



ANNEX 1

of the Commission Implementing Decision on the ENI East Regional Action Programme 2019 Part 3 (including one action on budget 2019 & 2020), to be financed from the general budget of the European Union

Action Document for “Fighting organised crime in the EaP region”

MULTIANNUAL PROGRAMME

This document constitutes the multiannual work programme in the sense of Article 110(2) of the Financial Regulation and action programme/measure in the sense of Articles 2 and 3 of Regulation N° 236/2014.

1. Title/basic act/ CRIS number	Fighting organised crime in the EaP region CRIS numbers: ENI/2019/041-970 and ENI/2020/041-971 financed under the European Neighbourhood Instrument	
2. Zone benefiting from the action/location	Eastern Partnership (EaP) countries: Armenia, Azerbaijan, Belarus Georgia, the Republic of Moldova ¹ and Ukraine	
3. Programming document	Programming of the European Neighbourhood East Instrument (ENI) – 2014-2020 – Regional East Strategy Paper (2014-2020) and Multiannual Indicative Programme (2017-2020)	
4. Sustainable Development Goals (SDGs)	SDG 16 – peace, justice and strong institutions SDG 5.2 and 8.7 on human trafficking	
5. Sector of intervention/ thematic area	Security Strengthening Institutions and Good Governance	DEV. Assistance: YES
6. Amounts concerned	Total estimated cost: EUR 10 000 000 Total amount of the European Union (EU) contribution EUR 10 000 000 The contribution is for an amount of:	

¹ Hereafter Moldova

	<p>- EUR 5 000 000 from the general budget of the EU for 2019 and for an amount of</p> <p>- EUR 5 000 000 from the general budget of the EU for 2020, subject to the availability of appropriations for the respective financial years following the adoption of the relevant annual budget or as provided for in the system of provisional twelfths.</p>			
7. Aid modality(ies) and implementation modality(ies)	<p>Project Modality</p> <p>Indirect management with</p> <ul style="list-style-type: none"> - the European Union Agency for Law Enforcement Training (CEPOL) in cooperation with Europol for component 1; - Europol for component 2; <p>The implementation through the above-mentioned entities will take into account the conditions laid down in Article 7 of the Commission Delegated Regulation (EU) 2019/715.</p> <ul style="list-style-type: none"> - United Nations Interregional Crime and Justice Research Institute-UNICRI (international organisation) for component 3. 			
8 a) DAC code(s)	<p>15210 – security system management and reform</p> <p>15130 – legal and judicial development</p>			
b) Main Delivery Channel	<p>90000 - Other</p>			
9. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Principal objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and Women’s and Girl’s Empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Principal objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Global Public Goods and Challenges (GPGC) thematic flagships	<p>N/A</p>			

SUMMARY

Organised crime is a problem in all six Eastern Partnership (EaP) countries, partially because they are located along the Black Sea route (a sub-branch of the Balkan route) of the 'Heroin Route'. Organised Crime Groups (OCGs) from Eastern Neighbourhood countries are active in amongst others migrant smuggling, organised property crime, trafficking in human beings for forced labour and sexual exploitation (mainly women and children), firearms and drug trafficking, money laundering, and other related crimes such as document fraud.

Due to its cross-border nature, organised crime cannot be seen as a problem of one individual country and the perspective has to be holistic, with Eastern Partner countries organised crime groups being active within the EU.

Knowing that the presence of organised crime is a destabilising factor in the region, the proposed action aims to improve cooperation within the Eastern Neighbourhood region and with the EU Agencies on countering organised crime. The main emphasis is on the capacity of relevant actors in the state (including law enforcement, prosecutors, and border authorities) to cooperate internationally to fight cross-border crime, including with the EU. To do so, the action will cooperate with the European Justice and Home Affairs Agencies CEPOL and Europol. Under component 1 the Agencies will work at enhancing the capacities of the relevant authorities in the Partner countries to fight serious and organised crime. Under component 2 Europol will support the strengthening of strategic and operational cooperation between national law enforcement authorities in the EaP, and EU Member States/EU Agencies. These efforts will be complemented by the UNICRI implemented component 3 which aims at contributing to the effective recovery of assets linked to organised criminal activity. Through amongst others related analysis, exchange of experiences and capacity building, the aim is to increase the operational cooperation between the Partner countries and the EU Member States and Justice and Home Affairs Agencies. Subsequently, the use of the existing network, or where needed its extension, for information sharing and joint investigations will lead to an improved effectiveness in fighting transnational organised crime in priority crime areas that are based on an evidence analysis. Additionally, by achieving progress towards the establishment and work of asset recovery offices and their effectiveness, to emphasise the sentiment that in the end 'crime does not pay'.

1 CONTEXT ANALYSIS

1.1 Context Description

Transnational organised crime in the Eastern Neighbourhood region is a multi-faceted phenomenon. It covers various crime areas such as drug, firearms and trafficking in human beings, migrant smuggling, organised property crime and money laundering, amongst others. Over the years, serious and organised crime has evolved, covering more and more crime areas that are linked to each other or even enable each other. Organised crime has been facilitated by globalisation and it is difficult to measure the exact size of illicit markets. Evidence drawn from law enforcement activity across the world suggests they are very large in both scale and impact. Europol's latest midterm review on new, changing or emerging threats² outlines the increasing involvement of OCGs from the Eastern Neighbourhood region in various crime areas, in particular organised property crimes. Serious and organised crime is highly

² 9037/19 + ADD 1 (RESTREINT UE/EU RESTRICTED)

profitable and has a significant impact on the growth of the legal economy and society as a whole. The investment of criminal proceeds and trade in illicit commodities is interlinked with tax avoidance and money laundering, which leads to financial flows that strengthens criminal enterprises that are run by or associated with OCGs. Particularly in developing countries and in post-conflict situations, organised crime patronage networks serve as a source of instability that undermine positive changes, governance and socio-economic development or even endanger post-conflict transitions. Most of the Eastern Partner countries suffer from conflict and hence provide a breeding ground for organised crime.

The European Neighbourhood Policy (ENP) Review³ places a stronger emphasis on security in order to make Partner countries more resilient against threats they currently experience. The focus on security opens up a wide range of new areas of cooperation under the ENP: security sector reform, fighting organised crime, including smuggling of migrants, cybercrime, cybersecurity, border protection and protection of critical infrastructure, tackling terrorism and radicalisation, and disaster and crisis management. The 20 Deliverables for 2020 are in line with this development and, this development is reflected in the Regional East Multi Indicative Programme 2017-2020⁴. Particularly deliverables 9 on rule of law and anti-corruption and 12 on security play an important role in this context.

The Regional East Multiannual Indicative Programme 2017-2020 has identified a number of security threats the Eastern Neighbourhood region is facing where further engagement is needed. The programming document identifies four priority sectors: economic development and market opportunities; strengthening institutions and good governance; connectivity, energy efficiency, environment and climate change; and mobility and people-to-people contacts. Issues identified under the priority to strengthen institutions and good governance will be pursued in close cooperation with activities carried out in the framework of the relevant Eastern Partnership multilateral thematic Platform 1. The latter brings together the EU Member States and the Partner countries at least once per year. Throughout the year, preparatory work for the Platform is conducted in the different dedicated Expert Panels, on CSDP, security and civil protection; public administration reform and rule of law.

Organised crime has a cross-border dimension and affects neighbouring countries. This warrants emphasising regional dialogue and collaborative action across borders on these issues both among the Eastern Neighbourhood countries and between these countries and the EU.

A regional approach to security in the Eastern Neighbourhood countries must focus on areas of collective action within the region and between the region and the EU in order to complement the national level action. An effective regional approach should take into account border security and fight against serious and organised crime in all of its different facets. The involvement of relevant EU Agencies, EU Member States and international organisations will be crucial to implement a regional cooperation that aligns with the EU policy approach on security and brings the region closer to the EU frameworks of cooperation.

Organised crime is profit-driven, based on the assumption that ‘crime does pay’. As a consequence, Asset Recovery Offices (AROs) were set up in the EU to identify illegally acquired assets and facilitate their confiscation. Depriving criminals from their criminal profits not only has a deterrent effect (‘crime does not pay’), but confiscated assets can also be

³ SWD(2015) 500, 18 November 2015.

