



**ANNEX 2**

of the Commission Implementing Decision on the ENI East Regional Action Programme 2018  
Part 1

**Action Document for Eastern Partnership Integrated Border Management Flagship Initiative: Implementation of a video-control system at road border crossing points and support for sustainable joint blue border surveillance**

<b>1. Title/basic act/ CRIS number</b>	Eastern Partnership Integrated Border Management Flagship Initiative: Implementation of a video-control system at road border crossing points and support for sustainable joint blue border surveillance CRIS number: ENI/2018/041 171 financed under European Neighbourhood Instrument
<b>2. Zone benefiting from the action/location</b>	Eastern Europe Region: Republic of Moldova and Ukraine The action shall be carried out at the following location: common blue border between Republic of Moldova and Ukraine (except Transnistrian segment)
<b>3. Programming document</b>	Regional East Strategy Paper (2014-2020) and Multiannual Indicative Programme (2017-2020)
<b>4. Sector of concentration/ thematic area</b>	Integrated Border Management
<b>5. Amounts concerned</b>	Total estimated cost: EUR 4 440 000 Total amount of EU budget contribution: EUR 3 552 000 This action is co-financed in parallel co-financing by the Republic of Moldova and by Ukraine for an amount of EUR 888 000
<b>6. Aid modality(ies) and implementation modality(ies)</b>	Project Modality Indirect management with the International Organization for Migration (IOM)
<b>7 a) DAC code(s)</b>	15210 - Security system management and reform 33120 - Trade facilitation
<b>b) Main Delivery Channel</b>	International Organization for Migration - 47066

<b>8. Markers (from CRIS DAC form)</b>	<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
	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 (including Women In Development)	<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"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
	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"/>
	<b>9. Global Public Goods and Challenges (GPGC) thematic flagships</b>	Integrated Border Management Flagship Initiative		
<b>10. SDGs</b>	Goal 9: Build resilient infrastructure, promote sustainable industrialization and foster innovation			

## SUMMARY

This action aims to further enhance the integrated border management (IBM) between the Republic of Moldova<sup>1</sup> and Ukraine by encouraging inter-agency cooperation through joint control and information exchange on persons/vehicles/goods crossing the Moldovan-Ukrainian border, as well as through joint border surveillance along common border.

The proposed action will support the two beneficiary countries with implementing 24/7 automated intellectual video control systems at some of the busiest road border crossing points (BCPs) to develop cross-border and inter-agency real-time information sharing, including pre-arrival data exchange based on Automatic Number Plate Recognition (ANPR). The action is also aimed at improving mobility and accessibility in difficult water areas and/or during unfavorable weather conditions along the common blue border, with the view to enhance preparedness to respond to border incidents and urgent search and/or rescue needs in a bilaterally coordinated and coherent manner.

The action is expected to contribute to the broader objective to facilitate trade and movement of people across borders, while preventing and combating cross-border crime and corruption, and therefore to the economic security and sustainable development of the region. It responds to the priorities as identified in the national integrated border management policy documents of both countries (Moldova IBM Strategy 2015-2017 and Ukraine IBM Concept 2016-2020).

<sup>1</sup> Hereinafter referred to as Moldova.

It does also fit the bilateral and regional cooperation and assistance frameworks, such as the EU Association Agreements and Association Agendas with both countries, the Regional East Strategy Paper 2014-20, and the ENI East Regional Action Plan 2018.

The key stakeholders and beneficiaries are the border and customs authorities of Moldova and Ukraine, which have already committed their support and co-financing to the proposed action during the identification phase.

Quality of implementation will be assured through implementation by IOM<sup>2</sup>, which will – with the support of EUBAM<sup>3</sup> thanks to their solid presence at the common border in the past years – conduct the necessary procurement of supplies, work and services to ensure that the partner countries successfully achieve the objectives of this action.

## **1 CONTEXT**

### **1.1 Sector/Country/Regional context/Thematic area**

The Moldova-Ukraine State Border is 1 222 km long, consisting of 955 km of green border and 267 km of blue border. There are 67 official crossing points, including international, inter-state and local ones. 453.4 km of this border on the Moldovan side is under control of the so-called Transnistrian authorities, including 25 official crossing points to the Ukraine (5 international, 8 inter-state, 12 local).

Ukraine and Moldova encountered similar development challenges, such as political instability, limited economic growth, demise of socio-economic infrastructure and corruption. The general pattern of cross-border crimes has not changed. Illegal movement of goods, including excise goods, is defined as the key challenge for the border authorities at the Moldova-Ukraine border. Both price differences across Moldova's and Ukraine's markets and profits emerging from tax and duties evasion create strong incentives for smuggling of tobacco, alcohol and foodstuffs, particularly along the Transnistrian sector of the common border.

