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THIS ACTION IS FUNDED BY THE EUROPEAN UNION

ANNEX 1

of the Commission Implementing Decision on the Action Document for EU support **to strengthen the fight against migrant smuggling and trafficking in human beings in the Western Balkans**

MEASURE

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and annual and multiannual action plans and measures in the sense of Article 9 of IPA III Regulation and Article 23 of NDICI - Global Europe Regulation.

1. SYNOPSIS

1.1. Action Summary Table

Title	EU support to strengthen the fight against migrant smuggling and trafficking in human beings in the Western Balkans
OPSYS	OPSYS Action: ACT-61600
ABAC	ABAC Commitment level 1: JAD.1104610
Basic Act	Financed under the Instrument for Pre-accession Assistance (IPA III)
Team Europe	No. However, the action should be implemented with a Team Europe approach, with the aim of launching a Team Europe initiative for the Western Balkans.
Beneficiar(y)/(ies) of the action	Western Balkans (Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, and Serbia)
Programming document	IPA III Programming Framework
PRIORITY AREAS AND SECTOR INFORMATION	
Window and thematic priority	Window 1 - Rule of Law, Fundamental Rights and Democracy Thematic priority: 2 Fight against corruption 3 Fight against organised crime / security 4 Migration and border management 5 Fundamental rights

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Sustainable Development Goals (SDGs)	Main SDG: SDG 16 – Peace, Justice and Strong Institutions			
DAC code(s)	15190 - Facilitation of orderly, safe, regular and responsible migration and mobility 15210 - Security system management and reform			
Main Delivery Channel @	Other multilateral institution – 47000 Third Country Government (Delegated co-operation) - 13000			
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Policy objectives	Not targeted	Significant objective	Principal objective
	Connectivity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Digitalisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Migration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	COVID-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	BUDGET INFORMATION			
Amounts concerned	Budget line: 15020101.03 Total estimated cost: EUR 36 000 000 Total amount of EU budget contribution EUR 36 000 000 The contribution is for an amount of EUR 36 000 000 from the general budget of the European Union for 2023, subject to the availability of appropriations for the			

	respective financial years following the adoption of the relevant annual budget, or as provided for in the system of provisional twelfths.
MANAGEMENT AND IMPLEMENTATION	
Implementation modalities (type of financing and management mode)	Project Modality Indirect management with the entity(ies) to be selected in accordance with the criteria set out in section 4.3
Relevant priorities and flagships from Economic and Investment Plan for the Western Balkans [only for the Western Balkans]	Governance, Rule of Law
Final date for concluding contribution / delegation agreements, procurement and grant contracts	At the latest by 31 December 2024
Indicative operational implementation period	72 months following the adoption of the Financing Decision

1.2. Summary of the Action

Supporting the Western Balkans in increasing their capacity to fight the smuggling of migrants and trafficking in human beings within the region, and in closer cooperation with EU Member States in line with EU standards, is a key priority of the EU. Supporting efforts to uphold the rule of law and provide a robust level of security, including through better equipping the region's partners to manage migration, is also a priority given the inter-connected nature of challenges facing the Western Balkans and the EU. This action is in support of the 2022 Communication on EU Enlargement Policy¹ and in line with the IPA III Programming Framework.

To respond to these challenges, the action aims to deliver operational support to police, including border police, and judicial authorities to strengthen international cooperation on and investigation and prosecution of migrant smuggling and trafficking in human beings. It will be implemented – in preference by a consortium – by EU Member States, pillar assessed international organisations and relevant EU agencies, in accordance with their internal rules. The primary objective is to deliver operational assistance to the region in equipment, training, operational cooperation facilitation and possibly also in human resources, in order to decrease smuggling and trafficking activities by increasing investigations, prosecutions and related arrests of smugglers and traffickers. It will mobilise EU Member States' specific expertise in the fight against the smuggling of migrants and trafficking in human beings in order to achieve an enhanced criminal justice response and border management capacity across the Western Balkans. It will also seek to strengthen the engagement of EU Justice and Home Affairs agencies (Europol, Eurojust, EBCGA/Frontex, and CEPOL) in close coordination with EU Member States.

¹ COM(2022) 528 final 12.10.2022

The action will also improve the identification of victims of trafficking and increase protection, especially of minors. This will be achieved by assisting Western Balkan partners, in cooperation with the Council of Europe, in implementing the commitments made under the Convention on Action against Trafficking in Human Beings, which aims to prevent trafficking in human beings, protect victims and prosecute traffickers.

By increasing the Western Balkans's capacity to better identify, investigate and prosecute migrant smuggling and trafficking in human beings, including through strengthened cooperation within the Western Balkans, with EU Member States, as well as through enhanced border management, the action will strengthen the rule of law across the region and increase alignment with corresponding EU *acquis*, in particular Chapters 23 - Judiciary and Fundamental Rights and 24 - Justice, Freedom and Security.

As the network of smugglers and traffickers extends beyond the Western Balkans, this action will establish synergies with EU anti-smuggling and anti-trafficking actions in Türkiye and in other regions, in particular Asia.

2. RATIONALE

2.1. Context

Enlargement context

The Western Balkans continue to face important challenges in the area of Rule of Law and are increasingly expected to deliver concrete and sustained results in the fundamental areas covered by chapters 23 and 24 of the enlargement process. In particular, the fight against organised crime groups, prevalent across the region and with international ramifications, requires a substantial increase in law enforcement and judicial means and in political commitment.

The European Council, in its conclusions of 24-25 June 2021², reaffirmed the importance of the fight against smugglers, raised serious concerns on the developments on some migratory routes requiring urgent action and called for a whole-of-route approach to tackle them, including by eradicating migrant smuggling and trafficking in human beings.

Reforms which strengthen a human-rights compliant fight against organised crime, in particular against migrant smuggling and trafficking in human beings, and the management of borders are at the forefront of upholding the rule of law and require dedicated support and attention.

The 2022 Communication on EU Enlargement Policy³ notes that organised crime remains an important security threat to the Western Balkan region. Powerful criminal networks continue to operate in and beyond the region, playing important roles in the global trade of illicit goods and in smuggling people to and within the European Union. Furthermore, the Commission notes no changes in the assessment of the generally weak track records on final convictions as regards serious and organised crime. Strong domestic support, as well as substantive capacity building are needed to step up the strategic and operational capacities of law enforcement and judicial authorities to successfully detect, investigate, and prosecute serious and organised crime cases. Intelligence-led policing, digital data exploitation, human resources commitment to anti-smuggling enforcement and prosecution, anti-corruption, and international cooperation are key strategies to be supported in that regard. Improvements are also necessary in the early identification and referral of victims, in particular those belonging to vulnerable communities, to adequate protection, support and assistance services, in line with a victim-centric, gender- and child-sensitive approach.

