

**PROJECT FICHE FOR THE 2007 NATIONAL PROGRAMME IN THE FORMER  
YUGOSLAV REPUBLIC OF MACEDONIA UNDER IPA CENTRALISED**

**1. Basic information**

**1.1 CRIS Number:** 19129

**1.2 Title:** **Support to the implementation of the Police Reform Strategy**

**1.3 Statistical code:** 01.24

**1.4 Location:** Skopje, with nationwide project activities.

***Implementing arrangements:***

**1.5 Contracting Authority (EC)**

The Contracting Authority is the European Commission, EC Delegation, on behalf of the former Yugoslav Republic of Macedonia

**1.7 Beneficiary (including details of project manager):**

The Beneficiary is the Ministry of the Interior.

**1.8 Overall cost:**

The overall costs of the project are EUR 9.4 million.

**1.9 EU contribution:**

The EU contribution is EUR 9 million.

**1.10 Final date for contracting:**

Two years from date of the conclusion of the Financing Agreement

**1.11 Final date for execution of contracts:**

Two years from the final date for contracting.

**1.12 Final date for disbursements:**

One year from the final date for execution of contracts.

## **2. Overall Objective and Project Purpose**

### **2.1 Overall Objective**

The overall objective of the proposed action is provision of advisory and material support to the Police Reform process to ensure consistency and continuity of approach, to consolidate progress already made and to maintain momentum. More specifically, the support to the Police Reform process will directly address the three pillars of the National Police Reform Strategy: STRATEGIC, TACTICAL, and OPERATIONAL at both central and local (regional) level.

### **2.2 Project purpose**

The project purpose is to ensure a professional police service and administration that will enable appropriate maintenance of public order and implement the rule of law in compliance with national legislation, taking due account of EU regulations and best practices, and in which the public will have trust.

### **2.3 Link with AP/NPAA / EP/ SAA**

#### EP 2005

Continue to implement the Action Plan for the reform of the police. Provide adequate funding and training. Strengthen co-ordination and co-operation both among police bodies and between the police and other law enforcement agencies.

Develop and implement a comprehensive human resources and training strategy for the police. Upgrade the equipment, particularly in specialised fields of investigation.

Complete the implementation of the Action Plan for the reform of the police. Continue to upgrade equipment and enhance training. Further develop the human resources management system.

#### Stabilization and Association Agreement 2001:

The project directly addresses the SAA Article 74 (Reinforcement of institutions and rule of law) and Article 78 (Preventing and combating crime and other illegal activities).

#### Summary Progress Report, 8 November 2006

The progress report of 2006 largely follows the findings of the Analytical Report 2005. It notes that the general level of security had steadily improved through increased operational capacity of the police and the increasing trust of all communities towards the police. While there is recognition of progress vis-à-vis the implementation of the police reform, much of the implementing legislation still remains to be adopted and progress would need to be made in the areas of implementation of the police reform strategy, deconcentration, human resource management, intelligence-led policing, customs, fight against organized crime and drugs and human trafficking, inter-agency cooperation, code of ethics and cooperation with the Ombudsman.

## **2.4 Link with MIPD**

The MIPD states that on police reform it will be necessary to support completing the implementation of the *Action Plan for the Reform of the Police*, to ensure consistency and continuity of approach, to consolidate progress already made and to maintain momentum.

## **2.5 Link with National Development Plan (where applicable)**

The former Yugoslav Republic of Macedonia has not yet approved its draft version of the National Development Plan.

## **2.6 Link with national/ sectoral investment plans (where applicable)**

The project directly links to the two key strategies and action plans in the sector (see for a more extensive list annex 3):

- a) The National Police Reform Strategy and Action Plan
- b) The National Integrated Border Management Strategy and Action Plan

## **3. Description of project**

### **3.1 Background and justification:**

Transparent, accountable, efficient and effective institutions comprising the system of justice and home affairs, are important for the protection of the fundamental rights and freedoms and for establishing an area of freedom, security and justice. It is a sine qua non for European accession.

Under the Constitution, the army and the police come under civilian control. A National Security and Defence Concept was adopted in 2003 and this document clarifies the inter-service coordination needed in cases of crises. Under the Law on Internal Affairs the Ministry of the Interior is responsible for the internal security of the State. The Ministry has a Bureau for Public Security which under the newly adopted structure comprises three pillars: Territorial (regional) Police, Border Police and Police Central Services. There is also a Directorate for Security and Counter-Intelligence, a separate and autonomous entity. The Ministry is being reorganised in order to implement the Police Reform Strategy adopted in August 2003 to make the police more efficient and build a community-oriented policing approach.

The Ministry of the Interior and the Police are being progressively restructured, in line with the Police Reform Strategy of August 2003, amended by Annex of January 2004. First steps have been taken, notably on the general organisation of the Ministry of the Interior, the establishment of a Police border Service and the transfer of responsibility for border control from the Ministry of Defence to the Ministry of the Interior. Key steps are still needed to improve policing standards and make the police an effective and accountable service. Effective and timely implementation of the Police Reform Strategy/Action Plan, encompassing the relevant provisions of the Ohrid Framework Agreement, remains crucial, especially for the continued building and long-term sustainability of inter-ethnic trust and resultant stability in the country. Strong political impetus will be needed to secure its success.

In this respect, implementation of the newly adopted Law on Police and allocation of proper budgetary resources are of particular importance<sup>1</sup>.

Since the Governmental adoption of the National Police Reform Strategy, steady progress has been maintained. While significant progress has been made in reform of the legislative and regulatory basis of policing, **operational implementation**, on both central and de-concentrated levels, of the reform measures lags behind, especially due to the delayed adoption of the Law on Police, drafted in June 2005 but not adopted until Autumn 2006.

The National Integrated Border Management Strategy, developed with EC assistance, was adopted by Government in December 2003 and provides strategic guidance to establish operational plans, further complemented by the Action Plan for Integrated Border Management. The Government has completed the process of transferring responsibility for the management of the country's borders from the military to the police – a precondition of EU integration. The EC has facilitated this process by financing training for border police personnel and supplying the service with much-needed operational equipment.

In the fight against crime, the capacity to detect, investigate and disrupt a wide range of organised crime activities, including trafficking of human beings, is still insufficient. However, there is an evident willingness on the part of the national authorities to seriously confront these issues.

