

The European Union ENPI' s programme
For Moldova and Ukraine

Framework Contract COM 2011
Lot 1: Studies and Technical Assistance in all sectors
Specific Contract N° 2012/295823

**Evaluation of the European Union Border Mission to
Moldova and Ukraine (EUBAM)**

Draft Final Report

26th October 2012



The project is financed by
the European Union



The project is implemented by
SACO (SAFEGE-COWI)

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SACO (SAFEGE-COWI), Member of SACO Consortium

Report Control Path

Project Title :	Evaluation of the European Union Border Assistance Mission to Moldova and Ukraine”
Specific Contract No. :	2012/295823
Framework contract No.:	EuropeAid/129783/C/SER/multi (COM 2011) Lot 1: Studies and Technical Assistance in all sectors
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Date of the Report :	26/10/2012
Reporting Period :	September - October 2012

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26/10/2012

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Framework Contractor:

Date:

30/10/2012

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List of acronyms

AOR	Area of Responsibility
BCP	Border Crossing Point
BG	Border Guard
CBSAR	Common Border Security Assessment Report
DG DEVCO	EC Development and Co-operation Directorate
DG HOME	EC Home Affairs
DG TAXUD	EC Customs and Tax Directorate
EC	European Commission
EEAS	European External Action Service
ENPI	European Neighbourhood Partnership Instrument
EU	European Union
EUD	Delegation of the European Union
EUROPOL	European Police Office
EQs	Evaluation Questions
FRONTEX	European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union
HQ	Headquarters
HR	Human Resource
IBM	Integrated Border Management
IOM	International Organization for Migration
IPR	Intellectual Property Rights
JBCP	Joint Border Crossing Point
MOU	Memorandum of Understanding
NAP	National Action Plan
OSCE	Organisation for Security and Co-operation in Europe
PAIES	Pre-Arrival Information Exchange System
SBC	Schengen Border Code
SECI	Southeast European Cooperative Initiative (predecessor of SELEC)
SELEC	Southeast Europe Law Enforcement Centre (successor to SECI)
SOPs	Standard Operating Procedures
SW	Single Window
TA	Technical Assistance
ToR	Terms of Reference
THB	Trafficking of Human Beings
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNODC	United Nations Office on Drugs and Crime
US	United States
WCO	World Customs Organization
WCO-FoS/SAFE	WCO-Framework of Standards to Secure and Facilitate Global Trade
WTO	World Trade Organization

1. Introduction and acknowledgements

The EU Delegation (EUD) in Kiev requested this evaluation in order to gain additional independent insights into the achievements of the EU Border Assistance Mission to Moldova and Ukraine (EUBAM), as well as to examine options for its eventual future programming directions. The report is a result of numerous meetings, phone interviews, a briefing with the EUD Kiev, and the desk research, which included reports and products made *by* EUBAM as well as those written *about* EUBAM - especially earlier monitoring report and the Court of Auditors report. A complete list of meetings is provided in Annex V, while the sources consulted can be found in Annex IV.

The first acknowledgment is due to the EUD Kiev for having recognized the need to conduct such a forward-looking evaluation. Independent evaluations bring a necessary outside perspective and new ideas, which can only help to analyse the present situation better, as well as to plan for an improved future.

The interlocutors in Brussels, Chisinau, Kiev, Odessa and in the field, have generously shared their expertise and ideas about the EUBAM' work, results and perspectives. The interviewees included staff from the EU Delegations in Chisinau and Kiev and other EU Institutions, the four EUBAM's Partner Services - Moldovan Border Guard Service (MDBGS), Moldovan Customs Service (MDCS), Ukrainian State Border Guard Service (UASBGS) and Ukrainian State Customs Service (UASCS)- other Moldovan and Ukrainian State entities, UNDP in both Chisinau and Kiev, OSCE Chisinau, and the EUBAM HQ and field staff, from top to bottom. A complete list is provided as Annex V.

EUBAM has provided an indispensable logistical support, shared their time, expertise and documents. It is clear that without their cooperation at all levels this evaluation would not have been possible. In addition to the HQ staff, it is necessary to thank the EUBAM staff from Odessa Port, Kuchurhan Rail and Road BCPs, Chisinau Field and Liaison Offices, Briceni-Rososhany Joint BCP, Giurgiulesti Port and Giurgiulesti-Reni BCP.

