

Project Fiche – IPA Multi-Beneficiary programmes / Component I

1 IDENTIFICATION

Project Title	Fight against organised crime: International Cooperation in Criminal Justice
CRIS Decision number	2013/024091
Project no.	02
MIPD Sector Code	2. Justice and Home Affairs
ELARG Statistical code	01.24 - Justice, freedom and security
DAC Sector code	15130
Total cost (VAT excluded)¹	EUR 5 000 000
EU contribution	EUR 5 000 000
Management mode	Centralised indirect management
Responsible Unit	Unit D3, Regional Cooperation and Programmes, DG Enlargement of the European Commission
Implementation management	The programme will be implemented by an EU mandated body on an Indirect Centralised Management basis by the European Commission in accordance with Article 54a paragraph 2(c) of the Financial Regulation ² and the corresponding provisions of the Implementing Rules ³ .
Implementing modality	Stand alone project
Project implementation type	Delegation Agreement
Zone benefiting from the action(s)	Western Balkans: Albania, Bosnia and Herzegovina, Croatia, Kosovo*, the former Yugoslav Republic of Macedonia, Montenegro, Serbia

¹ The total project cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

² Regulation 1605/2002 (OJ L 248, 16.9.2002, p.1)

³ Regulation 2342/2002 (OJ L 357, 31.12.2002, p. 1)

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

2 RATIONALE

2.1 PROJECT CONTEXT: ISSUES TO BE TACKLED AND NEEDS ADDRESSED

One of the main challenges in fighting organised crime - apart from achieving the necessary political will in the countries – is the cross border nature of many organised crime groups. In order to effectively investigate and prosecute criminal groups, it is necessary to have strong regional cooperation between law enforcement and judicial bodies and to build effective networks between them. The project aims at improving Beneficiaries' capacities to carry out joint investigations and exchange information in prosecutions involving trans-border criminal organisations, thus combating organised crime and linked corruption cases with cross-border implications.

2.2 LINK WITH MIPD AND NATIONAL SECTOR STRATEGIES

The IPA Multi-Beneficiary (MB) MIPD 2011-2013⁴ identifies as a priority for IPA assistance the support for regional cooperation between law enforcement agencies and judicial authorities to fight organised crime and terrorism, complementing efforts at a national level, particularly as it facilitates networking and sharing of best practices and lessons learned in the region. In fact, in the regional context, the objectives are to strengthen regional and international cross-border cooperation mechanisms between law enforcement agencies and judicial authorities in the combat of the various forms of organised crime and corruption, through networking, mutual legal assistance, transfer of proceedings, requests for extradition, joint investigation teams and witness protection programmes.

2.3 LINK WITH ACCESSION PARTNERSHIP (AP) / EUROPEAN PARTNERSHIP (EP) / STABILISATION AND ASSOCIATION AGREEMENT (SAA) / ANNUAL PROGRESS REPORT

This project takes into account the objectives and priorities set out in the European and Accession Partnerships with the IPA Beneficiaries, and recent Progress Reports, which contain relevant provisions on justice, freedom and security and provide the long-term basis for continued cooperation in the field. Regarding regional issues and international obligations, IPA Beneficiaries still need to enhance cooperation with their neighbours, notably on cross-border cooperation, the fight against organised crime, trafficking and smuggling.

The project is designed in accordance with the recognized challenges of the system, taking into account all the below-stated documents and opinions expressed in them. As such, it will contribute to strengthening international law enforcement cooperation in the fight against organized crime and corruption, and better understanding EU best practice in justice and law enforcement area.

⁴ C(2009)5418

Albania

European Partnership

The project will help achieve short-term priorities set up in the European Partnership (EP) such as: achieving further results in the fight against organized crime; increasing cooperation between different government structures involved in the fight against organized crime and terrorism, especially between judicial and police authorities; taking further measures in establishing coherence and coordination in intelligence gathering, as well as systems of data processing; and increasing the use of special investigative means (i.e. interception of telecommunications and use of confidential information).

The medium term priorities in the EP relevant for this project are: achieving considerable progress in percentage, the number and quality of prosecutions for offenses relating to organized crime and trafficking, as well as in terms of seizure of proceeds of crime; and further increasing international cooperation in combating organized crime and terrorism.

Progress Report 2011

There has been progress in the area of external borders and Schengen. The Border and Migration Police (BMP) has limited access to the MEMEX criminal intelligence system (software). Further deployment of this system to border crossing points is necessary in order to increase the development of intelligence-led policing. BMP threat assessment capacities also need to be strengthened. Further joint efforts are needed to combat all types of cross border crime, including trafficking of stolen vehicles.

There has been some progress in the field of police cooperation and the fight against organised crime, the latter being among the key priorities of the Commission's Opinion. The police needs to increase its capacity to provide reliable evidence for tracking suspicious transactions. Common standard operating procedures between police and prosecution need to be developed in order to further enhance cooperation and trust between them. By-laws of the Judicial Police Law are adopted and need to be implemented. The operational capacities of the forensic laboratory, covert policing and witness protection services need to be further supported.

Bosnia and Herzegovina (BiH)

The European Partnership

The European Partnership (EP) with BiH includes short term priorities relevant to this project such as reinforcing the fight against organised crime and international cooperation with law enforcement agencies, including by means of proper implementation of international conventions.

The medium term priorities in the EP relevant for this project are: ensure continued improvement of the enforcement record regarding money laundering; ensure that law enforcement bodies are properly equipped to fight drug trafficking; achieve satisfactory inter-agency and international cooperation, leading to considerably improved results in this area; fully implement police reform; achieve significant results against organised crime, all types of trafficking and terrorism and ensure proper prosecution.

One of the aims of the Stabilization and Association Agreement is to support the efforts of BiH to strengthen democracy and the rule of law. In Article 6 BiH commits itself to continue and foster cooperation and good neighbourly relations with the countries of the region including an appropriate level of mutual concessions concerning the movement of persons,

goods, capital and services as well as the development of projects of common interest, notably those related to combating organised crime, corruption, money laundering, illegal migration and trafficking, including in particular in human beings, small arms and light weapons as well as illicit drugs. This commitment constitutes a key factor in the development of the relations and cooperation between the Community and Bosnia and Herzegovina and thus contributes to regional stability."

