12	670	19	758	28
Other situations	385	9	1.063	30	652	24
Total entry refusals	**4.146**	**100**	**3.598**	**100**	**2.664**	**100**
Total entry refusals at Lisbon airport	**3.845**	**93**	**3.334**	**93**	**2.384**	**89**

(1) - Data reported to Aug.2007.
Source: SEF

The main destinations of coercive removals from border posts following entry refusal are Brazil, Guinea Bissau, Senegal and Venezuela.

Coercive Removal

(escorted)

2005	68	90	185
2006	96	110	247
2007[1]	65	83	185

(1) - Data reported to Jul.2007.

Source - SEF

With regard to sea borders, the control activity undertaken by the Foreigners and Frontiers Service and by the National Republican Guard also shows an annual increase in the number of people controlled between 2005 and 2006, with overall growth of around 6%.

|	No. of Vessels / Ships controlled
2005	956.014
2006	1.013.976
2007[1]	587.030

(1) – Data from SEF reported to Jul.2007 and from the GNR to Apr. 2007

Source – SEF and GNR

In general terms, the vessels which are most controlled are recreational vessels, followed by commercial ships, cruise liners and fishing vessels.

Naturally, the type of vessels controlled differs according to the external border, with the marinas of Vilamoura and Lagos controlling most recreational vessels and the Port of Lisbon standing out as the one which controls most commercial vessels.

If this trend is maintained, an increase in the number of vessels controlled can be expected in 2007, as can be seen in the following graph.

No. of Vessels / Ships controlled
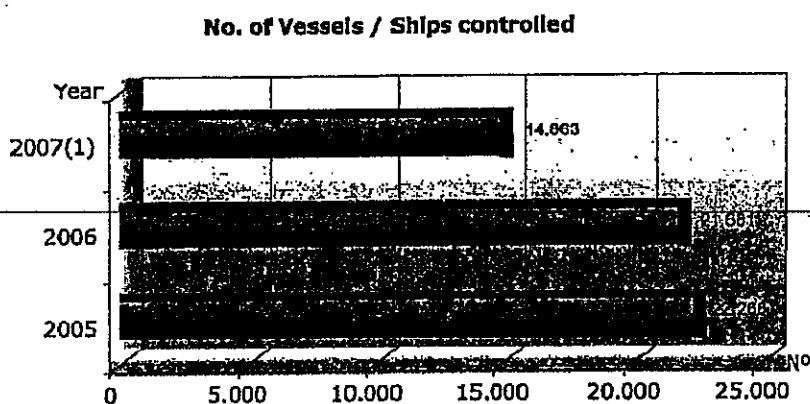
(1) – Data of SEF reported to Jul.2007 and of the GNR to Apr.2007.

Source - SEF and GNR

In the field of maritime surveillance, mention should also be made of the operational patrols performed by the GNR, as described in the table below, which presents and illustrates, using a

number of indicators, the very intense activity in terms of resources and human capital in 2005, 2006 and the first half of 2007.

Patrol Action

Year	Type	Number	Km/mile Travelled	Time spent (hours)	Fuel (litres)
2005	On Foot / Motorcycle / Car	87.180	3.298.078	315.955	494.712
	Sea / River	4.992	72.825	14.290	10.924
2006	On Foot / Motorcycle / Car	85.554	3.389.701	287.534	508.455
	Sea / River	3.025	53.838	10.247	8.076
2007[1]	On Foot / Motorcycle / Car	66.763	2.686.772	222.557	403.016
	Sea / River	1.946	36.906	7.246	5.536

(1) - Data reported to Sept.2007.

Source: GNR

Most of the illegal immigrants detected come from the African Continent, with the countries most represented being Algeria, Morocco, the Republic of Congo and Liberia.

	Result of the Control carried out at Sea Border Posts				
Year	Illegal Immigrants detected	Illegal Immigrants evaluated	Illegal Immigrant disappeared	Ships Arrested	Ships Detained
2005	172	12	7	0	-
2006	53	10	10	10	-
2007[1]	31	11	1	1	9

(1) - Data reported to Jul.2007.

Source: SEF

The number of visas granted at border posts in 2005 was around 5 200, and although this number fell to 4 012 in 2006, it is expected that this year the number could grow given that, up to the end of July 3 136 visas had already been granted by the SEF.

There is also an upward trend in visas granted abroad, with an increase of around 25% between 2005 and 2006. The average number of visas issued in these two years was around

71 500. In 2007 the number was 143 980 and the figure for 2008 stood at 58 366 at the end of June.

The posts which issue the most Schengen visas are situated in countries with which Portugal has strong historic ties, such as Angola, Cape Verde, Guinea Bissau and Mozambique, or countries neighbouring the European Union whose nationals are subject to a visa, such as Russia, Ukraine and Turkey.

D)   Trends of the Migratory Phenomenon

In terms of migratory trends, based on the data gathered in recent years, it is expected that irregular migration from Latin America will continue to be an important factor, predominantly from Brazil.

Of particular concern are the migratory fluxes from Venezuela and Bolivia, whose nationals have tried to enter the Schengen area through Portugal using a very disconcerting number of false and forged documents.