2. Executive summary

In 2005, EUBAM has begun its operations as an emergency, Rapid Response Mission, funded on a six months basis. It has developed into a complex and unique undertaking, whose mandate includes providing technical advice, development of Partner Services, and organising confidence-building measures related to the technical aspects of the Transnistria conflict.

After seven years of operation, the first evaluative question is whether the EUBAM is still relevant and necessary to be continued. **A clear consensus feedback is that the EUBAM key goals are yet to be achieved and their continued presence is necessary.**

Nevertheless, for all feasible options for the future have been examined and analyzed, as summarized in the chart below (more recommended options are darker).

EUBAM - FOUR OPTIONS FOR THE FUTURE	
OPTION	DEFINITION
1. No Extension	Only in cases of major economic and/or political crisis.
2. Extend with a Re-focused Mandate A. Retain the Current Implementing Partner B. Re-tender and/or Reorganise	With a amended mandate, extend for the longest period that is feasible financially a. Current Implementing Agency Retained b. Tender for a new Agency or Reorganise into a new entity
3. Transform into the EU Eastern Borders Center or Similar	Gradually recreate as another entity with a regional mandate
4. Reorganise as Two Parallel Coordinated Projects: Transnistria and EUBAM	Continue as two parallel projects

The core issue remains the Transnistria. The political solution is elusive and can be achieved only through patient, disciplined and long-term political effort. EUBAM plays an important role though its confidence-building measures, joint activities and pursuit of pragmatic solutions useful for economies of all parties. The EU's visible commitments, its "boots on the ground" are those of the EUBAM staff. As any progress is only tentative, it is absolutely essential to retain EUBAM presence on the border (at least at this segment) and its current role.

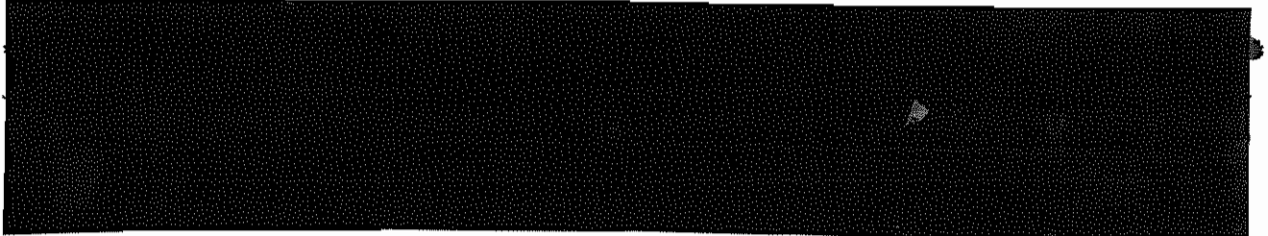
EUBAM's efforts to assist its four Partner Services to reach the EU standards in its operational capacities are also relevant and largely effective. It is necessary to acknowledge that this also is a long-term effort, where the Partner Services have **not** reached the sustainability point from which the change cannot be reversed.

More can and should be done to accelerate this development process. EUBAM needs to adopt a holistic approach and concentrate its efforts on creating the rules, structures and processes at all levels of Partner Services, in order to ensure increased sustainability. In parallel, it will be

possible and necessary to start developing an exit strategy - starting with the training programmes - and systematically determine which of the pre-set, objectively verifiable indicators from the exit strategy have been achieved and where the EUBAM can scale down its size.

There are two areas which can be considered for re-focusing and completion at this stage. Anti-corruption effort primarily focused on public education does not deter or reduce the current unacceptable level of corruption, which indeed should be a priority. For that reason, it is recommended to focus the assistance on the enforcement, i.e. investigative, internal audit and related functions and structures.

Secondly, to date, EUBAM has delivered a very extensive programme of training to its Partner Services. It is now moving in the right direction: more Train-the-Trainer events and assistance to the Training Academies to build their own capacities. This focus should be intensified and training should be gradually and systematically reduced. In particular, the general management, leadership and similar non-technical trainings need to be discontinued first - especially after the Partner Services have started to deliver such training independently.