⁴ C(2017) 5408 final, 4 August 2017.

reused for social purposes. The action will hence support the Partner countries in their efforts regarding asset recovery.

The EU continues to place rule of law, democracy and human rights at the heart of its engagement to strengthen regional cooperation against security threats such as different aspects of serious organised crime.

1.2 Policy Framework (Global, EU)

Globally, the United Nations Transnational Organized Crime Convention (UNTOC), ratified by 182 States, is the main international instrument addressing organised crime. It is supplemented by three Protocols which target specific areas and manifestations of organised crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol); the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

Corruption will not be covered under this action. However, due to the inter-linkages with organised crime, it should be mentioned that the Eastern Neighbourhood countries are parties to the main international conventions and bodies in the area of anti-corruption: the United Nations Convention against Corruption (2006), the Council of Europe Civil Law Convention on Corruption (2005) and the Council of Europe Criminal Law Convention on Corruption (2009). All Eastern Neighbourhood countries are members of the Council of Europe bodies GRECO (Group of States against Corruption) and, with the exception of Belarus, form part of MONEYVAL (Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism) as well as of the Organisation for Economic Co-operation and Development's (OECD) Anti-corruption Network for Eastern Europe and Central Asia (ACN). The Council of Europe Convention on Action against Trafficking in Human Beings, ratified by all six Partner countries, is also a critical convention in the context of organised crime.

As part of the relevant EU policy framework in the broader area of security, the EU's dialogue and cooperation with non-EU countries is shaped by different documents, most importantly the [European Agenda on Security](#), the [Global Strategy](#) and the [Concept for European Community Support for Security Sector Reform](#). These documents highlight the need for 'nationally/regionally-owned reform processes designed to strengthen good governance, democratic norms, the rule of law and the respect for human rights' but also the need to better link internal and external dimensions of security. The aspects concerning external relations of the related internal policies complement this framework; most notably these involve the EU Internal Security Strategy which is implemented in line with the Commission's Communication that identifies five strategic objectives, and the EU policy cycle for organised and serious international crime. The latter covers the EaP countries and currently involves Belarus (1), Georgia (5), Moldova (6) and Ukraine (7) in a number of actions

Modern slavery, forced labour and sexual exploitation (the majority women and children) fall under Article 5 of the EU's Charter of Fundamental Rights providing that no one shall be held in slavery and human trafficking is prohibited. The EU Strategy towards the Eradication of Trafficking of Human Beings 2012-2016 was a cornerstone to address these crimes. Trafficking in human beings is also addressed in numerous external relations instruments, such as roadmaps and action plans regarding visa liberalisation dialogues with third countries.

On the EU side, it was concluded that the phenomenon of serious and organised crime, which is increasingly dynamic and complex, requires a robust, intelligence-led response by law enforcement. Europol consequently started in 2006 to conduct Organised Crime Threat Assessments, which were followed by Serious and Organised Crime Threat Assessments (SOCTA) as of 2013. These assessments update Europe's law enforcement community and decision-makers on developments in serious and organised crime and the threats it poses to the EU. On the basis of the analysis of the prevailing threats, the SOCTA identifies a number of high priority crime areas that the operational response in the EU should focus on. Based on these recommendations, Justice and Home Affairs Ministers define EU crime priorities, which then serve to draft strategic goals and yearly operational action plans. In this capacity, the SOCTA serves as a cornerstone of the EU Policy Cycle for organised and serious international crime, which was established by the EU in 2010. The EU Policy Cycle is a multi-annual intelligence-led process aimed at tackling jointly the most important criminal threats affecting the EU through the [European Multidisciplinary Platform against Criminal Threats \(EMPACT\)](#). The EU Policy Cycle focuses on enhancing effective operational cooperation between Member States' law enforcement authorities (police, customs, judiciary), EU Institutions, EU Agencies such as Europol and relevant third parties.

On 18 May 2017, the [Council decided on the new priorities of the EU Policy Cycle](#) for organised and serious international crime for the period 2018-2021. This timeline allows an alignment between the upcoming Policy Cycle and the proposed action. The current multi-annual Policy Cycle tackles the ten most important threats posed by organised and serious international crime: cybercrime; drug production, trafficking and distribution; migrant smuggling; organised property crime; trafficking in human beings; excise and Missing Trader Intra-Community (MTIC) fraud; illicit trafficking, distribution and use of firearms; environmental crime; criminal finances and money laundering; and document fraud. This approach aims at improving and strengthening, in a coherent and methodological manner, cooperation between the relevant services of the Member States, EU institutions and EU agencies as well as third countries and organisations, including the private sector where relevant. An important element to take into account for the involvement of the partner countries is the existence of agreements on operational cooperation with Europol. The involvement of partner countries should comply with the applicable rules on exchanges of data, as set out notably in the Europol Regulation. In case an investigation is conducted with a country where no operational agreement is in place, alternative solutions for the exchange of data, for example through Member States or Interpol, will be sought on a case by case basis.

Both Europol and CEPOL play a central role among the Justice and Home Affairs agencies (JHAs) in fighting organised crime within and beyond the EU. CEPOL has agreements with Moldova, Georgia and Armenia as well as one pending adoption with Ukraine, while Europol has operational agreements in place with Georgia, Moldova and Ukraine. Recently Armenia has expressed interest in increased cooperation. The operational cooperation agreements concluded with Europol allow for the exchange of personal data between Europol and competent law enforcement authorities in these countries. The ones concluded with CEPOL provide increased access to the training possibilities. Azerbaijan and Belarus have so far only been associated in concrete investigations and have not signed any agreements with either of the two agencies. However, while the lack of signed agreements might have an impact on the cooperation between these countries and the EU, it should not hinder the programme implementation. The action can cover the participation costs for these countries in CEPOL trainings and the participation in the operational cooperation of Europol.

The main motive for cross-border organised crime is a financial gain. This financial gain is a stimulus for committing further crime to achieve even more profit. Accordingly, law enforcement services should have the necessary skills to investigate and analyse financial trails of criminal activity. To combat organised crime effectively, information that can lead to the tracing and seizure of proceeds from crime and other property belonging to criminals has to be exchanged rapidly. For this purpose, the EU has adopted a legal framework (i.e. Directive 2014/42/EU, CD 2007/845/JHA, CFD 2006/960/JHA) with the main features of the Directive being freezing and confiscation of instrumentalities and proceeds of crime. This aims at the setup of national asset recovery offices in the Member States that communicate amongst each other, exchange their experiences and have access to the necessary data banks and financial data. Their work includes direct, extended and third party confiscation; freezing of assets, including precautionary freezing; safeguards to ensure the full respect of fundamental rights; effective execution of confiscation orders; asset management, including power to sell assets, and statistics.

1.3 Public Policy Analysis of the partner country/region

Poly-criminal mafia-type organised crime structures continue to evolve in the region. They use their own networks structures and clear hierarchy to operate worldwide. They are most frequently involved in organised property crimes, large-scale drug trafficking, money laundering and often engage in corruption. In terms of the trafficking of human beings, the region is an important source, transit and destination of victims of trafficking, mainly for the purpose of sexual (a majority of which are women and children) and labour exploitation but also for forced begging and forced criminality.

Armenia

In Armenia, the Country Development Strategy and sectoral strategies are currently under formulation, following the political change in the government in 2018, after a series of public protests. Currently, there is demonstrated interest of the government and the police to conclude a working arrangement with Europol and engage with the EU on police reform. Armenia is collaborating with several EU Member States, namely Germany, France, Italy, Denmark and Estonia.

According to the Police Reform Programme from 2015, the focus areas for the fight against crimes are human trafficking, illegal turnover of drugs, corruption, money laundering and cybercrime. Previously, with the EU and Member States' support, a national programme on increasing the efficiency of the fight against organised crime was elaborated.

