

EUROPEAN UNION BORDER ASSISTANCE MISSION TO MOLDOVA AND UKRAINE











European Union Border Assistance Mission to Moldova and Ukraine (EUBAM)

Working together for regional security and economic development on the Moldovan-Ukrainian border

Borders are a vital tool in promoting a safe environment in which trade and people to people contacts can flourish. Effective border management should facilitate, not hinder, trade and contacts across the border.

Within its own area, the EU has worked for over 50 years to break down barriers between its Member States that can hamper trade and personal, family and cultural contact. Under the EU's Neighbourhood Policy, the EU is reaching out to its neighbours in order to promote prosperity, common values and security as well as to help break down trade barriers.

The EU Border Assistance Mission to Moldova and Ukraine (EUBAM) was established by the European Union at the joint request of the Presidents of Moldova and Ukraine in their joint letter of 2 June 2005.

While the management of the border guard and customs services is firmly in the hands of the experienced personnel of the two states, the EU agreed to stand ready to assist and advise wherever this may be helpful.

The Mission is seeking to make a sustainable contribution to enhancing the delivery of good quality border and customs services to the citizens of Moldova and Ukraine.

Our common aim is a system of border and customs controls and border surveillance which meets not only European standards, but also, and especially, the legitimate needs of the citizens of each country.

Ferenc BANFI Head of EUBAM

MINISTRY OF FOREIGN AFFAIRS OF UKRAINE



MINISTRY OF FOREIGN AFFAIRS AND EUROPEAN INTEGRATION OF THE REPUBLIC OF MOLDOVA





Ukraine pays special attention to cooperation with the EU Border Assistance Mission to Ukraine and Moldova. The EUBAM activity is one of the major factors aimed at improvement of overall situation on the Ukrainian-Moldovan border and creating more effective border control and security system.

Thereupon the Ukrainian side has supported the EU initiative to prolong the mandate for the EUBAM activity for the next two-year period.

Moreover, we are looking forward to expend fruitful cooperation with the EU in elaborating new projects in such utterly important for Ukraine field as a creation of modern integrated system of border control with appropriate technical equipment in compliance with the EU standards. Within this context we highly appreciate recommendations provided by the EUBAM, and, conduct talks with EU member states on their participation in such an innovative endeavor.

Such a step would be a significant contribution to the process of the Transnistrian settlement as well.

Ukraine understands that the cooperation with the EUBAM represents an integral part of European course of our State.

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With best regards,

Andriy Veselovskyi
Deputy Minister of Foreign Affairs
of Ukraine, Special Representative
of Ukraine for Transnistrian Settlement

In 2005, the Presidents of the two neighbouring friendly states, Moldova and Ukraine, both aiming to integrate with the EU, asked it to provide support to their efforts to develop the customs and border controls on their common border in accordance with European standards.

We consider that EUBAM, in close cooperation with the competent services of our countries, is effectively fulfilling its functions in accordance with its mandate. We can confirm with satisfaction, that by our joint efforts throughout 2005-2007 we have achieved positive results in establishing a modern system of border management, strengthened the customs regime, increased transparency in export and import flows, and reduced negative phenomena along the length of the Moldovan-Ukrainian border. We would also commend the huge contribution made by the Mission in monitoring of implementation of the Joint Declaration signed by the Prime Ministers of Moldova and Ukraine on 30 December 2005.

Being determined to achieve completely the objectives set, we decided to extend the mandate of EUBAM until 2009, so that the process can be completed of creating the modern integrated system of border management that exists in the EU Member States. We are sure that further developing our fruitful cooperation, including in border issues, within the existing trilateral mechanism, will enable us to reach the common goals outlined in the Action Plans signed by our countries with the EU, which include settlement of the Transnistrian problem. This will ultimately help to strengthen peace and security in this part of Europe.

Andrey Stratan

Deputy Prime Minister, Minister of Foreign Affairs and European Integration of the Republic of Moldova

Chişinău, 18 September 2007



The EU Border Assistance Mission to Moldova and Ukraine was launched on 30 November 2005 at the joint request of the Presidents of Moldova and Ukraine.

The Mission is an advisory, technical body. It has no executive powers.

