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ANNEX III

of the Commission Implementing Decision on the financing of the multiannual action plan in favour of the NDICI Neighbourhood East Region part 1 for 2021-2022

Action Document for EUBAM 13 – Supporting resilience across borders

MULTIANNUAL ACTION PLAN

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

1. SYNOPSIS

1.1. Action Summary Table

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| 1. Title CRIS/OPSYS Basic Act | European Union Border Assistance Mission to the Republic of Moldova ¹ and Ukraine (EUBAM 13 – Supporting resilience across borders). Multi-annual action plan in favour of beneficiaries for 3 years CRIS number/OSPYS business reference: NDICI-GEO-NEAR/2021/42994 and NDICI-GEO-NEAR/2022/43000 Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe) |
| 2. Team Europe Initiative | No |
| 3. Zone benefiting from the action | The action shall be carried out in the Republic of Moldova and Ukraine |
| 4. Programming document | Multiannual Indicative Programme for the Neighbourhood East Region for the period 2021-2027 ² |
| 5. Link with relevant MIP(s) objectives/expected results | Priority area 2: Accountable institutions, the rule of law and security Priority area 5: Resilient, gender equal, fair and inclusive societies |
| PRIORITY AREAS AND SECTOR INFORMATION | |

¹ hereinafter referred to as Moldova

² C(2021)9370 adopted on 15/12/2021

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|--|--|-------------------------------------|--|--|
| 6. Priority Area(s), sectors | Peace and Security – Resilience, Conflict Sensitivity and Peace | | | |
| 7. Sustainable Development Goals (SDGs) | Main SDG: SDG 16 – Peace, Justice and Strong Institutions Other significant SDGs (up to 9) and where appropriate, targets: SDG 10 – Reduce inequalities | | | |
| 8 a) DAC code(s) | 15220 – Civilian Peace Building, Conflict Prevention and Resolution (100%) | | | |
| 8 b) Main Delivery Channel @ | Channel 1- 41100 International Organisation for Migration - 47066 | | | |
| 9. Targets | <input checked="" type="checkbox"/> Migration <input type="checkbox"/> Climate <input type="checkbox"/> Social inclusion and Human Development <input type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance | | | |
| 10. Markers (from DAC form) | General policy objective @ | Not targeted | Significant objective | Principal objective |
| | Participation development/good governance | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Aid to environment @ | <input 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 type="checkbox"/> | <input checked="" 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"/> |
| 11. Internal markers | Policy objectives | Not targeted | Significant objective | Principal objective |
| | Digitalisation @ Tags: digital connectivity | <input type="checkbox"/> | <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |

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|---------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| digital governance | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| digital entrepreneurship | | <input type="checkbox"/> | <input type="checkbox"/> |
| job creation | | <input type="checkbox"/> | <input type="checkbox"/> |
| digital skills/literacy | | <input type="checkbox"/> | <input type="checkbox"/> |
| digital services | | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Connectivity @</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Tags: transport | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| people2people | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| energy | | <input type="checkbox"/> | <input type="checkbox"/> |
| digital connectivity | | <input type="checkbox"/> | <input type="checkbox"/> |
| Migration @ | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Reduction of Inequalities | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| COVID-19 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

BUDGET INFORMATION

| | |
|------------------------------|--|
| 12. Amounts concerned | <p>Budget line(s) (article, item): BGUE-B2021-14.020111-C1-NEAR</p> <p>Total estimated cost: EUR 15 000 000</p> <p>Total amount of EU budget contribution EUR 15 000 000</p> <p>The contribution is for an amount of EUR 5 000 000 from the general budget of the European Union for 2021 and for an amount of EUR 10 000 000 from the general budget of the European Union for 2022, 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.</p> |
|------------------------------|--|

MANAGEMENT AND IMPLEMENTATION

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|--|---|
| 13. Implementation modalities (type of financing and management mode) | <p>Project Modality</p> <p>Indirect management with International Organisation</p> |
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1.2. Summary of the Action

This Action Document proposes the activities for European Union Border Assistance Mission (EUBAM) Phase 13. In line with the recommendations of the external mid-term evaluation of EUBAM 12 that was carried out in 2020, the Mission will continue to focus on three specific objectives:

- to support the development of Transnistrian region-related confidence-building measures and approximation of legislation and procedures in customs, trade, transport and trans-boundary management.
- to support the implementation of the Integrated Border Management (IBM) concept at the Moldova-Ukraine border with special attention to its Transnistrian segment.
- to support the efforts to combat cross-border crime on the Moldova-Ukraine border with special focus at the Transnistrian segment.

Recognising the deployment of capital-based EU assistance actors to both Kyiv and Chisinau, the Mission's work will be largely focused on the 453km-long stretch of the common border adjacent to the Transnistrian region, as well as the 411km-long administrative boundary between the Transnistrian region and the rest of Moldova, and the ports³ in the region which play a vital role in Moldova, including Transnistrian imports and exports. With its headquarters in Odesa, EUBAM will develop field-based activities through four field offices⁴ utilising the skills and experience of customs and border officials, most of which will be seconded from EU Member States. Practical actions done in conjunction with Moldova's and Ukraine's partner services, such as joint border control operations to counteract smuggling of persons, goods and trafficking in drugs, weapons, ammunition, explosives, radiological and nuclear materials, will be emphasised.

The Mission's primary partners will remain Moldova and Ukraine's border and customs agencies. EUBAM will co-ordinate its actions closely with other EU assistance actors, notably the EU 4 Border Security-project managed from the EU Delegation in Chisinau, the EU Support to Strengthening Integrated Border Management in Ukraine (EU4IBM), the EU Advisory Mission in Ukraine (EUAM), the European Border and Coast Guard Agency (Frontex), EUROPOL, the European Public Prosecutor's Office (EPPO), OLAF and the EU's High Level Advisors in the Republic of Moldova.

2. RATIONALE

2.1. Context

Nearly thirty years have passed after the ceasefire to end the Transnistrian conflict. It has lapsed into the status of an unresolved conflict and still constitutes a security risk for the Republic of Moldova and the region. Over the years Transnistrian region has become a grey economic, political and security area 190km from the EU's external borders. EUBAM continues to register significant amounts of cigarette and ethanol smuggling emanating from the territory. The EU-Moldova Deep and Comprehensive Free Trade Area (DCFTA), which extends to Moldova's entire territory including the Transnistrian region, adds another imperative to ensure the success of confidence-building measures and regulatory harmonisation.

Moldova and Ukraine committed to wide-reaching reforms when signing Association Agreements with the European Union. The EU-Moldova Association Agreement (AA) provisionally entered into force on 1 September 2014 and was fully applied from 1 July 2016. The EU-Ukraine AA entered into force on 1 January 2016. These agreements have been a catalyst for reforms in both countries, not least on customs and trade-related matters. However, the political turbulence has continued.

The Moldova-Ukraine state border is one of the most problematic borders in the region. Important to mention is that a segment of 453.4 km on Moldova-Ukraine border is not under the constitutional control of Moldova, but under the de facto Transnistrian authorities.

Smuggling, non-declaration and other customs offences affect state revenue and fair trade. Due to lack of modern equipment, the control of the entire customs territory, including the customs control zones cannot be effectively ensured. Cases of violation of customs rules may occur, via, for example passing goods that have not been cleared, including prohibited ones, to the means of transport that have been checked.

Both countries also face significant security challenges. The Transnistrian region is a hub for illicit trafficking in arms, people and drugs, organised crime, money-laundering and smuggling, affecting Moldova's overall resilience. There are also hard security challenges, since some 1 000 Russian troops (remnants of the 14th Soviet Army) are stationed in Cobasna to guard a Soviet-era ammunition depot containing 20 000 tonnes of ammunition. Under the 1999 Istanbul Declaration, Russia undertook to withdraw the troops, but in subsequent

³ Giurgiulesti, Odesa, Chonromorsk

⁴ Down from six under EUBAM 12 following recommendations of the aforementioned external mid-term evaluation

years has backtracked due to alleged security concerns. An additional 500 or so Russian troops are part of a trilateral peacekeeping mission with Moldovan and Transnistrian soldiers (the Joint Control Commission) and Ukrainian observers, established following the 1992 ceasefire agreement.

An internal political crisis emerged after months of peaceful protest on the central 'Maidan' in Kyiv following the Ukrainian Government's announcement regarding the EU-Ukraine AA in late 2013. The internal situation developed into a security crisis due to Russia's involvement which led to the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and a military conflict in eastern Ukraine in 2014 resulting in some areas of the Donetsk and Luhansk regions being controlled by Russia-backed separatist forces. The fighting in eastern Ukraine continues and the Minsk agreements which are the basis for a sustainable, political solution to the conflict in the east of the country have not been implemented yet. The implication of Russia in the conflict in eastern Ukraine and the presence of Russian military troops in Transnistrian region as well as in Crimea have led to Ukraine adopting a more hard-line approach towards Transnistrian region, with increased militarisation of the Transnistrian-segment of the common border, including 45km of trenches and additional watch towers.

Financially, Ukraine has felt the effects of the conflict. GDP per capita decreased from USD 3,813 in 2012 to USD 3,659 in 2019. Moldova's GDP per capita increased in that same period from 3,045.74 to 4,503.5 (+47.8 %). The GDP per capita beyond 2019 and the budgets of EUBAM's partner services are however expected to be negatively impacted in the wake of the COVID-19 pandemic, especially for capital investments.

Both countries enjoy visa-free regime with the Schengen Area countries. In Moldova it is in effect as of April 2014. And, on 11 June 2021, Ukraine celebrated four years of visa-free travel to the EU for its citizens. Both Ukraine and Moldova continue to implement their commitments under the visa free regime as reported by the Commission in third annual assessment under the visa suspension mechanism.

In April 2021, The Cabinet of Ministers of Ukraine approved the national program for the development of cross-border cooperation for 2021-2027. The document defines the priority directions for the development of cross-border cooperation, including: the implementation in Ukraine of the EU strategy for the Danube region⁵ and the Danube transnational program, the implementation of programs funded by international technical assistance, as well as cross-border cooperation programs under the European Territorial Cooperation for 2021-2027. In February 2021 the Ministry of Agriculture, Regional Development and Environment of Moldova initiated the elaboration of the draft Government decision on the approval of the National Strategy for Regional Development of the Republic of Moldova 2021-2027. The document takes into consideration the EU-MD Association Agreement provisions for cross border cooperation.

EUBAM Phase 13's area of operations will cover the 1,222 km-long Moldova-Ukraine border from Criva-Mamalyha in the north-west arcing around to Giurgiulesti-Reni in the south-west. All but 0.03 km (30 m) of the border has been demarcated. 453.4 km of the border runs adjacent to Transnistrian region, which the government of Republic of Moldova has no effective control over. The border is varied, with 955km of "green" border and 267 km of "blue" border along the Nistru River, including a significant area of marshland in the south-east. 67 Border Crossing Points are located along it, including 26 Local Border Crossing Points. Customs controls are not present at 17 of those. The Mission will also cover the 9 Internal Customs Control Posts on the 411 km long administrative boundary line between Moldova and Transnistria, as well as the ports and airports adjacent to the border, including the two largest at Odesa and Chornomorsk, as they are gateways for Moldova's imports and exports.

⁵ COM(2010) 0715 final

2.2. Problem Analysis

Short problem analysis:

PRIORITY 1: To support the development of Transnistrian region-related confidence-building measures and approximation of legislation and procedures to EU rules, in the field of customs, trade, transport and trans-boundary management.

The free movement of people and goods across the Transnistrian segment and the administrative boundary line, and restoration of commercial ties between Chisinau and Tiraspol will contribute to the settlement of Transnistrian socio-economic issues and resilience. Elimination of undue technical trade and fiscal barriers between the two banks of the Nistru River will increase transparency and create conditions for fair trade and competitiveness of their businesses in the internal and external markets. As of 1 January 2016, after repeal of the EU Autonomous Trade Preferences regime, Transnistrian exports continue to benefit from preferential treatment in the EU, since the scope of the DCFTA application extended to the entire territory of the Republic of Moldova pursuant to Decision 1/2015 of the EU-Republic of Moldova Association Council. As such, as the Republic of Moldova aligns its customs legislation with that of the EU *acquis*, these reforms should also be reflected in harmonised regulations in Transnistrian region. Through its monitoring activity, EUBAM will advise on practical answers to issues related to the free movement of people and goods across the Transnistrian segment and the administrative boundary line, and Transnistrian trade access to DCFTA and its compliance.

PRIORITY 2: To support the implementation of the Integrated Border Management (IBM) concept at the Moldova-Ukraine border with special attention to its Transnistrian segment.

The Mission will contribute to further improvement of cross-border and interagency cooperation between the customs and border agencies of both countries. EUBAM will ensure pre-assessment of requisites (including legal, political and operational) for full implementation and *in situ* monitoring and verification of the Jointly Operated Border Crossing Points (JOBCPs), including at the Transnistrian segment. The Mission will further support harmonisation of border control, customs and trade standards and procedures of Moldova and Ukraine with those in EU Member States. Activities will fall within the context of National IBM Strategies of both countries. Ukraine is in the process of implementing the *National Integrated Border Management Strategy 2020-2025* (adopted by the Cabinet of Ministers on 24 July 2019) and the Action Plan (IBM AP), adopted on 27 December 2019 by Decree of the Cabinet of Ministers No. 1409-p. Moldova on the other hand has a *National Strategy for Integrated State Border Management 2018-2023* and the Action Plans for its Implementation (Government Decision n°. 1101 from 14 November 2018 and in force since 7 December 2018). These documents pave the way for the Republic of Moldova to gain control of the Transnistrian (central) segment of the border with Ukraine. While Transnistrian exports are rerouted through Moldova-controlled customs posts (according to an agreement with Ukraine from March 2006), movement of people and import of goods continue across the Transnistrian segment of the border with Ukraine, without being controlled by the Republic of Moldova. With the support of EUBAM, Moldova and Ukraine have an opportunity to extend joint control to the entire central segment of the common border, at the same time, demonstrate to Transnistria's residents and businesses that Chisinau and Kyiv can be a problem-solver for them.

PRIORITY 3: To support the efforts to combat cross-border crime on the Moldova-Ukraine border, especially at the Transnistrian segment.

In line with recommendation n°2 from the EUBAM 12 Mid-term evaluation (2020), EUBAM 13 will increase its focus on supporting the fight against cross-border crime and offering support to Joint Cross Border Operations (JCBO). Particular attention will be paid to the prevention and fighting against (a) smuggling of excisable goods such as cigarettes and (b) trafficking in arms and ammunition, as well as in drugs. The EUBAM will also look into the conditions for intelligence led anti-smuggling efforts and propose deliverables that can be put in place before the end of project. An observation role/analytical capacity will have to be retained, mainly on smuggling and trafficking. The smuggling of excisable goods remains a significant problem across the Moldova-Ukraine border with a further negative impact on the Single Market in the

European Union. Between January and July 2019, an estimated 1.73 billion cigarettes were delivered to Duty Free Shops in Transnistrian region and from February to December 2020 1.67 billion cigarettes were imported to Transnistrian region, most of which destined for further illicit transport to the European Union. These movements represented an estimated EUR 700 million in tax revenue losses for the European Union only in the year 2019.

The EUBAM will strengthen the analytical capability of the relevant country services to increase transparency in the movement of people and goods between Moldova and Ukraine, discouraging illegal/irregular activities across borders and inland (customs posts, administrative boundary line, mobile teams, etc). The Mission will perform risk-based monitoring activity on site and will share their observations and risk assessments with partner services⁶. Operational capacity of partner services and their cooperation mechanisms as a response to fight against cross-border crimes will be evaluated and recommendations provided for improvement.

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

The Border Police of the Republic of Moldova (MDBP): As a result of border management reforms, from 1 July 2012 the former Border Guard Service of Moldova was integrated under the Ministry of Internal Affairs, as the Border Police Department. According to Law #283 of 28 December 2011 the Border Police is implementing the IBM policy and border surveillance and control, preventing and combating illegal migration and cross-border crime. The Border Police cover Moldova's 1906 km-long border with the exception of the 453.4 km of the Transnistrian segment, and is responsible for 41 Border Police Sectors with 75 border crossing points (BCPs) in total (7 with Romania, 67 with Ukraine, 1 at Chisinau Airport). It carries out its duties through its Central Administration, four Regional Directorates (North, West, South and East) and the Chisinau International Airport.

State Border Guard Service of Ukraine (UASBGS): In line with its framework Law on the State Border Guard Service, the UASBGS has responsibility for policing the Ukraine's state border on land and water, exercising border control, carrying out intelligence-gathering activities, information analysis and criminal intelligence for the purpose of protecting the state border of Ukraine, participating in the fight against organised crime and counteracting illegal migration. The Service is mandated to do this along the entire 5,637.9 km-long state border including 199 BCPs with 67 located at the Moldova-Ukraine segment of the border. The overall 53,000 personnel are employed in the Service. A four-tier organisational structure embraces the Central Administration in Kyiv, Regional Directorates (5), Border Guard Detachments (24) and Border Guard (BG) Units.

Customs Service of the Republic of Moldova (MDCS): is a law-enforcement body subordinated to the Ministry of Finance, responsible for collecting customs duties, taxes and fees and fighting customs frauds, while facilitating trade and protecting the citizens and market. It was established in September 1991 and underwent re-organisation from October 2016 through Order #748. Its organisational structure consists of the Central Administration, three Customs Houses (North, South and Centre) and 35 customs posts at the border (out of which 25 at the Moldova-Ukraine border), as well as 23 internal customs posts (including 9 internal customs control posts on the administrative boundary line with the Transnistrian region). A new Customs Code, which is the basis for the Service's work, was approved by the Government of Moldova in July 2020, and is still pending final adoption by Parliament.

State Customs Service of Ukraine (SCS): Based on the Decree of the Cabinet of Ministers of Ukraine of 6 March 2019 #227 "On Approval of the Regulation on the State Tax Service of Ukraine and the State Customs

⁶ The EUBAM mid-term evaluation carried in 2020 recommended (Recommendation 1) to modify EUBAM mandate in order to review activities in relation to in-situ monitoring and to focus on advisory support to middle management.

Service of Ukraine” the State Fiscal Service of Ukraine was split in two separate state services (juridical persons): the State Customs Service and State Fiscal Service. On 8 December 2019, the State Customs Service of Ukraine was officially launched. As priority steps for the reform of the service, the following were undertaken in 2019: the territorial bodies of the State Fiscal Service of Ukraine were re-organised into territorial authorities of the State Customs Service of Ukraine; all customs authorities (Customs Houses and Customs Central Office) were merged into a single legal entity – the State Customs Service of Ukraine; the number of regional Customs Houses was reduced from 26 to 16. In 2020, the State Customs Service of Ukraine, though flabbily, continued reorganisation and selective reforming. A large-scale customs personnel testing/certification program was planned for 2021, after which contracts will be concluded with those customs officers who pass all necessary tests.

Bureau of Reintegration Policies of the Republic of Moldova: Bureau has the statute of a Directorate within the State Chancellery, being subordinated on strategical-political issues to the Deputy Prime Minister responsible for the implementation of policies in the reintegration sphere and on administrative issues to the Government. The mission of the Reintegration Policies Bureau is to implement the priorities of the Government's policy in the field of reintegration of the country, ensuring the coordination in this respect of the activity of the central public administration authorities and the development of the negotiation process for the Transnistrian settlement. Moreover, the Bureau is responsible for monitoring the evolution of situation from the Security Zone, coordinating the activity of Moldova delegation in the Joint Control Commission; cooperation with national public authorities, NGOs, academia, external partners and relevant international organisations for the promotion of a single policy in reintegration sphere, support for the settlement process and enforcement of assistance and development programs in the Security Zone and in the Transnistrian region.

European Border and Coast Guard Agency (Frontex)

The Mission will continue its cooperation with Frontex on the implementation of joint border control operational activities conducted under the EUBAM and Frontex auspices. Co-ordination and exchange of experiences will also take place in the fine-tuning of risk management systems in both countries. Specific cooperation will be continued under the Arms Working Group established by the Mission. The Mission will continue to liaise with the Frontex Liaison Officer who will be posted at the EU Delegation in Kyiv, covering the EU's Eastern Partnership countries including Moldova and Ukraine. Frontex signed Working Arrangements with Moldova (2008) and Ukraine (2007) to enable co-operation on training, risk analysis, information exchange and joint operations. For Moldova, the 2021-2023 Cooperation Plan with Frontex is due to be signed in 2021. Opportunities for the cooperation could be also identified in relation to the operational activities under EMPACT framework, especially in relation to excise fraud and firearms trafficking counteraction. Under EMPACT Excise Fraud OA 4.1, Frontex will develop the operational cooperation with Ukraine and Moldova in order to target illicit trade of tobacco products.

OSCE Mission to Moldova

As a co-chair of the “5+2” process, the OSCE and EUBAM will continue to co-ordinate on ongoing and proposed confidence-building measures. The Mission will also work with the OSCE on solving problems related to trade, road or rail transportation issues as they arise. The EUBAM and the OSCE Mission will also exchange information on trans-boundary related customs and security issues, as well as on cross-border crime.

3. DESCRIPTION OF THE ACTION

3.1. Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to support Moldova's and Ukraine's efforts to effectively manage their common border and actively support concrete measures linked to the resolution of the Transnistrian conflict.

The Specific(s) Objective(s) (Outcomes) of this action are to:

1. To support the development of Transnistrian region-related confidence-building measures and approximation of legislation and procedures in the field of customs, trade, transport and trans-boundary management.
2. To support the implementation of the Integrated Border Management (IBM) concept at the Moldova-Ukraine border with special attention to its Transnistrian segment.
3. To support the efforts to combat cross-border crime on the Moldova-Ukraine border, with special focus at the Transnistrian segment.

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

Outcome 1: Joint Confidence Building Measures (CBM) are closely co-ordinated with the sides, have greater range, and impact on increasing trust and security between the sides. Legislation and procedures in the field of customs, trade, and transport are approximated.

- 1.1 Customs and trade related legislation and procedures on both sides of the Nistru River approximated.
- 1.2 Increased awareness among international and national stakeholders on Transnistrian foreign trade and trans-boundary commerce.
- 1.3 Strengthened cooperation between sanitary, phytosanitary and veterinary structures on both sides of the Nistru River contributed to enhanced regional consumer safety.
- 1.4 Sound technical solutions for the fully-fledged resumption of passenger and freight traffic across Transnistrian region found and implemented.
- 1.5 Contribution provided to joint working groups on confidence building measures (CBM) through advice on the free movement of people and goods across Transnistrian region.

Outcome 2: The Integrated Border Management (IBM) concept at the Moldova-Ukraine border, with special attention to its Transnistrian segment, is developed, sustained and managed by the host countries.

- 2.1 Extended joint control at border crossing points.
- 2.2 Efficiency of border and customs controls increased as a result of simplified transparent procedures and inter-agency co-operation at the regional and local levels.
- 2.3 Cross-border processes aligned with the Association Agreements, Visa Liberalisation Action Plans (VLAPs) and Integrated Border Management provisions.

Outcome 3: Effectiveness of efforts to combat cross-border crime on the Moldova-Ukraine border, especially at the Transnistrian segment, is increased.

- 3.1 Increased effectiveness of fighting cross border crime at Moldova-Ukraine border and adjacent ports of entry.
- 3.2 Threats to border security jointly assessed by the border services and other law enforcement agencies in Moldova and Ukraine.
- 3.3 Moldova and Ukraine are able to manage effective networks of cooperation between them and with international partners to combat transnational and cross-border crimes.
- 3.4 Enhanced inter-agency coordination in the detection, investigation and enforcement of cross-border crime.

3.2. Indicative Activities

Activities related to Output 1.1: Customs and trade related legislation and procedures on both sides of the Nistru River approximated

- Activity 1.1.1: Support the country authorities to monitor the movement of people and goods across the administrative boundary line and customs clearances of goods from/to Transnistrian region at inland posts.
- Activity 1.1.2: Advise on the approximation of customs duties, taxes, and fees and charges between Chisinau and Tiraspol.
- Activity 1.1.3: Advise Chisinau and Tiraspol on improving the customs framework and further simplification of formalities in trade in goods.
- Activity 1.1.4: Assist Chisinau and Tiraspol in the implementation of related trade facilitation arrangements under EU-Moldova AA/DCFTA.
- Activity 1.1.5: Verify, and report progress on, Transnistrian foreign trade compliance with DCFTA and related trade facilitation arrangements implemented under EU-Moldova AA.

Activities related to Output 1.2: Increased awareness among international and national stakeholders on Transnistrian foreign trade and trans-boundary commerce.

- Activity 1.2.1: Analyse Transnistrian external trade activity, including on the implementation of the single customs regime (i.e. 2005 Moldova-Ukraine Joint Declaration).
- Activity 1.2.2: Analyse trade in goods between economic operators from both banks of the Nistru River.
- Activity 1.2.3: Contribute to developing an exchange of information between relevant structures from both banks of the Nistru River on the enforcement of customs and trade legislation and procedures in trans-boundary and international trade.

Activities related to Output 1.3: Strengthened cooperation between sanitary, phytosanitary and veterinary structures on both sides of the Nistru River contributed to enhanced regional consumer safety.

- Activity 1.3.1: Promote co-operation between Chisinau and Tiraspol to uphold regional consumer safety.
- Activity 1.3.2: Advise on practical and sustainable cooperation mechanisms between sanitary, phytosanitary and veterinary structures from both river's banks.

Activities related to Output 1.4: Strengthened cooperation between sanitary, phytosanitary and veterinary structures on both sides of the Nistru River contributed to enhanced regional consumer safety.

- Activity 1.4.1: Develop and sustain confidence-building measures in the field of road and rail transport
- Activity 1.4.2: Contribute to defusing disruption of passenger and freight services across the administrative boundary line and transit, import and export of cargo overseas by road and rail through Transnistrian region

Activities related to Output 1.5: Contribution provided to joint working groups on confidence building measures (CBM) through advice on the free movement of people and goods across Transnistrian region.

- Activity 1.5.1: Develop opinion, proposals or initiatives for joint Chisinau and/or Tiraspol projects in the field of customs, trade and transport, benefitting business and people residing in either bank of the river.

Activity 1.5.2: Support the activity of “5+2” Expert (Working) Groups⁷ in the development and implementation of concrete measures for addressing practical issues related to the free movement of people and goods across Transnistrian region, and to the access of Transnistrian trade to DCFTA and its compliance.

Activity 1.5.3: Contribute to the process of reviewing normative and legislative initiatives affecting Transnistrian region in the field of customs, trade and transport matters.

Activities related to Output 2.1: Extended joint control at border crossing points.

Activity 2.1.1: Mobilise partner services for the implementation of action plan on the establishment/replication of jointly operated border crossing points (JOBCEPs) along the entire Moldova-Ukraine border.

Activity 2.1.2: Assist partner services in assessments of needs and minimum requirements for the implementation of jointly operated border crossing points along the Moldova-Ukraine border, in particular at its Transnistrian segment.

Activities related to Output 2.2: Efficiency of border and customs controls increased as a result of simplified transparent procedures and inter-agency co-operation at the regional and local levels.

Activity 2.2.1: Monitor and advise on the implementation of risk-based approaches (checks), simplified procedures, One-Stop-Shop (OSS) services and data exchange mechanisms at border crossing points (BCPs) along the Moldova – Ukraine border.

Activity 2.2.2: Assist and advise on the development of inter-agency mobile groups based on intelligence-led activities.

Activity 2.2.3: Perform a comprehensive evaluation of customs controls (at inland and border customs posts) with a focus on simplified procedures, risk-based checks (risk selectivity) and interagency cooperation at regional/local level.

Activity 2.2.4 Promote replication of IBM tools or good practices to other border crossing points.

Activities related to Output 2.3: Cross-border processes aligned with the Association Agreements, Visa Liberalisation Action Plans (VLAPs) and Integrated Border Management provisions.

Activity 2.3.1: Assist in the implementation of the EUBAM 12 recommendations on review of the status of the BCPs border and on customs control of cargo and passengers, addressed to MD and UA border and customs agencies.

Activity 2.3.2: Monitor and assess the implementation of the EU Visa post-Liberalisation Action Plan’s benchmarks in both Moldova and Ukraine in the following areas: border management, migration management, combatting cross-border organised crime and freedom of movement of citizens of both countries, upon the request of the EU and/or partner services.

Activity 2.3.3: Monitor and advise on the modernisation process of BCPs along the Moldova-Ukraine border.

Activity 2.3.4: On request, support the finalisation of the border demarcation process on the Moldova-Ukraine border.

Activity 2.3.5. Provide recommendations for harmonisation of border and customs procedures, phyto-veterinary systems between Moldova and Ukraine at the common border, in line with their AA/DCFTAs commitments with EU.

⁷ Expert (Working) Groups on Economy and Trade, Law Enforcement Cooperation, Road Transportation, Railroad Transportation, Customs

Activities related to Output 3.1: Increased effectiveness of fighting cross border crime at Moldova-Ukraine border and adjacent ports of entry.

- Activity 3.1.1: Assist in the prevention, detection and investigation of cross-border crime.
- Activity 3.1.2: Perform an evaluation on institutional and operational capacity of border and customs services in the prevention of and fighting against cross-border and customs crimes such as human trafficking, smuggling of excisable goods, arms, ammunition, explosives, radiological and nuclear materials.
- Activity 3.1.3: Develop Special Reports on concrete case studies/analyses of potential crime or risk in Mission Area of Responsibility (e.g. smuggling, etc.) with a view to facilitate knowledge sharing of trends, identified key challenges and opportunities in both countries.