² European Council meeting (24 and 25 June 2021) – Conclusions, Council document EUCO 7/21 of 25 June 2021

³ COM (2022) 528 final 12.10.2022

Prevention, prosecution, and cross-border cooperation in trafficking in human being cases continue to require a more holistic approach, including special attention for intelligence-led and proactive investigations.

This action is designed to support a regional approach to enhance criminal justice systems and border management in the Western Balkans under Window 1 of the IPA III Programming Framework- Rule of Law, Fundamental Rights and Democracy. The action covers IPA III Thematic Priorities 2 - Fight against corruption, 3 - Fight against organised crime / security, 4 - Migration and border management and 5 - Fundamental rights. The action aims to propose a set of activities in two specific areas relevant to the fight against migrant smuggling and trafficking, namely a criminal justice response component and a border security component.

Providing a strong European response to migrant smuggling both outside and inside the EU is an essential part of the comprehensive approach to migration, set out in the Pact on Migration and Asylum⁴. By improving operational capacities for detecting, investigating and prosecuting organised crime groups engaging in migrant smuggling and in trafficking in human beings, including through enhanced border management, the action will directly contribute to increased safety and security in the Western Balkans and within the EU, in line with the EU enlargement policy. The action will build on and complement bilateral IPA assistance and regional assistance, in particular: the recently-adopted IPA 2022 *Individual measure to strengthen border management capacities in favour of the Western Balkans*⁵, the on-going IPA 2021 *Multi-country multiannual action plan in favour of the Western Balkans and Turkey for 2021-2022*⁶, and the EUROJUST-implemented IPA III regional project WB CRIM JUST, which aims to enhance cross border cooperation in the fight against organised crime and terrorism between the EU and the Western Balkans and within the Western Balkans, including through the setting up of joint investigation teams among the six Western Balkan partners. Other relevant support in the various Western Balkan partners via EU Member States and other actors will also be taken into consideration in order to optimise the use of EU resources.

Because of the well-known links between smuggling networks in the Western Balkans and in Türkiye, strong cooperation and synergies will be established with ongoing and possible future relevant actions in Türkiye. This will concern in particular information sharing in support of the identification, investigation and prosecution of criminals engaging in migrant smuggling and in trafficking in human beings.

Smuggling of migrants and trafficking in human beings in the region

With regards to the migratory flows via the Western Balkan route, the migratory pressure has increased at most border sections in 2022, with over 106 000 irregular border crossings and attempts registered as of 16 October (Frontex). This is almost three times as many as in the same period in 2021. The EU external border section most under pressure is Serbia's border with Hungary, followed by the border sections between Bosnia and Herzegovina and Croatia and between Serbia and Romania.⁷ The main countries of origin remain Afghanistan and Syria, but there has been an increase in arrivals of nationals of Bangladesh, Burundi, Pakistan, Tunisia, India, Iran and Morocco.

The demand for migrant smuggling by migrants transiting the Western Balkans remains high. According to the European Union Agency for Law Enforcement Cooperation (Europol)⁸, approximately 90% of the irregular migrants that reach the EU make use of smugglers, either during parts or all of their journey. Moreover, many asylum applicants do not meet the criteria for being granted international protection⁹ and will

⁴ COM(2020) 609 final

⁵ Commission Implementing Decision (2022) 7584 of 20.10.2022

⁶ C(2021) 9716 COMMISSION IMPLEMENTING DECISION of 16.12.2021

⁷ Western Balkans – situational update (Sources: EMLO, Frontex, IOM, HU Police)

⁸ https://www.eca.europa.eu/Lists/ECADocuments/SR21_19/SR_migrant_smuggling_EN.pdf

⁹ The overall EU+ recognition rate for first instance decisions on asylum applications was 34% in 2021. https://euaa.europa.eu/sites/default/files/publications/2022-06/AR2022_factsheet9_recognition_rates_EN.pdf

eventually need to be returned. Asylum applications in Austria, Cyprus, Greece, Italy, Romania and Slovenia have been rising considerably. A large proportion of such asylum applications are rejected, as the claiming migrants have no right to international protection. Nationals of India have so far benefitted of visa free regimes in Serbia and Albania so they could enter freely in the region and be further smuggled into the EU.

The spike in irregular movements is in part linked to the newly established visa free regimes. For example, July 2022 saw the highest number of asylum applications by Bangladeshi citizens in the EU, in particular in France and Italy. In addition, an increase in smuggling activities involving nationals from Bangladesh were reported by various countries (Croatia, Romania, Slovenia) in June, July and August 2022. As a result, the EU has conducted outreach to the Western Balkans to align their visa policies with those of the EU. However, the type of response required goes beyond visa alignment and necessitates a determined action against smuggling activities.

In the Western Balkans, trafficking in human beings is recognised as one of the most pressing challenges related to irregular migration, violation of human rights and trans-border organised crime. Intensified and more complex mixed migration movements have increased vulnerability to trafficking in the region. Migrants, refugees and asylum-seekers traveling through or stranded in the region are all at risk of becoming victims of trafficking, particularly women and unaccompanied children. Organised crime groups that traffic people are well-structured and professional criminal networks, operating also internationally. They work with specialised tasks, including recruitment, transport, provision of clients, guarding of victims, or organising accommodation and food for victims. Violence, threats, manipulation and deception are used to recruit and exploit victims

The need for close cooperation with the Council of Europe and its Group of Experts on Action against Trafficking in Human Beings has been highlighted under the EU Strategy on Combatting Trafficking in Human Beings 2021- 2025¹⁰. This is also in line with the Council Conclusions on EU priorities for cooperation with the Council of Europe 2020-2022¹¹. All IPA III beneficiaries (except Kosovo¹²) have ratified the Council of Europe Convention on Action against Trafficking in Human Beings. Implementation of the Convention is monitored by the Group of Experts on Action against Trafficking in Human Beings (GRETA), which is just completing its third monitoring cycle on the implementation of the Convention among its members.

