



## **European Commission**

### **EUROPEAN NEIGHBOURHOOD AND PARTNERSHIP INSTRUMENT – REGIONAL EAST ACTION PROGRAMME 2010**

### **EUROPEAN UNION BORDER ASSISTANCE MISSION TO MOLDOVA AND UKRAINE – EUBAM 8**

#### **Annex I: Description of the Action**

**Budget Line: BGUE-B2010-19.08 01 03-C1-AIDCO**

<b>Implemented by:</b>	United Nations Development Programme
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# 1. DESCRIPTION

## 1.1. Title

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European Union Border Assistance Mission to Moldova and Ukraine – EUBAM 8.

## 1.2. Beneficiary countries

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Republic of Moldova and Ukraine.

## 1.3. Cost of the action and amount requested from the Contracting Authority

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Total eligible cost of the action	Amount requested from the Contracting Authority	% of total eligible cost of action
12,000,000 EUR	12,000,000 EUR	100 %

In addition to this budgeted EC contribution, EU Member States are providing a significant contribution in kind through the secondment of their national staff to the Mission, whose salaries will continue being paid by national administrations for the entire period of secondment.

## 1.4. Summary

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The region of Transnistria self-proclaimed independence from the Republic of Moldova in 1992, one year after the dissolution of the Soviet Union. A short conflict ensued, with some 1,000 casualties. A ceasefire brokered with Russian mediation left Tiraspol in control of the region east of the Dniester River in a self-proclaimed Transnistrian Moldovan Republic. Since then, the conflict has been "frozen" in place.

Since September 2005, the EU and the USA participate as observers in the negotiation process in the enlarged format "5+2"; the EU is represented by the EU Special Representative for the Republic of Moldova.

Following a request from Moldova's and Ukraine's Presidents in June 2005, the EU decided to launch an EU Border Assistance Mission (EUBAM) as of 1 December 2005 after the Commission signed a Memorandum of Understanding with the Republic of Moldova and Ukraine on 7 October 2005. Since then, EUBAM enjoyed high political support from all stakeholders. EUBAM's activities indicated that indeed much needs to be done in order to bring border and customs control procedures in line with EU standards.

The EU's involvement increased trust and cooperation between Moldova and Ukraine; this led to a joint declaration signed by the Prime Ministers of Moldova and Ukraine, Tarlev and Yekhanurov, setting in place the May 2003 customs agreement which enforcement started actually as of 3

March 2006. On 17 March 2007 by Decree no. 301, and subsequently on 29 June 2007 by Decree no. 743, the Moldovan Government amended Decree no. 815 of 2 August 2005 extending access to preferential trade certificates of origin to temporarily registered Transnistrian-based companies. EUBAM is closely following the implementation of the Joint Declaration, including registration and reimbursement mechanisms for Transnistrian-based companies in Chisinau.

The initial six months were funded under the EC's Rapid Reaction Mechanism (€ 4 million), followed by the Tacis Regional Action Programmes 2003 (€ 2.2 million), 2004 (€ 4 million) and 2006 (€ 8.885 million) and since 2007 by the European Neighbourhood and Partnership Instrument (ENPI East Regional Programme). The total amount which will have been made available by end of 2011 is EUR 68.2 million.

## 1.5. Objectives


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### 1.5.1. Overall Objectives

To assist the Republic of Moldova and Ukraine in fulfilling their commitments under the European Association process, thus also contributing to a peaceful resolution of the Transnistria conflict.

### 1.5.2. Specific Objectives

- a) Enhancing the effectiveness and efficiency of border and customs clearance and controls, including the correct collection of customs revenues: To build up and sustain appropriate tactical, operational, administrative and institutional capacity in the Republic of Moldova and Ukraine to ensure effective and efficient border and customs clearance, controls and surveillance as well as effective fight against criminal cross-border activities and organised crime with particular attention to the Moldovan-Ukrainian state border, including relevant inland areas and locations, as well as at the administrative / internal boundary along the two banks of the Dniester River in the Republic of Moldova.
- b) Enhancing the fight against corruption: To support partner services' anti-corruption efforts at central, regional and local level by underlining the integrity of managers, the need of anti-corruption strategies and action plans, ethics, training, infrastructure and methodologies / technologies relevant to the prevention of and fight against corruption.
- c) Provision of information on EUBAM and border and customs-related issues to the public: To contribute to improve public relations skills and capabilities of the partner services' public relations sections, and to provide objective information to the local population in the Republic of Moldova and Ukraine regarding EUBAM's tasks and assistance provided to the countries, ongoing activities at the border of which travellers and/or the local population benefits, rights and responsibilities of persons crossing the border (e.g. to complement anti-corruption measures), health risks of purchasing smuggled food (e.g. to complement consumer protection measures), etc.
- d) Confidence building and contribution to the Transnistria conflict settlement process: To monitor and advise on the implementation of the Joint Declaration of the Prime-Ministers of Ukraine and the Republic of Moldova of 30 December 2005; to help promoting cooperation between the agencies involved in border and customs controls and fight against crime in the Republic of Moldova and Ukraine through transparency, exchange of analytical and tactical information, and cross-border cooperation; to assist and support the border demarcation



process; to assist developing an atmosphere for extended economic relations; as well as to promote post-conflict consolidation in case of a settlement within the duration of this action.

## **1.6. Background information and justification**

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### **1.6.1. The Transnistria conflict**

In spring 1992, a year after the dissolution of the Soviet Union, a short civil war took place in the Eastern region of the Republic of Moldova. "Transnistria" succeeded in establishing *de facto* independence from Moldova, as the ceasefire brokered with Russian mediation (July 1992 Russian-Moldovan Moscow agreement) left Tiraspol in control of the region east of the Dniester River in a self-proclaimed Transnistrian Moldovan Republic. Transnistria has no internationally recognised status.

After the ceasefire, a security zone was established, guarded by peace-keeping forces consisting mostly of Russian troops and troops from the two sides. Since 1998, a small number of Ukrainian troops (10) are also present.

Since February 2006 the official negotiations in 5+2 format<sup>1</sup> have been suspended. However, mediators and observers meet regularly with Chisinau and Tiraspol representatives in order to discuss possibilities for the resumption of formal "5+2" settlement talks. During the last year important progress on confidence-building measures between the sides has been registered inter alia in transport, healthcare and social areas. The joint working groups for building confidence resumed their periodical meetings.

### **1.6.2. EU policy related to the Transnistria conflict**

Over the past years, Moldova has repeatedly called for greater EU and US involvement in the resolution of the Transnistrian conflict. In mid-November 2002 the OSCE decided to send a delegation, including officials from the European Commission, on a fact-finding mission on the Transnistrian segment of the Moldovan-Ukrainian state border. The report presented by the mission pleaded for "the establishment of joint customs points on Ukrainian territory" and expressed the "need for carrying out joint customs controls on the Transnistrian segment". The report also called on Chisinau and Kiev to proceed with negotiations on the creation of joint border posts as foreseen by agreements between both countries.

The Commission has taken forward this issue and launched in March 2003 a process of trilateral discussions on border issues involving Moldova and Ukraine. Since 2003 eight EU-Moldova-Ukraine Trilateral Meetings on border related issues were held. Thus, the level of inter-agency and bilateral cooperation palpably increased. The joint border operations and coordinated efforts led to a more secure border while at the same time facilitating legal trade. The other important topic that is discussed at the trilateral meetings is border demarcation. EUBAM is ready for continuing technical assistance for achieving further progress in the border demarcation process.

In February 2004<sup>2</sup> the EU imposed (together with the U.S.) a visa travel ban on 17 high-ranking

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<sup>1</sup> Transnistria and Moldova are negotiations' parties; Ukraine, Russia, OECD are mediators; EC and US are observers.

<sup>2</sup> Council Common Position 2004/179/CFSP of 23 February 2004 concerning restrictive measures, in the form of restrictions on admission, against the leadership of the Transnistrian region of the Republic of Moldova; OJ L

Transnistrian "officials". This ban was renewed in February 2005<sup>3</sup>, 2006<sup>4</sup>, 2007<sup>5</sup>, 2008<sup>6</sup>, 2009<sup>7</sup>, February 2010<sup>8</sup> and September 2010<sup>9</sup>. In order to encourage progress in reaching a political settlement to the Transnistrian conflict, addressing the remaining problems of the Latin-script schools and restoring free movement of persons, the Council decided in February 2010 to temporarily suspend the application of restrictive measures.

In March 2005, Ambassador Adriaan Jacobovits de Szeged was appointed EU Special Representative for Moldova, with a mandate *inter alia* to contribute to a peaceful settlement of the Transnistria conflict. In February 2007, Dr. Kálmán Mizsei was appointed EU Special Representative for Moldova, replacing Ambassador Adriaan Jacobovits de Szeged in this function.

### 1.6.3. Chronological evolution of the bilateral cooperation between Moldova and Ukraine on border related issues

A major issue in the relations between Ukraine and Moldova concerning the common border has been the customs regime on the Transnistrian segment of the border. Over the years, there have been several attempts to solve the problem of "Transnistrian exports" (often referred to as "re-exports").

Customs stamps have been a crucial element of control over Transnistrian exports. In February 1996, an agreement was signed between Chisinau and Tiraspol on cooperation between both customs services, which *inter alia* granted Moldovan customs stamps to Transnistria, allowing the latter to benefit from preferential trade regimes Moldova concluded with other countries. This agreement was followed by an agreement between Moldova and Ukraine of March 1997 on the establishment of seven joint border crossing points on the Moldovan-Ukrainian state border: Criva-Mamaliga, Briceni-Rossoshany, Medveja-Zelionaya, Larga-Kelmentsy, Giurgiulesti – Reni

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55/68 of 24/02/2004. Council Common Position 2004/622/CFSP of 26 August 2004 amending Council Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova; OJ L 279/47 of 28/08/2004.

<sup>3</sup> Council Common Position 2005/147/CFSP of 21 February 2005 extending and amending Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova; OJ L 49/31 of 22/02/2005. Council Common Position 2005/890/CFSP of 12 December 2005 implementing Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova; OJ L 327/33 of 14/12/2005.

<sup>4</sup> Council Common Position 2006/95/CFSP and 2006/96/CFSP of 14 February 2006 renewing restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova; OJ L 44/31, 32 of 15 February 2006.

<sup>5</sup> Council Common Position 2007/121/CFSP of 19 February 2007 extending and amending Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova; OJ L 51/31 of 20 February 2007.

<sup>6</sup> Council Common Position 2008/160/CFSP of 25 February 2008 concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova; OJ L 51/23 of 26 February 2008. The restrictive measures have been extended until 27 February 2009.

<sup>7</sup> Council Common Position 2009/139/CFSP of 16 February 2009 concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova; OJ L 46/76 of 17 February 2009. The restrictive measures have been extended until 27 February 2010.

<sup>8</sup> Council Common Position 2010/105/CFSP of 22 February 2010 concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova; OJ L 46/3 of 23 February 2010. The restrictive measures have been extended until 27 February 2011 and suspended until 30 September 2010.

<sup>9</sup> Council Common Position 2010/573/CFSP of 27 September 2010 concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova; OJ L 253/54 of 28 September 2010. The restrictive measures have been extended until 30 September 2011 and suspended until 31 March 2011.



(Road), Pervomaysk-Kuchurgan, and Udobnoye-Palanca-Mayaky. From 1997–2001 ongoing so-called “joint controls”, rather than shared control responsibility are performed on both territories.

With its accession to the WTO in May 2001, Moldova introduced a new customs stamp as of 1 September 2001. This stamp was not given to Transnistria.

From late 2001 until May 2003, relations between Moldova and Ukraine deteriorated. One of the issues was the continued export of goods produced in the Transnistrian region through the Ukrainian border without Moldovan customs documentation.

Ukraine refused access to its border crossing points to the Moldovan border guards and customs officials and withdrew its representatives from the Palanca border crossing point. Ukraine explained this refusal, inter alia, by reference to the lack of required conditions (insufficient infrastructure and means of communication, lack of additional protocols stipulated by the 1997 agreement, lack of documents concerning the preparedness of crossing points for performing the joint control).

Following discussions in the first EC-Moldova-Ukraine Trilateral Meeting on Border Issues, the Customs Department of Moldova and the State Customs Service of Ukraine signed a protocol on 15 May 2003, regulating relevant customs procedures, in particular stipulating that only goods with Moldovan customs documents be allowed entry into Ukraine under the precondition that Moldova enacted a simplified registration procedure for Transnistrian companies. The customs regime was in effect until summer 2004 and led to a much more positive series of negotiations on the issue of joint border crossing points throughout 2003 between Chisinau and Kiev; on 12 January 2004, five protocols were signed in this context.

However, the customs agreement was unilaterally cancelled by Chisinau authorities, in retaliation for actions taken by Tiraspol authorities during summer 2004.<sup>10</sup> In a reaction to Chisinau authorities' decision, on 15 August 2004, Ukraine stopped implementing the customs agreement and began to accept Transnistrian goods without Moldovan customs documentation, clearing them as “third country goods”.


