

COMMISSION DECISION

C(2007)5523 of 20/11/2007

adopting a Regional programme to support the update, implementation and monitoring of the Integrated Border Management strategies and related Action Plans and to develop regional and cross border initiatives under the IPA-Transition Assistance and Institution Building component for 2007

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)¹, and in particular Article 14(2) (a) thereof,

Whereas:

- (1) Regulation (EC) No 1085/2006 lays down the objectives and main principles for pre-accession assistance to candidate and potential candidate countries.
- (2) In accordance with Article 7 of Regulation (EC) No 1085/2006, the assistance should be provided through multi-annual or annual programmes, which can be established by country and by component, or, as appropriate, by group of countries or by theme. These programmes should be drawn up in accordance with the general policy framework referred to in Article 4 of Regulation (EC) No 1085/2006 and the relevant multi-annual indicative planning document referred to in Article 6 of that Regulation.
- (3) The Council established for all candidate and potential candidate countries an Accession Partnership or a European Partnership. The Commission has adopted on 29 May 2007 a multi-beneficiary multi-annual indicative planning document 2007/2009 which presents indicative allocations for the main priorities for pre-accession assistance to all countries concerned².
- (4) Therefore, the programme "Regional support to the update, implementation and monitoring of the Integrated Border Management strategies and related Action Plans and development of regional and cross border initiatives" under the IPA Transition Assistance and Institution Building Component for 2007 aims at providing assistance for the establishment of a more effective management of borders at regional level through the support of the relevant services involved in Integrated Border Management (IBM), including police, customs, veterinary and phytosanitary, the judiciary, as well as migration and asylum.
- (5) This decision meets the requirements of Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the

¹ OJ L 210, 31.7.2006, p. 82–93

² C(2007)2205

implementation of Council Regulation No 1605/2002³ (hereafter: “Implementing Rules”) and constitutes thus a financing decision within the meaning of Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁴ (hereafter: “Financial Regulation”).

- (6) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee.

HAS DECIDED AS FOLLOWS:

Article 1

The programme "Regional support to the update, implementation and monitoring of the Integrated Border Management strategies and related Action Plans and development of regional and cross border initiatives" under the IPA Transition Assistance and Institution Building Component for 2007, as set out in the Annex, is hereby adopted.

This programme shall be implemented by centralised management.

It shall be implemented by means of Financing Agreements to be concluded between the Commission and the Government of Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia including Kosovo (as defined in UNSCR 1244), and Turkey.

Article 2

The maximum amount of Community assistance shall be **EUR 1.5 million** to be financed through Budget line 22.02.07.01 of the General Budget of the European Communities for 2007.

Done at Brussels, [...]

For the Commission

[...]

Member of the Commission

³ OJ L 357, 31.12.2002, p. 1 Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.04.2007), p. 13

⁴ OJ L 248, 16.9.2002, p.1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p.1)

ANNEX: REGIONAL SUPPORT TO THE UPDATE, IMPLEMENTATION AND MONITORING OF THE INTEGRATED BORDER MANAGEMENT STRATEGIES AND RELATED ACTION PLANS AND DEVELOPMENT OF REGIONAL AND CROSS BORDER INITIATIVES

1. IDENTIFICATION

Beneficiaries	Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia including Kosovo (as defined in UNSCR 1244), and Turkey
CRIS number	2007/019-274
Year	2007
Cost	€1.5 million
Implementing Authority	European Commission
Final date for concluding the financing agreements	at the latest by 31 December 2008
Final dates for contracting	2 years following the date of conclusion of the Financing Agreement
Final dates for execution	2 years following the end date for contracting.
Sector Code	15130
Budget lines	22.02.07.01
Programming Task Manager	Roberta CORTESE - DG Enlargement Unit D3
Implementation Task Manager	Roberta CORTESE - DG Enlargement Unit D3

2. PRIORITY AXES / (MEASURES) / PROJECTS

2.a Priority axes

The programme addresses objectives set out in the Multi-Beneficiary MIPD 2007-2009¹ regarding the Justice and Home Affairs sector and especially the support to the relevant services involved in the area of integrated border management, including police, customs, veterinary and phytosanitary, the judiciary, as well as migration and asylum.

