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ANNEX I

of the Commission Implementing Decision on the Annual action plan in favour of Ukraine for 2021

Action Document for EU Support to development of Integrated Border Management and Migration in Ukraine (EU4IBM)

ANNUAL ACTION PLAN

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and action plan/measure in the sense of Article 23(2) of NDICI-Global Europe Regulation.

1. SYNOPSIS

1.1. Action Summary Table

1. Title CRIS/OPSYS Basic Act	EU Support to development of Integrated Border Management and Migration in Ukraine (EU4IBM) Annual action plan in favour of Ukraine for 2021 CRIS number: NDICI-GEO-NEAR/2021/043-032 Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe)
2. Team Europe Initiative	No
3. Zone benefiting from the action	The action shall be carried out in Ukraine
4. Programming document	Multi-annual Indicative Programme (MIP) 2021-2027 for Ukraine ¹
5. Link with relevant MIP(s) objectives/expected results	The action will contribute to the implementation of the objectives under Priority areas 1 and 2: Priority area 1: A resilient, sustainable and integrated economy, specific objective 1: Improving connectivity (transport & energy) infrastructure (also via investment support) and efficiency of transport services, including at borders and entry/exit points on the line of contact in eastern Ukraine and in Crimea, with a focus on sustainable, multimodal and smart transport and contribute to the green transition of the economy; Priority area 2: Accountable institutions, the rule of law and security, specific objective 4: Ensuring security and safety of the people of Ukraine, through Integrated Border Management (IBM), including enhancing maritime domain awareness, security interaction and cooperation with the EU, encompassing also the Coast Guard functions; development of national and regional crisis management systems; including through cooperation with Europol, CEPOL and EMCDDA, improving the efficiency

¹ Commission Implementing Decision C(2021)9351 of 13.12.2021.

	of the law enforcement system, ensuring respect of human rights and functioning in accordance with the best European and International practices			
PRIORITY AREAS AND SECTOR INFORMATION				
6. Priority Area(s), sectors	MIP Priority area 1: A resilient, sustainable and integrated economy (150), Priority area 2: Accountable institutions, the rule of law and security – Integrated Border Management, Migration - Government & Civil Society (150)			
7. Sustainable Development Goals (SDGs)	Main SDG (1 only): Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; Other significant SDGs (up to 9) and where appropriate, targets: Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation Goal 16-Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels Goal 10 –Reduce inequality within and among countries			
8 a) DAC code(s)	15190 - Facilitation of orderly, safe, regular and responsible migration and mobility (100%)			
8 b) Main Delivery Channel	40000 – Multilateral organisations			
9. Targets	<input checked="" type="checkbox"/> Migration <input checked="" type="checkbox"/> Climate <input checked="" type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
10. Markers (from 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Internal markers	Policy objectives	Not targeted	Significant objective	Principal objective
	Digitalisation Tags: digital connectivity digital governance digital entrepreneurship job creation digital skills/literacy digital services	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
	Connectivity Tags: transport people2people energy digital connectivity	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
	Migration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Reduction of Inequalities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	COVID-19	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BUDGET INFORMATION				
12. Amounts concerned	Budget line(s) (article, item): 14.020111 - Eastern neighbourhood Total estimated cost: EUR 20 000 000 Total amount of EU budget contribution: EUR 20 000 000			
MANAGEMENT AND IMPLEMENTATION				
13. Implementation modalities (type of financing and management mode)	Project Modality Indirect management with the entities to be selected in accordance with the criteria set out in section 4.3.1			

1.2. Summary of the Action

After independence, Ukraine had to build its border management from scratch. Despite substantial help from the EU and undeniable progress, there is consensus among experts that border management in Ukraine still has significant gaps. Insufficient border infrastructure, lack of organisation of traffic flows at the Border Crossing Points, limited employment of modern digital methods to organise queues, such as e-queues, leads to long waiting times at the Border Crossing Points (BCPs) creating obstacles to people-to-people contacts and resulting in losses for business operators. Green border is lacking effective surveillance therefore

smuggling is an issue of concern, together with the need to reintroduce smuggling of goods as a criminal offence.

Large size of the country with a huge number of BCPs requires substantial investment in capacities, infrastructure and equipment enabling the right balance between secure and facilitating border management. Integrated Border Management (IBM) has not yet been fully implemented. Integrated Border Management, or IBM, is the concept the EU has embraced for coherent and coordinated border management systems. It is designed to ensure that Governments maintain secure borders with as little inconvenience to travellers and cross-border trade as possible. It emphasizes co-ordination within and between border services, as well as international co-operation.

In the context of the Association Agreement / Deep and Comprehensive Free Trade Area (AA/DCFTA) with economic flows from and into Ukraine increasingly going to/coming from the EU, integrating Ukraine into the European supply chain will only be possible with IBM. Trade facilitation is a strong emphasis of IBM capacity building in Ukraine. Modernising border control procedures for State Custom Service should manifest as decrease of losses to traders due to less administration and less waiting time at the BCPs. In addition, digitalised and automated business processes limit corruption, same as joint controls and modern equipment, such as scanners and automated number plates recognition systems.

Similarly, following the Visa Liberalization agreement, there are more biometric passport holders in Ukraine, who before the Covid-19 pandemics were using rapidly expanding low budget flights. In addition, with the eased travel restrictions due to measures to curb Covid-19 pandemics, further exploitation of Ukraine's touristic potential as well as increased people-to-people contacts may soon require handling rapidly increasing passenger numbers. Building on a Strategy recently adopted in 2019 with EU support, a comprehensive approach to strengthen IBM is thus indispensable, combining policy advice, hands-on support and equipment/tools (including automation of business processes). This will also leverage past investments and ensure their sustainability.

With the support of the EU Ukraine started to develop a comprehensive migration policy. “Support for Migration and Asylum Management in Ukraine” (IMMIS) project provided significant and successful support to development of an Integrated Migration Management Information System, which advanced and automated the business process workflows and inter-agency cooperation, in particular among the State Migration Service, the State Border Guard Services, and the Ministry of Foreign Affairs. The Action would further enhance the information flows in migration, via further Information and Communications Technology (ICT) solutions, such as further functionalities of the use of biometric identifiers in identity management. Furthermore, there is a need to facilitate the streamlining of new business processes that are evolving, such as the one concerning the regularisation of stateless persons in Ukraine.

Since December 2019, EU4IBM is in the implementation with a budget of 5 million Euro. Project focuses on the analysis of IBM business processes, with the aim to propose their re-engineering in line with prioritised set of recommendations. Action Plans are prepared, together with Concepts and Terms of References, which should be used for the implementation in this Action. The project therefore prepares a thorough analysis of the as-is situation, the recommendations for improvements in line with the EU practices and standards, and based on priority recommendations and strategic frameworks, a procurement needs analysis is carried out. Business process analysis is conducted in the areas of IBM policy and development, including the monitoring of the implementation of the IBM strategy, improvement of border control procedures, with focus on the development of the modern border crossing point concepts, joint risk analysis and IBM coordination, finance and assets management, human resources management, cross-border cooperation.

The Action consists of a comprehensive package of activities grouped into 2 results, addressing remaining gaps in the areas of sector management (both IBM and migration), border checks (with emphasis on IT solutions), risk analysis and interoperability, border surveillance, intelligence led border management, and human resource management of the main IBM agencies.

The key stakeholders and beneficiaries of the Action are the State Border Guard Service of Ukraine, the State Migration Service and the State Customs Service of Ukraine. Inter-agency cooperation is an important pillar of integrated border management and other IBM stakeholders such as the State Service of Ukraine on Food Safety and Consumer Protection, the Ministry of Foreign Affairs, the Security Service of Ukraine and the National Police will also benefit from the proposed Action through targeted technical assistance and capacity building activities.

2. RATIONALE

2.1. Context

The total length of the Ukraine's state border is 6.992,982 km (land border - 5.637,982 km, sea border – 1.355 km). Ukraine's land border includes: 1.084,2 km of border with Belarus, 1.222 km with Republic of Moldova, 542,39 km with Poland, 98,5 km – with Slovakia, 136,7 km – with Hungary, 613,8 km – with Romania and 2.295,04 km with Russian Federation (409,3 km are not controlled by Ukraine's authorities). The border with Russia presents a major challenge in the context of continuing conflict in eastern Ukraine. The appearance of new types of threats resulted in reassessment of border security risks and redeployment of border protection forces.

Ukraine, due to its geopolitical location and historically close social and economic ties with neighbouring countries has a significant number of Border Crossing Points (BCPs) - 225, out of which 166 international. The types of BCPs are 100 automobile, 29 air, 28 maritime, 2 ferry, 10 river, 59 rail and 2 pedestrian. In addition, the Ukraine's State authorities control movement of persons and means of transport across 396 km dividing line in East Ukraine and 580.5 km administrative line with Crimea (land and coastal stretches).