After the 2004 presidential elections in Ukraine, the relations between Moldova and Ukraine improved. In July – August 2005, joint border controls were re-established at four of the seven border crossing points listed in the 1997 agreement. The process of negotiations on joint organisation of border controls at the Transnistrian segment of the state border was re-launched.

On 30 December 2005, the Prime Ministers of Ukraine and Moldova, Yekhanurov and Tarlev, signed a joint declaration to re-implement the customs protocol of 15 May 2003. After additional discussions between the two sides, assisted by the EUBAM, implementation began effectively on 3 March 2006. Since then all exports from Moldova to or via Ukraine, including those via the so-called Transnistrian segment of the border, need to have proper Moldovan documentation. This enables the two countries to exchange information and to carry out proper risk analysis, thus contributing to a more effective fight against smuggling and illegal cross-border activity.

The reinstatement of the customs regime provoked a strong reaction from the Tiraspol leadership which immediately blocked the common border, thus imposing upon itself a blockade and launched a comprehensive propaganda effort involving organised public demonstrations and co-

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<sup>10</sup> They sought to ban the teaching of the Moldovan language in the Latin, rather than the Cyrillic, alphabet.



ordinated media articles in Transnistria and Russia aimed at portraying the new regime as an externally imposed economic "blockade" which would lead to a humanitarian catastrophe. The Tiraspol position was firmly backed by Russia which called for the immediate cessation of the customs regime. The EU, U.S. and OSCE Mission to Moldova welcomed the implementation of the agreement and urged Transnistria to end its self-imposed blockade. EUBAM's presence at field level and its neutral status meant that the Mission was able to make objective information available to all interested parties. These observations, together with those made by the OSCE Mission to Moldova, meant that the allegations of an economic "blockade" and a resulting humanitarian catastrophe were comprehensively refuted.

On 16 March 2006, the Transnistrian regime started to lift its self-imposed blockade allowing imports from Ukraine but refusing to accept any goods in transit to other parts of Moldova. EUBAM has monitored the operation of the registration and reimbursement mechanism which is stipulated in the Joint Declaration of 30 December 2005. The mechanism ensures that Transnistria-based companies are not double-taxed.

Partly as a result of the Transnistrian claims of a humanitarian catastrophe, EUBAM looked very closely at the scale of food imports into Transnistria. These observations revealed large-scale smuggling of goods, including vehicles, cigarettes and foodstuff (in particular meat and vegetables) by organised criminal groups and highlighted the Transnistrian authorities' inability or unwillingness to take preventative action.

On 21 November 2006 separate protocols on information exchange between the customs services and between border guards services of Moldova and Ukraine were signed at the Fifth Trilateral Meeting on Border Issues held in Brussels. The protocols have a significant impact on fostering domestic inter-agency co-operation within each state. The four services and EUBAM agreed to produce monthly Common Border Security Assessment Reports (CBSAR) on the Moldova-Ukraine state border which contribute significantly to an improved analytical overview of border security.

A further important step forward towards economic integration of Transnistrian-based companies was the Moldovan Government decree no. 301 dated 17 March 2007, and subsequently the decree no. 743 dated 29 June 2007 which amended the Decree no. 815 dated 2 August 2005. By these amendments the access to the preferential trade certificates of origin was extended to the 'TN' based companies registered on a temporary basis. During the period 2007-2008 Moldova has in the meanwhile also transferred the competences to issue preferential certificates of origin from the Chamber of Commerce to the Moldovan Customs Service.

A working meeting of the Chairman of the UASCS and the Director General of the MDCS took place in Odessa in July 2010. The aim was to discuss and agree on joint actions to improve customs control efficiency on the Moldovan-Ukrainian border. The implementation of the Joint Declaration of the Prime Ministers of Ukraine and Moldova and the relevant protocol was assessed. The Interagency Protocol between the Moldovan Customs Services (MDCS) and the Ukrainian State Customs Services (UASCS) on cooperation at Border Crossing Points (BCPs) on the MD-UA border and the Joint Action Plan on Counteracting Customs Rules Violations for 2010-2011 were signed by the Heads of both Customs Services.

The resumption of the operation through 'TN' region of the passenger train Chisinau-Odessa-Chisinau started on 1 October 2010. EUBAM supported the joint expert mission that conducted an inspection to assess the technological conditions of the 'TN' railway section and contributed in the negotiation process.



#### 1.6.4 EU relations with the Republic of Moldova and Ukraine on border management related issues

The overall framework for EU relations with Moldova and Ukraine is provided by the respective Partnership and Co-operation Agreements (PCA), which entered into force in 1998. Certain elements of the PCAs and of the sectoral dialogue between the countries and the EU which occurs through regular meetings of specialised subcommittees are directly relevant to the areas of customs or justice and home affairs, including border management.

Currently Ukraine and the Republic of Moldova are negotiating Association Agreements with the EU which include a part related to deep and comprehensive free trade area between the EU and these two countries.

Within the context of the European Neighbourhood Policy (ENP), both the Republic of Moldova and Ukraine have agreed to a respective ENP Action Plan with the EU, endorsed in early 2005. The implementation of these Action Plans will further contribute to strengthening the EU's relations with Moldova and Ukraine. The Action Plans contain a series of further commitments to make progress towards a system of efficient and comprehensive border management, including specific commitments related to customs (e.g. the origin of goods) or other border management issues.

A specific double-checking system without quantitative limits for exports of steel from Moldova to the EU was in place from 29 September 2004 until 31 December 2006. This measure enhanced the transparency of steel exports from Transnistria to the EU and precluded Transnistrian steel exports not registered with Moldova's authorities from entering the EU.

At the EU-Ukraine Justice, Freedom and Security (JFS) Ministerial meeting of 11 June 2007, the EU and Ukraine endorsed a revised EU-Ukraine Action Plan on Justice, Freedom and Security, which includes no fewer than 25 joint EU-Ukraine measures to upgrade Ukraine's border management and visa issuing system. Progress is regularly assessed in the form of the so-called "JFS scoreboard" which has been revised.

Within the framework of the Eastern Partnership training and pilot projects are being considered in relation with Integrated Border Management. Moreover, a € 66 Mio Budget Support programme is under preparation in Ukraine on Border Management, supported by specific technical assistance.

#### 1.6.5. EU Border Assistance Mission to Moldova and Ukraine

On 2 June 2005, the Presidents of the Republic of Moldova and Ukraine, Vladimir Voronin and Viktor Yushchenko, addressed a joint letter to the President of the European Commission, Jose Manuel Barroso, and the High Representative, Javier Solana, calling for additional EU support in overall capacity building for border management, including customs, on the entire common Moldovan-Ukrainian border. In this letter, the EU was requested to provide specific assistance in the creation of an "international customs control arrangement and an effective border monitoring mechanism on the Transnistrian segment of the Moldova-Ukraine State border". The Commission and the EU member states agreed in principle to respond positively to this unique request, and a joint EU Council Secretariat/Commission Fact Finding Mission (FFM) visited the Republic of Moldova and Ukraine between 23 and 29 August 2005. As a result of the FFM the EU decided to launch an EU Border Assistance Mission (EUBAM) as of 1 December 2005 after the Commission signed a Memorandum of Understanding (MoU) with the Republic of Moldova and Ukraine on 7 October 2005 in Palanca.





The MoU outlines the mandate: to promote coordinated action of and assist the governments in areas involving border, customs and fiscal matters; provide practical advice and support actions undertaken to the benefit of MD and UA customs administration and border guards as well as other law enforcement and other relevant state agencies; assist in setting up a system to exchange information on customs data and border traffic between relevant administrations of both countries; provide assistance in preventing the smuggling of persons and goods subject to border and customs control.

As agreed with the two countries and approved by the EU, the Mission's mandate has been two times prolonged, each time for two years. The current mandate is extended until 30 November 2011 and covers the phase 7 and the phase 8.

#### 1.6.6. Confidence Building Measures / EUBAM technical initiatives

Confidence building measures include the Mutual Visits Initiative: a proposal regarding the organization of three mutual visits, with the joint participation of customs experts from Chisinau, Tiraspol and EUBAM, was elaborated by EUBAM and agreed by the EU Delegation in Chisinau. The Moldovan authorities agreed with the proposal too. In June 2010 a programme of the three mutual visits was handed over by the EUSR to the 'TN' side for their agreement. The same programme was re-addressed to the MD Government for their further consideration in August 2010. Whilst the MD side reconfirmed its support to this initiative, a consensus from the 'TN' side is still pending.

The Mutual Visits Initiatives aim to ensure familiarization with the European Customs regulations, standards and best practices as well as identification of possibilities to further foster the international trade originated from the 'TN' region. The mutual visits can also contribute to identifying measures for preventing and fighting more efficiently smuggling and other customs offences that may affect the legitimate trade in MD (including 'TN').

#### 1.6.7. Current situation at the Moldovan-Ukrainian state border

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<sup>11</sup> including international, inter-state and local ones. 452 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).

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 guards, 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.

An important aspect related to current situation at UA/MD border is the potential for expanding the range of information gathered for risk assessment and fraud prevention purposes. Based on the Protocol on the Pre Arrival Information Exchange System (PAIES), the Ukrainian and Moldovan Customs Services exchange data concerning goods and vehicles moving across their common

<sup>11</sup> Moldova and Ukraine had agreed to reduce the number of border crossing points to 69; some local BCPs were closed.



state border (included the Transnistrian segment). Development of PAIES is the extension of the exchange of customs data with Russia for both Moldova and Ukraine, an overall indicator of the effectiveness of the system recognized by the Partner Services as well as the confirmation of the sustainability of the EUBAM activities and results.

Since the summer 2008 EUBAM has been providing technical contribution to the issue regarding the full resumption of railway traffic through the 'TN' region of the Republic of Moldova. These efforts were translated into a success on 10 September 2010, when the RF, UA and MD railways agreed to resume the movement of the train # 642/641 Chisinau–Tiraspol–Odessa starting from 1 October 2010. Further efforts are still needed to fully and successfully resume the rail traffic through 'TN', and EUBAM stands ready to further assist the relevant stakeholders to implement customs and border guard/police control during the train *en route*.

On 10 November 2008 EUBAM addressed to Moldovan Border Guard Services (MDCS) a number of suggestions consolidated into a document called "EUBAM Technical Proposal on 'TN' cargo import" (hereinafter called as Technical Proposal). Since February 2010, EUBAM has continued dialogue with the MD Government on this matter, and expressed readiness to assist the MD stakeholders to implement the measures suggested by the Mission in the Technical Proposal.

The infrastructure and equipment at the border crossing points (BCPs) is generally adequate on the Ukrainian side, although both could be improved; there is still a need of some specialised equipment such as mobile X-ray, car-mounted thermo imaging equipment and communication means such as Internet access.

On the Moldovan side, infrastructure at the BCPs or office space available is barely adequate for the current low level of commercial traffic and will not be sufficient in case of an increase in the traffic flows. The infrastructure at the "green border" is also in poor condition and the border is still not fully demarcated. Equipment is often obsolete and seriously insufficient (lack of night vision and other surveillance equipment, sufficient border patrol vehicles, or boats for blue border patrolling).

#### 1.6.8. Capacities of the national services in the relevant sector

##### *Fight against corruption*

Corruption continues to be an endemic problem that requires targeted anticorruption support from the international community. In the period 2004-2009 Ukraine and Moldova kept their low rankings in the Transparency International Corruption Perception Index with scores of 2.2 and 3.3<sup>12</sup> respectively, positioning them among the most corrupt countries in the world. While Moldova has achieved some progress moving from 2.3 to 3.3 score, the situation in Ukraine has not changed for the last 5 years. The same tendency has been recognized by the World Bank's Control of Corruption Governance Indicator.

The perceptions of corruption towards the partner services are similar to the overall feeling of corruption in the country. Two surveys conducted under the auspices of USAID in 2007 and 2009 revealed that companies generally view crossing the border and document inspections as the

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<sup>12</sup> CPI scale ranges from 0 (perceived to be highly corrupt) to 10 (perceived to have low levels of corruption)

most corrupt stages of the customs clearance process.<sup>13</sup> In Moldova, Transparency International has revealed that the total value of the money paid by businessmen for bribes has decreased by 15% compared to 2007 but still customs remains the institution where most unofficial payments were made<sup>14</sup>.

The satisfaction surveys conducted under the Model BCP Pilot Projects launched by the EUBAM in 2010 on the other side indicated that corruption perceptions of the respondents are very much linked to the management and organisational procedures at the border cross points (long queues, rude attitude etc.). Training on Human Conflict Resolution and measures to improve the managerial and organisational attitudes and procedures have been planned in this regard. The establishment of two pilot projects "International Border Crossing Points" has been among the steps implemented by EUBAM to improve the professional integrity and demonstrate that diminishing the level of corruption at the border crossing points is an achievable target providing there is the presence of strong commitment and leadership. Parallel to this, EUBAM has conducted a number of anticorruption training events for Partner Services in supporting their efforts at operational and tactical levels. Concrete guidelines for anticorruption activities with partner services have been elaborated.