Its aims are:

- To work with Moldova and Ukraine to harmonise their border management standards and procedures with those prevalent in EU member states
- To help enhance the professional capacities of the Moldovan and Ukrainian customs and border guard services at operational level
- To develop risk analysis capacity
- To improve co-operation and complementarity between the border guard and customs services and with other law enforcement agencies
- To promote cross-border co-operation

The role of the Mission

The Mission provides on-the-job training and advice by professionals of border management services in EU Member States to Moldovan and Ukrainian officials, reinforcing their capacity to carry out effective border and customs controls and border surveillance. Through its work, the Mission is contributing to strengthening cross border co-operation and building confidence. Border co-operation and efforts to seek a solution to the conflict in the Transnistrian region of the Republic of Moldova feature in the European Neighbourhood Action Plans agreed with both Moldova and Ukraine in 2005. Under the EU's Neighbourhood Policy, the EU is reaching out to its neighbours in order to promote prosperity, common values and security as well as to help break down trade barriers.



The current personnel complement is over 200. There are more than one hundred experts from 22 EU Member States, representatives of several CIS countries in the UNDP contingent, and local staff from Moldova and Ukraine. Most of the experts are professionals from EU Member States' border services.





The Memorandum of Understanding between the European Commission, the Government of the Republic of Moldova and the Government of Ukraine on the European Commission Border Assistance Mission to the Republic of Moldova and to Ukraine signed in 2005 (www.eubam.org/doc/memorandum.zip)

What is EUBAM's mandate?

- To be present and observe customs clearance and border guard checks
- As part of its advisory role, to examine border control documents and records (including computerised data)
- To provide assistance in preventing smuggling of persons and goods
- To request the re-examination and re-assessment of any consignment of goods already processed
- To make unannounced visits to any locations on the Moldovan-Ukrainian border, including border units, customs posts, offices of transit, inland police stations, revenue accounting offices and along transit routes

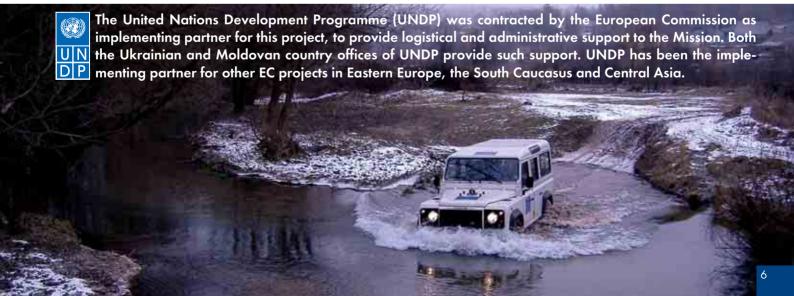




The budget for the Mission from November 2007 until November 2009 is EUR 24m. In addition to the European Commission (EC) funding of the core EUBAM budget under the European Neighborhood and Partnership Instrument (ENPI), many EU Member States are also providing direct contributions by funding secondments of border professionals from their national services to the Mission.

The Mission is involved in an EC-financed EUR 9.9 million project called BOMMOLUK (aimed at improving management at the Moldovan-Ukrainian state border). The project has focused on equipment procurement, risk analysis development and training for officers at jointly controlled border crossing points.

What is the UNDP's role in the Mission?









EUBAM'S Otaci Field Office is located at Otaci International Border Crossing Point in Moldova opposite Mohyliv Podylskiy in Ukraine. The Area of Responsibility of Otaci Field Office covers 312 km of the Moldovan-Ukrainian border. Field Office Otaci deals with major crossing points between Moldova and Ukraine for both road and rail.



EUBAM's Chisinau Field Office Area of Responsibility is along the Nistru river. On the left bank is the Transnistrian region of the Republic of Moldova. The main focus of the Field Office is the administrative boundary line between the Transnistrian region of the Republic of Moldova and the rest of the Republic of Moldova. The area of responsibility (approx. 411 km) is from Sanatauca to Rascaeti in the Republic of Moldova.



EUBAM's Basarabeasca Field Office is located at Basarabeasca Customs Office in Moldova. The Area of Responsibility of Basarabeasca Field Office is roughly 300 km of the South-East Moldova - Ukraine border. The Field Office cooperates with the counterpart services on both sides of the border.