Progress Report 2011

Little progress was made in the fight against drugs. BiH remains a transit country for international trafficking of narcotics. Organised crime groups linked with drug trafficking continued to operate through its territory. BiH remains at an early stage in the fight against drug trafficking. The performance of law enforcement agencies in the fight against drug trafficking is still uneven across the country.

BiH made some progress in the field of police, albeit uneven. Institutions created by the police reform laws were established at a slow pace. The lack of institutionalised cooperation between all law enforcement agencies and the limited strategic guidance remain challenges to achieve more efficient policing.

BiH is also at an early stage of addressing the fight against organised crime. Effective, sustainable and institutionalized mechanisms for cooperation between different law enforcement agencies are missing. Strategic coordination and priority-setting in tackling organised crime continue to be sporadic. BiH remains at an early stage in the fight against terrorism. Practical efforts are needed in the fight against financing of terrorism.

Croatia

Progress Report 2011

According to the 2011 Progress report, good progress can be reported in the field of justice, freedom and security, where the overall level of alignment with the acquis is advanced. On asylum, the legal framework was strengthened. Attention needs to be paid to improving the integration of persons granted protection in Croatia, and to the protection of minors among irregular migrants. Alignment with the EU acquis on visas needs to continue. Progress has been made as regards external borders. Strengthening of the Border Police has continued with regard to staffing and equipment. Croatia needs to focus on the timely implementation of the revised IBM Action Plan. Progress has been made in the field of judicial cooperation in civil and criminal matters. Good progress can also be reported in the fight against organised crime and against drugs.

Monitoring report on Croatia's accession preparations

In the areas of judicial cooperation in civil and criminal matters, an agreement on mutual execution of criminal judgments with Montenegro, as well as an extradition agreement with the former Yugoslav Republic of Macedonia, were signed in October 2011. Efforts need to continue to align legislation and strengthen the institutional framework and the communication between authorities on judicial cooperation.

With regard to police cooperation and the fight against organised crime, good cooperation with Europol has continued. Technical preparations and staff training with a view to the establishment of the Supplementary Information Request at the National Entry (S.I.Re.N.E) Office and of the National Office for the Schengen Information System (S.I.S.) have advanced. However, the regulatory framework for these offices is still missing.

Various trainings took place on the fight against organised crime, including on strengthening criminal intelligence analysis and on anti-money-laundering. A monitoring system to fight corruption in border management is in place. The track record on organised crime has continued to develop, notably with a number of investigations and convictions in the field of drugs smuggling. The level of confiscated assets needs to be increased. Attention should be paid to the coordination of criminal and financial investigations as well as to the implementation of the legal framework in the field of fight against trafficking in human beings.

The capacities of the national police office for the suppression of corruption and organised crime (PNUSKOK) have been strengthened through ad-hoc staff trainings. Inter-agency cooperation on exchanging data on transactions of suspected money laundering and terrorist financing is now facilitated by the signature of an annex to the protocol on cooperation between authorities dealing with corruption, organised crime and the associated crimes of money laundering and financing of terrorism.

Montenegro

European Partnership (EP), and Stabilization and Association Agreement

The European Partnership (EP), and Stabilization and Association Agreement (SAA) stress the need to improve rule of law, judiciary independence and efficiency, improving the functioning of the police and other law enforcement authorities, providing adequate training and fighting corruption and organized crime.

Progress Report 2011

Progress has been made in the area of police cooperation and the fight against organised crime. Montenegro stepped up its efforts to strengthen the fight against organised crime based on threat assessment and proactive investigations, increased cooperation with regional and EU partners, efficient processing of criminal intelligence and enhanced law enforcement capacities and coordination, and to develop a solid track-record in this area. Regional and international police cooperation has improved, and the number of investigations and convictions in the area of organised crime has gradually increased. During the reporting period, Montenegro successfully conducted a number of police operations in close cooperation with Interpol, Europol and some EU Member States, which lead to the indictment of 22 persons. An international law enforcement coordination unit (ILECU) has been formally established to improve cooperation and investigations in cases with a foreign dimension. Montenegro continued to cooperate with Interpol and other relevant organisations. The police signed a bilateral agreement with the Italian police on cooperation in the fight against organised crime and drug trafficking.

The policy framework in this area has improved. An action plan for the period 2010-2012 for the fight against organised crime and corruption has been adopted, along with a police development and operational strategy for the period 2011-2013. The new Criminal Procedure Code (CPC) established a prosecutor-led investigation model, extended the use of special investigative measures, and extended confiscation of criminal assets. An organised crime threat assessment has been developed and further steps were taken to establish an intelligence-led policing (ILP) model. A joint investigation team has been put in place and an undercover unit set up within the Criminal Police Directorate. Cooperation and coordination between police and prosecution need to be improved. Use of special investigative measures is rare and hampered by the lack of adequate equipment and specialised human resources.

Police and prosecutors' capacity to conduct financial investigations, trace criminal assets and present related evidence before the courts remains to be strengthened. Intelligence-led policing is still at an initial stage and remains to be implemented across the country. The ILECU is not yet fully functional and crime mapping is at initial stage.

There has been some progress in the fight against terrorism. The government adopted a strategy for preventing and combating terrorism, money laundering and terrorist financing for the period 2010–2014, along with an action plan for implementing the strategy for the period 2010–2012. Capacity to detect and address activities possibly linked to terrorism remains limited.

The former Yugoslav Republic of Macedonia

Accession Partnership

The Accession Partnership underlines the importance of continuation with the implementation of the Set of Action Oriented Measures for the Fight against organised crime. It calls for providing adequate funding and training for implementation of the police reform, strengthening coordination and cooperation both among police bodies and between the police and other law enforcement agencies and strengthening cooperation between the criminal police and the public prosecutors.