Activities related to Output 3.2: Threats to border security jointly assessed by the border services and other law enforcement agencies in Moldova and Ukraine.

- Activity 3.2.1: Develop capacity for risk analysis, intelligence and data-flow management of the partner services and ensure their implementation at the common border.
- Activity 3.2.2: Develop capacity and ensure implementation of the partner services' joint risk and threat assessments on cross-border crime.
- Activity 3.2.3: Streamline the prompt information exchange among the inter-agency investigation groups on prevention and combating cross-border crime.

Activities related to Output 3.3: Moldova and Ukraine are able to manage effective networks of cooperation between them and with international partners to combat transnational and cross-border crimes.

- Activity 3.3.1: Advise on the improvement of information exchange between Moldova and Ukraine on preventing and combating human trafficking, smuggling of goods, including tobacco products and trafficking in drugs, arms and ammunition, explosives, radiological and nuclear materials.
- Activity 3.3.2: Review of international agreements/protocols between Moldova's and Ukraine's border and customs agencies and other relevant law enforcements agencies, and provide proposals for improvement.
- Activity 3.3.3: Ensure/support the planning, conduct and evaluation of joint border control operations by the partner services and in co-operation with relevant EU and international agencies.

Activities related to Output 3.4: Enhanced inter-agency coordination in the detection, investigation and enforcement of cross-border crime.

- Activity 3.4.1: Streamline joint efforts to improve prevention of and fight against cross-border crime.
- Activity 3.4.2: Conduct country exercises jointly with partner services (e.g. with border and customs services) with a view to reviewing inter-agency agreements and assessing gaps/differences in interagency cooperation in law enforcement area.

3.3. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

Outcomes of the Strategic Environmental Assessment (SEA) screening (relevant for budget support and strategic-level interventions)

The SEA screening concluded that no further action was required.

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

The EIA screening classified the action as Category C (no need for further assessment).

Outcome of the Climate Risk Assessment (CRA) screening (relevant for projects and/or specific interventions within a project) carried out on 18/05/2021.

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

Gender equality and empowerment of women and girls

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G0. This implies that gender is not a significant objective. Nevertheless, by the proposed action, the EUBAM will promote gender equality through gender mainstreaming into the planning, assessment, implementation and monitoring and evaluation of all activities, as well as will continue collecting disaggregated data and promote equitable representation to the maximum extent possible. Furthermore, the EUBAM via its activities, will integrate a gender perspective to concern both external and internal dimensions of border management.

Human Rights

The project contributes to national, regional and global security, and promotion of international cooperation and respect of human rights, including in the Transnistrian region.

Disability

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0. This implies that the action is not considered relevant for inclusion of persons with disabilities.

Democracy

Through its activities the project promotes good governance and democracy in the areas related to Transnistrian region cooperation, Moldova-Ukraine border management and cross-border crime prevention.

Conflict sensitivity, peace and resilience

Through its activities, the project contributes to the resolution of the Transnistrian conflict.

Disaster Risk Reduction

N/A

3.4. Risks and Lessons Learned

| Category | Risks | Likelihood (High/ Medium/ Low) | Impact (High/ Medium/ Low) | Mitigating measures |
|-----------------|---|---|---|---|
| External | Chisinau and Tiraspol policy positions make Confidence Building Measures (CBM) agreement and implementation not possible. | H | H | Strengthening the dialogue at a political and policy (technical) level. Furthermore, participation in the “5+2” Expert (Working) Groups would be used to seek consensus on CBMs, supplemented by advocacy to both sides. Should this fail, the assistance of the mediators and observers to the “5+2” will be sought to encourage progress in the settlement process. |
| External | Ukraine or Moldova unilateral measures | H | H | Strengthening the dialogue at a political and policy (technical) level. Furthermore, |

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| | against Transnistrian region curtails Transnistrian trade and/or freedom of movement. | | | impact of the measures would be quantified through trade/traveller analysis and field observations. The EUBAM would pass these to the EU Delegation to Moldova for use in the “5+2” format talks. |
| External | 5+2 Expert (Working) Groups stop functioning. | M | M | With the support of the EU Delegation to Moldova, bilateral contacts with officials in Chisinau and Tiraspol would be sought to progress the EUBAM’s activities. |
| External | Transnistrian <i>de facto</i> authorities abandon DCFTA implementation. | M | H | The EUBAM would frame customs and trade alignment/harmonisation efforts by the provisions of the World Trade Organization (WTO) or World Customs Organisation (WCO). |
| External | Moldova-Ukraine relations deteriorate. | M | H | The EUBAM would use shuttle diplomacy, bilateral and Advisory Board meetings to reconcile both sides on the implementation of joint activities. Interventions by the EU Delegations to Moldova and Ukraine would be requested at the higher political level. |
| External | Partner services refuse to sustain initiatives established by EUBAM. | M | H | Partner services would be engaged early in the handover process to ensure they have sufficient time to plan for the transfer. Should handover be rejected, an alternative custodian amongst other EU assistance actors would be sought. |
| External | Consensus not reached among all partner services for BCP reforms, such as on the further roll-out of joint control at BCPs along the Moldova-Ukraine border. | H | H | The EUBAM would advocate the reforms with partner services’ management bilaterally and in Advisory Board meetings. Interventions by the EU Delegations to Moldova and Ukraine would be requested at the higher political level. |
| External | In person activities are suspended due to the extended COVID – 19 pandemic. | H/M | H | The EUBAM will reshuffle its focus for alternative means to conduct its planned activities, in - line with the available IT resources. |

Lessons Learned:

Based on the recommendations of the external mid-term evaluation of EUBAM 12 held in 2020 and implementation of the previous EUBAM projects, the lessons learnt are the following:

Limited Impact of Bottom-up approach on the Implementation of Policies:

All four partner services are highly centralised. Decision-making is often not authorised at the local or regional levels while EUBAM focus is on field work and real time “on the job” training. However, to ensure the implementation of recommendations by the EUBAM experts at the field level, it is important to have as well the advocacy initiatives at the strategic level of decision-making. Regular engagement with central-level officials from Chisinau and Kyiv through Advisory Board Meetings is crucial for backing-up EUBAM provided support at local and regional level.

Synchronisation of activities with equipment delivery:

EUBAM's work is supplemented by equipment/infrastructure upgrades funded through the EaP IBM Flagship Initiative (e.g. the EU 4 Border Security Project 2019/414-298 managed by the EU Delegation to Moldova). These have been important components in ensuring new practices technically supported by EUBAM can be implemented fully. In Phase 13 it is envisaged that EaP-funded equipment, especially at selected land border crossing points along the Moldova-Ukraine border, will be a pre-condition to the successful completion of objectives related to integrated border management. Based on the Mission's Phase 12 experience, the delivery of this equipment should be better synchronised with operational decisions to avoid delays and loss of momentum by the partner services.

Coordination with other EU actors is crucial:

The increase in the EU assistance in Moldova and Ukraine places an emphasis on regular co-ordination with all assistance actors, especially in Ukraine. This imperative will increase during Phase 13. Existing co-operation should be deepened. Frontex, EUAM and other projects related to border management on the Moldova-Ukraine border should seek EUBAM's field observations to verify the implementation of central reforms. Likewise, EUBAM must utilise capital-based actors to advocate for reforms identified by the Mission's work.

Government and political will:

To reach and advance in the IBM area and to ensure project to reach maximum efficiency, there is a clear and fundamental requirement for the adoption of the Road Map on Joint Control at the Moldova-Ukraine border. Without continued, sustained, developing and practical commitment and political will from both governments, further advancement of the project might become limited and narrowed to low level-technical advancement, without necessary changes at the central segment of the Moldova-Ukraine border that would significantly contribute to better suppressing cross-border crime and reducing of smuggling across the Moldova-Ukraine border, particularly at the Transnistrian segment of the border.

3.5. The Intervention Logic

The underlying intervention logic for this action is that the European Union desires to promote regional stability and serve as a trade enabler in both Moldova and Ukraine, who are vital partners situated on the Union's external border.

Since 2005 when the mission was launched, EUBAM has developed into a complex and unique undertaking, whose mandate included providing technical advice, development of partner services, and organising confidence-building measures related to the technical aspects of the settlement of the Transnistrian conflict. The current EUBAM Phase 12 emphasises **(a)** the settlement of Transnistria related-issues through confidence-building measures and harmonisation of legislation and procedures in the field of customs, trade and transport, and trans-boundary/border management cooperation, **(b)** full implementation of the Integrated Border Management at the Moldova-Ukraine border with a special attention to its Transnistrian segment and **(c)** assistance in combatting cross-border crime including smuggling and trafficking with special attention to its Transnistrian segment. The Mission's Phase 12 operates with six Field Offices.

Based on a recommendation from the EUBAM 12 Mid-term evaluation that was conducted in 2020, the proposed EUBAM Phase 13 will on the one hand continue to focus on the three aforementioned specific objectives, but will reduce its number of Field Offices to four and privilege the use of monitoring through need-based mobile patrols along the Moldova-Ukraine border. The three specific objectives reflect the sustained attempts to handover responsibilities for initiatives and co-ordination mechanisms to Moldova's and Ukraine's partner services. They also reflect the fact that by the proposed starting date, the EU-Moldova Association Agreement will have been in force for over six years, whilst that with Ukraine will have been active for almost five. Similarly, Moldova will be in its seventh-year post visa liberalisation (2014) and Ukraine in its fourth (2017).

The EUBAM has moved away from supporting legal and policy reforms on customs and border management to focus on verifying and rectifying the implementation of the enacted reforms at the Moldova-Ukraine border. These efforts will continue to focus on the Transnistrian segment of the border, which has a unique set of control and crime challenges, not least due to the absence of a recognised counterpart for Ukrainian agencies. In January – July 2019, an estimated 1.73 billion cigarettes were delivered to Duty Free Shops in Transnistrian region and in February – December 2020 – 1.67 billion cigarettes were imported to Transnistrian region, most of which destined for further illicit transport to the European Union. These movements represented in 2019 an estimated EUR 700 million in tax revenue losses for the European Union. In Phase 13, the EUBAM will conduct further joint border control operations targeting cross-border smuggling, and will advise mobile and inter-agency units who form the bulwark of the services' law enforcement efforts. The mission will support the partner services' local structures and techniques for risk management, to enable more efficient and timely detection of risks.

Since the scope of DCFTA application extended to the entire territory of the Republic of Moldova pursuant to Decision 1/2015 of the EU-Republic of Moldova Association Council, the EUBAM will support the implementation of DCFTA obligations in Transnistrian region. As such, in Phase 13 the Mission's engagement on Transnistria's harmonisation and alignment with customs legislation of Moldova will be increased, focusing on improving the customs framework and further simplification of formalities in trade in goods. Phase 13 will work towards approximation of customs duties, taxes, and fees and charges. The Mission will promote confidence-building measures to enable and sustain the fully-fledged resumption of passenger and freight traffic across Transnistrian region, by road and rail.

The assistance and support provided by the EUBAM in Phase 13 will benefit economic operators and residents of both sides of the Nistru River, if assumptions listed in the Logical Framework Matrix hold true.

3.6. Indicative Logical Framework Matrix

PROJECT MODALITY (3 levels of results / indicators / Source of Data / Assumptions - no activities)

| Results | Results chain: Main expected results [maximum 10 @] | Indicators [it least one indicator per expected result @] | Baselines (values and years) | Targets (values and years) | Sources of data | Assumptions |
|------------------|--|---|---|---|---|---|
| Impact | To contribute to Moldova's and Ukraine's efforts to effectively manage their common border and actively support concrete measures linked to the resolution of the Transnistrian conflict. | Degree of approximation of border management practices on the Moldova-Ukraine border with IBM principles. | <p>1. Implementation of IBM principles progressing in both countries, with a slower pace in Ukraine (2021).</p> <p>2. Transnistrian settlement progresses very slowly (2021).</p> | <p>1. IBM implementation assessed as being largely fulfilled by November 2023.</p> <p>2. New 5+2 agreements on trade, freedom of movement and other issues of common concerns are signed by the parties by the end of 2023.</p> | <p>1. Commission Reports on the implementation of the Association Agreements and Association Agendas.</p> <p>2. Frontex assessments</p> <p>3. 5+2 meeting conclusions.</p> | <i>Not applicable</i> |
| Outcome 1 | 1. Joint Confidence Building Measures (CBM) are closely co-ordinated with the sides, have greater range, and contribute to increasing trust and security between the sides. Legislation and procedures in the field of customs, trade, and transport are approximated. | <p>1.1 Amount of goods and number of travellers through the central segment of the Moldova-Ukraine border.</p> <p>1.2 Level of participation of Transnistrian businesses in the economic systems of the Republic of Moldova.</p> <p>1.3 Level of co-operation between Moldova's government entities and their <i>de facto</i> counterparts in the Transnistrian region.</p> | <p>1.1 Travellers across the central segment totalled 672,805 in 2020, including 338,340 and 334,465, respectively on entry and exit to/from Ukraine</p> <p>The "Protocol on the principles of fully-fledged rail freight traffic" was signed on 30/03/2012 and extended by a further year on 31/12/2020 until 31/12/2021.</p> <p>1.2 The total number of Transnistrian economic operators registered with the legitimate institutions of the Republic of Moldova as of 31 December 2020, stood at 2,204.</p> <p>Goods exported by Transnistrian economic operators totalled EUR 377,718,513 million in 2020.</p> <p>1.3 Protocol Decision on interaction in the sphere of veterinary, quarantine and plant protection was signed on 15</p> | <p>1.1 At least a 3% annual increase in travellers across the central border segment.</p> <p>Annual prolongation of the Protocol or successor protocol signed covering at least a three-year period.</p> <p>1.2 Number of Transnistrian economic operators registered with Moldova's institutions increases at least 3% annually.</p> <p>Value of exports by Transnistrian economic operators increases by 3% annually.</p> | <p>1.1 Data on refused entry by Ukraine's State Border Guard Service.</p> <p>Information shared by the sides on transport problems.</p> <p>Observations by EUBAM Field Offices.</p> <p>1.2 EC reports on DCFTA implementation.</p> <p>Data on registered Transnistrian businesses in the Republic of Moldova from the Moldova's Customs Service and Public Services Agency.</p> | <p>Political will to settle the conflict by the sides.</p> <p>Security situation remains conducive to trans-boundary trade and movement.</p> <p>Moldova continues participation in the DCFTA.</p> <p>Transnistrian region continues to implement the Trade Facilitation</p> |

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| | | | <p>February 2018. Protocol Decision on the participation of means of transport from Transnistrian region, not involved in commercial activity, into international road traffic was signed on 24 April 2018.</p> <p>Two more draft Protocol Decisions have been elaborated and repeatedly debated by the sides, still their signature is pending: in the sphere of crisis management – last time tackled in March 2020 and on transit across the Transnistrian region – last version of it is dated April 2021.</p> | <p>1.3 Protocol Decisions between Chisinau and Tiraspol signed on the development of interaction in the sphere of road transit transportation, phytosanitary and veterinary matters (seeds and planting material, veterinary medicine and pesticides and fertilizers) by November 2022.</p> | <p>1.3 Conclusions of 5+2 meetings.</p> <p>Conclusions from 1+1 meetings.</p> <p>Information shared by sides in the 5+2 Expert (Working) Group meetings.</p> <p>Copies of protocols on co-operation.</p> | <p>Arrangements with Chisinau.</p> <p>Relations between the 5+2 actors conducive to conflict settlement.</p> <p>Enhanced cooperation and coordination between the sides.</p> |
| Outcome 2 | <p>2. The Integrated Border Management (IBM) concept at the Moldova-Ukraine border, with special attention to its Transnistrian segment, is developed, sustained and managed by the host countries.</p> | <p>2.1 Degree of implementation of Moldova's National Strategy (2018-2023) on Integrated State Border Management and development of comprehensive successor Strategy.</p> <p>2.2 Degree of implementation of Ukraine's Integrated Border Management Strategy (2020-2025).</p> | <p>2.1 Moldova's National Strategy for Integrated State Border Management 2018-2023 has been approved in December 2018. The implementing Action Plan for the period 2021-2023 however is awaiting adoption by the Government.</p> <p>2.2 Ukraine's Integrated Border Management Strategy 2020-2025 was adopted by the Cabinet of Ministers in July 2019 and the Action Plan approved in November 2019.</p> | <p>2.1 Moldova's National Strategy for Integrated State Border Management and associated Action Plan completed by December 2023 and new Strategy approved by January 2024.</p> <p>2.2 Ukraine's Integrated Border Management Strategy and associated Action Plans (2020-2022 and 2023-2025) completed by December 2025 and new Strategy approved by January 2026.</p> | <p>2.1 Post-Visa Liberalisation assessment reports.</p> <p>Frontex assessments.</p> <p>EUBAM joint evaluation reports.</p> <p>2.2 Post-Visa Liberalisation assessment reports, when available.</p> <p>Frontex assessments</p> <p>EUBAM joint evaluation reports.</p> <p>EU4IBM project's progress reports</p> | <p>Adequate resources committed by Moldova and Ukraine to implement IBM strategies.</p> <p>Central-level IBM reforms implemented at regional and local levels.</p> <p>Security situation does not lead to militarisation of the common border.</p> <p>Both countries co-operate on customs and border management.</p> |