It is also recommended to make permanent the switch from annual to multi-annual planning and budgeting in order to provide better programming and save on administrative and procurement expenses.

The future EUBAM - following the changes related to anti-corruption, training and organisational structure - may further re-focus its priorities on the issues outlined below.

The Visa Liberalization Action Plan (VLAP) requires a sustained assistance to the Partner Services in order to achieve goals set in all four Blocks. Assuming that the VLAPs are successfully completed and visas are abolished, there will be the Post-Visa Liberalization monitoring in Moldova and Ukraine, which EUBAM is uniquely positioned to perform.

EUBAM should get more intensively and directly involved in the negotiation and, later, in the implementation and monitoring of the Deep and Comprehensive Free Trade Agreements (DCFTA) with Moldova and Ukraine.

Joint Road BCPs should be perfected and their development promoted and assisted in the entire region. EUBAM can become a regional repository of experience, as well as the main advisor and monitor. Furthermore, it should assist in developing Three-way Road BCPs and Joint Rail BCPs. To ensure sustainability of best practices, it should help Moldova and Ukraine to draft regulations on the process of development of new border infrastructure.

EUBAM can and should assist in the implementation of DG TAXUD joint actions with Moldova and Ukraine, such as the introduction of the NCTS (New Computerized Transit System), further

alignment of Customs legislation, practical introduction of the Authorized Economic Operators (AEOs) and especially pre-arrival information and e-Customs initiatives.

EUBAM could assist in the development of EUROSUR-compatible systems in Moldova, Ukraine as well as in the region. When the EUROSUR becomes operational, EUBAM could assist Frontex in compiling the pre-frontier situational picture.

In order to introduce the culture of customer service and efficiency, EUBAM should help Partner Services develop and implement targeted processing time for clearance of passengers and cargo. For Customs Services, it could introduce Time Release Studies (TRS) at regular intervals, in order to monitor efficiency of clearance.

3. Note on Methodology

The methodology and the work plan were outlined in the Inception Report. For practical purposes, the work was organized into the research and data collection phase and the analysis/drafting phase. In the first part, the reports on EUBAM activities from all sources were collected. Similarly, the financial data, monitoring and audit reports were also gathered. The majority of the activity was conducting in-person interviews with all EUBAM Stakeholders - primarily the Advisory Board members - as well as with the EUBAM management and staff at all levels and various locations in Moldova and Ukraine.

Direct, first-hand data and observations are always preferable to secondary sources, such as progress reports. For that reason, field visits were organised to EUBAM Field Offices and Sub-Offices in Odessa Port, Kuchurhan, Chisinau, Briceni and Giurgiulesti and to the Chisinau Liaison Office. In the field, separate meetings were held with EUBAM staff, as well as with the Customs and Border Guards of the respective country. EUBAM field managers gave presentations and left contact details for follow-up questions.

Due to a tight schedule, a masterful planning was called for in order to examine EUBAM's operations along every one of the following three criteria ("axles"):

- 1) Geographical - to visit the northern, southern and central sections of the border, which had to include Transnistria;
- 2) Modal - to cover all types of BCP by transportation mode: Road, Rail, Sea and River; and also,
- 3) Type of Border Checks - to visit "classical" two-sided BCPs, "delocalized" BCP with checks performed only on one side of the border and "staggered" BCP where exit controls of one country are performed together with entry control of the neighboring country.

The field visits covered the Transnistrian border section, the northern and southern border sections, one river port and one seaport. This is a very good cross-section of the EUBAM's area of responsibility.

Care was taken to include all types of BCPs that are in existence in the EUBAM's area of responsibility: Road, Rail, Sea and Inland Waterway (River). Observations of border control were performed at Kuchurhan Road BCP, Reni-Giurgiulesti Road BCP and at Giurgiulesti Port BCP - Passenger Terminal.

The third axis of planning was to visit a "classical" BCP with controls performed on both sides of the border separately, as well as the innovative "delocalized" Joint BCP (Briceni-Rososhany) and one "staggered" Joint BCP (Reni-Giurgiulesti). This way, BCPs with all types of border checks were visited.

