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At the request of the European Commission please find attached the EUBAM (European Union Border Assistance Mission) to Moldova and Ukraine Annual Report 2007 with regard to the address by Brigadier-General Ferenc Banfi, Head of EUBAM, to be delivered to the 716<sup>th</sup> Meeting of the Permanent Council on 12 June 2008.

The report is available in English and in Russian.

# ANNUAL REPORT



## EUROPEAN UNION BORDER ASSISTANCE MISSION TO MOLDOVA AND UKRAINE

# E U B A M



## 2007



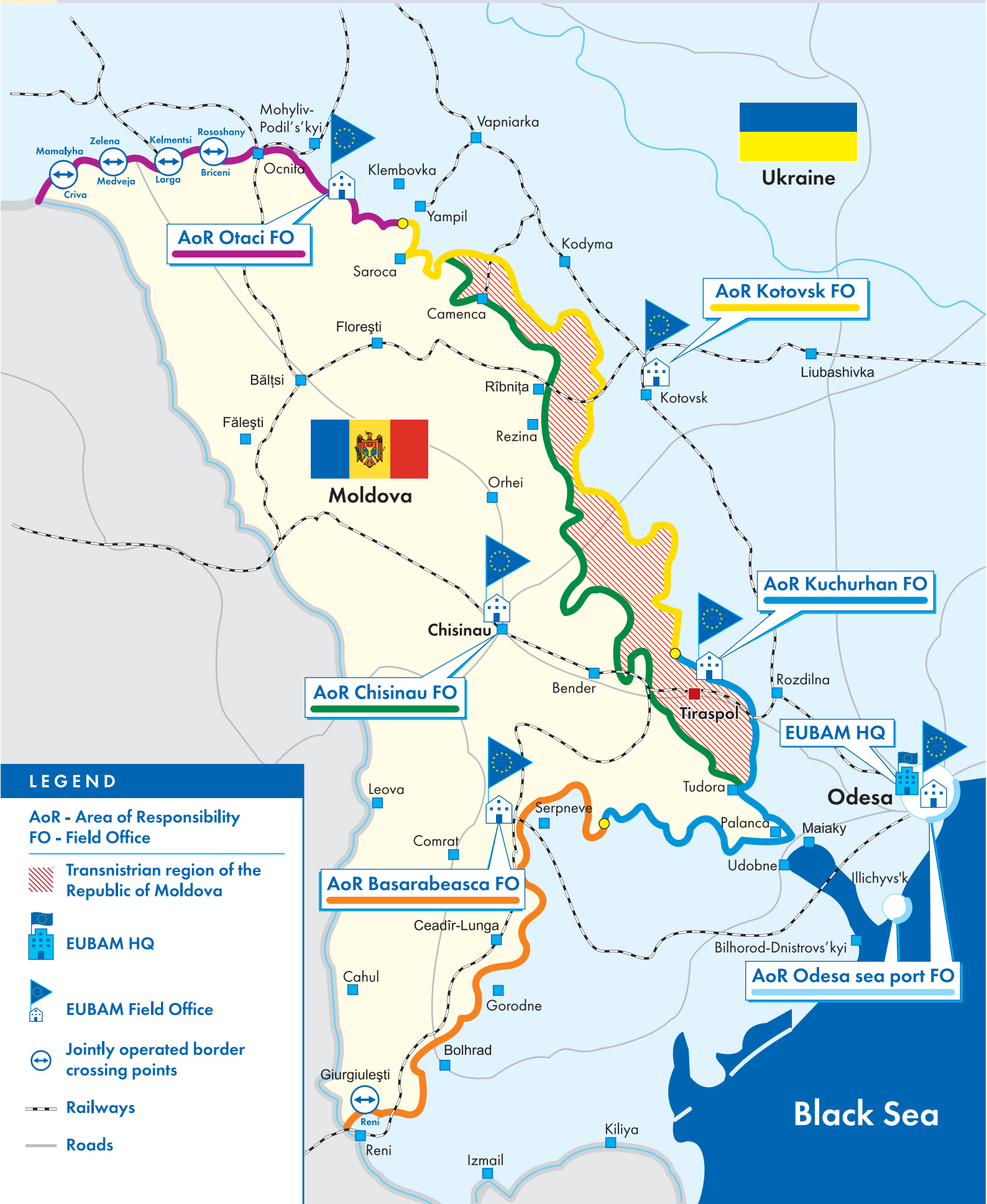
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# EUBAM's area of operations



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## 1. Foreword



At the end of November 2007, the EU Border Assistance Mission to Moldova and Ukraine marked its second anniversary. Over the year, working in accordance with its mandate and the Needs Assessment and Recommendations Report issued in 2006, its cooperation with the border services of Moldova and Ukraine deepened, build-

ing greater mutual confidence and helping them to achieve significant results. Thanks to the Mission's observation of the situation on the border and its objective advice on legal, structural and practical issues there is greater transparency and cooperation along the Moldovan - Ukrainian border. The capacity of the partner services to detect criminality continued to improve and helped to increase taxes and duties raised for the state budgets of Moldova and Ukraine.

Companies based in the Transnistrian region of the Republic of Moldova were able to make use of greater opportunities for legitimate business, thanks to the steady implementation of the December 2005 Joint Declaration between the two governments on the single customs regime in Moldova, observed by EUBAM. By the end of 2007 380 companies in the Transnistrian region had registered with the Moldovan authorities. The Mission also provided advice to Moldova on procedures for customs clearance of goods imported by these companies for use in their export products. They are now able to obtain Moldovan certificates of origin, and thus to access preferential trade regimes, on a non-discriminatory basis. These steps have strengthened the rule of law, and have the potential to contribute to economic wellbeing in the region.

Progress in the partner services has been noted. Risk Analysis Units have been established in different levels of the Moldovan and Ukrainian border services, and EUBAM provided computers and software to help them to exchange information as agreed by them in Brussels in November 2006. From the beginning of 2007, the border services began producing monthly Common Border Security Assessment Reports. These help them to monitor trends and plan border management. EUBAM facilitated two more Joint Cross Border Operations, in April and October. These operations were qualitatively new in their scope compared with the two operations held in 2006, because they involved close cooperation between 10-13 law enforcement agencies in Moldova and Ukraine, and with equivalent agencies in the four neighbouring EU Member States - Poland, Slovakia, Hungary and Romania, as well as with EU agencies FRONTEX and OLAF, and with the SECI Centre. The operations resulted in significant detections of organised criminal activity, such as smuggling, illegal migration and so on.

Partners have appreciated the training and equipment provided during the year under the BOMMOLUK project. The project was established in September 2006, and during 2007 delivered Euros 3.3m worth of training and equipment, including Euros 2.2m worth of equipment, to the partner services. It organ-

ised numerous study tours for partner service experts to EU countries and other countries in the region. Fruitful cooperation and coordination of efforts with the USA on technical assistance contributed to the upgrading of the technical level of the border agencies.

EUBAM continued to grow both in experience and size. In the first two years of the Mission only 16 Member States were represented in the Mission. Thanks to the agreement reached with the host authorities to reinforce the Mission, by the end of 2007 it numbered 119 experts from 22 EU Member States, and 111 Ukrainian and Moldovan personnel. EUBAM also acquired additional cooperation partners among law enforcement agencies in Ukraine and Moldova. In March it was agreed that the Ministries of Interior and Justice, the Prosecutors' Offices, and the Security Services of Moldova and Ukraine would also be partners for the Mission, and from June they became observers at its Advisory Board meetings.