Progress Report 2011

Some progress can be reported on police cooperation and the fight against organised crime. An international law enforcement coordination unit in charge of the exchange of police and intelligence information (ILECU) was established within the Ministry of Interior. There has been active regional and international law enforcement cooperation, including through Interpol channels. Cooperation with Europol, via a contact point, was also good. The conclusion of an operational agreement with Europol will significantly facilitate exchange of analytical data in order to improve the fight against organised crime and terrorism.

The Act of Systematisation also introduced changes to the Organised Crime Department of the Ministry of Interior, improving its functionality and integration into the national and international criminal investigation intelligence system. All services dealing with organised crime are now within the Centre for Suppression of Organised and Serious Crime, which will comprise the National Intelligence Database and National Coordination Centre in charge of strategic planning and intelligence gathering.

The direct involvement of the Minister of Interior in authorising the use of interceptions remains in place and the Law on interception of communications has yet to be amended. The overly restrictive and centralised application of the interceptions inadequately addresses the increasing threat of organised crime. The customs administration and the financial police have no technical capacity to apply special investigative measures. The number of interceptions used in organised crime cases is relatively low. Generally, the use of special investigative techniques is still rare and needs to be increased, as does the systematic use of financial investigations.

Structural problems are still evident in law enforcement agencies combating organised crime. Substantial efforts are needed to ensure the full implementation of the police reform in practice, as well as to ensure the establishment of the National Intelligence Database. Concerns remain in connection with the politicisation of the police. Some progress can be reported in the fight against terrorism.

Serbia

Commission Opinion on Serbia's application for membership of the European Union from October 2011

The fight against organised crime has been intensified, resulting in several major operations in suppressing international drug smuggling channels and regional criminal networks, with the intensive cooperation of prosecution and police structures with counterparts in neighbouring countries, USA and Latin America. The fight against corruption and organised crime has been enhanced, particularly following substantial reforms in the judiciary, the setting-up of the Anti-Corruption Agency and the stepping-up of international cooperation in criminal matters. This has led to initial results. The main challenges remain in the areas of the judiciary, the fight against corruption and the fight against organised crime. In particular, a proactive approach in the fight against corruption leading to a credible track record of opened investigations and final convictions remains to be built up. Money laundering and drug smuggling are key areas of concern and the track record of investigations and convictions needs to be built up further. Capacity for proactive and better coordinated investigations and enhanced cooperation at regional and international levels also remain to be further developed. Technical capacity to carry out special investigative measures should be developed within the law enforcement bodies, under the direct control of the judiciary.

Analytical Report 2011

Organised crime remains a serious concern in Serbia. Although criminal investigations have been launched in a number of organised crime cases, final convictions remain rare. Capacity to carry out complex, in particular financial, investigations needs to be built up. Certain specialised services, in particular the unit for witness protection, lack sufficient staff, resources and adequate premises. The level of inter-agency cooperation, information flow and exchanges between law enforcement agencies needs to be improved. A centralised criminal intelligence system has not been established and there is a lack of harmonised statistical data. Risk assessments and crime mapping need to be used more broadly and intelligence-led policing needs to be developed. The dependence of the police on the security intelligence agency to carry out certain special investigative measures in criminal investigations is not in line with EU standards.

Kosovo

Progress Report 2011

Kosovo has achieved mixed progress in the area of justice, freedom and security. Steps have been taken by the Ministry of Internal Affairs to prepare Kosovo for issuing biometric passports. Good progress has been achieved by adopting adequate legislation and improving the reliability of civil registries. Further efforts are still needed to ensure security of documents. Kosovo has made limited progress on addressing money-laundering and economic/financial crime. A gradual transfer of the responsibilities of the financial intelligence centre from the European Union Rule of Law Mission EULEX to Kosovo authorities has started. Kosovo's capacity to investigate and prosecute economic crimes remains limited. Economic/financial crime and money-laundering remain serious concerns. The police increased the number of seizures and arrests for narcotics offences, including trafficking, but the amounts seized are still limited. Efforts to fight drug-trafficking need to be significantly stepped up to match the scale of the challenge Kosovo is facing. Some progress has been achieved in policing. The police took on increased responsibilities from NATO

Kosovo Force KFOR. Now, they need to address structural and organisational challenges and improve their ability to fight complex types of organised crime.

Limited progress has been made on tackling organised crime. A number of searches, arrests, indictments and convictions have been achieved in organised crime cases. A more proactive approach by the law enforcement agencies and judicial authorities is needed to tackle organised crime. Human and technical capacity needs to be strengthened and the quality of investigations considerably enhanced. Kosovo's capacity to fight organised crime is still at an early stage. Serious efforts are needed to address this challenge.

2.4 PROBLEM ANALYSIS

Strengthening the rule of law has been identified as a continuing major challenge and a crucial condition for countries moving towards EU membership. This issue has been given greater attention in recent years at all stages of the accession process, in line with the renewed consensus on enlargement. Nevertheless the Western Balkans continue to face major challenges related to the fight against corruption and organised crime. These issues are of key importance for a functioning democracy and economy and largely condition the EU accession process.

In particular, the fight against organised crime remains an important priority for the enlargement countries. It is closely linked with fighting corruption and establishing independent judiciaries. The cross border nature of many criminal activities poses a major challenge to the fight against organised crime. Regional cooperation between law enforcement and judicial bodies, including the creation of professional networks, is particularly important for addressing this challenge. With EU assistance, some progress has been made in putting into place effective legislation and structures to fight corruption and organised crime but rigorous implementation and enforcement of laws are necessary to achieve tangible results.

The substantial differences that exist between the penal systems of the Beneficiaries, and between the Beneficiaries' and the EU Member States' systems, make international cooperation in the fight against organised crime less effective. Cross-border and international cooperation will be particularly beneficial to the countries that do not have sufficient legislation, functional law enforcement administrative structure, and/or satisfactory operational capacities to carry out cross border prosecutions and investigations.