Corruption within law enforcement authorities and their involvement in migrant smuggling and trafficking in human beings in the Western Balkans is an enabling factor for these criminal activities across the region.¹³ For this reason, the action will be designed to also entail and strengthen anti-corruption measures that can directly affect the effective fight against smuggling. The fight against corruption remains a challenge for the Western Balkans and is among the key requirements for EU accession. Through the adoption of the revised enlargement methodology in February 2020¹⁴, further emphasis has been placed on the 'Fundamentals', amongst others the rule of law and fundamental rights. Research and recent events¹⁵ point to the fact that corrupt practices among police and border police and their involvement in smuggling and trafficking in human beings in the Western Balkans is an enabling factor for the continuous smuggling and trafficking in human beings across borders. For this reason, the action will be designed to also entail and strengthen anticorruption measures.

¹⁰ COM(2021) 171 final 14.4.2021

¹¹ 9283/20. 13 July 2020 - [The EU and the Council of Europe - European External Action Service \(europa.eu\)](https://european-council.europa.eu/media/en/press-room/item/30544?lang=en)

¹² In Kosovo, the GRETA monitoring methodology is being used to assess the local situation in the area of trafficking. In December 2021 a second report has been finalised and published with relevant recommendations in line with European legislation and practices.

¹³ See for example, Global Initiative Against Transnational Organized Crime, research report *Spot Prices - Analyzing flows of people, drugs and money in the Western Balkans*, May 2021

¹⁴ COM(2020) 57 final 05.02.2020

¹⁵ EU Serious and Organised Crime Threat Assessment 2021 (Europol)

A gender sensitive approach will be pursued in all parts of the action, including gender mainstreaming as well as targeted gender efforts, depending on the component. Women and girls are particularly vulnerable to, amongst other things, gender-based violence and sexual exploitation as victims of trafficking. Front-line law enforcement officers should be made fully aware of this situation and state protection service fit for the specific needs involved.

2.2. Problem Analysis

AREA OF SUPPORT #1: STRENGTHENING THE CRIMINAL JUSTICE RESPONSE

- *Short problem analysis*

Migrant smuggling is a cross-border criminal activity that puts the lives of migrants at risk, showing disrespect for human life and dignity in the pursuit of profit, and undermines the migration management objectives of Western Balkan partners and of the EU, as well as the fundamental rights of the people concerned. Migrant smuggling activities in the region remain a key concern, where organised networks responsible for the smuggling of migrants have evolved alongside the migrant crisis and are very active on the Balkan route. Stepping up the response to migrant smuggling is a common challenge for the EU, its Member States and partner countries alike. It requires a whole-of-route approach, which combines international cooperation and coordination with our partners and between the EU Member States to break the business model of smugglers. Restrictive measures in the context of the COVID-19 pandemic made migrant smuggling more complex, leading to an increased involvement of criminal networks, greater use of online smuggling strategies, higher prices and ultimately higher profits.

Migrant smuggling is, for the smugglers and their networks, a low risk and high profit criminal activity. What is more, approximately 50% of the networks involved in migrant smuggling are poly-criminal organised crime groups, involved also in other criminal activities such as trafficking in human beings, drug trafficking, excise fraud, document fraud, firearms trafficking and money laundering¹⁶. As a result, the fight against migrant smuggling should be contextualised within the larger fight against organised crime and take into account that the Western Balkans still face a high prevalence of organised groups with an international reach operating from and via the region.

In addition, **digital smuggling and technology-facilitated trafficking in human beings** represents a new challenge to law enforcement and judicial authorities, as smugglers and traffickers increasingly use digital services and tools, such as social media and mobile applications for recruitment, communication and money transfers, pick-ups and handover of migrants, providing route guidance, sharing pictures and videos of documents and tickets, and even monitoring law enforcement activities. Smugglers make use of various payment systems, ranging from online methods to underground banking systems, where money is deposited and collected upon delivery of the agreed service. Traffickers use the internet and social media to recruit and exploit victims, to arrange transports and exercise control over them, as well as to share exploitative material.

In this context, generating impact will require boosting local capacity to lead complex investigations, prosecutions and trials, and successful international police and judicial cooperation. This, in turn, will require greater commitment by local authorities in devoting the necessary resources to allow the efficient identification and prosecution of organised crime groups engaging in migrant smuggling and in trafficking in human beings, including by addressing corruption within the criminal chain and by augmenting human resources devoted to investigating and prosecuting migrant smuggling and trafficking in human beings.

¹⁶EU Serious and Organised Crime Threat Assessment 2021 (Europol)

Considering the inherent transnational nature of organised crime groups engaging in migrant smuggling and in trafficking in human beings, international law enforcement cooperation will be essential to achieve results against these groups operating in and via the Western Balkans. Law enforcement cooperation is first and foremost the exchange of police information. It is critical that law enforcement across the region significantly augment their capacity to extract information from electronic devices and motor vehicles. Extracting data from seized mobile phones and computers allows obtaining information such as names, phone numbers and whereabouts of suspects. Moreover, extracting information from motor vehicle computers allows obtaining information, *inter alia*, on smuggling routes, safe houses and possible loading and offloading sites. The analysis of such information, including of larger data sets pooled together between services from across the region and with EU Member States, will allow for the mapping of organised crime groups and their modus operandi, therefore supporting more effective investigations and prosecutions.

The European Multidisciplinary Platform Against Criminal Threats (EMPACT) is an integral security initiative driven by EU Member States to identify, prioritise and address threats posed by organised and serious international crime. It runs in four-year cycles as a multidisciplinary cooperation platform of EU Member States, supported by all EU institutions, bodies and agencies (such as the European Commission, OLAF, Europol, Frontex, Eurojust, CEPOL, EU-LISA, EFCA, EUIPO, EPPO and others). Third countries, international organisations, and other public and private partners are also associated. EMPACT currently implements 15 Operational Action Plans (OAPs) containing operational actions to combat crime in the 10 European Union priorities for 2022-2025¹⁷, including trafficking in human beings and migrant smuggling. Based on intelligence gathered, on the needs identified, and in agreement with EU Member States, this project will offer better and more opportunities for the Western Balkans to participate in EMPACT operational actions related in particular to irregular migration and trafficking in human beings, including through cross-border law enforcement operations organised in the framework of the Joint Action Days (JADs).

The Western Balkan region also remains a region of origin, transit and a destination for **victims of trafficking**. Trafficking in the region is manifested through multiple patterns, multiple forms of exploitation and multiple forms of vulnerabilities and requires multi-stakeholder and comprehensive response strategies. The complexity of trafficking in human beings calls for a comprehensive response. There is a need for overarching legal, policy, and operational initiatives to combat human trafficking in a coherent and wide-ranging manner – from prevention to conviction of criminals while emphasising the protection of victims at all stages, taking into account in particular women and child victims as well as trafficking for sexual exploitation.

