



This action is funded by the European Union

ANNEX 1

of the Commission Implementing Decision on the ENI East Regional Action Programme 2016 Part II

**Action Document for Eastern Partnership Integrated Border Management Flagship Initiative:
enhanced integrated border management through joint border control and exchange of
information along the Moldovan-Ukraine border**

1. Title/basic act/ CRIS number	Eastern Partnership Integrated Border Management Flagship Initiative: enhanced integrated border management through joint border control and exchange of information along the Moldovan-Ukraine border CRIS number: ENI/2016/039-484 financed under European Neighbourhood Instrument			
2. Zone benefiting from the action/location	Eastern Europe Region, Ukraine and the Republic of Moldova The action shall be carried out at the following locations: Border Crossings: Reni, Kuchurhan and Palanca.			
3. Programming document	Regional East Strategy Paper (2014-2020) and Multiannual Indicative Programme (2014-2017)			
4. Sector of concentration/ thematic area	Integrated Border Management			
5. Amounts concerned	Total estimated cost: EUR 5 750 000 Total amount of EU budget contribution: EUR 4 750 000 Parallel co-financing by Ukraine and Moldova: EUR 1 000 000			
6. Aid modality(ies) and implementation modality(ies)	Project Modality Indirect management with the International organization for Migration (IOM)			
7 a) DAC code(s)	15210 – Security system management and reform 33120 – Trade facilitation			
b) Main Delivery Channel	47066 – International Organization for Migration			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	<input type="checkbox"/> X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input type="checkbox"/> X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input type="checkbox"/> X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input type="checkbox"/> X	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships	Integrated Border Management Flagship Initiative			

SUMMARY

This initiative aims to further enhance integrated border management between the Republic of Moldova¹ and Ukraine by encouraging joint border control at border crossing points and information sharing between agencies from both countries.

Following years of discussions facilitated by the European Border Assistance Mission to Moldova and Ukraine (EUBAM), Moldova and Ukraine signed two key agreements in Chisinau in November 2015, one covering data transmission on passengers and vehicles crossing the border and one foreseeing the establishment of joint Moldova-Ukraine border controls and customs in Kuchurhan, located on the border between the two countries, in the Ukrainian territory, on the Transnistrian segment of the border. Successively the two partner countries claimed to lack the budget and the necessary know-how to make such agreements operational within a year of the agreements, as foreseen in the documents, and requested the EU to support the process.

Requests for funding were prepared following the standard procedures foreseen in the context of the Eastern Partnership Panels on Integrated Border Management and were approved.

Availing the assistance of the International Organization for Migration (IOM) and the EUBAM, as well as the United Nations Development Programme (UNDP) who used to manage the EUBAM and is managing the construction of the joint border crossing point in Palanca, the two countries developed an unprecedented level of cooperation in the recent past which would be further encouraged through this ambitious initiative. In addition to the two components mentioned above (Kuchurhan and data transmission), the initiative foresees establishment of a joint 'Contact Point' in the site of Palanca and an upgrade of the Border Crossing Point Reni-Giurgiulesti which will allow all controls to be done jointly on the Ukrainian side rather than through two separate locations as it currently happens and at the same time the project would allow a significant upgrade of the infrastructure and equipment, allowing safe and efficient controls according to the European standards.

Quality of implementation will be ensured by the IOM who will, with support of the EUBAM mission, thanks to their solid presence on the territory in the past few years, conduct the necessary procurement of supplies, work and services to ensure that the partner countries have all necessary tools to implement successfully the agreements developed with EU support.

The key beneficiaries are the Moldovan Border Police and Customs as well as the Ukrainian Border Guards and State Fiscal Service in charge of Customs.

¹ Hereinafter referred to as Moldova.

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 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, corruption, just to name a few. 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 services at the Moldova-Ukraine border. Both price differentials across Moldova 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 authorities/ 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) as well the Customs services of Ukraine.

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 guard issues. Bilateral relations were upgraded with the signing of Association Agreements (AA), including a Deep and Comprehensive Free Trade Area (DCFTA), and Visa Liberalisation Action Plans (VLAP) 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.

These agreements required 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 Customs Code (including EU customs blueprints).