The challenges presented by Russian-speaking organised crime groups are investigated with the help of Interpol's tools. In cooperation with Interpol, the Armenian police is implementing the Fixed Interpol Network Database (FIND), including facial recognition. Cooperation of police, army and intelligence services is well functioning.

Following a TAIEX study visit in October 2018, a new department on cybercrime investigation, based on the Portuguese police model, was created within the General Directorate for Organised Crime. However, the Police Academy does not offer specialised training on the 'new' types of crime, e.g. cybercrime, bank insurance frauds.

The number of seizures of drugs at the border increases every year, due to more awareness of the issue, and penalties remain rather serious. Armenia also committed to the implementation of the conclusions of the Special Session of the United Nations General Assembly on the World Drug Problem during 10th EU-Armenia Sub-committee meeting on Justice, Freedom

and Security in April 2019. Furthermore, Armenia committed to continue with the implementation of the Financial Action Task Force (FATF) recommendations and the recommendations stemming from the report from the Council of Europe MONEYVAL Committee and the OECD⁵ report.

Azerbaijan

According to the report of the Ministry of Interior, as a result of the fight against organised crime 869 criminal groups that committed in total 2,277 crimes were identified. In the field of drug trafficking, 1 ton 135 kg of illegally transported drugs were detected and 45 criminal groups were neutralised. Overall, the crime detection rate has improved and reached 84.7%.

In 2018, the government identified 144 trafficking cases and 4 forced labour cases. 13 criminal groups were neutralised and 98 victims of trafficking were provided with reintegration support. In June 2018, the government approved Standard Activity Procedures (SAP) on the National Referral Mechanism. SAP were developed within the framework of the EU-funded project Consolidation of Migration and Border Management Capacities in Azerbaijan, implemented by International Organisation for Migration.

Law enforcement institutions do not have the necessary resources and still do not use financial investigative tools. The Anti-corruption Directorate has limited access to financial and bank information as well as other databases including asset declarations, and it applies confiscation in limited cases, especially with regard to proceeds of corruption crimes. More complex crimes, such as corruption perpetrated by legal persons, trading in influence, illicit enrichment, foreign bribery and money laundering, in which corruption is a predicate offence, are not frequently considered.

In November 2016, Azerbaijan adopted the ‘National Action Plan on Fight against Legalization of Criminally Obtained Funds and Other Properties and Financing of Terrorism 2017-2019’. The Action Plan envisages improving coordination of activities of the state bodies in the area of anti-money laundering/countering of financing of terrorism (AML/CFT). Furthermore, it provides for the implementation of measures to improve national legislation in relation to confiscation of proceeds of crimes and asset recovery, and establish mechanisms in line with international standards.

There is a strong need for developing a legislative and institutional framework for a fully-operational Asset Recovery/Management Office. On 25 May 2018, the President signed a decree on establishment of Financial Monitoring Service as an independent entity to ensure financial oversight and prevent AML/CFT crimes.

Belarus

Belarus participated in the multilateral component of the regional programme on Police Cooperation that precedes this action. There is no framework agreement between the EU and Belarus and hence Belarus has no obligation to officially share information on organised crime. However, under the draft EU-Belarus Partnership Priorities, currently under negotiation, the EU and Belarus will seek to address common concerns in the fight against organised crime, including transnational crime and money laundering, and will seek to develop relevant cooperation in these areas. Belarus does not have an agreement with Europol yet and the country does not participate in Europol’s activities. A noticeable area of concern

⁵ Organisation for Economic Co-operation and Development

in the field of organised crime is the illicit trade in tobacco. Despite the difficulty to measure the size of illicit trade in tobacco products, the information available indicates that the situation has stabilised over the past three years, albeit at a high and preoccupying level. The main drivers of smuggling of cigarettes from Belarus to the EU are big differences in fiscal charges on tobacco products, together with the excessive cigarette production in Belarus. The EU continues to encourage Belarus to join the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organization's Framework Convention on Tobacco Control ('FCTC Protocol'). As a positive development, Belarus has recently proposed the EU a draft text for an Agreement on Customs Cooperation and Mutual Administrative Assistance. The Commission is now exploring the possibility to commence negotiations on such an agreement. On asset recovery, Belarus participates as observer in the EU ARO platform meetings and Eastern Partnership Rule of Law Panels. This regional programme is an entry point for further cooperation and exchange with the country on organised crime.

Georgia

Organised crime groups from Georgia are still reported as one of the most frequently represented non-EU nationalities involved in serious and organised crime in the EU, notably in France, Greece, Germany, Italy, Spain and Sweden. Property crime remains the main crime in which Georgian organised crime groups are involved. Additionally, they continue to be active in laundering criminal proceeds and drug trafficking remains an issue to be monitored. In recent years, Georgian authorities were successful in dismantling organised crime groups based in Georgia.

Georgia has stepped up cooperation at international level to prevent and fight organised crime. The National Strategy 2017-2020 for Combating Organised Crime and the corresponding Action Plans focus on (a) combating the 'thieves-in-law'; (b) fighting transit of narcotic drugs; (c) fighting cybercrime and organised crime employing cyber methods; (d) using modern police methods to combat organised crime; and (e) international bilateral and/or multilateral operational and wider law enforcement cooperation in combating organised crime.

Police reforms on intelligence-led and community policing are progressing, as well as the establishment of the unified crime analysis system. Police attachés are posted in key Member States and new law enforcement agreements are being concluded. Further enhanced police cooperation with the most-affected Member States is needed to continue reducing the impact of Georgian organised crime groups on the EU. In March 2018, the Memorandum of Understanding on Secure Communication Line and Liaison Agreement was signed with Europol and a liaison officer was placed at Europol in September 2018. The Cooperation Agreement with Eurojust has been signed in March 2019.

Overall, Georgia has a good track record in implementing anti-corruption reforms, although prevention of high level corruption and further involvement of civil society still remain areas for improvement. The mechanism for verification of asset declarations, introduced in January 2017, has been implemented effectively and will be further supported by the EU. While Georgia designated the Unit of European Integration and Cooperation with International Organisations of the Chief Prosecutor's Office as its national Asset Recovery Office in July 2018, an independent asset recovery office should be set up.

Moldova

Moldovan organised crime groups are particularly active in Austria, France, Germany, Latvia and Poland, and are primarily involved in drugs trafficking (with the trafficking of heroin being a significant concern), organised property crime (burglaries and thefts, organised robberies and motor vehicle crime), excise fraud, payment card fraud and money laundering. These crime groups tend to link up with other groups from primarily Romania, Ukraine and Bulgaria, while Russian-speaking organised crime groups exploit Moldova as a transit country to launder money and transfer it into the EU. There is an increasing number of cybercrime services run from Moldova, such as money mule networks, inject writers, coders, crypters and phone flooding services, as well as a continued focus on attacks against ATMs, such as blackbox attacks. Illicit tobacco trade remains a primary driver of crime and corruption. Moldova is a source for trafficking in human beings for sexual and labour exploitation. In this regard, the National Strategy for Preventing and Combating Trafficking in Human Beings for the period 2018-2023 was adopted, together with the action plan 2018-2020. As part of the creation of a specialised structure to fight organised crime, Moldova approved in 2017 the Regulation of the Prosecutor's Office for Combating Organised Crime and Special Causes (POCOCSC) and specialised offices were created within the Sections of the POCOCSC along with the staff assignment. Since 2012, the country has in place a working arrangement with CEPOL, the European Agency for Law Enforcement Training. In addition, Moldova has ongoing operational cooperation agreements with both Europol (2015) and Eurojust (2016). The General Police Inspectorate has a permanent Liaison Officer posted to Europol. Eurojust does not host a permanent Moldovan Liaison Prosecutor, but Moldova has designated a formal National Contact Point for working with Eurojust.