The Mission developed close cooperation with Kalman Mizsei, appointed in February as the new EU Special Representative for Moldova, and maintained its strong ties with the OSCE, the United Nations Development Programme (UNDP), and the International Organisation for Migration (IOM). The Mission is grateful for the constant support and active interest it receives from them as well as from the European Commission and Council, including Commissioner Mme. Benita Ferrero-Waldner and HE Mr Javier Solana, High Representative for the Common Foreign and Security Policy, and from the Member States. It was visited by senior politicians and officials, including the Foreign Minister of Sweden, HE Mr Carl Bildt, and the heads of diplomatic missions and border services of many EU Member States, and the EU's Committee for Civilian Aspects of Crisis Management (CIVCOM). The Presidents of Poland and Slovakia were provided with briefings on the Mission during their visits to the region.

A lot was achieved over the year, but we are not complacent about the Mission's achievements. A good deal remains to be done, as the extension of the Mission's mandate until November 2009 shows. Some aspects of cooperation have still to be resolved, in order for the Mission fully to implement its mandate. Organised criminal activity, including smuggling of goods and people, especially across the Transnistrian segment of the border, and the persistent challenge of corruption, are still present. This means that we must press on, developing our own skills and capacity, and building a deeper level of cooperation so as to provide a high standard of guidance and support to our partners in their pursuit of greater professionalism and European standards. Our team is highly motivated and intends to work towards this goal, basing itself on the Mission's core values: Transparency, Neutrality, Reliability, Results, Service!

Ferenc Banfi

Head of EUBAM  
January 2008

## 2. The Mission: Its history and mandate

The Mission came to work in Moldova and Ukraine as the EU's response to a request made by the Presidents of Moldova and Ukraine in June 2005. They asked for assistance with enhancing border management capacities and the approximation of border control practices to international standards, including on the Transnistrian ('TN') segment of the Moldova-Ukraine state border.



It is a sign of the EU's interest in and support for Moldova and Ukraine that within two months of the initial request, on 7 October 2005 a Memorandum of Understanding was signed between Moldova, Ukraine and the European Commission establishing a border assistance mission, and less than two months later the European Union Border Assistance Mission to Moldova and Ukraine opened its doors.

During the first six months, the European Commission financed the Mission through the Rapid Reaction Mechanism (EUR 4 million). The Mission consisted of 69 EU experts and around 40 local staff. In launching the second, 18 month phase of the EUBAM under the TACIS programme, the Commission decided to further reinforce it and to allocate additional funding (overall more than EUR 16 million for the second phase, bringing the total budget to more than EUR 20 million, funded from TACIS). The number of EU staff in the EUBAM has been increased

several times and now numbers 119 EU experts. The core staff of the Mission (currently 33 EU experts) are recruited directly by the Commission with the logistical support of UNDP as the Commission's implementing partner, while EU Member States contribute significantly through the secondment of customs and border police officials to the Mission (currently 86 experts). The number of national staff from Moldova and Ukraine, without whose dedicated work the Mission could not function, has also increased, to 111.

It is evidence of the continuing support and commitment of the European Commission and the two governments that they agreed in early 2007 to extend the Mission up to the end of November 2009. They undertook to lend all the necessary support to achieve this. The decision was welcomed by the EU and the appropriate budget from the European Neighbourhood and Partnership Instrument (ENPI) was allocated for the purpose, in total Euros 24m over the two years from 1 December 2007.



The Mission is an advisory technical body. It has no executive powers. Its purpose is to assist its Moldovan and Ukrainian counterparts in their efforts to up-grade border control systems, procedures and infrastructure, with the ultimate goal of a modern integrated border management system such as those prevalent in EU member states.



### 3. Expected results

In order to assist in the evaluation of its work and to drive progress on its key objectives, the Mission works towards achieving clearly-defined results. The results framework is adjusted from time to time to take account of tasks already performed and the prioritisation of new tasks, but its basic objectives remain the same and the Mission's work is driven by the Needs Assessment and Recommendations Report it issued in 2006. Its expected results in 2007 were:

**ER1:** Enhanced professional capacity of Moldovan and Ukrainian border guards and customs officials at operational / tactical level at relevant locations (at border crossing points, inland customs houses, and main transit points).

**ER2:** Decreased corruption of border guards and customs officials at operational/tactical level.

**ER3:** 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 by border guard and customs services.

**ER4:** Improved knowledge of EU standards and good/best practices and their practical application by Moldovan and Ukrainian services.

**ER5:** Increased cooperation 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.

**ER6:** Improved analytical overview on border security and cross-border movement of goods and persons.

**ER7:** Improved cross-border cooperation between Moldovan and Ukrainian services including the implementation of specific joint initiatives.



## 4. The Advisory Board

The EUBAM Advisory Board includes high-level representatives of the Moldovan and Ukrainian Ministries of Foreign Affairs, the customs and border guard authorities, the European Commission, the UNDP (as implementing partner), the EU Special Representative for Moldova, the EU Presidency, as well as the Organisation for Security and Co-operation in Europe (OSCE) and the International Organisation for Migration (IOM). Since June 2007, the Moldovan and Ukrainian Ministries of Justice and Interior, the Prosecutors' Offices and Security Services attend Advisory Board meetings as observers. EUBAM acts as Secretariat to the Board. Its terms of reference are attached at Annex B. The Board meets every quarter to review progress, evaluate cooperation between the Mission and the counterpart services, endorse key developments, and offer advice for improving the work of the Mission.



**The Fifth Advisory Board Meeting (ABM5)** took place on 13 March 2007. The Board approved the Mission's Action Plan for 2007 and was up-dated on the implementation of the EC-financed BOMMOLUK project which was coordinated by the Mission. The Board heard about the Mission's growing cooperation with the Ministries of the Interior, the Security Services, the Ministries of Justice and the Prosecutors' Offices and decided to offer these bodies observer status at future meetings of the Advisory Board.

**The Sixth Advisory Board Meeting (ABM6)** took place on 22 June 2007. The Board discussed the Analysis and Overview of Security on the Ukrainian - Moldovan State Border for the first quarter of 2007, and the Evaluation Report of the 3rd Joint Border Control Operation, which took place in April. It approved the Mission's Concept for the next phase, and welcomed the decision to extend the Mission for a further 24 months from November 2007. The Board welcomed the continued implementation of the Joint Declaration between Moldova and Ukraine on the single customs regime in Moldova, and the opportunities presented by the extension of access to preferential trade regimes for companies in the Transnistrian region of the Republic of Moldova.

**The Seventh Advisory Board Meeting (ABM7)** took place on 26 September 2007. The Board was up-dated on the Mission's activities and the implementation of the BOMMOLUK-1 project, including recent deliveries of equipment to both the Moldovan and Ukrainian Border Guards. The Advisory Board approved the Mission's Action Plan for the next (5th) phase, from the end of November 2007 to November 2008. The Board agreed to the reinforcement of the Mission's staff in order to fulfil these plans.