The African Continent will continue to be another major source of irregular movements, especially from Senegal and Guinea-Bissau, which are also known to be countries where there is extensive use of false documents.

The number of interceptions of passengers from West and Southern Africa also merits particular attention, considering among other factors the instability in the region.

From the point of view of maritime control, the growing number of clandestine people detected on board commercial vessels justifies a strategy of improving the technical and security conditions at border controls and the adoption of preventive measures, together with progressive participation in FRONTEX's operations.

E)   Infrastructure, Equipment and Information and Communications Technology (ICT) Systems

In the area of border control and management, the SEF has the following infrastructure and equipment:

- First and second line installations - 89;

- Temporary installation centres for immigrants and accommodation units - 4;

- Mobile control units (Schengen Bus) - 2;

- Manual control posts including control boxes - 113;

- Mobile control equipment - 5;

- Laptops - 40;

- Support servers - 20;

- Computers installed at control posts and used as support for border controls – 200;

- Optical readers – 60;

- Special visa printers – 20;

- Document analysis laboratories and Document Expertise Units – 4;

- Basic equipment for detecting false documents, installed in control boxes - 113;

- Specific second-line equipment for detecting document fraud (e.g. magnifying glasses, retroreflective light devices, Inspec II-Projectina Docucenter, VSC4C, microscopes) installed in Document Expertise Units and at the Scientific Laboratory to support external border controls - 100;

- Ebox RAPID: installation began in 2007 in Lisbon, Faro and Funchal airports; with the forthcoming installation of posts in the airports of Porto, the Azores and Porto Santo, it is expected that around 100 posts will be installed by the end of 2008;

- Basic, portable false document detection kits used mainly at sea border posts – 120.

With regard to IT systems, we would point to the following:

- Border Control System - SCF - New border control system developed at the SEF, using new methods of optical reading of documents, to be installed in all international airports, a process which began in 2007;

- SISone4ALL - integration in the Schengen system of 9 Member States;

- RAPID – Electronic Frontier – the only such system in production in the world, designed in the SEF;

- VoIP – Installed in SEF's head office and to be extended to border posts;

- TIC Operations – continuous operation 24 h x 365 days p.a., supporting SISone4ALL.

The following GNR infrastructure and equipment is assigned to border surveillance activities:

- Installations - 88, amongst which command installations of the "*Brigada Fiscal*", surveillance groups, detachments, sub-detachments, posts and observation posts;

- 4x4 vehicles – 296- and "4" motorcycles - 14;

- Surveillance and interception motor boats (LVI) - 12;

- Inland waters surveillance motor boats (LFA);

- Fixed Yuval radar observation posts - 11;

- Mobile Yuval observation posts - 5;

- OPAL and IRIS cameras (night vision) - 31.

In consular posts the following computer equipment exists for the issuing of visas: scanners (240), printers (180) and servers (40).

F)   Training of staff working for the authorities responsible for borders and for the consular authorities

During 2006, the average number of training courses per employee working for the SEF was three, which represents a very significant increase over 2005, when the average was approximately one training course per employee.

In the area of continuous training in 2006 there were courses in the legal field (24), with emphasis on training on the future law on foreigners, courses in the area of administrative work (28), courses related to operational aspects of the service (14) and instruction in the use of firearms (9), involving employees from all over the country.

In the area of initial / advanced training, special mention should be made of the Public Administration Professionals Apprenticeship Programme (PEPAP), aimed at trainees, and the training course for Mediators of the Contact Centre.

During 2007, the SEF continued to make a significant effort in terms of training, with the average number of training courses per employee being over two.

In terms of content, the main courses given were in the technical / operational, computing, legal and administrative fields, plus training on "Maritime Border Control" as part of the process of transferring maritime frontier posts.

In the legal field, we would highlight the training given on the Administrative Procedural Code (for lawyers and others) and the Administrative Courts Procedural Code.

With regard to the employees of consular posts, the statistics show that in recent years there have been on average two training courses per year on visas.

1.2. The measures undertaken by the Member State so far

1.2.1. Modernisation of border control activities

The significant increase in the number of passengers controlled justifies a considerable effort in order to ensure the security and efficacy of the controls carried out, in accordance with the common principles of Schengen, and so the investment in the modernisation of border controls has been made a national priority.

To this end, the Foreigners and Frontiers Service, in partnership with the Innovation Agency, launched a procedure to create an electronic border control device which provides greater security and at the same time makes border crossing easier for bearers of electronic passports. The equipment, called the Ebox Rapid, a world-wide first, reads data in travel documents, especially passports, and ten devices are already fully operational in Faro airport.

It was also in Faro airport that, from June 2007, the system began to be tested in terms of its use. As this is an innovative system, passenger coverage is not yet total, namely because many do not have electronic documents; however, since the system makes passenger control faster, it is estimated that it will quickly gain greater coverage. For safety reasons, controls are only made on people aged 18 or more.

Up to March 2008, around 38 645 passengers had been controlled through the electronic control device. Since the months between April and September are those with the most

movement in Faro, which is very much a seasonal airport, it is estimated that by the end of June 2008, around 50 000 passengers will have used RAPID, which corresponds to around 5% of the total number of passengers.