In addition, the programme specifically addresses the recommendation of the Commission's Communication of 27 January 2006 "The Western Balkans on the Road to the EU: Consolidation Stability and Raising Prosperity" which indicates key challenges such as the "further improvement of the trans-border co-operation capacity of the police and customs services". The Communication states that "it is now important to pursue implementation of what has been initiated, to focus on concrete results (...)".

The revised Accession Partnership with Turkey, which was adopted in January 2006, identifies the areas of migration and asylum policy, border management, visa policy and practice and the fight against organised crime and drugs as being of particular importance with regard to the transposition and implementation of the EU *acquis*.

Efficient border management and border security are important priorities for the European Union. The key issue is to ensure a very fine balance between open borders for trade, tourism and other form of legal movement of persons and goods but at the same time efficiently

¹ Paragraph 2.2.3 Justice and Home Affairs

secured and controlled towards the threats posed by illegal migration, trafficking in human beings, organised crime and terrorism. Integrated Border Management (IBM) requires that all relevant authorities work together in an effective and efficient manner. Co-operation shall not be established exclusively with each country, but also across the borders, with relevant agencies of neighbouring states.

The EU commitment and responsibilities within the Stabilisation and Association Process is to introduce to the Western Balkans countries a clear concept of IBM including the references, principles, standards and practices available to implement an efficient and effective border management system in all relevant fields.

The Commission's IBM concept covers coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation in order to establish effective, efficient and integrated border management systems, and to reach the common goal of open, but controlled and secure borders.

In order to support the implementation of the IBM concept, the Commission produced the *Guidelines for Integrated Border Management in the Western Balkans*, in October 2004, defining for the first time the EC concept of IBM in external assistance. The aim of the document was to serve as a basis for a consistent implementation of border management related activities in the Western Balkans.

To ensure that the IBM strategies and action plans in the Western Balkans are consistent and compliant with the above concept, the Commission launched the regional CARDS² project “Support to and coordination of IBM Strategies in the Western Balkans” in 2005. The main objective of this project was the provision of technical assistance, specifically to support the Beneficiary countries in the development or updating of their national IBM strategies and action plans in line with the EU *IBM Guidelines*. An updated version of the *Guidelines* was one of the key results of the project.

As regards Turkey, the Progress Report 2006 welcomed the adoption of the National Action Plan towards the implementation of Turkey’s Integrated Border Management Strategy (IBM NAP) in March 2006 and recommended improvement in terms of cooperation and information exchange between various authorities. It further laid down detailed recommendations on the integrated border management process.

Integrated border management is a regional challenge, involving borders between two or more countries. The programming requires a regional coherent approach and the implementation a coordinated methodology across the region. Coordination and networking are key elements of IBM strategies, thus must be ensured at regional level.

The new regional programme to support the implementation and monitoring of the IBM strategies and action plans is the continuation of the CARDS project “Support to and coordination of IBM Strategies in the Western Balkans” and will build upon its achievements and recommendations. It aims to further increase regional and cross border co-operation in the Beneficiary countries, including Turkey, to support a coherent and consistent implementation across the region of the IBM strategies and action plans previously developed, and coordinate ongoing and planned projects within and between the countries.

² Community Assistance for Reconstruction, Development and Stabilisation

The complementary dimension of project will make sure that the national IPA support to this sector, based on the updated version of the *IBM Guidelines*, is developed following a coherent regional methodology and implemented in a co-ordinated manner across the region. To this end, the project will provide additional tailor made support to the Beneficiary countries in the implementation of consistent national IBM strategies and programmes fully in line with EU standards, and ensure their coherence with those of their neighbours.