The “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 Integrated Border Management (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 overall responsibility to implement tasks arising from the Strategy and action plan is vested in the National Council on IBM, which coordinates the activity of the agencies involved in the implementation of the IBM. The IBM strategy and its action plan are also very strongly linked to the Strategic Development Programme of the Border Police for the period of 2015-2017, and to the Reform Concept of the Ministry of Internal Affairs. The Strategy is also part of the Sector Policy Support Programme of the EU, with the main objective of achieving an effective balance between secure borders and the facilitation of legal movements of persons, vehicles and goods, according to EU standards. On November 7th, 2014 the Government of Moldova approved the National Strategy of Integrated Border Management for 2015-2017, aimed at developing a high level of state border control, border security and counteraction of irregular migration and cross-border crimes.

In the IBM strategies of both states, enhancing cooperation with neighbouring countries is considered as a priority. 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 partner services operate based on the agreement between the countries organising joint control at six international and one local BCP (Criva-Mamaliga, Briceni-Rossoshany, Medveja-Zelionaya, Larga-Kelmetsy, Giurgiulesti – Reni (Road), Pervomaysk-Kuchurgan, and Udobnoye-Palanca-Mayaky). The formal agreement is to be renewed. Discussions between the four partners are ongoing and a draft was presented in 2015.

A Protocol between the Administration of State Border Guard service of Ukraine, State Fiscal Service of Ukraine and Border Police of Republic of Moldova, Customs service under the Ministry of Finance of Republic of Moldova on organisation of the shared control in the international automobile BCP “Mayaki-Udobnoe-Palanca” and Technological Schemes (TS) on BCP Palanca was developed by the working group on shared BCP facilitated by the EUBAM.

In November 2015, the final text of the Agreement between the Government of Moldova and the Cabinet of Ministers of Ukraine on organisation of information exchange on persons and transport crossing the Ukraine-Moldovan border was approved.

A Protocol between the Border Police Department of the Ministry of Internal Affairs of Republic of Moldova and Administration of State Border Guard Service of Ukraine on contact points at the Moldovan-Ukrainian state border is also being prepared. It is agreed to locate contact points at Palanca BCP (Moldova), to become the only Contact Point covering the entire common border.

A protocol on the shared control between the Border Police of the Ministry of Internal Affairs of the Republic of Moldova, Customs Service of the Ministry of Finance of the Republic of Moldova, Administration of the State Border Guard Service of Ukraine and State Fiscal Service of Ukraine at the BCP Pervomaisk-Kuchurhan on the territory of Ukraine was signed in November 2015.

1.1.2 Stakeholder analysis

The key stakeholders of the project are the Customs Service under the Ministry of Finance of the Republic of Moldova (Moldova CS), the State Fiscal Service of Ukraine (Ukraine SFS), the Border Police under the Ministry of Internal Affairs of the Republic of Moldova (Moldova BP), the State Border Guard Service of Ukraine (Ukraine SBGS).

Border Police of the Republic of Moldova

Border Police of the Republic of Moldova is the autonomous national authority subordinated to the Ministry of Interior of the Republic of Moldova. The Border Police is created on basis of reorganisation of the Border Guards Service of Moldova that were demilitarized into a competent law-enforcement body and fully integrated into the Ministry of Internal Affairs.

The state border control is carried out by the Border Police through its central structures, the Border Police Department, four regional directorates and “Chisinau International Airport”. The Border Police structure includes four Regional Directorates (North, West, South and East) and 41 Border Police Sectors at local level. The (41) Border Police Sectors carry out their legal competences along the land and water border with its 81 BCPs. 25 BCPs are located along the central sector of the Moldovan-Ukrainian border. In June 2015, a cooperation agreement was signed between Border Police and Customs Service, regulating among others, the implementation of joint mobile patrols between border police and customs.

Customs Service of the Republic of Moldova

Moldova CS is directly subordinated to the Ministry of Finance. Its organisational structure consists of the Headquarters, which includes the management, represented by Director General, 2 departments,

formed by divisions and sections and separate divisions. Each division includes sections and/or sectors. On the territorial level there are 7 customs houses and 106 customs posts (internal and border ones).

The National Action Plan for implementation of the Association Agreement within the period 2014-2016, was adopted by the Government of Moldova in 2014.

State Border Guard Service of Ukraine

The organisational structure of the Ukraine SBGS has four levels: Central Administration in Kiev, Regional Directorates (5), Border Guard Detachments (26 geographical and 10 mobile) under command of the Regional Directorates, and Border Guard (BG) Units (Border Crossing Points - BCPs, Border Surveillance Posts and Marine Guards).