Certain progress has been noted with regard trafficking legislation and policy, although gaps continue to exist and current strategies need to be updated and take into consideration also new trends, for example with regard to online and technology-facilitated trafficking¹⁸. The 2022 Communication on EU Enlargement Policy¹⁹ calls for more efforts to achieve final convictions for organised crime and underlines that the capacity of law enforcement authorities remains inadequate in this regard. Explicit reference is also made to the protection of and support to victims as an integral part of the response to trafficking in human beings. Such protection and support also involves access to justice and legal remedies as well as effective access to compensations.

According to information made available by the authorities to the Group of Experts on Action against Trafficking in Human Beings (GRETA) during the most recent reporting cycle, main anti-trafficking institutions have been established in many of the IPA III beneficiaries. They do however require further

¹⁷ CCs 8665/2 setting the 10 EU priorities: <https://www.consilium.europa.eu/en/press/press-releases/2021/05/26/fight-against-organised-crime-council-sets-out-10-priorities-for-the-next-4-years/>

¹⁸ A recent report published by GRETA in April 2022 can be accessed here: [1680a73e49 \(coe.int\)](https://www.greta.europa.eu/en/publications/1680a73e49) which presents operational and legal challenges that authorities – and to some extent NGOs – face in detecting, investigating and prosecuting online and ICT-facilitated trafficking, as well as identifying victims and raising awareness among at-risk groups. The study also explores the strategies, tools and ‘good practices’ to overcome such challenges.

¹⁹ COM(2022) 528 final 12.10.2022

strengthening and need support in the implementation of their respective strategies / national action plans. Identification of victims of trafficking, in particular child victims, unaccompanied minors and victims of trafficking for labour exploitation continues to be a challenge, albeit at varying degrees. Multi-sectorial activities, e.g. response to child trafficking, including the preliminary identification of child victims by education and health professionals require further attention. Further and continued efforts are needed to protect victims of trafficking. One of the main reasons for inadequate protection of trafficking victims, and indeed for the prosecution of perpetrators, is the failure to identify the victims. This can be done, *inter alia*, through setting up mobile teams and the development of online tools that could assist in alerting authorities of the location of victims as per the suggestions included in a recent UNODC report²⁰. Furthermore, building the awareness of frontline officers on trafficking in human beings within the context of mixed migration flows is critical. Following identification, it is essential that referral mechanisms for victims of trafficking work effectively to ensure that competent state services provide the necessary protection to victims. Training law enforcement as well as prosecutors and judges on the rights of victims and what legal procedure should take place in such cases is also paramount.

For the action to be relevant to all Western Balkan partners and to be effective regionally, analysis of specific needs in each partners shall be undertaken at the start of the action to provide relevant input in terms of gaps and needs to be addressed, including equipment, cooperation mechanisms, human resources, infrastructures, laws and capacity building. Moreover, the high number of ongoing capacity building actions across the Western Balkans will require specific efforts to avoid duplications and generate synergies. Any overlap with ongoing or future EU and EU Member States projects in the area of strengthening the rule of law, justice and home affairs and migration should be avoided. More specifically, considering other ongoing and planned actions in this area, there should be well prepared coordination and planning with regard to upcoming purchases of additional border management for partners in the region.

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

Effective action against migrant smuggling and trafficking in human beings across the Western Balkans will require a coordinated multi-stakeholder approach, involving, *inter alia*, law enforcement authorities, judicial authorities, health authorities, non-governmental organisation and civil society organisations. The ultimate beneficiaries of the action are the general public.

AREA OF SUPPORT #2: ENHANCING BORDER SECURITY

Short problem analysis

With migration pressure mounting across the Western Balkans and the overall migrant smuggling landscape rapidly evolving across the region, border management authorities are put under increasing pressure. Besides specific gaps in border checks and border surveillance equipment, the region also suffers from insufficient bilateral and multilateral cooperation/coordination mechanisms.

Strengthening the Western Balkans's capacity to perform strengthened border management is therefore critical to efficiently combatting transnational organised crime groups engaging in migrant smuggling and in trafficking in human beings. In this context of growing migratory pressure and of the prevalence of transnational organised crime groups operating in and from the region, more needs to be done to enhance

²⁰ https://www.unodc.org/documents/human-trafficking/Exploitation_and_Abuse.pdf

border management capabilities across the region to continue increasing capabilities for effective detection at both border crossing points (border checks) and between them (border surveillance).

Moreover, as until EU accession IPA III beneficiaries will not operate under a common policy and regulatory framework and will not have at their disposal the full set of EU tools (e.g. Eurodac, EUROSUR, Dublin Regulation, EU readmission agreements/arrangements with countries of origin, etc.), and despite significant progress achieved as regards the adoption of EU-aligned legal frameworks, more effort is required to foster cooperation across the region, including joint patrols, risk assessments and other information exchange mechanisms. Funding provided in this regard – in particular at the EU external borders, - should be in harmony with and complementary to measures, actions and other investments funded under the Border Management and Visa Instrument (BMVI). Frontex' cooperation with and engagement in the Western Balkan region has significantly increased in recent years, with Status Agreements now in force with three of the region's countries and one more awaiting conclusion, and two Frontex Liaison Officers now posted in the region. Building upon the increasing engagement of Frontex across the region, and in addition to the support that will be provided in the framework of the regional programme implemented by Frontex, operational support through Frontex will be further strengthened.

EU Member States and Frontex will work with Western Balkan partners, based on needs assessments to be carried out in each partner, to identify the most pressing equipment needs for both border checks (combatting document fraud) and border surveillance. Both EU Member States and Frontex will augment their operational footprint across the region by deploying additional officers and fostering operational cooperation between Western Balkan partners. Specialised training to first and second line officers will also be provided, not only allowing for gradual alignment of Western Balkan border authorities with EU Integrated Border Management (IBM) standards, but also enhancing interoperability – and therefore cooperation – across the region and with EU Member States in combatting cross-border crime. This will foster more coherent approaches within the region and between the region and the EU, which will support better migration management as well as combat cross-border crime in particular migrant smuggling and trafficking in human beings.

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

The action will mainly target relevant law enforcement agencies in the Western Balkan region, primarily border police agencies. The ultimate beneficiaries of the action are the general public.

3. DESCRIPTION OF THE ACTION

3.1. Intervention Logic

The **Overall Objective (Impact)** is to strengthen the rule of law in the Western Balkans through enhancing the fight against migrant smuggling and trafficking in human beings.

