

ANNEX 4

of the Commission Implementing Decision on the ENPI East Regional Action Programme 2013
Part II

Action Fiche for Eastern Partnership Integrated Border Management project - Joint border patrolling on green/blue border between Republic of Moldova and Ukraine

1. IDENTIFICATION

Title/Number	Eastern Partnership Integrated Border Management project - Joint border patrolling on green/blue border between Republic of Moldova and Ukraine CRIS number: ENPI/2013/024-868		
Total cost	Total estimated cost: EUR 3.6 million Total amount of EU budget contribution: EUR 3.2 million This action is co-financed in joint co-financing by - the Republic of Moldova for an amount of EUR 200,000 - the Republic of Ukraine for an amount of EUR 200,000		
Aid method / Method of implementation	Project Approach Joint management with the International Organisation for Migration (IOM)		
DAC-code	15220	Sector	Civilian peace-building, conflict prevention and resolution

2. RATIONALE AND CONTEXT

2.1. Summary of the action and its objectives

Enhancement of reaction capability, and in general the level of border management, along the common green and blue border between Republic of Moldova (hereinafter Moldova) and Ukraine.

2.2. Context

2.2.1. *Regional context*

2.2.1.1. **Economic and social situation and poverty analysis**

After the demise of the Soviet Union in the early 90's of the past century, Ukraine and Moldova go through similar development challenges such as limited economic growth, poverty, corruption and conflict of interest. In spite of positive growth rates, the majority of population of Moldova and Ukraine face difficult living conditions linked to poor infrastructure, low salaries, limited work opportunities and poor housing, educational and health facilities, as compared to the soviet times. High emigration rates and decreasing population figures confirm that both countries remain among the poorest in Europe.

These factors also explain the continuous flow of irregular migrants and the development of cross border crime including smuggling and trafficking of human beings, weapons and drugs.

The self-proclaimed Transnistrian republic has been for the last twenty-two years a grey area where Moldovan authorities are not recognised, increasing the risks of illegal activities in the region, particularly along the Ukrainian-Moldovan border.

2.2.1.2. Regional development policy

Moldova and Ukraine are partner countries of the European Union within the European Neighbourhood Policy (ENP). The EU-Moldova and EU-Ukraine ENP Action Plans, signed in 2005, lay out the strategic objectives based on commitments to shared values and effective implementation of political, economic and institutional reforms.

The EU is currently discussing an Association Agreement with Moldova as well as with Ukraine to replace the Partnership and Co-operation Agreements (PCA). These Association Agreements will significantly deepen Moldova's and Ukraine's political association and economic integration with the EU.

2.2.2. Sector context: policies and challenges

In Ukraine, the cabinet of Ministers of Ukraine approved the Integrated Border Management (IBM) Concept on 27 October 2010 and its Action Plan on the 5 January 2011. By listing its five main dimensions, the IBM Concept contains a clear reference to the EU IBM Strategy approved by the Council Conclusion on 4-6 December 2006. According to the Concept the Ukraine State Border Guard Service (UA SBGS) has the overall responsibility for implementation of the tasks arising from it.

The action plan on the implementation of the IBM Concept consists of a list of specific tasks in the field of enhancement of the legal framework (national and international as well), creating a four-tier control system for entry and stay in Ukraine of foreigners and stateless persons, enhancing cooperation with national and international stakeholders, creating a single information system of subjects of integrated border management, bringing the procedure of border crossing of persons, vehicles and goods in line with EU standards, improving the system of border protection, improving the professional level of personnel and ensuring cooperation and coordination of activities of subjects of IBM.

Improving the engineering arrangements and maintenance of state border line, completing the deployment of border guard subunits and ensuring their technical equipment, monitoring facilities, automobiles and radiolocation facilities are objectives followed continuously by UA SBGS according to the Development Concept of the UA SBGS for the period up to 2015.

The IBM Concept of Ukraine is very closely linked to the implementation of the action plan on visa liberalization (under the title “illegal immigration of block II. of the visa liberalization action plan”), as well as to the Concept of Development of the State Border Guard Service of Ukraine for the period till 2015.

In Moldova, the Government approved the National Strategy on Integrated State Border Management¹ by a decision on the 27 December 2010 for the period of 2011-2013. The Action Plan for the implementation of the National Strategy on Integrated State Border Management was approved by a government decree on 16 May 2011. The IBM Strategy clearly refers to the dimensions of the EU IBM Strategy.