In the second half of 2007, 17 Ebox Rapid devices were also installed in Lisbon airport and 8 in Funchal airport, and in 2008 it is expected that the airports of Porto, the Azores, Porto Santo and the maritime frontier post of Lisbon will also be fitted with these.

On the other hand, and fulfilling the desire to implement a policy on security for identity and travel documents in line with the directives set by the European Union, the Portuguese State started to issue the new Electronic Passport (PEP) in 2006, which, taking full advantage of the vast possibilities offered by digital era technology, increases security for citizens and the international community. The PEP has brought about a profound technological change compared with the previous document, with biometric data being added to existing data and information being stored electronically. On the other hand, for greater speed and security in accessing information, passports are read by radio-frequency and protection is guaranteed by means of a policy of electronic tagging of all data.

1.2.2. IT systems

In the context of the various Community projects on the security of the information necessary for the free movement of persons at internal borders and the fight against document fraud, projects are under way on the national components of the Schengen Information System (SIS II), FADO (*False and Authentic Documents Online*) and VIS (*Visa Information System*).

SEF is responsible for the national part of the SIS II. This responsibility covers the management and the co-ordination between all entities involved on the project which activities covers the creation, update and search of data in the System, according with the definitions referred into the Decision and Regulation of the SIS II. These are definitions related to the technical architecture of the system, its mode of operation, the conditions and procedures for the entry and processing of alerts on persons and objects, the protection of data and right of access.

In the national context, SEF is the responsible entity for the management communications with the Central Base of the VIS and for the borders links. The articulation with the Ministry of Foreign Affairs entity that coordinates at the national level the whole process is necessarily

very close, taking into account the technical solutions that must be chosen, the definition of internal rules of operation and consultation, as well as the access rights that must be granted.

A) SIS

With regard to SIS II, in 2007 the SEF began work on the system, making informal tests of versions 2.x.x and the necessary equipment and software were acquired. In 2008 tests will continue to be carried out on the central system.

It is expected that the development of the national component of SIS II, which includes development of the conversion of the SIS I – SIS II module, an increase in the capacity of information systems in order to incorporate new technologies, expand their functions and increase interoperability, and adaptation to SIRENE, will enter into production in 2009.

B) VIS

The process of developing the national component of the VIS was begun by the SEF in 2007, the same year as the launch of the SISone4all project, which is also not yet complete, as some bugs are still being corrected and Switzerland is being supported with a view to its inclusion in the Schengen area at the end of 2008.

As the body legally responsible for managing the Portuguese visa information system under Article 39 of Regulatory Decree No 84/2007 of 5 November 2007, the SEF has been developing the national component required to implement the VIS, in accordance with the European Visa Information System. The national regulations needed to implement the system have been in place since August 2008.

In the second quarter of 2008 work began on installing and testing the VIS support infrastructure and on developing a local visa information system applicable to consulates, which supported the "BIODEV" experiment (project co-financed by the European Commission under ARGO) and incorporated the relevant software and equipment.

By the end of 2008 a connection will be complete between the SEF and the Ministry of Foreign Affairs which can also be used to link up to consulates.

Measures planned for 2009 include developing databases for recording biographical data and fingerprints and adapting the national base that has been set up in order to incorporate new functions and establish interoperability with other systems such as SIS II and the national

database of precautionary measures. Also in 2009 fingerprint readers will be acquired and installed at border posts.

To implement the central system, investment has already been made in an IT development environment, including among other things communications, application servers, cluster servers, SAN storage upgrade, APP Balance, APP SW and DB Oracle.

In accordance with the VIS Regulation, the Ministry of Foreign Affairs - through the Directorate-General for Consular Affairs and Portuguese Communities (DGACCP), as the body responsible for the operation of consulates - has also been developing, modifying and testing a network for visa applications, so that it will be ready to take part in the VIS start-up planned for mid-2009.

C) FADO System

The FADO system is in production as a pilot scheme in the SEF. All external border control posts have already been given restricted access to it for direct consultation. However, it has not yet been made available to all security forces and services (such as the Public Security Police and the Tax Police), which also have legal powers regarding the security and surveillance of external borders. Another strategic priority is to develop the "i-Fado" (a technical copy of the FADO database), which will be a valuable tool for feeding and managing the common system.

1.2.3. Cooperation with other Member States

Special mention should also be made here of the Portuguese participation in FRONTEX, through the SEF and the GNR in conjunction with the Ministry of National Defence, both in terms of planning and in operational activities, in particular CRATE (Centralised Records of Available Technical Equipment), RABIT (Rapid Border Intervention Teams), EPN (European Patrol Network), AMAZON, and FJST (Frontex Joint Support Teams), amongst others.

Nationally, government decisions were also taken to further the process of implementation of the new surveillance and control system along the coast - SIVICC (Integrated Surveillance and Control System), especially geared to detect, identify and intercept all illicit activities in a maritime environment or next to the coastline, which includes illegal immigration. The system has fixed and mobile observation posts and means of intervention at sea and on land.

1.2.4. Modernisation of consular services

With regard to consular policy, in 2007 and following on from the results of a study undertaken by the Ministry of Foreign Affairs, the Portuguese Government, decided, as part of a reform of the consular network, to promote a number of administrative and legislative measures specifically aimed at modernising and computerising the consular services, thereby cutting red tape and simplifying and digitalising administrative procedures, under the Administrative and Legislative Simplification Programme – Simplex. The aim is to provide users with a high-quality, efficient and rapid public service. In this context, plans are in hand to develop a "virtual consulate", providing as broad a range of services and information as possible, together with a restructuring of the consular network.

1.3. The total national resources allocated

Together, the two national bodies with responsibility for external borders, the SEF and the GNR, spent around 30 million Euros in 2006 on the control and surveillance of borders.

Of this amount, around 11 million Euros went on expenditure on SEF staff allocated to border posts, a higher figure than in 2005; the estimate for this year is even higher.

The importance of border management in the SEF's activities is seen in the financial investment which the organisation allocates to this area, representing approximately 40% of its total budgetary expenditure.

2. ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE

2.1. The requirements in the Member State in relation to the baseline situation

As part of the different platforms for control and surveillance system of external borders, future action planned for 2007-2013 under national sectoral policy should centre mainly on processes that introduce and intensify modernisation factors, together with the use of innovative and intelligent technologies, in terms of both operational equipment and infrastructure and information and communication systems, encouraging interoperability between the various components of the system, its national agents and those who cooperate with them at a Community level. In line with this goal, another decisive factor is the

adjustment of the human resources required and specific staff training, in particular for staff allocated to border posts.

Within this context, it is necessary:

> to encourage the development of the process of modernising the border control management system, already in hand, acting with efficacy in the different stages, particularly, in the stage prior to checks, through surveillance that enables timely and appropriate action to be taken at the time of the actual border control and, subsequently, through the processing and use of data, in order to best define action strategies in the fight against illegal immigration and organised crime, reducing risks for internal security; this goal will be pursued *inter alia* by setting up a system for recording operational information in support of border controls and by modernising and rehabilitating equipment and infrastructure intended for immigrants who fail to meet the conditions to remain in the territory of the Member States;

> to create the conditions for faster and more efficient implementation of the new SIVICC system, a priority which should be immediately accompanied by installation of the additional equipment deemed vital for its efficient operation, thereby helping improve the EU's response capability in the surveillance of its external borders; SIVICC enables the security of the external maritime border to be ensured, covering fixed and mobile observation posts and marine and land-based means of intervention. The system includes an operational unit, based on an integrated technological platform, which allows it to detect and identify threats, provide information to the command and control centre and to intercept the threats detected. It will provide interoperability with other internal and external border management, control and surveillance systems.

> to improve surveillance, prevention and intervention by increasing operational resources at sea and on land, along the whole coast of mainland Portugal and the archipelagos of Madeira and the Azores and in order to provide a fast response;

> to improve operational, command and control capabilities in surveillance of external borders;

> to give staff the skills appropriate to their mission and to the use of the technical and technological resources to be implemented;

> to promote investment in new information technologies and knowledge in the area of visas, specifically in terms of equipment and information systems, such as first and second-line document fraud detection equipment, 1st and 2nd generation optical electronic passport readers and RAPID control boxes, and development of the national component of SIS II, VIS and FADO;

> to increase Portuguese participation in joint international projects and operations sponsored and coordinated by FRONTEX.

2.2. The operational objectives of the Member State designed to meet its requirements

A)   In the area of border management and checks at border crossing points:

(1) Conclusion of the national component of the second stage of the Schengen Information System (SIS II), which will include the development stages, using ORACLE and Java technologies, field tests, compliance and acceptance tests and the start-up process.

(2) Implementation of the national component of the VIS (Visa Information System), which is indispensable for better control and availability of reliable information relating to the granting of visas and the movement of people; action in this field, in accordance with the VIS Regulation, will include optimising channels between the authorities responsible for this area (consulates, the Ministry of Foreign Affairs and the Foreigners and Frontiers Service – Border Posts) and the VIS, investing in the IT development environment, carrying out the necessary tests and providing specialised staff training; this exercise is under development and is expected to last for around two years.

Investment will also be made in the IT development environment, in particular the creation of a database for visa applications at consulates (the base will store biographical and other details, fingerprints, in the latter case using an AFIS system), the interoperability of the SIS II-VIS system and the acquisition of kiosks for collecting fingerprints and of optical fingerprint readers for installation at border posts.

After tests have been carried out, more specialised training will be given to officials, in particular officials in consulates and border posts, although targeted training modules will be developed throughout the process, which is scheduled to run until the end of 2009.

It is worth mentioning here that Portugal, together with seven other Member States, took part in the (Community-funded) Biodev Project, which constituted a first and valuable experience for the VIS. The results obtained will serve among other things to verify the quality of fingerprints collected in the kiosk specially developed for that purpose.

(3) Development of the national component of the FADO System (False and Authentic Documents Online), through the availability of security information considered to be fundamental.

(4) Update of the Border Control System (SCF), through the installation in all control boxes of the equipment necessary to control electronic documents and for the Schengen Information System.