The Criminal Assets Recovery Agency (CARA) was set up in 2017 under the umbrella of the National Anti-Corruption Centre (NAC). Initially only dealing with corruption and money laundering offences, its scope of competence has been broadened in 2018 to include 25 additional types of crime (including organised crime, trafficking in human beings or drug trafficking). Budget and staff were also increased (from 8 to 18 persons, based on the conclusions of the EU-Council of Europe Project CLEP – Controlling Corruption through Law Enforcement and Prevention). Work in the field of fighting money laundering in Moldova is also supported by the deployment of a permanent EU High-Level Adviser in the field of Anti-Money Laundering, who is physically posted to the Office for Prevention and Fight against Money Laundering (FIU). Moldova is currently also preparing its connection to the FIU.net platform that is hosted by Europol and that offers the possibility to exchange information with Financial Investigation Units (FIUs) from EU Member States.

Currently, the EU has a Support to Police Reform programme (Sector Reform Contract) ongoing, which is supported by a Technical Assistance Project, a Twinning Project on police training and two grants to civil society organisations working with the country's law enforcement community (mainly the General Police Inspectorate). This assistance will cover the period until the end of 2021.

It is equally important to keep in mind that the ongoing instalment (phase 12) of the EU Border Assistance Mission to the Republic of Moldova and Ukraine (EUBAM) has a component on making more effective efforts to combat cross-border crime at the Moldova-Ukraine border, especially at the Transnistrian segment.

Ukraine

Organised crime is present in almost every facet of the Ukrainian society. It has had a detrimental impact on the wellbeing of Ukrainian citizens and hampers economic growth.

With regard to the costs of organised crime to the economy, Ukraine scores poorly (113 out of 137 countries) in the World Economic Forum Competitiveness Report 2017 in the subcategory that defines the impact of organised crime on business.⁶

Continuing conflict in the eastern parts of Ukraine is likely to exacerbate the scale and impact of organised crime activities in the country and across its borders. For example, the Europol SOCTA⁷ 2017 identifies illegal firearms trafficking as one of the most prominent threats originating from Ukraine and as having an adverse impact on the EU through, for example, illegal weapons smuggling for terrorism and other forms of criminal activities.⁸

There are several reasons which lead to such low ratings for Ukraine in the area of organised crime, as follows: a lack of a clear picture on the situation, activities of OCGs and criminal organisations in Ukraine; a lack of strategy and proper analytical instruments to fight organised crime in Ukraine; insufficient structural capacity of the National Police to fight organised crime; a lack of sufficient witness protection; a lack of inter-agency and cross-border cooperation.

The Asset Recovery Management Agency (ARMA) became operational in September 2017. As of December 2018, it has 103 employees. Its budget for 2018 was substantially increased to more than 253 million UAH (EUR 8.1 million).

ARMA does not have criminal investigative powers of its own but is tasked with facilitating criminal proceedings by finding, tracing, and managing assets derived from corruption and other crimes. This notably includes international cooperation with the relevant authorities of foreign states (at the level preceding international legal assistance) and relevant international organisations. It already has access to several state registers and databases and continues to further expand such access.

ARMA has developed the necessary regulatory framework for management of seized assets and started executing its management of assets function. It already manages a diverse set of seized assets, including apartments, commercial property, residential buildings, parking spaces, vehicles, land plots. All law enforcement agencies are partners of the ARMA in conducting asset finding and tracing activities, including the National Police of Ukraine, Prosecutor General's Office, the State Fiscal Service, the State Security Service and the National Anti-Corruption Bureau.

ARMA is a contact point of Ukraine in relevant international networks, notably the Camden Assets Recovery Inter-Agency Network (CARIN), the Interpol Global Focal Point Network with access to the Interpol Secure Communications for Assets Recovery (I-SECOM) and the Stolen Asset Recovery Initiative (StAR).

⁶ See http://reports.weforum.org/global-competitiveness-index-2017-2018/competitiveness-rankings/?doing_wp_cron=1531902537.6618199348449707031250#series=EOSQ035.

⁷ The SOCTA updates Europe's law enforcement agencies on developments in organised crime and delivers analytical findings on organised crime that inform political priorities, strategic goals and operational action plans.

⁸ See <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>.

1.4 Stakeholder analysis

The proposed action aims to improve cooperation within the EaP region and with the EU Agencies on countering organised crime. The main emphasis is on the capacity of relevant actors in the state (including law enforcement, prosecutors, and border authorities) to engage in international cooperation, including with the EU, to fight cross-border crime. Across the six Eastern Neighbourhood countries, the actors involved in the fight against organised crime are manifold and divers in each of the countries as the responsibilities are often split between different entities. The programme will therefore apply an inter-agency approach to ensure that all relevant actors are included.

Key stakeholders will be the competent ministries, law enforcement services and judicial authorities involved in the fight against organised crime. Within these organisations, key duty bearers, policy makers and implementers will be identified and engaged by the action. In case of component 2, involvement will also depend on the development of the different investigations. Participation will be based on relevance and potential impact. An important consideration will be those institutions that collect data and have a mandate to work on organised crime including trafficking of human beings for forced labour and sexual exploitation. Other important stakeholders include relevant non-governmental organisations as well as other donors and international/regional organisations and EU JHA agencies.

The European Union Agency for Law Enforcement Training (CEPOL) addresses training needs of the law enforcement sector (including police, gendarmerie, immigration services, customs, border guards and other services with tasks relating to the prevention and fight against serious organised crime and other crimes) in the EU and follows this same pattern when providing assistance to third countries. The multidisciplinary approach of CEPOL training, is a key value added in the international training environment, thus the project will extend the target to the wider law enforcement community of the Partner countries instead of putting only police in the focus. Depending on the results of the needs assessment, trainings will be conducted at regional and/or multi-country level.

Regarding the contribution to the EU Policy Cycle, the main stakeholders are law enforcement agencies from the Partner countries who are/will be working jointly with EU Member States law enforcement authorities, including these working on concrete operational cases in the framework of EMPACT⁹ Operational Action Plans. These agencies have been identified as counterparts in the ongoing investigations in the different EMPACT priority areas. Out of the 10 identified areas, the working groups on drug trafficking, facilitation of illegal immigration, organised property crime, trafficking in human beings, illicit firearms trafficking, criminal finances and money laundering will be the primary fields of work under component 2. The project will target environmental crime and document fraud to a lesser extent. Cybercrime will be dealt with in the regional programme for cyber resilience, which has a dedicated component on cybercrime.

Concerning AROs, key stakeholders will be, in addition to the above mentioned actors in law enforcement, agencies, if already available, targeting asset recovery and management, financial monitoring services, the ministries of justice, anti-corruption courts, the parliament and, if created a specialised committee, civil society organisations, media and journalists, but also business networks and networks engaged in integrity and compliance. Regional and

⁹ [European Multidisciplinary Platform against Criminal Threats.](#)

international organisations associated to the work include: the Council of Europe, UNODC¹⁰ and UNICRI¹¹.

The ultimate stakeholders are the citizens in targeted countries who will benefit from improved referral mechanisms as well as better protection. The projects will enhance the EU's internal security. EU citizens will at least indirectly benefit from these Actions.

1.5 Problem analysis/priority areas for support

Fighting serious and organised crime often has trans-boundary features and is a shared challenge. Nevertheless, strengthening strategic and operational police cooperation within the EaP region, and with the EU and its Member States, remains highly complex and sensitive. With or without a signed agreement, trust between the parties needs to be established, not only between Partner countries and EU Member States/EU JHA agencies but also among Partner countries. Often it is also the lack of concrete operational funding that implicates additional investigative success. For example, if in the case of Europol coordinated investigations, the involved third country from the Eastern Neighbourhood region lacks financial means for needed equipment, this can hamper the investigative process.

Law enforcement systems and forces differ from country to country. While some have already been reorganised and modernised, others remain out-dated in terms of knowledge and reaction capacity. Some countries are well equipped with training academies, while others do not have the required structures to cover their needs and significantly rely on bilateral aid and capacity building support. This aid is often provided by different donors and might not be aligned overall. When it comes to trafficking in human beings, a holistic view is needed, which includes the close coordination with NGOs that work with law enforcement agencies in identifying and supporting victims of various forms of trafficking.

Tackling serious and organised crime requires the strengthening of regional cooperation mechanisms, starting ideally from having a shared threat assessment based on strategic cooperation.

