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This action is funded by the European Union

ANNEX 1

to Commission Implementing Decision on the Neighbourhood East Regional Action Programme 2017 Part I (including 1 action on budget 2018 and 2019), to be financed from the general budget of the European Union

Action Document for European Union Border Assistance Mission to the Republic of Moldova and Ukraine (EUBAM 12)

1. Title/basic act/ CRIS number	European Union Border Assistance Mission to the Republic of Moldova and Ukraine (EUBAM 12) CRIS numbers: ENI/2017/040-535 ENI/2018/040-536 ENI/2019/040-537 financed under the European Neighbourhood Instrument
2. Zone benefiting from the action/location	Republic of Moldova and Ukraine
3. Programming document	Programming of the European Neighbourhood Instrument (ENI) 2014-2020 Regional East Strategy Paper (2014-2020)
4. Sector of concentration/ thematic area	Civilian peace-building, conflict prevention and resolution
5. Amounts concerned	Total estimated cost: EUR 12 500 000 Total amount of EU budget contribution EUR 12 500 000 The contribution is for an amount of EUR 2 500 000 from the general budget of the European Union for 2017 and for an amount of EUR 5 million from the general budget of the European Union for 2018, subject to the availability of appropriations following the adoption of the relevant budget and for an amount of EUR 5 million from the general budget of the European Union for 2019, subject to the availability of appropriations following the adoption of the draft budget and the budget

6. Aid modality(ies) and implementation modality(ies)	Project Modality Indirect management with the International Organization for Migration (IOM)			
7. DAC code(s)	15220 – Civilian peacebuilding, conflict prevention and resolution			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	☐	☐	X
	Aid to environment	X	☐	☐
	Gender equality (including Women In Development)	☐	X	☐
	Trade Development	☐	X	☐
	Reproductive, Maternal, New born and child health	X	☐	☐
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	X	☐	☐
	Combat desertification	X	☐	☐
	Climate change mitigation	X	☐	☐
	Climate change adaptation	X	☐	☐
9. Global Public Goods and Challenges (GPGC) thematic flagships	N/A			

SUMMARY:

Twenty-five years after the ceasefire to end the Transnistrian conflict, a permanent settlement remains elusive. It has lapsed into the status of a protracted conflict, still constitutes a risk for Moldova and the region. Over the years Transnistria has become a grey economic, political and security area 190km from the EU's external borders. EUBAM continues to register significant amounts of cigarette and ethanol smuggling emanating from the territory, as well as seizures of weapons and ammunition. The EU-Moldova DCFTA, which extends to Moldova's entire territory including Transnistria, adds another imperative to ensure the success of confidence-building measures and regulatory harmonisation.

This Action Document proposes the activities for EUBAM Phase 12. The Mission will refocus around three specific objectives: to contribute to the peaceful settlement of the Transnistrian conflict; to ensure the full implementation of Integrated Border Management (IBM) practices at the Moldova-Ukraine border; and to more effectively combat cross-border crime.

Recognising the deployment of Capital-based EU assistance actors in both Kiev and Chisinau, the Mission's work will be largely focused on the 453km-long stretch of the common border adjacent to Transnistria, as well as the 411km-long administrative boundary between Moldova and Transnistria and the ports in the region which play a vital role in Moldovan, including Transnistrian, imports and exports. With its headquarters in Odesa, EUBAM will develop field based activities through six field offices utilising the skills and experience of Customs and Border officials, most of which will be

seconded from EU Member States. Practical actions done in conjunction with the Moldovan and Ukrainian partner services, such as joint border control operations to counteract smuggling, will be emphasised.

The Mission's primary partners will remain Moldova and Ukraine's Border and Customs agencies. EUBAM will co-ordinate its actions closely with other EU assistance actors, notably the IBM Twinning Projects in Ukraine, EU Advisory Mission, Frontex and the EU's High Level Advisors in Moldova.

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

After their declarations of independence in 1991, Ukraine and Moldova have developed political instability and systemic corruption, and faced limited economic growth and weak capital investment and rule of law.

Both countries committed to wide-reaching reforms when signing Association Agreements with the European Union. The EU-Moldova Association Agreement (AA) provisionally entered force on 1 September 2014 and was fully applied from 1 July 2016. The EU-Ukraine AA entered into force on 1 January 2016.

These agreements have been a catalyst for reforms in both countries, not least on Customs and trade-related matters. However, political turbulence has continued. Anti-Government protests took place in Moldova in 2015-2016 against perceived corruption and a massive banking fraud that was unveiled at the end of 2014. In November 2016, Socialist Party leader Igor Dodon was elected President. He campaigned on a promise to cancel the EU-Moldova AA, although constitutionally cannot do so without parliamentary consent. Successive Ukrainian Governments in 2016 were beset with accusations of not combating corruption, leading to the resignation of several pro-reform officials, including the Governor of Odesa Oblast.

Both countries also face significant security challenges. Transnistria unilaterally declared independence in 1990, leading to a short conflict with up to 1,000 casualties. A Russian-brokered ceasefire has created a so-called "frozen" conflict, with much of the left-bank of the Dniester River outside the control of the Moldovan Government, in a self-proclaimed Republic of Transnistria. A peaceful settlement to the conflict is pursued haltingly through the "5+2 process", with co-mediation by Ukraine, the Russian Federation and the OSCE. Since September 2005, the EU and the USA have been official observers.

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

Financially, both countries have felt the effects of the conflict. GDP per capita decreased in Ukraine from USD3,813 in 2012 to USD2,052 in 2016. Moldova's GDP per capita reduced by 8.6% in the same period. This has constrained budgets of EUBAM's partner services, especially for capital investments, but has placed an onus on more effective tax and customs revenue raising, including heightened interest in counteracting smuggling, intellectual property rights (IPR) infringements and customs fraud.

EUBAM Phase 12's area of operations will cover the 1,222km-long Moldova-Ukraine border from Criva-Mamalyha in the north-west arcing around to Giurgiulesti-Reni in the south-west. All but 3.73km of the border has been demarcated. 453.4km of the border runs adjacent to Transnistria, which the Republic of Moldova has no control over. The border is varied, with 955km of "green" border and 267km of "blue" border along the Dniester River, including a significant area of marshland in the south-east. 67 Border Crossing Points are located along it, including 26 Local Border Crossing Points. Customs controls are not present at 17 of those. The Mission will also cover the 12 Internal Customs Control Posts on the 411km long administrative boundary between Moldova and Transnistria, as well as the ports and airports adjacent to the border, including the two largest at Odesa and Chornomorsk, as they are gateways for Moldovan including Transnistrian imports and exports.

1.1.1 Public Policy Assessment and EU Policy Framework

A decisive step in upgrading EU bilateral relations with Moldova and Ukraine was made by concluding in 2014 the AAs, including Deep and Comprehensive Free Trade Areas (DCFTAs). The application of the EU-Moldova DCFTA was extended to the entire territory of the Republic of Moldova pursuant to Decision 1/2015 of the EU-Republic of Moldova Association Council as of 1 January 2016.

The DCFTAs have spurred Customs and trade-related reforms in both countries to align legislation and procedures with the Union's Customs Code and revised Customs Blueprints. Moldova is in the process of drafting a new Customs Code, and in 2017 will introduce an upgraded ASYCUDA system which will provide the grounds to launch simplified customs procedures, including a national Single Window system. In Ukraine, a nationwide Single Window system was launched in August 2016 whilst a development strategy for the State Fiscal Service and the Union Customs Code alignment process are pending.