The EU-Ukraine Visa Liberalisation Action Plan required adequate improvements in border management. Adopted measures have enhanced entry/exit control at the Ukraine's borders. As confirmed in the fourth report under the visa suspension mechanism adopted on 4 August 2021, overall, Ukraine continues to fulfil the visa liberalisation benchmarks. However, further efforts are needed to address the issue of unfounded asylum seekers as well as in the areas of the fight against corruption, money laundering and the fight against organised crime.

A high risk exists for irregular migration from Ukraine, which partly results from the visa-free regime applying to Ukrainian citizens. This has the potential to generate more refusals by the EU for Ukraine's citizens on entry but also more attempts by irregular migrants other than Ukrainian nationals to use illegally obtained Ukrainian passports in order to abuse the visa-free regime. The level of risk of entry into Ukraine of extremist-minded individuals remains high, due to instability inside parts of the country linked to the continuing conflict in the eastern Ukraine and the possible connection with mercenary networks.

Taking into account the situation in eastern Ukraine and easier access of population to weaponry, there is also a significant risk of smuggling of goods across the borders. The illegal movement of goods, including excise goods, remains a challenge for Ukraine's border management authorities. Price differences across the border with neighbouring countries and profits from tax and duty evasion create strong incentives for the smuggling of tobacco, alcohol and certain food products, particularly at the border with EU countries. Among other

patterns of cross-border crimes are the smuggling of drugs, stolen vehicles and forged and false identity documents.

Particular attention should be paid to the smuggling any high-value goods and of firearms. Although large-scale trafficking of firearms has not yet become apparent, an increasing number of attempts to smuggle firearms from Ukraine to Poland has already been observed.

On the socio-economic level, a low GNP and corresponding budgetary limitations and the still ubiquitous corruption are important obstacles for the further development of a modern integrated border management system.

The government launched the preparation of the new PFM strategy and action plan 2021-2025. The approval of the Strategy is pending. There is positive PFM reform developments. Specifically, the Government has made progress in: (i) implementing medium-term budget planning; (ii) integration of International Public Sector Accounting Standards (IPSAS) into Ukraine's statutory framework and the adoption of the 2025 public sector accounting (PSA) Strategy; (iii) improving macroeconomic and budget forecasting tools; (iv) increasing transparency in public financial management through the introduction of an open budget portal; (v) fiscal risk management, and (vi) gradually introducing a gender-oriented approach to budgeting.

Regarding 2018 Tax Administration Diagnostic Assessment Tool (TADAT) assessment, overall, the State Fiscal Service (SFS) was making good progress in implementing modern tax administration practices. Progress was particularly evident in: (i) the use of technology to support timely payment of taxes; (ii) the use of good international practices for effective tax dispute resolution; and (iii) ensuring accountability and transparency. The SFS still had key areas for improvement including the registered taxpayer base and risk management. The registered taxpayer base lacked systematic monitoring, and risk management requires structure to enhance reliability. The assessment also pointed out to accuracy of reporting declarations as a critical weakness, as well as crosschecking data and systemic monitoring to detect inaccurate reporting that need strengthening.

Despite the Covid-19 crisis and a frequent change of the management in the State Tax Service (STS) and State Customs Service (SCS), good progress in enhancing Domestic Revenue mobilisation was achieved in 2020. A satisfactory revenue mobilisation performance was maintained, reforms of tax and customs administrations accelerated with substantial EU support. In line with the IMF programme, Single Legal Entities were established for the STS and SCS, implementation of new business processes and a central chain of command shall be pursued in 2021. Legal approximation with the EU acquis continued notably in VAT, legislation regarding base erosion and profit shifting (BEPS) was adopted. In Customs area, a timeline for Ukraine joining the Convention on Common transit was agreed with DG TAXUD for mid-2022, a pilot of the national "preparing implementation" NCTS (New computerized Transit System) was launched in December 2020 and successfully complemented in March 2021. The application for the programme of Authorised Economic Operators (AEO) was opened. All those measures shall contribute to reduce opportunities for misuse and corruption which remains widespread, especially in customs. A decisive step was taken in the reform of the system for combating serious economic and financial crimes with the entry into force of the legislation creating the Bureau for Economic Security.

EU supports structural reforms in the Ukrainian public finances management (PFM) system through EU programmes: EU4PFM, technical assistance for the Accounting Chamber of Ukraine, EU decentralization programme, Reform Support Team usage, close cooperation with the EUAM on the establishment of the bureau of investigation of economic crimes, attestation of customs officials and criminalization of smuggling.

Ukraine's commitments to develop border management capacities are specified in the IBM Strategy approved by the Government of Ukraine in July 2019 and published on September 2nd 2019. The Action Plan was adopted end 2019.

The 2019 IBM Strategy is consistent with the Association Agenda between Ukraine and the EU. The defined strategic and operational objectives express the commitment of Ukraine's authorities to adhere to Technical and Operational Strategy for European IBM and EU IBM best practices'.

The proposed Action is also consistent with other Ukraine's strategic document adopted in this area, such as the Strategy for the Development of the Ministry of Internal Affairs (MoIA) until 2020, the Strategy of the State Border Guard Service Development, the concept of the State Law Enforcement Program 'Equipping and reconstruction of the State Border for the period till 2020', the State Customs Service's 'Action Plan' and the Strategy of the State Migration Policy of Ukraine for the period up to 2025. In addition, the Decree of the President of Ukraine No 72/2018 'On urgent measures to neutralize threats to national security in the field of migration policy' envisages measures to better coordinate the implementation of IBM and in particular, procedures and mechanisms for mutual access to information systems of authorised state authorities.

Ukraine's border authorities have already started to introduce many innovative measures aligned to EU standards, especially in the area of co-operation with neighbouring countries, and include a risk analysis system. However, important gaps remain.

The existing monitoring framework for IBM implementation is based mainly on annual reports submitted to the Government. The Ukrainian Government has established an Inter-Agency Working Group (IAWG), chaired by the Deputy Prime Minister in charge of European Integration, in charge of coordinating all actors involved in the planning and implementation of IBM. The IAWG was instrumental for the adoption of Ukraine's IBM Strategy. At the operational level the IAWG is supported by the Virtual Contact Centre, which brings together the same institutions as the IAWG at working level and prepares IAWG decisions.

Given the fact that Ukraine since 2014 is in a de facto state of war with Russia, which uses a wide network of proxies on Ukrainian territory, the country has overall upheld a relatively good track record when it comes to respect for human rights, political freedoms and democratic standards. Major reforms are ongoing in judiciary, prosecutorial system and law enforcement institutions, but results come gradually and take time.

The situation with regard to Human rights has significantly improved since Euromaidan. A regular annual Human Rights Dialogue is held between Ukraine and the EU. Political risks in terms of a deteriorating human rights situation and possible undermining of democratic structure in the country remain overall moderate. A new Human Rights National Action Plan 2020-2025 was approved by the government on June 23rd 2021.

On rule of law, progress is noticeable on the establishment of the legal and institutional framework for anti-corruption. Major reform efforts are ongoing related to the judiciary, the prosecutorial system and a number of law enforcement institutions. However, this effort to reform the judiciary last years is contrasted by a low degree of enforcement of court decisions. Several initiatives are underway to improve the situation with strong EU and other donors' support. New legislative initiatives are being prepared to mainstream alternative dispute resolution and efficiency in judicial proceedings.

On the election process, Ukraine has recently had a good track record of conducting free, fair and competitive elections in 2019 and 2020. Civil society scene has been traditionally vibrant in Ukraine. Civil society organisations play an active role in monitoring and contributing to drafting and implementation of public policies.

This intervention is relevant for the United Nations 2030 Agenda for Sustainable Development. It contributes primarily to the progressive achievement of SDGs 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all) and 9 (Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation), while also contributing to SDG 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels) and SDG 10 (Reduce inequality within and among countries).

The project provides EU added value in terms of the project's contribution to national, regional and global security, and promotion of international cooperation, and respect of human rights. As the EU is among the largest development cooperation partners of Ukraine, its support will be even more relevant, important and coherent for addressing global security objectives. Over the decades based on the provided long-standing support, the EU has become recognised as a reliable and key border management player in Ukraine.

The Action is coherent with a number of key EU strategic documents guiding external assistance in the field of border management, security, migration governance, and trade, such as EC Regional East Strategy Paper, EC Multiannual Indicative Programme, ENI East Regional Action Plan, EU Global Strategy on Foreign and Security Policy, and Guidelines for IBM in EC External Cooperation; the Community (now 'Union') Customs Code (including EU Customs Blueprints) and the Neighbourhood, Development and International Cooperation Instrument (NDICI– Global Europe). It is also in line with the New Pact on Migration and Asylum².

The Council (of the European Union) 'Conclusions on Strengthening European Union-Ukraine Co-operation on Internal Security (7 December 2017)' emphasise that supporting Ukraine in further developing its integrated border management (IBM) and migration management will directly benefit the EU in terms of internal security. The Conclusions invite the EU Justice and Home Affairs Agencies to step-up further cooperation with Ukraine within their mandate, capacity and priorities (while coordinating, where relevant, support activities with the Support Group for Ukraine (SGUA)) and other relevant EU actors. More specifically on IBM, the conclusions recognise the role of European Border and Coast Guard Agency (Frontex) in continuing with support related to integrated border management, including strategic advice, technical assistance projects and operational cooperation.