The State Border Guard Service of Ukraine is part of the Ministry of Internal Affairs. Currently the Central Administration of Ukraine SBGS has elaborated a draft internal regulation of the administration and coordination of Ukraine SBGS by the Minister of Internal Affairs of Ukraine.

The SBGS prepared a Concept of Development of the State Border Guard Service of Ukraine for the period to 2020. The plan on indicators breaks down achievements between mid (2017) and long term (2020). The countries' security services are preparing a common Law Enforcement Development Strategy which will underline the law enforcement character of the SBGS and support the endeavour to continue implementation of the transformation.

Joint Border Patrolling operates with the necessary regulative background, involving representatives of the Border Police of the Republic Moldova and the State Border Guard Service of Ukraine.

State Fiscal Service of Ukraine

On May 21st, 2014 the Cabinet of Ministers of Ukraine approved the Regulation on the State Fiscal Service of Ukraine. The restructuration is still ongoing, involving the adoption of various legislative acts for defining objectives, tasks, functions and structure at central and regional level, powers of the new body, as well as for introducing relevant amendments in customs and related legislation to reflect restructuration. The service consists of 27 administration departments (of which 4 are directly devoted to customs matters), and 27 regional customs departments.

1.1.3 Priority areas for support/problem analysis

Within the framework of the project it is foreseen to assist four primary partner services in Ukraine and Moldova (State Border Guard Service of Ukraine, State Fiscal Service of Ukraine, Border Police Agency of Moldova and Custom Service of Moldova). Currently all four agencies are involved in enhancing IBM practices along the border, but the lack of proper financing, modern tools and resources as well as unsettled conflict situation with Transnistria impedes the efficient management of flow of persons and goods across the border. Whereas joint control or joint patrolling are in place, further improvement of these practices is needed. Enhancing communication on the benefits of the implementation of such a project for all the citizens and the economic agents and exchange of information remains key priority in accordance to bilateral and international commitments of both countries.

The project proposes to provide assistance to develop and enhance Integrated Border Management along the Ukraine-Moldova border, notably by improving transparency, operational capacity and capability of Ukraine and Moldovan Border and Custom Agencies. The project purpose is to facilitate the cross-border cooperation between the border authorities through implementing best practices of the European Union such as shared border crossing points (SBCP), common information exchange instrument and setting up Contact Point at the border following the practice of Police and Customs Cooperation Centres (PCCC) - excellent proven records in fostering the cross border cooperation between the EU member states.

It is suggested to focus on four key areas of intervention: (i) establish sustainable joint border control operation at Kuchurhan-Pervomaisk Border Crossing Point, on the territory of Ukraine, (ii) to establish Reni Shared Border Crossing Point on the territory of Ukraine, to replace joint border control at Reni-Giurgulesti Border Crossing Point, (iii) enhance the border control related cooperation among the stakeholders by establishment of a bilateral Contact Point at Palanca Shared Border Crossing Point, on the territory of Moldova (iv) establishment of specific automated information exchange system on central level which provide real time data for relevant agencies involved border control operations on Moldovan – Ukrainian border.

The merger of Reni-Giurgulesti BCP into the new Reni SBCP would be a subsequent step in the direction of proliferation of such best EU practice, following the examples of Rossoshany-Briceni BCP and Palanca SBCP. The current facilities on Reni side at Reni-Giurgulesti BCP are adequate to accommodate all four stakeholders under one roof without having negative impact on the quality of border control. As a flanking measure relevant equipment procurement is thought to improve the performance of authorities involved in border control. The planned reconstruction of part of the road on the Moldovan side of the border as well as between Reni and Giurgulesti will further facilitate easy access to the strategic BCP.

The Kuchurhan-Pervomaisk Border Crossing Point for evident political reasons cannot still be called Shared BCP. The recently signed bilateral agreement between the two countries on the automated information exchange system is expected to boost the volume of the exchanged data on cross border traffic and improve the number of detected violations even within a short period of time.

Throughout the project implementation special attention will be devoted ensuring adoption and application of EU standards in the operational capacities of the relevant Ukraine and Moldova authorities by complementary projects such as EUBAM.

2 RISKS AND ASSUMPTIONS

Risks	Level	Mitigating measures
Lack of commitment and weaknesses in decision making to implement targeted IBM strategy and reforms of BM and Custom Authorities by Governments.	Medium	Intensified policy dialogue with the Governments. Advocacy and awareness raising on the benefits of the IBM and related reforms within the relevant authorities.
Lack of institutional commitment	Low	Cooperation agreement was signed prior to the project implementation, but still operational elements should be addressed.
Beneficiaries may be at different stages of reform and reform commitment. Also, there might be uneven political commitment among key stakeholders.	Medium	The EU delegation and complementary assistance projects (EUBAM, twinnings) will make sure that reform commitment continues to be strong and that all the key stakeholders are clear on the reform objectives and their relevant roles.
20 % co-financing cost requirement from beneficiary countries under reform limited budget resources, difficult economic - political situation	Medium	EU to follow on the commitment of the beneficiaries (letters of commitment sent by beneficiaries)
Limited capacity at multiple stakeholder agencies can delay the	Medium	To mitigate the risk of delays, the EU, the EUBAM and complementary projects will

implementation		design a monitoring and evaluation framework with a consistent feedback mechanism to support timely implementation of reforms. Steering committee on the projects could also be set up for the purpose by the implementer.
The operations in Kuchurhan BCP are not accepted by Transnistria.	High	The project has to counter possible negative impact with supporting public information campaigns. Gradual approach of implementing the project concerning the joint control at Kuchurhan BCP is advised

Assumptions

- Ukraine and Moldova authorities will remain committed to the reform of their border and customs services;
- Implementation of the IBM concept, curbing corruption, countering cross-border crime, enhancing interagency and international co-operation will remain priority for both countries;
- the four agencies will be willing to closely cooperate in order to accelerate control of persons, goods and vehicles across borders in order to facilitate trade;
- National legislation/legal regime in the country allows the introduction of advance IBM practices.

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

Many lessons can be taken from similar completed EU support to Integrated Border Management (EUBAM, Eastern Partnership IBM Flagship projects, national projects, national budget support in the area of border management):

- The application of the various aspects IBM remains limited and inconsistent, whether operationally or in terms of information exchange. In general, all forms of co-operation are still seen as a “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) funded project on joint border patrolling of the green and blue border between Moldova and Ukraine showed to be effective and efficient contributing to the further improvement of border management and bilateral ties between the two countries;

3.2 Complementarity, synergy and donor coordination

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

- the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex),
- EUBAM, which since 2005 supports improvements to the IBM standards of border management in Moldova and Ukraine;
- European Union Advisory Mission to Ukraine (EUAM) main objective is to support the Government of Ukraine in the preparation and implementation of comprehensive civil sector security sector reform, including aspects of border management and customs affairs, good governance and anticorruption;
- Group of High Level Advisers to the Government of Moldova

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

- 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 Pilot projects, in general providing equipment and/or infrastructure, complemented with a capacity building component, and focused on a specific border (segment);
- As complementary measures within the framework of IBM twinning project for the SFS / Custom Service in Ukraine was launched on 10 January 2016 for the amount of EUR 1.8 million while another twinning tender for the State Border Guards Service for EUR 1.3 million was successfully completed. Both twinning is implemented by EU Member States (Germany – Poland and Lithuania) in attempt to further support the implementation of IBM elements in Ukraine and bringing state services to EU standards and norms.
- As part of the 2013 Annual Action Programme in favour of Moldova and in line with the priorities of the EU - Moldova political dialogue, EU allocated EUR 21 million through the Sector Policy Support Programme for the implementation of the EU – Moldova Visa Liberalisation Action Plan (VLAP). The overall objective of this programme is to contribute to the improvement of the mobility of Moldovan nationals, while ensuring public order and security, consolidating the rule of law and strengthening human rights protection in line with European standards and best comparative practices.
- 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 state services benefit from large array of events within the TAIEX instrument.

All these interventions are coordinated centrally by the Delegations of the EU to Ukraine and to Moldova.

Besides the EU, the international actors involved in border-related assistance in Moldova and Ukraine include the Organisation for Security and Co-operation in Europe (OSCE) and the United States (including a programme to support customs and border guards in Moldova and Ukraine), as well as IOM and the United Nations System Agencies (United Nations High Commissioner for Refugees - UNHCR and UNDP).

The EU and the United States are the biggest donors in the border management sphere in both countries. Close cooperation and coordination of activities are ongoing on a permanent basis in order to ensure synergy effects.

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

Donor coordination is ensured through recently established various formats. In Ukraine, the EUAM has set up a BMAG – Border Management Assistance Group meeting - where key actors and donors are discussing the progress of reform, provide updates and ensure synergies by presenting their activities. The SFS of Ukraine in close coordination and cooperation with EUAM also recently initiated a CMAG – Custom Management Assistance Group meeting - with the similar aims and objectives as the BMAG.