Interviews were held in a semi-structured format, in order to capture both the essence of the Evaluation Questions (EQ - *please see Annex II*) as well as to enable interlocutors to freely provide additional relevant information.

This is a short-term evaluation conducted by one consultant only and interviews were held in Belgium, Moldova and Ukraine. For that reason, even though face-to-face interviews were always preferred, busy and/or distant interlocutors were interviewed by phone and e-mail.

All interviewed stakeholders as well as EUBAM staff were almost uniformly very responsive and open and the information received can be considered reliable.

4. Determination and assessment of financial resources allocated

4.1 ALLOCATION OF FINANCIAL RESOURCES

The EUBAM's accounting system reports aggregated cost categories, such as Human Resources, Travel and similar - as it can be seen from the chart below, showing the EUBAM Financial Summary report for Phase 8. There is no ready accounting per the type of activity, as required by the ToR. Activity Based Costing (ABC) is in the process of being introduced.

ENPI/2010/256-246

Final financial report
August-12

FINANCIAL SUMMARY - EUBAM 8

All figures in Euro

Description of category	Budget	Actual expend.	Balance	%- delivery
1. Human Resources	9,224,092.00	9,236,621.90	-12,529.90	100%
2. Travel	260,840.00	274,893.12	-14,053.12	104%
3. Equipment and Supplies	462,078.00	478,162.11	-16,084.11	103%
4. Local office costs / Action costs	745,280.00	724,473.95	20,806.05	98%
5. Other costs	522,663.27	500,792.72	21,870.55	95%
6. Subtotal direct costs				
7. Administrative fee (7% of 6)	785,046.73	785,046.07	0.66	100%
8. Total eligible costs	12,000,000	11,999,989.86	10.14	100%

REQUEST FOR FINAL INSTALLMENT

Contribution Received:	11,400,000.00
Actual expenditures:	11,999,989.86
Amount to be received from EC:	599,989.86

Source: EUBAM HQ Administration, October 2012

Based on the ToR, the following four activity categories were identified and defined in the Inception Report, and are reproduced in the chart below, for ease of reference:

ACTIVITY	DEFINITION
Monitoring	Includes amongst other activities; (Joint) Exercises, Joint Investigations, Information Exchange including Pre-Arrival Information Exchange System (PAIES), Customs Fraud, Transnistria, Anti-corruption policies and Customs Protocols.
Technical Assistance	Includes amongst other activities: the creation of Joint Border Crossing Points (JBCPs) confidence building, organisational development including; legal and institutional, strategic planning, trade facilitation & Intellectual Property Rights.
Human Resource Development/Training	Includes: developing the professionalism of staff training strategies, Train-the-Trainer programmes & study visits.
Visibility	Includes the following activities; public relations seminars and conferences, public events & internships to promote the EU's visible profile in the beneficiary countries and the perception of its actions by the Border Agencies and local population.

In order to produce the chart of allocation of financial resources, the EUBAM staff were being identified with the activities and their share of respective costs proportionally also allocated to the total cost of activity. This required estimating the percentage of staff dedicated to each of the four categories, because many staff members were working on multiple activities. Activities also sometimes had more than one purpose and also could be classified into more than one category. EUBAM HQ managers made the best estimates and judgments possible in order to produce the chart below. As a result of these objective factors, the figures provided should be considered approximate.

The first chart shows EUBAM-estimated allocation of staff, by category to each type of activity. The second chart refers to financial outlays allocated per type of activity.

	Seconded personnel	Contracted international personnel	National staff
Monitoring	25%	10%	In proportion to the other categories
Technical Assistance	25%	45%	
Human Resource Development/Training	25%	40%	
Visibility	25%	5%	

Estimated Allocation of EUBAM Capacity (Phase 8 Data)

Activity	Seconded staff	Amount	National staff Field Offices	Contracted Staff (%)	National staff HQ	HR Subtotals (%)	Other Costs	GRAND TOTAL
Monitoring	25	576,637	164,709	427,354 (10%)	71,284	1,239,982 (17%)	647,720	1,887,702 (16%)
Technical Assistance	25	576,637	164,709	1,923,091 (45%)	320,776	2,985,213 (21%)	1,519,776	4,504,988 (38%)
Human Resources Development/Training	25	576,637	164,709	1,709,414 (40%)	285,135	2,735,894 (24%)	1,392,847	4,128,741 (34%)
Visibility	25	576,637	164,709	213,677 (5%)	35,642	990,664 (5%)	487,905	1,478,569 (12%)
								12,000,000