(5) Modernisation and harmonisation of the document analysis equipment which has to be installed in all external border posts.

(6) Installation of the automatic record of passengers identified by documents (RAPID), which will enable the control of passengers bearing electronic documents at all external Portuguese border posts (air and sea) and is to be phased in so that the system can be adapted to the new Portuguese electronic passport in the initial stage (2007-2009), while in the second stage (2010-2013) the system will be adapted to the second generation of passports, in which new biometric data (fingerprints) will be introduced.

(7) Creation of an automatic border control system (RAPID) for the trusted national citizens of third countries -- "World Trusted Citizen" -- by installing in consular posts software capable of taking advantage of the equipment already used in the collection of biometric data, and by creating a specific database for trusted citizens and specific mechanisms for validating applications submitted.

(8) Development of the biometric system of visas by installing fingerprint readers in all boxes at all external border points.

(9) Border monitoring and pre-control, aimed at the development of a system of controls on border operations that will enable effective coordination of the respective activities and, consequently, efficient and rational management.

B) In the area of border surveillance:

(1) Promote the use of new technological and application components of the new SIVICC system through the installation of specialised operational equipment, specifically for data security and transmission, command systems and networks and control and support for technical management.

(2) Installation and modernisation of observation posts, in particular the adaptation of existing infrastructures which support the operation of the SIVICC system.

(3) More mobile resources, in particular command and control resources that can interoperate with the SIVICC system, specifically for patrolling the coastline and for fast intervention and maintenance.

(4) Improved capability of the surveillance, patrol and intervention services in aquatic environments through resources allowing them to operate in the open sea for prolonged periods, projection of resources in the autonomous regions and in international scenarios and creation of a combined maritime patrol and interception force.

(5) Installation of communications infrastructure and systems and applications for communications management and security.

(6) Promote the specialised training of staff assigned to surveillance and control activities.

C) In the area of the activity of consular services:

(1) Promote the development of a new generation of a visa application network, which would in particular give consular posts direct access to the Visa Information System (VIS) and to the Schengen Information System (SIS).

(2) Adaptation and restructuring of the visa application network system.

3. STRATEGY TO ACHIEVE THE OBJECTIVES

The realisation and quantification of the lines of action for the period 2007-2013 mentioned in section 2.2, is expressed in operational terms in the Annual Programmes, which set out the planned actions which pursue the objectives identified over time for each of the areas of intervention in each year and adjusted to national investment priorities.

The scope of the operational objectives identified in the previous point presupposes national action based on an integrated strategic framework, with a view to the gradual establishment of a common system for the management of external borders and improved border control and surveillance.

Within this context and at the same time taking advantage of the synergies which arise from the work undertaken in relation to FRONTEX, priorities 1, 2 and 4 have been selected, which, jointly, will provide a more efficient and effective additional response to the defined priorities for implementation, in particular within the framework of the Government Programme, and to the priorities set out by the Ministry of Home Affairs, in terms of border control and security for the period 2007-2013.

Selection of these priorities was also taken into account in the benchmark set by the financing capacity created by the General Programme for the period 2007-2013, together with the scenario of the national public investment effort which must be realised in order to achieve the objectives of border control and security policy. This means that in no way work of the Member State is excluded in the areas of priorities 3 and 5, which are areas to be acted on in terms of the strategy pursued by the Portuguese Government, but solely under the national budget.

In this context, training geared towards the priorities selected for financing by the Fund is exclusively associated with the processes, systems and equipment to be implemented under the Fund, in particular those based on innovative and intelligent technologies, with a view to helping staff acquire the new skills and qualifications required to use them. This vital training is therefore directly associated with the new procedures, systems and equipment.

Taking into account the amount set aside under the Fund for the overall period and its annual profile, and in view of the operational objectives to be achieved and the national budget, the implementation of priorities entails the following average annual allocations: 38% of the total

Fund allocation for priority 1; 42% for priority 2; and 14% for priority 4, with the remaining amount of around 6% assigned to technical assistance.

3.1. PRIORITY 1 – Support for the further gradual establishment of the common integrated border management system as regards the checks on persons at and the surveillance of the external borders

A)   Description and specific objectives:

The allocation of resources to this priority represents 38% of the estimated amount under the Fund for the overall period, which represents a total investment - national and Community - of around 17.4 million Euros and is earmarked mainly for modernising border control management through the use of innovative and intelligent technologies; the aims are specifically:

(1) to modernise the equipment intended for the control of external borders, making it progressively interoperable with that of other Member States and taking into account the results of the integrated and common risk valuation;

(2) to modernise national communication systems, making them progressively interoperable with those of other Member States;

(3) to improve Portugal's capacity to participate in and contribute towards operational cooperation between Member States and for it to participate, with the appropriate resources, in joint international operations, specifically those promoted by FRONTEX.

B)   Objective attainment indicators:

The realisation of the specific objectives under this priority and the progress achieved during the implementation of the Programme will be assessed by performance and results indicators which are obtained from the results of project implementation. For this purpose, the application form and the model final report for projects, which are set out in the Manual of Procedures for the Fund, define in an annex a set of performance and results indicators which beneficiaries must fill in and which will be monitored by the Responsible Authority.