2.b Description of project

Project purpose:

- To ensure a regionally harmonised implementation of the IBM strategies and the associated Action Plans (AP);
- To further enhance regional co-operation among Beneficiaries, with EU Member States (EUMSs), in particular neighbouring States, and relevant European and international actors, through the sharing of best practices and lessons learned in implementing the IBM model, the establishment of common standards and procedures, the improvement of operational cooperation, and the intensification of communication and information exchange;
- To support cross-border inter-agency cooperation and the adoption of a more integrated approach towards the services involved in border management, including the judiciary, with a special emphasis on Border Police-Customs cooperation;
- To further support the development of compatible information systems throughout the region.

In order to avoid duplication of efforts with ongoing projects, a thorough assessment of possible overlapping with national projects shall be conducted by the Contractor during the inception period.

National and regional activities shall be carefully coordinated during project implementation.

Expected results

- Regionally harmonised implementation of IBM strategies and Action Plans;
- Enhanced co-operation and networking among Beneficiaries, with EUMSs and relevant European and international actors;
- Cross-border inter-agency cooperation improved, including the Judiciary, with a special emphasis on Border Police or Agencies-Customs cooperation;
- Set up of compatible information systems throughout the region.

Activities

- Organise support to the coordination bodies (at policy and operational level) assisting the beneficiary countries in updating, monitoring and implementing the IBM strategies and Action Plans following a regionally harmonised approach;

- Develop regional co-operation and networking among beneficiaries, with EUMSs, Turkey and relevant European and international actors through the establishment of common standards and procedures, and the intensification of communication and information exchange;
- Support cross-border inter-agency cooperation, including the Judiciary, with a special emphasis on Border Police or Agencies-Customs cooperation;
- Further support the set up of compatible information systems throughout the region.

The activities will be implemented by means of a call for proposals.

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EC external actions. The maximum rate of co-financing by the EC will be 90%. The indicative amount for the Call for Proposals is €1.5 million. It is envisaged to launch the call for proposals in the 1st quarter of 2008.

2.c Overview of past and on going assistance including lessons learned and donor coordination

The Regional CARDS 2001 project regarding Interpol National Central Bureaux (NCBs) has provided the basis for police cooperation by developing the capacity of the Interpol National Central Bureaux. This project has established the basis for regional law-enforcement cooperation and should be enhanced to support the role of Europol to bring national instruments to the necessary relevant standards, particularly with regard to data protection. The development of international law enforcement coordination units will be facilitated under a CARDS 2005 proposal. Projects either have been established or are in the pipeline at a national level to connect already established Interpol National Central Bureaux to remote access units at border-crossing points.

Furthermore, the CARDS Regional Action Programme 2001 has funded the preparation of comprehensive Justice and Home Affairs assessment reports, and an inventory of Justice and Home Affairs assistance in each of the Western Balkan countries. The inventory comprises both EU and other donors' projects and was updated in December 2004.

The Justice and Police Training Scheme for high and medium-level decision-makers in the SAP countries under the CARDS Regional Action Programme 2002 raised the awareness of high-level practitioners of EU standards and best practices and developed useful training materials that are being shared with regional and national Justice and Home Affairs projects.

Ongoing police and judicial reform cooperation projects under CARDS Regional Action Programmes 2002 and 2003 have continued to develop the regional and international police cooperation capacities and have started to build up a regional prosecutor network between the general prosecutors of each country. It is of utmost importance to build on the expertise attained.

The 2003 Regional Integrated Border Management project has produced an updated version of the EU IBM Guidelines which is a Commission's staff working document promoting the concept of border management that is integrated in nature, and as such incorporates agencies including police, customs, veterinary and phytosanitary services.

Foreseen assistance under the CARDS Regional Action Programmes 2005 and 2006 is expected to further police and judicial cooperation in the South-East Europe region. Specifically, technical assistance is intended to be granted to the SECI Centre (South East European Cooperative Initiative for combating transborder crime) to upgrade its institutional and operational framework³. Ad-hoc technical assistance will be dedicated to the development and implementation of national strategies and action plans for data-protection (national supervisory body, proper data-processing and IT system operations in the police, supported by appropriate training and regulations). A monitoring instruments project to establish guidelines on collecting and interpreting police and judicial statistics is expected to commence during 2007. The need for reliable statistics is important for future regional police cooperation especially as regards the exchange of information. In addition, further support to the prosecutors' network established during the 2003 CARDS Judiciary project is envisaged.