EUBAM has responded to the need for raising the awareness on corruption problems in partner countries with the launch of the anticorruption summer school for students and conduct of anticorruption lectures in Ukrainian and Moldavian universities. Based on the huge success of the initiative, similar initiatives are envisaged for the next programming period. Additional requests for anticorruption support and transfer of good EU practices have been received by the Odessa Regional State Administration and partner services mainly in the areas of corruption prevention and planning, professional skills improvement, organizational performance and efficiency of the implementation of the anticorruption measures.

#### *IBM and Schengen Acquis*

EUBAM is contributing to the development of the Integrated Border Management (IBM) concept in the Republic of Moldova and Ukraine for almost five years. The IBM is now considered to be a national border management strategy in Ukraine and the Republic of Moldova, and the governments of both countries have given orders on the elaboration of the national IBM strategy (concept).

In Ukraine the draft of the national IBM was elaborated and inter-ministerial approval was finalized on 8 October in 2010. It was forwarded for approval by the Ukrainian Government.

In Moldova the National IBM Council has been adopted by the government. Finalization of the IBM Strategy of the Republic of Moldova is expected by end of 2010.

The Schengen Acquis and EU Regulations covering border-related matters were introduced to the partner services. The comparison of EU Schengen legislation against UA and MD border-

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<sup>13</sup> Corruption and Business regulations in Ukraine: Customs and Transportation of Goods Comparative Analysis of National Surveys: 2007-2009 for the MCC Threshold Country Program, Management Systems International and InMind, August 2009, USAID

<sup>14</sup> Perceptions and experiences of household representatives and businessmen regarding corruption in the Republic of Moldova, Transparency International Moldova, 2009



related legislation was carried out.

EUBAM provided its expertise and assistance to the Ministry of Foreign Affairs of the Republic of Moldova on MD Visa liberalization with EU as a long term goal.

#### 1.6.8.1.Border Guard Service of the Republic of Moldova

EUBAM developed Recommendations on Reforming the Ministry of Internal Affairs and the Border Security System of the Republic of Moldova. The 10-years vision of the development of MD BG has been created and distributed to the Government level. The final decision on the integration of BGS into the Mol of the Republic of Moldova has not been taken yet.

The distribution of responsibilities and cooperation between law enforcement agencies is under discussion. Thus, MD BGS does not have any crime investigation power or the power to impose sanctions for illegal border crossings.

Information exchange between MD BGS and other Moldovan authorities is regulated by 12 agreements and additional protocols, five of which were concluded in 2010. No regular joint planning, coordination and information exchange with other law enforcement agencies (customs, police) is carried out. However, information exchange and joint planning with customs is carried out on ad-hoc basis.

MD BGS continued to work towards the optimization of their structure.

The leadership of MDBGS is aware of the EU intelligence-led policing model and makes efforts to overcome the presently reactive border control strategy, and achieve an integrated border management driven by intelligence. This is done by increasing the number and training of professional staff and phasing out conscription, introducing risk analysis, developing an integrated modern communication system, and strengthening inter-agency domestic coordination and international cooperation in support of an intelligence-led border control system.

The MD BGS has switched from 4 to a 3-level management system, being now structured into ten regional directorates, out of which five are in charge of the border with Ukraine. Handing over of the range of functions and corresponding authority to the regional directorates from the central apparatus is necessary, together with providing them with financial and economic independence. The Service has reduced the proportion of conscripts from their overall staff complement to 35% in 2008, and plans to be a totally contracted organisation by 2011. Although the global financial crisis has a negative impact on the budget of the MD BGS the service continues to move closer to this established objective.

The risk analysis capability requires further development. It is essential to select, train and deploy staff at the regional level.

The installation of a modern IT based communication system is on-going.

#### 1.6.8.2.Customs Service of the Republic of Moldova

The Customs Service undertook a comprehensive restructuring in spring 2007, reducing the number of customs bureaus from 15 to 8 and reorganising the central level functions. EUBAM assisted the Moldovan Customs Service in establishing the new administrative structure as well as in developing its Strategic Development Action Plan 2009-2011.



After the elections in 2009 the Customs Service has been placed under the Ministry of Finance.

The Moldovan Customs Service has overall adequate administrative capacity / staffing and adequate knowledge of customs rules; customs procedures appear to be normally in line with international standards (Moldova is a member of the WTO). Since 2008 Moldova is a party to the Istanbul Convention and applies as of 1.07.2010 ATA system. However, improvement of the processing capabilities and specialized skills is still needed (e.g. the implementation of transit procedures, the use of modern techniques of selectivity or risk analysis, etc). The Service conducts criminal investigations in accordance with its mandate. Whilst criminal investigators have received some training, additional efforts are required to upgrade investigators knowledge and skills.

The Service has shown greater tangible achievement as regards facilitation of traffic and trade flow by improving communication towards the travelling public and economic operators, through amending rules and regulations, and promulgating this information. MDCS undertook all necessary measures from its side for establishment of web based service with the authorities involved in the process of the implementation of the Single Window. On line connection is place with banks. Server to server connection with BGS is already fully implemented at the BCPs on the border with Romania and is under development at the other borders. Connections with other authorities are also under development.

Based on SOClass IT Platform, IT System is in place, which will allow incorporation of FRONTIERA System into ASYCUDA World System.

Post Clearance Audit (PCA) units are operational. EUBAM is actively supporting the activity by providing assistance in legal gap analysis, amendments of legislation, assessment of needs in PCA staff using best practice of EU Member States. Assistance was also provided in further extension of risk analysis for the purposes of PCA and drafting annual plans for the activity. The current situation still differs from the recommendations given by the EU in PCA Guide and Customs Blue Prints and by the WCO in the PCA Guidelines and needs improvements.

#### 1.6.8.3.State Border Guard Service of Ukraine

SBGSU has introduced a new Law of Ukraine on Border Control Procedures of 5 November 2009. Provisions of the law are very similar to those in the Schengen Borders Code. Nevertheless, some important border control procedures of EU are not included yet and the future implementation is not discussed.

The BCPs are not staffed fully and the available number of border guards causes a need for reinforcement of the BCPs with additional temporary staff during the high season.

The UA SBGS has created a computer network between the HQ, all regional directorates, detachments and the most of departments. The Intranet is under development and has only limited capabilities currently.

In Ukraine information exchange and cooperation between intelligence units of the SBGS, of the Ministry of Interior and of the Security Service is regulated by common orders and instructions. The Common order with the State Customs Service on information exchange is under elaboration. Information exchange between authorities is also regulated by some other common orders approving instructions on cooperation between these authorities.



The SBGS is structured into five regional departments, with Odessa in charge of nearly the entire border with Moldova. The service has transferred from a militarised structure to a law-enforcement structure by switching from a 5-level to a 4-level management system. Whilst EUBAM recognizes that progress has been made from the military to the civilian structure there is still a room for further development.

The EUBAM recommendation of phasing out the conscription has been achieved in Ukraine, where within the Mission area of responsibility conscription has been terminated and all staff are now contracted.

The SBGS has introduced a new 4-level risk analysis structure. The Service should further press ahead with the setting up of the risk analysis structures at the tactical and operational-tactical levels.

The Service's integrated information system was developed and designed in line with requirements for 'open' information systems and allows all subunits to have access to programmes at central, regional and local levels. Currently an Integrated Interagency Information and Telecommunications Program on passengers, vehicles and goods crossing the border is being developed.

#### 1.6.8.4. State Customs Service of Ukraine

Ukraine joined the WTO in 2008. To get acquainted with the changes to the UA legislation following the country's accession to the Kyoto Convention and the WTO, several seminars have been organised for the UASCS with the Mission's active support.

Administrative capacity appears to need reinforcement in some areas. Knowledge and harmonized application of customs rules and procedures is generally better at the main transit points (including the ports of Odessa or Illichevsk) than at BCPs; training in certain specialized skills (e.g. application of risk assessment techniques) appears as necessary.

Post Clearance Audit (PCA) units are operational. EUBAM is actively supporting the activity by providing assistance in legal gap analysis, amendments of legislation, assessment of needs in PCA staff using best practice of EU MS. Assistance was also provided in further extension of risk analysis for the purposes of PCA and drafting annual plans for the activity. The current situation still differs from the recommendations given by the EU in PCA Guide and Customs Blue Prints and by the WCO in the PCA Guidelines and needs improvements.

The State Customs Service (SCS) lacks investigative powers and is only allowed to handle administrative offences. EUBAM has supported the efforts of the SCS and has shared EU best practices on this issue.

The SCS is developing its risk management capacity. EUBAM is of the view that the existing capacity is not adequately used for assisting customs clearances and in addition could be used to provide more assistance to strategic decisions. Risk management including risk analysis at custom house level needs to be developed. It is important to note that access to information is restricted and the ability to use it effectively is on a rather low level.

## **1.7. Donor coordination and related programmes**

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Other than the EC, 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), as well as the UN System Agencies (UNHCR, IOM and UNDP).

The EC started developing a long-term policy in the field of justice, freedom and security with both countries since at least 2000. This concerned in particular enhancing border management and helping fight cross-border criminal activities. Various aspects of capacity-building of Ukrainian and Moldovan customs or border guards services have been, are being, or are about to be addressed under the Tacis National, Regional, or Cross-Border Co-operation Action programmes (NAP / RAP / CBC).

In the frame of the Paris Declaration agenda, a sub-working group on border management issues was established by the Government of Ukraine to coordinate donor assistance. As regards border management, besides the EC, there is only one major donor active, the U.S. Close cooperation and coordination of activities are ongoing on a permanent basis in order to ensure synergy effects. Coordination with beneficiaries and donors is also achieved through EUBAM Advisory Board and EUBAM Coordination meetings.

Under the ENPI 2010 Annual Action Programme for Ukraine, the Commission is planning to finance a budget sector support programme in the field of border management, which will have an impact on EUBAM's work and require further coordination in such field.

Close co-ordination will be ensured also with respective activities. This will be facilitated through the OSCE's and UNDP's participation and IOM's observer status in the EUBAM Advisory Board.



## 1.8. Phase 8 Action Plan – Detailed description of activities

<b>Specific objective 1</b>	<b>To evaluate the border control and surveillance measures by the Moldovan and Ukrainian border guards and customs authorities on the basis of, respectively, relevant Moldovan and Ukrainian legislation and EU-standards with particular attention in this regard to the Moldova-Ukraine State border.</b>
<b>Output 1.1.</b>	<b>The evaluation report on the border control at border crossing points (BCPs) at the border between the Republic of Moldova and Ukraine delivered to the border guard and customs services.</b>
<b>Activities</b>	
1.1.1.	To evaluate all aspects of border control by border guards of Republic of Moldova and Ukraine at BCPs at the border between the Republic of Moldova and Ukraine.
1.1.2.	To evaluate all aspects of border control by customs services at BCPs at the border between the Republic of Moldova and Ukraine.
1.1.3.	To agree with the individual partner services on a plan regarding giving assistance and advice on recommendations made in the specific evaluation reports.
<b>Output 1.2.</b>	<b>The evaluation report on the border control at the Green and Blue border between the Republic of Moldova and Ukraine delivered to the border guard services of both countries.</b>
<b>Activities</b>	
1.2.1.	To evaluate all aspects of border control by the border guards of the Republic of Moldova and Ukraine at their common Green and Blue border.
1.2.2.	To agree with the individual partner services of border guards of Republic of Moldova and Ukraine on a plan regarding giving of assistance and advice on recommendations made in the specific evaluation reports.
<b>Output 1.3.</b>	<b>The evaluation report on the control at the boundary line along the two banks of the Dniester River in the Republic of Moldova delivered to the Ministry of Internal Affairs and the Customs Service of the Republic of Moldova.</b>
<b>Activities</b>	
1.3.1.	To evaluate all aspects of control related to the responsibility of the Ministry of Internal Affairs and the Customs Service of the Republic of Moldova at the boundary line along the two banks of the Dniester River in the Republic of Moldova.
1.3.2.	To agree with partners of the Ministry of Internal Affairs and Customs Service of the Republic of Moldova on a plan regarding giving of assistance and advice on recommendations made in the specific evaluation reports.