The “internal boundary” between the Transnistrian region and Chisinau controlled territory has a continued Russian military presence (“peacekeeping forces”) and is not monitored by Moldovan border police, due to its administrative character. The State border with Ukraine along the Transnistrian segment is not under the control of Chisinau authorities; internationally recognised control and protection functions are “only” conducted by the State Border Guard Service of Ukraine at international border crossing points (BCPs) together with the State Fiscal Service of Ukraine. At the boundary with Transnistrian region 9 internal customs control posts are organized, composed of customs and police officers.

#### **1.1.1 Public Policy Assessment and EU Policy Framework**

Within the context of the European Neighbourhood Policy (ENP), both Moldova and Ukraine have committed to progress towards efficient and comprehensive border management, including specific customs and border matters. Bilateral relations were upgraded with the

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<sup>2</sup> Or UNDP as alternate – see section 5.3 below.

<sup>3</sup> EU Border Assistance Mission to Moldova and Ukraine.

signing of Visa Liberalisation Action Plans (VLAP) and of Association Agreements (AA), including a Deep and Comprehensive Free Trade Area (DCFTA)<sup>4</sup>, between the EU and each partner country. The EU gave a positive opinion on adoption of legislation and its implementation in the framework of the Visa Liberalisation dialogue for both countries, including provisions related to border management, fight against organised crime and data protection. Moldova benefits from visa-free regime with the EU since April 2014. The Commission published a legislative proposal for visa-free regime with Ukraine in April 2017, which has been endorsed by the Council in May 2017. Ukraine benefits from visa-free regime with the EU since 11 June 2017. The Commission is monitoring the continuous fulfilment of the VLAP benchmarks by both countries. Backsliding on VLAP benchmarks, including benchmarks on integrated border management, can result in the suspension of the visa-free regime.

These agreements require a stronger commitment from the partner countries in undertaking the necessary administrative reforms, building capacity, adopting legislation and related implementing measures to comply with EU (and international) standards in the area of the movement of people and goods, while achieving an appropriate balance between effective control and the facilitation of legitimate trade. Chief among the leading principles in the field are the basics of Integrated Border Management (IBM), Schengen Border Code and Community (now 'Union') Customs Code (including EU Customs Blueprints).

In Ukraine, a Road Map on joint operational border management with EU Member States and Moldova was endorsed by the Ukrainian President at the end of 2014, whereas the Cabinet of Ministers approved the second IBM Concept 2016-2020. This roadmap together with its Action Plan envisages shared border control, joint border patrolling and operational exchange of data and risk analysis.

In Moldova, the National IBM Strategy 2015-2017 and its Action Plan have been approved through the Government Decision no. 1005 of 10 December 2014. The overall responsibility to coordinate the implementation of tasks arising from the Strategy is vested in the National IBM Council, which coordinates the activity of the agencies involved. A new IBM Strategy for the forthcoming period is currently under development.

The IBM policy documents of both countries identify as priority enhancing the cooperation with the neighbours. More specifically, constructing/reconstructing BCPs according to the current and foreseen needs, organising jointly operated/shared border crossing points using EU principles, or optimizing the number of control agencies are important objectives followed continuously by both countries.

The two countries have signed the inter-governmental Agreement on organization of information exchange on persons and transport crossing the Moldovan-Ukrainian State border (in November 2015). Pursuant to this Agreement, the *Technical principles for information exchange* have also been signed between the two countries (February 2017). These two key documents formally set up the legal framework for bilateral cooperation, as envisaged under this Action.

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<sup>4</sup> For the Ukraine, the full entering into force of VLAP and AA (including DCFTA) is still to be finalized.

### ***1.1.2 Stakeholder analysis***

The key stakeholders of the action are the Moldovan Customs Service, the State Fiscal Service of Ukraine, the Moldovan Border Police, and the State Border Guard Service of Ukraine.

The Moldova Customs Service is a law-enforcement body subordinated to the Ministry of Finance, responsible for collecting customs fees and taxes and fighting customs frauds, while facilitating trade and protecting the citizens and market. 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 24 at the Moldovan-Ukrainian border), as well as 23 internal customs posts (including 9 internal customs control posts on the administrative boundary with the Transnistrian region).

The State Fiscal Service of Ukraine is a governmental agency charged with the implementing the State tax and customs policy and with the fighting tax and customs frauds. The Service consists of 24 headquarters' department and 27 regional customs houses.

The Moldovan Border Police is subordinated to the Ministry of Internal Affairs, charged with implementing the IBM policy and carrying out duties on border surveillance and control, preventing and combating illegal migration and cross-border crime. It carries out its duties through its Central Administration, four Regional Directorates (North, West, South and East) and the Chisinau International Airport, as well as through the 41 Border Police Sectors with 51 BCPs in total (7 with Romania, 43 with Ukraine, 1 at Chisinau Airport).