The EC – through CARDS and other instruments - has provided substantial support to the police reform and it does require constant attention and effort to sustain the momentum of police reforms in the country. Based on observations from earlier reform processes within the Member States, it is important to maintain realistic expectations for the duration of the police reform process. A change of mentality and operational culture takes time, patience, and delivery of a constant and consistent strategic direction from both national and international sources of influence.

Various bilateral agencies, in particular EU member states, have provided support as well. Important police development actions, focusing on operational capacities, have been undertaken under bilateral assistance of France and the United Kingdom. CARDS 2006 programme providing equipment to the Police Rapid Deployment Unit (RDU), has been closely developed in dialogue with the United Kingdom Embassy in Skopje. The UK Government, complementary to the Agency managed programme, has delivered training and advisory assistance to RDU to develop the unit in line with the National Police Reform Strategy. The EC complements this bilateral advisory/training assistance by provision of adequate equipment to the RDU, with a value of around €2 million. This model of CARDS-bilateral co-operation was successfully utilised to implement another component of the police reform under the CARDS 2005 Programme, where advisory, training and material assistance was provided to the Police Special Tasks Unit, in partnership with French bilateral assistance.

In view of the above, it is a high priority to ensure continued assistance in the reform process and ensure and appropriate follow-up to the previous and present EC support. The present support under CARDS, at both central and regional level, will conclude towards the end of 2007.

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<sup>1</sup> The second and third paragraphs are derived from the Analytical Report, December 2005.

Although virtually all basic elements of the policing structures are in place on national level, the adoption of the **Law on Police in the Autumn of 2006 means that the operational aspects will be implemented from the Autumn of 2007** onwards (there is a one year delay between the adoption of the law and the implementation of the law). The de-concentration efforts as well as the overall coordination of the implementation of the police reform will need continued support and direction.

In view of the acknowledged urgency, specific support will be provided to the fight against crime – specifically, trafficking of human beings – through a direct awarded grant to the **International Organisation for Migration (IOM)**, to assist the implementation of a national Migration strategy –with specific focus on human trafficking.

Where necessary and depending on budget availability limited equipment and/or infrastructure support will be envisaged.

### **3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)**

Under the various CARDS programmes, support has been provided to guide the Government through the strategic reform in the police sector as well as the provision of assistance with equipment and adequate facilities. Where overall agreement on the strategic level is embedded in the Reform Strategy – its implementation supported at high ministerial level – through the OP 2007 a concentrated effort will be made to pursue the practical implementation and strengthen the operational efficiency of the police force. With specific attention to administrative processes, task and responsibility distributions and operational planning – particularly the cooperation between different units - it is expected that the efficiency in dealing with specific cases will improve. This is likely not only to have a positive impact on the public image of the police but also on the motivation of individual officers.

Since the Strategy for Police Reforms of August 2003 and Action Plan for the implementation of the police reform process of January 2004 are in place, there is no need for further strategy development. Progress has been made with the implementation, having also received wide support from the international community. However, further support to the implementation of the Reform Strategy and legislation in place is required. The support will not only assist in taking the reforms forward “on the ground” but also to improving the capacities of the different parties to manage the overall process, including taking stock of the progress made, the lessons learnt and to re-assess the short-term priorities.

It is expected that the support will advance the reform activities in the country, ensuring appropriate applications on the national, regional and local levels. Where the national level will ensure overall supervision and control of the reform process, building capacities on both regional and local levels ensures a high level of sustainability, and will stimulate further coordination between the different national parties involved, a stronger coordination of the international support efforts in the sector and to stimulate other international agencies to invest in the relevant areas.

Combining technical assistance support with material support also implies that the acquisition of improved competencies will not be hampered by an inappropriate working environment.

### **3.3 Results and measurable indicators:**

The project consists of three mutually inter-related activities.

**Activity 1:** Advisory services to support the implementation of the Police Reform Strategy.

Activity 1 will support the overall planning and implementation of the Police Reform on Strategic, Tactical and Operational level. Capacities will be enhanced on both national level and the regional levels. A total of approximately 18-20 Police Advisors will be deployed for an envisaged duration of 2 – 3 years.

The expected results and measurable indicators of Activity 1 are presented in the overview below:

Expected results:

- a. Improved and more efficient and effective functioning of the police services
- b. Higher solution rates and quicker response rates to events
- c. Higher level of appreciation by the public of the police services
- d. High level of EU compliancy in all aspects of the police service

Measurable indicators:

- a. Case management files
- b. Complaints statistics
- c. Legal instruments

**Activity 2:** Advisory services to improve the capacities of the relevant parties in the fight against organised crime, with focus on trafficking in human beings.

It is envisaged that technical capacity will be provided by the International Organisation of Migration to train relevant national authority staff in the implementation of the National Migration Strategy elements related to Trafficking in Human Beings.

The expected results and measurable indicators of Activity 2 are presented in the overview below:

Expected results:

- a. Higher rate of crime detection
- b. More effective response to events
- c. Higher rate of prosecution

Measurable indicators:

- a. Number of cases brought before justice.
- b. Statistics for victim rehabilitation.
- c. Independent observation/verification.

**Activity 3:** Ensure the appropriate infrastructure.

It is envisaged that selected priorities **for investment** will be addressed. For example a number of regional and local police facilities (**buildings and premises**) should be upgraded to appropriate standards. The identification of these facilities will be performed in the first period of the deployment of technical assistance through Activity 1.