| <p>Outcome 3</p> | <p>Effectiveness of efforts to combat cross border crime on the Moldova-Ukraine border, especially at the Transnistrian segment, is increased.</p> | <p>Number of seizures of smuggled weapons, narcotics, alcohol, ethanol, and cigarettes on the Moldova-Ukraine border.</p> | <table border="1"> <thead> <tr> <th>11.2019-11.2020</th> <th>Cases/ (No. seized)</th> </tr> </thead> <tbody> <tr> <td>Drugs</td> <td>13 (14,22 kg)</td> </tr> <tr> <td>Cigs</td> <td>28 (3,050,000 pcs)</td> </tr> <tr> <td>Alcohol</td> <td>44 (1,133L)</td> </tr> <tr> <td>Ethanol</td> <td>7 (1,533L)</td> </tr> <tr> <td>Weapon</td> <td>8 (21 pcs))</td> </tr> <tr> <td>Ammo</td> <td>19 (280 pcs)</td> </tr> </tbody> </table> | 11.2019-11.2020 | Cases/ (No. seized) | Drugs | 13 (14,22 kg) | Cigs | 28 (3,050,000 pcs) | Alcohol | 44 (1,133L) | Ethanol | 7 (1,533L) | Weapon | 8 (21 pcs)) | Ammo | 19 (280 pcs) | <p>By November 2023: At least 8 cases of weapons seizures At least 13 cases of narcotics seizures At least 34 cases of alcohol seizures; At least 7 cases of ethanol seizures; At least 28 cases of cigarette seizures. At least 19 cases of ammunition seizures.</p> | <p>Data by the partner services contained in the Common Border Security Assessment Report (CBSAR). EUBAM reporting.</p> | <p>Smuggling routes continue to pass through the common border. Changes in number of seizures not due to less effective controls. Moldova and Ukraine co-operate to combat cross-border crime.</p> |
|---|--|--|--|---|--|-------|---------------|------|--------------------|---------|-------------|---------|------------|--------|-------------|------|--------------|---|--|--|
| 11.2019-11.2020 | Cases/ (No. seized) | | | | | | | | | | | | | | | | | | | |
| Drugs | 13 (14,22 kg) | | | | | | | | | | | | | | | | | | | |
| Cigs | 28 (3,050,000 pcs) | | | | | | | | | | | | | | | | | | | |
| Alcohol | 44 (1,133L) | | | | | | | | | | | | | | | | | | | |
| Ethanol | 7 (1,533L) | | | | | | | | | | | | | | | | | | | |
| Weapon | 8 (21 pcs)) | | | | | | | | | | | | | | | | | | | |
| Ammo | 19 (280 pcs) | | | | | | | | | | | | | | | | | | | |
| <p>Output 1 related to Outcome 1</p> | <p>1.1 Customs and trade related legislation and procedures on both sides of the Nistru River is approximated.</p> | <p>1.1.1 Degree of agreement on the simplification of customs procedures between Chisinau and Tiraspol. 1.1.2 Number of joint workshops between customs specialists from both sides of the Nistru River on the standards for customs duties, taxes, and charges. 1.1.3 Number of joint workshops on customs regulations and procedures such as Post Clearance Audit, Authorised Economic Operators (AEOs), and customs guarantee, the Convention on Common Transit Procedure, Customs Convention on the International Transport of Goods (also known as the TIR Convention), Convention on Temporary</p> | <p>1.1.1 During Jan 2020 – March 2021, three meetings of the Customs (Expert) Working Group were held. Two separate drafts of Protocol Decision in the sphere of road transit transportation were elaborated by the sides. 1.1.2 A joint workshop on fees and charges was scheduled for April 2020, both Chisinau and Tiraspol preliminarily confirming their willingness to participate. Due to the COVID-19 pandemic, the workshop was postponed. The harmonisation of import payments for motor vehicles between Tiraspol and Chisinau is a stringent issue on the agenda of Road Transportation Working Group. 1.1.3 In September 2019, following the request of Tiraspol, a joint two-day workshop on customs processing regimes was held.</p> | <p>1.1.1 Protocol Decision in the sphere of road transit transportation signed by November 2022. 1.1.2 At least one joint workshop on customs duties, taxes, and charges to be held by November 2022. At least one joint workshop on approximation of import payments for motor vehicles and presentation of best EU practices on this matter to be delivered by November 2023. 1.1.3 By November 2023 to complete the AEOs and risk management projects,</p> | <p>1.1.1 Copy of the agreement by the MDCS or through the Expert (Working) Group on Customs Matters. 1.1.2 EUBAM reporting. 1.1.3 EUBAM reporting. 1.1.4 MD legislation EUBAM reporting</p> | | | | | | | | | | | | | | | |

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| | | <p>Admission and the New Computerized Transit System (NCTS), simplified procedures.</p> <p>1.1.4 Degree to which the legal framework of the Republic of Moldova for economic operators from the Transnistrian region, especially Government Decisions 1001/2001 and 815/2005 is updated.</p> <p>1.1.5 Number of working meetings with relevant stakeholders</p> | <p>For 2020, two joint projects on AEOs and risk management were intended and preliminarily agreed with the sides. The COVID-19 pandemic put off their enforcement.</p> <p>1.1.4 and 1.1.5 The regulatory basis setting a relaxed customs treatment to the left bank economic operators was shaped and adopted under different political and economic reality. Thereby, the regulation is apparently insufficient and partially outdated. The launch of full-fledged joint control on the central segment of MD-UA border also requires an update of the given regulatory basis. In August 2020, the Deputy Prime Minister for Reintegration of the Republic of Moldova initiated the review of the Government Decisions 1001/2001 and 815/2005. However, the process was stalled.</p> | <p>consisting of two workshops each and a study visit to EU MS.</p> <p>Following the developments in the Customs WG on resumption of international transit across the Transnistrian region, to launch a project in this regard, enclosing 2 working meetings and 2 workshops, elucidating the transit potential of the region and identifying solutions for its utmost exploitation.</p> <p>1.1.4 Government Decisions 1001/2001 and 815/2005 amended or replaced by other regulations to facilitate legitimate trade performed by Transnistrian economic operators</p> <p>1.1.5 At least two working meetings with relevant stakeholders by November 2023.</p> | | |
| Output 2 related to Outcome 1 | <p>1.2 Increased awareness among international and national stakeholders on Transnistrian foreign trade and trans-boundary commerce.</p> | <p>1.2.1 Number of monthly Transnistrian Foreign Trade and Transnistrian Monitoring reports issued.</p> <p>1.2.2 Degree of implementation of the 2005 Moldova-Ukraine Joint Declaration.</p> | <p>1.2.1 Since 2006 and 2020 EUBAM produces and shares with relevant national and international stakeholders and donors Monthly Transnistrian Foreign Trade and Transnistrian Monitoring reports. Both reports are excellent sources for information about the enforcement of customs and trade legislation and</p> | <p>1.2.1 24 Transnistrian Foreign Trade reports issued by November 2023.</p> <p>24 Transnistria Monitoring reports issued by November 2023.</p> | <p>1.2.1 Statistical data provided monthly by UA and MD border and customs services</p> <p>Data from EUBAM Field Offices weekly reports and EUBAM monthly reports</p> | <p>Chisinau and Tiraspol officials willing to co-operate on customs and trade legislation.</p> |

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| | | | <p>procedures on both sides of the Nistru River.</p> <p>1.2.2 Since 2006 EUBAM has been closely following the application by MD and UA of the Joint Declaration, both at the local, BCP level, and at the central level.</p> | <p>1.2.2 The Joint Declaration is revised by the Republic of Moldova and Ukraine to better enforce customs and trade legislation at the same time facilitating the legitimate trade across Moldova-Ukraine border.</p> <p>Joint Assistance Exercise is carried out by EUBAM.</p> | <p>Relevant information from media and other open sources</p> <p>1.2.2 Data provided by EUBAM Field Offices</p> <p>UA and MD legislative and regulatory developments.</p> | <p>Co-operation not conditioned to concessions on other, non-related, issues.</p> <p>Moldova and Transnistrian region invest sufficient financial and human resources to implement co-operative initiatives.</p> |
| <p>Output 3 related to Outcome 1</p> | <p>1.3 Strengthened cooperation between sanitary, phytosanitary and veterinary structures on both sides of the Nistru River contributed to enhanced regional consumer safety.</p> | <p>Amount of seeds and planting material, veterinary medicine and pesticides and fertilizers imported to the Transnistrian region through the central segment of MD-UA border.</p> | <p>In the light of the launch of full-fledged joint control at the central segment of MD-UA border, the importation of seeds and planting material, veterinary medicine and pesticides and fertilizers to the Transnistrian region is being jeopardized, since Tiraspol and Chisinau use different practices and standards in authorising the imports of these commodities. Since 2018 the issue is continuously on the agenda of the Economy, Commerce and Foreign Trade Working Group, sides attempting to identify a common approach in authorising these imports. Up to now, attempts in unifying the relevant registers are made, since the unification is still pending, as it is the signing of agreements in this sphere.</p> | <p>Decreased number of refused imports of goods subject to phytosanitary or veterinary control to the Transnistrian region via the central segment of Moldova-Ukraine border by Moldova's authorities is decreased.</p> <p>Attend the meetings of the Expert Working Group on Economy, Commerce and Foreign Trade</p> <p>Upon requests, share best EU practices for the importation of SPS commodities.</p> <p>Organise one joint event (working meeting/workshop) on smooth importation of</p> | <p>Copies of agreements</p> <p>Draft agreements on seeds and planting material, veterinary medicine and pesticides and fertilizers</p> <p>Information from MDCS and ANSA</p> <p>EUBAM reporting</p> | <p>Chisinau and Tiraspol officials willing to co-operate on veterinary medicine, pesticides and fertilizers related matters.</p> <p>Co-operation not conditioned on concessions on other, non-related, issues.</p> <p>Moldova officials do not impede access to licences for Transnistrian exporters.</p> |

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| | | | | seeds and planting material, veterinary medicine and pesticides and fertilizers to Transnistrian region. | | |
| Output 4 related to Outcome 1 | 1.4 Sound technical solutions for the fully-fledged resumption of passenger and freight traffic across Transnistrian region and implemented. | 1.4.1 Number of blockages of passenger or rail freight services passing through Transnistrian region. 1.4.2 Number of issued neutral-design number plates increased. | 1.4.1 Rail freight did not pass through the Transnistrian region between 2006 and 2012. Although these have resumed, there are no agreements guaranteeing long-term freight traffic movements. 1.4.2 For the period September 2018-March 2021, two Vehicle Registration Offices in Tiraspol and Ribnita issued 4,735 neutral-design number plates (3,525 in Tiraspol and 1,210 in Ribnita) On 7 October 2020, Chisinau and Tiraspol identified 15 issues impeding the smooth registration. Since then, the sides started to approach those problems during relevant WGs meetings. | 1.4.1 No blockages registered throughout the implementation of the project. 1.4.2 Owners of Transnistrian-plated private vehicles wishing to engage in international travels obtain neutral-design number plates by September 2022. The 15 issues documented in a protocol of 7 October 2020 are resolved successfully. | 1.4.1 EUBAM Field Office monitoring. Information provided in the Expert (Working) Group on Rail Transport. 1.4.2 Statistics provided by the OSCE Mission to MD. EUBAM reporting | Chisinau and Tiraspol officials are willing to cooperate on transportation. Demand for travel between Moldova and Ukraine through Transnistrian region remains stable or rises. Transport co-operation not conditioned on concessions on other, non-related, issues. Ukraine allows transit of travellers and goods to and from Moldova through Transnistrian region. |
| Output 5 related to Outcome 1 | 1.5 Contribution provided to joint working groups on confidence building measures (CBM) | 1.5.1 Number of relevant joint CBM WG meetings requested and agreed by the sides attended by EUBAM | 1.5.1 During January 2020 - March 2021, 15 meetings of the relevant Working Groups were held, as follows: • 3 meetings of the Customs (Expert) Working Group; | 1.5.1 At least once per year the relevant WG conducts a meeting | 1.5.1 Official correspondence of the sides on organising WG meetings | Strong political will by the sides to organise CBM WG meetings |

