Annex 1

ANNUAL PROGRAMME

MEMBER STATE: **Portugal**

FUND: **European External Borders Fund**

AUTHORITY RESPONSIBLE: **Community Fund Management Task Force** (*Estrutura de Missao para a Gestao de Fundos Comunitários*)**, Ministry of Interior**

YEAR: **2008**

1.   GENERAL RULES FOR THE SELECTION OF PROJECTS TO BE FINANCED UNDER THE PROGRAMME

The Responsible Authority (RA) is an entirely independent body set up expressly by government instrument, signed by the Prime Minister, which bears sole responsibility for providing technical, administrative and financial management for the Framework Programme on Solidarity and the Management of Migration Flows.

According to the legal instrument under which it was established and which defines its role, the RA may not under any circumstances be a beneficiary of Community co-financing or act as the implementing body for projects, even if it is only a partner or part of an association. This means that the Programme does not provide for any implementing role for the RA.

Thus, and in accordance with the above-mentioned legal instrument, the head of the RA is personally and nominally responsible to the government for the professionalism, impartiality, independence and transparency of all management activity throughout implementation of the entire Framework Programme on Solidarity and the Management of Migration Flows.

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This model – used systematically in Portugal for the management of Structural Funds over the last 20 years, as well as in ERF I and II – therefore provides for total segregation of roles, placing the RA in a situation of complete independence both vis-à-vis potential beneficiaries of finance and in relation to the certifying authorities[1] (CA) and audit authorities[2] (AA), which in turn have full administrative, technical and financial autonomy.

Accordingly, even in the hypothetical situation that, during competitive procedures (applicable in all calls for proposals), a single potential beneficiary might, in view of the specificity of the area involved, emerge – and even if that beneficiary were a unit within the public administration – the institutional and legal nature of the RA and its independent positioning, which are limited to exercising a purely management role, provide for a total segregation of functions, guaranteeing impartiality and transparency across the entire range of its activity of project analysis, selection, monitoring and evaluation.

The RA organises all the procedures to do with selection and the allocation of co- financing by the Fund; in so doing, it abides by the principles of transparency, equal treatment and the non-cumulation of aid.

The applicable rules are laid down in national legislation relating specifically to the Fund, viz. Implementing Order No 79/2008 of 25 January 2008, and are also set out in the Fund's procedural manual and on the RA's own website.

The procedures laid down in these documents for the project selection stage are as follows:

- Announcement - Bids are submitted to the RA following an announcement published in a national large-circulation newspaper and on the RA's own

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[1] Foreigners and Border Service.
[2] Inspectorate-General of Finance.

website. The announcement will contain, either directly or by cross-reference to the web page indicated, all relevant information, such as the aims of the Fund with which bids must be consistent, eligible beneficiaries, the eligibility period of the annual programme (1 January 2008 to 31 December 2009) within which projects must be implemented, the selection criteria and the amount of finance available.

General selection criteria:

- o Extent of consistency with the national situation and needs;

- o Relevance, appropriateness and consistency of the project's aims and activities in terms of the annual programme;

- o Suitability of the profile of the applicant for finance, and its proven experience and prior achievements;

- o Cost/benefit ratio of the planned expenditure;

- o Extent to which it complements other projects financed out of public funds.

The minimum criteria laid down in Article 16(5) of the basic legislation establishing the Fund must also be respected.

Planned timetable for the submission of bids - The conditions now exist on a national level to implement the Programme in full and, in view of the expectations created by the potential beneficiaries, bids will be accepted in the first quarter of 2009.

- Submission of bids - Bids are submitted using a special form designed to provide the information necessary for the approval decision and for the subsequent monitoring, control and assessment processes. An annex to the form shows a table of indicators for implementation and outcomes, and the applicant for finance can select those most appropriate to the proposed project, in order to enable the project's contribution to the aims of the Programme to be assessed.