The MB action "Fight against organised crime: International Cooperation in Criminal Justice" shall not only take into account the specificities and respect the different stages of advancement of the Beneficiaries' judicial and police systems, their alignment to the EU acquis, and progress towards EU accession, but also draw on the experience of the most advanced Beneficiaries. Croatia in particular, that will become a member of the European Union in July 2013, should be assigned a special role among the Beneficiaries, promoting the exchange of best practices with the other countries, and developing synergies with them. The action should therefore envisage the involvement of Croatian experts, particularly in the areas of international police cooperation, financial investigations and criminal analytics. When local needs cannot be tackled by the MB, complementary actions at national level may be identified, in close coordination with the local authorities and the EU Delegations.

2.5 LINKED ACTIVITIES AND DONOR COORDINATION

Prior and ongoing IPA Multi-beneficiary Programmes

- IPA 2008 MB project *“Police Co-operation: Fight against Organised Crime, in particular illicit drug trafficking and prevention of terrorism – DET ILECUs II”* (started February 2010, 36 months duration), to improve and promote both strategic and operational regional and international cooperation capacities within the region and between the region and the EU making full use of existing instruments and frameworks, such as relevant networks, international conventions, agreements, and memoranda of understanding on the fight against organised crime in particular illicit drug trafficking, and the prevention of terrorism.
- IPA 2008 MB project *“Regional support to strengthen the Southeast European Cooperative Initiative - SECI Regional Centre's capacity in the fight against serious and organised crime”* (started January 2011, terminated in April 2012), to improve SECI Centre's / SELEC's capacity to fight against organised crime, in line with EU acquis and best practices, with a view to plan and conduct regional cross-border operations and investigations.
- IPA 2009 and IPA 2011 MB project *“Joint European Union and ICTY Training Project for National Prosecutors and Young Professionals from the Former Yugoslavia”*: training of a) national prosecutors working on domestic war crimes cases, and b) young professionals with a legal or other relevant background.
- IPA 2009 MB project *“Strengthening Regional News Exchange from the International War Crimes Tribunal for the Former Yugoslavia (ICTY), the International Court of Justice (ICJ) and the International Criminal Court (ICC)”*, to inform public in the countries of the former Yugoslavia about the functioning of the international tribunals and courts of the Hague, in particular the ICTY work and mission, to show that justice is done and how is done, to raise public support for cooperation with the ICTY and for domestic prosecution of war crimes.
- IPA 2009 MB project *“Cooperation in Criminal Justice: Witness Protection in the Fight against Serious Crime and Terrorism (WINPRO)”*, to improve the protection of witnesses and victims of serious crime and terrorism in the Western Balkans.
- IPA 2010 MB project *“Fight against organised crime and corruption: Strengthening the Prosecutors”*, to strengthen the operational capacity and capabilities of the Public/State Prosecutors' Offices in the Beneficiaries in order to prosecute and investigate cross-border organised crime and linked cases of economic and financial crime and corruption.
- IPA 2010 MB project *“Regional Cooperation in Criminal Justice: Strengthening capacities in the fight against cybercrime – CyberCrime@IPA”*, to strengthen cross-border and international operational cooperation between law enforcement and judicial authorities of the Beneficiaries and EU Member States in investigations and prosecutions of cybercrime.
- IPA 2012 MB project *“Witness Protection in the Fight against Organised Crime and Corruption (WINPRO II)”*, to strengthen cooperation to combat organised crime and corruption at regional and European level through reinforcing the institutional capacity of the Witness Protection Units and other relevant agencies in the

Beneficiaries to offer protection to witnesses and collaborators of justice, before, during and after the trial, within and/or outside their territory (project foreseen to start in Q1 2013).

The DET ILECU II (Fight against organised crime – focus on police cooperation), WINPRO and the Strengthening the Prosecutors' Network (focus on judicial cooperation) projects are interlinked and part of a longer-term process (to be seen in the perspective of the new sector approach) to build the strategic and operational capacities of the Beneficiaries to combat organised crime in the region. These actions should not be perceived as stand alone projects, rather pieces of a puzzle contributing, using the tools available in regional and international cooperation, to a more effective law enforcement system in the region, more closely aligned to EU standards. Complimentary between the projects will be ensured by reinforcing the cooperation between the judicial authorities (prosecutors' offices, courts) and the international departments of police, as well as strengthening the judicial component of the ILECU.

IPA National Programmes

Police and judicial reform projects in the Beneficiaries are also implemented at national level under the EU Twinning mechanism and grants. The following projects are worth mentioning:

- IPA 2007 grant project in Albania *"Police Assistance Mission of the EC to Albania (PAMECA III)"*. It started in May 2008 and it is envisaged to finish in May 2012.
- IPA 2008 grant project in Bosnia and Herzegovina *"Support to the State Court and Prosecutor's Office of BiH to fight War Crimes and Organised Crime"*.
- IPA 2008 Twinning project for Bosnia and Herzegovina *"Support to the Police reform"* to establish necessary legislative and institutional framework for the police service to operate as a single structure effectively implementing the rule of law.
- IPA 2010 Twinning Light project for Montenegro: *"Intelligence-led policing"* to strengthen police capacity in the area of criminal intelligence.
- IPA 2010 Kosovo *"Support the implementation of Intelligence Led Policing in Kosovo Police"*, to boost the effectiveness and efficiency of the Kosovo Police by allowing timely and accurate exchange of the information/intelligence/analysis to be used for interpreting criminal environments.
- IPA 2010 Serbia *"Money Laundering"*, for prevention and control of money laundering and terrorist financing in Serbia in accordance with European and International standards.
- IPA 2011 Serbia *"Development of strategic planning and improvement of horizontal communication in the Ministry of Interior"*, to contribute to the development of Serbian Ministry of Interior and police into a modern and efficient accountable service, in line with the strategy of public administration reform in the Republic of Serbia.
- IPA 2008 Turkey *"Strengthening the Investigation Capacity of Turkish National Police and Gendarmerie Against Organised Crime"*, to reinforce the technical investigation capacity of the Turkish National Police and Gendarmerie General Command in order to identify and prevent organised crime activities in Turkey and implement the National Organised Crime Strategy more effectively.
- IPA 2012-2013 The former Yugoslav Republic of Macedonia *"Sector support plan in the area of Justice, Home Affairs and Fundamental Rights"* (subject to adoption of financial decision), to improve the implementation of the international and European

Union standards and recommendations in areas such as border control, combating organized and serious crime, financial crime, fraud of EU funds, corruption, money laundering, judicial cooperation, enhancement of the infrastructure needed to meet Schengen zone requirements and Protection of Personal data and to strengthen capacities for prevention and protection against discrimination.