The visa Liberalisation Action Plan (VLAP), and the Association Agreement (AA), including a Deep and Comprehensive Free Trade Area (DCFTA) between the EU and Ukraine require a strong commitment from Ukraine's authorities to undertake the necessary steps needed to comply with EU (and international) standards in the area of border security, while at the same time achieving an appropriate balance between effective control and the facilitation of legitimate trade and the alignment of economic governance (including customs issues) in line with the DCFTA. EU implemented trade concepts such as "Authorized Economic Operator" or "National Computerized Transit System" have been taken up by the AA/DCFTA and form an integral part of the Ukraine IBM Strategy.

In 2019, Frontex received a stronger mandate in the protection of the EU's external borders and has at its disposal additional avenues for cooperation also with non-EU countries. A new cooperation plan between Frontex and Ukraine was signed in spring 2019 for until 2021, and Frontex as well as the European Union Advisory Mission to Ukraine (EUAM) have assisted in supporting Ukraine when developing its national IBM Strategy. Ukraine's IBM Strategy thus reflects new Guidelines for IBM that have recently been developed by the European Union and Frontex, i.e. the Technical and Operational Strategy for European IBM. A Frontex liaison officer with regional mandate was recruited and undergoing pre-deployment training and will be placed in the EU delegation in Kyiv. The cooperation with Frontex is important key, especially for capacity building.

² COM(2020)609 final of 23/09/2020

The European Union Advisory Mission (EUAM) is facilitating a donor coordination mechanism for the border management sector, which enables regular donor meetings for international donors (e.g. EUD, Japan, US, Canada, international organizations such as IOM, UNHCR, etc.). EUAM is also utilised as a technical secretariat and ensures synchronisation of the donor coordination arrangement with the National level IBM Virtual Contact Analytical Centre (VCAC), uniting respective state border management services and other institutions involved in IBM.

In the area of cross-border cooperation the Action will build upon the Joint Border Management Roadmap for Ukraine and Moldova, developed by the Border Assistance Mission to Moldova and Ukraine (EUBAM). In addition, the Action will take into account the lessons learnt from the EU project (managed by IOM) that sought to develop joint border management operations at three BCPs, in particular the one-stop-shop at Palanca BCP.

Each year Ukraine also engages in operational cooperation with Frontex. A number of deployments of officers (as of 2021, of Standing Corps) are regularly activated at various land, air and sea border crossing points, to support operational exchanges, strengthen situational awareness and promote the sharing of expertise and good practices. Cooperation on coast guard functions is also relevant to the country and, in this area, Ukraine is currently the most active counterpart of Frontex in the Eastern Partnership area.

Twinning project supporting SBGS produced 100 recommendations, which to a large extent still need to be implemented and the Action will take this into account. In particular, the Action should build upon the situational analysis of the IBM building blocks, and to recommendation on how to advance the legislative and institutional framework.

Under EU4PFM the capacities for the State Custom Service will be one of the focuses and the Action will need to work in close cooperation, especially in the area of SCS related business processes.

EU Support for Strengthening IBM in Ukraine as a part of TCF 2019 provides important input for the current programme with a focus on pilot BCP development, business process analysis, preparation of designs and technical specifications, etc.

In the area of human resources management improvement for the Border Guards, the Action will build on results of the EU4PAR and could eventually use/adapt the HRMIS for the civil service developed under EU4PAR.

Under EU Programme to Support Migration and Asylum Management (IMMIS), implemented by IOM, a business process analysis was conducted and needs to be taken into account by the Action. Moreover, IT solutions for migration management developed under IMMIS, such as Common Biometrics, ARKAN state of the art information exchange service to which any law enforcement agency can be connected, will be further enhanced under the Action.

In case SBGS or SCS will be mandated with criminal investigations there could be cross fertilization of work with criminal investigation work under Pravo Police.

The experts engaged by the Action need to work in cooperation with the Reform Support Teams for the SCS and also use their capacities, when appropriate.

US funded Capacity Development of the State Border Guard Service of Ukraine (2016-2020); and ‘New face of the border’ (2015-2018) projects both focused on the reformation of the SBGS’s bodies and units, thus need to be taken into account and coordination to be ensured in the area of the support to the SBGS human resources and ethical standards’ development.

When upgrading the infrastructure of the BCPs, the Action needs to coordinate with the loan of the Government of Poland to Ukraine of ca. EUR 100 Mio for the improvement of border control infrastructure.

EU Activities

The EU has been heavily involved in the development of IBM in Ukraine since at least 2000 working closely with the State Border Guards Service (SBGS), State Custom Service (previously called State Fiscal Service) and Phytosanitary and Veterinary Services prior to and subsequently after the signing and adoption of the Association Agreement and DCFTA.

Besides the EU Delegation to Ukraine and the Support Group for Ukraine and the, the most relevant EU institutional actors continuously involved in the IBM area in Ukraine are:

- European Border and Coast Guard Agency (Frontex), the lead partner of the former EaP IBM Capacity Building Project and, among others, provider of capacity building activities based on its recently established 3-year cooperation plan with Ukraine. Ukraine hosts a Frontex Associated Partnership Academy, which supports and aids the implementation of training.
- EU Advisory Mission to Ukraine (EUAM) was established to support the Government of Ukraine in the preparation and implementation of a comprehensive civilian security sector reform, including related aspects of border management and customs affairs, good governance and anti-corruption.
- .
- EU Border Assistance Mission to Moldova and Ukraine (EUBAM), which since 2005 supports Moldova and Ukraine in improvements of IBM standards.
- Other EU project interventions and financial support have contributed significantly in recent years to IBM development in Ukraine:
- The EaP IBM Flagship Initiative Capacity Building Project covering the period 2014 - 2017 was focused on enhancing the training and operational capacities of each country's national agencies involved in border management. It served as a regional platform for provision of technical assistance and the exchange of expertise, and focused, in particular, on interagency cooperation.
- Budget Support Programme – provided budget support in the period 2011-2015 linked to reforms in the field of border management, including assistance to State Border Guard and Customs Services, on the basis of development indicators/ benchmarks agreed between Ukraine and the European Union.
- EU TWINNING Project with SBGS (2016-2018), was focused on monitoring of the implementation of the IBM concept and its Action Plan, improvement of SBGS capacities in detection of forged documents and stolen vehicles.
- EU TWINNING project with SFS (2016-2018) provided assistance on the modernisation of legislation on IBM matters, operational aspects of cooperation and development of an anti-corruption system.
- EU Cross Border Cooperation Programme supported the funding of several infrastructure projects for BCPs between Ukraine and its EU neighbouring countries. However many of the projects could not be finalised due to management failure on the side of the State Fiscal Service as the implementing agency on the Ukrainian side.
- EU Programme Enhancing IBM along the Ukraine-Moldova Border aims at ensuring joint border management operations at three BCPs, with focus on the infrastructural refurbishing needed.
- EU Programme to Support Migration and Asylum Management, implemented by IOM (2017-2021) aims at establishing an Integrated Migration Management Information System (IMMIS), focussing on data exchange between SBGS and SMS.
- EU4PFM (2019-2023) is a multi-component programme to strengthen the PFM sector in Ukraine with one component focused on capacity building for the State Customs Service and State Tax Service. A number of actions under this programme will require close coordination with the IBM programme, since EU4PFM will also address SCS related business process improvement.

- EU4PAR (2018-2023) supports the Public Administration Reform in Ukraine including aspects linked to HRM. Under this programme a HRMIS for the civil service is developed and could eventually be used /adapted for the planned HRMIS in the SBGS.
- PRAVO Police (2018-2022) is supporting the reform of law enforcement agencies, including NPU. In case SBGS or SCS will be mandated with criminal investigations there could be cross fertilization of work with criminal investigation work under Pravo Police.
- Reform Support Teams for SCS (starting end 2019) is an initiative under the EU-co-funded Multi Donor Account, implemented by EBRD and intends to strengthen reform management and PAR capacities in SCS by providing a number of temporary senior experts to the institution.
- "EU Support to Strengthening IBM in UA" started early 2020 with a duration of 30 months. The focus of this preparatory project is on the development of relevant ToR, concepts, technical specifications, etc., to be largely implemented under EU4IBM further phases.

Other donors' activities

Besides EU assistance, other projects have been implemented with the financial support of the United States of America, Canada, Norway, Japan, Sweden, and the Germany in IBM related fields, among them:

USA:

- EXBS/US Embassy in Ukraine “Technical assistance to enhance export control system of Ukraine and prevent dissemination of WMD”); 7th stage, acquisition and supply of equipment necessary for export control, study visits (2013 –2018);
- Detection and Termination of Nuclear Smuggling (2015-2021);
- Capacity Development of the State Border Guard Service of Ukraine (2016-2020);
- ‘New face of the border’ (2015-2018) project, focused on the reformation of the SBGS’s bodies and units, strives to create highly trained and educated Border Guard Service as well as to fight corruption and thus to change public opinion of the Border Guards

Norway - Equipment for the detection of radiation materials and radioactive substances, protection, decontamination for the Mukachevo border detachment of the SBGS (2016-2017).