The expected results and measurable indicators of Activity 3 are presented in the overview below:

Expected results:

- a. Improved and more efficient and effective functioning of the police services
- b. Lower level of complaint by the public, NGO's and the International Community of the police facilities
- c. High level of international-standards/convention compliancy in all aspects of the police facilities
- d. Improved motivation of Police personnel

Measurable indicators:

- a. Case management files
- b. Complaints statistics

### **3.4 Activities:**

**Activity 1:** Advisory services to support the implementation of the Police Reform Strategy.

As described above, the activity will provide advisory services at both national and regional levels. It is expected that approximately 18-20 police advisors will be deployed. The generic tasks of those advisors will include:

- Support the Ministry of the Interior, including the de-concentrated levels, in developing/reviewing, implementing and monitoring of key strategic objectives; i.e. the National Strategy for Police Reform and the National Integrated Border Management Strategy as well as the related action plans.
- Support the Ministry of the Interior in developing (the contributions to) other national strategies and action plans, including future Operational Plans for IPA, contributions to NPAA, EP implementation plans, etc.;
- Support the Ministry of the Interior in developing and bringing forward (new or adapted) legal instruments, pursuing the full implementation of the Police Reform Strategy and Ministry-specific elements of the Integrated Border Management Strategy;
- Support the Ministry of the Interior, including the de-concentrated levels, in developing and implementing a professional **Human Resource Development strategy**, in alignment with the national strategies – including the equal representation strategy -, as well as international best practices;

- Support the Ministry of the Interior in developing and implementing a sound budget planning and execution – in alignment with the national strategy.

Specifically, the advisory support will encompass the three levels as defined in the Police Reform Strategy; the strategic, tactical and operational levels. Management component is also specified.

### ***Component A: Support at the strategic level***

Provision of direct advisory support to the organisational and institutional reform of the police services, in line with the strategic recommendations of preceding advisory missions, the adopted national strategies (Police Reform, Border Management) and derivative Action Plans. The strategic focus shall be on the institutional development following adoption of the new legislative framework for policing. Particular emphasis must be given to the adoption of internal procedures, rulebooks, operating procedures and standards and the functional consolidation of enacted secondary legislation and specified procedures.

Support at the strategic level should focus on three primary sectors for intervention: policing operations (including policing in the community, public peace and order, border policing, traffic policing, police special tasks); police internal procedures (including recruitment, promotion and disciplinary procedures, management of personnel and material resources, budgetary management); inter-service co-operation (including police co-operation with public prosecution service, Customs, financial crimes instruments, military assistance to the civil authority).

Thus, a strategic advisory team is envisaged, comprising sectoral advisers addressing each of the identified intervention sectors. Location should be central, within the Ministry of the Interior.

### ***Component B: Support at the tactical level***

The primary target of tactical-level assistance shall be the development and functional consolidation of technical and management capacities, including such considerations as, e.g. devolved management; planning and management of personnel and material resources; tasking and resource allocation; command, control and communications procedures; information management; case-file management; transparency of process and accountability; the implementation of operational procedures and the efficiency and effectiveness thereof; police-public interaction (tactical).

The principal tactical-level entities specified by the National Reform Strategy are the Police regional structures: the eight regional Sectors for Internal Affairs (SVR) and the four *Border Regional Centres* (BRC). Other than those functions covered by Police Central Services, it is these facilities that are primarily engaged in the management and direction of policing operations. Not less than one adviser per regional centre (SVR / BRC) is envisaged<sup>2</sup>. These TACTICAL advisers would be located at the Sectors for Internal Affairs and/or the Border Regional Centres. A Team Leader is specified for the Regional Team, with primary function to co-ordinate the actions of and information feedback from the Regional Advisers.

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<sup>2</sup> In police regions hosting the Border Regional Centres, the adviser would have dual function for the SVR and the BRC within that region.



### **Component C: Support at the operational level**

Given the numerical considerations, it is not feasible to provide permanent or continuous advisory representation at all operational policing structures, namely Police Stations (OVR) and sub-stations, operational elements of Police Central Services. Additionally, given the extensive ongoing and planned bilateral assistance to the operational elements of Police Central Services (including Department for Specialised units, Department for Organised Crime, Department for Forensic Science) it is not proposed to deploy permanent advisory support to these elements. A single mobile team is envisaged, with ad-hoc and needs-dependent tasking, to perform an operational support, advisory and feedback function. Operational advisers are envisaged, to be located in a single, central location.

The operational support team would provide direct advisory support for the wide range of operational-level policing functions, including e.g. operations planning; intra-service co-operation; proportional response; crime-scene procedures; evidence management; police-public interaction (operational).

### **Project Management and Administration**

An overall Project Leader is specified, tasked with project management and with primary responsibility for project representation (co-ordination with EU and other international bodies, reporting etc.). There are intrinsic connections between the operational implementation and the policy context, and a consequent requirement for maintenance of day-to-day co-operation and co-ordination with institutional entities, and the analysis and ad-hoc reporting of contextual factors. Reporting tasks will require the collation of information from the project components (Strategic, Tactical and Operational) and external sources, and performance of analyses on contextual factors that might affect the Police Reform process. The Project Leader may be assisted in this analysis and reporting function by an Adviser. Additionally, for a project of this scale and organisational diversity, a dedicated-function Project Administrator is proposed.

**The contracting arrangements concerning Activity 1** are as follows:

1. One grant arrangement with a Member State Institution to implement the total programme under Activity 1. A call for proposals will be launched and subsequently evaluated according the appropriate procedures.
2. It is expected that the total value of the grant arrangement will be EUR 7.5million.
3. The grant will cover 100% of all eligible expenditure.
4. The call for proposals (90 days) will be launched immediately after the IPA Committee decision under provisional clause.
5. It is expected that a successful candidate will start deployment one month after signature of the grant agreement.
6. The grant agreement will be engaged for a period of 24 – 36 months, depending on the budget.

100% financing, in accordance with Article 67 (3) of the IPA implementing regulation, will be done in derogation of Article 109 of the Financing Regulation and in accordance with Article 253(1)(d) of the Implementing Rules of the Financing Regulation which authorises the

financing in full of an action resulting from the implementation of financing agreements with third countries. Explanation of the basis for this process is presented in the Annex section of this fiche.

**Activity 2:** Technical Assistance to improve the capacities of the relevant parties in the fight against organised crime, with focus on human trafficking.

It is envisaged that advisory services and training will be provided by the International Organisation of Migration to train relevant staff in the implementation of the national migration strategy elements related to Trafficking in Human Beings.

Advisory services and training is to be tailored according to the selected audience such as:

- Ministry of the Interior / Border Police and Specialized Unit to Combat Trafficking:

Activities for this specific target group will be focusing on the pressing issues of victim's identification in order to i) ensure that adequate attention is paid to the recognition of presumed victims of trafficking for purposes other than sexual exploitation, and ii) avoid excessively rapid deportation of irregular/undocumented migrants. Training sessions will be organized for senior and middle level officers with the aim at introducing and elaborating "new" concepts that were not, and are still not, too recognizable in Macedonia – such as labour exploitation vs. sexual exploitation, female vs. male Victims of Trafficking, external vs. internal trafficking, etc. Special emphasis will be given to the enforcement of the Law on Aliens and other applicable legislative tools.