Lessons learned

The experience from the previous regional IBM programme shows that future success requires close and effective cooperation between the relevant IBM related agencies and authorities, within each country and between countries. The EC Delegations should be timely and adequately informed about the project activities, and they should report to the EC Headquarters any risk of overlapping with the national programmes. This programme requires an intensive involvement of Beneficiary experts at national and regional levels.

There is also a necessity to give as much as possible the opportunity for practitioners from the Beneficiary countries and EU Member States to meet each other, exchange information about their respective experiences, and give thus the local counterparts the possibility to see some concrete applications of concepts highlighted in the IBM guidelines.

Donor coordination

It is crucial to pay attention to the European and international actors operating in the region in IBM-related areas, such as EU CAFAO (Customs and Fiscal Assistance Office (EU)), PAMECA (Police Assistance Mission of the European Community to Albania) offices in Albania or with the IOM (International Organisation for Migration) in Bosnia and Herzegovina, OSCE (Organisation for Security and Co-operation in Europe), UNHCR (Office of the United Nations High Commissioner for Refugees), ICMPD (International Center for Migration Policy Development), NATO (North Atlantic Treaty Organisation), MARRI (The Migration, Asylum, Refugees Regional Initiative), DCAF (Geneva Centre for the Democratic Control of Armed Forces) and the EU Member States. Co-ordination and cooperation in the framework of the country IBM support shall be ensured throughout the project implementation.

To this end, given the large number of actors involved, coherence and coordination will be assured in particular through working table III of the Stability Pact, which will be taken over by the future Regional Cooperation Council Secretariat in early 2008. Moreover, donor coordination will be ensured through the active involvement of the EC Delegations, which organise regular meetings in-country with Member States, national authorities and other involved organisations in IBM-related issues. European Commission staff responsible for the

³ The implementation of the project is subject to a preliminary revision of its legal framework. SECI has created an Expert Working Group in order to discuss, define and draft a new legal status. The Working Group has planned to meet at least four times in 2007, at the premises of SECI in Bucharest (RO). The Commission supports the organisation of such meetings, using CARDS 2006 funds.

implementation of the Multi-Beneficiary programmes is committed to participate in regional networks and structures to facilitate coordination amongst donors active in the region.

2.d Horizontal issues

- *Equal opportunities and non-discrimination*

The project serves to assist all IBM-related personnel involved (from high administration to operational service levels) regardless of their gender, ethnic or national origin. The project efforts to improve the efficiency and effectiveness of the IBM-related services should serve to counter, among other things, trafficking in human beings and illegal migration. Considering that many victims or potential victims of human trafficking are women, children and individuals belonging to ethnic and minority groups, specific attention should be paid to ensure that support to victims of trafficking is tailored to their specific needs. In particular, female victims of trafficking should have the possibility to be heard by a female personnel should they so wish. To this end, the project should encourage the recruitment of qualified female personnel in the border related law enforcement agencies, as well as personnel belonging to minority groups.

- *Support to minority and vulnerable groups*

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

- *Environmental protection*

The IBM strategies and Action Plans have been drafted and finalised to be in line with the EU IBM Guidelines. The Guidelines take environmental aspects into consideration, although further future measures will need to be taken, in terms of suitable legislation and operations, to ensure that these are respected in the medium term. For this project, the customs, phytosanitary and veterinary services are particularly relevant in ensuring that such checks take place at the border crossing points.

- *Good governance, with particular attention to fight against corruption*

The improvement of IBM should benefit each country (and the region) in reducing criminality, corruption and illegal trade (for example, regarding the smuggling of drugs, weapons, cigarettes, human trafficking).

