

## Annex 2 - Action Fiche for ENPI Regional Action Programme 2011 part II

### 1. IDENTIFICATION

Title/Number	Eastern Partnership Integrated Border Management programme: Enhancement of the border management capabilities at the Ninotsminda-Bavra border crossing point between Georgia and Armenia CRIS: ENPI/2011/23-079		
Total cost	EUR 2.9 million (48 % of IP) 100% EU contribution		
Aid method / Method of implementation	Project approach – direct centralised and joint management		
DAC-code	15210	Sector	Security system management and reform

### 2. RATIONALE

#### 2.1. Sector context

In line with the Commission Staff Working Document accompanying the Eastern Partnership (EaP) Communication of 3 December 2008 it was agreed to establish a potential flagship initiative on an Integrated Border Management (IBM) Programme, so that <sup>1</sup>*“a programme for introducing integrated border management at the EaP countries’ non-EU borders could be developed. This is a precondition for effectively tackling customs fraud, trafficking and illegal migration, and thus for progress in key policy areas such as trade, customs and visas. Setting up integrated border management structures aligned to EU standards is also an important prerequisite for progress on the mobility of persons’*.

To achieve the specific objectives of the IBM Flagship Initiative, the European Neighbourhood Partnership (ENPI) Regional Strategy Paper and Indicative Programme 2010-2013 included an EaP IBM Flagship Initiative project. A Concept note adopted by the EaP IBM Panel in Odessa described the IBM Flagship Initiative project’s aims as strengthening the capacities of the six (6) Eastern Partnership countries to develop and implement IBM systems. The Concept note identified two main areas of focus: firstly, to consolidate the IBM principles into national strategies, and secondly to foster inter-agency and cross border cooperation between the partners.

The Ninotsminda-Bavra Border Crossing Point (BCP) is located 2120 metres above sea level, on the M-1 Road between Yerevan and Batumi, via Akhaltsikhe, in Georgia. It is part of the transport corridor connecting the Armenia-Iran border crossing in the south with Bavra.

The authorities are working on the integrated border management agreement, which will enable the Armenian and Georgian respective services at the Ninotsminda-Bavra BCP to work in a unified manner and in case of a registration and checking goods on one side of the

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<sup>1</sup> Specific Terms of Reference Study for an EaP IBM Flagship Initiative project FWC BENEFICIARIES 2009 LOT n°7: GOVERNANCE AND HOME AFFAIRS EuropeAid/127054/C/SER/multi

checking point ensure the unimpeded transfer of goods and passengers at the other side of the BCP.

The process of agreeing on the joint management of the Ninotsminda-Bavra BCP has started in 2010, envisaging the introduction of the unified procedures for goods and passengers' controls by the Armenian and Georgian customs and border officials at the Ninotsminda-Bavra BCP. The negotiations are at the initial stage. The purpose of the agreement shall be to ease the control procedures for passengers along with unifying the system and putting all data on movement of goods and passengers from both sides of the BCP in a unified database.

The Cooperation Agreement on Border Issues between the Border Police of Georgia and the National Security Services of Armenia is being drafted currently and should be the ground for an increasingly integrated approach of the management of their common border.

The National Security Council (NSC) is consulted on all issues related to border security and has taken the lead in IBM implementation.

The Police of Republic of Armenia, responsible for Passport and Visa has prepared a Concept paper on "Reform programme in the sector of the Police under the RA Government" approved by the RA Government Decree "On approving the concept paper for 2010-2011 reforms in the area of RA Police" dated 1 April, 2010 and RA President Instruction on "Introduction of RA migration system and electronic passports and identification cards containing biometric identifiers" dated 15 March, 2008. The RA Customs Administration Strategy Plan for 2008-2012 has been approved by Decision No. 527-N of the RA Government, dated 14 May, 2009.

In Georgia, the National Integrated Border Management Strategy was developed by the Temporary Inter-Agency Commission at the National Security Council with the assistance of the EU Special Representative to South Caucasus and approved by the Presidential Decree in February 2008. This document sets targets which should be achieved throughout five years. The IBM Strategy Implementation Action Plan (AP) has been elaborated and approved by Presidential Decree №954 on 25 December, 2009. The implementation of internal, interagency and international new mechanisms in the sphere of border management and the priorities of the European Neighbourhood Policy, to ensure the transformation to modern standards of border control, have been taken into account during the drafting of the AP.

