Commission Implementing Regulation (EU) No 800/2014 of 24 July 2014 establishing reporting procedures and other practical arrangements on the financing of operating support under national programmes and in the framework of the Special Transit Scheme pursuant to Regulation (EU) No 515/2014 of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa

COMMISSION IMPLEMENTING REGULATION (EU) No 800/2014

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establishing reporting procedures and other practical arrangements on the financing of operating support under national programmes and in the framework of the Special Transit Scheme pursuant to Regulation (EU) No 515/2014 of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa[(1)], and in particular Articles 10(6) and 11(6) thereof,

Whereas:

(1) Pursuant to Article 19 of Regulation (EU) No 515/2014, Regulation (EU) No 514/2014 of the European Parliament of the Council[(2)] is applicable to the instrument for financial support for external borders and visa. Therefore any Commission delegated and implementing Regulations adopted on the basis of Regulation (EU) No 514/2014 is applicable to the instrument for financial support for external borders and visa.

(2) Commission Implementing Regulations (EU) No 802/2014[(3)] and (EU) No 799/2014[(4)] in particular set out conditions and terms of the electronic data exchange system between the Commission and Member States, models for national programmes and models for annual and final implementation reports.

(3) Article 10(1) of Regulation (EU) No 515/2014 allows Member States to allocate up to 40 % of the amount granted under the instrument for financial support for external borders and visa to finance operating support to the public authorities responsible for accomplishing the tasks and services which constitutes a public service for the Union. Before the approval of the national programme, the Member State that wishes to finance operating support under its national programme should be required to provide specific information notably in order to enable the Commission to assess the conditions laid down in Article 10(2) of Regulation (EU) No 515/2014. Likewise additional reporting requirements in respect of operating support should be laid down.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 800/2014. (See end of Document for details)*

(4) Article 11(2) of Regulation (EU) No 515/2014 allocates resources to Lithuania as additional specific operating support in the context of the Special Transit Scheme between Lithuania and the Commission. Lithuania should be required to provide specific information in that regard notably in order to enable the Commission to assess the eligibility of the costs referred to in Article 11(3) of Regulation (EU) No 515/2014 that Lithuania plans to charge under the instrument. Likewise additional reporting requirements regarding operating support for the Special Transit Scheme should be laid down.

(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 the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement this Regulation in its national law.

(6) As regards Iceland and Norway, this Regulation constitutes a development of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen *acquis* [(5)]which falls within the areas referred to in Article 1, Points A and B of Council Decision 1999/437/EC[(6)].

(7) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* [(7)] which fall within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC[(8)].

(8) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* [(9)] which fall within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU[(10)].

(9) In order to allow for the prompt application of the measures provided for in this Regulation and not delay the approval of the national programmes, the Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.

(10) The measures provided for in this Regulation are in accordance with the opinion of the 'Asylum, Migration and Integration and Internal Security Funds' Committee.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 800/2014. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

Practical arrangements on operating support financed under the national programme and under the Special Transit Scheme

1 Where a Member State decides to request operating support pursuant to Article 10 of Regulation (EU) No 515/2014, it shall provide the Commission with the information listed in Annex I to this Regulation in addition to the ones required in the Annex to Implementing Regulation (EU) No 802/2014.

The Member State shall also provide the Commission with an indicative planning form drawn up in accordance with the model set out in Annex II to this Regulation.

2 If Lithuania decides to make use of the operating support available for the Special Transit Scheme pursuant to Article 11 of Regulation (EU) No 515/2014, it shall provide the Commission with the information listed in Annex III to this Regulation in addition to the ones required in the Annex to Implementing Regulation (EU) No 802/2014.

3 The information and forms referred to in this article shall be sent to the Commission via the electronic data exchange system established by Article 2 of Implementing Regulation (EU) No 802/2014.

Article 2

Model for reporting on operating support financed under the national programme and under the Special Transit Scheme

1 Where operating support is financed under the national programme, the Member State concerned shall report on its implementation in the implementation report referred to in Article 54 of Regulation (EU) No 514/2014 drawn up in accordance with the model set out in the Annex to Implementing Regulation (EU) No 799/2014.

In addition when submitting its implementation report to the Commission, the Member State shall provide the information listed in Annex IV to this Regulation.

2 Where operating support for the Special Transit Scheme is financed under the national programme of Lithuania, it shall report on its implementation in the implementation report referred to in Article 54 of Regulation (EU) No 514/2014 drawn up in accordance with the model set out in the Annex to Implementing Regulation (EU) No 799/2014.

In addition, when submitting its implementation report to the Commission, Lithuania shall provide the information listed in Annex V to this Regulation.

3 The information referred to in this article shall be sent to the Commission via the electronic data exchange system established by Article 2 of Implementing Regulation (EU) No 802/2014.

Article 3

This Regulation shall enter into force on the 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 Member States in accordance with the Treaties.

Done at Brussels, 24 July 2014.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 800/2014. (See end of Document for details)*

ANNEX I

PROGRAMMING OF OPERATING SUPPORT UNDER THE NATIONAL PROGRAMME

Each Member State must confirm their compliance with the conditions set out in Article 10(2) of Regulation (EU) No 515/2014 when operating support is included in the national programme.

National objective: provide a general indication for the use of Operating Support, including objectives and targets to be achieved as well as indication of the services and tasks that will be financed under the Operating Support mechanism.

Further where the national programme includes operating support Visa or Borders, the 'Indicative planning form' must be completed and attached. The 'Indicative planning form' will not form part of the Commission decision approving the national programme.

SPECIFIC OBJECTIVE: Operating support/Article 10(2) Regulation (EU) No 515/2014	
☐	hereby confirms its compliance with the Union *acquis* on borders and visa.
☐	hereby confirms its compliance with Union Standards and guidelines for good governance on borders and visa, in particular the Schengen catalogue for external border control, the Practical Handbook for borders guards and the Handbook on visa.
National Objective: Operating support for VISA	
National Objective: Operating Support for Borders	

ANNEX II

INDICATIVE PLANNING FORM FOR OPERATING SUPPORT UNDER NATIONAL PROGRAMME

This form will not form part of the Commission decision approving the national programme.

For each type of operating support (visa or borders) provide:

(i) An indicative list of beneficiary:
- — name of the beneficiary (e.g. Ministry of Foreign Affairs, immigration section of the police, coast guard, port authority, immigration section of the police, armed forces) and its legal status (e.g. Public authority, public liability company, etc.)
- — with their statutory responsibilities
- — the main types of tasks performed in relation to border management/visas, including tasks expected to be supported;

Add more rows as necessary.

(ii) an indicative list of tasks: describe the main types of tasks performed by the beneficiary in relation to: