

ANNUAL PROGRAMME

MEMBER STATE: **REPUBLIC OF ESTONIA**
FUND: **RETURN FUND**
RESPONSIBLE AUTHORITY: **MINISTRY OF THE INTERIOR**
YEAR COVERED: **2011**

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

The selection of projects co-financed by the Return Fund (RF) under the 2011 annual programme (AP) shall be carried out in accordance with the provisions of the multi-annual programme, the management and control system of the Return Fund for the period 2008-2013 established by the Estonian Ministry of the Interior (MoI) and the manual of the procedures (procedural rules, decree of the Minister of the Interior no 74 of 23.03.2010).

1.1 Selection of projects when the Responsible Authority acts as awarding body

In accordance with Article 7 of the Commission Decision laying down rules for the implementation of Council Decision 575/2007/EC (Implementation Rules) Responsible Authority (RA) acts as an awarding body if there are several potential final beneficiaries who could submit a project application. RA therefore implements the projects on the basis of an annual open call for proposals.

For continual actions/projects an open call for project proposals under AP2011 shall be carried out in the autumn 2011 to start with the annual projects in January 2012. The open call for project proposals under AP2010 has been carried out in September 2010 and the annual projects start in January 2011.

Call for project proposals will be published in national daily newspapers and on the web site of the MoI www.siseministeerium.ee In accordance with Article 9(2) of the Implementation Rules the RA ensures that potential beneficiaries are informed of eligibility rules for expenditure, time limit for implementation and the financial and other information.

Before submission of the project applications, the RA shall organise information seminar aimed to provide assistance to applicants in drafting a project application fully in compliance with the eligibility rules and other requirements of the fund.

Project applications shall be submitted both by post and electronically to the RA.

The RA shall carry out the administrative assessment of the project applications by fulfilling a check list.

The evaluation committee is in charge of selecting projects for co-financing. The committee shall use the evaluation criteria prepared for that purpose, and a grid for the evaluation of the application. The criteria for selection of projects for financing are in line with the Article 15(5) of the Basic Act The compliance with the multi-annual programme, annual programme, strategic guidelines and national acts are taken into account while selecting the projects.

The steering committee which consists of higher officials of the Ministry of the Interior is in charge of approval or rejection of project proposals to be funded and submitting them to the Secretary General for authorisation.

The Secretary General of the MoI approves by directive the list the projects to be financed.

Successful and unsuccessful projects shall be provided with decisions in writing according to the Article 5 and 6 of the Implementation Rules.

Grant agreements shall be signed by the Deputy-Secretary General for Internal Security of the Ministry of the Interior and the statutory representative of the grant recipient.

1.2 Selection of projects when the Responsible Authority acts as executing body

In accordance with Article 7 of the Implementation Rules the RA acts as an executing body if the characteristics of actions/projects leave no other choice for implementation, such as *de jure* monopoly situations or security reasons. For example the Police and Border Guard Board and Security Police Board are *de jure* in monopoly situation in Estonia as concerns the forced return. All these boards act within the administrative area of the MoI.

RA requires the boards to submit internal project applications. The boards are required to provide the same financial and project information as for external project applications.

The project proposals under AP2010 have been submitted by boards in October 2010. The annual projects start in January 2011. The project proposals under AP2011 shall be submitted in the third quarter of 2011.

Project applications shall be submitted both by post and electronically to the RA.

The RA shall carry out the administrative evaluation of the project applications and fulfils a check list. The evaluation committee is in charge of evaluation of the eligibility of projects. The compliance with the multi-annual programme, annual programme, strategic guidelines and national acts are taken into account while evaluating the projects. The criteria for selection of projects for financing are in line with the Article 15(5) of the Basic Act.

The steering committee which consists of higher officials of the Ministry of the Interior is in charge of approval or rejection of project proposals to be funded and submitting them to the Secretary General for authorisation.

The Secretary General of the MoI approves by directive the list of projects to be financed.

Grant agreements shall be signed by the Deputy-Secretary General for Internal Security of the Ministry of the Interior and the statutory representative of the grant recipient.

1.3 Public procurement

In case the projects involve public procurement of services or goods, the national competent bodies are responsible for carrying out the public procurement according to national law (Public Procurement Act (entered into force on 24 January 2007)) and in accordance with Article 11 of the implementing rules. The minimum threshold for carrying out the public procurement procedure in Estonia is 40 000 EUR for goods and services and 250 000 EUR

for construction works. If the value of the planned contract (not including the VAT) is less than the abovementioned threshold, the simplified procedure of public procurement is carried out. By that procedure the basic requirements of the public procurement principles must be followed by the final beneficiary (effective and efficient use of resources, the transparency of actions etc).

1.4 Prevention of conflict of interest

The RA shall ensure transparency in selection process and include mechanisms for avoiding any conflict of interest. The rule for preventing any conflict of interest shall be binding for the following areas and involved persons:

- Selection and award procedure of individual projects – persons authorised to assess project proposals shall not participate in the implementation of individual projects on behalf of a grant recipient of individual project;
- Implementation, monitoring and evaluation of individual projects – persons carrying out tasks of the responsible authority within the financial management, monitoring and assessment of individual projects shall not participate in the implementation of individual project as a grant recipient.

2. CHANGES IN THE MANAGEMENT AND CONTROL SYSTEMS

A revision of the description of the management and control system took place in 2010 and an unqualified opinion was issued in December 2010.

3. ACTIONS TO BE SUPPORTED BY THE PROGRAMME UNDER THE PRIORITIES CHOSEN

3.1 Actions implementing priority 1: Support for the development of a strategic approach to return management by Member State

3.1.1 Implementation of voluntary return activities

Purpose and scope of the action	<p>The purpose of this action is the facilitation of voluntary returns of third-country nationals through assisted voluntary return programme, with a view to ensuring the effectiveness and sustainability of returns. The target group of the activity (according to the Article 7 of the Basic Act of the Return Fund) will be consulted on the possibilities of voluntary return. If necessary, returnees will be provided with pre-return assistance (e.g. procurement of travel documents etc). Assistance on organizing of travel to the country of return will be provided. In order to ensure the sustainability of return, re-integration assistance for the returnees will be provided, if needed.</p> <p>The purpose of the action is also to enhance the capacity of staff of competent entities on return issues. Trainings regarding return process will be provided for the staff engaged in return process. The key activities under the action are:</p> <ul style="list-style-type: none"> - Information and consultation on possibilities of voluntary return; - Providing assistance in returning to the country of return
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	<p>voluntarily;</p> <ul style="list-style-type: none"> - If necessary, re-integration assistance for the returnee will be provided; - Trainings for staff of competent authorities about return process. <p>The key activities of the actions will be a repeat of those to be undertaken in accordance with the previous annual programmes. Projects under the annual programme 2010 have started on 01.January 2011 and will be finished by 31.December 2011. Projects implementing repeating activities under the annual programme 2011 will start on 01.January 2012. Under the AP2009 and AP2010 the IOM is implementing the voluntary return activities. In 2010 7 third-country nationals left Estonia voluntarily and were supported under the RF. Also several trainings concerning voluntary return have been provided for the staff of competent authorities.</p>
Expected grant recipients	State agencies, NGO-s and international organisations.
Justification regarding project implemented directly by the responsible authority acting as an executing body	Not applicable.
Expected quantified results and indicators to be used	<ul style="list-style-type: none"> - number of voluntary returns implemented - 15; - number of voluntary return programmes – 1; - trainings for staff of competent authorities are organised;
Visibility of EC funding	Final beneficiaries will be responsible for ensuring the correct reflection of EC funding in project documentation and presentations. Grant agreement between the Ministry of the Interior and the final beneficiary shall contain provisions whereby the grant beneficiaries must print the EU logo and signs indicating the RF co-financing to all items obtained, information produced. RF co-financing must also be mentioned if the project is presented to the public. The RA monitors the implementation of the projects and conducts on-the-spot checks for that purpose at least once during the project.
Complementarity with similar actions financed by other EC instruments, if appropriate	Not applicable.
Financial information	<p>Estimated allocation for the activity:</p> <p>EC contribution – 151 386,72 EUR</p> <p>Public allocation – 50 462,24 EUR</p> <p>TOTAL – 201 848,96 EUR</p>

3.1.2 Implementation forced return activities

<p>Purpose and scope of the action</p>	<p>The purpose of this action is to implement forced return of third-country nationals who do not or no longer fulfil the conditions for entry and stay in Estonia. If necessary, pre-return assistance (e.g. procurement of travel documents etc) will be provided. Travel of returnee and escorts to the country of return will be organized and carried out. If necessary, returnees will be provided with limited financial contribution for initial expenses after return.</p> <p>Special attention is paid on removal of vulnerable persons (according to the Art. 5 (2) of the Basic Act of the Return Fund) and families. If necessary, specific assistance for vulnerable persons will be provided.</p> <p>Under the activity, it is planned to create special conditions in the expulsion centre for vulnerable persons (minors, disabled persons) and families.</p> <p>The key activities of the actions will be a repeat of those to be undertaken in accordance with the previous annual programmes. Projects under the annual programme 2010 will start on 01.January 2011 and will be finished by 31.December 2011. Projects implementing the repeating activities under the annual programme 2011 will start on 01.January 2012.</p> <p>Under the AP 2008 projects have been finished on 31.12.2009. Main outputs of the activity have been:</p> <ol style="list-style-type: none"> 1. Number of projects concerning removal of vulnerable persons implemented – 1; 2. Number of benefitting vulnerable persons – 1; 3. Number of projects concerning removal of third-country nationals who do not or no longer fulfil the conditions for entry and stay implemented – 2 (one project concerning forced return operations via air (implemented by border guards), and one project concerning forced return operations to the land border points (implemented by migration officials)); 4. Number of forced returns implemented – 42; 5. Returnees have been provided with escorts during the forced return operation; <p>Under the AP 2009 projects have been finished on 31.12.2010 and the final reports have been submitted by 15.02.2011. 3 projects concerning forced return have been carried out. Actual results of the projects will be presented after the confirmation of the final reports by the Responsible Authority.</p>
<p>Expected grant recipients</p>	<p>Police and Border Guard Board, Estonian Security Police.</p>
<p>Justification regarding project implemented directly</p>	<p>Pursuant to Section 15 of the Obligation to Leave and Prohibition on Entry Act (OLPEA), a border guard official, an official of the Police and Border Guard Board or a police officer shall upon existence of a</p>

by the responsible authority acting as an executing body	basis for expulsion provided for in the Act detain a foreigner and organise the foreigner's departure from Estonia. As Police and Border Guard Board and the Security Police Board act in the Ministry of the Interior's area of administration, the Ministry of the Interior has the competence on deciding issues related to forced return. Pursuant to the OLPEA, other institutions and authorities do not implement forced return. Thus, the implementation of the project directly by the Ministry of the Interior as the responsible institution is justified.
Expected quantified results and indicators to be used	<ul style="list-style-type: none"> - Number of persons subject for removal - 40; - Number of benefiting vulnerable persons - 3; - Special conditions for vulnerable persons and families in the expulsion centre are created.
Visibility of EC funding	Final beneficiaries will be responsible for ensuring the correct reflection of EC funding in project documentation and presentations. Grant agreement between the Ministry of the Interior and the final beneficiary shall contain provisions whereby the grant beneficiaries must print the EU logo and signs indicating the RF co-financing to all items obtained, information produced. RF co-financing must also be mentioned if the project is presented to the public. The RA monitors the implementation of the projects and conducts on-the-spot checks for that purpose at least once during the project.
Complementarities with similar actions financed by other EC instruments, if appropriate	Not applicable.
Financial information	<p>Estimated allocation for the activity:</p> <p>EC contribution – 131 084,34 EUR</p> <p>Public allocation – 43 694,78 EUR</p> <p>TOTAL –174 779,12 EUR</p>

3.1.3 Implementation of monitoring system for forced return

Purpose and scope of the action	<p>The general objective of the Return Fund is to improve the management of return in all its dimensions taking into account the EU legislation in this field and in full compliance with fundamental rights (Article 2(1) of the Decision no 575/2007/EC).</p> <p>In the light of the directive on common standards and procedures in the Member States for returning illegally staying third-country nationals (Return Directive) and taking into account the provisions laid down in the Article 8(6) (Member States shall provide for an effective forced-return monitoring system) the purpose of the action is the implementation of actions for the monitoring of forced return activities, including for example the design and development of monitoring systems.</p>
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	<p>According to the Article 2(1) of the Return Directive and the Article 7(c) and 7(d) of the Decision establishing the Return Fund, the target group of the action includes third-country nationals staying illegally on the territory of Estonia.</p>
<p>Expected grant recipients</p>	<p>The action will be implemented under the awarding body method without a call for proposals (according to the Article 7(2) of the Implementing Rules). The final grant recipient will be the Estonian Red Cross.</p> <p>Pursuant to the paragraph 6⁴ of the Obligation to Leave and Prohibition on Entry Act (OLPEA) which has passed the parliament reading in November 2010 and entered into force in December 2010, the Ministry of the Interior concludes an agreement with a state agency or a legal person governed by private law which will monitor forced return procedures and gives it's opinions and recommendations on the forced return procedures to the MoI. This paragraph foresees that the organization which monitors forced return procedures and operations must be reliable and have sufficient knowledge and skills in order to evaluate the legality of forced return procedures. In addition, the organization must be transparent, independent, neutral, and internationally recognized. As forced return monitoring will cover all phases of the return operation the organization must be able to act both in the EU countries and third countries. Also this organization must fulfill the requirements of confidentiality, in particular the protection of personal data as laid down in the Personal Data Protection Act (in accordance with directives 95/46/EC and the regulation No 45/2001 of the European Parliament and of the Council of 18 December 2000).</p> <p>Taking into account the requirements mentioned above, the Ministry of the Interior has analyzed the organisations acting in this specific or similar field in Estonia (their competences and accordance to the requirements). It was also taken into consideration that non-governmental organisations acting in this field in Estonia are already implementing other projects under the Return Fund (e.g. voluntary return activities). The potential conflict of interest must be avoided. According to the criteria set up the Estonian Red Cross was chosen to monitor the forced return procedures. Therefore, the Estonian Red Cross has the exclusive right to monitor the procedures of forced return in Estonia.</p>
<p>Justification regarding project implemented directly by the responsible authority acting as an executing body</p>	<p>N/A</p>
<p>Expected quantified</p>	<p>- monitoring of at least 30 removals have been carried out.</p>

results and indicators to be used	
Visibility of EC funding	Final beneficiaries will be responsible for ensuring the correct reflection of EC funding in project documentation and presentations. Grant agreement between the Ministry of the Interior and the final beneficiary shall contain provisions whereby the grant beneficiaries must print the EU logo and signs indicating the RF co-financing to all items obtained, information produced. RF co-financing must also be mentioned if the project is presented to the public. The RA monitors the implementation of the projects and conducts on-the-spot checks for that purpose at least once during the project.
Complementarity with similar actions financed by other EC instruments, if appropriate	Not applicable.
Financial information	Estimated allocation for the activity: EC contribution – 64 710,55 EUR Public allocation – 21 570,18 EUR TOTAL – 86 280,73 EUR

3.2 Actions implementing priority 2: Support for the cooperation between Member States in return management.

3.2.1. Development of operational cooperation with third countries' institutions responsible for return management

Purpose and scope of the action	<p>The purpose of the action is to continue the improvement of operational cooperation between Estonia and these third countries which pose the most significant problem for Estonia as origin countries of illegal immigration. It is planned to continue the improvement of cooperation in developing effective, stable and lasting operational relationships between Estonian authorities and immigration services of third countries facilitating consular assistance in obtaining travel documents for the return of third-country nationals and ensuring speedy and successful removals. It is planned to organize seminar for representatives of third countries' embassies in Estonia to facilitate consular assistance in obtaining travel documents for the return of third-country nationals and ensuring speedy and successful removals.</p> <p>The action has been already implemented under the Annual Programme 2009 in 2010. As the result of the action cooperation with the Republic of Moldova and Ukraine has been improved.</p> <p>Under the action the operational co-operation with Latvia will continue in order to implement return operations effectively and ensure speedy removals. Joint meetings in return matters will be organised.</p>
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Expected grant recipients	Police and Border Guard Police, Estonian Security Police.
Justification regarding project implemented directly by the responsible authority acting as an executing body	Pursuant to Section 15 of the Obligation to Leave and Prohibition on Entry Act (OLPEA), a border guard official, an official of the Police and Border Guard Board or a police officer shall upon existence of a basis for expulsion provided for in the Act detain a foreigner and organise the foreigner's departure from Estonia. As Police and Border Guard Board and the Security Police Board act in the Ministry of the Interior's area of administration, the Ministry of the Interior has the competence on deciding issues related to forced return. Pursuant to the OLPEA, other institutions and authorities do not implement forced return. Thus, the implementation of the project directly by the Ministry of the Interior as the responsible institution is justified.
Expected quantified results and indicators to be used	<ul style="list-style-type: none"> - Number and types of co-operation mechanisms established between Estonia and third countries – at least 1 co-operation mechanism established; - Number of institutional meetings organised between Estonia and third countries – at least 1 seminar for representatives of third countries' embassies is organized; - Number of operational meetings organised between Estonia and Latvia – at least 1 seminar is organised and regular joint meetings take place.
Visibility of EC funding	Final beneficiaries will be responsible for ensuring the correct reflection of EC funding in project documentation and presentations. Grant agreement between the Ministry of the Interior and the final beneficiary shall contain provisions whereby the grant beneficiaries must print the EU logo and signs indicating the RF co-financing to all items obtained, information produced. RF co-financing must also be mentioned if the project is presented to the public. The RA monitors the implementation of the projects and conducts on-the-spot checks for that purpose at least once during the project.
Complementarity with similar actions financed by other EC instruments, if appropriate	Not applicable.
Financial information	Estimated allocation for the activity: EC contribution – 32 016,89 EUR Public allocation – 10 672,30 EUR TOTAL – 42 689,19 EUR

3.3 Actions implementing priority 4: Support for Community standards and best practices on return management.

3.3.1. Trainings for officials involved in returns and removals on return operations

Purpose and scope of the action	<p>The purpose of the action is to enhance the capacity of competent authorities to implement return operations effectively with full respect for human dignity and the relevant European standards regarding such operations. It is planned to carry out seminars/joint trainings for the staff of competent authorities concerning legal and practical aspects of return operations.</p> <p>The returnees have to understand the return procedure. In order to communicate with the returnees and explain the return procedures, their rights etc, in many cases the officials should command the mother tongue of the returnees. In Estonia, there exist only few interpreters who master languages like Arabic. As the illegal immigration from Arabic countries is growing and the persons from these countries often command their mother tongue only the need for the officials commanding Arabic is growing.</p> <p>It is planned to carry out following activities:</p> <ul style="list-style-type: none"> - organisation of trainings to develop officials' psychological skills in order to cope with difficult situations in return management; - organisation of seminars and joint trainings for officials engaged in return operations focusing on theoretical aspects of return operations; - organisation of a practical training for officials engaged in return operations in an EU country which has a wide experience of forced return operations to improve common Community standards and best practices on return management. - compiling training materials on return operations for officials engaged in forced return; - language courses for officials dealing with the target group of the RF directly (e.g. Arabic)
Expected grant recipients	State agencies, NGO-s and international organisations.
Justification regarding project implemented directly by the responsible authority acting as an executing body	Not applicable.
Expected quantified results and indicators to be used	<ul style="list-style-type: none"> - trainings and seminars for the staff of competent entities have been carried out; - at least 2 officials have completed Arabic language course for advanced in an Arabian University.
Visibility of EC funding	Final beneficiaries will be responsible for ensuring the correct reflection of EC funding in project documentation and presentations. Grant agreement between the Ministry of the Interior and the final beneficiary shall contain provisions whereby the grant beneficiaries must print the EU logo and signs indicating the RF co-financing to all items obtained, information produced. RF co-financing must also be mentioned if the

	project is presented to the public. The RA monitors the implementation of the projects and conducts on-the-spot checks for that purpose at least once during the project.
Complementarities with similar actions financed by other EC instruments, if appropriate	Not applicable.
Financial information	Estimated allocation for the activity: EC contribution – 106 024,59 EUR Public allocation – 35 341,53 EUR TOTAL – 141 366,12 EUR

4. TECHNICAL ASSISTANCE

4.1 Purpose of the technical assistance

Technical assistance (TA) shall be used to implement and manage the Return Fund in Estonia in order to provide the stakeholders and final beneficiaries with sufficient information ensure the quality and consistence of the programme.