- Eligibility of bids - This is based on the formal analysis of the bid, with the general eligibility requirements of the applicant and the project being checked during this phase.

- Analysis of bid and technical opinion - The bid is analysed using specially designed forms, with the analysis covering an assessment of the selection criteria and of the eligibility of the expenditure concerned and its reasonableness in terms of achieving the aims of the bid.

- Opinion of the Joint Committee - The bids analysed are ranked in accordance with the score obtained by applying the selection criteria and on the basis of the financing available, and are then submitted for the opinion of the Joint Committee (the powers of the Joint Committee are set out under point 3.4). Once that opinion has been obtained, a decision can be taken.

- Decision - the action approving the application for finance.

- Finance contract - The financing decision is formalised in a written contract between the RA and the entity applying for the finance. The contract contains the undertaking to implement the project, reflecting the precise terms of the instrument approving the finance, of which the table setting out the cost structure forms an integral part.

The public procurement procedures must be in line with the provisions of Article 11 of the Fund's implementing rules, thereby ensuring consistency between national and Community rules on public contracts.

2. CHANGES IN THE MANAGEMENT AND CONTROL SYSTEMS (if appropriate)

Not applicable.

3. ACTIONS TO BE SUPPORTED BY THE PROGRAMME IN ACCORDANCE WITH THE PRIORITIES CHOSEN

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3.1. **Actions to be implemented under priority 1 – Support for the gradual establishment of an integrated border management system as regards the checks on persons at and the surveillance of external borders.**

ACTION 1 – EQUIPMENT FOR THE MONITORING OF EXTERNAL BORDERS

Purpose and scope of the action

This action represents a continuation of Action 1 foreseen in the 2007 annual programme.

The aim is to make checks on individuals which are more rapid, secure and efficient. In addition to this, the exchange of procedures and information between the various bodies concerned, which hold responsibilities at the level of airport and port security equipment, and the Member States must be streamlined and gradually rendered more interoperable.

The purpose of this action is to achieve high standards of efficiency and security, in order to modernise the management of border controls through the use of intelligent and innovative technology, with a particular emphasis on the processing and use of data.

Bearing in mind the financial burden that this target represents to Portugal, as well as the fact that the operational scope of the interventions at the border posts cannot be interrupted, or resulting in any damages in terms of security and swiftness to the movement of persons, the modernization of border control equipment must be done in various phases and in a coherent manner, and therefore the present action is intended to support interventions that continue the targets established in action 1 of the 2007 Annual Programme.

This will take the following forms:

- Pressing forward with the implementation of the initial phase of the RAPID system by setting up posts at maritime border points incorporating software which reads electronic passports, compares them with photos and fingerprints taken on the spot, validates them and, at the same time, checks the SIS and databases of national precautionary measures;

- Promoting the modernisation and updating of first and second-line devices for detecting document fraud and reading electronic passports;

- Modernising first- and second-generation devices for the optical and electronic reading of passports;

- Purchasing mobile border control equipment, such as devices for reading documents and consulting the SIS and databases of mobile precautionary measures;

- Modernising and purchasing detection and control devices for security at international airports, such as real time X-ray image acquisition systems for luggage control, and luggage remote control equipment.

- It also encompasses the development of a registration system for checking documents, which is to be adapted for crews and passengers, with a view to carry out risk analyses on water-borne craft. We intend to support the setting up of an IT system for registering and checking information related to ships, navigation agencies, number plates (*imo* number) , crews and passengers, which will allow the maritime border control to hold, in advance, all risk analysis data regarding a certain ship / vessel which is intended to be inspected.

In order to effectively safeguard security and protect against illegal crossings of external borders, and in view of the Member State's responsibility to provide for the efficient and effective removal of citizens intercepted in an illegal situation at the border or of citizens who fail to meet the conditions for entering and remaining in the countries concerned, the action also

encompasses the rehabilitation and modernisation of equipment and infrastructure designed for this purpose, including the refurbishment of a specialized reception centre located in the outskirts of Lisbon in order to accommodate third country nationals who fail to meet the conditions for entering and remaining in Member States territory, where they will remain until they return.