The State Border Guard Service of Ukraine is part of the Ministry of Internal Affairs and is charged with protecting the border surveillance and control, as well as with fighting organized crime and illegal migration, among others. It is structured in four levels: Central Administration, 5 Regional Directorates, 25 Border Guard Detachments, and Border Guard Units (BCPs, Border Surveillance Posts, and Marine Guards).

All the key stakeholders have been involved at the identification phase and have jointly submitted the project proposal fiche based on which this action document has been developed. In addition, the agencies committed the 20% co-financing through formal letters.

Other target groups and beneficiaries include the trading business and regular travellers, as well as some of the vulnerable groups such as victims of trafficking and smuggling and asylum seekers.

### ***1.1.3 Priority areas for support/problem analysis***

The Moldovan-Ukrainian state border is one of the most problematic borders in the region, being violated by illegal crossings westwards, organized and cross-border crime, such as smuggling, trafficking in human beings, arms, drugs and goods. 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 unrecognized 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 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.

It is proposed to focus on two priority areas, as follows:

- (i) implementation of a video control system at road BCPs, and
- (ii) support for sustainable blue border surveillance

*(i) implementation of a video control system at road BCPs*

In order to enhance the security along the common Moldovan-Ukrainian border, as well as the risk management capacities of the border agencies, it is also proposed to implement a joint video control system – close circuit television (CCTV) and Automatic Number Plate Recognition (ANPR) – at some of the most important road BCPs.

This activity will strengthen operational capacities and information exchange between the border agencies of the Republic of Moldova and Ukraine, as well as cross-border cooperation. It will allow proper control of the customs control zone and will reduce to minimum possibility for violations, including corruption and smuggling risks, due to permanent surveillance of the territory both on the level of BCP and the central one.

CCTV, ANPR facilities will ultimately be coupled with each country's Customs Analytical and Monitoring Centre, thereby yielding a centralisation of all information received from the above-mentioned systems. The Centre will ensure 24/7 monitoring of information and coordination with the Customs Service subdivisions, especially those from Risk Analysis and Operational Units.

The ANPR will enable real-time pre-arrival information exchange on vehicles before entering/leaving the country – recorded and compared to a so called “watch list” alerting Operational Units of the Customs Service for detailed control. Trade facilitation and streamlining of customs procedures is going to be ensured by integrating both video control system and ANPR with the risk management systems of the customs authorities, thus means of transportation that were identified by the system as presenting risks will be directed for further checks. Clearance and customs control of those compliant with the customs rules will be simplified.

The reasons for selecting the BCPs are the following:

1. Otaci – Mohyliv-Podilskyi is the busiest BCP on the Moldovan-Ukrainian border for cargo traffic, clearing during high season more than 350 cargo units per 24 hours. It is used for the clearance of goods, including transit from the EU and Turkey to the Russian Federation, Republic of Belarus and Baltic states. The BCP is located on the R8 Edinet – Otaci (RM) – M21 Zhitomir – Mohyliv-Podilskyi (UA) road, which was submitted to the Commission to be included in the extended TEN-T network.
2. Criva – Mamaliga BCP is situated on the M14 Criva – Balti – Chisinau – Tiraspol (RM) – M16 Domanovo-Kovel-Chernivtsi Terebleche and H10 Striy-Ivano-Frankivsk-Chernivtsi-Mamalyga (UA) road that is a part of the extended TEN-T network.

3. Tudora – Starokazachie is the second busiest BCPs for cargo traffic, after Otaci – Moghiliov-Podolsk, and the busiest in the southern region. The number of trucks can exceed 250 per 24 hours during high season.
4. Vulcanesti – Vinogradovca BCP – although the number of cargo traffic is not so high there – the number of passenger vehicles, including buses crossing the border can exceed 400 per 24 hours, during high season.
5. Platonovo BCP is situated on the M21 Chisinau – Dubasari (RM) – E584 European route Poltava by Kremenchug – Alexandria – Okny – Kirovograd – Kyshynov – Giurgiulesti – Galati and Slobozyya road, that is a part of the extended TEN-T network.

In case of insufficient budget to fully cover the needs for all the BCPs listed above, partners will give priority to the BCPs situated on the extended TEN-T network.

*(ii) Support for sustainable joint blue border surveillance*

Currently, border agencies of both countries perform joint patrolling on the basis of the inter-governmental agreement signed on 20 December 2011. Ever since, over 3 000 joint patrolling operations have been carried out by foot, by car or by boat, resulting in a better secured common border and border zone and also contributing to fostering cooperation and mutual trust, raising public awareness on the border activity and facilitating exchange of information between the parties.

As of now, surveillance of about one third of the Moldova-Ukraine blue border is exclusively conducted by land because of insufficient capabilities in terms of special equipment, transportation means on the Nistru River and trained staff. The Northern part of the joint blue border is in its most parts not navigable, given the reduced depth of the river during the hot summer periods (in some places it is below 0.5 meter). Additionally, during winter the river is often frozen and does not allow access with regular equipment. Additional challenges are spring floods when the Nistru overflows its banks, waterlogging border areas, and creating significant problems for patrolling and access in general. The listed factors generate favourable conditions for illegal border crossing, smuggling, trafficking, poaching, including those performed by organised groups. The physical presence by border agencies is limited and surveillance gaps could be closed with competitive innovative solutions, used by EU Member States, such as air-cushion vehicles.

The South-East segment of the Moldova-Ukraine river border is navigable, therefore the use of river boats with a rigid bottom is most appropriate. The lack of docks for boats definitely decrease cooperativity of the border patrols. To organize blue border patrolling it is currently necessary to trail the watercraft, immerse it into the river and vice-versa, which delays the presence of patrols at the borders and the response time, especially in urgent search operations. Moreover, the unfavourable weather conditions mentioned above and complicated landscape (mainly on the northern part) sometimes does not even offer the possibility to bring the boat to the river. In this respect, procurement and mounting of floating docks for boats along the Nistru is a sustainable and added value solution.

Thus, the proposed equipment will enhance the operational capacities on detecting, pursuing, and suppressing offences at the controlled common blue border or adjacent areas of responsibility as well as on ensuring adequate response during rescue missions, presence in

border areas difficult to access and maintaining public order and regimes of the state border and of the border area.

To this end, the Moldovan Border Police aims to endow with proper equipment and watercrafts the „North” and „East” Regional Directorates in charge of the Moldovan-Ukrainian border. For the Ukrainian side the following border detachments (BD) on the Ukrainian-Moldovan border will be equipped: “Izmail” BD, “Bilhorod-Dnistrovskiyi” BD, and “Mohyliv-Podilskii” BD.

## 2 RISKS AND ASSUMPTIONS

<b>Risks</b>	<b>Risk level (H/M/L)</b>	<b>Mitigating measures</b>
Beneficiaries may be at different stages of reform and therefore at different/uneven commitment.	M	With the support of complementary actions (EUBAM, etc.), EU Delegations in both countries will carry out continuous policy dialogue with key stakeholders to ensure that the reform commitment stays strong on both sides. The legal framework of the two countries, and between them, will be checked (and possibly updated) and detailed planning (with target dates and assumed responsibilities) will be put in place to facilitate implementation.
Fulfilling the 20% co-financing requirement from beneficiary countries, given limited budget resources.	M	EU Delegations will follow-up on the commitments of the beneficiaries (letters of commitment signed at beneficiaries' highest possible level)
Trained personnel leaving the beneficiary institution after having being trained.	H	The implementing agency will seek to involve significant numbers of staff in project activities, with a system of focal points in place.
The project activities are not accepted by Transnistria.	L	The action will be accompanied by supporting communication activities, with a gradual implementation approach.
Weak technical capabilities from partners to transfer data (images and JPEG pictures) in a secure way from Platonovo BCP to Moldovan side	M	Partners will ensure a secure way of communication from Platonovo to Moldova.
Ensuring the coverage of maintenance costs of newly acquired equipment by the beneficiaries, given their limited budget resources.	M	EU Delegations will monitor maintenance commitment of the beneficiaries through on-going complementary actions (EUBAM, EUHLAM, etc.)
<b>Assumptions</b>		



There is a continuous commitment from the key stakeholders of the two beneficiary countries to the project objectives, including sharing information, harmonizing their procedures, and working together.

The two beneficiary countries will make sufficient numbers of relevant staff available to project activities, and those will keep working in their institutions for sufficient time so that the skills and knowledge obtained will be properly applied and transferred to colleagues.

The beneficiary countries and implementing agencies will carry out systematic communication activities reflecting gradual implementation of the action.

For the sustainability of the action, the beneficiaries will allocate sufficient resources for maintaining the newly acquired equipment, including by maintenance costs within their respective budgetary planning cycles

### **3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES**

#### **3.1 Lessons learnt**

Many lessons can be taken from similar completed EU support actions on integrated border management (EUBAM, Eastern Partnership IBM Flagship projects, national projects, national budget support in the area of border management, etc.):

- The application of the various aspects of IBM remains limited and inconsistent, whether operationally or in terms of information exchange. In general, all forms of co-operation are still seen as “testing/pilot modes” rather than institutionalised practices.
- Harmonisation of IBM action plans, notably international/cross-border co-operation elements need to be further improved.
- Targeting assistance to different law enforcement agencies in the country proved a good tool in facilitating trade and curbing border security risks (smuggling, trafficking in human beings, controlling food safety and countering public health threats, etc.). A more inclusive approach by partner services in line with IBM principles needed to be promoted, notably in the fight against organised crime.
- The regional delivery of assistance has allowed for economies of scale and synergies and generally, in comparison with national projects, has significantly improved international co-operation and communication, stimulating much needed and useful exchange of practices and experience on a peer-to-peer basis.
- The implementation of the Eastern Partnership (EaP) IBM Flagship Initiative project “*Joint border patrolling on green/blue border between Republic of Moldova and Ukraine*” (implemented during 2014-2015), showed to be effective and efficient, contributing to the further improvement of border management and bilateral ties between the two countries.
- Maintenance costs for newly acquired equipment under various actions has often proved to be an issue on the side of beneficiary institutions given their limited budget resources, which impacts the sustainability of those investments. This required continuous monitoring and policy dialogue efforts from the side of EU Delegations to keep the commitment strong.