National programmes and donor activities

Some wider law enforcement regional initiatives continue in the region, such as the South East Europe (SEE) Police Convention, creating a framework for bilateral or SEE-wide follow-up agreements on cross-border police cooperation, bringing them more in line with European practices; the Southeast European Law Enforcement Centre (SELEC) for regional police cooperation for combating trans-border crime; the South East European Prosecutors Advisory Group (SEEPAG), a practical network of public prosecutors complementing the law enforcement mechanism, handling regional organised crime cases; the SEE chiefs of Police Association (SEPCA); and the international law enforcement coordination centres (ie international police departments) (ILECUs), supported by the EU.

Key donors with significant on-going or planned activities in the justice and home affairs sector in the region include US Department of State, USAID, US Marshall Service, Office of Overseas Prosecutorial Development, Assistance and Training OPDAT programme⁵, UNODC, OSCE and UNDP. Coordination and bilateral cooperation continue between the European Commission, EU Member States (EUMS), Europol, Interpol, other EU and international bodies tasked with police, customs and judicial cooperation, and other international donors, such as the Council of Europe. Networks of liaison officers drawn from the EU Member States have been established in the Beneficiaries. Police and judicial reform projects are also implemented at national level under the EU Twinning mechanism.

Europol, Eurojust, the European Police College as well as the SELEC are developing cooperation and working arrangements with the IPA Beneficiaries in the area of police and criminal justice cooperation inter alia to fight organised crime in the region. Other financial measures support the development of key capacities in each Beneficiary including setting up financial intelligence units and specialised teams of prosecutors and judges to deal with organised crime cases.

2.6 LESSONS LEARNED

Operational activities: According to the various evaluations and monitoring reports, it is necessary to intensify the support to regional operational activities. Operational means, including the safe and secure exchange of data, for increased cross-border cooperation should be developed according to EU best practices.

Ownership: Ownership of the projects should be secured at an early stage in the programming process. For this project, coordination and involvement of the Beneficiaries was ensured since the identification phase of the action.

Implementation: Although a broad range of specific expertise is required for the regional projects, the contracting of consortia with too many partners for police and judicial cooperation projects should be avoided, as the projects will have a specific and targeted

⁵ OPDAT was created in the Criminal Division of the US Department of Justice in 1991 in response to the growing threat of international crime. OPDAT's mission is to assist prosecutors and judicial personnel in other countries develop and sustain effective criminal justice institutions.

approach, and coordination efforts should not be unnecessarily complicated by a saturation of partners.

Ensure sustainability: Police and judicial staff must not only be trained to a high professional level, but also empowered to continue professional work once the programme ends. Proper handover of necessary equipment, information, documentation, curricula etc. must be ensured.⁶

Avoid duplication: In order to avoid duplication and unnecessary cost, the best use of existing judicial and law enforcement tools and networks of national bodies has to be considered instead of creating new ones. Functional, thematic cross border networks of law enforcement authorities shall be reinforced to more effectively combat serious crime and prevent terrorism.

Assess state of play: Rather than starting with an overall objective for the region as a whole and then applying a standard methodology, the programme shall start with assessing the current situation in the Beneficiaries then based upon their specificities and needs, the appropriate regional approach shall be defined.

Tailor made approach and synergies: The different stages of readiness of the beneficiaries shall be taken into account during implementation. The project shall draw on the experience of the most advanced Beneficiaries in the alignment process to the *acquis* and develop synergies among them.

3 DESCRIPTION

3.1 OVERALL OBJECTIVE OF THE PROJECT

Prevent and combat trans-border organised crime and linked corruption cases with cross-border implications, and dismantle criminal organisations involved in illicit trafficking destined to the EU.

3.2 SPECIFIC OBJECTIVE(S) OF THE PROJECT

Improve international law enforcement strategic and operational cooperation among Beneficiaries as well as between Beneficiaries, EU Member States and EU/regional/international law enforcement organisations, through the support of international investigations and prosecutions, the promotion of secured exchange of information and intelligence, the use of modern communication technology and data protection mechanisms aligned to EU standards.

3.3 RESULTS

Improved strategic and operational police cooperation across Beneficiaries as well as between Beneficiaries, EU Member States and EU/regional/international law enforcement organisations and greater pursuit and investigation in relation to offences committed by criminal groups in the IPA region.

⁶ OSCE, Implementation of Police-Related Programmes, Lessons Learned in South-Eastern Europe, SPMU Publication Series Vol. 7, Vienna, December 2008.