- Ministry of Justice:

Training courses for the judiciary are designed to respond to very specific needs and gaps as outlines by the MoJ itself. Training modules will be dedicated to the elaboration of different topics, such as application of special norms (property confiscation and compensation claim), regional coordination on mutual assistance on criminal matters, cooperation mechanisms among different witness protection units, application of specific regulations on migrants' smuggling and other form of human trafficking (labour exploitation), discussions on changes and amendments in the Criminal Code and Code of Criminal Procedures. Training exercises under this section will be highly specialized and organized throughout the entire project duration.

- Ministry of Labour and Social Policy:

The socio-economic reintegration and protection of Macedonian victims of trafficking is of a paramount importance to prevent further trafficking experiences and to secure sustainability to the ongoing direct assistance programmes. The Ministry of Labour and Social Policy through its country-wide presence of social centres and its newly established National Referral Mechanisms is together with expert NGOs and other relevant ministries "The" competent institution to address this issue. Tailored training on victims' reintegration will be carried out for this specific target group.

**The contracting arrangement concerning Activity 2** are as follows:

1. One direct awarded Grant Contract to the International Organisation for Migration (IOM).

2. The total value of the grant is expected to be EUR 0.3 million;
3. The EC contribution is expected to be EUR 0.3 million (i.e. 100% financing);
4. The implementation period of the grant will be 1 year;
5. Direct award will be granted within 3 months after the signing of the Financing Agreement.

It is intended that the grant will be directly awarded to the International Organisation for Migration (IOM), this organisation being entitled to such a procedure, possessing the relevant competencies and previous directly-relevant experience in Former Yugoslav Republic of Macedonia and the Western Balkan region, and being recognised as the lead agency in addressing the issue of Trafficking in Human Beings.

### **Activity 3:** Material support

Depending on the availability of funds, it is expected that infrastructure support will be provided. Indicatively, one or more regional and/or local police stations will be refurbished. Not only will the buildings in which they operate be renovated, also the equipment they need to work according to appropriate standards will as far as possible be provided.

**The contracting arrangements concerning Activity 3** are as follows:

- 1) One or more (depending on the nature and scope of the works to be done) works contracts and one service contract (supervision);
- 2) It is expected that each work contract will have an operational period of one year (depending on the nature and scope of the works to be done);
- 3) It is expected that the value of the supply/works contract(s) will be EUR 1.6million including the Government parallel co-financing of 25% (depending on the scope and nature of the works to be done and availability of funds). The necessary supervision costs will be covered under this activity.

### **3.5 Conditionality and sequencing:**

The project includes the following conditionalities:

- 1) Endorsement by all key stakeholders of the Terms of Reference, specifications for the individual contracts to be engaged;
- 2) Appointment of counterpart personnel by the beneficiary before the launch of the tender process;
- 3) Allocation of working space and facilities by the beneficiary for technical assistance before the launch of the tender process;
- 4) Arrangement by the beneficiary of all legal procedures to allow construction (e.g. construction permits, urban plan amendments), refurbishment activities before the launch of the tender process;
- 5) Participation by the beneficiary in the tender process as per EU regulations;
- 6) Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary as per workplan of the project;

- 7) Appointing the relevant staff by the beneficiaries to participate in training activities as per workplan;

In the event that conditionalities are not met, suspension or cancellation of projects will be considered.

### **3.6 Linked activities**

Extensive EC assistance in the area of policing has been continuously provided since 2002. Under the 2001 – 2006 programmes, the EC has and is providing direct support with the development and implementation of the National Police Reform Strategy, and policing elements of the National Integrated Border Management Strategy. This assistance is targeted at different levels: strategic, operational, institutional and educational. The EC assisted the Ministry of the Interior to develop and take forward its Police Reform Strategy and Action Plan, which are the guiding documents of the police reform process in the country.

The assistance to the police reform process has since March 2002 contained strong provision of EU Member State advisory support, beginning with the EC Justice & Home Affairs project, continuing with the EC Police Reform Project and most recently continued under Member State Twinning mechanism. In addition to this core support, assistance to the practical implementation of the strategic Police Reform directives has been provided by The Police Reform, Local-level Component project. Advisory support has also been provided to assist development of Police Training and Educations Systems. The current twinning project providing EU Member State (Germany) support to the police reform process has been fully deployed. Support to the police reform process is provided by a team of seven police officers (resident twinning advisors) from the Ministry of the Interior, Federal State of Brandenburg, and started on 1 November 2005. A separate project through twinning is being implemented in the area of police education, providing guidance to the strategic development of the newly established Police Academy (the Netherlands as MS partner). The project is implemented by the National Police Academy of Netherlands. Currently, assistance is focused on the adoption of international standards and the development of a new curriculum and educational methods appropriate for the needs of a modern police service.

In addition to advisory support and strategic recommendations, a range of practical Police Development assistance has been provided, including reconstruction and equipment supply. Illustrative examples include: support to develop evidence management and forensic analysis capabilities; reconstruction of training facilities at the Police Academy; provision of operational equipment to Police specialised units; supply and installation of a national digital radio system, etc.

The CARDS 2006 programme targets police special tasks, with focus on the Rapid Deployment Unit. This unit is to undergo significant organisational and operational development in order to bring its competencies, procedures and practices into line with guiding principles of the National Police Reform Strategy. The advisory and training input to achieve this is being provided under Member State bilateral support, with complementary equipment supply through the CARDS programme.