The Specific Objectives (Outcomes) of this action are:

1. The criminal justice response to identify, investigate and prosecute migrant smuggling and trafficking in human beings networks is strengthened.
2. Border management capacities to detect and prevent irregular border crossings are strengthened

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

... contributing to Outcome 1 (or Specific Objective 1):

Output 1: Increased ability of Western Balkans law enforcement to participate in EMPACT activities related to migrant smuggling and trafficking in human beings

The action will strengthen the operational capacity of Western Balkans law enforcement authorities to combat migrant smuggling and trafficking in human beings by supporting greater integration in the operational activities of the European Multidisciplinary Platform Against Criminal Threats (EMPACT), in particular the two crime priorities ‘Migrant Smuggling’ and ‘Trafficking in Human Beings’. Further integration in EMPACT activities, including in joint operations taking place under the framework of Joint Action Days, will be achieved, *inter alia*, through capacity building by EU Member States and relevant EU JHA agencies.

Output 2: Increased ability of Western Balkan law enforcement and judicial authorities to combat migrant smuggling and trafficking in human beings

The action will provide Western Balkans law enforcement and judicial authorities with tangible operational support, including through the provision of – and related training on – modern police tools and equipment allowing data extraction from digital devices and motor vehicles, the analysis of operational data, and the international sharing of criminal data in support of national and international investigations and prosecutions. Specialised training will also be provided to enhance intelligence-led investigations against organised crime.

In addition, the action will support Western Balkan partners in augmenting law enforcement and judicial authorities’ resources devoted to combatting migrant smuggling and trafficking in human beings,²¹ including when facilitated by the misuse of information and communication technologies.

Support will also be provided to facilitate the setting up of Joint Investigation Teams between EU member States and Western Balkan partners.

Finally, legislative gaps will be identified and bridged to allow more effective prosecution of criminals engaging in migrant smuggling and in trafficking in human beings.

Output 3: Improved ability of relevant Western Balkan authorities and frontline workers to identify and offer protection to victims of trafficking in human beings and refer them to competent state services

The action will provide training and operational support to frontline police and border officers to efficiently identify and provide protection to victims of trafficking in human beings, with a view to referring them to competent state services, including health, psychosocial and other protection services. Such services will also be supported. Particular attention will be given to child trafficking and trafficking for the purpose of sexual exploitation and forced labour, including through its digital dimension.

... contributing to Outcome 2 (or Specific Objective 2)

Output 4: Increased capacity of Western Balkan border authorities to detect and prevent irregular border crossings.

The action will augment the capacity of border authorities across the region to detect and intercept migrants and victims of trafficking in human beings attempting to irregularly cross borders with and across the Western

²¹ This will be achieved, *inter alia*, through deployments of EU Member States’ police officers via the Police Cooperation Convention for South East Europe (PCC SEE).

Balkans, in full respect of the principle of non-refoulement, and to identify criminals engaging in these criminal activities, The actions will also strengthen the technical ability of border guards across the region to detect fraudulent documents for the purpose of migrant smuggling and trafficking in human beings.

This will be achieved through the provision of equipment and related training, including fitted patrol vehicles, document magnifiers, thermal cameras, binoculars and electro-optical systems. It will also be achieved through an increased operational footprint of Frontex for the purpose of increasing the flow of strategic and tactical information in the prevention and fight against irregular migration and migrant smuggling, including through enhancing the operational capacity of National Coordination Centres (NCCs) for border control interoperable with the EUROSUR framework and supporting the Frontex Western Balkans Risk Analysis Network (WB-RAN) for enhancing the criminal analysis of smuggling and trafficking trends across the region.

The underlying **intervention logic** for this action is that:

If the outcomes are produced and assumptions hold true, the intervention shall contribute to strengthening rule of law in the Western Balkans and enhance their ability to identify and dismantle organised crime groups involved in the smuggling of migrants and trafficking in human beings (Impact).

If the Western Balkans are supported to tackle legislative, institutional and operational capacity gaps in the domestic criminal justice response, in particular in the area of migrant smuggling and trafficking in human beings, they will have strengthened capacity to effectively detect and dismantle criminal networks partaking in migrant smuggling and trafficking in human beings. Moreover, if the Western Balkan beneficiaries are supported to participate in EMPACT operational actions, they are likely to participate in more of these actions and thereby their criminal justice response to smuggling of migrants and trafficking in human beings will be strengthened (Outcome 1).

If the border authorities of the Western Balkan beneficiaries receive the necessary training and equipment, they will be capacitated to implement effective border control that is aligned with EU standards (Outcome 2).

3.2. Indicative Activities

Output 1: Increased ability of Western Balkans law enforcement to cooperate with EU law enforcement actors in activities related to migrant smuggling and trafficking in human beings, including through the participation in EMPACT

Main indicative activities:

- Providing technical assistance, training and expertise in data management, information exchange and joint investigations
- Setting up and supporting the activities of Joint Investigation Teams
- Supporting the organisation of anti-migrant smuggling and anti-trafficking in human beings operations (Joint Actions Days)
- Providing logistical and financial support to participate in EMPACT activities
- Deploying Member State police officers in operational support of the Western Balkan police corps²²

Output 2: Increased ability of Western Balkans law enforcement and judicial authorities to combat migrant smuggling and trafficking in human beings

²² Through, inter alia, the Police Cooperation Convention for South East Europe (PCC SEE).

Main indicative activities:

- Providing operational expertise, training and on-site mentoring and coaching on intelligence-led investigations on organised crime cases
- Providing equipment for police data management, allowing enhanced access, interoperability, and exchange of information
- Providing digital device and vehicle data extraction equipment and criminal data analysis tools, with related training
- Providing expertise and training on digital and technology-facilitated migrant smuggling and trafficking in human beings
- Funding law enforcement operations targeting criminal organisations engaging in migrant smuggling and trafficking in human beings
- Assessing, through existing research and additional analysis, legislative, institutional and structural gaps impeding successful prosecution of migrant smuggling and trafficking in human beings cases
- Setting up a network of Western Balkan prosecutors specialised in anti-organised crime prosecutions, and in particular migrant smuggling and trafficking in human beings with key EU counterparts
- Providing judicial expertise, training and on-site mentoring and coaching on anti-organised crime prosecutions
- Supporting law enforcement and judicial authorities with a view to them devoting additional human resources to combatting migrant smuggling and trafficking in human beings

Output 3: Improved ability of relevant Western Balkan authorities and frontline workers to identify and provide protection to victims of trafficking in human beings and refer them to competent state services