Canada - Support to the implementation of the Container Control Programme in Odesa port, promoting a coordinated approach and intelligence sharing between SBGS and SCS in the control of imported containers.

Poland - Loan of the Government of Poland to Ukraine of ca. 100ME for the improvement of border control infrastructure, including for the road network at the Polish –Ukrainian border.

Estonia – Support to Ukraine’s integrated border management through its bilateral project on electronic border queue management service in Western Ukraine.

2.2. Problem Analysis

Short problem analysis

The proposed Action aims to significantly enhance the efficiency and effectiveness of the border controlling services and strengthen the practical and operational application of IBM at Ukraine’s borders, principally through provision of expertise, capacity development and improvements to infrastructure and equipment with a focus on IT capability.

Sector Management

The State Migration Service and State Border Guards Service requires support with the monitoring and evaluation of the Migration Strategy. Under Result 1 the project will support the stakeholders in developing the methodology and practice to monitor, control quality and evaluate the implementation of the Strategy. The project will consider developing an automated IT system for the Strategy monitoring.

Capacities of IBM stakeholders for IBM and migration policy management need to be further developed and coordination structures to be further enhanced. This includes strengthening the Inter-Agency Working Group (IAWG).

An analysis and optimisation of business processes is indispensable for further progress. Such an analysis is currently performed under ongoing EU4IBM project. Linked to reengineering of business processes under result 1, analytical support and support to necessary legal amendments will be provided. It is important to make sure the previous results of Business Processes Analysis (BPAs) conducted under IMMIS are taken into account and there are no duplications.

In the area of data, information and IT capability, Ukraine has not yet reached levels common in EU MS. Although intra-service data exchanges for the most part work efficiently, inter-agency information exchange still needs to be re-enforced. Border management related data exchange calls for a multi-lateral (multiple agencies) two-way seamless data exchange mechanism – in both directions - which is not currently in place. In addition, international data exchange especially with EU institutions and EU MS is only just beginning. It is strongly recommended to support all Ukraine's border management services in their move towards modernisation and strengthening of their IT capacities, across all dimensions (hardware, software, IT skills) and more specifically the technical capacity for multi-lateral inter-agency and international data exchange. The Action will provide expertise and practical support for the design and implementation of comprehensive IBM and migration IT solutions, ensuring interoperability of systems for information exchange and cooperation.

In addition, Ukraine needs to have the current IT strategies assessed and amended, which the Action will support under Result 1. IT management and governance will be enhanced and supported, together with related legislative amendments.

Modern border management involves the use of intelligence, the sharing of information between agencies, joint risk management and effective cooperation in the area of criminal investigations. The picture in Ukraine is very unsatisfactory in that regard.

Commodity smuggling is currently not a criminal act. Ukraine is committed to proceed with the criminalisation of smuggling. Draft Law 5420 of 23.04.21 “On changes to the Criminal Code of Ukraine and Criminal Procedures Code of Ukraine concerning criminalisation of smuggling of goods and excisable goods and false declaration of goods” is currently awaiting first reading in the Parliament (Verkhovna Rada). It foresees imposing of criminal responsibility for smuggling of goods, excisable goods and false declaration of goods which resulted or could have resulted in unlawful reduction of the amount or exemption from payment of the customs duties.

Law “On Bureau of Economic Security” was passed by the Verkhovna Rada of Ukraine on 28 January 2021, and created the Bureau of Economic Security as a single body in charge of fight against economic crime. The Action will support further development of the legal and institutional context for criminal investigations of cross border crimes, including capacity building.

In 2020 SBGS investigated 600 bribe attempts cases and 392 persons were fired. According to 1000 + business survey, in 2020 corruption and bribery remain among main trade obstacles for importers and exporters alike.

IBM agencies, in particular SBGS and SCS need support in the development of anti-corruption measures and internal oversight mechanism, which the Action will provide.

The recruitment system needs improvement and available human resources need to be better managed. Currently, the State Custom Service (SCS) is undergoing a re-attestation process. Professional development and training needs an overhaul in case of SBGS and support in case of State Migration Service (SMS). Work is also needed on bringing the salary system and the ratio of pay between categories of SBGS in line with EU best practices and in line with the ongoing public administration reform in Ukraine. The recruitment system needs to be improved and change is needed in the approaches to managing the available human resources. Norms/criteria needed for the calculation of staff numbers in SBGS sub-units are not currently clearly defined and SBGS capacities for proper staff planning need to be enhanced.

A comprehensive system of competency-based career development in the SBGS is needed which provides wider possibilities for advance training.

The Action will support development of training structures, procedures and material, with the corresponding advanced technologies. In addition, modern Human Resource tools and procedures will be developed, in areas from merit based recruitment, career development, performance assessment, anti-corruption, to staff planning, in coordination with the centralised efforts under PAR reform.

Border control procedures improvement

Innovative methods of border checks and identity management, such as Advanced Passenger Information, biometrics for enhanced identity management, joint management or shared management need to be further exploited and increased, in order to enhance the efficiency of cross border movements. Delegation of responsibilities between SBGS and SCS is missing, leading to time-consuming double controls. New technologies such as biometric checks, automatic number plate recognition and automatic queuing management are not yet fully in place. Equipment for document check and forgery detection is outdated. The Action will improve the business processes at BCPs, including sub-delegation between SBG and SCS. Further, the project will develop, introduce and roll out on a pilot basis modern technical solutions to make border control procedures more efficient. Pilot approach enables that lessons learnt are taken into consideration for further expansion of designed solutions and also presupposes that the national budget will contribute to the continuous roll out of these solutions tested in pilots.

The SCS needs to regularly monitor and assess the time taken to effect clearance in order to help identify bottlenecks / problems in the process. It is important to develop more simplified “Standard Operating Procedures” to formalise SCS Intra-service procedures and Inter-agency co-operation.

On the customs side, there is room to increase of customs control efficiency and reduce scope for corruption. Services need to move away from paper-based activities towards the implementation of electronic transactions. There is a need for automated traffic management at the BCPs.

Under ongoing EU4IBM a concept for modern BCPs is being developed. The existing and upcoming recommendations for achieving the optimised and re-engineered processes at the BCPs, will serve as the basis for the implementation in this area.

One significant problem identified concerns surveillance of the green border. Stationary, mobile and portable technical means for green border surveillance (sensors, thermal imaging cameras etc.) are not available in sufficient quantity, and quality (out-dated analogue radio stations are still in use for communication). The Action will ensure the assessment of equipment and infrastructure needs and priorities, and based on the needs assessment and prioritisation plan provide some equipment and infrastructure.

SBGS identified cigarette smuggling over the green border from Ukraine to Romania as one of the areas for immediate improvement. Business Processes Analysis (BPA) was conducted under UE4IBM and the Action will follow up with support to intelligence based land border surveillance, cross-border information exchange and mobile plus stationary detection and surveillance equipment.

BPA of joint controls and joint patrols was also performed under EU4IBM and the Action will build on recommendations provided in order to support and expand both border processes. Joint controls lead to decrease in waiting times, better security and also contribute to prevention of corruption due to peer-to-peer exposure and mutual control. Joint patrols are important cross-border cooperation and information exchange mechanism, contributing to better security.

The control and security of borders is also highly relevant to the fight against trafficking in human beings. Taking into account the cross-border nature of the crime, it is important to establish set cooperation between relevant actors in order to allow for the early identification of victims. This will allow their referral to further assistance and protection, especially women and children. The instalment of transnational referral mechanisms would also support that goal. Those actions are in line with the objectives of the EU Strategy on Combatting Trafficking in Human Beings (2021-2025)³.

New migration business process for statelessness determination is to be developed under Result 2 because of the recent legal amendments.

Migration business processes according to SMS needs are to be developed under Result 2 taking into account recent legal amendments.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action

The key stakeholders & beneficiaries of the Action are the State Border Guard Service of Ukraine (SBGS), State Migration Service of Ukraine (SMS), State Customs Service of Ukraine (SCS), the Ministry of Interior. Other state institutions holding a stake in IBM such as the State Service of Ukraine on Food Safety and Consumer Protection (SSFSCP), the Ministry of Foreign Affairs (MoFA), the Security Service of Ukraine (SBU) and the National Police of Ukraine (NPU) will also benefit from the proposed Action through targeted technical assistance and capacity building activities.

Other stakeholders include the business community, citizens of Ukraine and travellers who cross Ukraine's borders, as well as more vulnerable groups such as the victims of human trafficking and irregular migrants. The State Border Guard Service of Ukraine is the State institution accountable to the Ministry of Internal Affairs and charged with protecting the border, conducting border checks, countering cross-border violations and crimes as well as with other tasks defined in the respective laws.