As of April 2014 Moldova enjoys a visa-free regime with Schengen Area countries. In 2014 the Government approved the National Strategy on Integrated State Border Management for 2015-2017. The Strategy aims to increase "Compatibility, Interoperability, and Integration", and includes provisions to introduce mobile patrols, improve risk management and strengthen inter-agency co-operation. Its implementation is overseen by a National IBM Council chaired by the Minister of Internal Affairs. In 2015, the Moldovan Government also passed Decree #429 on the "Approval of the Border Security Coordination System Regulations" which supports the development of fully-fledged national coordination of border surveillance along the lines of Commission Decision #1052/2013.

The sixth Progress Report of the European Commission in December 2015 recommended visa suspension for Ukrainian citizen's travel into the Schengen Area to be granted. This was endorsed by the European Council in December 2016 and is now pending agreement from the European Parliament and EU Member States. The country's Concept on Integrated Border Management (IBM) 2016-2020 was approved by the Cabinet of Ministers in Decision #1149 on 28 October 2015. An associated Action Plan includes commitments to implement AA and visa liberalisation obligations, including on migration management and border crossing procedures. A separate National Security Strategy authorised by Presidential Decree #287 on 26 May 2015 and reiterates the priority aim of developing State Border Guard Service capabilities.

The framework for cross-border co-operation continues to develop with the EU's support. A bilateral agreement from March 1997 forms the basis for seven jointly operated border crossing points to be established. The Joint Declaration signed by the Prime Ministers of Moldova and Ukraine on 30 December 2005, set in place the May 2003 bilateral Customs agreement, with enforcement beginning on 3 March 2006. The EU also brokered two protocols on mutual exchange of preliminary, analytical, operational and statistical information on goods and persons, signed on 21 November 2006. More recently, on 4 November 2015 both countries signed a protocol for the establishment of automated information exchange of traveller data, whilst on 13 February 2017 a protocol establishing Contact Points between the border services was signed. The first of these will be deployed at Palanca.

Both Ukraine and Moldova continue to work towards the peaceful settlement of the Transnistria conflict and the effective implementation of the 2003 bilateral customs regime. The "5+2" negotiation process was resumed in 2011, albeit with several subsequent pauses. The last meeting took place in June 2016. It has been supplemented since 31 October 2007 with ten Expert (Working) Groups, of which EUBAM participates in four on Customs co-operation, law enforcement, road and rail transportation.

1.1.2 Stakeholder analysis

EUBAM Phase 12 will have five main partners in addition to the Ministries of Foreign Affairs of both countries. The first four of these are referred to in this document as the "partner services".

The Border Police of the Republic of Moldova: As a result of border management reforms, from 1 July 2012 the former Border Guard Service of Moldova was integrated under the Ministry of Internal Affairs, as the Border Police Department. According to Law #283 of 28 December 2011, the Border Police have responsibilities for border surveillance and border checks, combating illegal migration and cross-border crime, as well as implementing the State's policy on IBM and the management of border information/data systems. The Border Police cover Moldova's 1906km-long border with the exception of the 453.4kms of the Transnistrian segment, and is responsible for 51 border crossing points (7 with Romania, 43 with Ukraine, 1 at Chisinau Airport). The Border Police is split into four regional directorates and 41 border sectors, whilst Headquarters functions are contained within 16 directorates. There are 3,553 personnel, of which 22% are female.

State Border Guard Service of Ukraine: According to the July 2003 amendment of the Law on the State Border, the State Border Guard Service has responsibility for policing Ukraine's State border on land and water, exercising border control, carrying out intelligence, information and analytical, and operational criminal investigations, participating in the fight against organized crime and counteracting illegal migration. They are mandated to do this along the entire 5,637.9km-long State border, although due to events beginning in 2014 some border segments are inaccessible to them. Approximately 50,000 Border Guards are responsible for 196 border crossing points. The Service is split into five regional commands with 25 border detachments. 18% of the staff are female.

Customs Service of the Republic of Moldova: Subordinate to the Ministry of Finance, the Customs Service is responsible for the collection of Customs duties, combating Customs fraud, and facilitating international trade. The Service currently operates 46 Customs Posts at the State border, as well as 15 Internal Customs Control Posts. It was established in September 1991 and underwent re-organisation from October 2016 through Order #748. The previous seven Customs Houses were reduced to three, and the number of staff is earmarked to reduce from 1,728 to 1,520 in 2017. Of the current employees, 32% are female. A new Customs Code, which is the basis for the Service's work, is scheduled to be approved in 2017 and will replace the existing Code promulgated in December 2000.

State Fiscal Service of Ukraine: After establishment in 1991 and repeated restructuring, on 21 May 2014 the Cabinet of Ministers in Decree #236 renamed the Ministry of Revenues and Duties as the

State Fiscal Service under the Ministry of Finance. Apart from its tax responsibilities, the State Fiscal Service is responsible for implementing State Customs policy based on the 2012 Customs Code. This is implemented by the State Fiscal Service's 41,000 staff working out of 24 Headquarters' Departments and 27 Customs Houses. 37% of its staff are female.

Bureau of Reintegration of the Republic of Moldova: The Bureau operates under the Prime Minister's Office and is headed by a Deputy Prime Minister. It is Moldova's lead agency for the Transnistria conflict settlement and is mandated to develop and promote strategies, plans and mechanisms to that end, for reintegration of the country and for post-conflict development. These include the development of confidence-building measures and the co-ordination of Moldova's activities in the Joint Control Commission and the 5+2 process.

1.1.3 Priority areas for support/problem analysis

The settlement of Transnistria related-issues through confidence-building measures and harmonisation of legislation and procedures in the field of customs, trade and transport, and trans-boundary/border management cooperation. The free movement of people and goods across the Transnistrian segment and the administrative boundary line, and restoration of economic ties between Chisinau and Tiraspol could be a catalyst for contributing to the settlement of Transnistrian socio-economic issues. Elimination of undue technical and fiscal barriers between the two banks of the Dniester River will increase transparency and create conditions for fair trade and competitiveness of their businesses in the internal and external markets. As of 1 January 2016, after repeal of the EU Autonomous Trade Preferences regime, Transnistrian exports continue to benefit from preferential treatment in the EU, since the scope of the DCFTA application extended to the entire territory of the Republic of Moldova pursuant to Decision 1/2015 of the EU-Republic of Moldova Association Council. As such, as the Republic of Moldova aligns its Customs legislation with that of the EU acquis, these reforms should also be reflected in harmonised regulations in Transnistria.

Full implementation of the Integrated Border Management at the Moldova-Ukraine border with a special attention to its Transnistrian segment. The Mission will contribute to further improvement of cross-border and interagency cooperation between the customs and border agencies. EUBAM will ensure pre-assessment of requisites (including legal, political and operational) for full implementation and in situ monitoring and verification of the Jointly Operated Border Crossing Points, including at the Transnistrian segment. Activities will fall within the context of National IBM Strategies in both countries. Ukraine's National IBM Strategy for 2016-2020 came into force on 1 January 2016, whilst Moldova's Strategy covers 2015-2017. Associated Action Plans for both Strategies detail actions to improve intra-agency and inter-agency co-operation, accountability and transparency and operational effectiveness.