<b>Output 1.4.</b>	<b>The evaluation report on the respect of the fundamental human rights in border management at the border between the Republic of Moldova and Ukraine provided.</b>
<b>Activities</b>	
1.4.1.	To evaluate the respect for human dignity and fundamental human rights by the partner services at the border between the Republic of Moldova and Ukraine.
1.4.2.	To facilitate and coordinate the evaluation by external donors of guarantees related to asylum seekers and illegal immigrants during the period of detention and return process.
<b>Specific objective 2</b>	<b><u>Building capacity and knowledge of EU and other international standards/best practices.</u></b> To contribute to the development and the implementation of effective border control and surveillance measures in the Republic of Moldova and Ukraine by strengthening the border guards, customs and (other) law enforcement agencies and/or other relevant authorities administrative capacity.
<b>Output 2.1.</b>	<b>Assistance and advice to the partner services on organisational development towards the EU standards and best practice provided.</b>
<b>Activities</b>	
2.1.1.	To contribute on request of the partners to the planning and implementation of their strategy and policy, based upon models of the EU and worldwide best practice.
2.1.2.	To assist the partner services in their leadership and management development based upon the agreed identified needs.
2.1.3.	To assist and advice on request of the partner services in the realisation of the organisational changes based upon the specific needs and reflecting best practice models.
2.1.4.	To assist and advice on request of the partner services in improving the effectiveness of the deployment of their resources.
2.1.5.	To assist and advice partner services on the implementation of the agreed recommendations.
2.1.6.	On request of the State Border Guard Service of Ukraine, to assist and consult on the issues of the development and modernization of operating procedures, infrastructure and systems of control at BCPs according to best practices.
2.1.7.	On request of the Border Guard Service of the Republic of Moldova, to assist and consult on the issues of the development and modernization of operating procedures, infrastructure and systems of border surveillance and control



	(especially to ensure second line control at BCPs).
2.1.8.	To support the European Commission and the partner services in the realisation of the "Eastern Partnership Flagship initiative on Integrated Border Management.
2.1.9.	At the request of the EU Delegations and other relevant donors to provide advice and assistance in the identification of priorities and needs for the development and modernisation of border infrastructure, technical equipment, border surveillance systems, and IT and communications systems.
<b>Output 2.2.</b>	<b>Assistance and advice to the partner services to enhance their organisational capacity to manage and develop the training system towards best practice provided.</b>
<b>Activities</b>	
2.2.1.	To respond to the identified agreed needs of the partner services' training institutions by providing and facilitating advice, assistance and analysis in the development of training strategies, plans, policies, programmes, and curricula, reflecting the EU and worldwide best practice, e.g. to support the European Commission on the "Eastern Partnership Integrated Border Management Flagship Initiative project (EaP IBM flagship Initiative project)
2.2.2.	To facilitate cooperation of the partner services with EU training institutions and with international organisations and especially with FRONTEX, CEPOL and other training institutions of the EU member states.
<b>Output 2.3.</b>	<b>Trainings and related assistance for enhancing sustainable capacity of the partner services to deliver technical training completed.</b>
<b>Activities</b>	
2.3.1.	To provide assistance in developing the training skills and techniques of the designated trainers in the partner services.
2.3.2.	To deliver training to the designated trainers on the specific technical training subjects.
2.3.3.	To provide practical support to individual practitioners of the partner services in accordance with the EU practices.
2.3.4.	In accordance with the agreed training programme to provide training to the practitioners in the partner services.
<b>Output 2.4.</b>	<b>Assistance and advice provided to the partner services on national legislation and EU acquis.</b>
<b>Activities</b>	
2.4.1.	To inform on an ongoing basis partner services on the legal gaps, which have been identified by the EUBAM during its monitoring and analytical activities.
2.4.2.	To provide advice to overcome legal gaps between the customs legislation of the Republic of Moldova and Ukraine and the customs-related EU acquis.



2.4.3.	To provide advice to overcome legal gaps between the border guard related legislation of the Republic of Moldova and Ukraine and the Schengen Aquis.
2.4.4.	On request to provide partner services with expertise on drafts for new legislation, regulations and orders.
2.4.5.	To assist and to advise partner services in the implementation of agreed recommendations as defined in related evaluation reports.
<b>Output 2.5.</b>	<b>Conferences, seminars and study tours on border management issues according to the agreed programme organised.</b>
<b>Activities</b>	
2.5.1.	To organise conferences and seminars on strategic issues, based upon the partner services needs.
2.5.2.	To provide foreign study tours for partner services, reflecting an identified need, and to reinforce development issues with examples and experience of best practice.
<b>Output 2.6.</b>	<b>Assessment provided to the partner services regarding the application of data protection rules and regulations with regard to national legislation and EU standards at the border between Republic of Moldova and Ukraine.</b>
<b>Activities</b>	
2.6.1.	To assess the application of data protection rules and regulations at the border between Republic of Moldova and Ukraine.
<b>Output 2.7.</b>	<b>Analytical support and assistance in relation to the ongoing visa liberalisation dialog provided in line with EU-standards and EU-legislation.</b>
<b>Activities</b>	
2.7.1.	On request to support the Republic of Moldova and Ukraine with analytical support in relation to the ongoing visa liberalisation dialog.
2.7.2.	On request to assist the Republic of Moldova and Ukraine in relation to the ongoing visa liberalisation dialog.
<b>Output 2.8.</b>	<b>A progress report comprising the main achievements in border management obtained by partner services in 5 years of EUBAM activity provided.</b>
<b>Activities</b>	
2.8.1.	To review the progress in border management towards EU standards made by partner services in 5 years of EUBAM activity.
<b>Specific objective 3.</b>	<b>To contribute to preventing border related crimes such as trafficking in persons, trafficking in drugs, smuggling of goods, customs fraud and the proliferation of weapons.</b>
<b>Output 3.1.</b>	<b>Assistance provided to the partner services' in preventing border related</b>



	<b>crimes.</b>
<b>Activities</b>	
3.1.1.	To assist and advise partner services at all management levels in preventing border related crimes in line with EU best practices.
<b>Output 3.2.</b>	<b>Assistance provided to the partner services' criminal investigations related to the Ukrainian-Moldovan border.</b>
<b>Activities</b>	
3.2.1.	On request to advise partner services in the investigation and prosecution of the criminal cases.
3.2.2.	To assist in adoption of modern investigation methods, evidence gathering and use of case analysis.
3.2.3.	To support the Joint Working Group on illegal migration and trafficking in human beings.
3.2.4.	To support the Joint Working Group on trafficking in drugs and weapons, smuggling of goods and customs frauds.
<b>Output 3.3.</b>	<b>Analytical capacity enhanced.</b>
<b>Activities</b>	
3.3.1.	To provide the services with analytical reports and alerts for direct input and tactical purposes.
3.3.2.	To assist the relevant departments of partner services in drafting joint analytical reports and alerts
3.3.3.	To support the partner services in their response to the identified threats.
<b>Output 3.4.</b>	<b>Joint assistance actions aimed at contributing to counteract border related crimes conducted.</b>
<b>Activities</b>	
3.4.1.	To conduct joint assistance actions based on risk analysis and local and regional phenomena, including: <ul style="list-style-type: none"><li>• evaluation of risk;</li><li>• planning of actions;</li><li>• implementation of actions;</li><li>• collation and evaluation of results.</li></ul>
<b>Output 3.5.</b>	<b>Implementation of the recommendations related to the prevention of border related crimes progressed.</b>
<b>Activities</b>	
3.5.1.	To assist and advise the partner services on the agreed implementation of the recommendations at central level.
3.5.2.	To assist and advise the partner services on the agreed implementation of the recommendations at regional and local level.

<b>Output 3.6.</b>	<b>The use of mobile units by partner services in preventing border related crimes improved.</b>
<b>Activities</b>	
3.6.1.	To assist and advise the partner services in further development of the concept of Mobile Units.
3.6.2.	To assist and advise the partner services with regard to the strengthening of inter-agency cooperation in mobile units activities.
<b>Specific objective 4</b>	<b><u>Enhancing customs revenue</u></b> <b>To contribute to increasing customs revenue and to create the necessary conditions for the correct implementation of the national trade policy of the Republic of Moldova and Ukraine by upgrading the administrative and operational capacity of their customs administration.</b>
<b>Output 4.1.</b>	<b>Implementation of the recommendations on improving all aspects of the customs clearance at the inland locations for securing the revenue assisted and assessed.</b>
<b>Activities</b>	
4.1.1.	To continue providing assistance and advice to the partner services in developing their policy on the recommendations and the implementation of relevant recommendations at the central level.
4.1.2.	To continue providing assistance and advice to the partner services in implementing the relevant recommendations at the regional and local levels in accordance with their policy.
4.1.3.	To assess the progress made by the partner services at the central level on the implementation of the relevant recommendations.
4.1.4.	To assess the progress made by the partner services at the regional and local levels on the implementation of the relevant recommendations.
<b>Output 4.2.</b>	<b>The pre-arrival information exchange system is efficient and effective.</b>
<b>Activities</b>	
4.2.1.	To assist and advise partner services in making the use of the pre-arrival information exchange system sustainable including the development and implementation of manuals, procedures, training curriculum.
4.2.2.	On request of the partner services to promote the pre-arrival information exchange system as a best practice at the international level.
<b>Output 4.3.</b>	<b>Assistance given in the implementation of the trade facilitation of the Republic of Moldova and Ukraine in the light of the customs control.</b>
<b>Activities</b>	
4.3.1.	To assist partner customs services in defining and implementing more effective procedures in relation to the needs of the business community and in accordance with the requirements of WTO, Kyoto Convention and other agreements.
4.3.2.	To promote partnership between Customs and Business based on mutual respect for each other's roles and responsibilities in order to better secure and facilitate trade.



<b>Output 4.4.</b>	<b>Assistance given in the post clearance control and audit procedures of the customs services of the Republic of Moldova and Ukraine.</b>
<b>Activities</b>	
4.4.1.	To continue and to extend the evaluation process of the policies of partner services compared with the recommendations of the EC and WCO.
4.4.2.	To assist and advise the partner customs services in improving their practice related to post clearance control and audit on central and local level.
<b>Specific objective 5</b>	<b>To support the partner services' anti-corruption efforts.</b>
<b>Output 5.1.</b>	<b>Assistance and advice to develop the capacity to identify and effectively address corruption in the partner services provided.</b>
<b>Activities</b>	
5.1.1.	On request of the partner services to assist and advice in further developing an anti-corruption strategy.
5.1.2.	On request of the partner services to develop a common anti-corruption action plan.
5.1.3.	On request to assist partner services in implementing the common developed action plan at central, regional and local level.
5.1.4.	To assist the partner services in the investigation process of cases where corruption is indicated and report progress and apparent legal, procedural and other obstacles to due process.
5.1.5.	To support and assist as agreed with the relevant state institutions in developing their effectiveness in areas relevant to addressing corruption in partner services and coordinated with the other donors.
5.1.6.	With the agreement and cooperation of all partners to continue to improve the anti-corruption measures in the two pilot projects international border crossing points at the border between the Republic of Moldova and Ukraine and to determine and monitor the feasibility of establishing anti-corruption measures.
5.1.7.	To assist and advise partner services to roll out the successful anti-corruption measures implemented in the two pilot projects to the other border crossing points at the border between Republic of Moldova and Ukraine.
5.1.8.	On request to support the relevant institutions at national, regional and local level of the Republic of Moldova and Ukraine to initiate the organisation of anti-corruption initiatives such as a summer camp for students.
<b>Specific objective 6</b>	<b><u>Implementing the national Integrated Border Management concept by:</u></b> <b>1. improving intra-agency cooperation;</b> <b>2. improving inter-agency cooperation;</b>

	<p><b>3. Improving international cooperation:</b></p> <p>a. bilateral;</p> <p>b. multi-lateral.</p>
<b>Output 6.1.</b>	<b>Assistance and advice provided to the partner services on establishing the national integrated border management.</b>
<b>Activities</b>	
6.1.1.	To advise the partner services on the strategic level in the further development of the integrated border management national concept.
6.1.2.	To assist the partner services in developing a national action plan for implementing the integrated border management concept.
6.1.3.	To assist the partners services in implementing the national action plan.
<b>Output 6.2.</b>	<b>Intra-agency cooperation within the partner services supported.</b>
<b>Activities</b>	
6.2.1.	To continue to assist and advice the partner services in implementing the agreed recommendations related to the delegation of tasks, duties and responsibilities from the central to regional and local levels.
<b>Output 6.3.</b>	<b>Interagency cooperation of border authorities supported.</b>
<b>Activities</b>	
6.3.1.	To assist and advise in further developing and implementing interagency cooperation at the BCPs with regular working sessions for planning, coordination and evaluation.
6.3.2.	To continue supporting the interagency cooperation of the partner services of the Republic of Moldova and Ukraine in organizing Joint Border Control Operations (JBCO).
6.3.3.	To facilitate and chair within the rotation system monthly External Coordination Meetings.
<b>Output 6.4.</b>	<b>International cooperation of the partner services, Law Enforcement Agencies and other relevant authorities supported.</b>
<b>Activities</b>	
6.4.1.	To assist in the continuation of the work of the permanent joint working group on "Joint measures on Border Patrolling" composed of the border guard services of the Republic of Moldova and Ukraine.
6.4.2.	To continue supporting the cooperation between the partner services and the international organisations, law enforcement agencies and other relevant authorities in organizing Joint Border Control Operations (JBCOs).