The SBGS operates a four-level hierarchical management structure: Administration of the SBGS, 6 Regional Directorates, 22 Border Guard and Coast Guard Detachments and a number of Border Guard Divisions. Discussions are ongoing on abolishing or reducing the regional level.

The State Migration Service of Ukraine (SMS) is a central executive agency falling under the steering and coordination of the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs. The SMS implements national policy in areas such as migration (immigration and emigration), including combating irregular migration, processing of applications for International protection, registration of individuals,

³ COM(2021)171 final of 14/04/2021

refugees and other categories of migrants, issuance of identity documents for Ukraine citizens and, residence permits for foreigners.

The Institutional structure of the SMS includes a Central Administration, Territorial Bodies (24) and Territorial Divisions (593).

The State Customs Service of Ukraine (SCS) is a central body with executive power and its activity is directed and coordinated by the Ministry of Finance. It is responsible for implementation of the state policy in the sphere of customs. The SCS has recently been created as a result of the split of the State Fiscal Service (SFS) into the State Tax Service (STS) and State Customs Service (SCS). An Action Plan for the reform of the SCS has been adopted by the Cabinet of Ministers in July 2019.

The State Service of Ukraine on Food Safety and Consumer Protection (SSFSCP) was established in 2015, combining the State Veterinary and Phytosanitary Service with the State Inspection of Ukraine on Consumer Rights Protection and the State Sanitary and Epidemiological Service of Ukraine. As a result, the State Service of Ukraine on Food Safety and Consumer Protection is now the central body of executive authority, with a number of tasks including those related to cross-border movement: 1) veterinary checks on commercial consignments of live animals and products of animal origin; 2) phytosanitary checks on plants and plant products; 3) conducting state expert sanitary epidemiological assessments, provision of relevant conclusions based on its results etc.

The Ministry of Foreign Affairs of Ukraine (MoFA) coordinates and manages Ukraine's external relations with other countries and international organisations. The MoFA is authorised to organise and conduct negotiations on agreements with neighbouring countries as concerns state borders and including their delimitation and demarcation, the maintenance of border lines and border markings, legal status of BCPs and other related issues.

Ukraine's embassies and consulates issue biometric identity documents for citizens of Ukraine residing abroad, as well as visas for foreigners and stateless persons, who intend to stay in Ukraine or transit through the territory of Ukraine.

The Security Service of Ukraine (SBU) is a specialised law enforcement agency, which ensures the state security of Ukraine and is subordinated to the President of Ukraine. The SBU is currently undergoing a reform, which should remove from its powers and mandates any investigative and law enforcement role. The SSU draft is being prepared for the 2d reading at the Parliament.

The National Police of Ukraine (NPU) is the national police service of Ukraine. The NPU consists of Central Departments, 25 regional departments and 674 territorial police stations in the regions of Ukraine. As an IBM actor, the Territorial Units of the NPU contribute to security and public order in the border areas and conduct investigation of a wide range of administrative and criminal offences, including cross border crimes. All key stakeholders have been included and participated in the IBM needs assessment, conducted earlier with support of EU-funded high-level experts and have submitted proposals on which this Action Document is mostly based. The Stakeholders are also members of IAWG.

3. DESCRIPTION OF THE ACTION

3.1. Objectives and Expected Outputs

The Overall Objective (Impact) of this action is increased mobility of Ukrainian citizens and better integration of economic operators into global economic exchange flows, while a high-level of security and prevention of cross-border crime is ensured.

The Specific Objective (Outcome) of this action is to build capacities of Border Management Agencies to manage an efficient and secure border, in line with EU best practices.

The Outputs to be delivered by this action contributing to the corresponding Specific Objective (Outcome) are:

1. IBM and migration stakeholders are better equipped with the necessary capacities (ICT strategies, procedures, analytical information, strategic documents, technical knowledge/skills and legal instruments) to effectively steer the IBM policy development and implementation (*Sector management*).
2. Systems and tools are in place and operational (ICT and other technical solutions for border checks, for risk analysis and interoperability between all stakeholders) and meet the EU Schengen standards and international IBM best practices (*Border control procedures improvement*).

3.2. Indicative Activities

Activities related to Output 1:

- Provide expertise and practical support for the improvement of the methodology and practice to monitor, control quality and evaluate the implementation of the IBM and State Migration Policy Strategy and Action Plan. National practitioners to join, where possible, a network of Frontex-certified *IBM Technical and Operational Advisers*.
- Provide expertise and practical support for the improvement of the coordination capacities, mechanisms and procedures, joint risk-assessment capacities, mechanisms and procedures, investigative capacities, mechanisms and procedures between IBM actors (providing inter alia expert support for improved legal framework, IT and coordination tools, procedures, trainings etc.) at various levels.
- Provide support for legal amendments in the IBM area (based on business processes reengineering)
- Support further development of the legal and institutional context for criminal investigations of cross border crimes, including capacity building (for both SBGS and SCS).
- Improve criminal analysis units tactics use for fight against the cross-border crime.
- Improve and implement joint budget planning and asset management of the IBM agencies.
- Provide expertise and practical support for the continuous update and refinement of ICT governance and management, including addressing potential gaps in legislation, and analysis of current ICT strategies to propose amendments.
- Further enhancement of data protection of the SMS IT channels, improvement of information security for SMS information systems, support to cybersecurity.
- Support SMS in the capacity building for the management of irregular migration, including if relevant the development of e-system for migration risk analysis.
- Support to modernization of information and telecommunication systems of IBM actors.
- User access control and user behaviour analysis, in order to prevent loss, unauthorized access or modification of sensitive personal and biometric data of Ukrainian citizens, foreigners and stateless persons.
- Improve relevant tools and procedures for Human Resources Management (HRM) in IBM Agencies in line with EU and international best practices.
- Implement targeted anti-corruption measures for IBM agencies based on best practices from EU and International Organisations.

- Support to training for employees of the IT department of the SMS in the field of creation, operation and modernization of information systems, process management, project management, cybersecurity and information protection in information and telecommunications systems.
- Support design and functioning of measures and tools/IT processes at BCPs related to the COVID-19 pandemics.
- Capacity building in the detection of firearms in land borders, taking as a base the handbook (international version) of firearms for border guards and customs of Frontex (in the context of EMPACT firearms).

Activities related to Output 2:

- Provide expertise and practical support including, to the extent available, by Frontex for the further implementation and exploitation of identity management related ICT solutions.
- Modernise existing front-line and second-line ICT end-user systems to be aligned with EU best practices.
- Provide expertise and practical support for the development, introduction and roll out of modern technical solutions to make border check procedures more efficient, such as queuing management, automatic recognition of number plates, video surveillance, biometric recognition, scanning systems, vehicle control and traffic management system etc.
- Assessment and potentially improvement of accommodation conditions at existing temporary accommodation facilities for detained persons to bring them in line with the best European practices.
- Implement some of the prioritised recommendations for model BCPs (for road, rail, air and sea BCPs)
- Establish pilot model BCPs (exact number to be decided during the inception phase).
- Implement prioritised recommendations for green border surveillance (exact number to be decided during the inception phase).
- Establish as pilot green border anti-smuggling practices.
- Further implement interoperability and information exchange, taking into account available Frontex expertise.
- Further exploitation of biometrics for enhanced identity management.
- Implement wider identity checks for visa applicants based on solutions implemented under IMMIS1.
- Strengthen and further modernise the ICT capacity of SMS to handle, as a partner in the integrated border management, the related migration cases.).
- Investigate and potentially implement the necessary solutions and equipment for enhanced mobility (i.e. the use of ICT solutions in field work) for the concerned stakeholders.
- Investigate and potentially implement the necessary solutions for enhanced international information exchange.
- Further support the process for applicants under the Statelessness Determination Procedure and the proceedings of each case until a decision of granting or refusal of the status is adopted by the SMS, as well as the appeal (in case of refusal) and the final decision after the appeal proceedings take place (which again can result in either a positive or negative decision on the recognition of a person as stateless).
- The organisation, to the extent possible, of training courses for border guards for the victim of trafficking in human beings identification and the development of relevant handbooks.

3.3. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

Outcomes of the Environmental Impact Assessment (EIA) screening (relevant for projects and/or specific interventions within a project)

The EIA screening classified the action as Category B not requiring an EIA, but for which environment aspects will be addressed during design.

Outcome of the Climate Risk Assessment (CRA) screening (relevant for projects and/or specific interventions within a project)

The CRA screening concluded that this action is no or low risk (no need for further assessment).

Gender equality and empowerment of women and girls

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that gender equality is a significant objective.