### 3.2 Complementarity, synergy and donor coordination

The EU started developing a long-term policy in the area of integrated border management with both countries since at least 2000. The most relevant institutional actors in the area presently are:

*Support Group for Ukraine within Directorate General for Neighbourhood and Enlargement Negotiations (SGUA)*, established in April 2014, has the role to ensure that all the assistance provided by the EU to Ukraine is focused according to the Association Agreement (including the Deep and Comprehensive Free Trade Area). The Support Group is structured by thematic teams, including Justice and Home Affairs.

*EU Border Assistance Mission to Moldova and Ukraine (EUBAM)*, which since 2005 supports improvements to the IBM standards of border management in Moldova and Ukraine. Implementation of the joint patrolling along common border and of the joint video control in the BCPs, developing the cooperation and exchange of information among the services, among others, are important elements of EUBAM assistance. These matters are on the agenda of the Working Group on Jointly Operated BCPs, under EUBAM auspices.

*EU High Level Advisers to Moldova (EUHLAM)* embeds a group of experts in various governmental institutions, including the Ministry of Internal Affairs, Ministry of Finance, and the Customs Service.

*European Border and Coast Guard Agency (Frontex)*, which is one of the implementing partners of the EaP IBM Capacity Building Project in the region, among others.

*EU Advisory Mission to Ukraine (EUAM)* main objective is to support the Government of Ukraine in the preparation and implementation of a comprehensive civil security sector reform, including aspects of border management and customs affairs, good governance and anticorruption;

In that context, EU has disbursed a line of project interventions and financial support, chief among which are:

- the *EaP IBM Flagship Initiative Training Project* – a capacity-building project (dialogue support, training, strategy/action plan support) in integrated border management, implemented by the International Centre for Migration Policy Development (ICMPD) until June 2013;
- the *EaP IBM Flagship Initiative Capacity Building Project* – a follow-up capacity building project covering 2014 - 2017 and focusing on enhancing the training capacities of each country's national agencies involved in border management.
- the *EaP IBM Flagship Initiative Pilot projects* – in general providing equipment and/or infrastructure, complemented with a capacity building component, and focusing on specific border issues or segments. Especially relevant actions in this respect include “*Joint border patrolling on green/blue border between Republic of Moldova and Ukraine*”, implemented during 2014-2015, as well as “*Enhanced IBM through joint border control and exchange of information along the Moldovan-Ukraine border*” contracted in November 2017. The latest provides for a series of interventions related to selected BCPs, namely Kuchurhan-Pervomaisk (making operational the agreement on joint border control), Reni-Giurgiulesti (to allow joint control on a shared BCP on the

Ukrainian side), and Palanca (establishing a bilateral Contact Point), as well as making operational the agreement on data exchange (Automated Info Exchange) on people and transport crossing the border between Moldova and Ukraine.

- the *EaP - Supporting the Implementation of the Prague Process Action Plan (EaP-SIPPAP) project* – aimed at contributing to strategic and operational cooperation in the EaP region in areas of cross-border crimes prevention with a special focus on irregular migration.
- As complementary measures, *three twinning projects* – one for the Moldovan Customs Service and two for the State Fiscal Service and Border Guards Service of Ukraine – have been initiated during 2016, with the view to further support the implementation of IBM elements and bring them closer to EU standards.
- As part of EU-Moldova visa dialogue, the EU allocated EUR 21 million through the Budget Support Programme on the *Visa Liberalisation Action Plan*. The programme – with a final target date of December 2016 – envisaged important border management related indicators to achieve, among others.
- The EU has funded the implementation of the "*Fixed and mobile network communications system for Moldovan Border Police*", for a total amount of approximately EUR 22 million.
- Ukraine's and Moldova's border agencies benefited from a wide range of activities through the *TAIEX* instrument.

### 3.3 Cross-cutting issues

The following cross-cutting issues will be addressed throughout the project.

#### 3.3.1. Gender:

The relevant Ukrainian and Moldovan Authorities are committed to an equal gender treatment of female travellers and throughout its human resource management. The project will establish a suitable foundation for mainstream gender equality in the future, training both service women and men. The beneficiaries are supporting the combating of all forms of discrimination. Equal opportunities and non-discrimination in Ukraine and in Moldova is increasingly recognised not only as ethical imperatives but also as factors with far-reaching economic and policy implications.