Eastern Neighbourhood countries are points of origin, transit and destination for trafficking (drugs, human beings, firearms and explosives). Serious organised crime groups in those countries pose a significant threat to domestic security, regional stability, safety and dignity of victims of trafficking in human beings (THB) and they have even expanded their reach into the EU.

On any given day in 2016, an estimated 3.6 million men, women, and children were living in modern slavery in Europe and Central Asia. According to the UN poverty is one of the root causes for slavery and human trafficking. Many cases of human trafficking begin with an individual looking for decent work. A study by the NGO La Strada Moldova also showed that many teenage and adult women caught in THB for sexual purposes are running away from domestic violence. Within the region, Belarus is one of the countries with the highest prevalence of modern slavery, while Ukraine has the highest absolute number and account for over one-third (39 percent) of the victims in the region.¹²

The Eastern Neighbourhood region also constitutes an origin and transit route for OCGs behind the smuggling of migrants by land, sea and air. Certain visa-free Partner countries are

¹⁰ United Nations Office on Drugs and Crime

¹¹ United Nations Interregional Crime and Justice Research Institute

¹² The Global Slavery Index 2016

particularly attractive for criminal groups and enable other criminal activities facilitating irregular flows towards the EU, such as document fraud. In this sense, building trusted capacity and capability as well as improving operational cooperation on investigations of criminal groups active in migrant smuggling in the region should remain an objective to pursue.

Although progress has been made in addressing organised crime in the Eastern Neighbourhood region, e.g. through the Police Cooperation Programme (PCP) or national legislation e.g. on thieves-in-law or organised crime action plans, continuous support from the EU to align, in particular regionally, assessments, approaches and tools is still needed. Along with technical expertise, mutual trust and a common understanding between the EU and the Eastern Neighbourhood countries as well as between institutions within the region has to be established. A clear need in this regard is the continuous support to enhanced strategic coordination and sharing of best practices to align approaches and build networks. On the operational level, many investigations in the region are still treated nationally, without exhausting all international means available such as cross-border investigations, Mutual Legal Assistance or reaching out to the EU Member States to set up Joint Investigation Teams (JITs). For international cooperation in criminal matters to become a regularly utilised tool of criminal justice actors, it requires the scaling up of awareness, specific technical knowledge and changes in existing structures and processes to embed the new practices and keep up with developments. As a starting point, and until the Partner countries have their own threat assessment, there is a need to connect the work undertaken under the EU Policy Cycle on Serious and Organised Crime to the extent that it relates to common security challenges between the EU and the Eastern Neighbourhood region. Support to the international cooperation in criminal matters in the Eastern Neighbourhood region will be more effective when it works in alignment with the work taken forward under the Policy Cycle in all relevant crime areas, both in terms of provision of training and exchange but also for the conduct of operational cooperation including through Joint Investigation Teams. Three out of six Partner countries in the region have concluded operational cooperation agreements with Europol; yet operational cooperation in particular with Europol also needs to be boosted through both quantitatively and qualitatively improved information sharing (through SIENA¹³), and through active engagement in operational activities targeting High Value Targets, top level organised crime groups, posing high security risks to the EU and Partner countries alike.

In the field of asset recovery, one can observe that interinstitutional cooperation between the different actors involved is limited and that working relations between financial investigation units or financing entities and law enforcement need further improvement. Additionally, investigators in law enforcement and prosecution are lacking financial analysis capacity to follow-up on the leads. This is paired with limited regulation of access to the necessary law enforcement or other government agency databases. Shortcomings can also be observed regarding the management of assets. Structures that allow for a transparent management of assets, allowing giving the stolen assets back to community are either underdeveloped or missing. Additionally, the question on how to involve civil society in the process needs to be addressed.

¹³ Secure Information Exchange Network Application

2 RISKS AND ASSUMPTIONS

Successful implementation and sustainability of the projects can only be achieved if Partner countries provide full governmental, technical and administrative support. Their commitment is crucial to both the implementation of project activities and the achievement of the objectives.

Risks	Risk level (H/M/L)	Mitigating measures
Weak institutional capacity and/or low political will to cooperate among neighbours remain a constant challenge to the official ability to effectively investigate and prosecute crime.	H	The cooperation between the participating countries will be promoted in a gradual manner and around consensual matters through a phased approach with clear deliverables and milestones to ensure results and sustainability. Additionally, through increased awareness, peer pressure for action and other means, this risk will be mitigated.
Inability to develop good and budgeted strategies on police development and on the fight against organised crime.	M	The Project will try, to the extent possible, to provide the countries with the capacity building to improve these capabilities.
The political and security context could interfere with the implementation of activities and have an impact on the general willingness to enhance cooperation on security threats.	M	Close dialogue and coordination with EU Delegations in the region and the European External Action Service regarding i.e. the use of political dialogue and intervention with the concerned counterpart as means to unblock the situation is foreseen. In case of countries with an Association Agreement, a political commitment in the field of law enforcement clearly reflected in the Association Agendas will support the risk mitigation.
High turnover of staff in the Partner countries.	M	Inclusion of the training in the national training structures and the use of the trainers in the future. Additionally, securing strong political and institutional commitment that the trained staff would not be victims of turnover.
Lack of economic means.	H	In part component 2 aims at addressing the needs for funding for operational activities between EU Member States and Partner countries, where relevant in cooperation with EMPACT Drivers. Additionally, the programme aims at

		securing political and institutional commitment to earmark enough local funds for the action to have effective and meaningful engagement.
Frequent government restructuring, lack of clear delineation of duties and responsibilities between relevant agencies.	M	The programme will work with an inter-agency cooperation approach to mediate between the different competent authorities.
Lack of cooperation from the side of the beneficiaries.	M	Continued policy dialogue, involvement of the beneficiaries in the preparation of the support to be provided by the programme.
Assumptions		
<ul style="list-style-type: none"> ✓ The governments of the beneficiary countries are committed to cooperate both at a national and regional level. ✓ All institutions involved in the project are committed to the overall objective and purpose of the action throughout the duration of the project. ✓ Sufficient capacities at national and regional levels can be mobilised for participation in the activities. ✓ The security situation in the beneficiary countries will not deteriorate. 		

3 LESSONS LEARNT AND COMPLEMENTARITY

3.1 Lessons learnt

Law enforcement cooperation

The action will build on the achievements of the Eastern Partnership Police Cooperation Programme. This EU funded programme was carried out from 2014-2018 in the Eastern Neighbourhood region and was the first of its kind. During the implementation through EU Member States, the EU JHA agencies were not involved. This was perceived as a shortcoming and revealed in parts that, where possible working, with and through EU Agencies is probably the best solution. Doing so, guarantees the use of the best expertise and provides outreach to a maximum of EU Member States, enabling real opportunities for a partnership between the EU and Partner countries.

The networking aspect was much appreciated by the Partner countries and the involved EU Member States alike during the final steering committee of the programme. From the partners' side a clear desire to work with EU JHA Agencies was expressed. This is a request that will be addressed through this programme.

A weakness in reaching the overall objective of the PCP was the lack of a coordinated approach towards capacity building and the fragmentation of topics that were addressed. A more unified and structured approach to training and capacity building, focussing on the identified key areas to reach the overall objective, will hence be targeted through this programme.

Based on the experiences of the Euromed Police IV programme in the Southern Neighbourhood, working with and through the EU JHA agencies has enhanced the credibility

of the project among Partner countries. The project has started to promote the principles of the EU Policy Cycle, particularly the threat assessment methodology.

Asset Recovery

In November 2017, a TAIEX seminar on asset recovery in the Eastern Neighbourhood countries was carried out. The programme will in parts build on the conclusions received in this context while also taking into account that international support and expertise on asset recovery has evolved significantly over the past decade.

The clear trend in asset recovery over the past several years has been to assist countries in developing stronger non-penal measures to capture assets linked to acts of corruption and other forms of organised criminal activity. Once legal and operational mechanisms are in place, and adequate capacity building is provided, non-penal confiscation of assets speeds up the judicial process (months rather than years) of capturing illicitly obtained assets – this benefits public perception that the justice system is more agile and responsive to criminality and also deprives criminals of the fruits of their crimes. In many cases, a more rapid capture of illicitly obtained assets also deprives criminals of the means to continue funding their illicit activity (including the smuggling of migrants, human trafficking, high-level corruption and the financing of terrorism).