3.3 Cross-cutting issues

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

3.3.1 Civil Society Development and Dialogue

The action does not specifically target development and dialogue with the civil society, but the inclusive processes of reform in the border agencies are ensured by other complementary actions (EUBAM, twinings, etc).

3.3.2 Environmental Considerations

The construction efforts will apply standing environmental regulations. 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 nature adjacent to BCPs (reduced levels of car exhaust fumes and litter)

The support to the institutions will include a specific component to assist the beneficiary to implement an ‘internal environment assessment’ to identify areas where it could improve its internal performance vis-à-vis environmental aspects. Increased capacities of customs/border officers at the SBCP will expectedly decrease waiting times at border, which can ultimately result in reduction of air pollution of vehicles. 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).

3.3.3 Equal Opportunities and non-discrimination

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 discrimination based on gender, race, ethnic origin, religion, faith, health condition, age or sexual orientation. 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. Therefore economic and employment growth, civic engagement and lifelong learning is fostered by providing access and opportunities for all.

The project will make its utmost effort integrating the principles of gender equality, non-discrimination and accessibility for disabled persons into the design of the refurbishment of the BCPs. The project implementer will consult public institutions and stakeholders on whether these principles are sufficiently addressed in relevant project documents, implementation and monitoring.

3.3.4 Minority and Vulnerable Groups

Counter trafficking measures increase security of women, children and vulnerable groups. Shared work places reduce the possibility of profiling (social, ethnic, etc) of individuals and groups.

Throughout the construction efforts, special attention will be given to accessibility of the buildings for person with physical disabilities (including construction of toilets for special needed persons).

Project aims at more integrated management of the border and with this will increase reaction capacities facing irregular migration, persons without identifications and victims of crime.

3.3.5 Good Governance

The project is expected to be based on good governance principles ("ownership" and "fighting corruption" in particular). Through the organisation of numerous coordination meetings between beneficiaries, it will promote the dialogue between different levels of the two state administrations involved. Moreover, it will help strengthen the partner countries' capacities to better deal with the management of international borders in line with European best practice.

Moreover the programme has a strong good governance dimension as proper border management and custom controls allow a better protection of victims of trafficking, and proper compliance with human rights standards, notably when dealing with vulnerable groups.

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. By promoting inter-agency and cross border cooperation, the project will increase of level of accountability and supervision among services, thus decreasing corruption and other negative practises.

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

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

This programme is relevant for the Agenda 2030. It contributes primarily to the progressive achievement of sustainable development goals (SDG) targets 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.

The **general objective** is to improve the transparency, operational capacity and capability of Ukraine and Moldova Border Management and Custom Agencies and to contribute to the progressive achievement of SDG targets set in the Agenda 2030. The EU see this also as an opportunity to contribute positively to the Transnistrian settlement if this project is properly implemented through a phased approach that will take into account the developments in and around Transnistria (including the dynamics of the 5+2 settlement talks).

Specific objective #1 (Kuchurhan): Make operational the agreement on joint border control in Kuchurhan-Pervomaisk Border Crossing Point

Specific objective #2 (Reni): Upgrade the Border Crossing Point Reni-Giurgiulesti to allow joint control on a shared Border Crossing Point on the Ukrainian side

Specific objective #3 (Palanca): Establish a bilateral Contact Point at the Palanca Border Crossing Point.

Specific objective #4: (Automated Info Exchange -AIE) Make operational the agreement on data exchange on people and transport crossing the border between Moldova and Ukraine.

Expected results:

Result for SO1 (Kuchurhan) Equipment for supporting joint control at Kuchurhan-Pervomaisk border crossing point identified, procured, tested and in use. Trainings completed through a phased approach.

Result for SO2 (Reni) Equipment necessary for the upgrade of the border crossing point Reni-Giurgiulesti, on the Ukrainian side is identified, procured, tested and in use. Trainings completed.

Result for SO3 (Palanca) Refurbishment works of the buildings as well as repair of the road connecting the two borders are completed. Furniture and equipment for the proper functioning of bilateral contact point identified and delivered

Result for SO4 (AIE) Equipment for making operational of automated information exchange between Moldova and Ukraine is identified, procured, tested and in use.

4.2 Main activities

Special objective 1(Kuchurhan):

- Assessment of the situation, procurement of equipment in line with the list prepared by the experts and agreed with the beneficiaries. Trainings and support to establishment of joint border control through a phased approach

Special objective 2 (Reni):

- Assessment of the situation, procurement of equipment in line with the list prepared by the experts and agreed with the beneficiaries. Road construction and refurbishment works in line with the agreed plan. Trainings to be provided as well as support to establishment of joint border control.