To evaluate overall progress under this priority, as part of the ongoing evaluation of the Programme, the following criteria in particular will be used:

- the number of items of equipment installed in border posts which use innovative and intelligent technologies;

- the number of items of equipment installed in border posts with progressive movement towards the dissemination of information between border control authorities;

- the number of border crossing points rendered fully operational;

- the number of items of equipment installed for faster and more effective tracking of fraudulent documents;

- the number of systems developed to control and record the entry and exit of persons at borders.

C) Examples of key actions:

1. RAPID System – automatic record of passengers identified by documents: the plan is to implement the system at all national air and sea borders in order to increase the efficiency and security of checks on individuals; development will be in two stages:

   - 2007-2009 – adaptation to the first generation of electronic passports;

   - 2010-2013 – adaptation to the second generation of passports, allowing extended access control, fingerprint reading and visa verification.

2. Update of the border control system – SCF – through the installation in the control boxes of equipment necessary for the control of electronic documents and the SIS.

3.2. PRIORITY 2 – Support for the development and implementation of the national components of a European Surveillance System for the external borders and of a permanent European Patrol Network at the southern maritime borders of the EU Member States

A) Description and specific objectives:

The allocation of resources to this priority represents 42% of the estimated amount under the Fund for the overall period, which represents a total investment - national and Community - of around 19.5 million Euros.

The main goal of this priority is to improve and modernise the system for surveillance and control of the external maritime border; in particular:

(1) To develop an integrated national system of maritime external border surveillance, with the capacity to relay continually relevant information to all bodies involved in the control of external borders. The system, to be operated by the GNR, will also serve the various security forces and services, the aim being to provide a response at the following levels:

   a. surveillance, detection and identification of vessels or movements which are or could be related to vessels, from a distance and in any visibility conditions, both at sea - along the shoreline and in particular on stretches where vessels can approach - and on land, along the entire coastline;

   b. use and advanced management of information in an open system with external sources, guaranteeing the storage, handling and production of information on individuals, organisations and activities and providing integrated background knowledge and support for decision-making at strategic planning level and in the operational implementation of planned or reactive measures;

   c. a guarantee of efficient communications networks and support between departments and units within the system, allowing integrated and appropriate operational command and control of land and sea forces under the specialised arm of the Brigada Fiscal and fruitful cooperation with other, specialised arms of the Guarda;

   d. sharing of information, liaison and coordination with other forces and services in the national security and defence system, other bodies with responsibilities concerning unlawful acts and relevant international counterparts;

   e. availability of operational intervention resources geared to intercepting and combating unlawful activities, ensuring that intervention against various types of unlawful acts is timely, proportionate and appropriate;

f. dissuasion and prevention of unlawful acts by means of the effectiveness and credibility of the system.

(2) to acquire equipment intended for detection, identification and intervention work at borders, including maritime and land intervention resources, which can interoperate with other internal and external systems of border management, control and surveillance and fixed and mobile observation posts;

(3) to improve the capacity to coordinate the activities of all of the national authorities involved in control missions on external borders, taking into account the need to interact with the national centres in the other Member States;

(4) to promote the specialised training of staff assigned to surveillance and control activity, with reference to the modernisation of the systems and equipment implemented under this priority. This training is associated exclusively with the processes, systems and equipment to be implemented under this priority, in particular those based on innovative and intelligent technologies which entail giving staff new skills and qualifications in order to use them.

B)   Objective attainment indicators:

The realisation of the specific objectives under this priority and the progress achieved during the implementation of the Programme will be assessed by performance and results indicators which are obtained from the results of project implementation. For this purpose, the application form and the model final report for projects, which are set out in the Manual of Procedures for the Fund, define in an annex a set of performance and results indicators which beneficiaries must fill in and which will be monitored by the Responsible Authority.

To evaluate overall progress under this priority, as part of the ongoing evaluation of the Programme, the following criteria in particular will be used:

- the number of training courses held and the number of staff trained;

- the amount of mobile resources acquired for patrols, surveillance and intervention;

- the amount and type of equipment associated with implementation of the coastal surveillance and control system;

- the degree of operationalisation of the coastal surveillance and control system;

- the increase in operational surveillance capacity in terms of maritime and land-based intervention resources.

C)   Examples of key actions:

- Further development of the SIVICC;

- Open Sea Project – patrolling and interception, in particular with the following capacities: to operate in open sea for prolonged periods; to project resources to the autonomous regions and international scenarios; to provide command and control in the area of operations.

3.3.   PRIORITY 4 – Support for the establishment of IT systems required for implementation of the Community legal instruments in the field of external borders and visas

A)   Description and specific objectives:

The allocation of resources to this priority represents 14% of the estimated amount under the Fund for the overall period, which represents a total investment - national and Community - of around 6.5 million Euros.

The fundamental objective to be pursued through this priority is that of ensuring the development of the national components relating to the Schengen Information System and the Visa Information System; in particular:

(1) to introduce new computerised technology allowing the exchange of more and better information under the SIS and VIS systems;

(2) to develop the application of biometrics in the system of visas, specifically through the widespread installation of fingerprint readers;

(3) to promote the development of a new generation of the visa application network, which would specifically allow consular posts direct access to the VIS and the SIS;

(4) to restructure and modernise the visa application system;

(5) To develop the national component of the FADO System through the provision of technical information FADO to all the authorities with responsibilities in matters of border security.