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| | <p>through advice on the free movement of people and goods across Transnistrian region.</p> | <p>1.5.2 Number of EUBAM analyses of outcomes of the respective joint CBM WG meetings (to find feasible solutions for identified issues, and to provide specialised expertise). 1.5.3 Degree of extension of joint control at BCPs along the common UA-MD border</p> | <ul style="list-style-type: none"> • 2 meetings of Railroad Transportation (Expert) Working Group; • 1 meeting of crisis management and fight against emergencies; • 6 meetings of Road Transportation (Expert) Working Group; • 3 meetings of Economy, Commerce and Foreign Trade (Expert) Working Group. <p>EUBAM attended 10 of these meetings, as a part of EU DEL to MD Team.</p> <p>1.5.2 Within the period January 2020-April 2021, approximately 40 documents were shared by the EUBAM with the EU DEL to MD and some of them with the Deputy Prime Minister for Reintegration of the Republic of Moldova; all of them related to the EUBAM's confidence building efforts.</p> <p>1.5.3 As of March 2021, no progress on rolling out of joint control to BCPs at the UA-MD border.</p> | <p>All relevant joint CBM WG meetings are attended by EUBAM</p> <p>1.5.2 At least one report per quarter is submitted to the EU DEL to MD and one report per quarter to the Deputy Prime Minister for Reintegration of the Republic of Moldova.</p> <p>1.5.3 By end of 2023 the joint control will be implemented progressively at the UA-MD border as stipulated in the provisions of the Road Map on Joint Control</p> | <p>EUBAM reporting</p> <p>1.5.2 Copy of relevant EUBAM report</p> <p>1.5.3 The EUBAM assessment reports</p> <p>Progress reports by the partner services</p> <p>Agreements between MD and UA on establishing joint control as per Road map provisions.</p> | <p>The CBM WG will result in a development of concrete measures to promote confidence-building in selected spheres.</p> |
| <p>Output 1 related to Outcome 2</p> | <p>2.1 Joint control at border crossing points extended.</p> | <p>2.1.1 Degree of operability of JOBCPs at Kuchurhan and Reni-Giurgiulesti. 2.1.2 Degree of extension of joint control to other BCPs along the common UA-MD border</p> | <p>2.1.1 As of March 2021, joint control is not fully implemented at Kuchurhan and Reni- Giurgiulesti</p> <p>2.1.2 As of March 2021, no progress in extension of joint control to other BCPs at the UA-MD border.</p> | <p>2.1.1 Joint control fully in place at Kuchurhan and Reni-Giurgiulesti BCPs by November 2022.</p> <p>2.1.2 By December 2023, the provisions of revised Road Map on Joint control progressively implemented.</p> | <p>2.1.1 The EUBAM Field Office assessments.</p> <p>Copies of the updated technological schemes of the JOBCPs.</p> <p>2.1.2 EUBAM assessment reports</p> <p>Progress reports by the partner services</p> <p>New agreements and Technological Schemes on establishing joint control as per Road map provisions.</p> | <p>2017 Agreement is in force and its fulfilment prioritised by both countries.</p> <p>Partner services agree on cost sharing for new JOBCPs to be established.</p> <p>Partner Services allocated respective funds from state budget to modernise</p> |

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| | | | | | | <p>existing JOBCPs.</p> <p>Partner services devote sufficient resources and training to establish JOBCPs.</p> <p>Infrastructure and training is in place for automated exchange of data to be functional.</p> |
| <p>Output 2 related to Outcome 2</p> | <p>2.2 Efficiency of border and customs controls increased as a result of simplified transparent procedures and inter-agency co-operation at the regional and local levels.</p> | <p>2.2.1 Degree of operability of One-Stop controls at BCPs on the Moldova-Ukraine border.</p> <p>2.2.2 Degree of impact and effectiveness of the established JOBCPs.</p> <p>2.2.3 Degree of operability of inter-agency mobile units in Odesa region</p> | <p>2.2.1 As of March 2021, One-stop controls are fully operational at Palanca-Maiaky-Udobne BCP in the EUBAM area of operations.</p> <p>2.2.2 In 2021, the EUBAM conducted assessment and findings were shared with the partner services</p> <p>2.2.3 Draft Protocol on Pilot Project on Joint inter-agency mobile units in Odesa region was prepared and agreed in 2020, but the project has not been launched yet.</p> | <p>2.2.1 One-stop-shop controls fully operational at the all jointly operated BCPs by November 2023.</p> <p>2.2.2 Identified gaps are addressed accordingly by the partner services by November 2023.</p> <p>2.2.3 Pilot Project launched, and the joint mobile units regularly operate by November 2023.</p> | <p>2.2.1 The EUBAM assessment reports.</p> <p>The EUBAM study on effectiveness and impact of OSS principle at the selected BCPs.</p> <p>2.2.2 EUBAM follow up assessment report.</p> <p>2.2.3 The EUBAM Field Office assessment.</p> <p>Operational reports/statistics by the partner services</p> | <p>Infrastructure changes at BCPs enacted to support one-stop-shop controls.</p> <p>Closer inter-agency co-operation.</p> <p>Traffic and staffing at BCPs remains stable.</p> <p>Adequate resources invested by partner services to establish and sustain mobile units.</p> |

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| <p>Output 3 related to Outcome 2</p> | <p>2.3 Cross-border processes aligned with the Association Agreements, VLAP and Integrated Border Management (IBM) provisions.</p> | <p>2.3.1 Degree of optimisation of local and inter-state BCPs proposed and agreed between Moldova and Ukraine to improve control and services for local citizens living in the border areas.</p> <p>2.3.2 Degree of implementation of EUBAM Phase 12 recommendations.</p> <p>2.3.3 Degree of demarcation of Moldova-Ukraine border.</p> | <p>2.3.1 67 BCPs exist between Moldova and Ukraine. Of these, 28 are Local, 13 Intra-State, and 26 International BCPs.</p> <p>As of March 2021, only one inter-state BCP was optimised (downgraded) based on the situation at the border area.</p> <p>The EUBAM’s previous recommendation on review of the status of the BCPs still need to be implemented.</p> <p>2.3.2 In 2019 and 2020, the EUBAM conducted the DEMETRA I and II verification exercises on border and customs control of cargo and passengers. The recommendations were addressed to MD and UA border and customs agencies.</p> <p>2.3.3 0,03km remains to be demarcated.</p> | <p>2.3.1 Plan for BCP optimisation proposed and agreed by November 2022.</p> <p>2.3.2 At least 50% of recommendations implemented by November 2022 and 75% by November 2023.</p> <p>2.3.3 Border demarcation completed by November 2023.</p> | <p>2.3.1 Copy of government decrees closing and downgrading BCPs.</p> <p>The EUBAM Field Office verification.</p> <p>2.3.2 The EUBAM annual evaluation assessment report on the status of the implementation of recommendations.</p> <p>2.3.3 Protocol provided by the MDBP and UASBGS.</p> | <p>Political will in both countries to implement the AAs/DCFTAs, IBM principles and VLAP.</p> <p>Vested interests do not oppose reforms.</p> <p>National IBM strategies in both countries are operationalised fully.</p> <p>Moldova and Ukraine co-operate on cross-border IBM initiatives.</p> <p>Sufficient political will and financial resources allocated to complete the border demarcation process.</p> |
| <p>Output 1 related to Outcome 3</p> | <p>3.1 Increased effectiveness of fighting cross border crime at Moldova-Ukraine border and adjacent ports of entry.</p> | <p>3.1.1 Degree of access granted to the EUBAM to the necessary data and locations according to the EUBAM’s mandate to conduct respective situational analysis.</p> | <p>3.1.1 The EUBAM’s access is generally good except for Ukrainian customs data.</p> <p>3.1.2 Inter-agency and cross-border investigation groups not yet established.</p> | <p>3.1.1 Full access provided to the EUBAM throughout the implementation period.</p> <p>3.1.2 Inter-agency and cross-border groups</p> | <p>3.1.1 Information received from the EUBAM Field Offices.</p> <p>3.1.2 Copy of relevant joint analytical products</p> | <p>Partner services resourced and authorised to identify, investigate and prosecute cross-border crime.</p> |

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| | | | | functional by November 2022. 3.1.3 Reports produced as and when required. | 3.1.3 Copy of the reports | Inter-agency co-operation sufficient to combat cross-border crime. |
| Output 2 related to Outcome 3 | 3.2 Threats to border security jointly assessed by the border services and other law enforcement agencies in Moldova and Ukraine. | 3.2.1 Number of CBSAR drafted and circulated by partner services without the EUBAM 3.2.2 Degree of operability of regional and local inter-agency analytical groups in both countries. | 3.2.1 As of January 2021, the CBSAR is edited and circulated by the EUBAM. Partner services. 3.2.2 Inter-agency regional analytical groups in Moldova became functional in 2019. In March 2019, an inter-agency analytical group in Odesa region was established by the regional heads of the UASBGS, Security Service (UASS), National Police (UANP) and UASCS. | 3.2.1 CBSAR are issued on monthly/quarterly basis by partner services independently, while semester and annual ones - with the EUBAM support until November 2022. 3.2.2 Regional inter-agency analytical groups operate independently by November 2023. | 3.2.1 Copies of the CBSARs. 3.2.2 Copies of relevant joint analytical reports developed by the inter-agency analytical groups | Level of information sharing adequate between all relevant actors to accurately and timely identify border threats. Commonality of methodology used in assessing cross-border risks and threats. CBSAR ownership is fully handed over to the partner services and the EUABM acts as a mentor in developing CBSAR reports. |
| Output 3 related to Outcome 3 | 3.3 Moldova and Ukraine are able to manage effective networks of cooperation between them and with | 3.3.1 Number of joint border control operations conducted. 3.3.2 Degree of operability for Inter-agency operational | 3.3.1 In 2020, one joint control operation 'ORION II' on combating firearms trafficking was conducted by EUBAM 3.3.2 Inter-agency operational groups functional at the central level but not on | 3.3.1 At least one joint border control operation conducted each year. 3.3.2 Inter-agency operational groups functional on the | 3.3.1 The EUBAM verification of operations. 3.3.2 Copy of protocols between UASCS and UASBGS | Political and operational will and resources of partner services to co-operate on combatting |

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| | international partners to combat transnational and cross-border crimes. | groups on the Transnistrian segment of the border. | the Transnistrian segment of MD-UA border. | Transnistrian segment of MD-UA border by January 2023. | extending deployment of the operational groups. | cross-border crime. Absence of partner services collusion in smuggling schemes. |
| Output 4 related to Outcome 3 | 3.4 Enhanced inter-agency coordination in the detection, investigation and enforcement of cross-border crime. | Degree of implementation of procedures for regular inter-agency co-ordination. | Inter-agency co-ordination is allowed by the laws and regulations in both countries but is not systematically conducted at the regional and local levels in cross-border crime issues. | Procedures for regular inter-agency co-ordination established and implemented by November 2023. | Copy of protocols between services agreeing to regular inter-agency co-ordination on cross-border crime issues. | Political and operational will and resources of partner services to co-operate on combatting cross-border crime. Political will to amend procedures. |

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement with the partner countries.