Additionally, an essential part of asset recovery is effective dialogue between officials of requesting and requested states. Experience has shown that the stronger the working relationship among officials in a requesting state with those in a requested state, the greater the likelihood of recovery of assets. In light of the above, strong emphasis must be placed on encouraging peer-to-peer missions and greater participation in existing networks of police, prosecutors and other officials, to foster bridges and build relationships.

Civil society also plays a valuable role with regard to asset recovery. In states where there have been important levels of corruption, many entities from civil society lend a hand in tracking down where stolen assets have gone, and linking these entities with public institutions charged with investigating acts of corruption can be vital to the success of such investigations. Additionally, and increasingly, civil society can, and should, play a role in helping public institutions to identify high-priority development needs, to which recovered assets should be directed. This strengthens public perceptions that the government is responsive to such needs and also demonstrates greater transparency in the distribution of recovered assets.

3.2 Complementarity, synergy and donor co-ordination

At the regional level, the programme shall work closely together with the regional programme on cyber resilience, encompassing components on cybersecurity and cybercrime and running from 2019-2021. Synergies should also be sought with the EU-funded EU Action against Drugs and Organised Crime (EU-ACT, 2017-2020) which has activities in Ukraine and Georgia. Complementarities will be sought with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) implemented EU4Monitoring drugs¹⁴ running in the Neighbourhood region (South and East) from 2019-2021. Bilateral programmes such as the Support for Rule of Law Reforms in Ukraine – in the areas of police, public prosecution and good governance (PRAVO-Police), the EU Anti-Corruption Initiative in Ukraine (EUACI) – in the area of assets recovery, the Police Budget Support Programme in Moldova or the

¹⁴ ENI/2018/401-149.

recently adopted ‘EU4Security, Accountability and Fight against Crime in Georgia (SAFE)’ in Georgia shall also be taken into consideration. Close cooperation with EU Justice and Home Affairs agencies is embedded in the design of the programme.

Regarding asset recovery, synergies will be sought with the EU-funded programme ‘Partnership for Good Governance’ (2019-2021) and its regional and bilateral activities in the Partner countries, especially in the fields related to organised crime. Additionally, the programme will take into account the upcoming regional action on integrity. Coordination with bilateral projects, EU advisory missions, projects related to public administration reform, public finance reform, dealing with anti-corruption and security sector reform is key. Efforts undertaken by different countries within the framework of the European Commission’s Visa Liberalisation Action Plans (VLAP), where applicable, will also be supported. Close cooperation will be established with all national stakeholders and relevant regional and international actors involved in this sector.

EU Delegations are closely involved at all levels in preparing activities and participating in events. Coordination on the ground will include other international organisations and implementing agencies, most notably the World Customs Organisation (WCO), the Organisation for Security and Co-operation in Europe (OSCE), the International Centre for Migration Policy Development (ICMPD), the International Organisation for Migration (IOM), the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), Interpol with its Millennium project, and the United States Agency for International Development (USAID).

A significant number of ongoing and planned EU programmes are directly or indirectly relevant to capacity building and law enforcement activities for fighting organised crime. The action will be complementary to other EU initiatives at national, regional or trans-regional level as well as EU Member States activities, and actions from international organisations or donors.

4 DESCRIPTION OF THE ACTION

4.1 Overall objective, specific objective(s), expected outputs and indicative activities

Overall objective:

Reduction of organised and serious international crime in the Eastern Neighbourhood region.

Specific objective component 1 and 2:

Strengthened strategic and operational cooperation between law enforcement authorities in the Partner countries, EU Member States and EU Agencies.

Component 1: On law enforcement capacity building and threat analysis

Expected output:

- Enhanced capacities of law enforcement authorities in the Partner countries to fight against organised and serious international crime on the basis of the needs analysis conducted;

Indicative activities¹⁵:

¹⁵ The logframe might need to be updated to reflect the outcome of both, OTNA and SOCTA.

- Design and deliver a robust training programme based on the evidence provided by the Operational Training Needs Assessment (OTNA) and the SOCTA in fields such as (but not exclusively) trafficking in human beings (forced labour and sexual exploitation), migrant smuggling, drugs, firearms, money laundering, property crime, etc. The training may include elements such as e-learning, residential training together with EU Member States, participation in the CEPOL exchange programme, mentoring, real case training, etc.
 - Operational Training Needs Assessment (OTNA) concerning EU crime priorities should lead to a permanent regional training platform creating a mechanism for tackling a set of agreed law enforcement training priorities;
 - Sharing and building analytical capacities of the beneficiaries should enable them to self-diagnose their training gaps and needs;
 - Together with Europol create a regional analytical network for law enforcement to conduct a SOCTA in the EaP countries (the analysis at the beginning of the project will determine if regional, multi-country or national);
 - Together with Europol, elaboration of specific training sessions to allow Eastern Partner countries on the basis of the EU SOCTA to learn about the policies and processes of conducting a SOCTA to support them in developing their own and contributing to EU strategic reports.

Component 2: On operational cooperation between EU and EaP law enforcement

Expected outputs:

- Enhanced operational and strategic cooperation with the EU Member States and Agencies including through EMPACT;
- Enhanced intelligence-based operational planning in the countries of the Eastern Neighbourhood region;
- Partner countries' institutional knowledge and capacity on EU Policy Cycle priority crime areas strengthened and cooperation within EMPACT increased.

Indicative activities:

- Organise one regional seminar on the EU Policy Cycle for organised and serious international crime (threat assessments, strategic planning, implementation through Operational Actions and evaluation) to prepare the ground for the future cooperation;
- Set up a mechanism to establish a dedicated fund that will be used to financially support the participation of the Partner countries in the relevant EU Policy Cycle/EMPACT Operational Action Plans (based on the agreement of the relevant Driver and participating Member States) and other operational activities. Through the coordination between the Driver and Europol, the duplication with Europol's EMPACT funding (high and low-value grants) will be avoided. The financial support provided should include i.a.:
 - Support to Operational Actions under EMPACT involving EaP countries;
 - Support to Operational Task Forces to tackle High Value Targets involving EaP countries;

- Support to the involvement of EU Member States' competent authorities in cross-border operational activities in Eastern Partner countries (i.e. on-going investigations, financial investigations);
- Support to strengthened information exchange between EaP countries, EU Member States and Europol.
- Encourage the active use of and support the involvement/membership of the EaP countries in ongoing initiatives related to financial intelligence such as AMON (Anti-Money Laundering Operational Network) and CARIN (Camden Asset Recovery Inter-Agency Network).

Specific objectives component 3: On asset recovery of proceeds from organised criminal activity

Increased capacity to recover assets linked to organised criminal activity.

Expected outputs:

- Improved coordination with multiple stakeholders within the legal system with respect to financial investigations;
- Improved and sustainable capacity in the tracing, freezing, seizing, confiscation, recovery and management of assets.

Indicative activities:

- Carrying out a regional needs assessment in the field of asset recovery and asset management;
- Mentoring EaP asset recovery officers on specific cases (ongoing or planned);
- Working closely with officials on the drafting or redrafting of mutual legal assistance requests, decisions and/or orders to ensure compatibility with foreign jurisdiction standards;
- Awareness raising activities among officials in Eastern Neighbourhood jurisdictions about the usefulness (producing political 'buy-in') of civil confiscation measures, as well as how to more effectively deploy other non-penal measures – e.g., through use of tax laws;
- Working closely with officials on strengthening legal and operation frameworks to allow AROs – or similar national entities – to access, under one roof, multiple databases to allow for cross-referencing of data and authorities to more quickly identify property and other assets that are in the names of third parties, but for which a suspect may be the actual beneficial owner.

4.2 Intervention Logic

Components 1 and 2 are interlinked and meant to be complementary.