EUBAM's Odesa Field Office is located on the territory of Odesa commercial sea port. It also has an office at Illichyvsk commercial sea port. In terms of turnover of goods, Odesa and Illichyvsk sea ports are the largest ports in Ukraine.



EUBAM'S Kuchurhan Field Office is located at Kuchurhan Railway Border Crossing Point in Ukraine. It also has offices in Kuchurhan Road BCP and in Palanca Road BCP in the Republic of Moldova. The Area of Responsibility of Kuchurhan Field Office is roughly 213 km of of the Moldovan-Ukrainian border. This section of the border adjoins the Transnistrian region of the Republic of Moldova for 74 km.



EUBAM's Kotovsk Field Office is located at Kotovsk Border Guard Detachment. The Area of Responsibility of Kotovsk Field Office is roughly 400 km of the Transnistrian segment of the Moldovan-Ukrainian border.



Kuchurhan international road border crossing point

How the counterparts view their cooperation with EUBAM



BORDER GUARD SERVICE OF THE REPUBLIC OF MOLDOVA

Anatoly Karaulan, Liaison Officer of the Border Guard
Service of the Republic of Moldova:

The EU Border Assistance Mission cooperates closely with the Moldovan Border Guards Service, providing assistance in such fields as the improvement of the legislative and regulatory base of

the MDBGS, drafting of the statutes of the Border Guards College, development of risk analysis systems, development of the professional skills of the Border Guards, incorporation into daily practice of an integrated approach to surveillance and management of the state border.

The Mission is implementing a number of projects, one of which - BOMMOLUK 1 - is nearing completion. The project has provided on the job training of the Border Guards, training courses and study tours, training of trainers who will pass on their skills to other colleagues, and has assisted with the development of risk analysis, together with the necessary equipment for its operation.

In the course of its daily work the Mission's experts in the Field Offices provide recommendations on ways to improve the standards of surveillance and management of the state border.

The Mission has facilitated three joint operations by the border services and law enforcement agencies of Moldova and Ukraine, aimed at preventing cross-border crime and improving inter-departmental and international cooperation.

The Moldovan Border Guards Service assesses highly the results achieved in the course of its cooperation with EUBAM and welcomes the extension of the Mission's mandate until November 2009.



STATE BORDER GUARD SERVICE OF UKRAINE

Volodymyr Pleshko, Deputy Head of the South Regional Directorate of the State Border Guard Service of Ukraine

The EU Mission is a striking example of cooperation between colleagues and professionals in border issues from different countries. During the two years of the Mission's activities, we achieved:

- significantly increased cooperation between the border guard and customs services of Ukraine and Moldova;
- greater transparency regarding the security situation on the Ukraine/Moldova common border including the Transnistrian segment; large-scale smuggling of weapons and illegal migration from third countries across the Transnistrian segment have not been observed;
- exchange of advanced and progressive experience and best practice with the border professionals from many countries;
- increased levels of counteracting malpractice in the State Border Guard Service;
- participation in international law enforcement operations.

I think that the next two years of the Mission's activities will allow us to take new steps forward in the establishment of modern border management on the Ukrainian-Moldovan state border.



CUSTOMS SERVICE OF THE REPUBLIC OF MOLDOVA

Igor Panfile, Liaison Officer of the Customs Service of the Republic of Moldova:

EUBAM has pursued its aim of raising the potential of the customs and border guard services of both states in adopting effective methods of management of the Moldovan-Ukrainian common border, equivalent to European

standards, as well as modernising the equipment in use at border crossing points.

The very first months of the Mission's presence confirmed the effectiveness of monitoring of the border in order to maintain stability and security in the region.

On 30 December 2005 the Prime Ministers of Ukraine and Moldova signed a joint statement in Kyiv on the proper clearing of goods across their common border, and also the renewed implementation of the mechanism for simplified registration of companies in the Transnistrian region of the Republic of Moldova. From the very first days of implementation of the Joint Declaration, EUBAM monitored its fulfilment by the two parties and provided effective recommendations on this question.

The results of the implementation of the Joint Declaration are clear. The level of legal activity by Transnistrian businesses which have been entitled to receive preferential certificates of origin of goods for export to various parts of the world, including EU states, has significantly increased.