The EC has provided substantial support to development and implementation of Border Management reforms in the former Yugoslav Republic of Macedonia. EU assistance to the area of Integrated Border Management began under the Phare 2000 Programme, with the supply of search and investigation equipment to the Police and Customs Administration. The

key event in EU advisory support was the development and adoption of the National Integrated Border Management Strategy, and supporting legislative developments (€0.5 million) under the CARDS 2001 Programme. This advisory assistance also supported the constitution and initial function of the Inter-ministerial Commission for Border Management, the standing body responsible for the Strategic co-ordination of Integrated Border Management actions. The assistance, managed by the Agency, is targeted at strategic, tactical and operational levels, through the development and practical implementation of the National Integrated Border Management Strategy and Action Plan. The national IBM Strategy and Action Plan were developed and a significant investment was provided to implement a secure communications network linking international border crossing points. The newly formed Police Border Service has also received much-needed patrol vehicles (115 vehicles, worth €2.8 million).

Assistance was also provided for the construction of the new National Border Management Co-ordination Centre, which was officially inaugurated in April 2006.

Moreover, assistance has been given to install Customs Clearance Areas at both Skopje and Ohrid International Airports, and the Ministry of Foreign Affairs has been assisted through the design, specification – with supply to follow - of a National Visa Management System for its Consular function. In consideration of its new operational responsibilities, the Police Border Service must develop its institutional and operational capacities. This development is supported by advisory assistance provided under the CARDS 2004 Programme.

The EC, in addition, provided funding for the construction of veterinary and phytosanitary inspection facilities at two border crossings with Greece - Bogorodica and Medzitlija - and procured equipment for veterinary inspection at the borders. The construction of small-scale infrastructure to ease the Blace border crossing with Serbia and Montenegro was completed.

With the EU's help, this is the first country in the western Balkans to develop a National Integrated Border Management Strategy that is in line with the Schengen catalogue of best practice – a system used by the EU to promote the free movement of people across its internal borders.

To complement EC's assistance, the EUPOL-Proxima and EUPAT missions have provided support to the police at the operational level. OSCE has been assisting with the consolidation of community policing concepts and development of policing education components. ICITAP (US Department for Justice assistance programme) has been focusing on the development and consolidation of Police Professional Standards. Additionally, important police development actions, focusing on operational capacities, have been undertaken under bilateral assistance of France and the United Kingdom.

### **3.7 Lessons learned**

Although impact realised through the previous assistance overall is satisfactory, a number of challenges remain:

- *Legal Reform in the sector:* Initial timelines for the adoption of legal instruments are not always honoured, leading to delays in implementation and causing difficulties in project implementation. Agreed legal instruments are commonly subject to significant change prior to adoption. A major law that was seriously delayed is the Law on Police, a priority of the European Partnership 2005. The delays in the adoption of this law had, and

continue to have, significant impact on the planning and practical delivery of police reform projects.

- *Enforcement*: There has been large focus on establishing the legal frameworks in the country. The capacity to enforce the law, however, has received insufficient attention. Thus, the legal reform is rather well advanced, but in practice – law enforcement and implementation - has not followed. This creates a widening gap between the formal legal situation and ‘on-the-ground’ practice.
- *Conditionalities*: Often project implementation is hampered by either insufficient staff and resources allocated to (newly established) institutions or insufficient operational funds available in the government budget to allow for appropriate implementation of the mandate of the concerned department.
- *Coordination within the government*: Further improvements – in line with the spirit of EU accession– could be realised in a stronger government leadership in the coordination efforts among the ministries and departments and a stronger focus on operational coordination and harmonisation of policies.
- *Balance between different measures*: The provision of technical assistance for capacity building remains a very high priority. However, TA will not be effective if the working environment of the counterparts is not up to standards. Therefore a balanced approach with both technical advisory support and material support is essential to realise the expected impact of the projects.

#### 4. Indicative Budget (amounts in EUR mn)

Activities	TOTAL COST EUR mn	SOURCES OF FUNDING										
		EU CONTRIBUTION				NATIONAL PUBLIC CONTRIBUTION					PRIVATE	
		Total	% *	IB	INV	Total	% *	Central	Regional	IFIs	Total	% *
Activity 1	7.5	7.5	100	7.5								
contract 1.1	7.5	7.5	100	7.5								
Activity 2	0.3	0.3	100	0.3								
contract 2.1	0.3	0.3	100	0.3								
Activity 3	1.6	1.2	75		1.2	0.4	25	0.4				
Contract 3.1	0.4	0.	100		0.4							
Contract 3.2	0.4	0.	100		0.4							
Contract 3.3	0.4	0.	100		0.4							
<b>Contract 3.4</b>	<b>0.4</b>					<b>0.4</b>	<b>100</b>	<b>0.4</b>				
<b>TOTAL</b>	<b>9.4</b>	<b>9.0</b>		<b>7.8</b>	<b>1.2</b>	<b>0.4</b>		<b>0.4</b>				

NOTE: Depending on the scope of works, contracts 3.1, 3.2 and 3.3 may be merged, or more than 3 contracts may be required.

\* expressed in % of the Total Cost

## 5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1	June 2007	October 2007	November 2010
Contract 2.1	January 2008	April 2008	April 2009
Contract 3.1	June 2008	October 2008	October 2009 (+ 1 year defects liability period)
Contract 3.2	June 2008	October 2008	October 2009 (+ 1 year defects liability period)
Contract 3.2	June 2008	October 2008	October 2009 (+ 1 year defects liability period)

## 6. Cross cutting issues (where applicable)

### 6.1 Equal Opportunity

The principles of equal opportunity will be respected in three different manners:

- a) concerning equal opportunities for women
- b) concerning equal opportunities for minorities (see further below)

The equal opportunities in the gender sense will be ensured by the project as follows:

- open application procedures for staff under the explicit mention that application by women are encouraged.
- continuous attention for gender while reviewing legal, strategic and operational issues. Each evaluation of such an issue will have a specific section concerning gender
- organisation of specific activities by the project for police staff to raise awareness of the gender issue

Equal opportunities in procurements will be guaranteed by applying the EU procurement rules.

### 6.2 Environment

The project is expected to have a neutral impact on environment. While for construction / refurbishing efforts, works contracts will be engaged, environmentally sound construction methods will be encouraged.

### 6.3 Minorities

The equal opportunities of minorities will be addressed in two different manners:

- a) Participation in the administrative service by minorities as stipulated in the Equal Representation Strategy, following up on the Ohrid Framework Agreement.
- b) The appropriate use of the minority languages in the police service
- c) The particular requirements of dealing with minority issues in strategic, tactical and operational police matters – mainstreaming minority issues throughout the policy and implementation sequence.