Under component 1, two types of assessments will be conducted. The first one is an operational training needs assessment to identify training gaps and needs in the Eastern Partner countries. The second one, in cooperation with Europol, is a serious organised crime threat assessment that will be carried out to identify the biggest issues in this field the countries in the Eastern Neighbourhood region are facing. Subsequently, a part of the training shall aim at enabling the Partner countries to conduct their own SOCTA and at contributing to

EU strategic reports. These results may also serve as basis for future technical assistance at bilateral level to support the countries in the development of a national security strategy.

These two analyses will be used for the design of the capacity building component, which will take into account a gender sensitive training approach, and to allow the Partner countries to self-diagnose their training gaps and needs. Around the identified needs a robust training programme will be built. Part of these trainings shall be included in the national training curricula, others shall enable exchange programmes, mentoring, residential training together with EU Member States law enforcement officers, simulation exercises or online training, amongst others. The trainings shall, to a large extent, be conducted for the six Partner countries together. In some cases, a multi-country approach might be more adequate depending on the topic. Bilateral training is possible but should be an exception. This is rooted in CEPOL's unique training approach, which includes networking and the exchange of experiences.

Under component 2, the focus will lie on operational cooperation. For this, Europol's support, along with close cooperation with the respective EMPACT OAP Drivers, is instrumental. The action aims at supporting concrete cross-border organised crime investigations, involving EU Member States, Partner countries and Europol. These can be investigations that have already started or are being initiated during the project's implementation period.

In the framework of the EU Policy Cycle and the EMPACT operational action plans, the proposed action will work with the Partner countries to identify relevant cases including one or more Partner countries.

Through this cooperation, the action aims at promoting operational cooperation in the fight against organised crime between the EU Member States and the Partner countries. This cooperation will be carried out in particular in the framework of the EU Policy Cycle, help to increase trust amongst law enforcement officers and to support broadening their respective networks, leading to joint investigation successes.

Should in the case of this cooperation, training needs/gaps on the partner side be identified, this information will be transferred to CEPOL to be dealt with under component 1.

Under component 3, the action aims at strengthening the mechanisms for the recovery of stolen assets linked to serious crimes and effective and transparent use of seized and confiscated assets as well as at establishing processes for their transparent management and distribution. The action also focusses on penal and non-penal confiscation of stolen assets. Considering the different stages of the development in the region, an approach of variable speeds will guide the implementation of this component. Successful actions in one country shall be shared as best practice with the others and if feasible reproduced. This component aims to ensure that the duty bearers are enabled to perform their mandate more effectively and with integrity.

4.3 Mainstreaming

All activities under this programme will be designed and implemented in accordance with the principles of good governance and human rights, gender equality, the inclusion of socially or economically deprived groups and environmental sustainability.

Good governance and human rights: Security and law enforcement actors play a key role for a well-functioning governance system. Respect for both good governance and human rights is hence at the core of the proposed action.

The concrete and operational work on asset recovery will strengthen rule of law by reinforcing mechanisms and institutions in their efficient tracing, freezing, seizing, recovery and management of assets linked to organised crime. This reinforces public perception that the justice system is working and that there is no impunity for such criminal activity.

To ensure compliance of the proposed action with the obligations stipulated in Article 10 ('Human rights') of Regulation (EU) No 230/2014, a clear human rights perspective should be incorporated throughout the different stages of the project cycle (project design/formulation; monitoring of implementation; evaluation) on the basis of the operational guidance developed to this end by the European Commission (https://ec.europa.eu/europeaid/operational-human-rights-guidance-eu-external-cooperation-actions-addressing-terrorism-organised_en). Any potential flow-on risk on the respect of human rights should be constantly monitored and mitigating measures need to be foreseen.

Gender equality: Certain aspects of organised crime, e.g. trafficking of human beings, particularly affect women and girls and this angle will be considered throughout the programme implementation of components 1 and 2, taking into account EU and EU Member States actions and policy frameworks on THB. Efforts will also be made to promote strong women's participation in the programme.

Environmental sustainability and climate change: While these fields are not directly targeted by the action, they can be of concern should environmental crimes, e.g. in the case of illegal waste disposal, be an issue under the organised crime branch (especially for investigations under the Policy Cycle). In this context, the programme might contribute to further improvements for the environment.

4.4 Contribution to SDGs

This intervention is relevant for the 2030 Agenda. It contributes primarily to the progressive achievement SDG 16 on peace, justice and strong institutions. Secondly, it also addresses SDGs 5.2 and 8.7 related to human trafficking.

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Decision and the relevant contracts and agreements.

5.3 Implementation modalities for an action under project modality

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹⁶.

5.3.1 *Indirect management with entrusted entities*

This action may be implemented in indirect management with:

CEPOL in cooperation with Europol for component 1;

Europol for component 2;

The implementation through the above-mentioned entities will take into account the conditions laid down in Article 7 of the Commission Delegated Regulation (EU) 2019/715.

UNICRI for component 3.

The envisaged entities have been selected because they can carry out activities with specific characteristics that require a particular type of body on account of their technical competence, and their high degree of specialisation.

Law enforcement cooperation and capacity building is a task that for reasons of security and accountability is entrusted to a limited number of entities at the EU level with a specific mandate.

For the support to investigations including analysis of cross-border serious and organised crime that affect more than one EU Member State and possibly third countries, Europol has been entrusted with such a mandate. Additionally, the operational cooperation between the Partner countries and Europol is beneficial not only for the Partner countries, but also for the Member States' and the EU's security in general. It is indeed in the EU's interest that Europol can support Member States in their investigations on organised crime when this involves Partner countries. This corresponds to Europol's mandate. The current increase in activities from OCGs originating from Partner countries requires measures to be taken with the objective to stimulate a joint operational response to this threat. The sensitive nature of these tasks and the special nature of the action require the unique expertise of Europol and its capacity to tap into the expertise of Member States' law enforcement authorities. In this case, the action aims to complement the work Europol does in support of Member States, covered by its functioning budget, and enables – through the provision of dedicated financial means – the Partner countries to actively contribute to the fight against serious and organised crime in cooperation with the EU.

CEPOL is tasked to support, develop, implement and coordinate training for EU Member States and third country law enforcement officials, in particular from the countries that are candidates for the accession to the Union and the countries under the European Neighbourhood Policy. Moreover, CEPOL may manage dedicated Union External Assistance funds to assist third countries in building their capacity in relevant law enforcement policy areas, in line with the established priorities of the Union¹⁷. Therefore, the planned action falls

¹⁶ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

¹⁷ Regulation (EU) 2015/2219, Article 4

fully within the legal mandate of CEPOL. In this context Partner countries need for the period of this project to benefit from CEPOL's expertise to allow them to improve their capacities, analyse their training gaps, set up their own training programmes and overall be enabled to operationally better fight organised crime.

The European Union Agency for Law Enforcement Training is in the privileged position in the EU internal security architecture to be able to reach out to the law enforcement staff of the EU Member States and third countries concerned. Hence, it can design and deliver joint activities for the EU and third country officials and foster law enforcement cooperation between the EU and its neighbours. The Agency is also unique in so far as its multidisciplinary training approach in covering all respective national security branches under the law enforcement umbrella being relevant to crime phenomena, law enforcement techniques, methodologies or other aspects. Furthermore, the Agency is tasked by its Regulation to prepare multi-annual strategic training needs assessments in the EU, allowing designing evidence-based multi-annual training programmes (Article 4). To plant such a model in the Eastern Neighbourhood region is paramount in order to navigate capacity building efforts of the EU and support third countries to better structure their own resources in training. In case of the EU JHA agencies, they also offer the possibility for an increased partnership between all EU Member States and the Partner countries. Moreover, the required expertise for the trainings heavily builds on CEPOL's capacity to draw on Member States' expertise in the field. Indirect management through Member States Agencies and consortia thereof mostly enhance partnerships only with the EU Member States that are part of the implementing consortium, while the EU JHA agencies broaden the scope. The resort to an EU Agency in this case also builds on the experience and the lessons learned from the previous regional programme on Police Cooperation.

UNICRI, the international organisation identified above, is currently undergoing an ex-ante assessment of its systems and procedures. Based on its compliance with the conditions in force at the time - previously other indirect management actions were awarded to the organisation and the long-lasting co-operation has been problem-free. The international organisation can also now implement this action under indirect management. This assessment is pending the finalisation of the ex-ante assessment, and, where necessary, subject to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation.