The Mission's activities have also crucially helped to develop bilateral cooperation between the Customs Services of Moldova and Ukraine. In Brussels on 21 November 2006, a Protocol was signed between the two services on the exchange of information about goods and vehicles crossing the common border. EUBAM has made a major contribution to the development of the institutional capacity of the Moldovan Customs Service. The Mission's recommendations on optimisation of customs work were taken into account in the reorganisation of the customs system.

The Mission has organised a number of training events on risk analysis, customs valuation, origin of goods, vehicle and document searching, the work of mobile units, joint controls etc.

The provision of modern equipment for the Customs Service under the BOMMOLUK project has been particularly valued. This is far from a full list of the areas in which EUBAM and the Customs Service of the Republic of Moldova have cooperated.



STATE CUSTOMS SERVICE OF UKRAINE

Sergiy Popazoglo, Head of the Department for Cooperation with EUBAM, the State Customs Service of Ukraine:

Ukraine is pursuing a course of integration with the European Union. This envisages approximation with and adoption of European standards, and harmonisation of Ukrainian legislation

with European legislation. With respect to the request to the EU for border assistance, the State Customs Service of Ukraine defined its priorities for cooperation with the EU Mission, specifically:

- increased efforts to combat smuggling
- increased income from customs duties
- reduced levels of malpractice in the Customs Service
- approximation of working standards of the Customs Service with European standards

Over the past two years the State Customs Service of Ukraine together with EUBAM has achieved significant results. We can cite the following positive results:

- creation of departments responsible for risk analysis which will correspond to EU standards
- development of methods of joint border and customs control
- higher quality of customs control and customs clearance on the basis of technical assistance provided by the EU Mission
- improved cross-border cooperation and information exchange
- higher professional competence of customs officers as a result of training on different issues. Training organised by the Mission's experts is facilitating the detection of smuggling and customs violations.

We hope that during next two years all tasks related to border protection issues will be implemented fully.





EUBAM's counterparts are the Moldovan and Ukrainian Border Guard and Customs Services. The heads of the services, as well as the Ministers of Foreign Affairs of both countries, are members of EUBAM's Advisory Board. The meetings of the Advisory Board are the main mechanism for planning and reporting of the Mission's work.

The Mission's activities are:

- Day to day on the job advice and training
- Specific on the job training e.g. forged document recognition, car searching etc.
- Customized training courses
- Development of risk analysis
- Study tours
- Short-term experts focused on specific topics e.g. legal aspects, IT, etc.





ABM

Advisory Board Meetings - ABMs. The Advisory Board was set up under the Memorandum of Understanding signed between the Governments of Moldova and Ukraine and the European Commission. It meets to review progress in the achievement of the Mission's objectives and plans for future work. The Board includes high-level representatives of Moldovan and Ukrainian customs and border guards authorities, the European Commission, the UNDP (as the Mission's implementing partner), the EU Special Representative for Moldova, the EU Presidency, as well as the Organization for Security and Co-operation in Europe (OSCE) and the Foreign Ministers of both countries. In addition, the International Organization for Migration (IOM), and, since June 2007, the Ministries of Internal Affairs and Justice, Prosecutors' Offices, and Security Services of Moldova and Ukraine have the status of observers at Advisory Board Meetings. Advisory Board Meetings are chaired by HE Mr Ian Boag, Head of the Delegation of the European Commission to Ukraine and Belarus.

Central level

Central level - represented by HQs of border services in Chisinau and Kyiv. Cooperation is organized through monthly coordination meetings.

Regional level

Regional level - all four services appointed liaison officers on a regional level for cooperation with EUBAM. Regular and ad hoc meetings take place on this level.

Field level

Field level - each field office has Border
Guards and Customs liaison officers
who participate in day to day
cooperation and weekly meetings.



Three Pillars of EUBAM Training and Standards

- •On the job training transfer of skills
- •Training courses designed and delivered by EUBAM or delivered by external experts
- •BOMMOLUK

TRAINING DELIVERED SO FAR:

For the Customs Services

- Risk Analysis
- Customs valuation
- Single window one stop shop
- Analytical programmes

For the Border Guard Services

- Falsified documents
- Integrated Border Management (IBM) seminars
- Border control in ports according to EU Standards

For both Customs and Border Guard Services

- Detection of drugs/Combating drugs trafficking
- Car trafficking
- Car searching techniques
- Anti-Corruption seminars
- Study tours
- Public information work







At its third meeting in September 2006, the EUBAM Advisory Board endorsed the first part of the EC-financed project called BOMMOLUK (aimed at improving management at the Moldovan-Ukrainian state border).