Source: EUBAM HQ, 2012

After the Human Resources subtotals, the "Other Costs" category includes items such as Travel, Equipment & Supplies, Local Office Costs, Short-Term International Experts, Other Service Costs (maintenance and repair of buildings, outside contractors) and similar direct costs. As an undistributed subtotal (€4,048,248), it represents a significant amount in both absolute and relative terms (34%), and also holds a great potential for cost savings. This refers in particular to the largest two categories - Technical Assistance and HR Development/Training, where the allocation of "Other Costs" increases both their absolute and relative amounts significantly.

The largest financial allocation is attributed to the category of Technical Assistance (38%), closely followed by the Human Resources Development/Training (34%). This is in line with the EUBAM's current priorities.

Monitoring, which includes Transnistria is very cost-effective, especially when analyzing direct costs outside of Human Resources category. It still represents 16% of the total, which is significant in terms of contemplating Option 4 - running it as a separate special initiative.

The Visibility costs are also consistent with expectations and proportionate to the relative importance of these activities to EUBAM's overall goals.

4.2. EUBAM' REPORTED AND COMPARATIVE FINANCIAL EFFICIENCY

There is a certain degree of uniqueness of EUBAM which makes it difficult to compare with other EC missions, programmes and initiatives. Nevertheless, two closest and most similar missions are EULEX in Kosovo and EUBAM in Rafah, the occupied Palestinian territories.

EULEX in Kosovo is a complex police, customs and judiciary mission. According to the European Parliament report, EULEX was described in term of staff and financing as follows (*emphasis added*):

The authorised strength of the Mission is 3,200 staff members (1,950 international and 1,250 local). On 29 March 2011, there were 2,858 staff member deployed in the Mission (1670 internationals [1339 seconded and 331 contracted] and 1180 locals).

*The current financial reference amount (for the period from 15 October 2010 to 14 October 2011) is **€165 million**. The average spending rate is **€10-12 million per month**, even with a structural deficit of some 9-10% of staff.*

A comparison of total budget per staff member shows that EULEX has 12.59 times more staff, but spends 13.75 times more than EUBAM (even if we assume the EUBAM budget of 12 million euros). Therefore, EULEX spends EUBAM's budget in one month.

Another key lesson from this comparison is that EULEX was far more successful in attracting Seconded experts. Its ratio of Seconded vs. Contracted staff is more than 4 to 1. It may be that the inclusion of three more non-EU countries has helped. In any case, this gives hope to EUBAM to adjust its own ratio of Seconded vs. Contracted experts, in favor of the former and thus achieve the corresponding cost-savings.

On the opposite side of the spectrum of Missions is the EU Border Assistance Mission at Rafah Crossing Point (EUBAM Rafah). It has a budget of €970.000 and the staff of 9 International and 8 local staff. In comparison to EUBAM Rafah, EUBAM in Moldova and Ukraine has 12.37 times higher budget and 13.35 more total staff.

In both cases, comparisons show that EUBAM in Moldova and Ukraine is in line with the per capita expenditure of similar EU missions. It bears repeating that there are many differences that significantly reduce the comparability among those missions; nevertheless, it is still a useful exercise and provides reassurance that the financial outlays are reasonable.

In addition, the **European Court of Auditors in its Special Report 9/2008 on "The Effectiveness of EU Support in the Area of Freedom, Security and Justice for Belarus, Moldova and Ukraine"**, in its Executive Summary, has concluded:

The greater part of the audited support achieved satisfactory results, particularly in the area of Border Management.

In its section on Border Management, the Special Report 9/2008, under point 15, it states that:

The financially most significant project in the area of freedom, security and justice, the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM, total EU contribution of 19,1 million euro) contributed greatly to building capacity in the Moldovan and Ukrainian border guard and customs services.