UNICRI assists governments and the international community in tackling the threats that crime poses to peace, security and sustainable development by fostering just and efficient criminal justice systems, the formulation and implementation of improved policies and the promotion of national self-reliance through the development of institutional capacity. The tasks foreseen under this action hence fall under UNICRI's mandate. A limited amount of entities is available to work in this field so UNICRI's expertise is needed due to the special nature of the tasks foreseen in the action.

The entrusted entities would carry out budget-implementation tasks necessary to achieve the results outlined in section 4.1.

If negotiations with one of the above-mentioned entities fail, that part of this action may be implemented in indirect management with pillar-assessed EU Member States' Agencies and consortia thereof. The implementation by these alternative entities would be justified because of the action – dealing with the security sector of a country – requires a particular type of

body, namely law enforcement entities, on account of their technical competence, their high degree of specialisation or their administrative powers.

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.5 Indicative budget

	EU contribution (amount in EUR) 2019	EU contribution (amount in EUR) 2020	Indicative third party contribution, in currency identified
Specific Objective 1 composed of:	1,000,000	5,000,000	
- Indirect management with CEPOL			
Specific Objective 2 composed of:	2,500,000		
- Indirect management with Europol			
Specific Objective 3 composed of:	1,500,000		
- Indirect management with UNICRI			
Total	5,000,000	5,000,000	

5.6 Organisational set-up and responsibilities

The responsibility of the programme lies with the Commission. The steering of the projects will be led by Directorate-General for Neighbourhood and Enlargement Negotiations.

Each contract will have a Steering Committee meeting which will be chaired by the Commission and will include representatives of other concerned Directorate-General of the Commission (e.g. HOME, JUST), the EU Delegations, the JHA agencies and representatives from Partner countries. For components 1 and 2, a back to back or partially joint steering committee can be envisaged. The steering committee shall meet at least once per year to provide an update on the annual activities and for the monitoring of the implementation.

Each implementing partner will provide the Secretariat of the Steering Committee for their respective components.

The Commission will ensure, with the support of the implementing partners, the coordination and communication with the interested stakeholders, including relevant Commission services and EU Delegations.

5.7 Performance and Results monitoring and reporting

Performance measurement will be based on the intervention logic and the logframe matrix, including its indicators.

- Performance measurement will aim at informing the list of indicators that are part of the logframe matrix.
- In certain cases, mainly depending on when the monitoring exercise is launched, contribution to the outcomes will also be part of monitoring and for this to happen indicators defined during planning/programming at the outcome level will be the ones for which a value of measurement will need to be provided.
- In evaluation, the intervention logic will be the basis for the definition of the evaluation questions. Evaluations will mainly focus on the spheres of direct (outcomes) and indirect (impacts) influence. As such, indicators defined for these levels of the intervention logic will be used in evaluation. Depending on the specific purpose and scope of the evaluation exercise, additional indicators will be defined.

Monitoring is a management tool at the disposal of the action. It is expected to give regular and systemic information on where the action is at any given time (and over time) relative to the different targets. Monitoring activities will aim to identify successes, problems and/or potential risks, so that corrective measures are adopted in a timely fashion. Even though it is expected to focus mainly on the actions' inputs, activities and outputs, it is also expected to look at how the outputs can effectively lead to the aimed outcomes.

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of results (outputs and direct outcomes), as measured by corresponding indicators, using as reference the logframe matrix (for project modality) or the partner's strategy, policy or reform action plan list (for budget support).

SDGs indicators and, if applicable, any jointly-agreed indicators as, for instance, per Joint Programming document should be taken into account.

The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Having regard to the nature of the action, a mid-term and a final evaluation will be carried out for this action or its components via independent consultants contracted by the Commission.

The mid-term evaluation will be carried out for learning purposes, in particular with respect to possible needs to re-adjust the programme in line with the implementation development.

The final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that a possible second phase can be programmed on the basis of the lessons learned.

The Commission shall inform the implementing partner at least 30 days in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the Partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the Partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing Decision.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing Decision.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures that shall be based on a specific Communication and Visibility Plan of the Action, elaborated at the start of implementation. The different visibility plans of the three components need to ensure a coordinated communication approach.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the Partner country (for instance, concerning the reforms supported through budget support), contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY)

	Results chain: Main expected results (maximum 10)	Indicators (at least one indicator per expected result)	Sources of data	Assumptions
Impact (Overall Objective)	Reduction of organised and serious international crime in the Eastern Neighbourhood region; <i>As per section 4 of the Action Document</i>	Extent to which the threat situation in the Partner countries (e.g. their position on the threat scale) has improved;	Reports and assessments by EU and UN agencies, international organisations and international/local NGOs; media reports (UNODC threat assessment, Europol SOCTA or Interpol's Millennium project)	<i>Not applicable</i>
Outcome(s) (Specific Objective(s))	<u>Specific objective component 1 and 2:</u> Strengthened strategic and operational cooperation between law enforcement authorities in the Partner countries, EU Member States and EU Agencies; <u>Specific objective component 3:</u> Increased capacity to recover assets linked to organised criminal activity;	Extent to which Partner countries actively participate in investigations in Partner countries and EU Member States (e.g. High Value Target, trafficking in human beings); Number of cross-border operations against serious and organised crime including Operational Task Forces to tackle High Value Targets and Joint Investigation Teams; Extent to which progress has been made on ongoing cases for tracing, freezing, seizure and recovery of stolen assets and initiation of new cases;	Project progress and monitoring reports, Europol records, judicial records in Partner countries and EU Member States, media;	- The governments of the beneficiary countries are committed to cooperate both at a national and regional level. - All institutions involved in the project are committed to the overall objective and purpose of the action throughout the duration of the project.
Outputs	<u>Component 1</u> <ul style="list-style-type: none"> Enhanced capacities of law enforcement authorities in Eastern Partner countries to fight against organised and serious international crime on the basis of the needs analysis conducted; 	Number of law enforcement officers trained (women and men); <i>(note: specific indicators will be defined during the inception phase once the training programme has been established)</i>	Project progress and monitoring reports, CEPOL records; The completed Training Needs	- Sufficient capacities at national and regional levels can be mobilised for participation in the activities. - The security

	<p><u>Component 2</u></p> <ul style="list-style-type: none"> • Enhanced operational and strategic cooperation with the EU Member States and Agencies including through EMPACT; • Enhanced intelligence-based operational planning in the countries of the Eastern Neighbourhood region; • Partner countries' institutional knowledge and capacity on EU Policy Cycle priorities strengthened and cooperation within EMPACT increased; <p><u>Component 3</u></p> <ul style="list-style-type: none"> • Improved coordination with multiple stakeholder within the legal system with respect to financial investigations; • Improved and sustainable capacity in the tracing, freezing, seizing, confiscation, recovery and management of assets; 	<p>Extent to which the operational and strategic cooperation between Eastern Partner and EU law enforcement authorities in the framework of ongoing cases has increased;</p> <p>Number of best practices identified in the course of the joint investigations;</p> <p>Number of intelligence-based contacts between law enforcement officials for planning purposes in the framework of ongoing cases;</p> <p>Extent to which Partner countries are invited and participate in key meetings and conferences (women and men);</p> <p>Extent to which Partner countries' law enforcement officers are aware and cooperating with their Policy Cycle counterparts;</p> <p>Extent to which progress has been made on ongoing cases for tracing, freezing, seizure and recovery of stolen assets and initiation of new cases;</p> <p>Number of officials trained (women and men);</p> <p>Number of peer-to-peer missions carried out;</p> <p>Number of study visits conducted;</p> <p>Value of the assets confiscated;</p> <p>Number of asset management plans set up;</p>	<p>Assessment and SOCTA;</p> <p>Project progress and monitoring reports and meeting summaries, media, Europol records;</p> <p>Project progress and monitoring reports, judicial records, media;</p>	<p>situation in the beneficiary countries will not deteriorate.</p>
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