The border controlling services are committed to an equal treatment of female and male travellers as ethical imperatives. The gender responsive personal search and detention facilities will be provided at the BCPs with extensive traffic of persons. With any reconstruction of the border facilities, the needs of women travellers will be taken into consideration. The Action will promote equal opportunities and non-discrimination in the activities supporting human resource management in border management services. Particular attention must be given to women and girls, who are exposed to a heightened risk of sexual exploitation in the context of trafficking in human beings, in line with the objectives of the EU Strategy on Combatting Trafficking in Human Beings (2021-2025), and the EU Gender Action Plan for external action (2021-2025).

Women are in the minority in all partner services, averaging 27% of all personnel across the four partner services and 10-15% of managers. Despite the commitments of the host countries towards the UN Security Council resolution 1325 “Women in Peace and Security”, still there are fields which need further improvement. Action will integrate a gender perspective to concern both external and internal dimensions of border management. Lastly, the proposed action will promote gender equality through gender mainstreaming into the planning, assessment, implementation and monitoring and evaluation of all activities, as well as will continue collecting disaggregated data and promote equitable representation to the maximum extent possible.

Human Rights

The Action will advocate for professionalization of the border management in line with best EU practices, service-oriented border checks procedures based on professional and ethical norms, respect and compliance with human rights standards, referral of persons requiring international protection, and protection of victims of trafficking and other crime, as well as other vulnerable groups. Special attention will be paid to accessibility of services to persons with disabilities, especially in the process of reconstructions of the BCPs.

Disability

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0. This implies that disability is not a significant objective of this action.

Democracy

Good governance is a pre-requisite for a functioning democracy. In turn, strong institutions are needed for good governance. The action will support strengthening of institutions and therefore contribute to strengthening the democratic process.

Conflict sensitivity, peace and resilience

The action will not address the issues related to conflict sensitivity, peace and resilience.

Disaster Risk Reduction

The action will not contribute to disaster risk reduction.

Other considerations if relevant

Improvement of border control and surveillance achieved by improving the inter-agency cooperation, plus upgrading the infrastructure and equipment of BSPs, will support the fight against corruption, both in the area of illegal border crossings and smuggling. Intelligence led IBM in line with EU best practices will allow for joint risk assessment and effective fight against cross-border crime. Support activities to the human resource management in State Border Guards will result in policies, procedures and tools promoting integrity and ethical behaviour. In addition, cross-border information exchange and joint risk assessment with neighbouring countries will further support the fight against corruption and cross-border crime.

3.4. Risks and Lessons Learned

Category ⁴	Risks	Likelihood (High/Medium/Low)	Impact (High/Medium/Low)	Mitigating measures
1	Escalation of the current armed conflict in the east of Ukraine could cause the suspension of the Action.	Medium/High	Medium/High	Monitoring of the situation and careful allocation of resources based on situation assessment.
2	Insufficient national capacities to absorb efficiently and effectively the Action input.	Medium/Low	Medium	Assist in establishment of specialised technical assistance sub-units, training and other support in the area of project management for responsible officials and sub-units of IBM actors
1	Significant progress of Ukraine's Government in some areas of IBM development, rendering the foreseen outputs obsolete.	Medium/Low	Medium/Low	Flexibility in the programme approach. Establishing working groups to redesign outdated objectives and outputs.
1	Beneficiary services may be at different stages of reform, establishing different priorities and therefore there is potential for an imbalance in the levels of	Low/Medium	Low/Medium	Carry out continuous policy dialogue with key stakeholders, as well as with the established high-level IBM Inter-agency Working Group and the IBM implementing body (Secretariat) to ensure continuous strong and equal commitment among the beneficiaries. SCS is in the reform process supported by EU funded projects.

⁴ The risk (category) can be related 1-to the external environment; 2-to planning, processes and systems; 3-to people and the organisation; 4-to legality and regularity aspects; 5-to communication and information.

	commitment towards development of Inter-agency co-operation. In addition, there might be lack of political will for Inter-agency co-operation.			
1	Weak governance of IBM Coordination	Medium	Medium	Carry out continuous policy dialogue with key stakeholders, as well as with the established high-level IBM Inter-agency Working Group and the IBM implementing body (Secretariat). Ensure that besides high-level coordination also the technical part is in place.
2	Insufficient budgetary allocations for the operational use (particularly for fuel), maintenance and warranty of received equipment, given the limited budget resources of the beneficiary services.	Medium	Medium	Monitor operational use and maintenance commitments of the beneficiaries, including through continued capacity building activities of the Action aimed at improving strategic and resource planning capacities, as well other complementary EU actions (e.g. EUAM, EUBAM). Specific monitoring of the national budget process to ensure the sufficient allocation of resources under the annual national budget. Continuous monitoring of the annual updates to the IBM Action Plan to ensure that budgetary resources are allocated.
1	Delays in adopting respective legal and normative acts, significant for progress in implementation of the Action, at the Ministerial, Governmental or Verkhovna Rada level.	Medium	Medium	Use capacities of the established high-level IBM Inter-agency Working Group to facilitate the process and the EU Delegation support.
1	Co-financing requirement from beneficiary agencies, given	Low/Medium	Low/Medium	Follow-up on the commitments of the beneficiaries.

	limited budget resources.			
2	Capacity for absorption of expert advice and adoption of recommendations is not ensured.	Medium	Medium	Continuous dialogue with stakeholders' management, support in planning of corrective measures.

Lessons Learned:

From past and continuing projects including Eastern Partnership IBM Flagship projects, EUBAM, Budget Support Programme, Border Guard TWINNING Project (#UA/51), Customs TWINNING project (#UA/45), IMMIS, EU4IBM project as well as policy dialogue on IBM, a number of lessons can be learnt:

- A more inclusive and integrated approach in line with IBM principles needs to be followed, particularly in promoting a risk analysis based intelligence-led border management. The Action will support the coordination capacities of the IBM actors.
- The use of biometric identifiers in identity management has been developed under IMMIS EU funded project. The Common Matching Biometric System must be expanded to reach its full potential with the incorporation of the data of national police (NPU) and other authorities.
- There is a need to facilitate the streamlining of the new business processes, same as amending the relevant legislation.
- The institutional capacity development of the border and migration management services should be demand driven and with a high degree of ownership. EU IBM good practices should be reviewed, modified and tailored to the Ukrainian context. The Action will aim to proactively engage all the potential beneficiaries (as done in the Action design phase) and will allow flexibility in the implementation phase.
- A balanced approach encompassing practical advisory support on institutional, regulatory and procedural changes accompanied by material support and the provision of technical tools for the implementation of improvements is essential to achieve a sustainable impact.
- Despite considerable and clear progress by the entire border management services in the area of legislative reform there is nevertheless a continuing need to assist in the regular review of laws and regulations in order for them to remain up-to-date, approximated and harmonised with current EU legislative amendments. The Action will support Ukraine with the continuous update and refinement of legal, organisational and operational aspects of the IBM.
- Limited budgetary resources negatively affect the border controlling services' ability to fund and sustain the maintenance and effective use of equipment and/or infrastructure. The Project will provide support to proper budget and asset planning in order to ensure sustainability of reforms. In the inception phase it will be made sure that the national budget plans for the resources needed.
- Relevant institutional and inter-agency consolidated long-term sub-strategies are needed to ensure that resource allocations under assistance actions are properly planned.

3.5. The Intervention Logic

The underlying intervention logic for this action is that it will contribute to increased mobility of Ukrainian citizens and better integration of economic operators into global economic exchange flows, while a high-level of security and prevention of cross-border crime is ensured. The action is in synergy with the Ukraine's IBM and Migration Strategy for the period 2021-2025 and the corresponding Action Plans.

The action will support Border Management Agencies to manage an efficient and secure border, in line with EU best practices. This specific outcome will be achieved by ensuring that IBM and migration stakeholders are better equipped with the necessary capacities (ICT strategies, procedures, analytical information, strategic documents, technical knowledge/skills and legal instruments) in order to effectively steer the IBM policy development and implementation. Moreover, in order to achieve the specific outcome, the Action will put systems and tools are in place and in operation (ICT and other technical solutions for border checks, for risk analysis and interoperability between all stakeholders) in order and meet the EU Schengen standards and international IBM best practices.