**The Eighth Advisory Board Meeting (ABM8)** took place on 30 November 2007. The Board appraised the first two years of the Mission's work, and endorsed the Evaluation Report on the 4th Joint Border Control Operation (FOCUS) held in October with the participation of the law enforcement agencies of four neighbouring EU Member States and several European agencies. The Advisory Board agreed a report about the Lessons Learned by the Mission and its partner services during its first two years of joint working. The new members of the senior management of the Mission were introduced to the Advisory Board.





## 5. Operational activity and progress towards the expected results

The Mission continued to observe the implementation of the Joint Declaration and of Moldovan regulations providing for proper oversight of foreign trade activities by companies in the Transnistrian ('TN') region of the Republic of Moldova. Such oversight is necessary for the granting of preferential trade terms to these companies. EUBAM helped to increase the capacity of the Moldovan customs authority to verify the origin of goods in accordance with the Republic of Moldova's international obligations. This cooperation contributed to greater equality between companies registered on a temporary and on a permanent basis in obtaining access to trade preferences, and facilitated legitimate trade. The measures were recommended by the European Commission and supported on the ground by EUBAM.



The amendments to Article 9 of Moldovan Government Decree 815/2005, in Decree 301/2007 and subsequently Decree 743/2007, provided all companies based in the Transnistrian region of the Republic of Moldova (the left bank of the River Nistru) with the opportunity to compete on world markets on the same terms as those located on the right bank of the Nistru River. By the end of 2007 approximately 380 companies in the 'TN' region of the Republic of Moldova had registered with the State Register Chamber of Moldova, and the Moldovan authorities had granted increased numbers of preferential certificates to such companies. This is an indication of progress made in compliance with this issue, providing opportunities for increased competitiveness of Moldovan goods for export<sup>1</sup>, and thus for the development of the economy in this region.

In 2007, EUBAM expanded its operational capacity to cover new areas of assistance to the Ukrainian and Moldovan authorities by establishing its Investigation Advisory Unit (IAU). The unit has provided support to investigation units of the Border Guards and Customs Services and other law enforcement agencies, through assistance with the implementation of special operations, day-to-day support to local officers, and facilitation of the exchange of

information with international organisations and agencies. The role of the Investigation Advisory Unit is to enhance the investigation capabilities of the Border Guards, Police, Customs authorities and other law enforcement agencies, and to improve cooperation and coordination between them in the following areas:

- The exchange of information
- Reduction of overlap or duplication in investigations
- Inter-agency cooperation
- Reduction of conflicts over competences
- Joint investigation techniques, e.g. observation
- Coordination of actions

EUBAM's IAU cooperates with several international partners such as ICPO INTERPOL, EUROPOL, FRONTEX, OLAF, SECI Centre, the International Organisation for Migration and the NGO sector. EUBAM has helped to promote the development of cooperation between the Ukrainian and Moldovan authorities and these international partners, so as to improve the standard of investigations.

<sup>1</sup>According to international agreements between Moldova, the EU, European Free Trade Association (EFTA), Commonwealth of Independent States (CIS), Central European Free Trade Agreement (CEFTA), goods originating in Moldova are totally or partly exempted from the payment of customs duties. At the importation, this benefit is granted by submission of the preferential certificate to the customs authorities.



## Expected results 1 and 4:

### Capacity building and improved knowledge of EU standards and best practice

Training conducted and facilitated by EUBAM is built on three pillars. These are:

- **"OTJ" (on-the-job) Transfer of Skills** - where EUBAM advisers deployed at the Mission's Field Offices give advice and help to counterparts on a day to day basis as a part of their daily work to help to improve border management. Providing locally relevant, continuous on-the-job transfer of skills to counterparts has constituted a large part of the Mission's work in the field. It complements the more structured training courses organized by the Training and Standards Coordinators and has attracted excellent feedback from counterparts.



- **Formal Training** - designed and delivered by EUBAM or delivered by external experts (contracted or seconded by EU member states for specific training sessions). This training was commissioned when it was considered most appropriate for a particular training need. Training is custom designed to suit the context of border management in Moldova and Ukraine.

- **Training developed and delivered within the framework of the BOMMOLUK 1 project** - the projects that make up this complementary technical assistance programme contain a large element of training and are, of course, aimed at improving standards of border management. This pillar is addressed elsewhere in this report. The Training and Standards Coordination Unit complements EUBAM operational field activities by identifying and addressing formal training needs and coordination of on-the-job training in the four key counterpart agencies (the customs and border guard services of Moldova and Ukraine) and by advising on appropriate standards for border management in Moldova and Ukraine. Training is designed to support counterparts to:

- Increase skills - particularly at the operational level



- Enhance the long term sustainability of the mission's capacity building work
- Build capacity to identify and take opportunities for organic long term improvement in the counterpart services
- Promote mutual cooperation between services - with increasing effectiveness

In the last year a significant amount of training was delivered by EUBAM. It covered a variety of topics including: The Concept of Risk Analysis, Detection of Drugs, Detection of Forged Documents, Combating Car Trafficking, Customs Valuation, Integrated Border Management, Anti-Corruption Seminars, Car Search Techniques, Border Control in Ports, Joint BCP Training Course, Passport Controls/Risk Profiling, Post Clearance Audit Techniques, Trafficking in Human Beings, Public Relations, Mobile Operations.

19 different training modules were delivered - in total 78 training sessions took place in which more than 1,000 counterpart personnel participated. Besides this, 15 study tours were undertaken with more than 50 counterparts. Of these 12 were within the framework of BOMMOLUK 1 (see separate section of Report).

Participants in training sessions were from all partner border services as well as from the Ministries of Interior, the Moldovan Centre for Combating Economic Crime and Corruption, and the Security Service of Ukraine.

Training has helped to build relationships with counterparts



- this is reflected in their initiative to invite EUBAM to participate in training sessions organised by them. EUBAM was invited to provide lessons as well as to observe their training events.

A table listing training delivered is at Annex A.

**Institutional capacity building**

EUBAM continues to work with its counterpart services at the central level in order to promote success at the regional and local levels. The Mission's work supports and complements the four partner services' own reform programmes. In order to improve the beneficiary officers' capacity to carry out their job professionally and in line with EU best practice, the Mission continued to provide on-the-job advice, assistance and training. Coaching of local counterpart officers on a daily basis by EUBAM field officers and advice and training of personnel at different management levels helped to ensure sustainability of the new working methods introduced.



**Management**

Structural reorganisation of the Customs and Border Guard Services and rationalisation of border crossing points (BCPs)<sup>2</sup> have been implemented, incorporating EUBAM recommendations. For example:

- The State Border Guard Service of Ukraine (UASBGS) made progress towards ending its use of conscripts, and removed all non-contracted personnel from most areas along the Moldovan-Ukrainian border. The Border Guard Service of Moldova has embarked on a similar reform.
- A new Law on the Border Guard Service of Moldova was adopted. Progress was made in optimisation of the Service, including completion of the plan for its communications infrastructure and an action plan for implementation of the new Border Guard Law.
- The Moldovan Customs Service established "Post-clearance" Audit and Origin Departments in line with EC recommendations.
- Reorganisation of the UASBGS Detachments in Kotovsk and in Illichiv'sk has allowed for more flexible and rational



use of human resources.

- The establishment of regional Risk Analysis units by the Border Guard services of Moldova and Ukraine, and the State Customs Service of Ukraine.
- The establishment of the Moldovan Border Guards College.

The Mission has observed many cases of improved organisation and efficiency at some border crossing points and several examples of a better awareness and standard of customer service.