6.4.3.	To continue assisting and advising in the implementation of the Jointly Operated BCP pilot project Briceni-Rossoshany.
6.4.4.	To continue assisting the partner services in developing and producing the monthly Common Border Security Assessment Report and to ensure the strategic and tactical usage.
6.4.5.	To further develop and jointly elaborate the quarterly "Common Border Security Assessment Report" (CBSAR) towards a strategic document.
6.4.6.	To further develop the exchange of operational information between the Border Guard services of the Republic of Moldova and Ukraine and draft the recommendations.
6.4.7.	To further promote the partner services cooperation with the EU agencies, international organizations and to improve the cooperation within projects such as the "Common pilot project focal point" of FRONTEX and projects of EU member states.
6.4.8.	To initiate together with the partner services social events such as tournaments and other, aiming to build confidence between the border guards and customs services of the Republic of Moldova and Ukraine, other national border related agencies, representative institutions of the civil society and relevant international organisations.
<b>Specific objective 7</b>	<b><u>Contributing to the settlement of the conflict in Transnistria</u></b> To make a positive contribution towards the settlement of the conflict in "TN" and, in case a settlement is achieved within the duration of this action, to promote post settlement consolidation.
<b>Output 7.1.</b>	<b>A positive contribution to the settlement of the conflict in "TN" made.</b>
<b>Activities</b>	
7.1.1.	To monitor and advise on the implementation of the Joint Declaration of the Prime-Ministers of Ukraine and the Republic of Moldova of 30 December 2005.
7.1.2.	In case of the partners' commitment, to facilitate the initiatives to contribute in confidence building measures.
7.1.3.	Upon request, to take part in the EUSR and Commission initiated confidence building measures such as the measures aiming at resumption of the railway traffic.
7.1.4.	To provide assistance to the border demarcation along the border between the Republic of Moldova and Ukraine (as associated objective).
7.1.5.	To provide assistance to the EUSR and his Enhanced Border Team in fulfilling their efforts in the conflict settlement process.



7.1.6.	To ensure neutral, objective updates to the EU Commission (including EU Delegations in Chisinau and Kiev), EUSR, EU Member States, host countries Governments, OSCE and other international partners on border issues that relates to the conflict settlement process.
<b>Specific objective 8</b>	<b><u>Enhancing public awareness on border management and security.</u></b>  <b>a. To contribute to the improvement of public relations capabilities of the public relations sections of the Moldovan and Ukrainian partner services;</b>  <b>b. To provide objective information to the local population in the Republic of Moldova, Ukraine and the EU regarding EUBAM mandate and assistance provided to the countries.</b>
<b>Output 8.1.</b>	<b>Public relation capabilities of the public relations sections of the Moldovan and Ukrainian Border Guard and Customs services enhanced and, on request, support in enhancing the public relations capacities of other law enforcement and relevant state agencies provided.</b>
<b>Activities</b>	
8.1.1.	To further promote integrated and practical communication of the partner services with the public through training events and a study tour for public information officers of the Moldovan and Ukrainian border guard and customs services.
<b>Output 8.2.</b>	<b>A set of public communication activities supported to improve the border crossing for travellers and trade.</b>
<b>Activities</b>	
8.2.1.	To continue to assist the partner services in developing and disseminating information materials on the border crossing rules for travellers and trade.
8.2.2.	With the partner services to continue the implementation of public communication activities regarding border management and security, including information campaigns, fairs, publications, and celebration of Europe Day.
8.2.3.	In line with the budget provision, to continue assisting in the development of the border information signs for jointly operated border crossing points including the pilot project in the Rossoshany-Briceni JOBCP.
8.2.4.	Based on the agreement with the partner services, to implement an external survey on the satisfaction of people with the services provided by the border agencies at the key working locations on the MD-UA border.
<b>Output 8.3.</b>	<b>Knowledge about the EU and its institutions as well as about its domestic and foreign policy and political culture shared with authorities and general public of the Republic of Moldova and Ukraine.</b>
<b>Activities</b>	
8.3.1.	To regularly transmit assessments, analysis and proposals to the relevant Moldovan and Ukrainian authorities.



8.3.2.	To inform the population in the Republic of Moldova and Ukraine on the EUBAM mandate, cooperation and activities.
8.3.3.	With the partner services, to deepen and maintain relationships with local communities along the MD-UA border through school visits and information events in local municipalities.
8.3.4.	In the framework of the Mission's mandate, to provide relevant information and support to civil society in the Republic of Moldova and Ukraine, including the business and academic community.
<b>Output 8.4.</b>	<b>The EU institutions, EU Member States and other relevant organisations informed about the achievements in cooperation between EUBAM and the Moldovan and Ukrainian partners.</b>
<b>Activities</b>	
8.4.1.	To host visitors from the EU institutions, EU Member States promoting EUBAM work and cooperation mechanisms with the Moldovan and Ukrainian border services.
8.4.2.	To share EUBAM cooperation and promote achievements of the partner services on the international level.
<b>Output 8.5.</b>	<b>Regular information exchange and communication with the partner services and stakeholders facilitated.</b>
<b>Activities</b>	
8.5.1.	To submit EUBAM routine reports and assessments, analysis papers and findings to the partner services, European Commission, European Council and EU Member States at regular intervals.
8.5.2.	To conduct Advisory Board Meetings.

The Plan of Action is annexed to and incorporated to the EUBAM 8 Description of Action. (Annex 1)

The Mission is expected to initiate the achievement of the results listed at chapter 2 below. In order to achieve these results the Mission and the implementing partner (UNDP) may propose for endorsement alternative or complementary project activities to those identified in this section, where those can be clearly justified.

The Moldovan and Ukrainian authorities are committed to enhancing the effectiveness of their border and customs services, to fight against corruption, to enhance bilateral cooperation and to peacefully resolve the Transnistria conflict. This political commitment was translated in concrete terms through the signature by Moldova and Ukraine of the Memorandum of Understanding on the European Union Border Assistance Mission to Moldova and Ukraine. Under the Memorandum, the countries agreed to the presence and proposed mandate of the EU Border Assistance Mission, including in particular to:

- authorise Mission personnel to perform unannounced inspections at all relevant locations including BCPs, inland customs houses, transit points and locations along the green / blue border;
- authorise Mission personnel to request the head of the relevant customs or border unit to order re-examination of certain cargoes / passengers in case of doubt;
- make available, wherever materially possible, basic office facilities for the local offices of the Mission, include office accommodation and furnishings, and telephone equipment and lines with national and international access;
- appoint senior members of their customs and border administrations to liaise with the Mission, and ensure that staff of the appropriate level is made available to work alongside the Mission personnel.

The project partners, i.e. the customs and border guard administrations of Moldova and Ukraine, undertake to observe the letter and the spirit of the above agreement. They shall provide such assistance to the Mission as necessary to arrange visas for expatriate personnel, and customs clearance and inland transport (from border point to final destination) for the Mission's imported equipment. They should also provide all possible assistance to solve unforeseen problems which the Mission may face. On the other hand, the Mission may, within the limitations of the budget, financially contribute to action and operational costs of the partner services.

In the capacity-building components of the Mission's activities it may promote and finance the e-learning if and when it is more appropriate and cost-effective.

### **1.9. Target groups and beneficiaries**

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- a) Ministries of Foreign Affairs of Moldova and Ukraine: EUBAM will, with its technical capacity and expertise, support both countries' political level to find practical solutions for existing cross-border problems caused through the situation in Transnistria. The Mission will also support both countries in the implementation of the Joint Statement of 30 December 2005 through advice provided to the border guard and customs services.
- b) Border Guard Services of Moldova and Ukraine: both services will directly benefit from capacity building measures, i.e. advice provided by EUBAM experts. Another valuable and sustainable effect is direct contacts to EU border police services and EU agencies which will foster cross-border cooperation and information exchange.
- c) Customs Services of Moldova and Ukraine: both services will directly benefit from capacity building measures, i.e. advice provided by EUBAM experts. Also the customs services will benefit from enhanced contacts to EU customs services which in the long run will help fighting customs related fraud and smuggling activities.
- d) Ministries of Internal Affairs of Moldova and Ukraine: police will participate in joint cross-border operations together with the Border Guard Services and the Customs Services which will intensify inter-agency cooperation and coordination between the law enforcement



services. The Moldovan Ministry of Internal Affairs will also benefit from EUBAM's input into the reform of the Internal Customs Control Points (ICCP) on the administrative boundary with the Transnistrian region, as well as from the capacity building work undertaken by the Mission.

- e) General Prosecutors Office and Local Prosecutors Offices in Moldova and Ukraine: prosecutors will be assisted – within their constitutional area of responsibility, i.e. supervising law enforcement services' investigations and coordinating investigations in which several law enforcement services are involved – to ensure proper investigation, evidence gathering and prosecution of criminal activities.
- f) Security Service of Ukraine, and Information and Security Service of Moldova: both intelligence services will participate in joint cross-border operations together with the services mentioned above. This will intensify inter-agency cooperation and coordination between law enforcement services.
- g) Tax authorities of Moldova and Ukraine: Tax authorities will participate in joint cross-border operations together with the services mentioned above. This will intensify inter-agency cooperation and coordination between law enforcement agencies, the customs services and tax authorities.

Final beneficiaries of EUBAM's intervention will be:

- h) Ministry of Finance of Moldova and Ukraine: EUBAM's activities will lead to a more reliable customs valuation of imports as well as decrease the level of cross-border criminal flows such as smuggling of goods. This will considerably increase the amount of customs revenue collected which will be transferred to the State budgets. Increased customs revenues and taxes income will allow the Governments more flexibility in investments.
- i) Citizens of Moldova (including Transnistria) and Ukraine: citizens of both countries will benefit from the acceleration of the transition from border control to border management, which supports freer, legitimate movement of people and fairer, more transparent, as well as freer trading conditions. The Mission's impact in reducing corruption and unnecessary bureaucracy will help people and business get a better service from the Border Guard and Customs Services of Moldova and Ukraine.

## **1.10. Lessons learned, risks and assumptions**

### **1.10.1. Lessons learned**

- a) EUBAM has demonstrated that the innovative institutional compromise under which it was established is able to deliver significant results. The integrated interface between this European Commission Mission and the Council, through the EUSR, and the enhanced border team which includes personnel seconded directly by EU Member States (which also constitutes a considerable equivalent financial contribution), has provided an excellent framework for the Mission to deliver technical advice and assistance, while maintaining awareness of, and responsiveness to, the context in which it operates.
- b) EUBAM benefits from the mix of professional and national backgrounds and their authentic experience, enabling it to give practical expression to the phrase "United in Diversity".



Increased contextual awareness and attention to linguistic and cultural integration into the communities where mission members live and work may pay dividends in future.

- c) Excellent public relations, as EUBAM has had, are essential in promoting the role of the Mission, maintaining momentum and ensuring that the public and customers are aware of the value of such a mission, which also supports the confidence building process with partner services.
- d) The tasks of a mission such as EUBAM are challenging, particularly in scenarios where there is no immediate accession perspective. The framing of the role of a mission as a partner was carefully created to allow it to be perceived as an opportunity, not a threat. The Mission has an advisory nature and is assisting the partner services. The creation of the new Capacity Building Unit and the Liaison Office of EUBAM in the Republic of Moldova is an answer to this need, that is also understood by the partner services in both countries
- e) After the re-establishing of the May 2003 customs agreement based on the Joint Statement of the Republic of Moldova's and Ukraine's Prime Ministers, dated 30 December 2005 and enforced as of 3 March 2006, another major success in the settlement process was the issuing of Decree no. 301 by the Republic of Moldova Government on 17 March 2007 (later replaced by Decree no. 743/2007, establishing more favourable implementing procedures). This new decree amended the Decree no. 815 of 2 August 2005 extending access to preferential trade certificates of origin to companies located in the Transnistrian region of the Republic of Moldova and temporarily registered in the Moldovan State Registration Chamber. Continued EU technical support to the implementation of the Joint Declaration is required (i.a., through facilitating dialogue between the two countries, facilitating the exchange of information, risk analysis). EUBAM has been providing this technical support.
- f) Targeting only border guard and customs services in the fight against smuggling has not proved to be sufficient. Smugglers have been released and the smuggled goods were returned to the smugglers. Corruption continues to be a serious issue. This calls for involving the Prosecutor's offices, the courts and the Ministry of Justice either in EUBAM activities or in accompanying technical assistance projects. Furthermore, EUBAM re-organised its structure in particular to assist partners in improving the whole investigation process. Anti-corruption Advisor, Risk Analysis Specialists and Investigation Specialists positions as well as other positions have been established within the EUBAM Capacity Building Unit and Analytical and Operational Support Unit.
- g) The Mission's logistic set-up was so far managed by UNDP. Both the EU and UNDP had to find a compromise that combined adherence to procedure, while reflecting the unique character and needs of the Mission. In July 2009, UNDP confirmed their agreement on all requirements submitted by the EC Delegation, including on the status of senior staff and visibility issues.

#### 1.10.2. Assumptions underlying the project intervention

**Assumption 1:** *Ukrainian and Moldovan authorities will remain committed to the reform of their border and customs services, the fight against corruption, and bilateral co-operation, and will accept (at central, regional and local level) the presence and tasks of the Mission personnel throughout its duration.*

The realisation of this assumption is likely, as the countries' political commitment emanates from the highest political level and was confirmed by the signature of the Memorandum of Understanding on the Border Assistance Mission between Ukraine, the Republic of Moldova, and the Commission, as well as by the agreement of all parties to extend the Mission's mandate



for further two years until 2011. Continued commitment and cooperation at the level of services was good during the four years of implementation, and will continue being regularly reported on by the Mission. Moreover, the President of Ukraine adopted the State Border Guard's development strategy up to 2015 in June 2006, a reform document aiming at achieving Schengen standards within the set time horizon. A similar reform strategy is underway for the Moldovan Border Guard Service. Also the State Customs Service of Ukraine started elaborating a strategy paper for the service's development for the next decade.