Assistance in combatting cross-border crime including smuggling and trafficking with special attention to its Transnistrian segment. Particular attention will be paid to the prevention and fighting against smuggling, particularly of arms and ammunition, as well as contraband. Here EUBAM will also look into the conditions for intelligence led anti-smuggling efforts, and early propose deliverables that can be put in place before end of project. An observation role/capacity will have to be retained, mainly on smuggling and trafficking. Smuggling remains a significant problem on the Moldova-Ukraine border. Between December 2015–November 2016 45.7 million cigarettes and 46 weapons were seized on the Moldova-Ukraine border. The Mission was also involved in the seizure of 66 million cigarettes on route to Ukraine in the Black Sea, and monitored the operations of Transnistrian Duty Free Shops, which introduced 1.32 billion cigarettes, despite registered sales of only 639.5 million.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Chisinau and Tiraspol policy positions make Confidence Building Measures (CBM) agreement and implementation not possible.	H	Participation in the 5+2 Expert (Working) Groups would be used to seek consensus on CBMs, supplemented by advocacy to both sides. Should this fail, CBM activities would be implemented concurrently until joint implementation is agreed.
Ukraine or Moldova unilateral measures against Transnistria curtails Transnistrian trade and/or freedom of movement.	H	Impact of the measures would be quantified through trade/traveller analysis and field observations. EUBAM would pass these to the EU Delegation to Moldova for use in the 5+2 format talks.
5+2 Expert (Working) Groups stop functioning.	M	Bilateral contacts with officials in Chisinau and Tiraspol would be sought to progress EUBAM's activities.
Assumptions: Relations between Chisinau and Tiraspol do not deteriorate further; The security situation remains conducive to physical trans-boundary interaction; The 5+2 settlement process and its associated Expert (Working) Groups continue to function.		
Transnistrian de facto authorities reject DCFTA implementation.	H	EUBAM would frame Customs and trade alignment/harmonisation efforts by the provisions of the World Trade Organization (WTO) or World Customs Organization (WCO).
Moldova cancels the AA/DCFTA with the EU.	M	EUBAM would re-appraise Outputs 1.1-1.3 once substitute Customs and trade procedures are known.
Assumptions: The Moldovan Government recognises that the AA/DCFTA is in Moldova's economic interest; Officials in Tiraspol may be willing to align some procedures in their economic interest, despite public pronouncements to the contrary.		
Moldova-Ukraine relations deteriorate.	L	EUBAM would use bilateral and Advisory Board meetings to reconcile both sides on the implementation of joint activities. Interventions by the EU Delegations to Moldova and Ukraine would be requested at the higher political level.
Assumptions: Moldova-Ukraine relations remain at the current constructive level and any bilateral disputes do not spill over into EUBAM's thematic working areas. The Governments of Moldova and Ukraine continue to honour the provisions of the Memorandum of Understanding signed with the European Commission on 7 October 2005. Should either Government be unwilling to honour the 2005 Memorandum of Understanding, EUBAM would have no legal basis to operate in either country.		
Partner services refuse to sustain initiatives established by EUBAM.	M	Partner services would be engaged early in the handover process to ensure they have sufficient time to plan for the transfer. Should handover be rejected, an alternative custodian amongst other EU assistance actors would be sought.
Assumptions: EUBAM's intention to handover all co-ordination mechanisms and the Common		

Border Security Assessment Report CBSAR is well known, understood and agreed by the partner services; Partner services have sufficient funds to takeover and sustain co-ordination mechanisms and CBSAR.		
Consensus not reached among all partner services for BCP reforms, such as One-Stop controls.	M	EUBAM would advocate the reforms with partner services' management bilaterally and in Advisory Board meetings. It would request other EU actors to also advocate.
Assumptions: Both Governments prioritise the implementation of their AA/DCFTA and Visa Liberalisation Action Plan (VLAP) obligations, irrespective of the amount of EU assistance.		
Eastern Partnership IBM Flagship Initiative funding is not committed and administered late.	H	EUBAM would pre-empt this by defining with EU Delegations clear timelines for delivery and communicating clearly with the partner services. The timing of requisite technical agreements would also be synchronised with delivery times.
Assumptions: The EaP IBM Flagship Initiative, or equivalent, continues to offer funding for equipment and infrastructure enhancements; Moldova and Ukraine agree to co-operate on new funding applications; Joint Moldova-Ukraine funding applications are successful.		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

EUBAM's partner services remain highly centralised: All four partner services remain highly centralised. Decision-making is often not authorised at the local or provincial levels. This affects technical procedural adjustments as well as whether to provide the Mission with information and assessments. Although the Mission enjoys constructive working relations and has a robust Memorandum of Understanding, problems still arise. As such, it will be important that the Mission retains regular engagement with central-level officials from Chisinau and Kiev. This can be partly achieved through Advisory Board meetings and co-ordination with other EU actors.

Synchronisation of activities with equipment delivery: EUBAM's work is supplemented by equipment/infrastructure upgrades funded through the EaP IBM Flagship Initiative. These have been important components in ensuring new practices technically support by EUBAM can be implemented fully. In Phase 12 it is envisaged that EaP-funded equipment will be a pre-condition to the successful completion of at least three planned activities. Based on the Mission's Phase 11 experience, the delivery of this equipment should be better synchronised with operational decisions to avoid delays and loss of momentum by the partner services.

Co-ordination with other EU actors is crucial: The increase in EU assistance in Moldova and Ukraine places an emphasis on regular co-ordination with all assistance actors, especially in Ukraine. This imperative will increase during Phase 12. Existing co-operation should be deepened. Frontex, EUAM and the IBM Twinning projects in Ukraine should seek EUBAM's field observations to verify the implementation of central reforms. Likewise, EUBAM must utilise capital-based actors to advocate for reforms identified by the Mission's work.

3.2 Complementarity, synergy and donor coordination

EUBAM Phase 12 will co-operate with a range of externally and Kiev-based assistance actors in all three Specific Objectives. The main partners will be:

Frontex: The Mission will work closely with Frontex on the implementation of joint border control operations conducted under EUBAM and Frontex auspices. Co-ordination and exchange of

experiences will also take place in the fine-tuning of risk management systems in both countries. The Mission will also feed in field observations to the Frontex-implemented Eastern Partnership IBM Capacity Building Project, assuming it is prolonged, especially where skills gaps and training needs of partner services have been identified. Frontex signed co-operation agreements with Moldova (2008) and Ukraine (2007) to enable co-operation on training, risk analysis, information exchange and joint operations.

IBM Twinning Project to the State Border Guard Service of Ukraine: During Phase 12, EUBAM will provide the Twinning Project with field-level observations on intra- and inter-agency co-operation to assist their evaluation of the National IBM Concept, as well as expert assessments of border checks and one-stop controls on the Ukraine-Moldova border. The Twinning Project will be invited to observe the joint border control operations to determine the State Border Guard Service's enforcement capacities. Launched in October 2016, the Twinning Project focuses on assistance to Ukraine's National IBM Strategy (2016-2020), improvement of the border checks system focusing on forged travel documents, and approximation of legislation and practice on stolen vehicles to the EU acquis.

EU Advisory Mission for Civilian Security Sector Reform (EUAM): EUAM will be offered EUBAM's field observations to inform their support to central-level reforms, particularly on risk management procedures, anti-smuggling legislation and intra- and inter-agency co-operation. EUAM will also be invited to observe joint border control operations to determine the law enforcement capacities at the border. Based in Kiev since 2014, EUAM engages in strategic level reforms on law enforcement and good governance with the border agencies.

EU High Level Advisors in Moldova: The Mission will co-operate with the EU High Level Advisors on Customs and on Confidence Building Measures on the establishment of jointly operated border crossing points, road and rail confidence-building measures and customs co-operation. Since their appointment in early 2016 the Mission has co-ordinated its actions closely with both advisors on the aforementioned themes and this will continue into Phase 12.

