COMMISSION IMPLEMENTING REGULATION (EU) 2023/170

of 25 January 2023

establishing the template for the annual performance reports on the Internal Security Fund for the 2021-2027 programming period, pursuant to Regulation (EU) 2021/1149 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund ([1]), and in particular Article 30(5) thereof,

After consulting the Home Affairs Funds Committee,

Whereas:

(1) Regulation (EU) 2021/1060 of the European Parliament and of the Council ([2]), together with the Regulations (EU) 2021/1147 of the European Parliament and of the Council ([3]) and (EU) 2021/1148 ([4]), and Regulation (EU) 2021/1149 ('Fund-specific Regulations') establishing respectively the Asylum, Migration and Integration Fund, the Instrument for Financial Support for Border Management and Visa Policy and the Internal Security Fund constitute a framework for Union funding contributing to the development of the area of freedom, security and justice.

(2) Regulation (EU) 2021/1060, and in particular Article 41(7) thereof, requires Member States to submit an annual performance report to the Commission for each programme in accordance with the Fund-specific Regulations.

(3) To ensure uniform conditions in the implementation of annual reporting and that the information provided to the Commission is consistent and comparable, Regulation (EU) 2021/1149 sets out the need to establish a template for the annual performance reports by means of an implementing act.

(4) In accordance with Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland takes part in and is bound by Regulation (EU) 2021/1149. Therefore, Ireland is bound by this Regulation.

(5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not take part in and is not bound by Regulation (EU) 2021/1149. Therefore, Denmark is not bound by this Regulation.

(6) To allow for the prompt application of the measures provided for in this Regulation and to ensure that there is no delay in the implementation of the programmes, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation establishes the template for the annual performance reports on the Internal Security Fund referred to in Article 41(7) of Regulation (EU) 2021/1060 and Article 30 of Regulation (EU) 2021/1149.

([1]) OJ L 251, 15.7.2021, p. 94.
([2]) OJ L 231, 30.6.2021, p. 159.
([3]) OJ L 251, 15.7.2021, p. 1.
([4]) OJ L 251, 15.7.2021, p. 48.

The template is set out in the Annex.

Article 2

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

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

Done at Brussels, 25 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Template for the Annual Performance Report by the Member States to the Commission on the Internal Security Fund, as referred to in Article 30 of Regulation (EU) 2021/1149

IDENTIFICATION

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

1. PERFORMANCE

1.1. **Progress in implementation – Article 30(2), point (a), of Regulation (EU) 2021/1149**

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

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

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

Insert text here. Max Length: 7 000 characters

1.2. **Issues affecting performance – Article 30(2), point (b), of Regulation (EU) 2021/1149**

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

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

— underreporting of achievements ([1]);

— target setting ([2]);

— procedural delays and administrative capacity ([3]);

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

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

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

— contextual changes ([4]);

— the design and/or implementation of the operations ([5]); and

— any other matter.

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

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

Insert text here. Max Length: 7 000 characters

1.3. **Specific mitigation measures**

If relevant, describe briefly how the programme activities contributed to mitigating the effects of any relevant and sudden contextual changes resulting in unforeseen security threats. Whenever possible, refer to the volume of resources redeployed for this purpose, and the related outputs and results achieved.

Pay specific attention to activities carried out to mitigate the unforeseen security threats and whose achievements may not be fully captured by the common output and result indicators.

Insert text here. Max Length: 4 000 characters

1.4. **Operating support – Article 16(3) of Regulation (EU) 2021/1149**

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

If the total cumulative eligible cost of operating support for the operations selected for support exceeds 20 % of the total programme allocation at the end of the accounting year, explain the reasons. Additionally, if there is a risk that the threshold is exceeded by the end of the programming period, describe the measures envisaged to mitigate it.

Insert text here. Max Length: 4 000 characters

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

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

([6]) If relevant for this purpose, refer to the recommendations from quality control and evaluation mechanisms, such as: (i) the Schengen evaluation and monitoring mechanism, in accordance with Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27), and Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013 (OJ L 160, 15.6.2022, p. 1); or (ii) other quality control and evaluation mechanisms, as applicable.

1.5. **Specific actions** ([7])

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

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

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

Insert text here. Max Length: 5 000 characters

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

Specific Objective	Name/ reference number of the action	Beneficiary	Implement-ing Period	Eligible cost ([12])	Eligible expenditure ([13])	Progress in the relevant common and/or programme specific indicators ([14])	
						Output	Result

1.6. **Compliance with Article 13(7) of Regulation (EU) 2021/1149**

Report the total cumulative amount of incurred and paid expenditure for equipment, means of transport or the construction of security-relevant facilities pursuant to Article 13(7) of Regulation (EU) 2021/1149, as per the data to be stored electronically in line with field 142, Annex XVII of Regulation (EU) 2021/1060.