The action addresses the following objectives of MAP: Modernization of the equipments and systems intended for the control of external borders, making them progressively interoperable with that of the other Member States.

Beneficiaries

The beneficiaries of this action are public administration departments and bodies with legal powers in the field covered by the Fund, such as the Foreigners and Border Service[3] (*Serviço de Estrangeiros e Fronteiras*) and the Public Security Police[4].

Expected quantified results and indicators The following set of indicators will ensure the visibility of this project:

- Number of RAPID posts purchased and installed at border crossing points: 40

- Number of mobile border control devices: 20 (mobile identity verification - hardware)

- Number of optical readers purchased: 20

- Number of forgery detection devices installed: 50

- Number of application servers purchased: 2

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[3] - Security Service with competences on document control at the entry and exit of aliens at the borders.
[4] - Security service with competencies of surveillance and protection of international airports with external borders.

- Number of rehabilitation projects: 1 (equipment and modernization of infrastructure in specialized reception centres in the Lisbon district to accommodate third country nationals who fail to meet the conditions for entering and remaining in Member States territory)

Financial information

(all numbers in euros)	Community contribution (a)	Public contribution (b)	Private contribution (c)	TOTAL (d =a+b+c)	EC % (e = a/d)	Share of Total (d/ total d)
Action 1	971.838,05	323.946,02	0,00	**1.295.784,07**	75%	33%

Given the value of the investment planned for Action 1, it is estimated that the continued implementation of RAPID represents investments of about 40% of action 1.

ACTION 2 – SUPPORT COOPERATION INITIATIVES

Purpose and scope of the action

We intend to reinforce the capacity of Portugal towards the operational cooperation between Member States to participate, with the adequate means, in international joint operations, specifically those promoted by FRONTEX..

Therefore the aim of the present action is to equip, with the adequate means, the agents who participate in international operations, specifically organized by FRONTEX, by supplying them the basic equipment for registering and checking information and for performing technical control over documents, among others.

The aim is to strengthen all forms of participation in and contribution to operational cooperation between Member States and to ensure effective response levels and a sustained performance in international operations.

The action addresses the following objective of MAP: 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.

Beneficiaries of the action

The beneficiaries of this action are public administration departments and bodies with legal powers in the fields covered by the Fund, such as the Foreigners and Borders Service (*Serviço de Estrangeiros e Fronteiras*).

Expected quantified results and indicators

The following set of indicators will ensure the visibility of this project:

- Number of informatics equipment, specifically to use in international operations: 10

- Number of portable equipment for reading documents, to be used in international operations: 50

Financial information

(all numbers in euros)	Community contribution (a)	Public contribution (b)	Private contribution (c)	TOTAL (d =a+b+c)	EC % (e = a/d)	Share of Total (d/ total d)
Action 2	107.982,01	35.994,00	0,00	**143.976,01**	75%	4%

3.2. Actions to be implemented under Priority 2 – Support for the development and implementation of the Portuguese components of a European Surveillance System for external borders and a permanent

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European Patrol Network at the southern maritime borders of Member States.

ACTOIN 3 – EQUIPMENT FOR SURVEILLANCE OF AND INTERCEPTION ON THE BORDER

<u>Purpose and scope of the action</u>

This action represents a continuation of Action 3 foreseen in the 2007 annual programme. Indeed the action is intended to support equipment that undertakes investments that go beyond the year 2007 budget.

Therefore, an essential aim of the action is to strengthen and modernise the system of surveillance and control of the external maritime border, in addition to improving efficiency in the coordination, interlinkage and interoperability of this system.

To prevent and to combat illegal activities in coastal waters, it is essential to ensure the coordination, interlinkage and interoperability of the systems and their components if we are to upgrade the efficiency and effectiveness of the measures taken.

The aim is thus that the coastal surveillance system to be adopted should be based on a platform that is more highly developed in technological terms and suited to modern-day reality, thereby sustaining in particular the fight against illegal immigration, but also against other forms of criminality such as drug trafficking, and smuggling, and strengthening monitoring, prevention and intervention at sea and on land.

It is therefore important to acquire the means of transport needed to control the borders (for surveillance, patrolling and intervention purposes), which must be specially equipped with electronic surveillance devices:

- Mobile units for patrolling the coastal strip and for rapid intervention;

- Acquisition/adaptation of mobile seaborne craft able to operate on the open sea for a prolonged period and in international contexts (combined maritime patrol and interception force).

It is also vital to create and develop border surveillance and pre-control structures and systems which will guarantee detailed early knowledge of the nature of movements at the border, thereby enabling the internal security forces to take effective action.

As part of this action, it is also planned that staff responsible for surveillance and control activities should receive specialised training to update their skills in line with the modernisation of the equipment acquired and developments in the systems in place.

The action addresses the following objectives of MAP: improvement and modernization of the surveillance and control system of the external maritime border including the purchase of equipment intended for the activities of detection, identification and intervention on borders, including maritime and land intervention resources, which interoperate with other internal and external systems of border management, control and surveillance and fixed and mobile observation posts.

Beneficiaries of the action

The beneficiaries of this action are public administration departments and bodies with legal powers in the fields covered by the Fund, that is, the National Republican Guard and the Foreigners and Borders Service.

Expected quantified results and indicators

The following set of indicators will ensure the visibility of this action:

- Mobile units for patrolling the coastal strip and carrying out rapid interventions: 7

- Mobile seaborne craft for patrolling, surveillance and intervention: 5 units

- Equipment for pinpointing targets at night: 2 night-vision cameras

- Software developed to be linked to the GIS (Geographic Information System) at the following levels: ANIS (Alert Network Integration System) and EISIS (External Sources Integrated System): 1

Financial information

(in euros)	Commission contribution (a)	Public contribution (b)	Private contribution (c)	Total (d=a+b+c)	EC % (e = a/d)	Share of total (d/total d)
Action 3	1 214 797.56	404 932.52	0.00	1 619 730.08	75%	7%

3.3. Actions to be implemented under Priority 4 – Support for the establishment of IT systems required for implementation of the Community legal instruments in the areas of external borders and visas

ACTION 4 – PURCHASE OF EQUIPMENT FOR THE EXCHANGE OF INFORMATION

Purpose and scope of the action

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This action represents a continuation of Action 4 foreseen in the 2007 annual programme, considering the financial effort that is for Portugal to invest in the development at the national components of information systems SIS and VIS, whose implementation takes place in accordance with the progress of the work pursued within the technical groups of the European Union.

Therefore the purpose of the action is to further develop the national components of the relevant information systems, that is, the Schengen Information System and the Visa Information System, with a particular focus on new information and communication technology.

The specific purpose of the action is to support the purchase and modernisation of IT equipment and to conduct specific tests on the starting up of the systems.

This equipment will represent a development of the informatics connections with SIS and Central VIS and the connections with border posts, so that validation tests can be performed in order to start the operation of systems.

Pursuing the development of the technological platform for the FADO system, particularly through the use of IT elements designed to provide information on the technical characteristics of genuine identity and travel documents from Europe and third countries, and alert points for the detection of false documents which are structured in such a way as to have different access levels for national security forces and services with responsibility for border security.

The action addresses the following objectives of MAP: development of the national components relating to the SIS, VIS and FADO system in order to respond effectively to the rules and deadlines established by the European Commission and achieve strict security landing of information necessary to the Portuguese external border control.

Beneficiaries of the action

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The beneficiaries of this action are the public administration departments and bodies with legal powers in the fields covered by the Fund, specifically in this phase the Foreigners and Borders Services.