Government of Georgia has supported the IBM related costs from the state budget. The relevant border infrastructure was also put in place. The Ninotsminda-Bavra border check point between Georgia and Armenia functions normally, almost all essential services, facilities, personnel and governmental agencies are present and operational; however there is a need for infrastructure development on the Armenian side of the BCP and certain IBM related equipment needs have been identified on the Georgian side of the BCP.

The EU Advisory Group in Yerevan conducted a comprehensive assessment of the Georgian – Armenian BCP and made a number of recommendations to increase the efficiency of the BCPs.

With the road infrastructure leading to Ninotsminda BCP finalised on the Georgian side, as well as anticipated finalisation of other portions of highway in Georgia and Armenia the traffic to and from Iran and Turkey via Ninotsminda-Bavra BCP is expected to increase considerably already from summer 2011. Due to limited customs check possibility at the BCP there is a high risk of illicit traffic of goods to/from Iran and Turkey, as well as further to EU.

Immediately after the finalisation of the road infrastructure on the Georgian side traffic in summer season of 2010 has increased.

The need for the equipment and infrastructure development at the Ninotsminda-Bavra BCP affects immediately the border and customs officials of the two countries, who are most affected by the problems outlined. The impact and/or the result of the deficiencies in the process of managing the BCP may be a threat to security to both countries concerned, as well as any other destination, to where the goods and people may transit after crossing the Ninotsminda-Bavra BCP.

The main functions concerned at Ninotsminda-Bavra border crossing point are as follows: passport and visa controls, phytosanitary and veterinary controls, health checks for epidemic prevention, customs passenger and private vehicle clearance, customs duty collection, customs anti-smuggling controls.

Due to the limited infrastructure and control possibilities the risk of illicit traffic of goods and crime proceeds is likely. The lack of scanning equipment for the vehicles makes the BCP vulnerable to illicit traffic of goods. There is a need of improving passports' controls during first line controls and implementing second-line checks to enhance passports' controls through second line controls on the Georgian side of the BCP. Mobile equipment for handling extensive traffic (especially in summer) is required to improve passport controls. There is a need of infrastructure development on the Armenian side of the Ninotsminda-Bavra BCP to ensure efficient functioning of the BCP.

Therefore, provision of equipment which will enable more effective Border Control and Customs Control is required, as well as development of infrastructure which will allow a more secure environment in which to conduct examinations of goods and vehicles.

The proposed action is consistent with the IBM concept and is proposed to fill the gaps in the field of fully fledged secure functioning of the Ninotsminda-Bavra BCP.

## **2.2. Lessons learnt**

The EU supported project on border training centre in Georgia was finalised by the privatisation of the refurbished training facilities after the project was over.

Another lesson learned would be to ensure the proper involvement of all stakeholders in the process from the very initial stage and the active cooperation of the EU Delegations concerned in planning and following the implementation of the action throughout the project implementation period.

Since 2009, the EU also funds a South Caucasus Integrated Border Management (SCIBM) Programme for the three South Caucasus countries. Furthermore, the EU supports border management in relation to the mobility of people under its Thematic Instrument for Migration. This pilot project will need to be closely coordinated with the ongoing SCIBM project implemented by a consortium lead by UNDP and ICMPD along with several EU Member States.

The EU has identified key transport corridors under the Pan-European Transport Corridors and TRACECA. Smooth border traffic along these corridors is crucial for the economic integration of the Eastern partners among themselves and with the EU.

The US supported multilateral cooperation activities in the areas of IBM capacity building and fight against cross-border trafficking in the framework of GUAM (Georgia, Ukraine, Azerbaijan, and Moldova) Organisation for Democracy and Economic Development. The new EaP IBM Flagship Initiative should take the GUAM Organisation experience into account and build on it where appropriate.

### **2.3. Complementary actions**

#### **EaP IBM Flagship Initiative Training (FIT)**

Border management authorities in both countries will benefit from the trainings and capacity building provided through this complementary project run by ICMPD under the EAP IBM Flagship Initiative.

#### **SCIBM**

SCIBM project covers the IBM related issues at a broader capacity building level, supporting the border and customs officials in both countries via extensive trainings on IBM matters and certain equipment/infrastructure development. For the sake of coherence of EU actions on the region, lessons learnt and strategies implemented in the frame of this project will be of high relevance.

#### **FRONTEX**

FRONTEX pays special attention to cooperation with third countries in line with general EU guidelines.<sup>2</sup> Bilateral working arrangements on establishment of the operational cooperation with the relevant authorities of four out of six EaP countries have been signed (Republic of Belarus, Georgia, MD and UA). According to the arrangements, cooperation focuses on the exchange of information and experience, risk analysis, joint operations, training, joint activities and secondment of border guards to EUMS' units responsible for border control, etc. The cooperation should improve the operational interoperability between EUMS and partner's countries. To help support the improved cooperation, defined cooperation plans are being developed.

#### **ICMPD**

ICMPD activity in EaP countries covers areas such as the development and organising of training and capacity building programmes, facilitation of international and interagency cooperation, and supporting governmental and administrative bodies in their institution building efforts. This includes legal reform in areas such as asylum, visa, human trafficking and integrated border management. Presently ICMPD is active in Armenia, Azerbaijan and Georgia dealing with the projects that focus on combating human trafficking. Together with UNDP ICMPD is the implementing partner for SCIBM.

#### **TRACECA**

TRACECA—Transport Corridor Europe-Caucasus-Asia is an international transport programme involving the European Union and 14 member States of the Eastern European, Caucasian and Central Asian region. The project - International Logistics Centres for Western NIS and the Caucasus has an overall objective of supporting international trade and facilitating the movements of goods along the TRACECA corridor through improving logistics capabilities, interoperability and multimodal transport. The project Motorways of the Sea for the Black Sea and the Caspian Sea, Azerbaijan, Georgia, Kazakhstan, Turkmenistan and Ukraine The overall objective of the project is to facilitate trade and transport along the corridor Europe - Black Sea region - Caucasus - Central Asia through improved

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<sup>2</sup> [http://www.frontex.europa.eu/external\\_relations/](http://www.frontex.europa.eu/external_relations/)

interoperability and multi-modal transport on the Black Sea and the Caspian Sea. The specific objective is to promote the concept of “Motorways of the Sea” in TRACECA countries in order to support efficient intermodal freight transport connecting the Black and Caspian Seas’ neighbouring countries with the enlarged EU territory.

#### **2.4. Donor coordination**

The donor coordination in the field of border management is undertaken by the EU together with the Ministry of Internal Affairs. The most active participants of the process are the EU Delegation to Georgia, the US, EU MSs, especially the Embassy of Germany to Georgia,. The meetings take place on a regular basis in the Ministry of Internal Affairs of Georgia, on the initiative of the Ministry not less than twice a year.

### **3. DESCRIPTION**

#### **3.1. Objectives**

The **overall objective** of the proposed action is to facilitate the movement of persons and goods across borders while at the same time maintaining secure borders through the enhancement of Inter-Agency cooperation, bilateral and multi-lateral cooperation among the target countries, EU MS and other international stakeholders

The **first specific objective** is to support institutional development and capacity building of the agencies acting at the Ninotsminda/Bavra BCP. Integration of procedures and exchange of information between Georgian and Armenian authorities will be of special relevance.

The **second specific objective** is to improve the security, to reduce smuggling and trafficking of people and goods, ensure the detection of mixed flows and facilitate the mobility of people across the Ninotsminda/Bavra BCP.

#### **3.2. Expected results and main activities**

**The following results shall be achieved:**

- The strengthened operational procedures at Ninotsminda-Bavra Border Crossing Point.
- The cooperation between the Border Agencies and the cross border cooperation is enhanced through exchange of information, common capacity building initiatives and design of possible joint actions
- Ninotsminda-Bavra BCP becomes more advanced through the delivery of equipment and provision of infrastructure to improve passport control, person, goods and vehicle checking.

To achieve the results listed **the following activities shall be undertaken:**

- (Baseline) impact assessments and perspectives of the project intervention including of the procured equipment
- **The assessment of the operational procedures on Ninotsminda-Bavra Border Crossing Point**, taking into consideration the outcomes of the assessment of another BCP between Armenia and Georgia – Sadakhlo-Bagratashen, undertaken within the SCIBM programme shall be made;

- **The expert support in streamlining the operational procedures on Ninotsminda-Bavra BCP, aligning them with the IBM standards and procedures** including providing support in the respective drafting shall be provided. As a result of this intervention all the three layers of the concept of IBM shall be implemented, by promoting intra-service, inter-service and inter-state cooperation at BCP. These shall include, but not be limited to the following: *BCP level operations in identifying and processing suspicious cases without disturbing legitimate movements: customs/cargo export and import declarations from traders (including pre-export and pre-import declarations); primary and secondary control standards for commercial traffic (customs) and individual traffic (border guards) and especially first and second line document control systems; identification of fraudulent documents.*
- **The training sessions/study tours as necessary and appropriate** (including, but not limited to: *Border security and management, international trade; awareness raising of IBM EU concepts, principles and best practices including cross border co-operation; operational techniques and management for customs and border guards; administrative managerial skills for interagency co-operation; managerial skills especially regarding executive leadership, organisational development and management of change; EU principles on risk management at the border, introducing the concept of authorised economic operator to facilitate legitimate trade while enhancing the security of the supply chain; risk analysis to identify high-risk consignments and risk adjusted control operations based on risk management for both main border authorities; the training of first line operators in the area of identification of fraudulent documents, profiling and identification of persons, etc.*) based on the assessment of the training needs at the BCP for the purpose of the efficient introduction and implementation of the upgraded operational procedures in line with the IBM standards as well as learning the best practices in the sector shall be provided, as necessary;
- **The preparation of tenders for procurement of equipment** (cargo scanner, passport readers, etc. on the Ninotsminda side the of BCP) **and provision of infrastructure** (construction of the BCP facilities, provision of respective equipment on the Bavra side of the BCP as well as on Ninotsminda side) to improve passport control, person, goods and vehicle checking by assessment of the beneficiary countries' needs for the IBM needs, preparation of the respective technical specifications and other necessary tender documents for the supply contract(s) (to be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations in force at the time of the launch of the procedure in question), assistance to the EU Delegation during the tender procedure(s) (preparation of clarifications, expertise during the evaluation of tenders received, etc.), and supervision during the supply contract(s)' implementation;
- **Supervision of the implementation of tenders for procurement of equipment and provision of infrastructure** to improve passport control (*to assess new developments in document security or introduce new equipment for inspecting documents (i.e. biometrics, RFID, etc.);*
- **The provision of appropriate document inspection devices and updated reference materials regarding genuine travel documents, BCP equipment and infrastructure**, as needed.
- Training on the detection and checking of foreign and falsified documents, illegal drugs and explosives at BCPs
- Exchange of experience on the involvement of the population living in border areas in the protection of the state border
- Visibility activities.

### **3.3. Risks and assumptions**

#### **Assumptions:**

- A pre-condition is the continuation of general socio-economic and political stability in the region;
- The beneficiary administrations of Armenia and Georgia will demonstrate sense of ownership for the process;
- There is a commitment and interest from administrations of Republic of Armenia and Georgia to share information, harmonise procedures, systems and practices in accordance with EU standards and/or Project recommendations;
- Beneficiary agencies of Republic of Armenia and Georgia will make sufficient numbers of appropriate qualified personnel available for the project activities.

#### **Risks:**

The competing priorities, such as changed political commitments on either of the sides of the BCP might negatively impact the ability of the future Project to deliver the results.

- There are political factors as well as technical or practical factors that could affect the success of the future implementation of the project. Of special relevance is the conclusion of a management agreement between Georgian and Armenian authorities for their common border and this specific BCP. Actions aiming at supporting this objective might be included in Action Fiche.
- Corruption is an important risk for the full implementation of the objectives of the project. Specific activities aiming at reducing that risk and raise awareness of local authorities might be included in order to reduce it.