Technical assistance shall be used by the Ministry of the Interior as the responsible authority and the audit authority, and the Estonian Ministry of the Finance as the certifying authority of the RF for the following activities:

- Expenditures related to the fulfilment of the designated authorities (e.g. salaries of employees of the Ministry of the Interior and the Ministry of Finance engaged in the implementation of the RF);
- Expenditures related to the fulfilment of tasks of external consultants (e.g. preparation of operational manuals and evaluation of the programme);
- Expenditures necessary for preparation and translation of programme documents and evaluation reports for EC purposes;
- Expenditures related to the distribution of information (e.g. publication of call for proposals);
- Expenses for the experts involved in projects' evaluation process;
- Expenditure relating to on-the-spot checks of projects;
- Expenditures related to participation of the officials implementing the fund in various meetings (e.g. SOLID Committee, different workshops arranged by the European Commission etc.);
- Expenditures related to the trainings of the officials implementing the Fund (e.g. project management, evaluation of the projects, monitoring and accounting, reporting of the irregularities);
- Expenditures related to the information activities. Information activities for the potential applicants shall be organized to introduce the eligible activities under the RF and the eligibility rules. In accordance with the Art. 33 of the Implementation Rules, an information activity presenting the achievements of the annual programme shall be organized.

4.2 Expected quantified results

The main result of the use of TA is a successful implementation of the RF's annual programme of 2011.

Expected results, depending on the actual activities carried out, shall be as follows:

- Sufficient number of competent and trained officials in the designated authorities (effective and timely consulting of the final beneficiaries, monitoring, auditing and certifying activities);
- Expenditures related to the distribution of information to potential applicants and project implementers, including the preparation and distribution of information materials, arrangements for meetings, workshops, information days etc are covered;
- Expenditures related to the announcement of the open call (in newspapers etc.) for proposals are covered;
- At least one on-spot visit to each grant recipient has taken place;
- Translation of the necessary documents, which assist the implementation of the RF Programme;
- External auditors are outsourced, if appropriate;
- External experts/evaluators are outsourced, if appropriate;
- Travel and subsistence costs are covered for officials of relevant authorities when participating in the implementation of the RF (incl. allowance per diem);
- Visibility of EC funding is ensured in accordance with the implementing rules of the RF;
- Exchange of information between the designated authorities and national competent bodies (e.g. in a form of a meeting) is ensured.

4.3 Visibility of EC funding

The EU logo shall be applied to all materials prepared by the Ministry of the Interior (instructions, application forms, advertising materials, information sheets, etc). Equipment purchased using the technical assistance resources (e.g. a laptop) shall be provided with the EU logo. Informational activities (press releases etc) consist of a notice on the RF co-financing.

5. DRAFT FINANCING PLAN

Estonia is covered by the Cohesion Fund. According to the Article 16(4) in the basic act, the Community contribution is increased to 75% per action.

Annual Programme - Draft Financial Plan
Table 1 - Overview table

Member State: **REPUBLIC OF ESTONIA**

Annual Programme concerned: **2011**

Fund: **RETURN FUND**

<i>(all figures in euro)</i>	Ref. Priority (1)	Ref. specific priority	Community Contribution(a)	Public Allocation (b)	Private Allocation (c)	TOTAL (d=a+b+c)	% EC (e=a/d)	Share of total (d=total d)
3.1.1 Implementation of voluntary return activities	1		151 386,72	50 462,24	0	201 848,96	75%	28,2%
3.1.2. Implementation of forced return activities	1		131 084,34	43 694,78	0	174 779,12	75%	24,4%
3.1.3 Implementation of monitoring system of forced return	1		64 710,55	21 570,18	0	86 280,73	75%	12,1%
3.2.1. Development of operational cooperation with third countries' institutions responsible for return management	2		32 016,89	10 672,30	0	42 689,19	75%	6,0%
3.3.1. Trainings for officials involved in returns and removals on return operations	4		106 024,59	35 341,53	0	141 366,12	75%	19,8%
TA 4%			51 467,63	17 155,88	0	68 623,51	75%	9,6%
Other operations (2)			0,00	0,00	0	0,00	0%	0,0%
TOTAL			536 690,72	178 896,91	0	715 587,63	75%	100,0%