Objective verifiable indicators:

- Track record of successful international investigations and prosecutions
- Number of cooperation agreements signed or in negotiation
- Number of deployed Liaison Officers to Europol
- Amount of information and intelligence exchanged
- Number of joint operations, investigations and prosecutions
- Number of investigations targeting confiscation and asset recovery

3.4 MAIN ACTIVITIES

i. International judicial and police cooperation

- Improve strategic and operational cooperation of judicial, prosecuting and investigating authorities with EU Member States, and EU/regional/international law enforcement organisations
- Reinforce cooperation between the international criminal police departments in all Beneficiaries and the prosecution authorities
- Strengthened cooperation between forensic agencies/centres in the Beneficiaries'

ii. Exchange and sharing of information and intelligence, communication technology and data protection

- Increase level of data protection according to EU standards and improve information exchange flows
- Foster and promote cross-border information and intelligence flows through access to and usage of secured and modern European communication systems, such as the interface for SIENA⁷
- Improve mechanisms for secure criminal data exchange and collection, including DNA profiles and fingerprinting
- Establish a system of secure data exchange between central international law enforcement coordination (ILECU) offices, and police liaison officers of foreign countries in the region
- Identify regional criminal threats

iii. Special investigative techniques at the international level, joint investigation teams, joint operations and financial investigations

- Promote the use of special investigation techniques by judicial and prosecuting authorities
- Develop fast channels to establish Joint Investigation Teams and support a further use of the JITs
- Improve operational investigation processes through promoting the use of operational and analytical capacities provided by Europol
- Define best practices to be applied at a regional level for investigation instruments, methods and processes, and transfer of EU best practices

⁷ Europol modern information exchange tool

- Support the conduct of practical-operational investigations related to sophisticated organised criminal groups
- Support financial investigations and the recovery of criminally acquired assets, including in corruption cases (encourage the law enforcement agencies to embed the asset recovery in their criminal investigations)

A supply component for an amount of maximum 7% of the total value of the EU contribution might be envisaged for covering the identification and part of the cost for the purchase of equipment related to Activity 2 of the project (Exchange and sharing of information and intelligence, communication technology and data protection), such as, for instance, secure video conference connections at the police, public prosecutors' and the central bodies for coordination action on the request for legal assistance.

3.5 ASSESSMENT OF PROJECT IMPACT, CATALYTIC EFFECT AND CROSS BORDER IMPACT (WHERE APPLICABLE)

Impact: Given the amount of coordination and information exchange required to counteract organised crime successfully, wide-ranging international support is crucial to build up effective prevention and response mechanisms. The programme will contribute positively to coordination at the regional level although actual results in terms of countering such crime are difficult to evaluate. The success in fighting organised crime and terrorism will always be a function of many variables, of which the programme "Fight against organised crime: International Cooperation in Criminal Justice " is only one.

The programme will contribute to the development of cooperation between the relevant law enforcement and judicial authorities as well as to the development of strategies, techniques and instruments enabling them to improve their performance in preventing and fighting crime. A better legal, regulatory, and operational framework to fight organised crime, and to facilitate international cooperation in criminal matters will be established.

The action will be regularly monitored and the performance evaluated to allow for the relevant readjustments. Action plans should be developed to assess progress. Several methods will be used to conduct performance monitoring, in particular regular implementation reviews on specific objectives and related activities and results and external monitoring via the European Commission Results Oriented Monitoring. Regular briefing sessions and reports are planned. Evaluation during implementation and/or at the end of the project may also take place.

Catalytic effect: Most Beneficiaries benefit from membership of international organisations and all have a good number of bi-lateral cooperation agreements. Hands-on training, direct exchanges and cooperation, and workshops organised under this programme will contribute to increasing interaction between the relevant services in each Beneficiary and across the region. The programme should also be seen as a strong regional catalytic tool for law enforcement cooperation and for the identification and neutralisation of common threats related to organised crime and terrorism and early identification of developing crime trends.

Any success against organised crime may indirectly bring about many other benefits such as the reduction in the smuggling of narcotics and of people into the region and/or the EU, neighbouring countries and beyond, with positive effects for those countries that are destination for this kind of traffic as well as for those who (perhaps unknowingly) harbour such criminals and their assets. The project is highly appropriate to address also certain social-cultural aspects as the fight against organised crime is not only for the benefit of the

central authorities but also for their citizens. The results in the fight against organised crime increase as the cooperation and information exchange mechanisms improve.

3.6 SUSTAINABILITY

The potential sustainability of this kind of support to international law enforcement cooperation will vary in the region, depending upon the related stages of development of the services, local funding capacities and operational capabilities in terms of equipment and the need for extensive external/international support. The implementation of the project should result, *inter alia*, in amended/drafted laws, bylaws, strategy, action plans and working standards in accordance with EU best practices, increased number of staff trained and working groups continuously functional and making decisions, opinions, proposals etc. In order to achieve sustainable solutions, the Beneficiaries will have to commit adequate financial and human resources to this end. Ownership will depend on the relative development of each IPA Beneficiary regarding, not least, their laws on organised crime, structures and service capabilities. Local personnel must be as far as possible involved at both national and regional levels and take ownership.

3.7 ASSUMPTIONS AND PRE-CONDITIONS⁸

Effective implementation is depending upon a number of elements, such as the willingness of the relevant authorities in the Beneficiaries either to participate in, or to support, the project and the continuation of that support throughout the duration of the project. It has to be recognised that in some of the Beneficiaries the criminal justice system in general and policing in particular are by no means well-resourced in comparison with many EU Member States.

The following risks and assumptions might be subject to revision at the conclusion of the inception phase of the project.

Risks and assumptions

- Adequate political commitment and financial resources of Beneficiaries.
- Political tensions in the region do not adversely affect the administration and effectiveness of the Beneficiaries.
- The willingness to enforce the ‘de-politicisation’ of law enforcement authorities.
- Transparency and efficient cooperation between Beneficiaries and the implementing body.
- National law enforcement authorities willing to collaborate and exchange information with other international law enforcement agencies.

Pre-condition:

- Timely and adequate resources available.

Mitigating measures:

- Outside project control – EU political support.

⁸ Assumptions are external factors that have the potential to influence (or even determine) the success of a project but lie outside the control of the implementation managers. Such factors are sometimes referred to as risks or assumptions but the Commission requires that all risks shall be expressed as assumptions. Pre-conditions are requirements that must be met before the sector support can start.

- Political support in compliance with the demands of the stakeholders.
- Political acceptance of the implementation strategy in all eight beneficiaries with support of all stakeholders.
- Involvement of the heads of the regional law enforcement institutions.