**Assumption 2:** *EU Member States customs and border police administrations will accept to prolong the secondment of the staff currently engaged in the Mission as well as to suggest further suitably qualified personnel for reinforcing the Mission and will continue contributing towards the successful operation of this Mission, notably through exchange of information.*

The realisation of this assumption is likely. EU Member States demonstrated strong support in 2006 - 2009 for EUBAM and an interest in continuing / enhancing their contribution to this joint EU endeavour, through seconding own personnel as "field personnel" of the Mission, and accepting to allow continued detachment from national service of the contracted "core" personnel of the Mission.

**Assumption 3:** *The presence of the Mission personnel at all levels of the partner services organisation will improve the border management of the border between the Republic of Moldova and Ukraine and will contribute to improving the effectiveness of controls towards EU standards and best practices, to diminishing risks of corruption, and to curbing the main illegal cross-border flows.*

The previous years of the Mission's operation demonstrated the partners' sincere interest to improve the effectiveness of border and customs controls. All services cooperate closely with the Mission and implement their recommendations. The assistance in the implementation of the training concepts in a live work environment is proving to be the right approach. This logic has underpinned all EC twinning projects deploying Member States practitioners in the pre-accession context.

**Assumption 4:** *Improved border and customs controls and border surveillance along the whole border is a crucial element in the peaceful resolution of the Transnistrian conflict.*

This assumption intervenes at the level of wider / overall objectives. Clearly the realisation of this overall objective is beyond the remit of this Mission alone and depends also on other external factors. There is already a clear indication that the expected results and the achievement of specific objectives will significantly contribute to this overall objective. Moldovan-Ukrainian relations improved considerably after the signing and implementing of a Joint Declaration of both countries' Prime Ministers dated 30 December 2005 and implemented since 3 March 2006 as well as the adoption of Decree no. 301/2007, later replaced by Decree no. 743/2007, by the Moldovan Government allowing companies located in the Transnistrian region of the Republic of Moldova and temporarily registered in the State Registration Chamber fully benefiting from the Republic of Moldova's preferential trade certificates of origin.

### 1.10.3. Risks

The evident high level of corruption in all services could reduce the positive impact of EUBAM's operation. EUBAM is addressing this challenge through assisting the partner services in implementing anti-corruption strategies.



EU will support Ukraine and Moldova on their anti-corruption efforts through the Eastern Partnership initiative, as one of the thematic panels is dedicated to the anti-corruption issues, as well as through a possible anti-corruption project in Ukraine with the Council of Europe, which is currently under preparation.

## **1.11. Duration and plan of action**

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### 1.11.1. Duration (implementation period)

According to the Memorandum of Understanding between the European Commission, the Republic of Moldova, and Ukraine of 7 October 2005, amended on 11 May 2007 and on 15 July 2009 through the exchange of verbal notes between the European Commission, the Republic of Moldova, and Ukraine, EUBAM's overall duration is expected to be six years.

The action is divided into the following phases:

- Phase 1 = EUBAM 1: 21 November 2005 – 20 May 2006;
- Phase 2 = EUBAM 2: 21 May 2006 – 30 November 2006;
- Phase 3 = EUBAM 3: 1 November 2006 – 31 January 2007;
- Phase 4 = EUBAM 4: 1 February 2007 – 30 November 2007;
- Phase 5 – EUBAM 5: 1 December 2007 – 30 November 2008;
- Phase 6 – EUBAM 6: 1 December 2008 – 30 November 2009;
- Phase 7 – EUBAM 7: 1 December 2009 – 30 November 2010; and
- Phase 8 – EUBAM 8: 1 December 2010 – 30 November 2011

The duration of the eighth phase will be 12 months, starting on 1 December 2010. Necessary preparations for potential following phases may be financed under this contribution agreement.



## 2. EXPECTED RESULTS

### 2.1. Expected impact / results on target groups

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Following on the expected results from the first six phases, it is expected that EUBAM will continue contributing to producing the following results:

- a) Professional capacity of border, customs and law enforcement officials enhanced: EUBAM found clear indications that the Moldovan-Ukrainian border is frequently used for illegal activities, in particular smuggling. EUBAM experts also identified, together with their national partners, a number of large-scale cases related to drug trafficking, trafficking in persons and of stolen vehicles, cigarette smuggling, etc. which remained undetected before the Mission's operation due to a lack of professional skills of the competent authorities. EUBAM will contribute to the development of the Moldovan and Ukrainian border guard and customs authorities' administrative capacity and will contribute to the implementation of effective border control and surveillance measures in the Republic of Moldova and Ukraine with particular attention to the entire Moldovan-Ukrainian State border by strengthening the Ukrainian and Moldovan border guard and customs capacity.
- b) Cross-border cooperation between border, customs and law enforcement authorities increased: Criminal groups still benefit from a lack of cross-border cooperation between border, customs and law enforcement authorities (though cooperation improved considerably since EUBAM's operation and EUBAM helped both countries to establish proper risk analysis systems). EUBAM will continue supporting Republic of Moldova's and Ukraine's authorities to strengthen bilateral and international cooperation and information exchange on statistical, analytical and tactical data through a variety of measures such as initiating/ participating in joint cross-border operations, facilitating the exchange of liaison officers in such operations, offering training for conducting joint border and customs controls, drafting of joint border security assessment reports, etc. In particular the installation of an automatic information exchange on the pre-arrival of goods, based on an agreement signed at the 5<sup>th</sup> Trilateral meeting on border issues on 21 November 2006 in Brussels, has improved customs controls and the fight against smuggling and undervaluation; being actively used it has become an important tool to fight smuggling and undervaluation effectively. All measures will lead to an improved fight against cross-border crime and will, at the same time, facilitate legal movement of persons and goods across the border. Border and customs services will also get an increased understanding of an integrated approach to border management.
- c) Analytical overview on border security and cross-border movement of goods and persons improved: EUBAM will perform visits and inspections to relevant locations including along the green border by joining border surveillance activities. This monitoring activity will encourage partner services to strictly implement the 2003 customs regime agreed between Ukraine and the Republic of Moldova as well as to take serious counter-measures when criminal activities are detected. This will lead – in the mid-term – to a considerable reduction of illegal cross-border activities due to the increased risk of being detected, apprehended and prosecuted.





- d) Border demarcation at the common Moldovan-Ukrainian State border progressed: The Moldovan and Ukrainian parties, represented by their Ministries of Foreign Affairs and the Joint Moldovan-Ukrainian Commission on Border Demarcation will benefit from EUBAM's expertise and advice regarding European best practices in border demarcation. EUBAM's intervention will promote progress on the completion of demarcation works as well as foster the settlement of open questions. Specific and necessary support, including the provision of maps, can be provided if requested by parties.
- e) Corruption of border guards and customs officials at operational / tactical level decreased: The permanent cooperation with and being monitored by EUBAM experts will motivate partner services' personnel to carry out their duties objectively and according to existing laws. This will reduce the border and customs staff preparedness to demand or accept bribes. All activities will be coordinated with other anti-corruption initiatives, in particular those initiated by the EU and the United States.
- f) Contributed to the settlement of the frozen Transnistria conflict: Several positive contributions have been made in the recent years. The 2003 Customs Protocol concluded between the Customs Service of the Republic of Moldova and the State Customs Service of Ukraine on mutual recognition of shipping, commercial and customs documents supply was reinforced in 2006 by the Prime Ministers of the Republic of Moldova and Ukraine in the Joint Declaration signed on 30 December 2005. EUBAM is permanently and closely monitoring the implementation of the Joint Declaration, including registration and reimbursement mechanisms for Transnistrian-based companies in Chisinau. EUBAM will continue to monitor, to advise and to inform on the implementation of the Joint Declaration. In this regard particular attention will be given to systems and procedures for reporting, registration and reimbursement and inspection of cargo and the issuing of certificates of origin. Upon partners commitment and / or request confidence building measures will be taken in specific areas.
- g) Public awareness in the local population of EUBAM's activities, cross-border crime risks, and the partner services' efforts increased: Awareness in the local population of, for instance, the scale of smuggling and health risks, as well as the losses for the State budget when consuming smuggled food stuff, is extremely low. Targeted and objective information shall help the local population and policy makers to better understand the dimension of the scale of illegal activity and the results of the assistance rendered to the partner countries.
- h) Public relations capabilities of partner services enhanced: Border Guard and Customs Services will be further familiarised with public relations methodologies and tools as well as with the principles of public information. This will, on the one hand, promote a positive image of the services and, on the other hand, help the services to inform citizens professionally about border and customs related issues. The intervention will be completed by supporting partner services in drafting technical specifications for related equipment for the services' public relations sections and, if appropriate, by supplying such equipment.

The expected results will be realized through the joint activities of all partners. The Mission prefers partnership that is based on the full respect of ownership of the Republic of Moldova and Ukraine, equality of all involved parties and their active participation in the joint endeavour. In order to realize the expected results these elements are essential.

The achievement of the results above can be expected only as the end result of EUBAM and related accompanying projects, and, most importantly, the countries' own efforts. During this



eighth phase of EUBAMs mandate, it is expected that the Mission's activities will provide a significant further contribution to the achievement of these results, building on the activities initiated and co-operation established with partner services during the previous phases. The ongoing attention to the implementation of the recommendations as defined in a number of reports produced by EUBAM during the seventh phase. This will contribute to sustainable improvements of the partner services.

## **2.2. Multiplier effects**

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EUBAM is providing best practices in integrated border management and in cross-border cooperation. While its initial focus is on the Moldova-Ukraine common border, clearly structural improvements thus initiated will also result in enhancing overall effectiveness of the partner services as far as other borders are concerned. The Mission's long term intervention and guidance on concrete measures of cross-border co-operation will have a positive effect also on other border regions which will take over best practices and cooperation methodologies from the Moldovan-Ukrainian state border which will serve as a positive model in the future.

## **2.3. Sustainability**

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EUBAM's activities are aimed to achieve sustainable development to the delivery of good quality border and customs services to the citizens and companies of Republic of Moldova and Ukraine to facilitate contacts and trade. The common goal is to develop a system of border and customs controls and border surveillance which meets European standards and serves the legitimate needs of the citizens of each country. There are some specific areas where Border Guards and Customs Services reached a level to make these sustainable such as Joint Border Control Operations, Common Border Security Assessment Report, exchange of pre-arrival information, and information exchange between Border Guards. However remaining challenges are identified and require more dynamic progress such as further changes of service mentality including public relation and communication, consolidation of ethical values, prevention and fight against organized crime, developing annual threat assessment report, national concept of Integrated Border Management, proper application of national trade policy etc. In accordance with the ongoing modernization plans of the partner agencies EUBAM will continue putting attention to the issue of capacity building through a mix of measures focusing on local, regional and central level. EUBAMs adjusted structure, implemented since 01 December 2009, has proven its effectiveness in this regard.

### 3. PROJECT IMPLEMENTATION

#### 3.1. Project partners and their role

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##### 3.1.1. United Nations Development Programme (UNDP)

The EC's implementing partner for this project is the United Nations Development Programme (UNDP). UNDP supports the work of EUBAM as regards administrative, financial and logistic issues in accordance with the existing agreements between the EC and the UNDP<sup>15</sup>. These functions are performed by the UNDP offices in Ukraine and Moldova. Since most of the Mission's core team is based in Ukraine, as well as the responsible EC Delegation, the UNDP office in Ukraine will assume a lead role, especially as regards financial management. Each office will have a focal point to support and backstop the Mission and both will work closely together to ensure proper operation of the Mission, synchronization and timely submission of administrative and financial reports and other required documentation to the EC.

##### 3.1.1.1. Financial management

The UNDP offices in Kiev and Chisinau, in consultation with the EUBAM, will:

- establish the project budget and make resources available to the EUBAM as per UNDP rules and procedures;
- make payments in accordance to the project budget;
- prepare budget revisions and submit financial reports to the EC.

##### 3.1.1.2. Organisational and logistical support

The UNDP offices in Kiev and Chisinau, in consultation with EUBAM, will:

- provide all necessary arrangements for proper functioning of EUBAM including procurement and contracting of all goods and services as well as EUBAM core personnel;
- ensure the administration of contracts and settlement of financial obligations for goods and services as well as personnel related costs of EUBAM such as medical insurance (in accordance with UNDP regulations and provisions);
- provide a security framework, make recommendations and provide implementation support on security-related matters of EUBAM;
- report timely to the European Commission, represented by the Delegation of the European Union to Ukraine and Belarus (and in copy to the Delegation of the European Union to the Republic of Moldova).

##### 3.1.2. European Commission

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<sup>15</sup> i.e. the Financial and Administrative Framework Agreement, signed between the European Community, represented by the Commission of the European Communities, and the United Nations on 29 April 2003.