**Organisational culture and service orientation**

The Mission has emphasised the importance of a strong organisational and service culture. While the border services must of course protect citizens and the economy, they are also service providers. Adequate and timely information to officials of the border services, business, and the public about the laws and regulations in force are essential. So is attention to public safety and provision of first aid when necessary at BCPs. EUBAM has provided advice and training in various areas to help the services to improve in these areas. Field Office experts have advised at BCPs, and assistance has been provided at other levels, including by providing public relations training for the press services of the counterpart services. This training has helped them to

<sup>2</sup> Out of the 76 border crossing points (BCPs) between UA and MD, eleven were closed; four were upgraded to international BCP.





begin to develop new ways to inform citizens and travellers of their rights and obligations when crossing borders. Such activities also complement and contribute to efforts to tackle corruption. Some improvements have been noted in service and organisational culture, such as the drafting and distribution of Ethical Codes by some services, surveys of customer satisfaction at BCPs, and presentations in schools by members of the border services to inform students about their work, jointly with EUBAM personnel.

### Procedures

In advising on structural modernisation of the partner services, the Mission placed particular emphasis on simplification and harmonisation with EU standards. EUBAM produced technical reviews to provide a comprehensive analysis, ranging from reviews of current legislation to recommendations based on EU best practices in implementation of the law.

The Mission assisted the partner services with their continued work to develop jointly operated border crossing points on the state border between Moldova and Ukraine. This work continues. It has also assisted the Moldovan Customs Service and Police in their work at Internal Customs Control Points (ICCPs) along the administrative border in Moldova, including the establishment of joint mobile units. EUBAM looks forward to seeing renewed vigour in the implementation of these reforms in 2008.

In 2007 the Moldovan Government transferred authority for issuing all preferential export certificates of origin to the Customs Service. Implementation was completed on 1 January 2008. This brings the procedures for issuing certificates of preferential origin into line with the standards of the European Union. The Chamber of Commerce retains competence for issuing only certificates of non-preferential origin.

### Green border

EUBAM continued to highlight the importance of improving control along the "green border".

Control of the green border has improved and progress with demarcation has advanced. The main challenge is the lack of demarcation of the central section of the Moldovan - Ukrainian state border. Counterpart services have also reinforced physical obstacles on the green border. Mission advice on patrolling strategies has led to more effective detection of illegal border crossing and smuggling across the green border.

### Rule of law

Mission field officers regularly reported flaws in the implementation of laws and regulations, particularly when cooperation between different agencies is concerned, and made recommendations for remedial action. Understanding of procedures for prosecution in cases of infringements of the border regime remains erratic, though the Mission was pleased to see some long-standing cases brought to a conclusion in court. Weaknesses in knowledge of regulations and procedures remain, and represent obstacles to improvements in the rule of law.

Border officials do not have a unified understanding of legislation on export and import of currency, and the public seem also unclear about these regulations. EUBAM has carried out a review of currency regulations currently in force in Ukraine and Moldova, with a view to providing advice to partners on simplification of the procedures for currency flows across the border and harmonisation with EU standards.



### Legal framework

Compliance with European standards will require Ukraine and Moldova to amend certain laws as well as to adopt secondary executive acts and procedural rules on their implementation and monitoring. In particular, the Mission continued to draw attention to weak legislation and judicial process in the sphere of deterrence and crime prevention.

A short term expert recruited by EUBAM reviewed current

laws and other legal instruments on the work of the border services of Ukraine and Moldova, including those governing the use of selective controls and data protection. The expert assessed the laws in force and those in preparation, and conducted interviews with representatives of the partner services and Mission experts with experience in the field. The report highlighted gaps and provided recommendations on simplification and harmonisation with EU standards of legislation on risk management.

Since August 2007, EUBAM has taken part in consultations about Moldovan legislation on circulation and border crossing by vehicles with 'Transnistrian' number plates and has provided technical recommendations.

## Expected result 2: Decreased corruption



The Mission recruited a short-term expert on anti-corruption to help the partner services to tackle corruption and malpractice. The expert provided recommendations for identifying corruption cases, including declarations of wealth by all employees. Even when minor sums are involved, issues of ethical conduct and public confidence are at stake, and the response of the authorities should be robust, consistent and predictable in order to deter employees at all levels from

such crimes. A policy of zero tolerance articulated from the highest levels is necessary to convey the appropriate messages. Initiatives by the President and Government of Ukraine towards the end of 2007 provided evidence of increased political will in this sphere, as did the decision to invite EUBAM to become involved in planning of counter-corruption and counter-smuggling measures. The Mission responded positively, as it regards efforts to tackle these ills as of the highest importance.

## Expected result 3: Improved risk analysis (RA)

Significant progress was achieved in building risk analysis capabilities in all four partner services. Risk analysis systems, in line with EU best practices, are a key condition for the introduction of new standards of border checks based on risk, rather than random controls. EUBAM staff assisted

the risk analysis units of the Border Guard and Customs Service of Moldova to develop their intelligence database with operational information based on daily information exchange.

Mission experts helped field officers in the partner services to promote selectivity controls with regular use of risk analysis information. EUBAM further promoted the decentralisation of the work of risk analysis units from central to regional level. The response has been good. The Ukrainian State Border Guard Service submitted its 2007-09 Concept for the Development of Risk Analysis and Criminal Intelligence, and invited international donors to assist in its implementation. It also established regional intelligence units, which represent a major step forward. The Moldovan Border Guard Service increased the number of staff assigned to its risk analysis units. Good use of tactical RA, for example by the Ukrainian State Customs Service in Illichiv'sk port and in other locations, demonstrates that the partners have grasped the importance of risk analysis. The benefits of using risk analysis in border control were also proven during the 3rd and 4th Joint Border Control Operations in April and October.

Following the Mission's recommendations on tackling undervaluation and fiscal evasion, the Moldovan Government issued Decree 870/2007 regarding the monitoring of import trade transactions. Its purpose is to observe the prices of goods which are imported into Moldova, from the moment they pass through customs control until they are in free circulation. This mechanism includes the updating by the Moldovan Customs Service of the ASYCUDA World Programme with internal market prices.

## Expected result 5 and 7:

### Improved inter-agency and cross-border co-operation

EUBAM continued to promote cooperation between border and law enforcement agencies in Ukraine and Moldova, and with equivalent authorities in neighbouring EU Member States and international organisations/agencies. The Mission has seen improvements in cooperation between the Border Guard and Customs services, between the State Border Guard Service of Ukraine and the traffic police, and between the Customs Service of Moldova, the Moldovan Police and the local Interpol office.

In 2007, EUBAM facilitated two successful joint border control operations, promoting new standards for local partners, such as a targeted approach to operations and the establishment of Working Groups focusing on specific criminal activities. The Advisory Board decided in March to broaden cooperation to include other law enforcement and judicial agencies in Ukraine and Moldova - the Ministries of Interior and Justice, Security Services and Prosecutors' Offices. The 3rd Joint Border Operation in April involved five services from each of Ukraine and Moldova, as well as links with international agencies, resulting in significant improvements.