#### 3.3.2. Rights-based approach:

The project will promote and advocate professionalization of the border management in line with best EU practices, thus building of increasingly service-oriented administration based on professional and ethical standards and norms and respect of human rights. A proper border management and customs controls allow a better compliance with human rights standards, notably protection of victims of trafficking and other crime, as well as other vulnerable groups.

#### 3.3.3. Environment and climate change:

The European Community has a longstanding commitment to address environmental concerns in its assistance programmes. The project is expected to reduce waiting time of trucks, busses and private cars, which will have a positive impact on the environment adjacent to BCPs (reduced levels of car exhaust fumes and litter). Improvement of border control and

management would also have positive impacts on the fight against environment related illegal trafficking (for example wildlife trafficking and illegal movements of waste and chemicals, including pesticides).

The implementing entity will consult public institutions and stakeholders on whether these crosscutting issues are sufficiently addressed in relevant project documents, implementation and monitoring.

## **4 DESCRIPTION OF THE ACTION**

### **4.1 Objectives/results**

The **overall objective** of the action is to facilitate trade and movement of people across the common border, while preventing and combating smuggling and other border-related offences, crime and corruption, and thus ultimately contribute to the security, stability and sustainable development of the region.

The **specific objectives** of the action are to (1) improve the conditions for free and safe movement of persons, goods and vehicles across common border, (2) enhance the crime prevention and preparedness to respond to border incidents, based on enhanced inter/agency/international cooperation and exchange of information, (3) improve knowledge and skills on operational use of equipment, in conjunction with use of risk analysis/intelligence products, in a bilaterally coordinated and coherent manner.

This programme is relevant for the Agenda 2030. It contributes primarily to the progressive achievement of SDG target(s) 16.2, 16.4, 16.5, 16.6, 16.a, but also promotes progress towards Goal 9. This does not imply a commitment by the countries benefiting from this programme.

Upon completion of this action, the following **expected results** are envisaged:

- 24/7 joint video monitoring and ANPR-based pre-arrival information exchange carried out at selected road BCPs.
- Joint patrolling capacities improved and response time to border incidents (including urgent search and rescue needs) on common blue border reduced.
- Knowledge and skills (on specialised equipment) of relevant staff increased.

### **4.2 Main activities**

- Procuring, transferring, installing and testing the equipment required, with due regard to interoperability aspects.
- Delivering training on use and maintenance of the respective equipment
- Developing standard operating procedures (SOPs)/Guidelines for the relevant staff.
- Delivering training on SOPs/Guidelines.

### **4.3 Intervention logic**

Recent developments in Moldova and Ukraine, especially related to advancements in areas of AA/DCFTA and Visa Liberalization, require mature IBM-related norms, standards and practices, in pursuit of EU level of excellence. Close cooperation and coordination would contribute to the more effective and efficient fight against all types of border-related offences

and crime. Also, facilitating mobility and trade through BCPs will alleviate burden from trading business and provide to travellers client-friendly service, based on ethical and professional norms. All this will ultimately positively contribute to the security and economy of the region, its development, and well-being of the population.

Promoting and proliferating intra-, inter-agency and cross-border cooperation alongside technological advanced tools would logically result in financial sustainability (reduced need of human and financial resources). Coordination between agencies would guarantee a comprehensive multi-dimensional approach to border management with positive effects on various aspects of security, trade, public health and well-being.

Specifically, the action is aimed at further strengthening the joint border control by implementing joint video-control systems at selected road BCPs, and thus contributing to facilitating trade and movement of people across borders, to preventing and combating border crime and corruption, as well as to economic security and sustainable development of the region. The action envisages implementation of 24/7 video monitoring of selected road BCPs in a coordinated and coherent manner, as well as transnational inter-agency real-time information exchange and cooperation, including ANPR-based pre-arrival information exchange. It is therefore expected that, by properly equipping the respective BCPs and by enhancing the skills and knowledge of the relevant staff (use of equipment, joint video-monitoring, risk analysis), the risk management capacities of the border agencies of both countries will increase, while reducing border crossing time.

The action will also aim to further develop the joint border surveillance capacity of the two countries by enhancing the joint patrolling along the common blue border, and thus contribute to increasing the security and stability in the region. In particular, the action seeks to increase mobility and accessibility in difficult water areas and/or during unfavourable weather conditions, as well as to enhance the preparedness to respond to illegal border-crossings and rescue needs in a bilaterally coordinated and coherent manner. As of now, surveillance of about one third of the common blue border is exclusively conducted by land because of insufficient capabilities in terms of special equipment, transportation means on Nistru River and trained staff. It is therefore expected that, by properly equipping the respective border agencies and by enhancing the skills and knowledge of the relevant staff (among others on the use of equipment), the mobility and accessibility for the purpose of joint patrolling will be raised, while reducing response time to urgent border incidents.