### **3.4. Crosscutting Issues**

All the activities will pay special attention to the European Union standards and best practices which are developed in the field of Integrated Border Management and laid out in the Schengen Catalogue and IBM guidelines.

*Good governance and human rights:* While promoting better dialogue between different levels of the state administration, the programme will promote good governance principles (particularly ownership, equity, transparency and anti-corruption). It will also promote the respect of protection principles for asylum seekers.

*Gender balance:* The programme will contribute to promote gender balance in several ways, and ensure that in areas such as training, women's participation in the border management adequately considered. Specific attention will be given to raising awareness of border management officials to the specific needs of vulnerable populations, especially women, minors and individuals at risk of human trafficking.

*Environment:* capacity building components of the programme will take into consideration the environmental sustainability of projects.

### **3.5. Stakeholders**

The project is intended to focus on the Republic of Armenia and Georgia.

The commitment in each of the countries towards the implementation of the IBM principles is high; various stakeholders were identified during the study, preceding the project identification period and listed below.

### **Republic of Armenia (RA):**

National Security Council (NSC) has overall responsibility for the development of national strategies and policies. All strategies must be first adopted by this council.

- **The RA border troops** are responsible to protect the RA state border, ensure the RA security and independence at the state border, and implement border control, state border regime and border regime at the state border crossing points.
- **The Passport and Visa department of the RA Police** issue entry visa to foreigners, penalising the foreigners under administrative law in line with the procedures specified by administrative law.
- **The State Food Security and Veterinary Inspection** has the control over the animals imported and exported through the RA state border crossing points, food and raw material of animal origin, feed, supplements, bacteriological types, veterinary measures and veterinary medical means, as well as materials and the objects carrying the microbes of infectious diseases of animals.
- **RA Ministry of Health** is represented in the BCPs by sanitary-quarantine posts. These posts are implementing sanitary-quarantine control which is a special type of hygiene and anti-epidemiological control. State Inspectorate of Food Safety & Veterinary Services;
- State Inspectorate for Plant Quarantine & Farming under the Ministry of Agriculture;
- Sanitary Inspection under the Ministry of Health.

### **Georgia:**

Responsibility in the area of border management

The Georgian State borders are managed by: Patrol Police Department, Border Police and Revenue Service

- **The Patrol Police Department (PPD)**, responsible for border checks at the BCPs, air and sea ports;

Tasks of the Patrol Police Department at the border are as follows:

- Border-migration control at the border crossing points;
- To inspect the citizens of Georgia and foreigners on the state border check points of Georgia;
- To observe and control the legal regime of the Georgian state border;
- To Prevent, reveal and eliminate trans-border organized crime and irregular migration, trafficking in human beings, smuggling of drugs, weapons, explosive devices and the movement of means of nuclear materials and other activities as defined by the legislation;
- PPD is authorized to issue the National Visa on the state border.
- **The Border Police (BP)** also part of the MIA, whose tasks and responsibilities are related to “Green” & “Blue” border surveillance within the Ministry of Interior;
- **The Revenue Service (RS)** within the Ministry of Finance, which, through the Customs Control Department is globally in charge of all border related operations. The RS carries out Customs functions, as well as border documentary checks on drivers of vehicles at modernised BCPs and performs additional duties in respect of the veterinary, sanitary and phytosanitary services;
- The Migration Service under the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia.

All the listed beneficiaries are directly concerned with and responsible for the border management. Thus, the support in capacity building will directly have a positive impact on their everyday activities related to the safe and easy crossing of the Georgia-Armenia



Ninotsminda/Bavra BCP. The relevant institutional framework and the organisation capacity in the respective authorities of both countries was identified during the pre-assessment period, providing for good possibility to consider the local commitment to the project and ownership of the process as well as outcomes of it sufficient for the planning and implementation.

In addition, the commitment and the ownership of both governments has once again been confirmed with the active cooperation and communication with regard to the present initiative within EaP, confirmed by a number of the respective correspondence within the preparatory phase.