The active phase of the 4th Joint Border Control Operation (FOCUS) took place in October with the participation of thirteen Ukrainian and Moldovan border and law enforcement services, neighbouring EU Member States and EU agencies (FRONTEX, OLAF) as well as the SECI centre. The results on both sides of the border illustrated the benefit of inter-agency, cross-border and international co-operation. During the operation the partner services detected large cases of smuggling of meat and other goods as well as illegal migration and vehicle trafficking, and made seizures valued at around 750,000 Euro. EUBAM was



able to assist, inter alia by facilitating information sharing between the Hungarian and Moldovan Border Guard Services on illegal migration, and between the Moldovan Border Guard Service and FRONTEX.

Significant results have also been achieved at local level: border guards and customs officers conduct joint border checks of cars and buses, joint vehicle searches, and joint checks of railway passengers. There has been increased cooperation in both countries between customs and tax agencies.

An important aspect of cross border co-operation is the potential for expanding the range of information gathered for risk assessment purposes. In November 2006, Moldova and Ukraine signed three Protocols on the Exchange of Information between their Customs Services and between their Border Guard Services. EUBAM has monitored progress in the implementation of the three Protocols and supported the establishment and subsequent use of the system for exchange of information between the services concerned.

**Protocol signed by the Border Guard Services** (on exchange of information between the Border Guard Service of the Republic of Moldova and the Administration of the State Border Guard Service of Ukraine). The system established under this protocol has enhanced the information exchange between the two Services at central and regional level. The exchange of statistical data is now sustainable, while that of operational information still needs support and advice from EUBAM.



**Protocol signed by the Ukrainian and Moldovan Customs Services** (on the organisation of preliminary information exchange on goods and vehicles crossing the state border of the Republic of Moldova and Ukraine). The initial difficulties due to different standards used in the two countries for storing customs data were solved and the regular exchange of pre-arrival information between the two services was established. A EUBAM short term expert provided assistance in setting up and starting the system, which should reach full implementation in 2008.

**Agreement on Combined Monthly Assessment Reports** on Border Security on the Moldova-Ukraine state border (CBSARs) - following the signature of the agreement, the four key stakeholders reached agreement on the categories of information that needed to be exchanged, the mechanism for processing the information, and dissemination of the results of common border security assessments. Information related to the traffic flow and on detections of cross-border crimes, and the associated risk assessed, is now regularly exchanged between the four services. As a result of their joint efforts, twelve monthly reports on the risk and security situation at the border have been produced. Agreement was reached on sharing the CBSARs with FRONTEX.

These reports represent a milestone for Moldova and Ukraine in their international co-operation and a key element in the development of a reliable system of risk assessment available to all levels of the partner services and to EUBAM. The CBSARs represent a sustainable reporting system, which EUBAM also uses to analyse the security situation. The Mission submitted to the partner services four quarterly CBSARs based on the monthly assessments. These reports have become an essential tool for strategic and operational planning at all levels of the border services.

The monthly Coordination Meetings between the partner services, other law enforcement agencies, and EUBAM are now hosted in rotation by each border service and the Mission.



## Expected result 6:

### Improved analytical overview of border security and cross-border movement of goods and persons

The level of cross-border crime in this region remains significant, presenting a major challenge for EUBAM and its partners. So the efforts of the mission to develop sustainable capacity in the partner services have been supported by continuous monitoring of trends in criminal activities at the Ukrainian- Moldovan border.

#### Illegal Migration

The illegal migration route across the Ukrainian-Moldovan border and via Odesa port through Ukraine towards the EU is still highly significant, with many cases detected there. In addition to existing routes, the development of new illegal migration and human trafficking routes is also possible. Mentoring and training by EUBAM field officers has led to improved skills among counterpart officers, including their interview techniques and knowledge, so that the detection of forged documents, including passports and Schengen visas, has increased.

#### Vehicles

The Mission continued to observe many cases of vehicle trafficking, including of stolen vehicles. These include a range of schemes designed to avoid Interpol checks and payment of the correct amount of customs duties, including the use of false or invalid documents, under-valuation, false VIN numbers, and other fraudulent activities. The first line controls are improving, partly as a result of specialised EUBAM training on these issues. However, unsatisfactory investigations, evidence-gathering and court decisions result in weak deterrence for such criminal activities.



## Drugs

Two significant seizures of cocaine in Odesa Port, two large heroin seizures in Illichiv'sk Port, and seizures of other psychoactive drugs and precursors, such as ephedrine, are risk indicators that Ukraine is a possible drugs trafficking route. A further significant shipment of cocaine with Odesa as its final destination was intercepted in South America. Discoveries of marijuana and areas of its cultivation have also continued. Small-scale seizures of heroin and soft drugs also continue to occur in the Mission area of responsibility, with seasonal increases in their frequency. Considering the large container traffic handled in Odesa and Illichiv'sk Sea Ports (a total of about a million containers in 2007), the seizures of hard drugs there highlight the relevance of EUBAM assistance to the Ukrainian authorities in this area.

## Alcohol

Many consignments of alcohol in its industrial form, vodka, and other spirits were detected along the border. A single consignment of 26,000 litres suspected to be pure alcohol was detected in Illichiv'sk port en route from Turkey.

## Cigarettes

The smuggling of cigarettes (including counterfeit brands) continued to be detected on the border between the Transnistrian ('TN') region of the Republic of Moldova and Ukraine. Most of these cases were treated as administrative violations rather than criminal cases, underlining the difficulty of bringing successful prosecutions which improve deterrence. Though many of these cases are small, there have also been large-scale cases, such as the detection of a large consignment of counterfeit cigarettes in a ship in Odesa Port. This type of smuggling not only affects state budget revenues but also represents a potential public health threat.



## Foodstuffs

Organised meat smuggling from the Transnistrian region of the Republic of Moldova decreased in 2007 compared with 2006, but the quantities of meat imported into the region - equating to more than 90 kg per person per year - continued to exceed feasible consumption within the region, indicating that smuggling has continued. Price differentials between the Moldovan and Ukrainian markets, high levels of poverty, and the desire to avoid tax and duty create powerful incentives for smuggling of foodstuffs across the green border, particularly along the 'TN' segment of the border. News reports suggest this "trade" is harming local producers. The deterrent effect of administrative penalties is insufficient. While the large-scale movement of meat into 'TN' should in theory lead to a commensurate rise in the level of attempted smuggling out of the region, cases of meat-smuggling into Ukraine declined in the latter part of the year. The Mission therefore advised counterparts to increase vigilance in this matter. Meat smuggling back into Ukraine and into Moldova was observed, often using unrefrigerated vehicles even in high summer. This kind of criminal activity represents a potentially serious health risk to the general public.

## Other Budgetary/Customs Issues/Threats

**Undervaluation/false description:** numerous cases of undervaluation of many commodities and goods, including luxury vehicles and consumer goods, continue to occur. Systematic undervaluation of imported commodities distorts markets and defrauds the state budget. Another method of undervaluing goods and paying less in taxes and tariffs is by false declarations of goods that are imported.

**Forged Certificates of Origin:** preferential trade regimes can be exploited by applying false certificates of origin to goods. One scheme involves foodstuffs imported to Moldova from a non-CIS<sup>3</sup> country, temporarily warehoused, legalised with false certificates of origin, and then exported to Ukraine, benefiting from intra-CIS trade agreements.

A coordinated investigation by Moldovan and Ukrainian agencies supported by EUBAM concerning forged certificates of origin has uncovered many cases. This work is ongoing and requires additional efforts to ensure prosecutions and convictions. EUBAM drew the attention of the Ukrainian and Moldovan authorities to this kind of fiscal fraud. Designed to avoid payment of customs duties on imports, it results in huge annual losses of revenue to the Ukrainian state budget.

<sup>3</sup>Commonwealth of Independent States



## 6. Accompanying projects

The BOMMOLUK 1 Project, the first part of an EC-financed programme aimed at supporting EUBAM objectives, was completed during 2007. Its total budget was EUR 3.3 million. It will be followed by BOMMOLUK 2 which is due to begin in 2008 as well by as flanking measures developed and funded by the EC and implemented by the EC Delegation Offices in Moldova and in Ukraine. These flanking measures are designed both to support EUBAM's work and to help to ensure the long term sustainability of measures to enhance border management, under the wider umbrella of the European Neighbourhood Policy Action Plans.



### BOMMOLUK 1 Project Components

Work was done in the following areas:

- Development of Risk Analysis Systems (in the Customs and Border Guard Services of Moldova and Ukraine)
- Technical Assistance, Equipment & Infrastructure (in the Customs and Border Guard Services of Moldova and Ukraine)
- The Exchange of Information (between the four services in both countries)
- Development of a Joint Training Course (for staff deployed at Border Crossing Points where jointly operated controls take place)

Planning and implementation of the BOMMOLUK 1 project was highly participative and the full and active involvement of all stakeholders was encouraged. In this way the views and desires of all those concerned could be voiced and, as far as practicable, incorporated into each project component. Additionally, the participative approach was chosen to emphasise ownership of the programme by stakeholders and to embed the philosophy that the pro-

gramme belonged to the counterpart agencies and was aimed at meeting their needs. Delivery was by in-house experts, and by consultants and short term experts where needed.

The main achievements in the project components included:

#### Development of Risk Analysis Systems in the Border Guard and Customs Services of Moldova and Ukraine

Development of Human Resources Capacity - an external consultant was hired to review existing HR systems and the human resources needs for the development of risk based systems and to prepare a Human Resources Strategy for the Border Guard Service of Moldova and the Moldovan Customs Service.

Legal Review - an external legal expert was hired to undertake a review of the laws and regulations that govern operations and the changes needed to allow the effective implementation of risk based control systems, including the laws and secondary legislation governing the collection, analysis, use and sharing of information. The consultant also established a database of relevant legislation and regulations related to this field.

Study Tours - a number of study tours were organised to allow staff from the four counterpart services to observe and learn from established risk analysis units in customs and border police agencies in the EU and in EU aspirant countries. A total of 30 staff went on a total of 8 study tours to Austria, Turkey, Finland, Poland, Belgium and the United Kingdom.



Ukrainian Border Guards on a study tour to Finland, July 2007

### Technical Assistance, Equipment & Infrastructure (in the Customs and Border Guard Services of Moldova and Ukraine)

Procurement of Equipment for the Border Guard and Customs Services of Moldova and Ukraine - this component of the BOMMOLUK 1 project accounted for about two thirds of the project budget. It aimed to equip counterparts with modern equipment to enhance effectiveness of

border operations. The selection and prioritisation of items to be procured under this component was done with the active participation of stakeholders at every stage of the procurement process. More than 1,800 items were procured (ranging from computers to specialist software to weighbridges to binoculars and thermal imaging equipment) and more than Euro 2.2 million was spent during the BOMMOLUK 1 project.



### The Exchange of Information between the four services in both countries

The BOMMOLUK 1 project assisted in the area of greatest need - the development of systems for the exchange of information between customs services. EUBAM deployed an external consultant; facilitated a number of practical workshops and planning meetings to help to enable the exchange; financed and procured specialist software and hardware; and financed and organised training abroad for four IT specialists from Ukraine and Moldova. EUBAM's contribution to this component amounted to more than Euro 100,000.



### Development of a Joint Training Course for Staff Deployed at the Joint Border Crossings of Moldova and Ukraine

Design of Training - two external short term experts were hired to assist in the development of training for staff deployed at jointly operated BCPs. The training developed had two key objectives: to upgrade the border management skills of participants; and to create a climate of mutual support by training staff from different agencies together and helping them to learn about each others' needs and objectives. Staff from the counterpart agencies would build relationships and trust as well as help each other to achieve their common objectives. Training in six key work areas were designed by the two external experts with the participation of representatives of the counterpart agencies. The training was designed to be delivered at the BCPs by staff from the border (BCPs) in order to minimise cost and disruption to border operations.

Training the Trainers - once the training courses had been designed trainers from each counterpart service were prepared in a train-the-trainers course held in Khmelnytsky, Ukraine in the summer of 2007. Fifteen trainers were prepared.

Study Tours - sixteen staff from the four counterpart organisations took part in four study tours to observe how borders are managed in the EU and EU aspirant states. They visited Greece, Croatia, FYR Macedonia and Austria. What they learned was included in the training courses that were developed as part of this component.

Roll-out of the Training - during the autumn of 2007 a pilot roll-out of the training took place with about sixty border based staff being trained by the trainers who had been prepared in the summer. Further roll-outs are planned for 2008.

## 7. Public Relations

To enhance awareness and understanding of the Mission's work among the members of the regional population, the Moldovan and Ukrainian counterparts, EU institutions and citizens of EU member states, the Mission undertook a wide range of public affairs activities. This included the facilitation of media visits and interviews, giving presentations to various audiences and visitors, maintenance of a website and the production and distribution of information



materials and visibility products. As before, the Head of Mission played an active part in briefings, interviews and visits. Field Office personnel also frequently briefed journalists and other visitors, and paid visits to schools to inform students about their work at the border, jointly with their counterparts in the local border services.

In February, the Head of Mission gave a presentation to a joint meeting of representatives of the Foreign Affairs Committees of the Moldovan and Ukrainian Parliaments which met in Odesa. The Committees agreed a protocol offering parliamentary assistance in the process of constructive cooperation with EUBAM and supported an initiative to extend the Mission's Mandate until November 2009.



In 2007, priority was given to explaining the Mission's work to people living near the border, including in universities and schools, and the local media and professional transport and trade newspapers. An exhibition of photographs of the border and the area close to it by talented Moldovan and Ukrainian photographers was organised in Chisinau and Odesa, and was also shown in the European Commission in Brussels. A new leaflet about the Mission was prepared in English and the three regional languages and distributed to the local population on 'Europe Days' in Kyiv, Chisinau, Odesa and at border crossing points in May and June. A new booklet was prepared, also in four languages, explaining in greater detail the work of the Mission with input from its partner services. The Mission also commissioned a new short film about the Mission for use by local television channels. In May and June Mission personnel organized information stands on the occasion of 'Europe Day' in Odesa, Kyiv and close to BCPs, where they were able to inform the general public about the Mission. Other activities include football matches between EUBAM and partner services and general (EU) knowledge quizzes.





The EUBAM web-site was kept up to date with latest news of Mission activities, press releases, and photographs, and a major update began towards the end of the year. Its new format is lighter and quicker, to facilitate access from computers of all types and capacities. The key information on the website is also available in the regional languages (though it is not possible to have exactly the same content available across all the languages).

Six student groups from universities in the region, and academic researchers from several countries, visited the Mission to find out about its work. With the assistance of the partner services, they also visited border crossing points.