The European Commission, represented by the Delegation of the European Union to Ukraine and Belarus, supported as appropriate by Commission services in headquarters, will:

- provide the financial resources necessary to cover the costs of EUBAM;
- be the focal point for all political and operational issues to be dealt with the Council of the European Union, the EU Member States, the Governments of the Republic of Moldova and Ukraine;
- take all strategic decisions as regards EUBAM's operation in line with the Memorandum of Understanding between the European Commission, the Republic of Moldova and Ukraine dated 7 October 2005;
- be EUBAM's direct communication partner for all operational issues.
- be EUBAM's and EU Member States' direct communication partner for seconded personnel issues.

### **3.2. EUBAM organisational set-up**

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#### **3.2.1. EUBAM area of responsibility**

All operational activities and administrative activities which have been delegated to the EUBAM Headquarters will be prepared, executed and followed-up by the EUBAM Headquarters in close consultation with the project partners.

EUBAM will be guided by the Memorandum of Understanding concluded between the European Commission, the Republic of Moldova and Ukraine, by this description of the action, as well as by policy and strategic decisions made by the Advisory Board.

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

The EUBAM Headquarters will be mainly responsible for:

- the implementation of all operational matters in line with the Memorandum of Understanding concluded between the Commission, the Republic of Moldova and Ukraine on 7 October 2005;
- submitting all operational reports (see point 3.4.3.1.) timely to the Commission in accordance with established channels for the circulation of reports, allowing timely forward of these reports also to EU Member States through the EU Council Secretariat. A list of recipients has been agreed with EUBAM;
- carrying out payments related to the activities taking place in Ukraine and Moldova as far as they have been delegated to the EUBAM Headquarters, or preparing requests for payment or recruitment or procurement according to internal UNDP rules and financial system and EU rules;
- transmitting all relevant financial and relevant project documentation to the UNDP offices in Kiev and Chisinau respectively in order to enable them to keep financial oversight;



- supporting the UNDP offices in Kiev and Chisinau in planning budgetary revisions;
- cooperating with the competent Ukrainian and Moldovan services and keeping excellent relations with them;
- organising semi-annual Advisory Board meetings and monthly External Coordination meetings;
- promoting the EUBAM's image through comprehensive public information activities, which include *inter alia* briefing papers, press-releases, maintenance of an interactive website;
- monitoring media on issues related to Transnistria and all information pertinent to EUBAM activities and acting as focal point for queries and information;
- assessing the impact and added value of each activity implemented.

### 3.2.2. EUBAM Headquarters and Field Offices

The Mission's activities will take place in Moldova and Ukraine. Some Mission personnel (notably the Head of Mission, his Deputy or other "core" personnel) may need, in the exercise of their duties, to travel for coordination / information meetings or to report on the Mission's work abroad (notably to Brussels, to Vienna and EU capitals).

The Mission's Headquarters and most "core" personnel will be located in rented premises in Odessa. Some of the Mission's personnel will be located in national partners' offices. The Liaison Office of EUBAM in the Republic of Moldova will be located in Chisinau to act as liaison between the Mission and the partner authorities to advise on management (organisational) issues of the Border Guards and Customs Services and other services and agencies at strategic level.

The Mission's field personnel will mainly be located in locations close to the countries' common border or relevant inland locations. This will include six Field Offices: in Chisinau, Otaci and Basarabasca (Moldova) and in Kotovsk with two Working Locations in Platonovo and Timkove-Slobidka, in Kuchurgan and Odessa sea port with a Working Location in Illichevsk sea port (Ukraine), as well as working places in the most important Customs Houses. Office space at these locations will be provided wherever materially possible by partner administrations. Each of the Mission's Field Offices will be led by a Head of Field Office (core personnel).

A number of the Mission's "field" personnel will work on a mobile basis at the relevant locations along the countries' common border and relevant inland locations (inland customs houses, main transit ports, including Odessa, Illichevsk, Reni and Izmail).

### 3.2.3. EUBAM international core personnel

Mission's personnel not seconded by their national administration will be contracted by UNDP for the duration of this action.

UNDP shall ensure that experts are adequately supported and equipped when in the field. In particular it shall ensure that there is sufficient logistic, administrative, secretarial and



interpretation services to enable Mission personnel to concentrate on their core tasks. Likewise, UNDP will ensure that the relevant UN security policies and recommendations are applied to the EUBAM in order to ensure the safety and security of Mission personnel. The UNDP undertakes to ensure that necessary funds are transferred to the field in a timely fashion to support the activities of the project, and that project personnel are paid regularly and in a timely fashion.

Mission personnel will perform their activities on the basis of their job descriptions provided in the annex, any changes to which should be notified to the EU Delegation. Changes to the job description of senior mission personnel (HoM, DHoM, Heads of Departments) require a formal approval of the EU Delegation. A EUBAM-specific Code of Conduct, developed on the basis of the International Civil Service Commission's Standards of Conduct document as well as on the Council of the European Union's Generic Standards of Behaviour for ESDP Operations of 2 May 2005 and reference OPLANs for ESDP missions will be enforced to all Mission personnel, including contracted and seconded personnel, during the duration of their assignment.

The International core personal posts and job descriptions are annexed to and incorporated to the EUBAM 8 Description of Action. (Annex 2)

#### 3.2.4. EUBAM International field personnel

The Mission's field personnel will be composed of up to 60 customs or border police/guard officials seconded from EU Member States. EU Member States propose secondments of suitably qualified national personnel to this Mission.

The Mission's additionally required field personnel will be selected among the secondees proposed by the EU Member States. Selection will be on the basis of the candidates' professional qualifications, work experience, and language skills. Additional selection factors for field personnel will include the desirability of ensuring balanced participation from different EU Member States in view of reflecting the European character of the Mission, and the desirability of ensuring adequate representation of women in the Mission. Achieving an appropriate gender balance is recognized as an important cross-cutting issue, and the success to date (1/3 of the mission is female) is to be built upon.

Exact tasks and detailed work programmes for the teams constituted by the Mission's field personnel will be determined as appropriate by the Head of Mission / Deputy Head of Mission / Heads of Field Offices.

The International field personal job descriptions are annexed to and incorporated to the EUBAM 8 Description of Action. (Annex 2)

#### 3.2.3.3. International short-term experts

In addition to long-term international personnel as described above, the Mission's work will be supported by additional short-term sector specialists. Those short-term experts may notably be deployed for the elaboration of specific studies / assessments or the delivery of specialised training courses, on the basis of needs identified during the Mission's activities and in consultation with the partner services. The use of short-term experts by the Mission will be approved by the Head of Mission who will be responsible for maintaining the quality of the Terms of Reference for short-term experts, their selection, the monitoring of their performance, and the results achieved by the short-term experts. The Head of Mission may delegate this responsibility entirely or partially to the Deputy Head of Mission.



EUBAM will second short-term experts, active in a service of EU member state with updated competences to guarantee a maximum of coherence in the Mission's role of advisor to the partner services. Only as an exception EUBAM will recruit free-lance experts.

The Terms of Reference for the short-term experts' employment will be approved by the Head of Mission or by the Deputy Head of Mission, if this responsibility has been delegated to him. The Head of Mission and the Deputy Head of Mission respectively have to ensure that quality standards of the Terms of Reference will be observed.

#### 3.2.3.4. Local personnel

A sufficient number of local personnel will be hired to ensure adequate administrative, secretarial, IT, logistical and interpreting support, or other services (drivers, security guards, office clerks, and a receptionist and travel manager).

Indicative numbers of local support personnel include:

- 74 administrative support personnel / interpreters. This figure may vary e.g. if language knowledge of international personnel allows to dispense with interpretation in some cases.
- 33 drivers/office clerks.
- 3 local security and safety associates (2 for Ukraine and 1 for Moldova).
- Other support personnel (indicatively two IT Assistants, one Finance Assistant, one Receptionist and Travel Manager in the EUBAM Headquarters, 2 Admin Clerks, eight Security Guards in the EUBAM Headquarters, and two cleaning personnel in the EUBAM Headquarters).

The UNDP as implementing partner shall select and hire local experts as required. The selection procedures shall be in line with UNDP usual transparent procedures, including professional qualification, language skills and work experience. All local personnel are to be independent and free from conflicts of interest. Civil servants and other personnel of the public administrations of the beneficiary countries may not be recruited for the Mission.

The UNDP can propose, together with the action's progress reports, revisions to the numbers of local support personnel.

#### 3.2.4. EUBAM equipment and supplies

The following equipment may indicatively be procured for the Mission (in addition to or in replacement of the equipment already purchased during the previous phases):

- Adequate office furniture and fittings for the EUBAM Headquarters and Field Offices according to demand. This includes the maintenance of Sub-offices and working places, as well as the replacement of broken or fatigued furniture/fittings. For such purpose, a lump sum of € 10,000 will be allocated. For the renovation and refurbishment of Field Offices, a lump sum of € 20,000 will be made available.

- IT and related equipment or devices as well as IT network equipment for the EUBAM Headquarters and Field Offices (Sub-offices) according to demand (a lump sum of € 20,000 and € 15,000 respectively will be allocated for such purpose), as well as licences and support software which need to be renewed according to demand (a lump sum of € 20,000 will be allocated)
- In order to ensure the EU's visibility against the partner services and the population living in EUBAM's geographic area of operation, as well as in order to equip EUBAM personnel with adequate clothing and protection means for their monitoring and police-twinning-type of tasks, EUBAM personnel will be equipped with EUBAM-specific summer and winter clothing and other protection means. For this purpose, a lump sum of € 18,000 will be allocated.

If there is a need to purchase, or to replace, additional vehicles, furniture, fittings, IT equipment etc. in order to prepare the Mission for a likely further extension of EUBAM's mandate beyond 30 November 2011, the necessary procurement of supplies required may take place under this action within the overall budget available and after the approval of the European Commission, represented by the Delegation of the European Commission to Ukraine and Belarus.

UNDP will be responsible for the procurement of all equipment, which can be purchased under UN procurement procedures in accordance with the General Conditions of the EC contribution agreement with international organisations, and the Financial and Administrative Framework Agreement between the European Commission and the United Nations.

Equipment purchased for EUBAM under the Rapid Reaction Mechanism and under the Tacis Regional Action Programmes 2003, 2004 and 2006, as well as under the ENPI East Regional Action Programme 2007 will be retained by the Mission during the subsequent phases of ENPI financing. At the end of the Border Assistance Mission, all its equipment will be transferred to the Moldovan and Ukrainian authorities (half to each country). For supplies (vehicles, furniture, equipment) which need to be taken out of service during the lifetime of the Mission because they have either been damaged or become dysfunctional, or a handover of the supplies to the partner services would harm the European Commission's or the Mission's reputation, the UN rules will apply. In such cases, UNDP shall inform the Contracting Authority accordingly in writing.

### 3.2.5. EUBAM communication and communication lines

#### 3.2.5.1. Operational communication

EUBAM will communicate directly with the European Commission on all issues which are related to its Mission mandate. Relevant reports (see point 3.4.3.1.) will be directly submitted to the European Commission, represented by the EU Delegation to Ukraine and Belarus, in accordance with the communication scheme which will be agreed and modified as necessary. UNDP will receive copies of such reports, except in cases where reports have been classified as "EU restricted". The Commission will ensure rapid forward as appropriate of EUBAM reports to the EU Member States.

#### 3.2.5.2. Administrative, financial and logistic communication

Administrative, financial and logistic communication, i.e. all issues which concern the implementation of the action such as IT, finance, procurement, logistics, contracting, security or



other administrative matters will be forwarded and discussed with UNDP. This includes project related reports (progress reports, financial reports) as well as requests for addenda, etc. (see point 3.4.3.2.).

### **3.3. Advisory Board**

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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, signed between the European Commission, the Republic of Moldova and Ukraine on 7 October 2005.


#### **3.3.1. Responsibility**

The Advisory Board's role is in particular:

- To advise and support the Mission with respect to strategic and operational planning and other matters.
- To endorse the action plan of EUBAM.
- To advance strategic, collaborative and complementary approaches to border and customs control and surveillance development and implementation.
- To collate and analyse information / feedback from the Mission and from the monthly Coordination Meetings.
- To review the achievement of the Mission's objectives.
- To ensure the Government of the Republic of Moldova's, the Government of Ukraine's and the Commission's involvement in the establishment and ongoing management of the Mission.
- To review the situation at the Moldovan-Ukrainian state border and to advise on improving border security.
- To review the implementation of the Agreement between the Customs Service of the Republic of Moldova and the State Customs Service of Ukraine dated 15 May 2003 regarding customs control procedures and the Joint Declaration of the Prime Ministers of Moldova and Ukraine of 30 December 2005.
- To review the implementation of the Protocol on the exchange of (pre-arrival) information on goods between the Customs Service of the Republic of Moldova and the State Customs Service of Ukraine, as well as the Protocol on the exchange of information on persons between the Border Guard Service of the Republic of Moldova and the State Border Guard Service of Ukraine, both signed on 21 November 2006 in Brussels.
- To maintain interactive and pro-active involvement and communication with EUBAM.