## **ANNEXES**

**ANNEX I: LOGICAL FRAMEWORK MATRIX IN STANDARD FORMAT**

**ANNEX II: INDICATIVE PLANNING OF THE AMOUNTS (IN EUR MILLION) CONTRACTED AND DISBURSED BY QUARTER FOR THE PROJECT (CUMULATED)**

**ANNEX III: REFERENCE TO LAWS, REGULATIONS AND STRATEGIC DOCUMENTS:**

**ANNEX IV: DETAILS PER EU FUNDED CONTRACT (\*) WHERE APPLICABLE:**



## ANNEX I: LOGICAL FRAMEWORK MATRIX IN STANDARD FORMAT

LOGFRAME PLANNING MATRIX FOR Project Fiche	Programme name and number	Police Reform
	Contracting period expires 2 years after the date of the signature of the Financing Agreement	Disbursement period expires 2 years after the final date for contracting.
	Total budget : 9.400.000	IPA budget: 9.000.000

Overall objective	Objectively verifiable indicators	Sources of Verification
The provision of advisory and material support to the Police Reform process to ensure consistency and continuity of approach, to consolidate progress already made and to maintain momentum. More specifically, the support to the Police Reform process will directly address the three pillars of the National Police Reform Strategy: STRATEGIC, TACTICAL, and OPERATIONAL at both central and local (regional) level.	<ul style="list-style-type: none"> <li>a) Adoption of legal measures</li> <li>b) Organisational establishment according Reform Strategy</li> <li>c) Execution of Police Reform Strategy implementation schedule.</li> <li>d) Human Resource Establishment according legal decisions</li> <li>e) Financial Allocations according plan.</li> </ul>	<ul style="list-style-type: none"> <li>a) NPAA implementation report</li> <li>b) Organigram MoI</li> <li>c) Reports on implementation</li> <li>d) Organigram MOI, HR records</li> <li>e) Government budget</li> </ul>

Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
The project purpose is to ensure a professional police force and administration that will enable appropriate maintenance of public order and implement the rule of law in compliance with EU regulations and best practices, having the confidence of the public.	<ul style="list-style-type: none"> <li>a) Number and nature complaints</li> <li>b) Number of cases brought to justice</li> </ul>	<ul style="list-style-type: none"> <li>a) Complaint file</li> <li>b) Case management overview</li> </ul>	<ul style="list-style-type: none"> <li>a) Overall security situation will not dramatically change</li> <li>b) Political commitment to strategy implementation remains.</li> </ul>

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
a) Improved and more efficient and effective functioning of the police services b) Higher solution rates and quicker response rates to events c) Higher level of appreciation by the public of the police services d) High level of EU compliancy in all aspects of the police service	a) Realisation of Police Reform strategy implementation schedule. b) Case management files c) Complaints d) Legal instruments (adoption by Government)	a) Reports on implementation b) Case management files c) Complaint files d) Government gazette	a) Staff commitment remains high b) Political commitment remains high c) security situation does not change dramatically.

Activities	Means	Costs	Assumptions
1) Technical Assistance to support the implementation of the Police Reform Strategy.	TA through grant	7.5 Million Euro	Member State institutions will respond to call for proposals
2) Technical Assistance to improve the capacities of the relevant parties in the fight against crime focussing on human trafficking.	TA through direct awarded grant	300.000 Euro	Designated grantee will take on the assignment.
3) Ensure appropriate working conditions of the de-concentrated levels (Regional and Local Level).	TA through Framework Contract, works through work contracts	1.600.000 Euro (of which 75% EU contribution)	Co-financing Government is forthcoming.

### Pre conditions

- 1) Endorsement by all key stakeholders of the Terms of Reference, specifications for the individual contracts to be engaged;
- 2) Appointment of counterpart personnel by the beneficiary before the launch of the tender process;
- 3) Timely allocation of working space and facilities by the beneficiary for technical assistants before the completion of the tender process;
- 4) Arrangement by the beneficiary of all legal procedures to allow construction (e.g. construction permits), refurbishment activities before the launch of the tender process;
- 5) Participation by the beneficiary in the tender process as per EU regulations;
- 6) Organisation and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary as per workplan of the project;
- 7) Appointing the relevant staff by the beneficiaries to participate in training activities as per workplan;
- 8) Provision of the necessary authorisations for co-operating and sharing of information with the deployed advisory resources.

**ANNEX II: INDICATIVE PLANNING OF THE AMOUNTS (IN EUR MILLION) CONTRACTED AND DISBURSED BY QUARTER FOR THE PROJECT (CUMULATED)**

	2007	2008				2009				2010				
<b>Contracted</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	
Contract 1 (Activity 1)	7.5													
Contract 2 (Activity 2)		0.3												
Contracts 3 to 6 (Activity 3)			0.6	1.2										
<b>Total</b>	<b>7.5</b>	<b>7.8</b>	<b>8.4</b>	<b>9.0</b>										
<b>Disbursed</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	
Contract 1 (Activity 1)		2.5	4.5	5.2	5.9	6.6	6.8	7.0	7.0	7.5				
Contract 2 (Activity 2)				0.2	0.2	0.2	0.2	0.3	0.3	0.3				
Contracts 3 to 6 (Activity 3)						0.4	0.8	0.8	1.0	1.2				
<b>Total</b>		<b>2.5</b>	<b>4.5</b>	<b>5.4</b>	<b>6.1</b>	<b>7.2</b>	<b>7.8</b>	<b>8.1</b>	<b>8.3</b>	<b>9</b>				

### **ANNEX III: REFERENCE TO LAWS, REGULATIONS AND STRATEGIC DOCUMENTS:**

#### **Reference list of relevant laws and regulations**

Key laws and regulations on police:

- Constitution of the Republic of Macedonia;
- Criminal Code of the Republic of Macedonia;
- Law of Police, adopted November 2006;
- Law on Internal Affairs, 1995;
- Law on Control of the State Border, June 2006;
- Law on modification and amendment of the law on criminal procedure, October 2004;
- Law on the Public Prosecutors Office, June 2004;
- Law on Police Academy, July 2003;
- Law on local self government;
- Rulebook for conducting of the affairs of the MOI;
- Regulation book for organization and work of the MOI;
- The European Code of Police Ethics, 19 September 2001;
- The EU Schengen Catalogue of Best Practice, External Borders Control, Removal and Readmission, February 2002.

