

ACTION FICHE FOR THE REPUBLIC OF MOLDOVA

1. IDENTIFICATION

Title	Justice, Liberties and Security – Improving border and migration management in the Republic of Moldova CRIS Ref: ENPI/2008/019-656		
Total cost	10 MEUR		
Aid method / Management mode	Project approach – centralised management and joint management with an international organization		
DAC-code	15210	Sector	Technical cooperation provided to parliament, government ministries, law enforcement agencies and judiciary to assist review and reform of the security system to improve democratic governance and civilian control

2. RATIONALE

2.1. Sector context

The Project is in accordance with the ENPI Moldova Country Strategy Paper 2007-2013, stipulating that EU assistance shall support '... measures to bring the border guards and the asylum system fully in line with European standards...and effective management of migratory flows.

The EU–Moldova Action Plan foresees cooperation in priority JHA issues including migration (legal/illegal migration, readmission) and border management. Its December 2006 Progress Report noted several legal and administrative improvements (EUBAM, programme on migration), but also highlighted weaknesses: corruption, need for further institutional reforms etc.

The Bureau of Statistics indicates that out of a total population of 4.2 million, there are around 300,000 Moldovans abroad, while independent studies show that approximately one quarter of the economically active population works overseas (IOM 2006); remittances from migrants have been estimated at up to 30 % of the country GDP. Migration can be accompanied by a set of negative phenomena, such as illegal border-crossing, trafficking, smuggling etc and there are indications that Moldova has become a transit country for illegal migration directed to the EU. Therefore, there is a need to step up efforts to develop the country's capacity to manage increasing numbers of illegal and transit migrants. A Readmission Agreement between the EU and Moldova entered into force on 1st of January 2008.

Since 1st of January 2007, Moldova shares a border of 450 km with the EU. As Europe's poorest state, Moldova is a significant origin country for migrants towards the EU. Moldova's border control and surveillance capacity is hampered by a lack of communication infrastructure and modern technical resources at operational/tactical level as well as a lack of appropriate capacity and skills in modern border and migration management. This fact is encouraging criminal groups to misuse the Moldovan – Ukrainian and Moldovan – Romanian borders, as well as the internal boundary with Transdnistria for criminal activities. The EUBAM Special Reports "Fight against cross-border crimes" (December 2007) and "Security at Moldovan-Ukrainian Border 2006/2007" (November 2007) show that smuggling is a systematic and highly organized process with precise division of labour among the organizers. **THIS IS HOWEVER REFERRING TO THE CUSTOMS SERVICE'S MANDATE, NOT THE BORDER GUARDS → consider removing or make more relevant !!**

Besides initiatives to improve the Moldovan border management system, another measure initiated by the authorities is the introduction of biometric passports starting 1st of February 2008. This activity is in line with EU policy as stated in Council Regulation (EC) No 2252/2004 of 13.12.2004 and Commission Decision C(2006)2909 on biometrics. In February 2008, the Ministry of Information Development started issuing biometric passports through a pilot-project on the issuance of 5000 passports which was largely financed by the national budget (please check). The issuance of such passports, placed in the context of the new EU Mobility Partnership on migration with Moldova, constitutes a pre-requirement for facilitating the movement of Moldovan citizens abroad and within the EU borders in the long-term and aims to improve the efficiency of fighting trans-border crime and irregular migration. It is in the strong interest of the EU to raise standards of document security in Moldova.

According to the Government Decision dated 8 February 2008, a range of institutions are made responsible for implementation of biometric passports, such as: Border Guard Service (BGS), State Enterprise "Centre for Special Telecommunications", Service for Information and Security, etc. Although the process of introduction of biometrics has started and the infrastructure of the Ministry is set up, other relevant institutions are not fully prepared and equipped to fulfil the assigned tasks. For instance, the Border Guard Service, responsible for checking the passports, lacks appropriate reading and scanning equipment, capacities and abilities to use equipment and standard procedures for the daily work.