Main indicative activities

- Providing support to frontline officers on trafficking in human beings within the context of mixed migration flows
- Providing operational expertise, training and on-site mentoring to enhance the ability of frontline officers to identify victims of trafficking
- Providing support, expertise and good practice towards enhancing referral mechanisms for victims of trafficking to competent state services and overall coordination between competent services, in view of ensuring victims' protection
- Training law enforcement personnel, prosecutors and judges on the rights of victims and on adequate legal procedure

Output 4: Increased capacity of Western Balkan border authorities to detect and prevent irregular border crossings

Main indicative activities

- Providing specialised equipment and related training for enhanced border checks and border surveillance, including fitted patrol vehicles, document magnifiers, thermal cameras, binoculars and electro-optical systems
- Facilitating the creation and supporting the operations of joint patrolling and information sharing mechanisms
- Posting EU Member States and Frontex officers to provide on-site support to information exchange, joint patrolling and surveillance coordination, as well as overall technical assistance, mentoring and coaching
- Enhancing the operational capacity of National Coordination Centres (NCCs) for border control interoperable with the EUROSUR framework
- Supporting the Frontex Western Balkans Risk Analysis Network (WB-RAN) for enhancing the criminal analysis of migrant smuggling and trafficking in human beings trends across the region.

3.3. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

This Action does not pursue specific objectives as regards the environment and climate change. Environmental protection and climate change shall however be actively mainstreamed throughout this Action. In procuring equipment it will be ensured, as far as possible, that environmental friendly equipment, that causes as little harm and discrepancy to the environment and nature where it will be used, will be prioritised. It will also be assured that the new equipment is more energy efficient, produces less waste material and uses less resources to operate.

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 an important and deliberate objective, but not the principal reason for undertaking the programme.

The programme, in addition to other objectives, is designed to have a positive impact by meeting gender-specific needs in relevant areas. This is important in the migration context, where women and children are particularly vulnerable. Therefore, this will be fully considered throughout the support provided through this action, in accordance with the five pillars of the EU Gender Action Plan III (GAP III).²³ Design of relevant activities can build on gender analysis that has been conducted during previous action implementation in related programmes and during the inception phase of the programme further assessments will be conducted in this regard.

The strengthening of border management, including identification and registration of migrants, will improve capacities of border officials to detect and identify victims of trafficking in human beings and ensure these vulnerable groups, who are often women and children, are referred to the relevant services and have their protection needs met. As regards the work taken forward by Frontex, the specific gender-based needs of those on the move shall be promptly identified and addressed.

The Council of Europe Convention on Action against Trafficking in Human Beings calls on authorities to pay particular and constant attention on the needs of women and children victims of trafficking. Gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during trafficking investigations and trials. This is particularly true for some categories of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities.

With regard to victims of trafficking, authorities in IPA III beneficiaries, in particular police and prosecutors, need to further build their capacities to provide special protection to women victims of trafficking. This implies building an understanding about the traumas of sexual violence and consequences that trafficking for the purpose of sexual exploitation has for victims. They are also required to ensure that in the investigation of trafficking, where potential victims are women, there are women working as police officers included as investigators.

Throughout the action implementation equal participation of women will be prioritised and gender perspectives will be integrated as a crosscutting priority. The action will work with partners to ensure a

²³ https://international-partnerships.ec.europa.eu/system/files/2021-01/join-2020-17-final_en.pdf

balanced representation of women and men among action beneficiaries to the greatest extent possible (e.g. the action will not propose or accept single-gender workshops, panels, etc.). At project level, gender specific indicators will be developed, and all quantitative project data will be aggregated by gender.

Human Rights

The Action will ensure that human rights are respected at all times, and activities follow a human rights-based approach. The Action will improve the capacities of border officials to safeguard the basic rights of migrants, including vulnerable groups through increasing capacities to manage borders in line with EU and international Standards. The Action aims to equip the targeted IPA III beneficiaries with the tools to detect cross-border crime, including trafficking in human beings and smuggling of migrants and improve mechanisms for identification of victims. As such, the action is specifically designed so as to strengthen systems that guarantee the respect of human rights. In addition, improvement of border management and security will also improve the right of all citizens, especially related to freedom of movement and safety.

Disability

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0.

3.4. Risks and Lessons Learned

Category	Risks	Likelihood (High/Medium/Low)	Impact (High/Medium/Low)	Mitigating measures
People and the organisation	Risk 1: Limited interest, trust, and/or stakeholders' buying into the foreseen activities.	L	L	Lack of interest, trust and/or buy-in will be addressed through the demonstration of concrete results that can be derived from the cooperation. While specific activities will be planned and consulted with the Western Balkans, including at the technical and strategic level, specific work plans can be adjusted should there be limited interest. Awareness-raising and regional capacity-building activities are also expected to contribute to strengthened networking and trust-building, creating favourable conditions at the technical/operational level to counterbalance possible negative developments at the political level. Regular dialogue and coordination with DG NEAR, DG HOME and EU Delegations/EU Office is foreseen to ensure beneficiary buy-in.
People and the organisation	Risk 2: Political instability/tension, and/or complex institutional and	M	M	The action will adopt a flexible approach in planning and implementation of its activities. The action might be redirected to focus on

	jurisdictional set-ups may disrupt or delay activities.			specific beneficiaries if cooperation is disrupted in one beneficiary. A strong link between the action delivery and the policy engagement between the EU and the region is seen as a mitigation strategy.
People and the organisation	Risk 3: Limited absorption capacity in Western Balkans namely due to other (inter)nationally supported activities and/or limited availability of counterparts/experts.	M	M	Implementing partners will be responsible to ensure coordination with EU Delegations/EU Office as well as with other donors in the region with a view to better streamline the various activities. Some aspects of the coordination is expected to be supported by the Integrative Internal Security governance platform.
Planning processes and systems	Risk 4: Insufficient coordination among institutions and other projects or donors.	M	M	A good level of communication will be upheld with other EU projects in this area of support to ensure coordination and avoid overlapping. Donor coordination at beneficiary-level will be encouraged with a wide range of stakeholders.
Legality and regularity aspects	Risk 5: Misuse of equipment, in particular with regards to collection of personal data.	M	M	An adequate system for the processing of personal data is a prerequisite and must be in place to ensure data collection is done in accordance with the right to integrity and other relevant legal acts on personal data.
People and organisation	Risk 6: Fundamental rights of migrants seeking international protection are not fully respected	M	H	The Action will at all times support the Western Balkan partners to maintain the highest standards of treatment of migrants in line with international and EU standards. Necessary capacity building will ensure sustainability of results.