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

3.3 Cross-cutting issues

Gender Awareness and Equality

Women are in the minority in all partner services, averaging of 27% of all personnel across the four partner services, and 10-15% of managers. Attitudes towards female employees do not demonstrate gender awareness, despite adequate equality legislation in both countries. EUBAM will promote gender awareness amongst its partner services by ensuring its own staff represents the same value. All newly hired EUBAM Phase 12 staff will complete UN Women's online "I Know Gender: An Introduction to Gender Equality" course within one month of arrival, and managers will be encouraged to complete UN Women's online "Rights and Needs of Women in Border Management" course. These initiatives will aid the inclusion of gender considerations into EUBAM guidance to its partner services. The Mission will ensure that reports are gender mainstreamed and, where possible, use gender-disaggregated data. In EUBAM's call for secondees from EU Member States, female Border and Customs experts will be especially encouraged to apply.

Anti-Corruption and Anti-Fraud Measures

Verifying the introduction of simplified procedures will reduce opportunities for corruption, whilst support for investigations on cross-border crime and closer inter-agency and international co-operation

between the partner services will help to detect corruption and fraud. The harmonisation of Customs legislation and procedures between Chisinau and Tiraspol will contribute to closing loopholes that facilitate corruption and fraud.

Conflict Prevention and Conflict Settlement

EUBAM Phase 12 will contribute to the peaceful settlement of the Transnistria conflict by developing confidence-building measures to increase mutually beneficial co-operation between Chisinau and Tiraspol on Customs, trade and transportation. EUBAM's efforts to combat cross-border crime will also improve the partner services' detection and interdiction of weapons or ammunition which may be used to exacerbate the conflict.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

Overall Objective: To support Moldova's and Ukraine's efforts to effectively manage their common border and actively support concrete measures linked to the settlement of the Transnistrian conflict.

Specific Objective 1: To support the development of Transnistria-related confidence-building measures and approximation of legislation and procedures in customs, trade, transport and trans-boundary management.

Output 1.1: Customs and trade related legislation and procedures on both sides of the Dniester River approximated.

Output 1.2: Co-operation among responsible authorities on the enforcement of customs and trade legislation and procedures on both sides of the Dniester River enhanced.

Output 1.3: Sanitary, phytosanitary and veterinary practices on both sides of the Dniester River aligned with international standards to mitigate human, animal or plant health risks in trade.

Output 1.4: Practical solutions for the fully-fledged resumption of passenger and freight traffic across Transnistria adopted by the responsible authorities.

Output 1.5: Trans-boundary crisis management co-operation enhanced.

Specific Objective 2: Full implementation of the Integrated Border Management at the Moldova-Ukraine border with a special attention to its Transnistrian segment.

Output 2.1: Joint control at border crossing points and automated exchange of border crossing data established.

Output 2.2: Efficiency of border and customs controls increased through inter-agency co-operation at the regional and local levels.

Output 2.3: Cross-border processes aligned with the Association Agreements including DCFTAs, EU Customs Blueprints, VLAPs and Integrated Border Management provisions.

Specific Objective 3: Greater effectiveness of efforts to combat cross-border crime on the Moldova-Ukraine border, especially at the Transnistrian segment.

Output 3.1: The transparency in fighting cross border crime of the common border and adjacent ports of entry in fighting cross-border crime is increased.

Output 3.2: Joint assessment of threats to border security jointly assessed by the border services and other law enforcement agencies in Moldova and Ukraine developed.

Output 3.3: Increased operational co-operation between Ukraine and Moldova in preventing smuggling of goods, including in tobacco products, arms, ammunition and nuclear materials is increased.

Output 3.4: Better inter-agency coordination in the detection, investigation and enforcement of cross-border crime is enhanced.

4.2 Main activities

Output 1.1:

Activity 1.1.1: Advise on the approximation of customs duties, VAT and excise between Chisinau and Tiraspol.

Activity 1.1.2: Advise on the approximation of regulations and procedures on customs valuation and the alignment of regulations on fees and charges to the provisions of Articles VII and VIII of General Agreement on Tariffs and Trade (GATT) as well as rules of origin applicable in the EU.

Activity 1.1.3: Advise Transnistria on the implementation of Articles 2, 4-6 of the World Trade Organisation's Technical Barriers to Trade Agreement.

Activity 1.1.4: Advise Transnistria on the implementation of the World Trade Organisation's Intellectual Property Rights (IPR) protection standards and market surveillance.

Activity 1.1.5: Advise Chisinau and Tiraspol in improving the customs framework and further simplification of formalities in trade in goods.

Output 1.2:

Activity 1.2.1: Arrange joint anti-smuggling operations between Chisinau and Tiraspol customs structures.

Activity 1.2.2: Seek agreement and develop an automated exchange of customs data and information on registration of juridical persons involved in trans-boundary and international trade.

Activity 1.2.3: Profile and analyse Transnistrian external trade activity, including on the implementation of the single customs regime (i.e. 2005 Moldova-Ukraine Joint Declaration).

Activity 1.2.4: Verify clearance of goods imported or exported by Transnistrian economic operators is performed in a transparent and non-discriminatory manner.

Output 1.3:

Activity 1.3.1: Promote co-operation between Chisinau and Tiraspol to uphold regional consumer safety.

Output 1.4:

Activity 1.4.1: Develop and sustain transport related confidence-building measures in co-operation with the OSCE.

Activity 1.4.2: Contribute to defusing disruption of passenger and freight services across the administrative boundary line and transit, import and export of cargo overseas by road and rail through Transnistria, in co-operation with the OSCE.

Output 1.5:

Activity 1.5.1: Encourage establishment of contact points and information exchange mechanisms to respond to any type of incidents (flooding, serious incidents in either bank of the Dniester River, etc.) that may affect the movement of people and goods across Transnistria.

Output 2.1:

Activity 2.1.1: Ensure the implementation plan of the partner services to establish jointly operated border crossing points along the entire Moldovan-Ukrainian border.

Activity 2.1.2: Confirm the full implementation of the automated exchange of border crossing data on persons and vehicles crossing the Moldovan-Ukrainian border including the Transnistrian segment.

Output 2.2:

Activity 2.2.1: Ensure on the full implementation of One-Stop-Shop (OSS) concept including on the implementation of data sharing mechanisms at Border Crossing Points for clearance purposes.

Activity 2.2.2: Draft assessment and proposal regarding intelligence led border management on Moldova-Ukraine border segment. Support inter-agency mobile groups based on intelligence-led activities in close co-operation with Frontex.

Output 2.3:

Activity 2.3.1: Evaluate border and customs systems at all road, rail, air and sea Border Crossing Points and Customs Posts within EUBAM's area of operations jointly with partner services.

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

Activity 2.3.3: Review all Border Crossing Points along the Moldova-Ukraine border with a view to optimizing their status.

Activity 2.3.4: Support the finalisation of the border demarcation process on the Moldova-Ukraine border. Upon request of the partner services, advise on the technical aspects outstanding for the full demarcation of the common border.

Output 3.1:

Activity 3.1.1: Assist in the prevention, detection and investigation of cross-border crime.

Activity 3.1.2: Develop the assessment, prevention, detection and investigation capabilities of partner services on the illegal trafficking of arms, ammunition, radiological and nuclear materials.

Output 3.2:

Activity 3.2.1: Develop updated assessment of risk analysis, intelligence and data-flow management of the partner services on the concerned border segments, and ensure implementation of assessment.