In the area of JLS, security issues (border management, biometric passports, and freedom of movement of goods) as well as freedom of movement of persons are a major priority for the Government of Moldova and the Moldovan population in general. The achievement of tangible outcomes will contribute to the facilitation of the movement and easier access to the EU. In this regard, Moldova has been selected by the European Union Council, in December 2007, as one of the first two countries with which the Commission has to test the concept of "mobility partnership" on migration.

The mobility partnership is a framework consisting of a coherent and coordinated package of initiatives combining measures aimed at facilitating legal migration opportunities with those reducing illegal immigration and those addressing the migration and development dimension. The mobility partnership with Moldova should formally be launched in June 2008. Discussions with Member States, Commission and Moldovan authorities are already well advanced and Moldova has already expressed its expectations; many of those could be addressed through Member States bilateral initiatives or through the intervention of the EC thematic programme for Migration and Asylum. However, the objectives related to migration and development that constitute a priority for the Government of Moldova are not addressed through these means, and further resources are needed to support their appraisal and their implementation.

Following intensive consultations with Moldovan authorities, partner organisations in the country, and headquarters, the following areas were identified as priorities within this JLS Project: (i) improvement of capacities in border management and (ii) improvement of capacities in migration management.

2.2. Lessons learnt

The need of continued EC-funding for the JLS-sector in Moldova is undisputed. Funds should be focused on activities which already have been initiated and are in need of continuous resources in order to achieve a more significant impact (EUBAM Flanking Measures, migrant centre), as well as to new priorities and areas of intervention (biometrics, Mobility Partnership) which are interlinked and complementary.

Until now the JLS sector in Moldova was funded through a multitude of EC instruments: CBC, thematic programmes, regional and national Tacis projects. The advantage of this approach is that activities are well delimited and can be relatively well planned in advance. The disadvantage is that a comprehensive view of the sector becomes difficult and that, due to different contractual basis of projects, adaptation of projects contents and shifting of budgets is cumbersome, which leads to inflexibility in the project portfolio and a difficulty to react to new developments and priorities. The fragmentation of the portfolio induces significant transaction costs and prevents the emergence of a systemic approach to the issue of border management, border control and migration. Hence, it is preferable to put in place a larger NAP-financed JLS-project that groups together 'under one roof' the most important JLS support measures from the EC. According to *the Country Level Evaluation of the EC Assistance in Moldova 2000 - 2006* (November 2007), the EC projects have contributed significantly to the Moldovan efforts to combat trafficking/irregular migration and to enhance border management. For the JLS area, it recommends: improvement of inter-agencies cooperation, adequate application of the legal framework etc. Assessments of the EC independent monitors (MONIS) point out that generally projects operate transparently and are coordinated; beneficiaries have access to project results, ownership is ensured; commitment of authorities is high. However, the most common deficiencies relate to non-provision in due time of inputs/resources, late co-financing contributions, and absorption capacity that sometimes needs improvement.

2.3. Complementary actions

The new JLS-Project builds on a number of on-going and recently terminated projects and it will complement vital national, regional and sub-regional projects by addressing Moldova-specific needs and priorities. The ENPI National Indicative Programme Moldova 2007-2010 specifies that 25-35% of ENPI funds in that period

shall go to 'Priority area 1, Democratic Development and Good Governance'. The Project is in conformity with the National Development Strategy (NDS) (2008 – 2011) which indicates the need to regulate migratory flows and to strengthen border management.

The Project incorporates aspects of the EU Vision for an integrated European border management system (February 2008) which aims at ensuring the integrity of the Schengen area, while keeping the crossing of the external border as simple as possible for third country nationals fulfilling the entry conditions. The Project aims at implementing the EUBAM Needs Assessment and Recommendation Report (May 2006) which provides a set of (42) recommendations on improvement of border management. The Project is also consistent with the "National Action Plan to Protect the Citizens of Moldova Residing Abroad", approved by the Government in January 2008. Finally, the Project intends to respond to the EU Council Conclusions of 10.12.2007 which identify Moldova as a pilot country for the establishment of a Mobility Partnership and Circular Migration and to the wish stated by the Moldovan government authorities to be part of such a Partnership. In this regard, the project will support the issuance of biometric passports with the aim to facilitate the movement of Moldovan citizens abroad and complement other measures related to legal labour migration and reduction of illegal immigration that are already foreseen in the Mobility Partnership.