The Mission's PR Section facilitated fourteen international media visits or interviews, and twenty one Ukrainian and Moldovan media visits to the border during the year. It organised twelve press conferences which were well attended by journalists from Ukraine and Moldova. The press conferences and press visits generated many articles and broadcasts about the work of the Mission. Several interviews with Mission personnel and a two-part documentary were shown on Moldovan and Ukrainian television.



## 8. International Cooperation



Visit by CIVCOM, June 2007

The Mission continued to work closely with the EU Special Representative for Moldova, Dr Kalman Mizsei, and to enjoy a high level of support from the European Commission, Council of the EU and EU Member States, and from its international partners such as the OSCE, UNDP and the IOM. The OSCE is represented on the EUBAM Advisory Board and attends the monthly coordination meetings between Moldova, Ukraine and EUBAM. EUBAM was visited by HE Mr Carl Bildt, Foreign Minister of Sweden, Ambassadors of EU Member States accredited in Kyiv and Chisinau, by Mr Marcus Cornaro, Director of AIDCO A; by 24 members of CIVCOM, the Committee for Civilian Aspects of Crisis Management; as well as many heads of border services of member states. The Polish and Slovak Presidents were briefed by the Mission on the occasion of their visits to Odesa and Chisinau respectively. Senior Commission, Council, UNDP and OSCE officials took part in a workshop on the 'Lessons Learned' by the Mission in its first two years. Officials from the EU agencies FRONTEX and OLAF (the anti-fraud office), and the Southeast European Cooperative Initiative Centre for Combating Trans-Border Crime (SECI Centre) assisted joint border control operations.

The Mission continues to coordinate its activities with all international community partners, to avoid duplication and maximise synergy and mutual reinforcement. It organised a donor meeting in March and attended another such event organised by the IOM in Kyiv in September.

The Head of Mission and other members of the Mission have given presentations about the Mission's work at numerous international conferences, for example, on regional trade and security, Euro-regions, vehicle crime (Hungary); integrated border management (UK) and others.

The Head of Mission provided regular briefings to:

- EU Ambassadors in Chisinau and Kyiv
- EU Institutions in Brussels including the European Commissioner for External Relations, the High Representative for the Common Foreign and Security Policy, the Political and Security Committee, CIVCOM, and COEST.



Visit by Swedish Minister for Foreign Affairs, May 2007

## 9. Looking ahead

Much of the past year was spent building capacity in the partner services, organising training and study tours, and procuring and delivering equipment in order to fulfil the objectives shared by Moldova, Ukraine and the Mission. Over 1000 members of the partner services attended some kind of training organised by the Mission. The partners have appreciated continued training delivered on-site at field level by Mission staff who have particular expertise, e.g. in identification of car-trafficking; forged documents etc.

The BOMMOLUK 1 programme, which began on 1 September 2006, underpinned the Mission's activities in 2007. The programme complemented the work of the partner services to upgrade infrastructure, in which other donors are involved. The BOMMOLUK 2 programme will start early in 2008.

In 2008, the Mission will build on the work completed in 2005 - 7 with particular focus on:

- Capacity building activities such as continued training and mentoring, including at middle and senior management levels.
- Continued monitoring of the implementation of the Joint Declaration.
- Support for the provisions of the amended Moldovan Government Decree No 815 to provide transparency about the flow of goods crossing the border and appropriate conditions for access to preferential trade schemes by companies in the Transnistrian region of the Republic of Moldova.
- Efforts to develop a service oriented approach, including enhanced public relations strategies and skills
- Development of modern management techniques in the border police and customs services
- Cross-border cooperation sufficient to lay the foundations for Integrated Border Management 1 standards
- Increased cooperation between the border services and other criminal justice system agencies
- Improvements to the regulatory framework to act as a deterrent to corruption, and to bring detection, investiga-

tion and punishment of corruption to a level closer to European standards

The Mission and the four border services, and also the governments and the law enforcement agencies of Moldova and Ukraine, need to maintain the momentum achieved in 2005-7. Legislative and judicial shortcomings remain an impediment to effective investigations and follow-up actions, so deterrence is still weak. There has been good progress on many of the Mission's recommendations in 2007, but a service-orientated institutional culture, with devolved management and adequate checks and balances against abuse of office, especially corruption, will take time and strong political will. The people and businesses using the border need to be aware of their rights and obligations and of the harm caused by illegal activities such as smuggling and illegally crossing the border.

The Mission is acutely aware of the need to help to establish sustainable improvements in border management in its area of operations. There is evidence that this is already happening. The continuing support and commitment shown by the governments of Moldova and Ukraine, especially in their agreement to the Mission's extension up to November 2009, provides a prospect of sustainability and gives cause for optimism about the prospects for achieving the Mission's goal of helping to establish EU standards of border management along the Moldovan-Ukrainian border. The continued strong support from the EU and its member states is crucial for this success. We know that we can continue to count on this support in 2008.



## Annex A - Training facilitated by EUBAM in 2007

Event	Duration (Working Days)	Recipients/ Participants	Dates	Notes
Risk Analysis Induction Training	1 day	MD BG 8 participants	January	Delivered by BG RAA in Chisinau and his counterparts for Liaison Officers
Detection of Drugs	4 hrs	MD BG and CU 49 participants	January	Delivered by EUBAM advisors from FO Kuchurhan for staff deployed at the Palanca BCP
Detection of Falsified Documents	2 x 4 hrs	MD BG 15 participants UA BG 9 participants	February	Refresher courses on forged documents led by EUBAM advisors
Combating Car Trafficking	4 x 4 hrs	UA CU and BG from BCPs Total 60 participants	February and April	EUBAM Advisors from FO Basarabeasca provided on-the-job training on car trafficking
Combating Car Trafficking	5 day study tour to Hungary	MD BG, CU and Mol, UA CU and BG Total 5 participants	July	The participants were familiarized with criminal investigation and internal and international communication and cooperation at the Budapest Police
Combating Car Trafficking	4 x 2.5 days	MD and UA BG, CU and Police Officers Total 107 participants	October - November	Implemented by two trainers seconded from the Austrian Federal Ministry of Interior in Cahul and Balti in MD and in Odesa and Chernivtsi in UA
Customs Valuation	5 days	UA + MD + EUBAM Customs officers 21 participants	February	Delivered by external expert
Integrated Border Management (IBM)	5 one day seminars	MD BG 250 participants	February	At request of MDBGS EUBAM advisors provided seminars related to IBM for staff of the MD BGS
ASYCUDA training for EUBAM users	2 days	EUBAM ASYCUDA users 9 participants	March	Training was provided by Moldovan Customs experts for EUBAM users
"Single window" - one stop shop	4 day study tour to Poland	MD CU officers 4 participants	February	4 MD Customs Officers and CRAA from Chisinau visited Warsaw and Bialistok
i2 training	5 days	4 EUBAM and 2 MD CU Total 6 participants	February	Delivered by External Expert
Anti corruption Seminars	One day seminars	MD, UA CU and BG and other agencies 50 participants	February-November	Delivered by External Anti-corruption Expert
Car searching techniques	15 x 1 day	UA and MD CU and BG Total 183 participants	March-April	Delivered by EUBAM Field Office experts at various locations in MD/UA
Induction Training	5 days	EUBAM	March, July	EUBAM newcomers