3.6. Indicative Logical Framework Matrix

Results	Results chain: Main expected results [Indicators	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
Impact	Ukraine manages its borders in line with the national strategy and in line with the EU commitments (Association Agreement (AA)) so that the Ukrainian citizens benefit from increased mobility and economic operators are better integrated into global economic exchange flows, while a high-level of security and prevention of cross-border crime is ensured.	Border crossing times are reduced for persons bona fide travellers and regular migrants as well as economic/commercial operators The internationally accepted indicators of trade facilitation oriented border management are improved. Interdiction of irregular cross border movement is increased and on a positive trend. Interdiction of smuggled items and other instances of cross-border crime is increased and on a appositve trend.	Ukraine successfully met all benchmarks under the Visa Liberalisation Action Plan (VLAP), including related to Integrated Border Management. 4th report under the Visa Suspension Mechanism adopted don 4 August 2021	1 Border crossing times are reduced for bona fide travellers and regular migrants as well as economic/commercial operators at least 20%. WB Trading Across-Borders-Doing Business rank of Ukraine is improved by at least 2 places. Interdiction of illegal border crossing movement is increased by 20% Interdiction of smuggled items and cross-border crime is increased in volume by 20%. Continued respect of benchmarks under the Visa Liberalisation Plan and implementation of recommendations of the 4th report under	Commission Reports on the implementation of the Association Agreements and Association Agendas. the Visa Liberalisation Action Plan VLAP Frontex Eastern Partnership Risk Analysis Network reports EUAM and EUBAM assessments Governments sources, in particular the IBM action plan	<i>Not applicable</i>

				the Visa Suspension Mechanism.		
Outcome	1 Border Management Agencies manage an efficient and secure border, in line with EU best practices.	<p>1.1. The internationally accepted indicators of a trade facilitation oriented integrated border management environment as suggested by the OECD. WB ‘Trading Across Borders-Doing Business’ rankings.</p> <p>1.2. Annual traffic volume at the BCPs across the State Border of Ukraine (number of persons and means of transport)</p> <p>1.3.Border crossing times at the road BCPs (including the waiting time before reaching the controls): bona fide travellers and regular migrants as well as economic/commercial operators</p> <p>1.4.The total number of illegal migrants detected for attempting to illegally cross the state border</p>	<p>1.1 WB ‘Trading Across Borders-Doing Business’ ranked UA80,1/190 in 2019, and 80,1/190 in 2020 (2,5 points up)</p> <p>‘Logistics Performance Index’. 2018 (latest data available); Overall Rank Ukraine 66 Customs Rank 2,49</p> <p>1.2. 83.04m travellers and 18.75m vehicles [2017].</p> <p>1.3. Times defined in the approved technological</p>	<p>1.1. Ukraine and the SCS must aim to significantly improve global rankings in both important benchmark reporting areas, having slipped down the respective Tables since 2016.</p> <p>1.2. Up to a 7% annual increase in travellers and 2% annual increase in vehicles is forecasted, in the absence of the pandemics (2019 predictions for 2020)</p> <p>1.3. At least a 20% decrease as a result of implemented measures.</p> <p>1.4. Positive trends in interdiction of irregular cross border movement.</p>	<p>Annual reports of border controlling services, including; Time Release Studies for Travellers & Goods.</p> <p>National statistics.</p> <p>Media reports.</p> <p>Business surveys & external reports incl: Frontex, WCO, OECD & World Bank e.g. ‘Trading Across Borders –Doing Business’ & ‘Logistics Performance Index’</p>	<ul style="list-style-type: none"> • The Country and Region remain politically stable. • No increase of COVID-19 related risks and crisis • Government of Ukraine continues reforms to improve governance and business enabling environment. • Macro-economic stability. • The economy of Ukraine continues to grow providing pre-

		<p>1.5. The volume and/or value of detected smuggled items detected (drugs, cigarettes, weapons and other goods)</p> <p>1.6. The number of stolen vehicle detected at the border</p> <p>1.7. The number of false and forged documents detected at the border</p>	<p>schemes for each BCP.</p> <p>1.4. 886 attempts [2017].</p> <p>1.5.381.5mUAH value of smuggled goods [2017].</p> <p>539.295 kg of narcotic drugs [2017].</p> <p>847 weapon [2017].</p> <p>8.2MIO packs [2017].</p> <p>1.6. 59 vehicles [2017].</p> <p>1.7. 564 documents [2017].</p> <p>1.2</p>	<p>1.5. Positive trends in interdiction of smuggled items</p> <p>1.6. positive trends in interdiction of stolen vehicles</p> <p>1.7 Positive trends in detection of forged and false documents</p>	<p>Transparency Intl. and other CSOs</p> <p>National and international risk analysis products.</p> <p>Reports from meetings of the IAWG on the implementation of the IBM Strategy and AP</p> <p>Reports related to the monitoring of the EU-Ukraine Association Agreement: Reports on the implementation of the EU Association Agreement with UA, relevant Non-Papers, Reports and minutes of the meeting of</p>	<p>conditions for financial sustainability of the proposed Action.</p> <ul style="list-style-type: none"> • A high level of coordination and co-operation is maintained among the state border controlling services engaged in border management and with the EU. • There is political will to ensure high level of coordination and co-operation among the state border controlling services engaged in border
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					<p>the Association Council, Reports and minutes of the relevant Association subcommittees</p> <p>Reports related to Visa Monitoring</p> <p>Conclusions of the EU-Ukraine summits</p>	<p>management and with the EU.</p> <ul style="list-style-type: none"> • IAWG meets regularly and has a committed leadership
Output 1 related Outcome	<p>IBM and migration stakeholders are better equipped with the necessary capacities (ICT strategies, procedures, analytical information, strategic documents, technical knowledge/skills and legal instruments) to effectively steer the IBM policy development and implementation. (Sector management)</p>	<p>1.1. IBM activities planned continuously and IBM AP updated annually</p> <p>1.2. Methodology to monitor, control quality and evaluate the implementation of IBM Strategy and AP in place</p> <p>1.3 The level of automated and coordinated IBM actors access to mechanisms and procedures The level of inter-agency connectivity among IBM actors</p>	<p><i>BASELINES to be further elaborated by the implementer within Inception Period</i></p> <p>Baselines established for all aspects of HRM, recruitment, salaries, payments and ethical behaviour are contained in the</p>	<p><i>TARGETS to be established by independent consultancy within Inception Period</i></p> <p>1.1. At least 50% of AP targets reached and indicators modified to be measurable</p> <p>1.2. Implementation tool for monitoring of the AP in use</p>	<p>SBGS, SMS, SCS, MOI, other Governmental sources.</p> <p>EU Delegation Kyiv: Minutes of the Consular meetings EUD-MSs, internal reports and analyses</p> <p>Institutional Websites. SBGS , SMS</p>	<p>IBM actors commit to optimise strategic planning and resource management.</p> <p>EU MSs support the activity through providing possibility to share experience and practices.</p>