The EC is already financing a number of projects related to border and migration management:

- EUBAM assists to prevent customs fraud and crimes by providing advice and training to improve the capacity of the border guard and customs services. The mandate of the Mission was extended until November 2009. The Mission will be funded by 10 MEUR per year.
- "Improving border control and surveillance capacity in the Republic of Moldova" (EUBAM-Flanking Assistance, NAP 2007, Budget 11 MEUR) aims at establishing a communication network and equipping Border Guard and Custom Services.
- "Improvement of Border Controls at the Moldova-Ukraine border" (BOMMOLUK, TACIS 2003, 3 MEUR) focused on equipment procurement; risk analysis development and capacity building.
- MIGRAMOL Project (IOM, TACIS 2005, Budget 700,000 Euro), has established a Temporary Accommodation Centre for Migrants.
- "Elimination of human trafficking through labour market based measures in Ukraine and Moldova" (ILO, AENEAS 2005, Budget 700,000 Euro) aims to improve migration management.

However, so far, the EC did not address the relation between migration and development in Moldova.

The International Organization for Migration (IOM) implements a large project portfolio sponsored by Swedish, USA, Austrian, and Norwegian Governments and related to migration, prevention of human trafficking, assistance to victims of trafficking, raising awareness, returning migrants in the country etc. . The International Labour Office (ILO) runs a project on labour migration funded by Irish Aid.

2.4. Donor coordination

Donor-government coordination in JLS area and most of its sub-sectors is still insufficient and under-developed. Although the Ministry of Justice has initiated a dialogue with donors and organized coordination meetings in 2006 and 2007, these meetings are not yet regular and deserve a higher level of representation of stakeholders. On border management, coordination is achieved through quarterly EUBAM Advisory Board and monthly EUBAM Coordination meetings. A Technical Coordination Group on Anti-Trafficking exists under the auspices of the OSCE Mission. The UN Country Team on Justice and Human Rights is confined to the UN family only. In 2006, the Government has established a Commission for Coordination of Migration, chaired by the Ministry of Foreign Affairs and European Integration. Although it was planned to invite donors as observers to its meetings, this did not occur until now. The Mobility Partnership on migration, once established, could contribute to increase coherence, coordination and synergies between migration initiatives of the Member States and Commission in Moldova. Moreover, the Moldovans agreed, once the Mobility Partnership will be in place, to convene a "Cooperation Platform" gathering all the donors operating in the area of migration, with the aim to further improve coordination. The establishment of such Cooperation Platform is part of the results anticipated from this Project.

3. DESCRIPTION

3.1. Objectives

The overall objective of the Project is to contribute to improvement of standards in the Justice, Liberties and Security field in Moldova through targeted interventions in line with the EU-Moldova Action Plan.

The specific objectives are two and reflect the main components of the project:

1. To improve border management capacity by increasing Moldovan Border Guard and Custom Services ability detect trans-border crimes and by enhancing the inter-agencies cooperation at national and regional levels.

2. To support to the implementation of the Mobility Partnership for migration

3.2. Expected results and main activities

Expected results are:

1. The Project will also enable, if need be, to complete the data network and communication equipment to be provided from the Moldovan side as a mean to comply with the recommendations formulated by the EUBAM in relation to information and data
2. A communication and data transfer network will have been established
3. Border control/surveillance equipment will have been delivered to the BG and CS
4. As a result, the capacity of BG and CS to exchange timely and relevant information related to migration, movement of goods and border management is improved.
5. Management and responsibility of BG and CS are strengthened.
6. Capacity of relevant institutions to deal with the implementation of biometric passports is strengthened and the process is in line with international and European technical and legal norms,
7. A broad initiative on migration is launched under the auspices of the Mobility Partnership, aiming at maximising its benefits for the socio-economic development of Moldova
8. A Migration Cooperation platform is established
9. A country Migration Profile provides a basis for developing policies and formulating strategies on migration
10. Coordination among institutions is improved and the movement of Moldovan citizens abroad is facilitated, in accordance with the objectives of the Mobility Partnership with Moldova.