Special objective 3 (Palanca):

- Assessment of the situation, procurement of equipment in line with the list prepared by the experts and agreed with the beneficiaries. Trainings to be provided.

Special objective 4 (Automated Info Exchange):

- Assessment of the situation, procurement of equipment in line with the list prepared by the experts and agreed with the beneficiaries. Trainings to be provided.

4.3 Intervention logic

Recent developments (AA/DCFTA signatures, Visa Liberalisation for Moldova, advanced process of Visa Liberalisation in Ukraine) require maturity of border management and customs reform and implementation of all related norms, standards and practices in pursuit of EU level of excellence. Since 2014 the EU-Ukraine Association Agreement, the Government of Ukraine has taken a commitment, in the first place in front of its people, to pursue economic, judicial, and financial reforms to converge its policies and legislation to those of the European Union.

The whole spectrum of the activities should boost the effect of introduced DCFTA and VLAP standards. Facilitating mobility and trade will alleviate burden from trading businesses (simplified procedures, increased e-services, waiting times at border) and provide to travellers client-friendly service, based on ethical and professional norms (treatment of passengers and vulnerable groups, reference mechanisms of irregular migrants and refugees, etc.). This will ultimately positively contribute to the economic development of the region and well-being of population.

Promoting and proliferating intra-, inter-agency and cross border cooperation (single window, joint controls, joint operations, jointly operated border crossing points, sharing of resources), as well as technologically advanced e-tools (smart border, e-customs, etc.) would logically result in reduced need of human and financial resources (financial sustainability).

Close cooperation and coordination, including trust building measures (exchange of information, joint situation/risk analysis of the border, etc.), would contribute to the more effective and efficient fight against all types of organised crime and corruption in border services. Coordination between agencies also would guarantee a comprehensive multi-dimensional approach to border management which affect various aspects of security, trade, public health and well-being.

In line with the above principles the main purpose of the project is to reduce the time of crossing the border by supporting the border control technology with equipment and facility developments, promoting the principles of Integrated Border Management concept, transparency, cooperation and information exchange.

Works and supplies do not self-implement in relation to overarching operational modalities and strategies. It is therefore foreseen that EUBAM will incorporate necessary assistance under their 2017 programme (possibly 2018) in order to ensure actual implementation of the results outlined in section 4.1 above. This will be done through devising, supporting implementation of, and evaluating pilot projects as described in Section 3.2 above.

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.

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 60 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

5.3.1 Indirect management with an international organisation

This action may be implemented in indirect management with International Organization for Migration (IOM) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation entails the management of the activities foreseen in this Action Document.

Implementation by IOM is justified by several reasons:

- ✓ Extensive experience of IOM implementing EU financed contracts, which is actually the core action of this project;
- ✓ IOM Ukraine has extended capacity and expertise that goes beyond their traditional role of being migration specialist. IOM developed much wider expertise that includes border management;
- ✓ The complexity of the assistance package (works, supply, services – supervisory of works by technical assistance, trainings), involvement of two countries and several locations (the capitals and three border crossing points), which requires substantial coordination;
- ✓ The urgency of delivery for political reasons as it is the case of Kuchurhan;
- ✓ The political sensitivity due to the frozen conflict in Transnistria and IOM's neutral status;
- ✓ The synergies with the EUBAM ensured by the same implementing partner (IOM);
- ✓ The good reputation and relationships that IOM established with the partner countries;
- ✓ The efficient management of other IOM –implemented projects in Ukraine and Moldova;
- ✓ The specialisation of IOM in migration issues which would ensure synergies between border management activities and migration;
- ✓ The strong track record in implementing successful projects in the region (EUBAM, MIGRECO, SIREADA, PRINEX, SURCAP).

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

If negotiations with the above-mentioned entrusted entity fail, that part of this action may be implemented through indirect management with UNDP. The implementation by this alternative entrusted entity would be justified because of the:

- ✓ 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 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 realization of this action impossible or exceedingly difficult.