Activity 3.2.2: Develop and ensure implementation of the partner services' joint risk and threat assessments on cross-border crime.

Activity 3.2.3: Ensure a sustainable alert mechanism at tactical and operational levels for prompt response border-related crime threats.

Output 3.3:

Activity 3.3.1: Develop updated assessment of information exchange between Moldova and Ukraine on preventing and combating smuggling of goods, including in tobacco products, arms and ammunition, explosives and nuclear materials.

Activity 3.3.2: Ensure the planning, conduct and evaluation of joint border control operations with the partner services and in co-operation with Frontex, European Anti-Fraud Office (OLAF) and South European Law Enforcement Centre (SELEC).

Activity 3.3.3: Ensure the implementation of border and customs control measures in Moldova and Ukraine with particular attention to the Transnistrian segment of the common border.

Output 3.4:

Activity 3.4.1: Enhance harmonised measures and joint efforts to improve enforcement procedures to prevent and combat cross-border crime.

4.3 Intervention logic

Since 2005 when the mission was launched, EUBAM has developed into a complex and unique undertaking, whose mandate included providing technical advice, development of partner services, and organising confidence-building measures related to the technical aspects of the settlement of the Transnistrian conflict. The current EUBAM Phase 11 emphasises the promotion of Border and

Customs cooperation between Moldova and Ukraine, stronger involvement of EUBAM in confidence building measures, enhancement of border monitoring activities on the Transnistrian segment, monitoring of DCFTA implementation, including facilitation of the external trade from Ukraine and Moldova and verification of normative and legislative initiatives impacting Transnistria.

The proposed EUBAM Phase 12 will be down-sized and focused on three fundamental objectives. They will reflect the sustained attempts to handover responsibilities for initiatives and co-ordination mechanisms to Moldovan and Ukrainian partner services. They also reflect the fact that by the proposed starting date, the EU-Moldova Association Agreement will have been in force for over three years, whilst that with Ukraine will have been active for almost two. Similarly, Moldova will be in its fourth year post visa liberalisation and although visa liberalisation has not yet been granted to Ukraine, it has been assessed as fulfilling the necessary border management standards.

As such, EUBAM will move away from supporting legal and policy reforms on Customs and Border management to focus on verifying and rectifying the implementation of the enacted reforms at the Moldova-Ukraine border. These efforts will focus on the Transnistrian segment of the border, which has a unique set of control and crime challenges, not least due to the absence of a recognised counterpart for Ukrainian agencies. Between December 2015 to November 2016, Ukrainian agencies seized in excess of 39 million contraband cigarettes as well as alcohol, ethanol, weapons and ammunition on that border segment. In Phase 12 EUBAM proposes to conduct joint border control operations targeting cross-border smuggling, and advice will be given to mobile and inter-agency units who form the bulwark of the services law enforcement efforts. The partner services local structures and techniques for risk management will be fine-tuned to enable more efficient and timely detection of risks.

Since the scope of DCFTA application extended to the entire territory of the Republic of Moldova pursuant to Decision 1/2015 of the EU-Republic of Moldova Association Council, EUBAM will support the implementation of DCFTA obligations in Transnistria. As such, in Phase 12 the Mission's engagement on Transnistria's harmonisation and alignment with customs legislation of Moldova will be increased, focusing on regulations pertaining to Intellectual Property Rights, customs valuation, fees and charges. Approximation of customs duties, VAT and excise will also be worked towards. These will be designed and promoted as having tangible benefits for economic operators and residents of both sides of the Dniester River. In the same vein, the Mission will promote confidence-building measures to enable and sustain the fully-fledged resumption of passenger and freight traffic across Transnistria, by road and rail.

The Mission will also seek to enhance practical initiatives to increase law enforcement interaction between Chisinau and Tiraspol, such as through joint anti-smuggling operations, exchange of Customs and traveller data as well the proposed establishment of mechanisms to enhance trans-boundary crisis management responses.

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 4.1 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 modalities

Both in direct and indirect management, the Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures 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 entails the development of Transnistria-related confidence-building measures and support to the approximation of legislation and procedures in customs, trade, transport and trans-boundary management between Moldova and Transnistria. It will also support greater implementation of Integrated Border Management practices, as well as more effective combatting of cross-border crime on the Moldova-Ukraine border, especially at the Transnistrian segment.

This implementation is justified because IOM has significant capacity in border management projects in Moldova and Ukraine, with a large portfolio of ongoing border management projects in both countries financed by the EU, individual EU Member States and the USA. IOM's EU-funded border and migration management projects have been consistently highly evaluated in Ukraine and Moldova, by the EU Delegation, the Commission financial auditors, and the respective Governments. Through these projects IOM has forged strong partnerships with the Customs and Border agencies in both countries, ideal for supporting EUBAM's operations with its key stakeholders as and when needed.

IOM also has managed EUBAM Phases 10 and 11. As such they have a familiarity with all aspects of the administrative, contractual, financial and logistical running of the Mission, and have proven their managerial competency in these matters with EUBAM over the preceding four years. Maintaining IOM as the managing agency will also ensure the project's smooth transition into Phase 12.

The entrusted entity would carry out the following budget-implementation tasks: management of EU funds (contracting and payments (liquidation of eligible costs) and recovery); financial monitoring, preparation support for audits.

The entrusted would also carry out the following tasks: assistance with human resources-related documentation and procedures; guidance on procurement and logistics actions; IT and other technical expertise; security procedures; liaison and coordination assistance; and reporting.

5.3.1.1 Procurement (direct management)

Subject in generic terms, if possible	Type (works, supplies, services)	Indicative number of contracts	Indicative trimester of launch of the procedure

Audit	Services	1	Q4 2020
Evaluation	Services	1	Q2 2019

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award 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

Module	EU contribution (amount in EUR)	Indicative third party contribution,
5.3.1. Indirect management with IOM (including visibility)	12 300 000	N/A
5.8, 5.9. Audit and Evaluation	200 000	N/A
Total	12 500 000	N/A

5.6 Organisational set-up and responsibilities

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

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

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

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

The EU Delegation to the Republic of Moldova will manage the contractual implementation of EUBAM. Regular meetings will take place between EUBAM and appointed staff at the aforementioned EU Delegation for the purposes of reporting, coordination, progress review, consultation and advice. Meetings to co-ordinate activities will also be held with the EU Delegation to

Ukraine. The EU Delegation to the Republic of Moldova will facilitate communication and coordination with the European Commission and EEAS on relevant aspects of EUBAM Phase 12 implementation. Visibility and communication activities will be coordinated with the Communication Officers of the EU Delegations.

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

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 annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) or the list of result indicators (for budget support). 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).

Monitoring

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

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

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

On an operational level, EUBAM will develop detailed operational plans for all Phase 12 activities. An expert responsible for implementation will be assigned to each activity, and sub-activities, tasks and a Gantt chart will be developed. Progress in the fulfilment of the activities and sub-activities will be measured against the Gantt chart every quarter. Baselines for all Performance Indicators have been set (see Appendix). Progress towards the fulfilment of the Performance Indicators against the targets will be measured biannually.