#### **Reference to AP /NPAA / EP / SAA**

##### EP 2005

Continue to implement the Action Plan for the reform of the police. Provide adequate funding and training. Strengthen co-ordination and co-operation both among police bodies and between the police and other law enforcement agencies.

Develop and implement a comprehensive human resources and training strategy for the police. Upgrade the equipment, particularly in specialised fields of investigation.

Complete the implementation of the Action Plan for the reform of the police. Continue to upgrade equipment and enhance training. Further develop the human resources management system.

##### Summary Progress Report, 8 November 2006

The progress report largely follows the findings of the Analytical Report, 2005, and notes that the general level of security had steadily improved, through increased operational capacity of the police and the increasing trust of all communities towards the police. While there is recognition of progress vis-à-vis the implementation of the police reform, much of the implementing legislation still remains to be adopted and the progress would need to be strengthened in the areas of implementation of the police reform strategy, deconcentration, human resource management, intelligence-led policing, customs, fight against organized

crime and drugs, human trafficking, inter-agency cooperation, code of ethics and cooperation with the Ombudsman.

## **NPAA action plan**

### **I. Law amending the Law on Asylum and Temporary protection**

#### **II. Law on aliens**

- 1 Rulebook on the manner of approval and rejection of entry, issuance of license for temporary and permanent stay, returning and expelling a foreigner, as well as forms of the applications for their issuance;
- Rulebook on the manner of issuance of visas to foreigners, cancellation, revoking visas, extension and reduction of their validity, visa forms, the manner of keeping records of the issued, cancelled and revoked visas and visa forms
- Rulebook on the manner of issuance of travel and other documents to foreigners, the manner of keeping records of the issued travel and other documents and the forms of those documents
- Rulebook on the house rules and manner of management with the shelter centre for foreigners of the Ministry of the Interior

#### **III. Law on financial police**

- 1 Rulebook on the form and contents of the official identification document and the form of the badge of the financial police
- Rulebook on the criteria for collection of information and criteria for the indirect methods for presenting evidence of the income
- Rulebook on the manner and procedure for application of the provisions for the competences of the financial police
- Rulebook on the official uniform of the financial police

#### **IV. Law on control of narcotics and Psychotropic substances**

- 1 Rulebook on the procedure for registration of drugs containing narcotics and psychotropic substances
- Rulebook on regulating the manner of keeping records according to the lists of narcotics and psychotropic substances
- Rulebook arising from the Law on Precursors
- Rulebook on the contents of the request and the forms of the permits for import, export, transport and transit of precursors
- Rulebook on the contents and manner of keeping the registry of the legal persons that perform production and sales of precursors

- Rulebook on the contents of the request and the approval, as well as on the manner of issuing the approval for performing sales of precursors

#### IV. Law on state border surveillance

- 1 Decree on the standards and norms that must be met by the border crossings for safe, unimpeded and cost-effective performance of the border control
- Rulebook on the manner of security of the state border and control of the crossing of the state border
- Rulebook on the manner of crossing the internal border
- Rulebook on the procedure for issuance of badge to the employees who carry out economic activity on the area of the border crossing, and the form and contents of the request form for issuance of the badge and the form of the badge
- Rulebook on the establishment and utilisation of technical aides and photographing, recording and video surveillance of the border crossings along the border line
- Rulebook on the form, the contents and the manner of setting border signs, designations and other signalling systems
- Rulebook on the manner of determining and resolving border incidents

#### V. Law on police

- 1 Guidelines on the manner of work of the health commission in charge of determining the psychologically-physical and health ability of the police officer for performing police tasks
- Rulebook on determining the criteria and manner of evaluation of the work of the police officers with a form of an evaluation paper and the manner of keeping records
- Programme for professional training of the police reserves
- Decree on the conditions for acquiring the titles and title ranks of the police officers
- Decree on the uniform and insignia of the police uniform
- Decree on the armament and equipment of the police officers
- Rulebook on performing police tasks
- Rulebook on the procedure for issuing an official identification document, police badge and the form of the official identification document and badge
- Rulebook on wearing and the lasting of the uniform
- Guidelines on the manner of handling temporarily dispossessed and found objects
- Rulebook on the conditions and manner of selection of a police officer sent to work abroad
- Rulebook on determining career development and human resources management
- Guidelines on the manner of conduct and interrelations of the police officers
- Guidelines on the manner of conducting general and expert supervision and control

- Guidelines on the manner of calling and engaging the members of the police reserves
- Rulebook on the psychologically-physical and health ability of the person establishing a working relation with the police, the manner of their determination, the deadlines and manner of control of the psychologically-physical and health ability of the police officers
- Police Code of Conduct
- Rulebook on the form and contents of the form and manner of keeping police records

#### VI. Law on witness protection

- 1 Manner of keeping records of data for persons under protection
- Manner of storing original ID documents of persons under protection
- Manner of using funds for implementation of the Law on Witness Protection
- Forms and contents of the questionnaire filled in by the person signing an agreement

#### **Reference to MIPD**

On police reform it will be necessary to support completing the implementation of the *Action Plan for the Reform of the Police*, to ensure consistency and continuity of approach, to consolidate progress already made and to maintain momentum.

#### **Reference to National Development Plan**

The country has not yet approved its draft version of the National Development Plan

#### **Reference to national / sectoral investment plans**

- Strategy for the Police Reforms, adopted in August 2003 with the support of CARDS 2001 project.
- Action Plan for the implementation of the police reform process, adopted in January 2004 with the support of CARDS 2001 project.
- Training strategy for the police, expected to be adopted in 2007 with the CARDS 2004 project.
- Strategy for IBM, adopted in December 2003 with the support of CARDS 2001 project.
- Action Plan for implementation of the strategy for IBM, adopted in October 2005, with the support of CARDS 2001 project.
- Operational Program for Decentralisation
- Action Plan for the realisation of the program for the implementation of decentralisation process
- Detailed plan for transfer of authorities and resources in the process of decentralisation
- Strategy for Equal Representation of minorities, with the support of CARDS 2004 project
- Implementation Plan for the Framework Agreement, adopted in February 2003.