The Commission, on its part, replied that it "...welcomes the positive appreciation of the Court for the projects in the area of Border Management that represents nearly two thirds of the projects' financial weight."

It is also important to note the Special Report's comments regarding short-term financing horizon of EUBAM being incongruent with its long-term objectives. Item 18 states:

Subsequently the financing of EUBAM was characterised by the use of several short term contracts financed by different TACIS Regional Action Programmes, As a consequence, staff

contracts or rental agreements had to be renewed every few months. The Commission had not foreseen such a major long-term project (nearly one million euro per month) when programming its activities in the region.

A more recent, **Monitoring Report (MR-131946.01 of 14 October 2010)** on EUBAM, in its Executive Summary, confirmed this recommendation in this way:

The current contractual arrangements are satisfactory, but the inconsistency between the 2-year mission mandate and the yearly contracting procedure with the implementing partner and staff complicates administrative procedures.

Moreover, the Monitoring Report provides this positive comment about EUBAM's financial management:

The Mission is managed in a flexible way. For example, an Addendum to the contract (July 2010) allowed the reallocation of €457.100 from savings on salaries and current expenditures to training activities.

4.3. POTENTIAL COST-SAVINGS

Since the EUBAM budget was cut, the Partner Agencies have felt that its ability to deliver trainings and advice was visibly reduced. This can be taken as yet another indicator of EUBAM's relevance to their work.

There are many cost-saving measures adopted by EUBAM that are already proven to produce results, while preserving the quality of assistance. Some of those are outlined below:

- Substitution of expensive short-term consultants with nationally seconded experts or experts provided via international donor coordination;
- Since June 2011, more reliance on the so-called "Full Board Training" in which no cash outlays are paid to the participants. Instead, they receive lodging, three meals and an arranged transportation. If transfers are not possible, then they can get reimbursed for public transportation. Use of private vehicles is not reimbursable;
- The number of study visits was consistently reduced.

As the salaries make up 77% of the total EUBAM budget, the largest and quickest savings can be obtained in this category. Contracted International staff cost equals 45% of the total HR budget - almost half.

Further cost-savings can be obtained by increasing the number of calls for Seconded Experts in all 27 Member States (soon to be 28 MS) and by maximizing the use of Seconded Experts. The EUBAM Communications Office should get involved with the preparation of future Calls for Contributions in order to highlight the professional challenges EUBAM is providing and the quality of life in the Beneficiary Countries. A more professional, marketing approach should

result in a higher uptake of Seconded officers, particularly from the countries that have not been heavily represented to date.

If only 10 Contracted staff were replaced by Seconded staff, assuming €5.500 savings on each monthly salary, the annual savings could be estimated at $120 \times €5.500 = €660.000$. The replacement could be accomplished through natural attrition of Contracted staff, i.e. upon separation, they would be replaced only by Seconded staff.

Very unpopular and extreme measure would be to cut salaries of International Contracted staff. An across-the-board cut of €1.000 per person/month could yield savings of €504.000 annually, or over 1 million euros per a two-year budget cycle.