Reporting

Five types of reports are foreseen. These are:

- *Monthly reports*, describing the activities implemented, key trends and observations, and major contextual events. Monthly reports will be circulated to all relevant EU entities and Moldovan and Ukrainian partner services in English and Russian.
- *Annual activity reports* in preparation for Advisory Board meetings will summarise the Mission's operational achievements, highlight operational challenges and inform on key trends. The reports will be circulated to all Advisory Board members and observers in English and Russian.
- *Annual interim and final narrative reports* will be produced and will report on the progress and achievement of EUBAM Phase 12 Specific Objectives, Outputs and Activities.
- *A short public Annual Report* will be produced to publicise the achievements made by the Mission to the general public. It will be available in English and Russian.
- *Up to six ad-hoc analytical reports* on themes relevant to EUBAM Phase 12 will be issued each year. The reports will analysis trends, events or potentialities. They will be issued in English and have limited distribution within EU entities only.

5.8 Evaluation

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

The evaluation will be carried out for problem solving and learning purposes, in particular with respect to gauging the outstanding capability gaps of Moldovan and Ukrainian border agencies in combatting cross-border crime and implementing IBM practices. These findings may inform related future EU-funded actions.

The Commission shall inform the implementing partner at least 3 months in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner 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 appropriate the provisions included in the framework agreement signed with the international organisation will apply (Financial and Administrative Framework Agreement (FAFA) between the European Union and the United Nations).

Indicatively, one contract for evaluation services shall be concluded under a framework contract in the second quarter of 2019.

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 appropriate the provisions included in the framework agreement signed with the international organisation will apply (Financial and Administrative Framework Agreement (FAFA) between the European Union and the United Nations).

Indicatively, one contract for audit services shall be concluded under a framework contract in the fourth quarter of 2020.

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. Where appropriate the provisions included in the framework agreement signed with the international organisation will apply (Financial and Administrative Framework Agreement (FAFA) between the European Union and the United Nations).

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.

6 PRE-CONDITIONS

The Ministries of Foreign Affairs of Moldova and Ukraine agree with the EU on the content of the Phase 12 Action Plan. As the main representatives of the hosting countries, their agreement is necessary as all activities will be conducted either in support of, or in collaboration with Moldovan and Ukrainian partner services.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) ¹

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 without an amendment to the financing decision. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for listing the activities as well as new columns for intermediary targets (milestones) when it is relevant and for reporting purpose on the achievement of results as measured by indicators.

	Results Chain	Indicators	Baselines	Targets	Means of Verification	Assumptions
Overall Objective	To contribute to Moldova's and Ukraine's efforts to effectively manage their common border and actively support concrete measures linked to the settlement of the Transnistrian conflict.	Approximation of border management practices on the Moldova-Ukraine border with IBM principles.	Implementation of IBM principles progressing in both countries, albeit at a slower pace in Ukraine. Transnistria settlement progresses very slowly.	IBM implementation assessed as being largely fulfilled by November 2020. New 5+2 agreements on trade, crisis management and freedom of movement signed by the parties by 2020.	Commission Reports on Association Agreements implementation. Frontex assessments. 5+2 meeting conclusions.	
Specific Objectives	1. Transnistria-related confidence-building measures and approximation of legislation and procedures in customs, trade, transport and trans-boundary management advanced.	i. Improved freedom of movement for goods and travellers through the central segment of the Moldova-Ukraine border.	Travellers across the central segment totalled 3,652,890 in 2016. The "Protocol on the principles of fully-fledged rail freight traffic" was signed on 30/03/2012 and was extended by a further year on 31 December 2016.	At least a 3% annual increase in travellers across the central border segment. Annual prolongation of the Protocol or successor protocol signed covering at least a three year period.	Data on refused entry by Ukraine's State Border Guard Service. Information shared by the sides on transport problems. Observations by EUBAM Field Offices.	Political will to settle the conflict by the sides. Security situation remains conducive to trans-boundary trade and movement. Moldova continues participation in the DCFTA. Transnistria agrees to implement the Trade Facilitation Arrangements with Chisinau.

¹ Mark indicators aligned with the relevant programming document mark with '*' and indicators aligned to the EU Results Framework with '**'.

	ii. Level of participation of Transnistrian businesses in the economic systems of Moldova. Number of of Transnistrian economic operators registered with Moldovan institutions Value of exports by Transnistrian economic operators	As of December 2016, 1587 Transnistrian economic operators were registered with Moldovan institutions. Goods exported by Transnistrian economic operators totalled EUR 281 million in 2016.	Number of Transnistrian economic operators registered with Moldovan institutions increases at least 5% annually. Value of exports by Transnistrian economic operators increases by 3% annually.	EC reports on DCFTA implementation. Data on registered Transnistrian businesses in Moldova from the Moldovan Customs Service.	Alignment of regulations with FTP in Transnistria's economic interest. Relations between the 5+2 actors conducive to conflict settlement.
	iii. Level of co-operation between Moldova government entities and their <i>de facto</i> counterparts in Transnistria. Protocols on co-operation between Moldova and Transnistria on customs co-operation, SPS co-operation, access to international traffic for Transnistrian-registered vehicles and crisis management signed	No agreements on customs, SPS, vehicle recognition internationally and crisis management are in place. A draft customs co-operation agreement from 2016 awaits discussion. A solution for access to international traffic for Transnistrian-registered vehicles was proposed in 2015 and discussed in June 2016 by the 5+2, which agreed to keep it has the basis of a future agreement to be reached between the sides.	Protocols on co-operation between Moldova and Transnistria signed on customs co-operation, SPS co-operation, access to international traffic for Transnistrian-registered vehicles and crisis management by November 2020.	Conclusions of 5+2 meetings. Information shared by sides in the 5+2 Expert (Working) Group meetings. Copies of protocols on co-operation.	

	2. Full implementation of the Integrated Border Management at the Moldova-Ukraine border with a special attention to its Transnistrian segment.	i. Degree of implementation of Moldova's National Strategy (2015-2017) on Integrated State Border Management and development of comprehensive successor Strategy.	Moldova's National Strategy on Integrated State Border Management was approved in 2015 and lasts until 2017. An Action Plan has been approved.		Moldova's National Strategy on Integrated State Border Management and associated Action Plan completed by December 2017 and new Strategy approved by January 2018.	Post-Visa Liberalisation assessment reports. Frontex assessments. EUBAM joint evaluation reports.	Adequate resources committed by Moldova and Ukraine to implement IBM strategies. Central-level IBM reforms implemented at local and regional levels.
		ii. Degree of implementation of Ukraine's Concept on Integrated Border Management (2015-2020).	Ukraine's Concept on Integrated Border Management was approved in 2015 and remains in force until 2020. An Action Plan has not been approved.		Ukraine's Concept on Integrated Border Management and associated Action Plan fulfilled by November 2020.	Post-Visa Liberalisation assessment reports, when available. EUBAM joint evaluation reports. IBM Twinning Project and Frontex reports.	Security situation does not lead to militarisation of the common border. Both countries co-operate on customs and border management.
	3. Greater effectiveness of efforts to combat cross-border crime on the Moldova-Ukraine border, especially at the Transnistrian segment.	i. Amount of smuggled weapons, narcotics, alcohol, ethanol, and cigarettes seized on the Moldova-Ukraine border.	12/15–11/16	Cases (Vol.)	By November 2020: Weapons seizures no more than 32 cases; Narcotics seizures no more than 26 cases; Alcohol seizures no more than 123 cases; Ethanol seizures no more than 54 cases; Cigarette seizures no more than 146 cases.	Data by the partner services contained in the CBSAR.	Smuggling routes continue to pass through the common border. Changes in number of seizures not due to less effective controls. Moldovan and Ukraine co-operate to combat cross-border crime.
Outputs	1.1: Customs and trade related legislation and procedures on both sides of the Dniester River approximated.	i. Agreement on the simplification of customs procedures between Chisinau and Tiraspol	Drugs	37			
			Cigs	208(45,754,120)			
			Alcohol	175 (13,508L)			
			Eth'nol	77 (122,495L)			
			Arms	46			
			As of January 2017, no agreement or talks on simplification of customs procedures between Chisinau and Tiraspol had been held.		Agreement signed by November 2020.	Copy of the agreement by the MDCS or through the Expert (Working) Group on Customs Matters.	Transnistrian officials engage with EUBAM on Trade Facilitation Arrangement between Chisinau and Tiraspol.