4 IMPLEMENTATION ISSUES

The programme will be implemented by an EU mandated body by the European Commission on an Indirect Centralised Management basis in accordance with Article 54 paragraph 2(c) of the Financial Regulation⁹ and the corresponding provisions of the Implementing Rules¹⁰.

The Commission invited all EU Member States¹¹ with a significant experience in international law enforcement cooperation with South East Europe, as well as with a proven expertise in supporting law enforcement programmes, to express their interest in further developing the design of the activities of the "Fight against organised crime: International Cooperation in Criminal Justice programme", as well as their willingness to implement the action.

The Commission received seven expressions of interest (from the Austrian Development Agency/Criminal Intelligence Service Austria, Italian Ministry of the Interior Public Security Department, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Polish Border Guard and Police, FIIAPP Spain, UK Home Office and the Ministry of Justice of Greece). As a result of the evaluation, the Italian Ministry of the Interior - Public Security Department was selected as a body to which implementation of the programme will be delegated.

The decision entrusting executive tasks to the Italian Ministry of the Interior is subject to the positive outcome of the assessment of the "existence and proper operation" of the organisation, the so-called "six pillars assessment" (ie "Six Pillars" Compliance Assessment in the framework of indirect centralised management (ICM).

The involvement and supervision of Europol and Interpol especially in relation to the operational aspects of Activity 3 of the action (Special investigative techniques at the international level, joint investigation teams, joint operations and financial investigations) is to be considered. There is a need to have specific operational settings and a clear separate, pre-defined and agreed coordination when it comes to flows of intelligence and restricted information on operational outcomes.

⁹ Regulation 1605/2002 (OJ L 248, 16.9.2002, p.1)

¹⁰ Regulation 2342/2002 (OJ L 357, 31.12.2002, p. 1)

¹¹ ELARG Ares D3(2012) 121297

4.1 INDICATIVE BUDGET

Indicative Project budget (amounts in EUR) (for centralised management)

PROJECT TITLE			SOURCES OF FUNDING									
			TOTAL EXPENDITURE	IPA CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	% (2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1	X											
Agreement 1	-	-	5.000.000	5.000.000	100							-
TOTAL IB			5.000.000	5.000.000	100							
TOTAL INV												
TOTAL PROJECT			5.000.000	5.000.000	100							

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

- (1) In the Activity row, use "X" to identify whether IB or INV
- (2) Expressed in % of the **Total** Expenditure (column (a))

4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN BY QUARTER)

Contracts	Start of Tendering/ Call for proposals	Signature of contract	Project Completion
Delegation Agreement	Q1 2013	Q2 2013	Q4 2016

4.3 CROSS CUTTING ISSUES

4.3.1 *Equal Opportunities and non discrimination*

The project does not directly target equal opportunities but it will respect gender equality, not least through the inputs to upgrade legislation towards EU standards. There are many high level female officials in the police services, in the prosecutors' offices, in the courts, although the specialised units for witness protection programmes remain predominantly male-dominated.

4.3.2 *Environment and climate change*

The programme will indirectly contribute in tackling the criminal phenomenon of eco-mafia.

4.3.3 *Minorities and vulnerable groups*

Minority and vulnerable groups' concerns will be reflected in all activities under the programme, in particular when it concerns public services, legislative matters and socio-economic development.

4.3.4 *Civil Society/Stakeholders involvement*

This programme was developed on the basis of the results of the bi-annual Working Group on Justice Freedom and Security with the participation of representatives of the NIPACs, the Regional Cooperation Council, Council of Europe, Interpol, United Nations Office on Drugs and Crime (UNODC), International Organisation for Migration (IOM), International Centre for Migration Policy Development (ICMPD), the European Commission and EU Delegations. In addition, discussions were held with the Western Balkan Network of EU Member States, as well as with the heads of the international departments of criminal police in the Beneficiaries (international law enforcement coordination units), and SEE Chiefs of Police Association (SEPCA).

ANNEXES

- 1. Log frame**
- 2. Amounts (EUR) contracted and disbursed per quarter over the full duration of the project**
- 3. Description of Institutional Framework**
- 4. Reference list of relevant laws and regulations only where relevant**
- 5. Project visibility activities**

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Project title and number Fight against organised crime: International Cooperation in Criminal Justice		02
		Contracting period expires: 30/11/2014		Execution period expires 30/11/2017
		Total budget	EUR 5.000.000	Duration: 42 months
		IPA budget:	EUR 5.000.000	
Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification		
Prevent and combat trans-border organised crime and linked corruption cases with cross-border implications, and dismantle criminal organisations involved in illicit trafficking destined to the EU.	Track record of successful international investigations and prosecutions			
Specific objective	Objectively verifiable indicators (OVI)	Sources of Verification		Assumptions
Improve international law enforcement strategic and operational cooperation among Beneficiaries as well as between Beneficiaries, EU Member States and EU/regional/international law enforcement organisations, through the support of international investigations and prosecutions, the promotion of secured exchange of information and intelligence, the use of modern communication technology and data protection mechanisms aligned to EU standards.	Track record of successful international investigations and prosecutions	Local and National Records (Mol, Customs Administration) Statistical publications EC Progress Reports		<ul style="list-style-type: none"> · Adequate political commitment and financial resources of Beneficiaries · Political tensions in the region do not adversely affect the administration and effectiveness of the Beneficiaries. · The willingness to see the 'de-politicisation' of law enforcement authorities. · Transparency and efficient cooperation between Beneficiaries and Grant beneficiary. · National law enforcement authorities willing to collaborate and exchange information with other international law enforcement agencies.