2.e Conditions

N.A

2.f Benchmarks

	N		N+1 (cumulative)		N+2 (cumulative)	
	EU	NF*	EU	NF*	EU	NF*
Number of calls for proposals launched			1			
Contracting Rate (%)			100			

* In case of parallel national co-financing
Total costs per activity are only estimations

3. BUDGET (AMOUNTS IN EUR)

3.1. Indicative budget table

	EU – IPA assistance		Total co-financing *	Total (IPA plus Co-financing)
	Institution Building	Total in EUR	EUR	EUR
IBM	1.500.000	1.500.000 (90% of overall cost)	166.666 (10% of overall cost)	1.666.666
TOTAL	1.500.000	1.500.000	166.666	1.666.666

* Public and private national and/or international contributions

3.2 Principle of Co-Financing applying to the projects funded under the programme

Final grant beneficiaries should contribute with a minimum of 10 % of the total eligible cost of the project, both for investment and institution building projects the operation's eligible costs.

4. IMPLEMENTATION ARRANGEMENTS

4.1 Method of implementation

The programme will be implemented on a centralised basis by the European Commission in accordance with Article 53a of the Financial Regulation⁴ and the corresponding provisions of the Implementing Rules⁵.

4.2 General rules for procurement and grant award procedures

Grant award procedures shall follow the provisions of Part One, Title VI of the Financial Regulation and Part One, Title VI of its Implementing Rules.

The Commission shall also use the procedural guidelines and standard templates and models facilitating the application of the above rules provided for in the "Practical Guide to contract procedures for EC external actions" ("Practical Guide") as published on the EuropeAid website⁶ at the date of the initiation of the procurement or grant award procedure.

5. MONITORING AND EVALUATION

5.1 Monitoring

The Commission may undertake any actions it deems necessary to monitor the programmes concerned.

⁴ OJ L 248, 16.9.2002, p.1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p.1)

⁵ OJ L 357, 31.12.2002, p. 1 Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.04.2007), p. 13

⁶ http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm

5.2 Evaluation

Programmes shall be subject to ex ante evaluations, as well as interim and, where relevant, ex post evaluations in accordance with Articles 57 and 82 of IPA Implementing Regulation⁷, with the aim of improving the quality, effectiveness and consistency of the assistance from Community funds and the strategy and implementation of the programmes.

The results of ex ante and interim evaluation shall be taken into account in the programming and implementation cycle.

The Commission may also carry out strategic evaluations.

6. AUDIT, FINANCIAL CONTROL AND ANTI-FRAUD MEASURES

The accounts and operations of all parties involved in the implementation of this programme, as well as all contracts and agreements implementing this programme, are subject to, on the one hand, the supervision and financial control by the Commission (including the European Anti-Fraud Office), which may carry out checks at its discretion, either by itself or through an outside auditor and, on the other hand, audits by the European Court of Auditors. This includes measures such as ex-ante verification of tendering and contracting carried out by the Delegation in the Beneficiary Country.

In order to ensure the efficient protection of the financial interests of the Community, the Commission (including the European Anti-Fraud Office) may conduct on-the-spot checks and inspections in accordance with the procedures foreseen in Council Regulation (EC, Euratom) 2185/96⁸.

The controls and audits described above are applicable to all contractors, subcontractors and grant beneficiaries who have received Community funds.

7. LIMITED CHANGES

Limited changes in the implementation of this programme affecting essential elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an indicative nature⁹, may be undertaken by the authorising officer by delegation (AOD), or by the authorising officer by sub-delegation (AOSD), in line with the delegation of powers conferred upon him by the AOD, in accordance with the principles of sound financial management without an amending financing decision being necessary.

⁷ Commission Regulation (EC) No 718/2007 of 12 June 2007 (OJ L 170, 29.6.2007, p. 1)

⁸ OJ L 292; 15.11.1996; p. 2

⁹ These essential elements of an indicative nature are, for grants, the indicative amount of the call for proposals and, for procurement, the indicative number and type of contracts envisaged and the indicative time frame for launching the procurement procedures.