- National Strategy for Combating Money Laundering and Terrorist Financing, adopted in 2005, with the support of CARDS 2002 project.
- National Strategy for the fight against drugs, to be adopted in 2007, with the support of CARDS 2003 project.
- Strategy for Illegal Immigration and Trafficking in Human Beings, adopted in March 2006.
- Action Plan for the implementation of the Strategy for Illegal Immigration, adopted in March 2006.
- National Action Plan for Migration and Asylum, adopted with the support of CARDS 2003 project.
- Strategy for PAR, adopted in 1999.



## **ANNEX IV: DETAILS PER EU FUNDED CONTRACT (\*) WHERE APPLICABLE:**

- **For grants schemes:** account of components of the schemes

**Grant 1:** The grant to a member state institution for Activity 1 indicatively will consist of the following components:

### Component A: Support at the strategic level

Provision of direct advisory support to the organisational and institutional reform of the police services, in line with the strategic recommendations of preceding advisory missions, the adopted national strategies (Police Reform, Border Management) and derivative Action Plans. The strategic focus shall be on the institutional development following adoption of the new legislative framework for policing. Particular emphasis must be given to the adoption of internal procedures, rulebooks, operating procedures and standards and the functional consolidation of enacted secondary legislation and specified procedures.

Support at the strategic level should focus on three primary sectors for intervention: policing operations (including policing in the community, public peace and order, border policing, traffic policing, police special tasks); police internal procedures (including recruitment, promotion and disciplinary procedures, management of personnel and material resources, budgetary management); inter-service co-operation (including police co-operation with public prosecution service, Customs, financial crimes instruments, military assistance to the civil authority).

Thus, a 4-person international advisory team is envisaged, comprising an overall project leader tasked with project management and primary responsibility for project representation (co-ordination with EU and other international bodies, reporting etc.), plus three sectoral advisers addressing each of the three identified intervention sectors. Location should be central, within the Ministry of the Interior.

### Component B: Support at the tactical level

The primary target of tactical-level assistance shall be the development and functional consolidation of technical and management capacities, including such considerations as, e.g. devolved management; planning and management of personnel and material resources; tasking and resource allocation; command, control and communications procedures; information management; case-file management; transparency of process and accountability; the implementation of operational procedures and the efficiency and effectiveness thereof; police-public interaction (tactical).

The principal tactical-level entities specified by the National Reform Strategy are the Police regional structures: the eight regional Sectors for Internal Affairs (SVR) and the four *Border Regional Centres* (BRC). Other than those functions covered by Police Central Services, it is these facilities that are primarily engaged in the management and direction of policing operations. Not less than one adviser per regional centre is envisaged, giving a total complement of 12 advisers. The advisers would be located at the Sectors for Internal Affairs and the Border Regional Centres.

### Component C: Support at the operational level

Given the numerical considerations, it is not feasible to provide permanent or continuous advisory representation at all operational policing structures, namely Police Stations (OVR) and sub-stations. Additionally, given the extensive ongoing and planned bilateral assistance to the operational elements of Police Central Services (including Department for Specialised units, Department for Organised Crime, Department for Forensic Science) it is not proposed to deploy permanent advisory support to these elements. A single mobile team is envisaged, with ad-hoc and needs-dependent tasking, to perform an operational support, monitoring and feedback function. Not less than 3 advisers are envisaged, to be located in a single, central location.

The operational support team would provide direct advisory support for the wide range of operational-level policing functions, including e.g. operations planning; proportional response; crime-scene procedures; evidence management; police-public interaction (operational).

#### ***100% EU contribution***

One proposal will be selected and a grant agreement of EUR 7.5 million total eligible costs will be signed up to 100% of EU contribution. The 100% financing, in accordance with Article 67(3) of the IPA implementing regulation, will be done in accordance with Article 253(1)(d) of the Implementing Rules of the Financing Regulation which authorises the financing in full of an action resulting from the implementation of financing agreements with third countries.

**Grant 2:** The grant to the Internal Organisation for Migration for Activity 2 indicatively will consist of the following components:

- Ministry of the Interior / Border Police and Specialized Unit to Combat Trafficking:

Activities for this specific target group will be focusing on the pressing issues of victim's identification in order to ensure that adequate attention is paid to the recognition of presumed victims of trafficking for purposes other than sexual exploitation, and in order to avoid excessively rapid deportation of irregular/undocumented migrants. Training sessions will be organized for senior and middle level officers with the aim at introducing and elaborating "new" concepts that were not, and are still not, too recognizable in Macedonia – such as labour exploitation vs. sexual exploitation, female vs. male Victims of Trafficking, external vs. internal trafficking, etc. Special emphasis will be given to the enforcement of the Law on Aliens and other applicable legislative tools.

- Ministry of Justice:

Training courses for the judiciary are designed to respond to very specific needs and gaps as outlined by the MoJ itself. Training modules will be dedicated to the elaboration of different topics, such as application of special norms (property confiscation and compensation claim), regional coordination on mutual assistance on criminal matters, cooperation mechanisms among different witness protection units, application of specific regulations on migrants' smuggling and other form of human trafficking (labour exploitation), discussions on changes and amendments in the Criminal Code and Code of Criminal Procedures. Training exercises under this section will be highly specialized and organized throughout the entire project duration.

- Ministry of Labour and Social Policy:

The socio-economic reintegration and protection of Macedonian victims of trafficking is of a paramount importance to prevent further trafficking experiences and to secure sustainability to the ongoing direct assistance programmes. The Ministry of Labour and Social Policy through its country-wide presence of social centres and its newly established National Referral Mechanisms is together with expert NGOs and other relevant ministries “The” competent institution to address this issue. Tailored training on victims’ reintegration will be carried out for this specific target group.

In line with Art. 168(c) of the IR, which allows for grants to be awarded without a call for proposal to bodies with a de facto monopoly – the grant will be directly awarded to the International Organisation for Migration (IOM) being entitled to such a procedure and possessing the relevant competencies.

**For works contracts:** reference list of feasibility study for the *constructing works* part of the contract as well as a section on investment criteria (\*\*); account of services to be carried out for the *service part* of the contract

The detailed specifications of the works activities to be undertaken will be defined during the early stages of project implementation.