The overall responsibility to implement tasks arising from the Strategy and action plan is on the National Council on IBM that coordinates the activity of the agencies involved in the implementation of the IBM, on which the Border Police of Moldova annually presents an assessment report. 5 working groups have been set up to deal with the specific tasks stipulated in the Strategy and Action Plan: Border Control and surveillance, Customs, Visa Liberalization,

¹ Approved by Government Decision No 1212 from 27.12.2010

Infrastructure and equipment, Prevention of Corruption. The involved organizations created and approved their own institutional plans.

The action plan lists 92 specific tasks in the field of enhancement of the regulatory framework, improvement of the institutional system, enhancement of the state border control and surveillance, intra-agency, interagency and international cooperation, implementation of the best human resources system, ensuring logistic development and development of the risk analysis system.

In Moldova, the IBM strategy is a part of visa liberalization process (block II of the visa liberalization action plan is creating the integrated border management system), and it is strongly linked to the Institutional Development Plan² of the Border Guard Service under the Reformation Concept of the Ministry of Internal Affairs (MoI).

As a result of the reformation process from 1 July 2012 the former Border Guard Service of the Republic of Moldova has been integrated under the Ministry of Internal Affairs, keeping it a separate authority with the name of MoI Border Police Department. The new agency is carrying out its tasks based on the new law on State Border and law on Border Police entered into force on the 1 July 2012.

Both parties' IBM Concept papers consider as a priority the enhancement of the cooperation with neighbouring countries, which can contribute to the improvement of border management and border security along the common border.

It is especially valid for common border surveillance that further development of joint border patrolling can enhance the situational awareness and reaction capability. Implementation of EU best practice in joint border patrolling allows formulating the unique approach of both states to ensuring border security, using resources of both states and based on their IBM Strategy. At the same time, parties require technical capacity building for joint actions implementation. Both countries allocate significant funds to Border Control, although no consolidated figure of the global costs incurred by the various institutions involved is available.

The region of Transnistria unilaterally proclaimed independence from Moldova in 1992, one year after the dissolution of the Soviet Union. A short conflict ensued, with some 1,000 casualties. A ceasefire brokered with Russian mediation left Tiraspol in control of the region east of the Dniester River in a self-proclaimed Republic of Transnistria. Since then, the conflict has been "frozen". Therefore, the central segment of the Moldova-Ukraine state border will require special attention, as the Moldovan authorities have no access to the state border in the Transnistrian region ('TN').

Since 2005, the EU-funded EUBAM mission has been supporting the efforts of Moldova and Ukraine in improving border management along the state border, including the 'TN' segment. However, as EUBAM has no operational mandate, focussing on monitoring, advising and training activities, this separate project is needed in order to cover the supply component of the programme.

2.3. Lessons learnt

In Ukraine, a multi-project Result Oriented Monitoring (ROM) report, published in 2008, gave a positive assessment of the work of the border guard service, in particular regarding the implementation of the strategy on becoming fully compatible with the Schengen system by 2015. A sector readiness assessment was carried in 2010, analysing the Ukrainian border management sector in the context of the sector budget support.

Lessons learned from previous assistance provided in this area include:

² Resolution of the Government of the Republic of Moldova No. 476 as of 28.06.2011

- Assistance in a sensitive area such as border management needs to be developed through a constant and often long-lasting dialogue with beneficiary governments.
- A regional approach provides coherence and encourages harmonisation of global procedures among beneficiary countries.
- Assistance projects have to be tailor-made and needs have to focus on each country's specific requirements.
- The provision of equipment has to be linked to training sessions dedicated to the equipment's use and maintenance.
- Assistance in a particular area needs a mid- to long-term perspective. "One-shot" interventions, implemented over a period of two-three years often lack sustainability.
- Assistance provided needs to be coordinated with other assistance projects: this is being guaranteed by the fact that the "IBM FIT" (Flagship Initiative Training) project is being implemented by the International Centre for Migration Policy Development (ICMPD).

The European Court of Auditors (CoA) Special Report No. 9 of 2008 "The Effectiveness of EU Support in the Area of Freedom, Security and Justice for Belarus, Moldova and Ukraine" confirms "satisfactory achievements" of the EU technical assistance in the area of border management in the region. In the report's "conclusions and recommendations", the Court identified two main issues highly relevant for this particular intervention:

- Lack of speed: "Progress was slower than expected by the Commission, the great majority of projects was extended by several months, some even by over a year."
- Need to focus more on management- and EU practice questions: "The long term goal of a modern system of border management approximating European good practice is still some way off."

In addition, the CoA rightly pointed to the need to ensure sustainability through credible commitments from the partner services regarding the use of procured equipment. Before the launch of any supply procurement notices, a formal commitment regarding the running costs (fuel, maintenance etc.) will be sought.

The need of further EU-funding for the improvement of the border management sector continues to be fundamental for the protection and security of Moldova's and EU's external frontiers. Funds should be focused and directed on activities that have been already initiated and need continuous allocation of resources in order to achieve a more significant impact. These actions proved to be essential to the development of the integrated border management approach, as well as to the development of the border infrastructure (in line with the Infrastructure Development Plan of state borders for 2011-2014 approved by the Government of Moldova in June 2011).

2.4. Complementary actions

The EU-funded EUBAM programme (European Border Assistance Mission to Moldova and Ukraine) has been supporting improvements of border management standards in Moldova and Ukraine by providing technical input in the settlement process of the Transnistrian conflict since late 2005. Many training events on border control standards, risk analysis, capacity building, creation of strategies and concepts, operational activities, enhancing cooperation at all levels have been introduced by joint efforts.

EUBAM supported the initiative of Ukraine and Republic of Moldova in confidence-building measures and coordination of common efforts by introduction of joint border patrolling at the Moldovan-Ukrainian border.

As part of the 2013 Annual Action Programme (AAP) in favour of Moldova and in line with the priorities of the EU - Moldova political dialogue, EU allocated EUR 21 million through the Sector Policy Support Programme for the implementation of the EU – Moldova Visa Liberalisation Action Plan (VLAP). The overall objective of this programme is to contribute to the improvement of the mobility of Moldovan nationals, while ensuring public order and security, consolidating the rule of law and strengthening human rights protection in line with European standards and best comparative practices.

Under the 2010 AAP for Ukraine, a EUR 66 million Sector Policy Support Programme is implemented in the field of border management, in support to the improvement of the sector's management in Ukraine, in particular of the integrated border management strategy. As complementary measures, a Twinning project for the State Border Guards Service and one for the Customs are under preparation. Several supply contracts for both the customs and the border guards are ongoing.

This project is part of the Integrated Border Management (IBM) Flagship Initiative under the Eastern Partnership (EaP) under which a large regional training (so-called "FIT") project was already completed and six pilot projects on border management are under implementation, three of which involve Ukraine and two involve the Republic of Moldova. A large extension of the FIT project focused on capacity building will be managed by Frontex and more pilot projects are being considered for implementation over the next few years.

The Cross Border Cooperation programme has also activities in the region, although focussed on the EU borders.

2.5. Donor coordination

In Ukraine, besides the European Union, there is only one major donor active on border management, the United States. In the frame of the Paris Declaration agenda, a sub-working group on border management issues was established by the Government of Ukraine to coordinate donor assistance. Although this working group is not active at the moment due to continuous changes in the aid coordination mechanisms, the EU Delegation and the US Embassy maintain close contacts at technical level.

Coordination with beneficiaries and donors in both countries is also achieved through EUBAM Advisory Board and bi-annual EUBAM coordination meetings on border management training with the participation of all donors and implementing agencies involved in the sector.

The Republic of Moldova and Ukraine were among the countries involved in the Söderköping process, aimed at facilitating cross-border co-operation between EU Member States and the Western NIS on asylum, migration and border management issues. Although the EU support to the Söderköping process has come to an end, the Secretariat of the Eastern Partnership Panel on Migration and Asylum managed by IOM continues acting as a resource centre for all countries and international organisations participating in the process.

3. DETAILED DESCRIPTION

3.1. Objectives

Overall objective:

Joint patrolling will increase the level of security at common border by enhancing interaction and cooperation, level of personnel training, providing modern technical equipment to border guard units that is used for joint border patrolling.

Specific objective:

The border surveillance on green and blue border between Moldova and Ukraine strengthened by introduction of joint border patrolling, and related costs are reduced based on the principle of shared costs. A more efficient control of the common borders and more efficient use of resources results in a more efficient fight against illegal migration and cross-border crime.