5.5 Indicative budget

	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
Indirect management with IOM (including communication and visibility costs)	4 750 000	
Parallel co-financing by Ukraine and Moldova		1 000 000
Totals	4 750 000	1 000 000

5.6 Organisational set-up and responsibilities

The action will be implemented by IOM 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. Coordination with the UNDP on Palanca implementation will be ensured by the EUBAM who is providing technical advice to both projects. This would ensure synergies between equipment to be provided under the Palanca BCP upgrade project and this initiative. This initiative should not substitute part of the equipment included in the initial Palanca project.

EUBAM and the regional IBM capacity building project implemented by Frontex will complement with the trainings necessary for the action. Highly specialised trainings for the operation and maintenance of provided equipment will be delivered by the suppliers themselves. Broader scope trainings on management of change at BCPs introduced by the new equipment will be provided by the EUBAM.

5.7 Performance monitoring and reporting

A comprehensive monitoring framework will be developed for the project. Six-monthly progress reports, annual reports, project completion report and special reports, as needed, will be drawn up by the implementing partner.

The day-to-day technical and financial monitoring of the implementation of projects will be a continuous process and part of the implementing partner's responsibilities. 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 log frame 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).

Additional reporting requirements or other frequency than stipulated above will be agreed with the EU Delegation, taking into account particular circumstances. The content and distribution of reports to interested partners will be agreed with the EU Delegation.

5.8 Evaluation

Having regard to the importance of the action, a final 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, the results to be achieved is an innovative action and a pilot being tested.

The Commission shall inform the implementing partner at least 1 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.

The provisions of the Framework Administrative Agreement concluded between the European Commission and IOM shall apply where relevant.

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.

The provisions of the Framework Administrative Agreement concluded between the European Commission and IOM shall apply where relevant.

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 are a legal obligation for all external actions funded by the EU. Communication and visibility will be given high importance during the implementation of the Action.

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 5.3 above.

The implementation of the communication activities shall be the responsibility of the organisation, and shall be funded from the amounts allocated to the Action.

Appropriate contractual obligations shall be included in the delegation agreements.

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 (DG NEAR) will have to be followed.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions. Visibility actions should also promote transparency and accountability on the use of funds.

It is the responsibility of the organisation to keep the EU Delegations fully informed of the planning and implementation of the specific visibility and communication activities.

Political communication will be led by the EU Delegation to Moldova in agreement with the EU Delegation to Ukraine, supported by the EUBAM.

The organisation shall report on its visibility and communication actions in the report submitted to the ENI monitoring committee and the sectoral monitoring committees.

The provisions of the Framework Administrative Agreement concluded between the European Commission and IOM shall apply where relevant.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) ²

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.

The **general objective** is to further enhance integrated border management, improve the transparency, operational capacity and capability of Ukrainian and Moldovan Border Management and Customs Agencies and contribute to the progressive achievement of SDG targets set in the Agenda 2030.

	Results chain	Indicators	Baselines	Targets	Sources and means of verification	Assumptions
Overall objective: Impact	Further enhance integrated border management, improve the transparency, operational capacity and capability Ukraine and Moldova Border Management and Custom Agencies and contribute to the progressive achievement of SDG targets set in the Agenda 2030.	IBM strategy implemented in both countries according to best European standards. Ukraine and Moldova border management and custom agencies operational capacity and capacity enhanced	IBM strategy and action plan approved 2016	Implementation rate of the plan in 2017-2018	Interview with key stakeholders (EUAM, EUBAM) on the implementation of IBM strategy Findings of evaluation studies	The governments are engaged in applying IBM standards in line with the EU acquis.
Specific objective 1: Outcome	<p>Specific objective #1: Make operational the agreement on joint border control at the Kuchurgan-Pervomaisk Border Crossing Point</p> <p>Result 1. Equipment for supporting joint control at Kuchurhan-Pervomaisk Border Crossing Point identified, procured, tested and in use. Trainings completed.</p>	<p>New joint control at BCP is operational.</p> <p>Number of persons and goods crossing the border increased</p> <p>Number of cross-border crimes at BCP decreased</p>	<p>Existing BCP facilities, data on travellers and goods, waiting time, number of criminal offences, etc in 2016</p> <p>Condition of existing buildings, road and equipment of BPC in 2016</p>	<p>State of play in 2017-18</p> <p>Condition of existing buildings, road and equipment of BPC in 2017-2018</p>	Final Acceptance Certificate Findings of EUBAM or other stakeholders' reports	<p>No delay on construction, Budget sufficient Readiness and capability of beneficiaries to use provided equipment in efficient and effective manner</p>

² Mark indicators aligned with the relevant programming document mark with '*' and indicators aligned to the EU Results Framework with '**'.