Event	Duration (Working Days)	Recipients/ Participants	Dates	Notes
Border Control in Ports according to EU Standards	3 x 1 day	UA and MD BG 45 participants	April	Designed and delivered by EUBAM experts
Interpreters' Workshop	1.5 days	EUBAM Interpreters/assistants 55 participants	April	Workshop for all EUBAM national staff
Joint BCPs Training Course	4 x 4-5 day study tours to Greece, Austria, Croatia, and Macedonia under Bommoluk 1	UA and MD BG and CU  4 participants in each tour  Total 16 participants	April and May	To observe BCPs and study procedures at BCPs where there is an integrated approach to border management and cooperation between border agencies and across the state border
Risk Analysis	8 x 5-6 day study tours to Turkey (2), Austria (2), Finland, Poland, Belgium, and UK under Bommoluk 1	UA and MD BG and CU  Total 32 participants	May to December	To observe best practice in risk management including innovations in this area which could be adopted by the counterpart organizations
Joint BCPs Training Course "Train the Trainers"	2 weeks (under Bommoluk 1)	4 BG and 4 CU from MD and from UA 16 participants	May - June	6 training modules delivered in Khmelnytsky Training Academy (UA) for staff from BCPs where joint control takes place
Integrated Border Management EU experience in the introduction, advantages and effectiveness	3 hrs	UA BG - management level  150 participants	June	BG RAA from Chisinau was invited to provide training on IBM
Training and methodological meeting of managerial staff of the UA BGS		EUBAM invited as observers	June 2007	UA BGS hosted EUBAM advisors as observers during their training
Detection of Forged Documents	2 x 5 days training	Mol MD, Mol UA, BG UA Total 25 participants	July - August	Provided to upgrade skills and knowledge and based on the Train the Trainer principle. The training paid special attention to visas
Concept of Risk Analysis System	3 days	UA BG 15 participants	August	Led by experts seconded from Finnish BG and Chief of RA in UA BGS
Post Import Audit and Customs Clearance	2 weeks	MD and UA CU 22 participants	October	Delivered by external expert in Dnipropetrovsk, UA
Public Relations (PR) training	2 x 2 days plenary plus 6 X 1 day at each service HQ	MD and UA BG and CU Press officers 12 participants	October-November	Implemented by a short term expert backed up by EUBAM Communications and Reporting Officer and PR Assistant



Event	Duration (Working Days)	Recipients/ Participants	Dates	Notes
Joint BCPs - Control skills	3 x 5 days	UA and MD BG and CU Total 16 participants		At different Joint BCPs led by external expert in cooperation with local CU and BG trainees trained in Khmelnsky, UA in May- June
Training on Mobile Units	4x5 days	UA, MD CU and Police  Total 40 participants	October- November	Covered the concept of operations, threat assessment/ risk management, and operational activity of mobile units according to EU standards. Delivered by EUBAM trainers
Biometric Passport Checks	1 day	MD BG 3 participants	November	Delivered by EUBAM advisors in Chisinau
IBM Web-sphere Software training	8 day study tour to Moscow	MD and UA CU IT departments 4 participants	November	Training on IBM software facilitated by EUBAM to assist with information exchange

## Abbreviations

<b>MDCS</b>	Customs Service of the Republic of Moldova
<b>UASCS</b>	State Customs Service of Ukraine
<b>MDBGS</b>	Border Guard Service of the Republic of Moldova
<b>UASBGS</b>	State Border Guard Service of Ukraine
<b>Mol</b>	Ministry of Internal Affairs
<b>BOMMOLUK</b>	Project on Improving Management on the MD/UA State Border
<b>FO</b>	Field Office
<b>BG</b>	Border Guards
<b>CU</b>	Customs Officers
<b>BGRAA</b>	Border Guards Risk Analysis Adviser
<b>CRAA</b>	Customs Risk Analysis Adviser
<b>BCP</b>	Border Crossing Point
<b>IBM</b>	Integrated Border Management

## Annex B - Terms of Reference for the EUBAM Advisory Board

According to § 3.3 of the EUBAM 5 Description of the Action, an Advisory Board will provide advice to the Mission concerning the quality and adequacy of their 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 assist and advise the Mission with respect to strategic and operational planning and other matters decided by the Advisory Board.
- 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.

- European Commission
- EU Border Assistance Mission
- EU Special Representative for Moldova
- EU Presidency
- Organisation for Security and Cooperation in Europe
- United Nations Development Programme

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

- International Organization for Migration
- 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 what is absolutely necessary.

Each member of 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 Commission to Ukraine and Belarus. The Chair will be supported by the Advisory Board Secretariat.

### 3.3.4. Meetings

Advisory Board meetings will be held quarterly in Odesa. The Chair will invite the Advisory Board members and the observers in writing in a timely manner.

### 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 functions and will in particular:

- prepare the meetings and provide all logistical 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 languages of the Advisory Board will be English and Russian.

### 3.3.7. Terms of Reference

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

## Annex C - EUBAM Objectives in Phase 5 (December 2007-November 2008)

### Overall Objectives

a) To contribute to enhancing the overall border and customs management capacities and the abilities of Moldova and Ukraine to fight against cross-border and organised crime and to approximate the standards of the border and law enforcement authorities to those of the EU.

b) To assist Moldova and Ukraine in fulfilling their commitments under the European Neighbourhood Policy Action Plans (ENP AP) and the Partnership and Cooperation Agreements (PCA).

c) To contribute to a peaceful resolution of the Transnistria conflict.

### Specific Objectives

a) Capacity building and knowledge of EU standards/best practice: To build up appropriate tactical, operational and institutional capacity in Moldova and Ukraine to ensure effective border and customs 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.

b) Risk analysis capacity: To improve the partner services' risk analysis capacity in terms of gathering, analysing, and disseminating of information and intelligence at strategic, operational, and tactical level as well as to reinforce the use of risk assessment techniques by Border Guard and Customs Services.

c) Integrated border management: To increase the cooperation between all services involved in border management with a view to allow the development of integrated border management in the medium and long term, with growing cooperation between border management and law enforcement services.

d) Anti-corruption: To support partner services' anti-corruption efforts at operational and tactical levels

e) Capacity building in public relations: To enhance public relations skills, capabilities and technical infrastructure of the public relations sections of the Moldovan and Ukrainian partner services.

f) Confidence building between Moldova and Ukraine: To help promote cooperation between the agencies involved in border and customs controls and fight against crime in Moldova and Ukraine through transparency, exchange of analytical and tactical information, close cross-border cooperation and development of an atmosphere for closer economic relations, for instance through joint border oper-

ations, joint border/customs controls, or the drafting of joint border security assessment reports, with a view to allow self-sustaining development of integrated border management in the long term (IBM-2: international integration).

g) Monitoring the implementation of the 2003 Ukraine-Moldova customs regime: To monitor the correct and effective implementation of the 2003 Customs Protocol concluded between the State Customs Service of Ukraine and the Customs Service of the Republic of Moldova as agreed between the Prime Ministers of the Republic of Moldova and Ukraine in the Joint Declaration of 30 December 2005.

h) Public awareness raising: To provide objective information to the local population in Moldova and Ukraine regarding EUBAM's tasks and assistance provided to the countries, ongoing activities at the border from which travellers and/or the local population benefits, rights and responsibilities of persons crossing the border (in order to complement anti-corruption measures), health risks of purchasing smuggled food (in order to complement consumer protection measures), etc.





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