Justification

1. The project proposal is in line with the EaP priorities concerning border management. It fulfils one of the main goals of IBM Flagship Initiative as stated in the Concept note. Besides promoting cross-border cooperation, the project implementation shall improve security and reduce smuggling, predominantly along the Pan-European Transport Corridor IX.

2. The project proposal on joint border patrolling will facilitate harmonisation of already existing patrolling activities of Ukraine and Moldova. By implementing this project the border agencies of the beneficiary countries will ensure that they do not duplicate, but rather maximise their efforts in the area covered. To tackle illegal immigration and cross-border crime, patrolling will include analysis of the situation. This event will be taken into account when elaborating the annual coordinated action plans of cooperation, not only at the central but as well at the regional and local levels of the agencies.

3. Joint patrolling will be followed by joint actions, through evaluation and the establishment of permanent operational co-operation. This, combined with a regular exchange of information, should lead to a more efficient control of the common border.

4. Equipment for the border surveillance to monitor green and blue border needs to be purchased to support operational activities. The equipment will improve the border guards' mobility and readiness to react in appropriate time to certain situations at the border or in the border zone. The amount of equipment with specifications will be drawn up on the basis of detailed assessment in order to invite international tenders.

3.2. Expected results and main activities

Results:

1. Analysis of current situation regarding procedures and planning for the green and blue border surveillance, including an assessment of the required human resource and investment input completed.

2. Draft technical specification and purchase the equipment. Equipment supporting border surveillance is in place, properly used and fully functioning.

Activities:

Component 1: Training

The aim of this training is to learn the proper usage and maintenance of the new equipment (both Moldovan and Ukrainian) received in the framework of the current project. Trainees can further train practitioners at local level.

Component 2: Procurement of equipment - Indicative list of equipment

№	Title of equipment <u>Ukraine:</u>	Required quantity³
1.	Portable thermo vision camera	16
2.	GSM Modem Tablet PC	92 (36*2 + 20 for local BG stations)
3.	Four wheel drive vehicles with Radio communication	25
4.	Trace flashlight «EMOS 3810 LED Expert» or equivalent	484 (36*4+ 260 for BG service + 80 for local BG stations)

№	Title of equipment <u>Republic of Moldova:</u>	Required quantity
1.	Thermo vision camera on the basis of Volkswagen car or equivalent	16
2.	Car - Minibus	4

3.3. Risks and assumptions

Assumption underlying the project intervention

Ukrainian and Moldovan authorities will remain committed to the reform of their border and customs services, the fight against corruption, and bilateral co-operation.

Risks

Project counterparts may not fully endorse, or take considerable time when endorsing, the programme components, assigning institutions and experts for participation in the project's activities (low risk).

Mitigation measures: Experience shows that the timely involvement of beneficiaries in project activities is the best way to address this risk. This risk appears to be quite low since beneficiaries have been consulted from the beginning and have frequently expressed support. In addition, EUBAM recommendations will be taken into consideration in the initial and further assessments of the needs.

3.4. Cross-cutting issues

Good governance: The project is based on good governance principles (particularly ownership, equity, transparency and anti-corruption). It will promote the dialogue between different levels of the state administration. Also, it will help strengthen the partner countries' capacities to better deal with the management of their international borders as well as bilateral and multilateral co-

³ For reference: Ukrainian-Moldovan border is controlled by 36 border guards (BG) Units (16 at Transnistrian sector), 4 mobile BG Units and 1 'C'-type Unit of Southern Regional Directorate.

operation issues through the organisation of regional training sessions and actions (main ideas of the IBM principles).

Human rights and gender: The project will promote the respect of best practice in border management, including fight against trafficking in human beings and protection principles for asylum seekers. This project supports the on-going efforts by both countries aimed at raising awareness of border management officials on the needs of particularly vulnerable parts of the population, especially women, minors and individuals at risk of falling victim to human trafficking.

The expected long-term impact is to contribute to the strengthening of good neighbourly relations as well as the facilitation of trade and migration flows.

3.5. Stakeholders

Key stakeholders are the Border Police of the Republic of Moldova and the State Border Guard Service of Ukraine.

1. **Border Police of the Republic of Moldova (MDBP)** is an autonomous national authority subordinated to the Ministry of Interior of Moldova. The Border Police is created on basis of reorganization of the Border Guards Service of Moldova (from 1 July 2012) which has at the moment a total manpower of 3.553 persons that were demilitarized and granted a special status.