Outputs	<ul style="list-style-type: none"> • Refurbish Kuchurhan-Pervomaisk Border Crossing Point procure, deliver, install and test relevant equipment, • Establish Joint border control at Kuchurhan-Pervomaisk Border Crossing Point, on the territory of Ukraine • Procure equipment to create good conditions for conducting Joint operational activities by the agencies involved in border control at Kuchurhan-Pervomaisk Border Crossing Point 	Facility constructed obtains Final Acceptance. Equipment delivered obtain final acceptance	Inventory in 2016	Inventory of used equipment and facilities in 2016/17	Final Acceptance Certificate Monitoring report by EUBAM	
Specific objective 2: Outcome(s)	<p>Specific objective #2: Upgrade the Border Crossing Point Reni-Giurgiulesti to allow joint control on a shared Border Crossing Point on the Ukrainian side</p> <p>Result 2. Equipment necessary for the upgrade of the Border Crossing Point Reni-Giurgiulesti, on the Ukrainian side is identified, procured, tested and in use. Trainings completed. Refurbishment works of the buildings as well as repair of the road connecting the two borders are completed.</p>	BCP expanded and operational in coordination between 4 beneficiary services Number of persons and goods crossing the border increased. Number of cross-border crime at BCP decreased	Existing BCP facilities, data on travellers and goods, waiting time, number of criminal offences, etc in 2016	State of play in 2017/18	Provisional Acceptance Certificate Findings of EUBAM or other stakeholders' reports	No delay on construction, Budget sufficient and capability of beneficiaries to use provided equipment in efficient and effective manner
Outputs	<ul style="list-style-type: none"> • Refurbish / Construct Reni Border Crossing Point; procure, deliver, install and test relevant equipment • Establish JBC at the new Reni Shared Operated Border Crossing Point, on the territory of Ukraine • Procure equipment for conducting joint operational activities by the agencies involved in border control at the new Reni Shared Operated Border Crossing Point 	Facility constructed obtains Final Acceptance. Equipment delivered obtain final acceptance	Inventory in 2016	Inventory of used equipment and facilities in 2016/17	Provisional Acceptance Certificate Monitoring report by EUBAM	
Specific objective 3:	<p>Specific objective #3: Establish a bilateral Contact Point at the Palanca Border Crossing Point.</p> <p>Result 3 Furniture and equipment for the proper functioning of bilateral Contact Point identified and delivered</p>	equipment obtained final acceptance Contact point is operational Number of cross-border crime decreased	number of criminal offences in 2016 Number of information items exchanged by partners	State of Play in 2017/18	Final Acceptance Certificate	Proper utilisation and improved communication among beneficiaries

Outputs	<ul style="list-style-type: none"> Establish Contact Point at Palanca Border Crossing Point Procure equipment to create good conditions for assume duty and maintain its core task of the Contact Point Officers Deploy officers (select, train etc) from agencies involved in border control at Palanca Border Crossing Point 	<p>Equipment procured, installed and tested</p> <p>Number of CP officer appointed, trained</p>		Functional state of play of Contact points in 2017/18	Provisional Acceptance Certificate	Proper utilisation and improved communication among beneficiaries
Specific objective 4: Outcome(s)	<p>Specific objective #4: Make operational the agreement on data exchange on people and transport crossing the border between Moldova and Ukraine.</p> <p>Result 4. Equipment for making operational automated information exchange between Moldova and Ukraine is identified, procured, tested and in use.</p>	<p>Equipment obtained final acceptance</p> <p>Number of cross-border crime decreased (including irregular migration)</p>	<p>number of criminal offences in 2016</p> <p>Number of information items exchanged by partners</p>	State of Play in 2017/18	Final Acceptance Certificate	
Outputs	<ul style="list-style-type: none"> Procure equipment to create good conditions to facilitate information exchange among agencies involved in border control Procure equipment for supporting the establishment of automated information exchange system at the shared border crossing points Enhance risk analysis capabilities of the Moldovan Border police in respect of border crossings registered at BCPs along the Central segment of border Upgrade the border control technology and enhance interagency cooperation by the stakeholders that facilitates the cross border traffic, and further reduces processing/waiting time at borders Provision of trainings 	<p>Equipment procured, installed and tested, Number of officer trained</p> <p>Number of data on entry/exit border crossing on persons and vehicles between the UASBGS and MDBP registered</p>		Functional state of play of Contact points in 2017/18	Provisional Acceptance Certificate	