#### **3.3.2. Membership**

The Advisory Board shall consist of high-level representatives of the following:

- 
- Ministry of Foreign Affairs and European Integration of the Republic of Moldova
  - Ministry of Foreign Affairs of Ukraine
  - Border Guard Service of the Republic of Moldova
  - State Border Guard Service of Ukraine
  - Customs Service of the Republic of Moldova
  - State Customs Service of Ukraine
  - Any special envoys for Transnistria or for EUBAM issues appointed by the respective Presidents or Cabinets of Ministers of Moldova or Ukraine.
  - EU External Action Service
  - European Commission
  - EU Border Assistance Mission
  - EU Special Representative for the Republic of Moldova (until the expiry of his mandate)
  - Organisation for Security and Cooperation in Europe (OSCE)
  - United Nations Development Programme (UNDP)

The following authorities and institutions will be observer to the Advisory Board meetings:

- International Organization for Migration (IOM)
- Ministry of Internal Affairs of the Republic of Moldova
- Ministry of Internal Affairs of Ukraine
- Ministry of Justice of the Republic of Moldova
- Ministry of Justice of Ukraine
- Information and Security Service of the Republic of Moldova
- Security Service of Ukraine
- General Prosecutor Office of the Republic of Moldova
- General Prosecutor Office of Ukraine

In order to maintain the balance of representation and to ensure continuity and effectiveness of the Advisory Board, substitution of representatives at meetings should be limited to the absolute necessary.

Each member in the Advisory Board may be accompanied by experts as he/she wishes.

### 3.3.3. Chair

The Advisory Board will be chaired by the European Commission, represented by the Head of Delegation of the European Union to Ukraine and Belarus. The Chair will be supported by the Advisory Board Secretariat.

### 3.3.4. Meetings



Advisory Board meetings will be held semi-annual, usually at the EUBAM Headquarters in Odessa. On behalf of the Chairperson EUBAM will invite the Advisory Board members and the observers timely in writing.

#### 3.3.5. Advisory Board Secretariat

The EUBAM Headquarters will fulfil the role of the Advisory Board Secretariat. The Secretariat will support the Chair in the fulfilment of his function and will in particular:

- prepare the meetings and provide all logistic support, including simultaneous interpretation;
- draft the minutes of the Advisory Board meetings;
- distribute meeting documents, summaries, and minutes to the Advisory Board members upon approval by the Chair.

#### 3.3.6. Language

The language of the Advisory Board will be English and Russian.

#### 3.3.7. Terms of Reference

The Advisory Board may endorse Terms of Reference in order to further regulate the procedures applied.

### **3.4. Coordination mechanism and working groups**

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An External Coordination mechanism will ensure the implementation of the Memorandum of Understanding, signed between the European Commission, the Republic of Moldova and Ukraine on 7 October 2005.

#### 3.4.1 Responsibility

The External Coordination Committee's role is in particular:

- To fulfil the directives and advice provided by the Advisory Board.
- To perform detailed technical reviews of the border security situation at the Moldovan-Ukrainian state border.
- To review the border and customs control standards applied by the parties.
- To participate and monitor the work in the joint working groups on specific issues as well as in the joint operations which have been agreed upon by the Advisory Board.
- To exchange information on all aspects related to border security, border and customs controls, customs clearance.



- To initiate proposals which are aimed to improve border security as well as border and customs control standards, even if on a pilot basis, and to submit them to the Advisory Board for discussion and approval.
- To monitor the implementation of the Agreement between the Customs Service of the Republic of Moldova and the State Customs Service of Ukraine dated 15 May 2003 regarding customs control procedures and the Joint Declaration of the Prime Ministers of Moldova and Ukraine of 30 December 2005.
- To monitor the implementation of the Protocol on the exchange of (pre-arrival) information on goods between the Customs Service of the Republic of Moldova and the State Customs Service of Ukraine, as well as the Protocol on the exchange of information on persons between the Border Guard Service of the Republic of Moldova and the State Border Guard Service of Ukraine, both signed on 21 November 2006 in Brussels.
- To maintain interactive and pro-active involvement and communication with EUBAM.

### 3.4.2. Membership

The External Coordination Committee shall consist of representatives/experts of the following:

- Ministry of Foreign Affairs and European Integration of the Republic of Moldova
- Ministry of Foreign Affairs of Ukraine
- Border Guard Service of the Republic of Moldova
- State Border Guard Service of Ukraine
- Customs Service of the Republic of Moldova
- State Customs Service of Ukraine
- Ministry of Internal Affairs of the Republic of Moldova
- Ministry of Internal Affairs of Ukraine
- Information and Security Service of the Republic of Moldova
- Security Service of Ukraine
- General Prosecutor Office of the Republic of Moldova
- General Prosecutor Office of Ukraine
- European Commission
- EU Border Assistance Mission
- United Nations Development Programme

In order to maintain the balance of representation and to ensure continuity and effectiveness of the Coordination Committee, substitution of representatives at meetings should be limited to the absolute necessary.

Membership to other law enforcement services in Moldova and Ukraine may be granted, if deemed suitable and necessary.



#### 3.4.3. Chair

The External Coordination Committee will be chaired on rotation basis by EUBAM and the services that hosted the meeting.

#### 3.4.4. Meetings

External Coordination Committee meetings will be held monthly in the premises of the participating services in Chisinau or in Odessa.

#### 3.4.5. Language

The language of the External Coordination Committee will be English and Russian.

#### 3.4.6. Terms of Reference

The External Coordination Committee may endorse Terms of Reference in order to further regulate the procedures applied, if required and appropriate.

### 3.5. EU visibility

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All EUBAM activities will adhere to the requirements for communication and visibility as described in Art. 11 of the Financial and Administrative Framework Agreement between the European Community and the United Nations. Art. 6 of the General Conditions of this Agreement, as well as to the Joint Visibility Guidelines for EC-UN Actions in the Field.

This shall include, but not be limited to, press releases and briefings, reports, events, websites and any promotional items. Structures funded by this project shall display the required EU commemorative plaques and equipment paid for by this project will have EU panels. Events funded under this project will have an EU flag prominently displayed that is the same size or larger than any other flags present. All publications produced under this project shall have the EU logo displayed at the same size or larger than any other logos, display the text:

*"Entirely funded by the EU",*

as well as include the disclaimer:

*"This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of <name of the author/contractor/implementing partner> and can in no way be taken to reflect the views of the European Union."*

All communication products will be made available to the Delegation of the European Union to Ukraine and Belarus when and as they are issued. A publication disclaimer according to EC rules will be placed on all publications and equipment funded by the project.

All press releases will be sent to the Delegation of the European Union to Ukraine and Belarus for review and approval before being distributed. All invitation letters will feature the EU logo equal in size and prominence to those of the partner organizations, clearly identifying the project as being part of an EU-funded programme. In line with provisions of the Financial and



Administrative Framework Agreement between the Commission and the United Nations, the logo of the UNDP as Commission's implementing partner will also be displayed as appropriate.

### **3.6. Monitoring and reporting**

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#### **3.6.1. Monitoring**

UNDP's general monitoring system is based on a continuous review of all related activities throughout the life cycle of programme implementation to ensure that operations are proceeding correctly. UNDP will assess progress; identify operational difficulties, alert relevant personnel to implementation problems and other problem areas, and recommend remedial action.

Monitoring of the programme will be an ongoing activity that serves the purpose of ensuring that inputs through activities are transformed into outputs and the planned and stated results according to the programmes work plan.

Specifically the monitoring process will include the following:

- exchange of information between all involved parties in the implementation of the programme to ensure that activities are implemented in an appropriate and coordinated way;
- recording of Minutes of envisaged meetings organised by the various actors involved in programme implementation will assist in monitoring processes and procedures.

Furthermore, the ENPI Monitoring Team, in accordance with their Terms of Reference, will carry out periodic monitoring on behalf of the European Commission, represented by the EC Delegation to Ukraine and Belarus.

#### **3.6.2. Objectively verifiable indicators**

The following indicators of achievement are indicatively proposed for the expected results:

- a) *Enhanced professional capacity of Ukrainian and Moldovan customs officials and border guards at the operational / tactical level.*

Measurable by: level of customs revenue / excise duties collected at the Moldovan-Ukrainian state border; volume / value of seized smuggled goods and intercepted illicit goods; number of intercepted illegal immigrants / trafficked persons.

- b) *Decreased corruption of border guards and customs officials at operational / tactical level.*

Corruption assessed through rotation, figures of disciplinary cases related to corruption/bribery of officials, assessment of border region populations, Independent reports and surveys such as Transparency International, UNDP, OSCE, World Bank etc. Regular updated assessments by the Mission of the counterparts' capacities.

- c) *Improved risk analysis capacity in terms of gathering, analysing, and disseminating information and intelligence at strategic, operational and tactical level as well as reinforced use of risk assessment techniques.*



Measurable by: proportion of successful interceptions / seizures due to use of risk assessment techniques; assessment from operational / tactical level on quality of strategic analysis; assessment from strategic level on quality of operational / tactical inputs.

- d) *Improved knowledge of EU standards and good / best practices and their practical application by Moldovan and Ukrainian services.*

Measurable by: knowledge by counterparts of EU standards / practices; availability of handbook / SOPs; periodic assessments by the mission of standards applied; other reports of (ENP, JHA scoreboard).

- e) *Increased co-operation and complementarities between border guards and customs services, and other law enforcement agencies, as well as increased understanding of an integrated approach to border management.*

Measurable by: the level of inter-agency co-operation, i.e. volume and frequency of information exchange; number of joint operations etc.; level of application of integrated border management approach.

- f) *Improved analytical overview on border security and cross-border movement of goods and persons.*

Measurable by: availability of reliable information on legal and illegal cross-border flows through comparison between official and intelligence estimates on cross-border criminal flows, economic and statistical reports/data on legal cross-border movement of goods and persons.

- g) *Improved cross-border cooperation between Moldovan and Ukrainian services including the implementation of specific joint initiatives.*

Measurable by: respect of current arrangements; volume and frequency of bilateral information exchange; cooperation in trilateral, advisory board and monthly coordination meetings; number of joint operations, coordination of border surveillance etc.

- h) *Progress in the demarcation of the common Moldovan-Ukrainian State border.*

Measurable by: length of border actually demarcated; solutions found regarding disputed border sections.

### 3.6.3. Reporting

#### 3.6.3.1. Operational reporting

The Head of the Mission will submit regular reports on EUBAM operational issues which are of interest for the EU Member States and the European Commission, directly (see point 3.2.3.) to the Commission and to the EU Special Representative for Moldova. Minimum requirements for regular reports are:

- **Monthly** operational reports, providing an analysis of the situation at the Moldovan-Ukrainian state border (border security issues), information of EUBAM's activities, all other relevant information related to EUBAM's mandate.



- **Special reports**, when a situation requires immediate information to be provided for EU Member States and the European Commission.

The reporting frequency may be altered if required by particular circumstances.

#### 3.4.3.2. Project related reporting

Taking into account that the project has initially been started under the Rapid Reaction Mechanism which was immediately followed by the Tacis funded phases, UNDP will submit to the Contracting Authority for approval:

**A progress report** by mid-January 2011 (covering the period from 1 December 2010 – 30 November 2011), consisting of a narrative and a financial report following the United Nations – European Commission FAFA and Joint Guidelines on reporting obligations under the FAFA. The narrative report will also include an overview of the deployment of the project's resources, a work programme for the subsequent period, indications on likely financial savings or shortcomings. The report should be accompanied, if applicable, by any request for amendments of the contract (including the project budget) for the following project period.

All reports shall be submitted in hard copy and in electronic format through UNDP. UNDP shall also provide the EC Delegation to Ukraine and Belarus with electronic versions and hard copies of all assessment reports, study reports, training material, etc. prepared under this project. The front pages of all reports must follow the *2008 Communication and Visibility Manual for EU External Actions*.

No report shall be distributed to third parties prior to the approval by the European Commission (EU Delegation in Kiev or Commission headquarter services, as appropriate). Copyright on all reports and other material prepared under this contract shall reside with the European Commission.





## II. THE UNITED NATIONS DEVELOPMENT PROGRAMME

### 1. Identity

Full legal name:	United Nations Development Programme
Acronym:	UNDP
Legal status:	International organisation
VAT registration number (where applicable):	n/a
Official address:	1, United Nations Plaza, New York, NY10017
Postal address:	1, Klovskiy uzviz, Kyiv, Ukraine, 01021
Contact person:	Ms. Ricarda Rieger, Country Director
Telephone n°:	+38044 253 40 13
Fax n°:	+38044 253 26 07
E-mail address:	<a href="mailto:ricarda.rieger@undp.org">ricarda.rieger@undp.org</a>
Website:	<a href="http://www.undp.org.ua">www.undp.org.ua</a>

### 2. Bank details

Account name:	UNDP Contributions Account
Bank account no:	BE80301018613977
Bank code:	
SWIFT code:	BBRUBEBB010
Bank name:	ING Belgium S.A./N.V.
Bank address:	60, Cours Saint Michel, Brussels 1040, Belgium
Name(s) and position (s) of signatory(ies):	



### III. DECLARATION BY UNDP

I, the undersigned, being the person responsible in the implementing organisation for the project, certify that the information given in this document is correct:

<b>Name:</b>	Ricarda Rieger
<b>Position:</b>	UNDP Country Director
<b>Signature:</b>	
<b>Date and Place:</b>	15 November 2010, Kyiv, Ukraine