Expected quantified results and indicators

The following set of indicators will ensure the visibility of this action:

- Number of software devices developed and installed for the development of VIS: 2 servers – Cluster, 1 server application, 1 APP Balance

- Number of fingerprint readers: 100

- Number of technicians working to develop application modules and the tests for the system developed for SIS II: 5

- Number of documents made available on the FADO database: 600

Financial information

(in euros)	Commission contribution (a)	Public contribution (b)	Private contribution (c)	Total (d=a+b+c)	EC % (e = a/d)	Share of total (d/total d)
Action 4	**404 932.52**	**134 977.51**	**0.00**	**539 910.03**	**75%**	**7%**

Given the value of the investment planned for Action 4, it is estimated that the continued implementation of SIS, VIS and FADO represents investments of about 50%, 20% and 30% respectively of action 4.

3.4. Common issues

Visibility of co-funding by the Fund

The fact that co-funding is provided by the Fund is made clear for each component covered by the management of the programme and the projects to be approved. Ways of ensuring visibility will include:

➢   Placing the EU logo on all the material produced for the implementation of the Programme and indicating on such material that co-financing is provided by the Fund (including invitations to submit project proposals, manuals of procedures, guidelines, forms, correspondence and so on);

➢   Placing the EU logo on all the equipment purchased for the project;

➢   Placing the EU logo and an indication that co-financing is provided by the Fund on all associated publicity material: prospectuses, stamped paper, public relations activities, etc;

➢   Placing the EU logo and an indication that co-financing is provided by the Fund on the premises of grant beneficiaries (on office walls, in entrances, etc);

➢   Publicising the fact that co-financing is provided by the Fund, specifically when projects are mentioned in the context of seminars or conferences;

The following will be used to show that co-financing is provided by the Fund:

"Project co-financed by the European External Borders Fund"

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Complementarity with similar actions financed by other Community instruments

Complementarity with other instruments at Community level and the non-cumulation of financing are basic management principles enshrined in national legislation on the implementation of the Fund and illustrated by all the stages of implementation of the Programme as follows:

➢ The Joint Committee, which is the consultative body of the Authority Responsible for the Programme, includes representatives of members of the Government with powers in the field covered by the Fund, and it takes part in the stage involving the drawing up of the programme and in the project approval stage; its specific powers include the following:

▪ Providing the information necessary to guarantee the consistency of and complementarity between the financing provided by the Fund and that provided by other relevant national and Community instruments;

▪ Producing opinions on changes in the priorities for national investment in the field covered by the Fund.

➢ At the different stages in the implementation of the Programme and, in particular, at the stage of submission of bids and that of the monitoring and control of the projects, the RA requests the party which has applied for funding for information regarding the compatibility of the action in respect of which the application has been made or which receives funding from other national or Community instruments and checks whether there are any overlapping sources of funding; for this purpose, the application form has space to specify any complementarity which may exist between the bid submitted and any other project(s) already carried out or in the process of being implemented. When examining the bid, the RA checks that it is consistent and that there is no cumulation of aid, by consulting the information

systems of the management authorities of the national programmes, particularly those receiving Community aid.

➢ The RA represents the Internal Administration Ministry on the bodies responsible for monitoring the Strategic National Reference Framework for 2007- 2013. These monitor the implementation of the programmes which receive funding from the Structural Funds.

➢ The RA is the central body responsible within the Internal Administration Ministry for all the information relating to projects or actions in respect of which an application has been made for Community financing of one kind or another or which already receive such funding. It is responsible for ensuring consistency and the non-cumulation of aid.

4.   **TECHNICAL ASSISTANCE**

Purpose of technical assistance

The specific aim of technical assistance is to promote maximum efficiency and effectiveness in implementing the Programme. It therefore seeks to provide, through the technical support structure of the responsible authority, a range of management activities vital for the execution, monitoring and control of the projects financed under the Programme, in order to ensure that the objectives are achieved.