The overall BOMMOLUK budget is worth 9.9 m EUR. The funding for the first phase (BOMMOLUK 1) was 3.3m EUR.

BOMMOLUK 1 has consisted of three components and it ran until the end of December 2007. The three components of BOMMOLUK 1 consisted of:

- Development of risk analysis capacity in the Border Guard and Customs Services of Moldova and Ukraine;
- Development of a joint training course for staff from the four counterpart agencies deployed at the jointly operated border crossing points of Moldova and Ukraine;
- Procurement of equipment and communications networks for the Border Guards and Customs Services of Moldova and Ukraine.

BOMMOLUK 2 will run until 2009 and will have a budget of 6.6m EUR, which will be spent for equipment procurement to the partner services.

Achieved results:

SHORT TERM EXPERTS

The project contracted short term experts in the following areas: Human Resources and Legal Questions concerning Risk Analysis, Border Management, Anti-corruption, IT in Customs Information Exchanges. They have worked within the Mission providing assistance in relevant areas to the counterparts.

EQUIPMENT

2,2m EUR of the BOMMOLUK 1 budget have been spent for procurement on equipment for the border guard and customs services of Moldova and Ukraine. The needs for equipment were identified together with the partner services.





EU Special Representative for the Republic of Moldova

On 15 February 2007, Mr Kalman Mizsei was appointed as EU Special Representative (EUSR) for the Republic of Moldova. He succeeded Mr Adriaan Jacobovits de Szeged. On his appointment Mr Javier Solana, the European Union's High Representative for Common Foreign and Security Policy (CFSP), welcomed the appointment saying:



"I am very pleased that the Council has appointed, on the basis of my recommendation, Kalman Mizsei EU Special Representative for Moldova. Mr Mizsei will help to increase the European Union's engagement in Moldova, particularly as regards the settlement of the Transnistria conflict. Moldova is now a direct neighbour of the EU and it is time to find a viable and lasting solution to this conflict. Mr Mizsei will also support Moldova in its domestic reform process and will work with the EU Border Assistance Mission to Moldova and Ukraine. He will of course work closely with our key partners, including Russia, the United States, Ukraine and the Organisation for Security and Cooperation in Europe (OSCE)."

The EUSR has a team of political advisers Kyiv, Chisinau and Odesa. The Head of EUBAM, Mr Banfi, is Senior Political Adviser to the EUSR.

The Head of Mission is accredited as Senior Political Advisor to the EU Special Representative and is the team leader of the EUSR's border team. This ensures a good flow of information between the EUSR and the Mission on matters of joint concern.

EU SPECIAL REPRESENTATIVES (EUSRs): A VOICE AND FACE OF THE EU IN CRUCIAL AREAS

The European Union currently has nine Special Representatives in different regions of the world. The EUSRs promote EU policies and interests in troubled regions and countries and play an active role in efforts to consolidate peace, stability and the rule of law.

EU Special Representatives support the work of High Representative Solana in the regions concerned. They play an important role in the development of a stronger and more effective EU common foreign and security policy and in the EU's efforts to become a more active, more coherent and more capable actor. They provide the EU with an active political presence in key countries and regions, where they are to a large extent a "voice" and a "face" of the EU and its policies.



At the end of 2005 the Prime Ministers of the Republic of Moldova and Ukraine signed a Joint Declaration on the effective implementation of the customs regime on their common border. EUBAM staff observed and have continued to monitor the implementation of the Joint Declaration at the relevant border crossing points. Their observations indicated that the terms of the Joint Declaration were being implemented. As far as EUBAM was able to ascertain, the procedures for the rapid registration of companies in the Transnistrian region of the Republic of Moldova by the Moldovan authorities were in place. The Mission remained in contact with both sides about the technical issues which arose during the implementation of the Joint Declaration and offered advice and assistance where appropriate. It should be emphasised that EUBAM was acting in its technical advisory capacity in accordance with its mandate. It has no executive powers of its own.

The EU High Representative for the Common Foreign and Security Policy Javier Solana and the (then) EU Special Representative for Moldova, Mr Adriaan Jacobovits de Szeged, welcomed the implementation of the Joint Declaration.