Main activities:

The activities of the project related to the achievement of the two specific objectives of the project are:

- 1.1. Upgrade the communication network for border guards (BG) and customs services (CS).
- 1.2. Integrate the network within the BGS's departmental resources and Moldova's integrated information system on national security;
- 1.3. Through the network, strengthen the existing the CS Integrated Customs Information System a specialised web-based IT solution dedicated to customs' applications used worldwide.
- 1.4. Provide training and capacity building for BG and CS on efficient border border and customs controls and surveillance
- 1.5. Provide training and capacity building for BG and CS (and possibly other involved services) on inter-agency cooperation and effective fight against criminal cross-border activities and organised crime management procedures
- 1.6. Tendering of equipment (limited to the budget available and in line with EUBAM recommendations)

- 2.1. Provision of training, capacity building and supply of new technology in support of the introduction of biometric passports at the Moldovan border crossing points; thorough test of the conditions for their introduction and elaboration of manuals and standards for an integrated control regime
- 2.2. Establishment of a Migration Profile (i.e. a detailed analysis of the migration characteristics, situation and impact from, in and on Moldova)
- 2.3. Support the establishment of a Migration Cooperation Platform coordinated by the Government
- 2.4. Support the identification and prioritisation of further measures in the area of: sustainable reintegration, creation of opportunities of managing entrepreneurial activities, support the establishment of policies and programmes for encouraging return, preventing youth migration, remittances, diaspora links, labour-market matching for potential migrants etc.
- 2.5. Implement priority measures prioritised as per the above agreed upon by the Commission.

Stakeholders

A stakeholder analysis has been undertaken during the identification and formulation stages, where capacities were assessed thoroughly during a permanent dialogue with EC experts and consultants: BGS and CS hold regular meetings with the EC Delegation and EUBAM. Ministry of Economy and Trade and the Ministry of Interior are closely consulted in the process of designing the Mobility Partnership.

Ministry of Information Development: Coordinates the governments' efforts to make Moldova an information society. It supervises several subordinated enterprises, notably the state enterprise 'Registru' issuing passports. It administers 44 local offices and possesses a well-developed infrastructure.

Ministry of Interior: includes Migration Bureau in charge with administration of the Temporary Accommodation Centre for Migrants and implementation of the Readmission Agreement UE - Moldova.

Ministry of Economy and Trade (MET): Comprises the Migration Policies Unit dealing with development of labour migration policies. The Unit consists only of four staff members. National Employment Agency, subordinated to the MET, is in charge with implementation of migration policies.

Border Guard Service (BGS): It is structured into four regional departments, manages circa 90 state border posts and has 5500 border guards. Its transformation from a military structured entity into a fully professional law enforcement service should be completed by 2010. The Service still includes a proportion of conscripts, being gradually replaced by professional border guards. Operational staff currently does not possess the necessary knowledge and skills to deal with all issues expected from a professional guard.

Customs Service (CS): It is structured in a Central Administration, Customs offices and Customs posts. The Service employs about 1800 customs officers. The Service has overall adequate administrative capacity/staffing and adequate knowledge of custom rules; procedures appear to be in line with international standards. However, processing capacities are low and certain aptitudes are lacking (e.g. implementation of transit procedures, the use of modern techniques of selectivity of risk analysis etc.). Both BGS and CS are central administration authorities reporting to the Government and are not subordinated to a particular Ministry. The Medium-Term Expenditure Framework of Moldova provides for a total of 42 MEUR for CS and 23 MEUR for BGS for the period 2008 – 2010.

Other possible stakeholders involved in the implementation of the migration and development component of the mobility partnership include the Ministry of Foreign Affairs and European integration and the Ministry of Social Protection, Family and Child.