Thus, technical assistance helps ensure that the management structure responsible for overall management of the Framework Programme on Solidarity and the Management of Migration Flows has everything needed, from a logistical point of view, for its proper implementation and effective monitoring and control.

It also carries out actions to promote, disseminate and publicise the aid provided, particularly in terms of the results achieved by projects supported by the Fund.

As in 2007, the main items of expenditure to be considered are as follows:

- Expenditure on the operations of the RA's management support structure, including the cost of staff allocated to it;

- The purchase of audit and control services for projects supported, notably expenditure by the audit authority for the provision and monitoring of those services;

- The purchase of IT services and hardware to support the RA's management, monitoring and assessment activity;

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- The collection and processing of data needed to monitor the physical and financial implementation of the projects financed;

- Information and publicity meetings with potential beneficiaries of the Programme, and the production of the related documents and materials;

- Dissemination and publicity meetings, particularly in relation to the results obtained through the projects supported;

- Technical training for officials allocated to the management support structure.

As the management and control system is common to the Four funds in the General Programme, as shown in the model presented to the European Commission, and with the aim of rationalisation and efficiency in managing resources, expenditure for common items of technical assistance will be allocated jointly to the four funds, in a reasonable and auditable manner, it being ensured there is no duplication of the financing of costs.

As established in paragraphs 10 and 11 of Council of Ministers' Resolution 155-A/2006 of 17 November 2006, the budgeted costs of this measure are borne by transfers from the budget of the Internal Administration Ministry, and it is the responsibility of the Ministry's General Secretariat of the Internal Administration Ministry (GS-MIA) to provide logistical support to the RA and the budgeted expenditure, and for this reason it is the final beneficiary of technical assistance.

GS-MIA has organised accounting procedures based on an Accounting Information System (AIS), which adheres to the accounting principles, concepts and criteria legally defined for cost accounting.

Expected quantified results

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The expected results for this measure are centred on meeting the targets and objectives set for the Programme and will therefore be reflected in the management actions and procedures developed which will make it possible, in full compliance with the applicable rules, to maximise the national and Community resources devoted to the Programme.

Thus, the following indicators will be used:

- Level of implementation of fund expenditure by 31 December 2009 – 100%

- Average time required to assess bids – 20 days

<u>Visibility of EC funding</u>

See point 3.4.

<u>Financial information</u>

(in euros)	Community contribution (a)	Public contribution (b)	Private contribution (c)	TOTAL (d =a+b+c)	EC % (e = a/d)	Share of Total (d/ total d)
Technical Assistence	235.450,00	78.483,33	0,00	313.933,33	75%	8%

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5.   DRAFT FINANCING PLAN

Annual Programme - Draft Funding Plan								
Table 1 - Overview								
Member State: PORTUGAL								
Annual Programme at issue: 2008								
External Borders Fund								
(all numbers in euros)	Priority Number	Special Priority Number (1)	Community contribution (a)	Public contribution (b)	Private contribution (c)	TOTAL (d =a+b+c)	EC % (e = a/d)	Share of Total (d/ total d)
Action 1	1		971.838,05	323.946,02	0,00	**1.295.784,07**	75%	33%
Action 2	1		107.982,01	35.994,00	0,00	**143.976,01**	75%	4%
Action 3	2		1.214.797,56	404.932,52	0,00	**1.619.730,08**	75%	41%
Action 4	4		404.932,52	134.977,51	0,00	**539.910,03**	75%	14%
Technical Assistence			235.450,00	78.483,33	0,00	**313.933,33**	75%	8%
Other operations(2)								
TOTAL			**2.935.000,14**	**978.333,38**	**0,00**	**3.913.333,52**	**75%**	**100%**

(1) If applicable.

(2) If necessary, specific measures laid down in the underlying act, notably emergency measures.

Signature of the person responsible

Head of the Community Fund Management Task Force (*Estrutura de Missao para a Gestao de Fundos Comunitários*), Ministry of Interior