Lessons Learned:

A robust result monitoring framework will be integrated into the management system of the action with a monitoring system that gathers through a structured and regular process centrally relevant, comparable, and aggregated data across all IPA III beneficiaries and at IPA III beneficiary-specific or regional action level during the implementation.

A recent audit of EU assistance to rule of law related reforms in the Western Balkans²⁴ region found among other issues that the EU should deploy clearer strategies to address political will or at times lack thereof on the side in IPA III beneficiaries to undertake reform. While this action will not have a specific conditionality attached to its implementation, a comprehensive, multi-dimensional approach will aim at including all relevant stakeholders in a strategic manner. To increase accountability, monitoring will be put in place to see if IPA III beneficiaries sufficiently own the processes supported under the action, for example when providing recommendations for certain legislative or policy reforms. The action will track processes until finalised and analyse and report on how recommendations have been taken on board by the IPA III beneficiaries.

²⁴ Court of Auditors: EU support for the rule of law in the Western Balkans
https://www.eca.europa.eu/Lists/ECADocuments/SR22_01/SR_ROL-Balkans_EN.pdf

3.5 Indicative Logical Framework Matrix

Results	Results chain: Main expected results	Indicators	Baselines	Targets	Sources of data	Assumptions
Impact	To strengthen rule of law and security in the Western Balkans through enhancing the fight against migrant smuggling and trafficking in human beings	Indicator on the readiness of the Western Balkans on the fight against organised crime (source: European Commission Enlargement Package Reports).	Readiness value (2022) 1.8 (package 2022)	Readiness value increase 2022-2027	Commission reports under the Enlargement package	<i>Not applicable</i>
Outcome 1	Criminal justice response in the Western Balkans to dismantle criminal networks involved in migrant smuggling and trafficking in human beings strengthened	<p>A) Number of relevant policies and legislation i) adopted and/or ii) implemented with EU support (IIPA PF)</p> <p>B) Number of a) indictments and b) convictions for trafficking and migrant smuggling related offenses in IPA III beneficiaries</p> <p>C) Number of EMPACT Operational Actions in the OAPs on Migrant Smuggling and trafficking in human beings , in which Western Balkans participate</p>	<p>A) Number to be identified during inception phase</p> <p>B) Number to be identified during inception phase</p> <p>C) Number to be identified during inception phase</p>	<p>A) Increased number by 30%</p> <p>B) Increase as compared to regional total of previous year</p> <p>C) increase as compared to regional total of previous year</p>	Beneficiaries reports, CSOs reports, testimonies of victims; protection networks reports, implementing partners reports	<p>Approaches to fight organised crime and corruption keep up with changing threat picture</p> <p>Approaches are implemented in a rule of law compliant manner</p> <p>Political will and commitment to reform rule of law approach</p> <p>Interest and commitment of the stakeholders is maintained, adapted and developed throughout the evolution of the context.</p>

						Ownership of beneficiaries is respected in implementation.
Outcome 2	Strengthened capacities of Western Balkans to effectively manage their borders	Level of alignment with European integrated border management standards	Low level of alignment	Increased level	Beneficiaries reports, CSOs reports, testimonies of victims; protection networks reports, implementing partners reports Commission Enlargement package reports	
Output 1 related to Outcome 1	Ability of Western Balkans law enforcement to participate in EMPACT activities related to migrant smuggling and trafficking in human beings increased	A) Number of i) judges, ii) prosecutors and iii) lawyers and iv) court staff trained with EU support on European standards and EU <i>acquis</i> (IPA PF) B) Extent to which cooperation on migrant smuggling and trafficking in human beings cases has improved	A) 60 B) Low level of cooperation	A) 240 B) Increased level	Beneficiary countries reports, CSOs reports, testimonies of victims; protection networks reports, implementing partners reports	Willingness to cooperate and adopt EU tools and practices including through committing necessary staff and other resources and working regionally
Output 2 related to Outcome 1	Ability of Western Balkans law enforcement and judicial authorities to combat migrant smuggling and trafficking in human beings strengthened	A) Number of investigations on migrant smuggling and trafficking in human beings B) Number of individuals trained who report an increase in knowledge of relevant European standards and EU <i>acquis</i>	A) Number to be identified during inception phase B) 0	A) Increased number by 30% B) 300	Beneficiary countries reports, CSOs reports, testimonies of victims; protection networks reports, implementing partners reports EU Member States reports	Willingness to implement recommendations and dedicate relevant staff
Output 3 related to Outcome 1	Ability of Western Balkans relevant authorities and frontline workers to identify and offer protection to victims of trafficking in human beings	A) Number and Percentage of proposals for measures provided by the Action included in relevant policy, legislation and practice.	A) To be identified during inception phase	A) Increased number by 30%	Beneficiaries reports, CSOs reports, testimonies of victims;	

	and refer them to competent state services	<p>B) Number of detected and identified victims of trafficking</p> <p>C) Number of victims referred to a mechanism</p>	<p>B) To be identified during inception phase</p> <p>C) Number to be identified during inception phase</p>	<p>B) Increased number by 30%</p> <p>C) Increased number by 30%</p>	<p>protection networks reports, implementing partners reports</p>	
Output 4 related to Outcome 2	Capacity of border law enforcement forces to detect and deny <u>prevent</u> irregular border crossings strengthened	<p>A) Number of OCGs dismantled</p> <p>B) Number of exchanges through Western Balkans Risk Analysis Network (WB-RAN)</p>	<p>A) 0</p> <p>B) To be defined during inception phase</p>	<p>A) To be defined</p> <p>B) 30% increase</p>	<p>Beneficiaries reports, CSOs reports, testimonies of victims; protection networks reports, implementing partners reports</p>	<p>Resources committed to adequately resource border police.</p>

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement with the IPA III beneficiaries.

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 72 months from the date of adoption by the Commission of this Financing Decision.

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

4.3 Methods of implementation

- Indirect Management with one or more pillar assessed entities

This action will be implemented with one or more pillar assessed entities which will be selected by the Commission's services using the following criteria:

- Specific technical expertise on providing capacity-building and operational support on criminal investigations, in particular related to migrant smuggling and trafficking in human beings, including on specialised techniques and through the provision of equipment;
- Management capacity demonstrated through implementation of previous activities in the sector;
- Track record of engagement with the Western Balkans.
- Co-operation involving more than two EU Member States will be considered an asset
- The implementation by this/these entity(-ies) entails undertaking all necessary actions, including through direct implementation of activities and conducting budget implementation tasks (procurement and grants award procedures as relevant), to achieve the outcomes of its own action.