		<p>The number of gaps identified in legislative and normative framework and preparation of respective draft amendments</p> <p>The percentage of consolidated and codified procedures</p> <p>1.4. The level of IBM actors' joint and coordinated planning, budgeting, assets management</p> <p>The level of automated or otherwise optimised access by strategic planners to operational, financial and asset management data</p> <p>Number of SBGS administrative units connected to the automated asset management system</p> <p>1.5. Number of IBM IT solutions in place and ensuring interoperability of systems for information exchange and cooperation</p> <p>1.6 Level of automation of mutual access to databases of IBM subjects</p>	<p>following legal acts;</p> <p>Law 'On Civil Service' (10.12.2015 No 889-VIII);</p> <p>Decree of the Cabinet of Ministers of Ukraine 'On the Order of Contest for the Occupation of Civil Service Positions' (25.03.2016 No 246);</p> <p>Decree of the General Department of Civil Service of Ukraine 'On Approval of the General Order of the Examination of Candidates for the Vacant Positions of Civil Servants'</p>	<p>1.3. Legal and regulatory framework for inter-agency cooperation is improved</p> <p>1.4. Improved and automated information exchange, joint inter-agency cooperations have a unified legal and normative framework</p> <p>1.4. Joint IBM actors Asset management system is in use</p> <p>1.5. of IBM IT solutions in place and ensuring interoperability of systems for information exchange and cooperation</p> <p>1.6. Automated mutual access to databases of IBM subjects</p> <p>1.7 At least 50% increase</p>	<p>and SCS Periodical and Tailored Activity Reports.</p> <p>Feasibility Study on strategic planning and resource management optimisation.</p> <p>Project Monitoring Reports.</p> <p>EUBAM and EUAM Reports</p> <p>Reports from EU4PFM and EU4IBM</p> <p>Inputs from MSs</p> <p>Media Reports</p>	<p>IBM actors will provide and make available sufficient staff resources to training and capacity building activities.</p> <p>Ukraine provides additional budget resources for the implementation of the IBM Strategy and AP</p> <p>Sufficient political will to align border procedures with EU standards and modern practices.</p> <p>IBM actors will allocate sufficient resources to maintain the newly acquired equipment and</p>
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		<p>1.7 Proportion of trainings with the use of advanced technologies and E-learning</p> <p>1.8 Modern HR tools and procedures in place</p> <p>1.9. Procedure and tool promoting integrity and ethical behaviour in place</p> <p>1.10 Improved remuneration system in place</p> <p>1.11 Improved criminal analysis system of the SBGSU's operative and investigation units</p>	<p>(08.07.2011 No 164).</p> <p>Decree of the Cabinet of Ministers of Ukraine 'On Approval of a Procedure for a Special Checking of Persons Intending to Occupy Responsible and very Responsible Positions, or Positions with an Increased Probability of Corruption Manifestation' (25.03.2015 No 171).</p> <p>The standard procedure for assessing job responsibilities of public servants is approved by the CMU Decree</p>	<p>1.8. HRMIS in place within an agreed timeline (TBA)</p> <p>1.9. Procedure and tool promoting integrity and ethical behaviour in place in agreed time (TBA)</p> <p>1.10. Ensured implementation of the state anticorruption policy (strategy), BGSU's anticorruption programmes</p> <p>1.11 Implemented new Procedures and tools promoting integrity and ethics in agreed time (TBC)</p> <p>1.12 Improvement of the criminal analysis system of the SBGSU's operative and investigation units</p>		<p>other technical means.</p> <p>Smuggling of all commodities is criminalised</p>
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			<p>dd. 23.08.2017 No 640.</p> <p>Law of Ukraine “<i>On Prevention of Corruption</i>“ (14.10.2014 Ref. No. 1700- VII)</p> <p>SBGSU’s Anticorruption Programme 2020-2022 (<i>ABGSU Order of 13.02.20 Ref. No. 99-AG</i>)</p> <p>CMU Decree dd.18.01.2017 No 15 ‘<i>Issues of Remuneration for Employees of State Authorities</i>’; Overtime payments are stipulated by the general labour legislation (Art.106 of the Labor Code of Ukraine).</p>	1.13 Improved remuneration system in place in agreed time (TBA)		
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<p>Output related to Outcome 2</p>	<p>Systems and tools are in place (ICT and other technical solutions for border checks, for risk analysis and interoperability between all stakeholders) and meet the EU Schengen standards and international IBM best practices (<i>Border control procedures improvement</i>).</p>	<p>2.1 Proportion/Number of BCPs with the one stop shop principle, corresponding SOPs and with adjusted infrastructure</p> <p>2.2. Assessment of equipment and infrastructure needs and priorities for surveillance and border checks finalised</p> <p>2.3 Proportion of BCPs with full border checks and surveillance equipment</p> <p>2.4 Proportion of Business Processes at BCPs improved</p> <p>2.5. Proportion of BCPs fully equipped with queuing management, automatic recognition of number plates, biometric recognition and other relevant technical solutions</p> <p>2.6.. On the job support scheme for the BCP Officers having to deal with new procedures and technologies is in place</p>	<p><i>BASELINES to be further elaborated by the implementer within Inception Period</i></p> <p>Commodity smuggling is not a criminal offence – May 2020.</p>	<p>2.1. At least 30% increase</p> <p>2.2. Assessment of equipment and infrastructure needs and priorities for surveillance and border checks finalised in agreed time</p> <p>2.3.at least 20% of BCPs</p> <p>2.4 At least 70% of BPs</p> <p>2.5. At least 30% increase</p> <p>2.6. On the job support scheme for the BCP Officers having to deal with new procedures and technologies is in place at agreed time</p> <p>2.7. At least 30% increase</p> <p>2.8. At least 20% increase</p>	<p>SBGS, SMS, SCS, MOI, other Governmental sources.</p> <p>EU Delegation Kyiv: Minutes of the Consular meetings EUD-MSs, internal reports and analyses</p> <p>Institutional Websites.</p> <p>SBGS SMS and SCS Periodical and Tailored Activity Reports.</p> <p>Feasibility Study on strategic planning and resource management optimisation.</p> <p>Project Monitoring Reports.</p>	<p>IBM actors commit to optimise strategic planning and resource management.</p> <p>EU MSs support the activity through providing possibility to share experience and practices.</p> <p>IBM actors will provide and make available sufficient staff resources to training and capacity building activities.</p> <p>Ukraine provides additional budget resources for the implementation of the IBM Strategy and AP</p>
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		<p>2.7 n of additional ICT solutions for identity management</p> <p>2.8 n of types of identity checks for visa applicants</p> <p>2.9 Basic conditions for field work/enhanced mobility in place</p> <p>2.10 SDP BPA implemented</p>		<p>2.9 at least 40% of border agencies officers has field work conditions in place</p> <p>2.10 SDP BPA implemented by agreed time</p> <p><i>TARGETS are subjects to revision and update within the Inception Period</i></p>	<p>EUBAM and EUAM Reports</p> <p>Reports from EU4PFM and EU4IBM</p> <p>Inputs from MSs</p>	<p>Sufficient political will to align border procedures with EU standards and modern practices.</p> <p>IBM actors will allocate sufficient resources to maintain the newly acquired equipment and other technical means.</p> <p>Smuggling of all commodities is criminalised and there is an investigative agency established</p>
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4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is envisaged to conclude a financing agreement with the partner country.

4.2. Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is **60 months** from the date of entry into force of the financing agreement.

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

4.3. Implementation Modalities

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 measures⁵.

4.3.1. Indirect Management with entrusted entities

A part of this action may be implemented in indirect management with one or more entities, which will be selected by the Commission's services using the following criteria:

- Capacity to mobilize relevant IBM expertise from public/semi-public institutions;
- Experience in implementing IBM projects;
- Experience of project implementation in Ukraine is an asset;
- Strong capacity for back stopping;
- Quality control assurance;
- Strong financial management capacities.

The implementation by this entity / these entities entails contributing towards the impact and ensuring that the specific objective is reached, via the outputs as designated.

4.3.2. Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances (one alternative second option)

In case implementation of the action under indirect management as described in the paragraph 4.3.1 reveals to be unfeasible due to circumstances outside of the Commission's control, the alternative implementation modalities in direct management would be Procurement.

⁵ 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.

4.4. 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 services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

4.5. Indicative Budget

Indicative Budget components	EU contribution (amount in EUR)
Indirect management with entrusted entities (including visibility) - cf. section 4.3.1	19 700 000
Evaluation – cf. section 5.2 Audit – cf. section 5.3	300 000
Totals	20 000 000

4.6. Organisational Set-up and Responsibilities

Detailed terms of reference/description of action will be developed, including the management structure, the experts' team, Project Management Board (PMB) the composition of the Steering Committee (SC) in charge of the supervision of the project, etc.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission will participate in the above governance structures set up for governing the implementation of the action.

5. PERFORMANCE MEASUREMENT

5.1. Monitoring and Reporting

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 its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix.

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).

Roles and responsibilities for data collection, analysis and monitoring:

Monitoring

Performance monitoring will be conducted at the strategic and operational levels. At the strategic level, the EUD will convene a formal meeting in a format of Steering Committee (SC). The implementer will report to the SC members on the implementation of the Action. SC will oversee the implementation of the project. This group will include representatives from the beneficiary institutions, SGUA, the EUD to Ukraine, EUAM, EUBAM, Frontex and other relevant actors. The SC shall meet once per quarter to oversee the progress in project implementation, providing all the stakeholders directly involved in the implementation of the project with the possibility to discuss current issues, provide feedback, identify challenges and define strategies to address them, as well as agree on the work plan and milestones.

The SC will be chaired by the Head of the Rule of Law and Governance sector of the EU Delegation, and its members will consist of high-level representatives of the beneficiaries and stakeholders.

On an operational level, there will be regular Management Board Meetings (PMB) every 2 weeks. The PMB meetings will allow regular follow-up status and technical discussions of project matters.

5.2. Evaluation

Having regard to the importance of the action, a mid-term evaluation will be carried out for this action or its components via independent consultants.

It will be carried out for problem solving and learning purposes, in particular with respect to sustainability and future phases.

The Commission shall inform the implementing partner at least two months in advance of the dates envisaged 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 following the best practice of evaluation dissemination. 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.

Evaluation services may be contracted under a framework contract.

5.3. Audit and Verifications

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 audit or verification assignments for one or several contracts or agreements.

6. COMMUNICATION AND VISIBILITY

Communication and visibility is a contractual obligation for all entities implementing EU-funded external actions to advertise the European Union's support for their work to the relevant audiences.

To that end they must comply with the instructions given in the [Communication and Visibility Requirements of 2018](#) (or any successor document), notably with regard to the use of the EU emblem and the elaboration of a dedicated communication and visibility plan, to be completed for every action at the start of implementation.

These obligations apply equally, regardless of whether the actions concerned are implemented by the Commission, the partner country (for instance, concerning the reforms supported through budget support), contractors, grant beneficiaries or entrusted entities. In each case, a reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and delegation agreements.

Communication and visibility measures may be funded from the amounts allocated to the action. For the purpose of enhancing the visibility of the EU and its contribution to this action, the Commission may sign or enter into joint declarations or statements, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union. Visibility and communication measures should also promote transparency and accountability on the use of funds.

Effectiveness of communication activities on awareness about the action and its objectives as well as on EU funding of the action should be measured.

Implementing partners shall keep the Commission and concerned EU Delegation/Office fully informed of the planning and implementation of specific visibility and communication activities before work starts. Implementing partners will ensure adequate visibility of EU financing and will report on visibility and communication actions as well as the results of the overall action to the relevant monitoring committees.

Visibility and communication measures specific to this Action shall be complementary to the broader communication activities implemented directly by the European Commission services and/or the EU Delegations and Offices. The European Commission and the EU Delegations and Offices should be fully informed of the planning and implementation of the specific visibility and communication activities, notably with respect to the communication narrative and master messages.