B) Objective attainment indicators:

The realisation of the specific objectives under this priority and the progress achieved during the implementation of the Programme will be assessed by performance and results indicators which are obtained from the results of project implementation. For this purpose, the application form and the model final report for projects, which are set out in the Manual of Procedures for the Fund, defines in an annex a set of performance and results indicators which beneficiaries must fill in and which will be monitored by the Responsible Authority.

To evaluate overall progress under this priority, as part of the ongoing evaluation of the Programme, the following criteria in particular will be used:

- the number of upgrades of the information systems relating to frontiers and visas;

- the number of items of computer equipment for developing the SIS II and VIS;

- the number of cases detected at consulates, through the collection of fingerprints and at border posts;

- the number of biometric visas issued.

C) Examples of key actions:

- Implementing the national component of the VIS, in particular by optimising channels between consulates (under the Ministry of Foreign Affairs) and the Foreigners and Frontiers Service (which have VIS management responsibilities) and between this organisation and the central authority (Cvis) and border posts; also, acquiring and modernising IT equipment and running tests and specialised training courses for that purpose.

An electronic data transmission link will be completed between the SEF and the Ministry of Foreign Affairs by the end of 2008, making it possible to link up to the consulates.

In 2009 fingerprint collection equipment (kiosks) will be obtained 'for the 38 Portuguese consular posts and 200 fingerprint readers will be acquired for installation at border posts. Databases will be set up for visa applications received at consulates (one base will store biographical data and the other fingerprints, the latter consisting of an AFIS system).

Also in 2009 applications will be developed to allow interoperability between the SIS II–VIS system and national precautionary measures via an integrated system.

There are also plans to run tests and provide essential training for staff, in particular staff in consulates and border posts, by the end of 2009.

- Introducing new computer technology to the national component of the SIS and carrying out the necessary tests.

The application development already under way using ORACLE and Java technologies will allow the integration and adaptation of software tools which are being used by border authorities with SIS II with a view to interoperability with other systems, in particular with VIS and the national precautionary measures system.

In 2009 there are plans to adapt Sirene to SIS II, to migrate the SIS I data to SIS II and to begin running qualification tests on the system, so that any corrections required can be made in line with the results.

4.   COMPATIBILITY WITH OTHER INSTRUMENTS

Compatibility with other instruments mentioned in this point applies to all the priorities referred to above.

The programming of the External Borders Fund for the period 2007-2013 comes fully within the policy priorities defined for the sector, in particular within the framework of the Government Programme and the priorities defined by the Ministry of Home Affairs in relation to border control and security.

Compatibility and complementarity with other instruments on a national and Community level and avoiding the duplication of financing are basic management principles contained in

the national legislation applicable to implementation of the Fund[2] and applied throughout all of the stages of implementing the Programme, specifically in the following way:

> The Joint Committee, which is the advisory body of the authority responsible for the programmes, includes representatives of members of the Government with responsibilities in the area covered by the Fund, who intervene in the drawing-up of the programming and at the project approval stage. Its specific obligations, amongst others, are:

  a. to provide the information necessary in order to ensure coherence and complementarity between the financing of the Fund and other relevant national and Community instruments;

  b. to issue opinions on the development of the national investment priorities in the Fund's area of intervention.

> In the various stages of implementation of the Programme and specifically in the presentation of applications and the monitoring of projects, the Responsible Authority requests information from the applicant organisation on the compatibility of the proposed or beneficiary measure with other national or Community instruments and checks to see if there is any duplication of financing; the application form has a specific field for this purpose, where any complementarity which may exist between the application presented and other project(s) executed or in execution must be specified; on analysing the bid the Responsible Authority verifies its coherence and checks to see if there is any overlapping of support, in particular by consulting the information systems of the authorities managing the national programmes, in particular with Community support.

> The Responsible Authority represents the Ministry of Home Affairs in the bodies monitoring the National Strategic Reference Framework for the period 2007-2013, which monitor the implementation of programmes supported by the Structural Funds;

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[2] Resolution of the Council of Ministers No 155-A/2006 of 17 November 2006, which created the Mission Structure for the Management of the Framework-Programme; Order No 79/2008 of 25 January 2008, which established the legal rules on public financing of the eligible measures to be undertaken under the FFE.

> The Responsible Authority centralises all information in the Ministry of Home Affairs in respect of projects or actions which apply for or benefit from any kind of Community financing, in particular under the Programmes which form part of the QREN, which may include projects capable of generating synergies and complementarity in the area of intervention under the Fund, such as the European Territorial Cooperation Programmes and the Thematic Operational Programme of Territorial Enhancement, in terms of action to prevent, manage and monitor natural and technological risks.

> In the area of intervention under the Fund, the range of potential beneficiaries of the Programme is naturally limited to a small number of public bodies, which are almost exclusively overseen by the Ministry of Home Affairs.