The key beneficiaries of the project are formally committed through their national IBM policy documents to inter-agency and trans-national cooperation and coordination. It is therefore a general assumption that the stakeholders will also stay committed to the project objectives, including sharing information, harmonizing their procedures, and working together. It is also assumed that the two beneficiary countries will make sufficient staff available to project activities, and those will keep working in their institutions for enough time to transfer newly acquired skills and knowledge to their colleagues.

## **5 IMPLEMENTATION**

### **5.1 Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner countries, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

### **5.2 Indicative implementation period**

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out and the corresponding contracts and agreements implemented, is 48 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

### **5.3 Implementation modality**

The Commission will ensure that EU appropriate rules and procedures for providing financing to third parties are respected by the parties under the agreements concluded under indirect management, including review procedures, where appropriate, and compliance of the action with EU restrictive measures affecting the respective countries of operation.

#### ***5.3.1 Indirect management with an international organisation***

This action may be implemented in indirect management with the International Organization for Migration (IOM) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation is justified because:

- IOM has extensive experience with implementing EU financed contracts, with a strong record of successful project implementation in the region (EUBAM, MIGRECO, SIREADA, PRINEX, SURCAP), establishing a good reputation in both countries.
- IOM's expertise goes beyond their traditional role of migration agency, which extends to border management with substantial delivery and coordination capacity in various locations of both countries;
- IOM is neutral in relation to political sensitivity deriving from the frozen conflict in Transnistria;

The entrusted entity would carry out the following budget-implementation tasks: running the public procurement, concluding and managing the resulting contracts, including making of the related payments.

If negotiations with the above-mentioned entrusted entity fail, this action may be implemented in indirect management with United Nations Development Programme (UNDP). The implementation by this alternative entrusted entity would be justified because of:

- UNDP experience in the implementation of the previous phases of EUBAM;
- UNDP is the current implementer of the construction/supplies project Palanca shared BCP (which will integrate the contact point project under this decision), its approach being a model for the upgrade of the Reni Shared BCP and joint control at Kuchurhan BCP;

- UNDP's strong regional experience, including on bi-national projects involving Ukraine and Moldova, which have secured an access to appropriate level of authorities in both countries and a neutral status recognised by all stakeholders.

#### 5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

#### 5.5 Indicative budget

	<b>EU contribution (amount in EUR)</b>	<b>Indicative third party contribution (amount in EUR)</b>
Indirect management with the International Organization for Migration (IOM)	3 552 000	
Parallel co-funding by Ukraine and Moldova		888 000
<b>Totals</b>	<b>3 552 000</b>	<b>888 000</b>

#### 5.6 Organisational set-up and responsibilities

The action will be implemented by IOM (or UNDP as alternate) and shall entail periodic assessment of progress and delivery of specified project results towards achievement of action's objectives.

Regular meetings to review progress and steer the implementation of this initiative will take place in occasion of the EUBAM Advisory Board meetings which take place every semester in Odessa or Chisinau. Further update discussions might take place in the framework of the bi-annual Eastern Partnership IBM panel meetings where the Frontex-implemented Capacity Building Project is also present.

Given its presence in the field, EUBAM will also seek to get involved with the project activities in a more operational manner, including (but not limited to) through participating in joint patrolling operations or through defining the technical specifications for the various equipment required.

#### 5.7 Performance 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 twice a year) 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. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

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).

## **5.8 Evaluation**

Having regard to the importance of the action, a mid-term and an ex-post evaluation will be carried out for this action or its components via independent consultants contracted by the Commission.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that such cooperation and coordination in between two countries and four agencies are complex and that a significant amount of equipment has been delivered to the beneficiary countries in the past.

The Commission shall inform the implementing partner at least one month 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 countries and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner countries, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Where relevant, the provisions of the Financial and Administrative Framework Agreement (FAFA) between the European Union and United Nations of 29 April 2003 and its addendum No 1 of 26 February 2014 shall apply.

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



## **5.9 Audit**

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 audits or expenditure verification assignments for one or several contracts or agreements.

Where relevant, the provisions of the Financial and Administrative Framework Agreement (FAFA) between the European Union and United Nations of 29 April 2003 and its addendum No 1 of 26 February 2014 shall apply.

The financing of the audit shall be covered by another measure constituting a financing decision.

## **5.10 Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.5 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations shall be included in the financing agreements or delegation agreements.

With regards to the Neighbourhood East, all EU-supported actions shall be aimed at increasing the awareness level of the target audiences on the connections, the outcome, and the final practical benefits for citizens of EU assistance provided in the framework of this action. Visibility actions should also promote transparency and accountability on the use of funds.