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 36 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. Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures.

4.3.1. Indirect Management with an international organisation

This action may be implemented in indirect management with International Organisation for Migration (IOM), which was selected by the Commission's services using the following criteria:

- managerial competency and capacity in border management projects in Moldova;
- portfolio of ongoing border management projects in both countries financed by the EU;
- high degree of specialisation and performance in previous border and migration management projects;
- high degree of previous experience working with the Customs and Border agencies in both countries;
- specific knowledge of the administrative, contractual, financial and logistical aspects of the Mission.

The implementation by this entity entails the development of Transnistrian region-related confidence-building measures and support to the approximation of legislation and procedures in customs, trade, transport and trans-boundary management between Moldova and Transnistrian region. It will also support greater implementation of Integrated Border Management practices, as well as more effective combatting of cross-border crime on the Moldova-Ukraine border, especially at the Transnistrian segment.

This implementation entails that the entrusted entity would carry out the following budget-implementation tasks: management of EU funds (contracting and payments (liquidation of eligible costs) and recovery); financial monitoring, preparation support for audits. The entrusted entity would also carry out the following tasks: assistance with human resources-related documentation and procedures; guidance on procurement and logistics actions; IT and other technical expertise; security procedures; liaison and coordination assistance; and reporting.

In case the envisaged entity would need to be replaced, the Commission's services may select another replacement entity using the same criteria.

The Commission authorises that the costs incurred may be recognised as eligible as of 1 December 2021 in order to ensure continuity between EUBAM Phase 12 and EUBAM Phase 13. This is necessary to ensure that there is no funding gap between EUBAM Phase 12 ending on 30 November 2021 and EUBAM Phase 13 starting in the first semester of 2022. Given the political sensitivity of the activities provided by this project, it is vital to ensure continuity of the project's coverage.

4.4. Indicative Budget

| Indicative Budget components | EU contribution (amount in EUR) |
|---|--|
| Indirect management with IOM (including visibility) – cf. section 4.3.1 (2021) | 5 000 000 |
| Indirect management with IOM (including visibility) - cf. section 4.3.1 (2022) | 10 000 000 |
| Evaluation – cf. section 5.2 Audit – cf. section 5.3 | will be covered by another decision |
| Communication and visibility – cf. section 6 | n/a |
| Contingencies | n/a |
| Totals | 15 000 000 |

4.5. Organisational Set-up and Responsibilities

All operational and administrative activities which have been delegated to EUBAM will be prepared, executed and followed-up by EUBAM Headquarters in close consultation with the project partners. EUBAM will be guided by the Memorandum of Understanding concluded between the European Commission, Moldova and Ukraine⁸, by EU policy and strategic documents, by the present action definition, as well as by policy and strategic decisions made by the Advisory Board.

On matters related to security and administrative management, EUBAM will be guided by the applicable Financial Rules and Procedures, Security and Safety guidelines, Internal Control Framework as well as project-specific delegation of authority.

The Mission's activities will take place in Moldova and Ukraine. Personnel will be split between EUBAM Headquarters in Odesa, EUBAM's Office in Moldova (in Chisinau), and in four Field Offices situated along the Moldova-Ukraine border.

An Advisory Board will provide advice to the Mission concerning the quality and adequacy of its tasks and the implementation of the Memorandum of Understanding, between the European Commission, Moldova and Ukraine.

The EU Delegation to the Republic of Moldova will manage the contractual implementation of the EUBAM. Regular meetings will take place between the EUBAM and appointed staff at the aforementioned EU Delegation for the purposes of reporting, coordination, progress review, consultation and advice. Meetings to co-ordinate activities will also be held with the EU Delegation to Ukraine. The EU Delegation to the Republic of Moldova will facilitate communication and coordination with the European Commission and EEAS on relevant aspects of EUBAM Phase 13 implementation. Visibility and communication activities will be coordinated with the Communication Officers of the EU Delegations.

⁸ Memorandum of Understanding between the European Commission, the Government of the Republic of Moldova and the Government of Ukraine on the European Commission Border Assistance Mission to the Republic of Moldova and to Ukraine, 12 October 2005, <https://eubam.org/publications/the-memorandum-of-understanding/>

The Head of the EUBAM will at the same time serve as Senior Political Advisor to the Head of the EU Delegation to the Republic of Moldova, and will provide advice to the Head of the EU Delegation to Ukraine upon request.

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.

4.6. Pre-conditions [Only for project modality]

The Ministries of Foreign Affairs of Moldova and Ukraine agree with the EU on the content of the Phase 13 Action Plan. As the main representatives of the hosting countries, their agreement is necessary as all activities will be conducted either in support of, or in collaboration with Moldova's and Ukraine's partner services.

5. PERFORMANCE MEASUREMENT

5.1. Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy or reform action plan list (for budget support).

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Roles and responsibilities for data collection, analysis and monitoring:

Monitoring

Performance monitoring will be conducted at the strategic and operational levels. At the strategic level, the Mission will convene a formal meeting of its Advisory Board every six months. EUBAM will report to the Board on the implementation of the Memorandum of Understanding, signed between the European Commission, the Republic of Moldova and Ukraine on 7 October 2005, whilst the Board will provide advice to the Mission concerning the quality and adequacy of this implementation.

The Advisory Board will be chaired by the Head of the EU Delegation to the Republic of Moldova, and its members will consist of high-level representatives of Moldova and Ukraine's Ministries of Foreign Affairs, both countries' Border and Customs agencies, the EU Delegations to the Republic of Moldova and Ukraine, the EUBAM, the European Commission, EEAS, OSCE and IOM.

Additional entities from both countries may also be invited as observers. These have previously included UNDP, as well as Moldova and Ukraine's Ministries of Internal Affairs, Ministries of Justice, General Prosecutor's Offices, security services, and Moldova's Bureau of Reintegration Policies.

On an operational level, the EUBAM will develop detailed operational plans for all Phase 13 activities. An expert responsible for implementation will be assigned to each activity, and sub-activities. Baselines for all Performance Indicators have been set. Progress towards the fulfilment of the Performance Indicators against the targets will be measured annually.

Reporting

Five types of reports are foreseen. These are:

- Monthly reports, describing the activities implemented, key trends and observations, and major contextual events. Monthly reports will be circulated to all relevant EU entities and to Moldova's and Ukraine's partner services in English and Russian.
- Biannual activity reports in preparation for Advisory Board meetings will summarise the Mission's operational achievements, highlight operational challenges and inform on key trends. The reports will be circulated to all Advisory Board members and observers in English and Russian.
- Annual interim and final narrative report will be produced and will report on the progress and achievement of EUBAM Phase 13's Specific Objectives, Outputs and Activities.
- A short public Annual Report will be produced to publicise the achievements made by the Mission to the general public. It will be available in English and Russian.
- Ad-hoc analytical reports/special reports will be issued each year. The reports will include analytical trends, events or issues related to the three priorities of EUBAM. They will be issued in English and have limited distribution within the EU entities only.

5.2. Evaluation

Having regard to the importance of the action, a final evaluation will be carried out for this action or its components via independent consultants contracted by the EU Delegation. It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account on the one hand the fact that EUBAM 13 will operate with fewer Field Offices than in the previous phase and on the other that progress on further implementing the concept of Joint Control along the Moldova-Ukraine border has proven difficult in recent years.

These findings may inform related future EU-funded actions. The EU Delegation shall inform the implementing partner at least 3 months in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a Financing Decision.

5.3. Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

6. COMMUNICATION AND VISIBILITY

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

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

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

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

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

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

All necessary measures will be taken to publicise the fact that the action has received funding from the EU in line with the Communication and Visibility Manual for EU External Actions. Additional Visibility Guidelines developed by the Commission (European Neighbourhood Policy and Enlargement Negotiations) will be strictly adhered to.

Where relevant, the provisions of the Financial and Administrative Framework Agreement concluded between the European Union and the selected international organisations shall apply.

It is the responsibility of the implementing organisation to keep the EU Delegations and, where relevant, DG NEAR and EEAS, fully informed of the planning and implementation of the milestones' specific visibility and communication activities.

The implementing organisation shall report on its visibility and communication actions, as well as the results of the overall action to the relevant monitoring committees. This action will be communicated externally as part of a wider context of EU support to Moldova and Ukraine, and where relevant to the Eastern Partnership region in order to enhance the effectiveness of communication activities and to reduce fragmentation in the area of EU communication.

The implementing organisation shall coordinate all communication activities with EU Delegations as well as regional communication initiatives funded by the European Commission to the extent possible. All communication strategies developed as part of this action shall ensure they are in line with the priorities and objectives of regional communication initiatives supported by the European Commission and in line with the relevant EU Delegations' communication strategies.