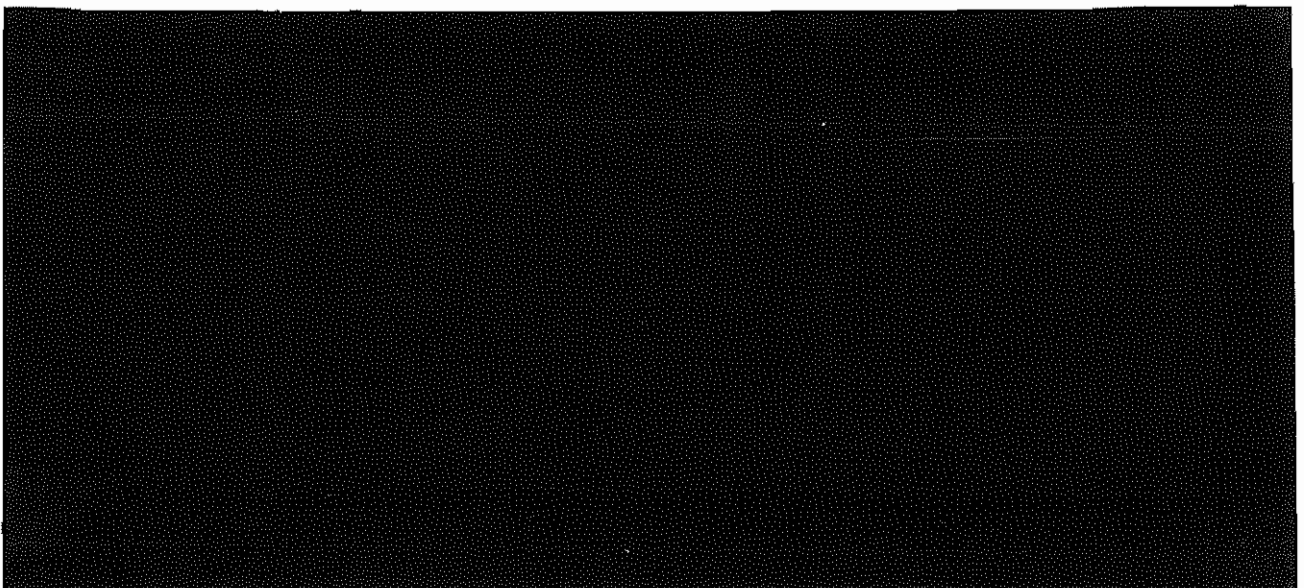
The second method would be to use an across-the-board 10% cut. If this method was used instead, the savings would need to be calculated, but the total would be lower. The reason is that the number of staff paid above the €10.000 monthly salary - the point which yields savings equivalent to the first method (i.e. €1.000 per person/month) - is small.

It should be considered as a measure of last resort, due to a deleterious effect it would have on the morale and staff motivation. Given the currently high level of dedication, it may still be feasible, but the other options outlined should be used first and thus already provide enough room for rationalization.

Another large item is the UNDP indirect cost fee of 7%. It should be stated at the outset that neither EUBAM nor UNDP can be considered inefficient. Their costs are not out of line from other comparable missions and are not excessive.

However, as the economic crisis may become even deeper, no cost should escape scrutiny and all costs must be examined in order to extricate all reasonable and possible cost savings and achieve the maximum efficiency.

If the payroll cost was reduced through substitution of Contracted staff and if the salary cut was introduced, UNDP fee would be automatically reduced as well. Nevertheless, it is possible to contemplate and attempt a further cost reduction by reducing the fee by 1% or 2%.



4.4 CONCLUSIONS AND RECOMMENDATIONS

EUBAM is run efficiently and UNDP is providing efficient administrative support. Nevertheless, cost-savings can and need to be achieved.

Firstly, EUBAM should be encouraged to continue what it has set out to do already, namely:

4.1. Discontinue trainings and activities which the Partner Services are able to deliver independently (Management and Leadership training, and other that may be identified).

4.2. Shift focus of Anti-Corruption activities to the enforcement and link the EUBAM Anti-Corruption Strategy to the GRECO Recommendations¹ (especially numbers xxii and xxiv, as related to Customs and legal entities involved in trade, such as customs brokers, respectively) and the government-wide efforts, such as the National Anticorruption Strategy 2011-2015. Discontinue the training in this area, especially taking into account those already delivered.

4.3. Internal training can also be cut or at least frozen for a two-year cycle.

4.4. Deliver the remaining trainings using the already-proven cost-savings techniques:

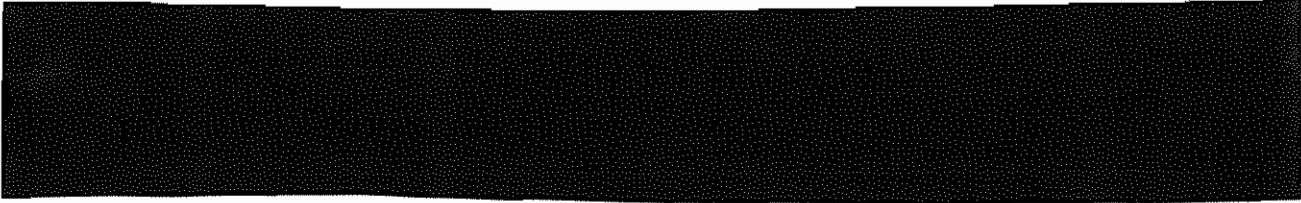
- Full-Board training,
- more Train-the-Trainer events with subsequent transfer of training function to Partner Services,
- use of Seconded instead of Short-Term Experts and
- maximizing cost-sharing with the Partner Services (for example, using their premises), and
- minimize the use of costly study visits.
- EUBAM has established a laudable donor coordination system, with tangible results obtained in cost savings. Examples include: two document advisors provided by the German and Dutch Embassies who delivered trainings for which EUBAM paid only transportation costs (Kiev-Odessa) and provided logistical support; expert on maritime security and anti-smuggling provided by the British Embassy at no cost to EUBAM, etc.