Outreaching/awareness raising activities will play a crucial part in the implementation of the action, in the case of budget support the national government shall ensure that the visibility of the EU contribution is given appropriate media coverage. The implementation of the communication activities shall be the responsibility of the implementing organisations, and shall be funded from the amounts allocated to the Action.

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, fully informed of the planning and implementation of the appropriate 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 the country, 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 Delegation's communication strategy under the "EU4Country" umbrella initiative

**[APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) <sup>5</sup>]**

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

Note that at this current stage of action formulation it was not possible to fully specify and quantify the included indicators. This will be done during the inception phase of the program/activities.

	<b>Results chain</b>	<b>Indicators</b>	<b>Baselines (incl. reference year)</b>	<b>Targets (incl. reference year)</b>	<b>Sources and means of verification</b>	<b>Assumptions</b>
<b>Overall objective: Impact</b>	To facilitate trade and movement of people across common border, while preventing and combating border-related offences and crime, as well as corruption.	Border crossing time at selected road BCPs.  Rate of border crime and corruption at Moldova-Ukraine common border.	For all indicators: reference year 2017 (exact state of play for Moldova to be established by baseline as defined in the forthcoming IBM Strategy).	Reduced border crossing time by 10% at the selected BCPs.  Cases of seized goods and corruption decreased by 20%.	External Reports (WTO, WCO, EUBAN, OECD, FRONTEX, etc.)  Annual reports of the border agencies.  Risk analysis products.  Official statistics.  Media reports.	
<b>Specific objective(s): Outcome(s)</b>	To improve the conditions for free and safe movement of persons, goods and vehicles across the common border.  To enhance the crime prevention and preparedness to respond to border	24/7 joint video monitoring and ANPR-based pre-arrival information exchange at selected road BCPs.	No video monitoring or ANPR-based pre-arrival information exchange being	24/7 joint video monitoring and ANPR-based pre-arrival	Project Reports, National Anti-corruption Reports  Border-crossing statistics of both	With the support of complementary actions (EUBAM, etc.), EU Delegations

<sup>5</sup> Mark indicators aligned with the relevant programming document mark with '\*' and indicators aligned to the EU Results Framework with '\*\*'.

	<p>incidents based on cross-border cooperation and exchange of information.</p> <p>To improve knowledge and skills on operational use of equipment, in conjunction with use of risk analysis/intelligence products, in a bilaterally coordinated and coherent manner.</p>	<p>Response time to border incidents (including urgent search and rescue needs) on common blue border.</p> <p>Knowledge and skills (on specialised equipment) of all relevant border staff.</p>	<p>carried out at selected road BCPs</p>	<p>information exchange carried out at selected road BCPs.</p> <p>Joint patrolling capacities improved and response time to border incidents (including urgent search and rescue needs) on common blue border reduced</p> <p>Knowledge and skills (on specialised equipment) of all relevant border staff increased.</p>	<p>countries</p> <p>Operative and periodic reports.</p> <p>Number/frequency of inter-agency exchange information (pre-arrival information, risk analysis/intelligence, etc.).</p> <p>Risk analysis products.</p> <p>SOPs/Guidelines/Training curricula.</p>	<p>in both countries will carry out continuous policy dialogue with key stakeholders to ensure the reform commitment stay strong and the same on both sides.</p>
<b>Outputs</b>	<p>Equipment procured, transferred, installed and tested.</p> <p>Training on use and maintenance of the respective equipment delivered.</p> <p>SOPs/Guidelines for relevant staff developed.</p>	<p>Video equipment at all selected BCPs.</p> <p>Knowledge of staff on using and maintaining the equipment.</p> <p>SOPs/Guidelines (on joint patrolling, on cross-border</p>	<p>No video equipment present</p> <p>No trained staff</p> <p>No SOPs/Guidelines</p>	<p>Equipment identified, procured, installed and tested.</p> <p>Relevant staff trained in using and</p>	<p>Tender and procurement documentation.</p> <p>List of training activities / list of participants.</p> <p>SOPs/Guidelines/Tra</p>	<p>The implementing agency will seek to involve significant numbers of staff in project activities.</p>

	<p>Training on SOPs/Guidelines delivered.</p>	<p>exchange of information, on use of risk analysis, etc.).</p> <p>Number/frequency of joint patrol operations on common blue border carried out.</p> <p>Number/frequency of detailed controls following ANPR-alerts carried out.</p>	<p>(on joint patrolling, on cross-border exchange of information, on use of risk analysis, etc.)</p>	<p>maintaining the equipment.</p> <p>SOPs/Guidelines (on joint patrolling, on cross-border exchange of information, on use of risk analysis, etc.) developed and approved, and relevant staff trained.</p>	<p>ining curricula.</p> <p>List of joint patrol operations /list of participants.</p> <p>Operative and periodic reports/statistics of border authorities.</p>	
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