		ii. Roadmap for the approximation of customs duties, valuation, VAT and excise agreed between Chisinau and Tiraspol.	No talks on a roadmap have been held between Chisinau and Tiraspol by January 2017. Transnistria currently does not levy VAT but is considering doing so.	Roadmap agreed by November 2019.	Copy of the roadmap provided by the Moldovan Customs Service.	Chisinau and Tiraspol officials co-operate on customs duties, valuation, VAT and excise approximation.
		iii. Degree of alignment of customs valuation regulations and procedures in Transnistria to Articles VII and VIII of the GATT.	Transnistrian regulations partially align with Articles VII and VIII but not fully.	Progress on aligned procedures to Articles VII and VIII of the GATT by November 2020.	Copies of amended Transnistrian regulations provided by the <i>de facto</i> Transnistrian Customs Service.	Sufficient access provided to EUBAM to verify harmonisation of Transnistrian regulations with EU standards.
		iv. Preparations for the implementation of the WTO's Technical Barriers to Trade (TBT) Agreement, Articles 2, 4-6, in Transnistria made.	Implementation of the TBT agreement is included under the trade facilitation arrangement between Chisinau and Tiraspol but no action has been taken.	Roadmap for the implementation of Articles 2, 4-6 of the TBT agreement, formulated by November 2019.	EUBAM assessment of compliance with WTO's TBT agreement, Articles 2, 4-6.	Chisinau officials do not hinder Transnistrian economic operators' inclusion into Moldova's economic system.
		v. Degree of alignment of Transnistrian procedures to the WTO's IPR standards.	Transnistrian IPR procedures are under-developed and not aligned with WTO standards.	Procedural amendments to align with WTO IPR standards started by November 2019.	EUBAM assessment of procedures against WTO IPR standards.	
		vi. Number of AEO certificates issued to Transnistrian economic operators.	As of January 2017 no Transnistrian economic operators have AEO status.	At least 10 Transnistrian economic operators granted AEO status by November 2020.	Statistics on AEO certificate holders provided by the MDCS.	
	1.2: Co-operation on the enforcement of customs and trade legislation and procedures on both sides of the Dniester River enhanced.	i. Joint customs co-operation plan approved by both Chisinau and Tiraspol.	A customs co-operation plan was drafted in 2016 but not agreed.	Joint customs co-operation plan approved by November 2018.	Copy of approved customs plan provided by the MDCS.	Chisinau and Tiraspol officials willing to co-operate on customs and trade legislation.
		ii. Degree of operability of automated exchange of customs data established between Chisinau and Tiraspol.	As of January 2017 no systematic automated exchange of customs data is in place.	Automated exchange of customs data agreed by November 2019 and functional by November 2020.	EUBAM experts' verification of data exchange. Copy of agreement/technical protocol establishing system provided by the MDCS.	Co-operation not conditioned to concessions on other, non-related, issues. Moldova and Transnistria invest sufficient financial and human resources to

	iii. Number of Joint Chisinau-Tiraspol anti-smuggling operations implemented.	As of January 2017 no joint anti-smuggling operations have ever taken place.	At least one joint anti-smuggling operation undertaken by November 2020.	Report of the operation by the MDCS. EUBAM monitoring of the operation.	implement co-operative initiatives.
1.3: Sanitary, phytosanitary and veterinary practices on both sides of the Dniester River aligned with international standards to mitigate human, animal or plant health risks in trade.	i. Degree of operability of technical information exchange on human, animal or plant risks established between laboratories in Chisinau and Tiraspol.	As of January 2017 no information is exchanged systematically on human, animal or plant risks between laboratories in Chisinau and Tiraspol.	Co-operational agreements in place between laboratories by November 2019 and practical co-operation started by June 2020.	Copy of agreement and technical protocol for information exchange provided by ANSA.	Chisinau and Tiraspol officials willing to co-operate on Veterinary and SPS matters. Co-operation not conditioned on concessions on other, non-related, issues. SPS invest sufficient resources to ensure co-operative initiatives implemented. Moldova officials do not impede access to licences for Transnistrian exporters.
	ii. Number of agricultural and horticultural mutual acceptance of agricultural and horticultural licences issued in Chisinau and Tiraspol established.	As of January 2017 agricultural and horticultural licences are not mutually recognised.	Mutual acceptance of licences by November 2020.	EUBAM experts confirmation of mutual acceptance of licences with Transnistrian agricultural and horticultural exporters Copy of the Transnistrian regulation accepting Chisinau licences.	
1.4: Practical solutions for the fully-fledged resumption of passenger and freight traffic across Transnistria found.	i. Number of passengers on the Chisinau-Odessa train.	19500 travellers travelled from Chisinau to Odessa by train in 2016.	Passenger numbers increase by 5% year on year between 2018-2020.	Data from Moldovan and Ukrainian Railways.	Chisinau and Tiraspol officials are willing to co-operate on transportation.
	ii. Number of passenger or rail freight services passing through Transnistria blocked.	Rail freight did not pass through Transnistria between 2006-2012. Although these have resumed there are no agreements guaranteeing longer term freight traffic movements.	No blockages registered between December 2017 and November 2020.	EUBAM Field Office monitoring. Information provided in the Expert (Working) Group on Rail Transport.	Demand for travel between Moldova and Ukraine through Transnistria remains stable or rises. Transport co-operation not conditioned on concessions on other, non-related, issues.
	iii. Transnistrian-plated passenger vehicles enabled to participate in international traffic.	Transnistrian-plated vehicles are allowed to drive only in Moldova, Ukraine, Belarus and Russia.	Agreement reached to enable Transnistrian-plated passenger vehicles to drive in all countries by November 2018.	Copy of the relevant protocol/agreement between the sides.	Ukraine allows transit of travellers and goods to the Moldova through Transnistria.