Insert the amount here

Confirm that the total cumulative eligible cost of operations selected for support for equipment, means of transport or the construction of security-relevant facilities pursuant to Article 13(7) of Regulation (EU) 2021/1149 does not exceed 35 % of the total allocation of the programme by the end of the accounting year, or explain the reasons for this. Additionally, if there is a risk that the threshold is exceeded by the end of the programming period, describe the measures envisaged to mitigate it, or the duly justified reasons to exceed the threshold.

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

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

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

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

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

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

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

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

Insert text here. Max Length: 3 000 characters

1.7. **Only in 2024: continuation of projects – Article 34(4), point (e), of Regulation (EU) 2021/1149**

Report on any projects continued after 1 January 2021 that were selected and started under Regulation (EU) No 513/2014 of the European Parliament and of the Council ([15]), in accordance with Regulation (EU) No 514/2014 of the European Parliament and of the Council ([16]).

Insert text here. Max Length: 4 000 characters

2. COMPLEMENTARITY

2.1. **Complementarity with other Union funds – Article 30(2), point (c), of Regulation (EU) 2021/1149**

Describe the complementarity and, if relevant, synergies between the actions supported by the fund and the support provided by other Union funds in the field of security, for example:

— the Asylum, Migration and Integration Fund (AMIF) and the Integrated Border Management Fund (IBMF), including the Border Management and Visa Instrument (BMVI) and the Instrument for Financial Support for Customs Control Equipment;

— the cohesion funds, especially the European Regional Development Fund (ERDF);

— the security research part of Horizon Europe;

— the Citizens, Equality, Rights and Values programme and the Justice programme;

— the Digital Europe programme;

— the InvestEU programme;

— the Technical Support Instrument;

— the rescEU reserve;

— the Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe; and

— the Instrument for Pre-Accession Assistance (IPA).

Pay specific attention to:

— complementarity with Union's external financing instruments for actions taken in or in relation to third countries, underlining the aspects that are consistent with the principles and general objectives of the Union's external policy; and

— the use of enabling mechanisms, such as organisational and procedural arrangements that help achieve complementarities, and, if relevant, synergies, and to any actions taken to improve them during the accounting year.

([15]) Regulation (EU) No 513/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management and repealing Council Decision 2007/125/JHA (OJ L 150, 20.5.2014, p. 93).

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

If relevant, describe also:

— the complementarity of the activities carried out from the perspective of strengthening inter-agency cooperation ([17]);

— synergies in relation to security of infrastructure and public spaces, cybersecurity, the protection of victims and the prevention of radicalisation.

Insert text here. Max Length: 6 000 characters

2.2. **Multipurpose equipment and ICT systems – Article 5(4) of Regulation (EU) 2021/1149**

Describe briefly the relevant operations involving equipment and ICT systems purchased within the programme and partly used in the complementary area covered by Regulation (EU) 2021/1148 and for achieving the objectives of the Instrument for Financial Support for Border Management and Visa Policy. Indicate the place(s) where the multipurpose equipment and ICT systems were deployed.

For equipment, also provide information on the period when it was used in the complementary areas of the Instrument for Financial Support for Border Management and Visa Policy.

Insert text here. Max Length: 3 000 characters

For a Union information system funded under the Regulation (EU) 2021/1149 which also serves the objectives of Regulation (EU) 2021/1148 (multipurpose) or activities required under the EU interoperability legal framework ([18]), fill in the table below.

Specific Objective	Name of the operation	Beneficiary of the operation	Objective of the operation	Implementation period	Co-financing rate	Eligible costs ([19])	Eligible expenditure ([20])

3. IMPLEMENTATION OF THE UNION *ACQUIS* – ARTICLE 30(2), POINT (d), OF REGULATION (EU) 2021/1149

Describe how, during the accounting year, the programme contributed to implementing the relevant Union *acquis* (the body of Union law) on security and exchange of relevant information, and to any relevant action plans.

Insert text here. Max Length: 4 000 characters

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

([18]) Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).
Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

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

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

4. COMMUNICATION AND VISIBILITY – ARTICLE 30(2), POINT (e), OF REGULATION (EU) 2021/1149

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

Insert text here. Max Length: 4 000 characters

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

5. ENABLING CONDITIONS AND HORIZONTAL PRINCIPLES

5.1. **Enabling conditions – Article 30(2), point (f), of Regulation (EU) 2021/1149**

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

Insert text here. Max Length: 5 000 characters

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

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

Insert text here. Max Length: 5 000 characters

6. PROJECTS IN OR IN RELATION TO THIRD COUNTRIES – ARTICLE 30(2), POINT (g), OF REGULATION (EU) 2021/1149

Describe any actions taking place in or in relation to third countries during the accounting year and how these bring Union added value in achieving the objectives set by the fund. Indicate the names of the third countries concerned. If relevant, refer to the consultations with the Commission before the project was approved (Article 13(11) of Regulation (EU) 2021/1149).

Insert text here. Max Length: 6 000 characters

7. SUMMARY – ARTICLE 30(2) OF REGULATION (EU) 2021/1149

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

As a minimum, the summary must cover all the points listed in Article 30(2), and should preferably be structured around them.

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

Insert text here. Max Length: 7 500 characters