5. FRAMEWORK FOR IMPLEMENTATION OF THE STRATEGY

5.1. The publication of the programme

The Responsible Authority will make the final version of the Programme public after its approval by the European Commission, broadly publicising it amongst the bodies involved in its implementation and amongst all categories of potential beneficiaries.

The Programme will be published on the RA's website (http://fundoscomunitarios.mai-gov.info/) and a paper version will be available.

5.2. The approach chosen to implement the principle of partnership

The Programme is prepared on the basis of a broad consultation of a large number of partners, whose field of responsibility or action falls within the area of intervention under the Fund.

At the launch of the implementation of each annual programme, the Responsible Authority calls and holds open meetings with these partners, attended by representatives of all the Ministries / organisations whose remit is directly linked with the area of intervention under the Fund and which are also represented in the Joint Committee for the General Programme. The Joint Committee will also be represented at these meetings given the fact that, as the body which monitors implementation of the Programme, it is responsible, in particular, for

providing all the relevant information on the development of the investment priorities in the area of intervention under the four Funds.

The various partners taking part in the preparation of the Programme are the following:

- Ministry of Home Affairs

    o Foreigners and Frontiers Service

    o National Republican Guard

    o Public Security Police

    o Directorate-General for Home Affairs

    o Secretariat of State for Home Affairs.

- Ministry of Foreign Affairs

    o Directorate-General for Community Affairs

- Ministry of the Presidency

    o High Commissioner for Immigration and Intercultural Dialogue

- Ministry of Labour and Social Security

    o Institute of Social Security

In the preparatory meetings the various bodies involved are asked for their contribution, specifically for the purposes of analysing the national situation, defining needs, operational objectives and the respective strategy for the area of intervention under the Fund.

In these forums these bodies present various key points with regard to each of the elements which should be included in the proposal of the Programme, which is followed by an open discussion on each of them.

Subsequently, this information and the respective supporting documentation, as well as the statistical data gathered and collated, is presented by the partners to the Responsible Authority, which, based on this and on the conclusions of the meetings, then prepares the Programme.

The partners are also called to participate in the successive stages of consolidation of the information which shapes the Programme until this is submitted for the approval of the political body which oversees the area.

Once this process is concluded, the Programme is submitted for the approval of the European Commission.

This same procedure is repeated upon the interim analysis of the Programme.

6. INDICATIVE FINANCIAL PLAN

6.1 Community Contribution

6.1.1. Financial Table

Multi-Year Programme – Draft Financial Plan

Table 1: Community Contribution

Member State: PORTUGAL

External Border Fund

(in thousands of Euros – current prices)	2007	2008	2009	2010	2011	2012	2013	TOTAL
Priority 1	1.111,53	1.079,82	1.360,31	1.412,02	1.813,54	2.591,52	3.653,28	13.022,01
Priority 2	1.250,47	1.214,80	1.530,35	1.588,52	2.040,23	2.915,46	4.109,94	14.649,76
Priority 4	416,82	404,93	510,12	529,51	680,08	971,82	1.369,98	4.883,25
Technical Assistance	241,42	235,45	288,23	297,96	220,16	301,20	411,80	1.996,22
TOTAL	3.020,25	2.935,00	3.689,00	3.828,00	4.754,00	6.780,00	9.545,00	34.551,25

6.1.2. Comments on the figures/trends

The parameters underlying the annual indicative breakdown of the Fund consist of the estimated volume of national investment associated with each of the priorities, and the expected profile of annual resources of the Fund, which justifies, for an overall effective period of execution of 8 years (applying the rule of execution n+1), a Programming based on a uniform split between priorities in the period. Thus, the amounts presented correspond to the following percentages:

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- 2007-2010: 37% of the annual amount for Priority 1; 41% for Priority 2; 14% for Priority 4; and 8% for Technical Assistance (equivalent to 7% of the annual amount plus €30 000, in accordance with Article 18 of the basic act);

- 2011-2013: 38% of the annual amount for Priority 1; 43% for Priority 2; 14% for Priority 4; and 5% for Technical Assistance (equivalent to 4% of the annual amount plus €30 000, in accordance with Article 18 of the basic act).

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6.2 OVERALL FINANCIAL PLAN

Multi-Year Programme – Draft Financial Plan

Table 2: Global Financial Plan

Member State: PORTUGAL

External Border Fund

(In thousands of Euros – current prices)	2007	2008	2009	2010	2011	2012	2013	TOTAL
Community Contribution	3.020,25	2.935,00	3.689,00	3.828,00	4.754,00	6.780,00	9.545,00	34.551,25
National Public Financing	1.006,75	978,33	1.229,67	1.276,00	1.584,67	2.260,00	3.181,67	11.517,08
Private Financing	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
TOTAL	4.026,99	3.913,33	4.918,67	5.104,00	6.338,67	9.040,00	12.726,67	46.068,33
% Community Contribution	75,00%	75,00%	75,00%	75,00%	75,00%	75,00%	75,00%	75,00%

6.2.2. Comments on the figures/trends

The financing structure respects Article 16 of the basic act, the source of national financing being exclusively public in accordance with the framework of national investment set out for the period 2007-2013.

[signature of the responsible person]

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