3.3. Risks and assumptions

Risks:

- Deficiencies in the reorganisation process of the Border Guards and Custom Service caused by slow decision making, in particular as regards the adoption of a new legislative framework.
- The Government's limited financial resources required for a successful reform process could create some obstacles which could have a negative impact on the implementation of the project.
- High price of biometric passport prevent people to apply for it
- Limited number of trained staff in certain areas (i.g. migration management)
- The level of corruption in all services could reduce the positive impact of operation
- Possible lack of capacity to coordinate and implement necessary reforms
- Delay in the implementation due to the elections in 2009

Assumptions:

- Commitment to European integration and to reforms in the JHA sector remains high among major parts of the Moldovan government.
- Moldova continues its commitment to the Mobility Partnership on migration
- Moldova is committed to public administration reform and continues supporting the Border Guard Service's Development Strategy up to 2010.
- Moldova pursues its objective of improved relations with the EU.

- The government continues its donor coordination effort and supports improvement of decision-making process.

In order to mitigate the risks, the EC Delegation, the implementing partners and the responsible Moldovan authorities will closely monitor them and propose the necessary corrective actions, if need be. Given the sectors' peculiarities, continuous policy dialogue on sufficiently high level will be maintained.

3.4. Crosscutting Issues

The Project has a strong good governance dimension since consolidation of administrative capacities and awareness of EU policies contribute to improvement of democratic standards of governance while the human resources management will tackle the beneficiaries' service culture towards better client orientation.

4. IMPLEMENTATION ISSUES

4.1. Implementation method

Joint management through the signature of an agreement with an International Organisation (IO). The IO will satisfy the criteria laid down in article 53 quinquies paragraph 1 of the Financial Regulation and will be chosen in an objective and transparent manner - considering the delegated tasks - among the active IO in Moldova (United Nations Development Programme; World Bank; IOM etc.). The implementation of the two main components of the project will require one or two agreements, signed with one or two IO in full respect the requirements laid down in article 43 of the Implementing Rules to the Financial Regulation.

4.2. Procurement and grant award procedures

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question. The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EC external actions. The maximum possible rate of co-financing for grants is 80 %. Full financing may only be applied in the cases provided for in Article 253 of the Implementing Rules of the Financial Regulation where financing in full is essential to carry out the action in question. All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the International Organisation concerned.

4.3. Budget and calendar

The Project has a total budget of € 10 million, with the following indicative break down:

Improving border management (grant)	€ 6 million
EUBAM flanking measures	€ 3 million
Support to the establishment of communication network.....	€ 3 million
Support to the implementation of the Mobility Partnership (grant)	€ 4 million
Biometric passports.....	€ 2 million
Support to the migration and development component	€ 2 million

The Project duration will be 36 months.

4.4. Performance monitoring

Monitoring process will pursue the standard procedures. Performance will be monitored by the EC Delegation to Moldova and, where feasible, jointly with Kiev Delegation (e.g. EUBAM). Monitoring will be based on periodic assessments of progress made and achievements attained. Independent monitors (MONIS) will be also attracted in the process. The EUBAM permanent monitoring/advisory meetings will assess the process of setting up the communication network. Implementation of Mobility Partnership will be monitored by a joint committee including the Commission, the interested EU Member States and Moldova (inter ministerial working group headed by the Ministry of Economy and Trade of the Republic of Moldova).

4.5. Evaluation and audit

Regular expenditure verification and monitoring, a mid-term evaluation of the implementation process will take place. An ex-post / impact evaluation could be performed within a year after the end of Project. The Project will be subject to external evaluation and auditing to be conducted by external consultants.

4.6. Communication and visibility

It will be attained through dissemination of project achievements and outcomes. The EC Delegation will monitor that the EU Visibility Guideline is observed by implementing partners. Resources needed for visibility and communication actions will be partly allocated from activities to be implemented under this Project and from EC Delegation funds (an agreement with a specialised company in communication has been already signed). The EC participation in the steering and monitoring of the project will also contribute to ensuring EU visibility. Participation of EC Delegation in various donor thematic meetings will also increase visibility.