	1.5: Trans-boundary crisis management co-operation enhanced.	i. Number of contact points nominated by Chisinau and Tiraspol for information exchange in the event of an incident.	No contact points currently exist. No formal agreement between Chisinau and Tiraspol on crisis management in place.	Contact point system agreed by November 2018. Contact points appointed by June 2019.	Official correspondence appointing contact points provided through the 5+2 Expert (Working) Group on Law Enforcement.	Security situation conducive to interaction. Chisinau and Tiraspol officials willing to co-operate on crisis management plans.
		ii. Number of joint exercise (practical or table-top) between nominated contact points held.	No joint exercises have taken place in any format between Chisinau and Tiraspol on crisis management since 1992.	At least one joint exercise held by November 2020.	Observation of the exercise by EUBAM experts.	Third parties do not oppose EUBAM support on trans-boundary crisis management.
	2.1: Joint control at border crossing points and automated exchange of border crossing data established.	i. Degree of operability of JOBCPs at Kuchurhan, Palanca, Reni-Giurgiulesti and Criva-Mamaliga..	By January 2017, joint operations at Kuchurhan, Palanca, Reni-Giurgiulesti and Criva-Mamaliga not in place. Technical schemes are in place for Kuchurhan, Palanca and Reni-Giurgiulesti JOBCPs.	Joint controls in place at Kuchurhan and Reni-Giurgiulesti by November 2019, and in place at Criva-Mamaliga and Palanca by November 2020.	EUBAM Field Office assessments. Copies of the technological schemes of the JOBCPs.	1997 Agreement or successor arrangement in force and its fulfilment prioritised by both countries. Partner services agree on cost sharing for new JOBCPs to be established
		ii. Degree of joint implementation of existing JOBCPs at Briceni-Rososhany, Medvejia-Zelionaia and Larga-Kelimenti.	Controls at Briceni-Rososhany, Medvejia-Zelionaia and Larga-Kelimenti are still largely conducted consecutively.	Controls at Briceni-Rososhany refined by November 2018 and controls at Medvejia-Zelionaia and Larga-Kelimenti revised by November 2019.	EUBAM Field Office assessments.	Partner services devote sufficient resources and training to establish JOBCPs.
		iii. Degree of operability of automated exchange of traveller data at all BCPs on the Moldova-Ukraine border.	Technical agreement signed in January 2017 and operations started after EaP-funded equipment delivered.	Automated exchange of passenger data begins by November 2018 and verified as fully functional by June 2019.	EUBAM experts' verification of data exchange at MDBP and UASBGS premises.	Infrastructure and training is in place for automated exchange of data to be functional.

	2.2: Efficiency of border and customs controls increased through inter-agency co-operation at the regional and local levels.	i. Degree of operability of One-Stop controls at international BCPs on the Moldova-Ukraine border.	One-stop controls operational at only one BCP in the EUBAM area of operations.			One-stop-shop controls operational at seven International BCPs by November 2020.	EUBAM expert assessment.	Infrastructure changes at BCPs enacted to support one-stop-shop controls.
		ii. Amount of time in crossing at Platanove, Reni - Giurgiulesti, Kuchurhan, Otaci-Mohyliv Podilskyi, Criva-Mamalyha, Tudora-Starokozache BCPs.	BCP	HS	LS	Reduction by 15% at all listed BCPs on crossing times in high (HS) and low (LS) seasons year-on-year until November 2020.	EUBAM border crossing time study.	Closer inter-agency co-operation. Traffic and staffing at BCPs remains stable level compared to 2016.
			<i>P</i>	12:00	12:00			
			<i>R-G</i>	14:50	17:00			
			<i>K</i>	27:00	16:00			
			<i>O-MP</i>	35:00	47:00			
			<i>C-M</i>	36:00	37:00			
			<i>S</i>	22:00	21:15			
		iii. Degree of operability of Joint UASBGS-UASFS mobile groups along the whole Moldova-Ukraine border.	Joint mobile groups are operational at the central level but not yet regionally.			Mobile groups verified as operating along entire common border by November 2019.	EUBAM Field Office assessment.	Adequate resources invested by partner services to establish and sustain mobile units.
	2.3: Cross-border processes aligned with							Political will in both countries to implement the

	the Association Agreements, VLAPs and Integrated Border Management provisions.	Degree of optimisation of local and inter-state BCPs proposed and discussed between Moldova and Ukraine to improve control and services to local citizens.	67 BCPs exist between Moldova and Ukraine. Of these, 27 are Local, 15 Intra-State, and 25 International BCPs. No practical measures have been taken to optimise the number of BCPs, although three of the four partner services have expressed an interest in exploring this. EUBAM has specifically recommended to review the status of “local BCPs” as the absence of Customs controls at these locations opens the possibility for non-declaration of excisable goods.	Plan for BCP optimisation proposed by November 2018 and agreed by November 2019.	Copy of government decrees closing BCPs. EUBAM Field Office verification.	AAs/DCFTAs, IBM principles and VLAPs. Vested interests do not oppose reforms. National IBM strategies in both countries are operationalised fully. Moldova and Ukrainian co-operate on cross-border IBM initiatives. Sufficient political will and financial resources to complete the border demarcation process.
		Degree of implementation EVAL 2016 agreed recommendations to the MDBP/UASBGS are implemented.	In November 2016, EVAL 2016 agreed recommendations on border processes with: MDBP (19), MDCS (46), UASBGS (29), UASFS (43).	At least 50% of recommendations implemented by November 2018 and 75% by November 2019.	EUBAM follow-up evaluation.	
		Degree of demarcation of Moldova-Ukraine border.	3.73km remains to be demarcated.	Border demarcation completed by June 2020.	Protocol provided by the MDBP and UASBGS.	
	3.1: The transparency of the common border and adjacent ports of entry in fighting cross-border crime increased.	i. Degree of access granted to EUBAM to the necessary data and locations according to EUBAM’s mandate.	EUBAM access is generally good except for Ukrainian customs data.	Full access provided to EUBAM from December 2017 – November 2020.	Information received from EUBAM Field Offices.	Partner services resourced and authorised to identify, investigate and prosecute cross-border crime.

		ii. Degree of operability of Inter-agency and cross-border groups.	Inter-agency and cross-border groups are not yet established.	Inter-agency and cross-border groups functional by November 2019.	Copy of relevant internal orders provided by the MDBP, MDCS, UASBGS and UASFS.	Inter-agency co-operation sufficient to combat cross-border crime.
3.2: Threats to border security jointly assessed by the border services and other law enforcement agencies in Moldova and Ukraine.	i. CBSAR drafted and circulated by partner services without EUBAM on a monthly, quarterly and annual basis.	As of January 2017 the CBSAR is edited and circulated by EUBAM. Partner services provide information and analysis.	CBSAR issued monthly, quarterly and annually without EUBAM support until and beyond November 2020.	Copy of the CBSARs provided by the MDBP or UASBGS.	Level of information sharing adequate between and within all relevant actors to accurately and timely identify border threats. Commonality of methodology used in assessing cross-border risks and threats.	
	ii. Degree of operability of regional and local inter-agency analytical groups in both countries.	Regional and local inter-agency analytical groups are not yet functional although discussions on set up have been held.	Regional and local inter-agency analytical groups functional by November 2019.	Copy of relevant internal orders provided by the MDBP, MDCS, UASBGS and UASFS.		
3.3: Increased operational co-operation between Ukraine and Moldova in preventing smuggling of goods, including in tobacco products, arms, ammunition and nuclear materials.	i. Number of joint border control operation conducted.	One joint control operation took place in 2015 and none in 2016.	Three joint border operations conducted by November 2020.	EUBAM verification of operations.	Political and operational will and resources of partner services to co-operate on cross-border smuggling. Absence of partner services collusion in smuggling schemes.	
	ii. Degree of operability for Inter-agency operational groups on the Transnistrian segment of the border.	Inter-agency operational groups functional at the central level but not on the Transnistrian border segment.	Inter-agency operational groups functional on the Transnistrian border segment by November 2019.	Copy of protocols between UASFS and UASBGS extending deployment of the operational groups.		
3.4: Better inter-agency coordination in the detection, investigation and enforcement of cross-border crime.	i. Degree of implementation of procedures for regular inter-agency co-ordination.	Inter-agency co-ordination is allowed by the laws and regulations in both countries but is not systematically conducted at the regional and local levels in cross-border crime issues.	Procedures for regular inter-agency co-ordination implemented by November 2019.	Copy of protocols between services agreeing to regular inter-agency co-ordination on cross-border crime issues.	Political and operational will and resources of partner services to co-operate on cross-border smuggling. Political will to amend procedures.	