Since March 2007 EUBAM has been working closely with the Moldovan and Ukrainian customs authorities to ensure the smooth, effective and non-discriminatory implementation of Moldovan Government regulations on import/export activities, which allow companies in the Transnistrian region of the Republic of Moldova with temporary registration to obtain the same access to trade preferences that was previously only enjoyed by companies with permanent registration. The equalisation of access to preferential trade regimes was recommended by the European Commission and is supported on the ground by EUBAM. The rules ensure that all registered companies throughout the territory of Moldova are treated in a non-discriminatory way, and can benefit from access to preferential trade schemes for their exports through increased transparency. They provide a boost to legitimate trade and increase the capacity of customs to perform verification and control of the origin of goods, in accordance with the Republic of Moldova's international trade obligations, including in the World Trade Organisation (WTO), membership of the Central European Free Trade Agreement (CEFTA), and access to the Generalised System of Preferences Plus scheme (GSP+).



The main issues challenging border security in the region:

- Illegal migration and trafficking in human beings for exploitation (often involving use of forged documents)
- Smuggling of prohibited goods such as drugs by land and sea
- Smuggling of other high value goods such as alcohol, tobacco products, cars, meat (including counterfeit goods)
- Evasion of tax and import duties by using for example false certificates of origin

Threats arising from these crimes:

- Abuse of human rights
- Development of organized crime networks in the region
- Huge losses to the Moldovan and Ukrainian state budgets in unpaid taxes and duties
- Risks to health: from falsely certificated products and inadequately transported food products
- Corruption and abuse of official responsibilities



Since the beginning of 2007, monthly combined border security assessment reports are prepared by Moldova and Ukraine. These are used to assist in the coordination of efforts to react to identified trends. and also to guide and set objectives for coordinated border operations

Four Joint Border Operations have taken place. They involved cooperation between up to 10 services and law enforcement agencies from Moldova and Ukraine; with equivalent services in neighbouring EU mem-

> ber states; and with European agencies FRONTEX (the agency concerned with security at the EU's external borders/frontiers) and OLAF (the anti-fraud agency), and the South East European Initiative for Combating Trans-Border Crime Centre (SECI Centre). During the 6 days of the Third Operation the Moldovan and Ukrainian services made

major seizures of drugs and contraband and detected several cases of forged visas. The total value of seized goods was almost 322,000 USD. In the 4th Operation, the value of seized goods was around 1m USD.

RESULTS of joint efforts

The border services of Moldova and Ukraine have made consistent efforts to improve their performance and cooperation over the past two years, and have achieved significant progress in many areas of their work. EUBAM has been proud to contribute to their achievements, which include

- enhanced professional capacity
- improved risk analysis system
- better analytical overview on border security
- stronger interagency and cross border co-operation
- implementation of the Joint Declaration
- efforts to counter corruption

The Mission has helped the Moldovan and Ukrainian authorities to tackle a number of smuggling scams which deprive their state budgets of revenue. These concern, for

On 21 November 2006 separate information agreements on exchange between the customs and between border guard services of Moldova and Ukraine were signed at the Fifth Trilateral Meeting

on Border Issues held in Brussels. These agreements have the potential to make a significant step forward in improved cross border cooperation.

Equipment is being delivered to Moldovan and Ukrainian services

The increased use of risk analysis has yielded significant results in 2007, such as seizures of cocaine - the first drug seizures in Odesa Port since 2002 - and other contraband In response to Mission recommendations, surveillance of the green border has been stepped up. Together with the enhanced control performance of our counterparts this has contributed to the discoveries of largescale meat-smuggling.







The mandate of the Mission, which began in November 2005, has been extended up to the end of November 2009. This will allow it to develop deeper cooperation with the border services and law enforcement agencies of Moldova and Ukraine, ensuring

- Further progress towards European standards at the border
- Enhanced cooperation between Moldovan and Ukrainian border services and law enforcement agencies
- Strengthened links between Moldovan and Ukrainian border services and law enforcement agencies and EU Member States and institutions
- Legitimisation of trade in the European neighbourhood
- Thorough investigation of cases leading to successful prosecutions
- Progress in national reform programmes for Integrated Border Management
- Delivery of technical assistance



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