2. The total manpower of the **State Border Guard Service of Ukraine (UA SBGS)** is about 50,000, including 8,000 civilians. The UA SBGS switched to a contracted personnel system in 2008.. The UA SBGS is currently going through an intensive organisational and logistical reform process and noticeable progress has already been achieved in transforming the UA SBGS from a paramilitary to an EU-type law enforcement service in the fields of legislation, recruitment, training and career development.

3. The final target groups of this action will be **individuals and economic actors** that cross borders legally. In addition, improved border management will also contribute to the fight against cross-border crime.

4. IMPLEMENTATION ISSUES

4.1. Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2) (b) of the Financial.

4.2. Indicative operational implementation period

The indicative operational implementation period of this action, during which the activities described in sections 3.2. and 4.3. will be carried out, is **36 months**, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements.

4.3. Implementation components and modules

Joint management with an international organisation.

This action with the objective of increasing the level of border management, along the common green and blue border between Moldova and Ukraine will be implemented in joint management with IOM.

This implementation is justified because IOM offers the specific capacity required for the management of such a specialised project. This is justified by their strong sector expertise (not only

on migration but on most related matters of border management) and regional experience, including on bi-national projects involving Ukraine and/or Moldova, their access to appropriate level of authorities in both countries and their neutral status recognised by all stakeholders. In addition, the fact that IOM will be managing EUBAM next phase will facilitate coordination and synergies between both projects.

Joint management with this international organisation in accordance with Article 53d of Financial Regulation 1605/2002 is possible because the organisation is bound by a long-term framework agreement (Framework Agreement between the Commission and IOM of 8 November 2011). Furthermore, the project will be elaborated jointly between the organisation and the European Commission.

IOM will be in charge of the management of EU funds, payments (liquidation of eligible costs) recovery and cancellation of debts. IOM will perform such budget implementation tasks as launching calls for tenders and proposals, award of contracts and financial instruments, concluding and managing contracts, carrying out payments.

Discussions in view of the implementation of the action were initially conducted with both IOM and UNDP as these two international organisations have the required experience, skills and capacities. Although IOM has been considered the most appropriate, if negotiations with this international organisation fail, this initiative may be implemented in joint management with UNDP.

This implementation would be justified because UNDP offers the specific capacity required for the management of such a large and specialised project. This organisation has a regional experience, including on bi-national projects involving Ukraine and/or Moldova and their strong sector expertise (including the management of EUBAM during the last seven years), their neutral status recognised by all stakeholders and their access to appropriate level of authorities in both countries.

Joint management with this international organisation in accordance with Article 53d of Financial Regulation 1605/2002 is possible because choose the organisation is bound by a long-term framework agreement (FAFA) and the project would be elaborated jointly between the organisation and the Commission.

The change of method of implementation constitutes a substantial change except where the Commission "re-centralises" or reduces the level of budget-implementation tasks previously entrusted to the international organisation.

4.4. Scope of geographical eligibility for procurement in direct centralised and decentralised management

Subject to the following, the geographical eligibility in terms of place of establishment for participating in procurement procedures and in terms of origin of supplies and materials purchased as established in the basic act shall apply.

The responsible authorising officer may extend the geographical eligibility in accordance with Article 21(7) of the ENPI Regulation on the basis of the unavailability of products and services in the markets of the countries concerned, for reasons of extreme urgency, or if the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

4.5. Indicative budget

	Amount	Third party contribution: <u>Governments of Moldova and Ukraine</u>
Joint management with IOM	EUR 3,200,000	EUR 400,000
Total	EUR 3,600,000	

4.6. Performance monitoring

Performance will be monitored by the EU Delegation and the ENPI Monitoring Team. The implementing partner will have to submit regular progress reports.

4.7. Evaluation and audit

An ex-post / impact evaluation will be undertaken within a year after the end of the completion of this initiative. Where applicable, the provisions included in the framework agreement signed with the international organisation will apply.

4.8. Communication and visibility

The implementing organisation will ensure that actions that are funded by the European Union incorporate information and communication activities designed to raise the awareness of specific or general audiences of the reasons for the action and the EU support for the action in Moldova and Ukraine, as well as the results and the impact of this support along the Communication and Visibility Manual for EU External Actions. Where applicable, the provisions included in the framework agreement signed with the international organisation will apply.