Exception to the non-retroactivity of costs

The Commission authorises that the costs incurred may be recognised as eligible as of 1 January 2023. This is necessary due to the high political importance of the programme and to ensure continuation between ongoing actions implemented by the aforementioned implementing partners.

This action is expected to be implemented - in preference by a consortium - by EU Member States, pillar assessed international organisations and relevant EU agencies, in accordance with their internal rules.

4.3.1. Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances

Direct Management (Grants)

a) Purpose of the grants

Implement the Action in accordance with the outputs under 3.2.

b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to no pillar assessed entity apt to implement the action selected using the criteria mentioned under 4.3. The recourse to an award of a grant without a call for proposals is justified based on Article 195 (f), namely for activities with specific characteristics that require a particular type of body on account of its technical competence, its high degree of specialisation or its administrative powers, on condition that the activities concerned do not fall within the scope of a call for proposals. This procedure will only be used in case no pillar assessed entity apt to implement the action is found. A direct grant may then be awarded to a non-pillar assessed entity that successfully fulfils the criteria mentioned under 4.3.

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)
Methods of implementation – cf. section 4.3 indirect management	
Outcome 1	30 000 000
Outcome 2	6 000 000
Evaluation – cf. section 5.2 Audit – cf. section 5.3	Will be covered by another Decision
Communication and visibility – cf. section 6	Will be covered by another Decision
Contingencies	N/A
TOTAL	EUR 36 000 000

4.6. Organisational Set-up and Responsibilities

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

The Action will be managed from European Commission Headquarters (DG NEAR) and closely coordinated with the relevant EU Delegation/Office in each Western Balkan beneficiary. In designing and implementing activities related to specific procurement activities and Outcomes to be addressed by this Action, the implementing Agency/Organisation will closely co-ordinate with relevant counterparts and the Commission to ensure alignment with EU policy goals and the relevant EU *acquis* under Chapter 24 - Justice, Freedom and Security. Close consultation will be ensured with DG HOME.

A Steering Committee and/or other governance structure involving the Commission, beneficiary counterparts and the Action implementing agency/organisation will be set up to ensure overall management support and strategic guidance to the Action. The Steering Committee will advise on major programmatic decisions, ensure appropriate circulation of information and harmonisation of best practices, and assess risks to individual activities within the cycle of the Action. The active participation of governmental partners in planning, implementation, evaluation and monitoring of activities will be a critical element, in order to ensure that activities reflect the needs and priorities on the ground, and to enhance sustainability of results. Each project will participate in relevant beneficiary-level coordination mechanisms as well as any IPA coordination meetings organised by the EU Delegation/Office.

Regular meetings will be organised under this programme, with the inclusion of additional actors upon invitation, such as interested International Organisations and EU Member States. Such meetings will be convened by the lead EU Member State and/or Commission and will be chaired by the Commission. They will enable the Commission to provide a political steer to the activities under the programme and discuss the latest trends and challenges.

4.7. Pre-conditions

Effective and timely implementation of the Action is not dependent on any legal or institutional changes or any pre-conditions. The Commission reserves the right to take appropriate measures, including by re-directing activities in consultation with implementing partners, if it assesses that necessary accompanying measures by beneficiaries are not in place. The assessment of the Commission will rely on reporting by implementing partners, monitoring of the action and dialogue with beneficiaries.

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 end, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and submit 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 log frame matrix.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by it for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews). As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

5.2. Evaluation

Having regard to the importance of the action, mid-term and final evaluations will be carried out for this action or areas of support contracted by the Commission.

It will be carried out for problem solving, learning purposes, in particular with respect to ensuring that the action is contributing directly to achievement of the outcomes. Evaluations will also be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in

particular the fact that this is an innovative action that will need to be closely monitored to ensure impact and results are maximised throughout the project cycle.

Should the evaluation be contracted by the Commission, the Commission shall form a Reference Group (RG) composed by representatives from the main stakeholders at both EU and national (representatives from the government, from civil society organisations (private sector, NGOs, etc.), etc.) levels. If deemed necessary, other donors will be invited to join. The Commission shall inform the implementing partner at least 60 days 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 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, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

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. STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

Visibility of EU funding and communication about objectives and impact of Actions are a legal obligation for all Actions funded by the EU, as set out in the EU communication and visibility requirements in force.

In particular, the recipients of EU funding shall acknowledge the origin of the EU funding and ensure its proper visibility by:

- providing a statement highlighting the support received from the EU in a visible manner on all documents and communication material relating to the implementation of the funds, including on an official website and social media accounts, where these exist; and
- promoting the actions and their results by providing coherent, effective and proportionate targeted information to multiple audiences, including the media.

Visibility and communication measures shall be implemented, as relevant, by the national administrations (for instance, concerning the reforms linked to EU budget support), entrusted entities, contractors and grant beneficiaries. Appropriate contractual obligations shall be included, respectively, in financing agreements, delegation agreements, and procurement and grant contracts.

The measures shall be based on a specific Communication and Visibility Plan, established and implemented in line with the EU communication and visibility requirements in force. The plan shall include, inter alia, a communication narrative and master messages for the Action, customised for the various target audiences (stakeholders, civil society, general public, etc.)

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.

It is the responsibility of the implementing partner(s) to keep the EU Delegations/Office and the European Commission fully informed of the planning and implementation of the specific visibility and communication activities.

7. SUSTAINABILITY

The Action has been designed to ensure the long-term sustainability of its results. The sustainability of results will be achieved through the increased effectiveness of Western Balkan partners to combat migrant smuggling and trafficking in human beings and to regularly use new equipment, IT tools, instruments, knowledge and skills in everyday operations. The sustainability of equipment supplied through the Action will be guaranteed through existence of long-term maintenance and other ancillary contracts accompanying the purchasing and capacity-building within or in complement to the present Action. Coupling capacity building with the modernisation of equipment will improve the efficiency of the relevant authorities as a whole and ensure sustainable results.

The Action will foster the cooperation between the Western Balkans and the EU Justice and Home Affairs agencies, which will remain invested in the region and in the EU's security cooperation. The activities will allow for a change in mind-set, which will be maintained beyond action implementation.

Implementers of the various activities will stress the importance that trained officials and contact points remain at these positions for a significant amount of time or that a proper internal handover is ensured so that the competencies acquired will remain in the institutions and not attached to the person itself. They will also stress the need for a sufficient allocation of specific budget to ensure that the cooperation initiated under this action continues beyond its duration.