The final target groups of this action will be passengers and the economic actors crossing the border legally. Specific attention should be provided to persons in need of special protection, including asylum seekers, potential victims of human trafficking and unaccompanied minors.

#### **4. IMPLEMENTATION ISSUES**

##### **4.1. Method of implementation**

Parts of the programme will be implemented via direct centralised management and other components of the programme will be implemented via joint management through the signature of an agreement with an international organisation. Tentatively the capacity building and training part as well as the infrastructure component on the Armenian side will be implemented by UNDP who has significant expertise and experience in the area of Border Management projects. The contractual model that will be used in this case is the Standard Contribution Agreement. The equipment component probably will be implemented through direct centralised management.

The decision to choose UNDP as a partner for implementation of the action via joint management through signature of an agreement with an international organisation is based on the following:

- UNDP's good performance in the EU funded South Caucasus Integrated Border Management project;
- UNDP has offices and management teams in both beneficiary countries;
- UNDP has already established long-term relationship with project beneficiaries;
- Due to the good ongoing implementation of the SCIBM project, it can be assumed that project activities will start smoothly;

The contractual model used will be a Standard Contribution Agreement.

UNDP will arrange joint steering committee meetings, indicatively to be organised on a quarterly basis with participation of representatives of both beneficiary countries and the EU Delegation(s). The basic aims of these meetings will be to regularly review progress made in project implementation and to ensure the highest degree of ownership by both beneficiary countries.

Delegation in Georgia and Delegation in Armenia shall follow the implementation of the contract respectively.

## **4.2. Procurement and grant award procedures**

### 1) Contracts

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

Participation in the award of contracts for the present action shall be open to all natural and legal persons covered by the ENPI. Further extensions of this participation to other natural or legal persons by the concerned authorising officer shall be subject to the conditions provided for in article 21(7) of the ENPI Regulation.

Regarding the components to be implemented via joint management, all contracts implementing the action are awarded and implemented in accordance with the procedures and standard documents laid down and published by the relevant International Organisation.

## **4.3. Budget and calendar**

The source for the funds to implement this project will be the European Union, the target countries do not have the financial capacity to contribute to the major aspects of the action. The estimated budget for the project is EUR 2.9 million, 100% EU contribution. The indicative budget will be tentatively equally divided for the two beneficiary countries. The indicative budget for joint management through the signature of an agreement with an international organisation (e.g. service contracts for the preparation of tenders, trainings and administrative costs, including evaluation (ex-ante and ex-post), audit and visibility) is approximately calculated to be EUR 450,000. The indicative budget for the works contract for construction of the BCP on the Armenian side is approximately calculated to be EUR 1 million. The indicative budget for the supply contract for equipment for the Georgian side of the BCP (track scanner, serving both – Georgian and Armenian sides of the BCP, document security equipment, etc.) is approximately calculated to be EUR 1 million. The indicative budget for the equipment for the Armenian side of the BCP is approximately calculated to be EUR 450,000.

The launch of the procurement procedures shall take place in the second quarter of 2012.

Foreseen operational duration as from signature of Contract shall be 36 months.

## **4.4. Performance monitoring**

Performance shall be monitored regularly by EU as well as by employing the ROM monitoring, taking into consideration the following: the conclusion of the bilateral country cooperation agreement; bi-annual reviews of the implementation of ENP Action Plans; programme preliminary, mid-term and final assessment reports; assessment reports by governments and international organisations; statistics on detected cross-border crimes; reports of field visits to Ninotsminda-Bavra BCP; assessment and monitoring studies indicating an increased efficiency observed by target groups; programme's final evaluation, final programme report.

#### **4.5. Evaluation and audit**

Mid-term and final evaluations shall be undertaken. If a standard contribution agreement is signed with UN, the audit/verification shall be undertaken according to FAFA.

#### **4.6. Communication and visibility**

Communication and visibility activities shall be planned and implemented in accordance with the EU Visibility Manual, with a very detailed Communication and Visibility Plan drafted and agreed with the EU at the very initial phase of the implementation and very closely followed-up.