Results	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
Improved strategic and operational police cooperation across Beneficiaries as well as between Beneficiaries, EU Member States and EU/regional/international law enforcement organisations and greater pursuit and investigation in relation to offences committed by criminal groups in the IPA region.	<ul style="list-style-type: none"> - Number of cooperation agreements signed or in negotiation - Number of deployed Liaison Officers to Europol - Amount of information and intelligence exchanged - Number of joint operations, investigations and prosecutions - Number of investigations targeting confiscation and asset recovery 		
Activities to achieve results	Means / contracts	Costs	Assumptions
<p>i. International judicial and police cooperation</p> <ul style="list-style-type: none"> - Improve strategic and operational cooperation of judicial, prosecuting and investigating authorities with EU Member States, and EU/regional/international law enforcement organisations - Reinforce cooperation between the international criminal police departments in all Beneficiaries and the prosecution authorities - Strengthened cooperation between forensic agencies/centres in the Beneficiaries' <p>ii. Exchange and sharing of information and intelligence, communication technology and data protection</p> <ul style="list-style-type: none"> - Increase level of data protection according to EU standards and improve information exchange flows - Foster and promote cross-border information and intelligence flows through access to and usage of secured and modern European communication systems, such as the interface for SIENA¹² - Improve mechanisms for secure criminal data exchange and collection, including DNA profiles and fingerprinting - Establish a system of secure data exchange between central international law enforcement coordination (ILECU) offices, and police liaison officers of foreign countries in the region - Identify regional criminal threats 		EUR: 5.000.000	

¹² Europol modern information exchange tool

<p>iii. Special investigative techniques at the international level, joint investigation teams, joint operations and financial investigations</p> <ul style="list-style-type: none"> - Promote the use of special investigation techniques by judicial and prosecuting authorities - Develop fast channels to establish Joint Investigation Teams and support a further use of the JITs - Improve operational investigation processes through promoting the use of operational and analytical capacities provided by Europol - Define best practices to be applied at a regional level for investigation instruments, methods and processes, and transfer of EU best practices - Support the conduct of practical-operational investigations related to sophisticated organised criminal groups - Support financial investigations and the recovery of criminally acquired assets, including in corruption cases (encourage the law enforcement agencies to embed the asset recovery in their criminal investigations) 			
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ANNEX 2: Amounts (in EUR) contracted and disbursed per quarter over the full duration of project

Contracted	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016
Contract 1	5.000.000														
Cumulated	5.000.000														
Disbursed	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016
Contract 1	1.333.333				1.666.667					1.500.000					500.000
Cumulated	1.333.333				3.000.000					4.500.000					5.000.000

3. Description of Institutional Framework

The authorities responsible of the implementation of the project will be Ministries of Interior and Ministries of Justice of the Beneficiaries, including law enforcement agencies and judicial authorities (criminal police, border police, government protection bureau, special investigative units, prosecutors' offices, courts) involved in the fight against criminal groups.

In the context of the project implementation, cooperation with other law enforcement agencies, such as customs and border guards is very important, since Witness Protection Units are obliged to take under protection witnesses who are handed over from these law enforcement agencies.

4. Reference list of relevant laws and regulations

- Multi-beneficiary Multi-annual Indicative Planning Document 2011-2013
- Commission's Communication of 5 March 2008 "Western Balkans: Enhancing the European perspective"
- Commission's Communication of 9 November 2010 "Enlargement Strategy and Main Challenges 2010-2011" COM(2010) 660
- Regional report on Western Balkans, 11791/11 CORDROGUE 145COWEB 138, 6 December 2011
- Towards a complementarity approach by the Union and the Member States to the external dimension of JHA policy in the EU, 8 December 2011
- Implementation EU Policy cycle for organised and serious international crime: Draft strategic goals related to the EU crime priority "Western Balkans", 17 October 2011
- Enlargement Strategy and Main Challenges 2011-2012
- Communication from the Commission to the European Parliament, the Council and the European economic and social, Committee, Fighting Corruption in the EU, COM(2011) 308 final, 6.6.2011
- Commission Staff Working Document of 8 February 2008 "An examination of the links between organised crime and corruption" – SEC(2008) 196
- Commission's Communication of 27 January 2006 "The Western Balkans on the Road to the EU: Consolidation Stability and Raising Prosperity"
- Council Action Oriented Paper on Improving Cooperation on Organised Crime, Corruption, Illegal Migration and Counter-terrorism, between the EU, Western Balkans and relevant ENP countries of 12 May 2006
- Council Decision of 18 February 2008 (2008/210/EC) on the principles, priorities and conditions contained in the European Partnership with Albania and repealing Decision 2006/54/EC
- Council Decision of 18 February 2008 (2008/211/EC) on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina and repealing Decision 2006/55/EC

- Council Decision of 12 February 2008 (2008/119/EC) on the principles, priorities and conditions contained in the Accession Partnership with Croatia and repealing Decision 2006/145/EC
- Council Decision of 18 February 2008 (2008/212/EC) on the principles, priorities and conditions contained in the Accession Partnership with the former Yugoslav Republic of Macedonia and repealing Decision 2006/57/EC
- Council Decision of 22 January 2007 (2007/49/EC) on the principles, priorities and conditions contained in the European Partnership with Montenegro.
- Council Decision of 18 February 2008 (2008/213/EC) on the principles, priorities and conditions contained in the European Partnership with Serbia including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2006/56/EC
- Council and Commission Decision of 13 December 2004 concerning the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part - Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part
- Council and Commission Decision of 26 March 2001 concerning the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part - Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part
- Council and Commission Decision of 22 May 2006 concerning the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part - Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part
- Albania 2011 Progress Report
- Bosnia and Herzegovina 2011 Progress Report
- Croatia 2011 Progress Report
- The former Yugoslav Republic of Macedonia 2011 Progress Report
- Montenegro 2011 Progress Report
- Serbia 2011 Progress Report
- Kosovo 2011 Progress Report
- Turkey 2011 Progress Report
- Commission Opinion on Serbia's application for membership of the European Union, October 2011
- Monitoring report on Croatia's accession preparations

5. Project visibility activities

To be further developed during inception period.

Project presentation, visibility measures and visible presence by means of project layout, project logo, project flyer, giveaways and an Internet website; possible additional tool: a communication platform. Direct involvement of the Regional Cooperation Council (RCC) and relevant regional initiatives, participation of the Beneficiaries to the Steering Committee.