4.5. Regarding the payroll, substitute the Contracted with the Seconded staff to the extent possible.

¹ Joint First and Second Evaluation Round, Second Addendum to the Compliance Report on Ukraine, adopted by GRECO at its 54th Plenary Meeting (Strasbourg, 20-23 March 2012)

4.6. A hiring freeze can be enacted for a period of two years. During this time, following any departure of staff members, only the staff deemed absolutely critical to the Mission would be replaced. Contracted staff would be replaced only with the Seconded staff.

4.7. Mandatory rotation at 5 years' service mark should be introduced.



4.9. UNDP fee may be reduced by negotiation or the contract can be subject to a competitive tender, following the expiration of the current term.

4.10. It is possible, necessary and even desirable to request Partner Services to engage in more cost-sharing for all the activities. This could be in form of in-kind contributions, such as use of premises, equipment, transportation and other such resources, to provision of staff services, such as interpreting, as well as a participation in direct costs of activities. The Partner Services would thus become more true "partners" and would demonstrate the 'ownership" of the activities in the most tangible way. The cost-sharing will also induce Partner Services to be more selective in planning activities and more cost-conscious in implementing them. Therefore, this measure would bring both financial as well as developmental benefits.

4.11. EUBAM has kindly prepared its current Organisational Chart, together with the names of Units and Celis and numbers and types of staff for each. The structure is complete and corresponds to the EUBAM mandate requirements. There is no overstaffing. Cells and units are lean. Nevertheless, if staff reduction was deemed absolutely necessary, then a staff audit is recommended that would look at each position from a different level of criteria, in order to identify those staff positions that are "essential to the Mission" and those that are not. This evaluation - limited in its scope and the time allotted to it - can identify one position that is not "essential to the Mission," and that is the Trust Officer. It cannot be considered "essential" to have full-time counseling and psychological assistance available to the Mission.

4.12. In addition to 11 recommendations on cost-savings, it is also useful to outline how NOT to attempt to achieve savings. It requires a careful planning, targeted approach and timely explanation to the Mission staff (reasons for the cuts, how targets were selected and how long will the programme last - assuming it is not permanent).

For each measure, "costs" and benefits need to be assessed beforehand in the best possible way. "Costs" are meant as the potential negative consequences of cuts, such as lower staff morale, resignations and staff attritions, inability to deliver activities and other negative results, but not the costs in the financial sense. The benefits will be mostly financial, i.e. budgetary savings.

The challenge of cost-cutting is that negative consequences ("costs") are certain to occur at any level of cuts, but the real benefits accrue only after a certain threshold. It is therefore, necessary to identify the overall cost-savings necessary and then look at the large budget items first and the ways to achieve the savings with the least amount of disruptions. Cutting miniscule items alone brings only more dissatisfaction and not significant cost savings.

EUBAM can achieve close to €1.2 million in savings by implementing recommendations 5 and 8 alone, and even more when effects of other recommendations are added. The key is to define target level of savings and the time period in which it will be achieved.

5. Assessment of the mission's management and implementation arrangements

In this section, the EUBAM's internal management and operational structure is examined first, including the location of its HQ and geographical distribution and the ratio of the HQ vs. the field staff. This is followed by an analysis of the institutional arrangements with the EU Delegations, UNDP as the implementing partner, the four Partner Agencies and other Stakeholders.

5.1 EUBAM MANDATE, MISSION AND STRUCTURE

The basic document outlining the mandate of the EUBAM is Memorandum of Understanding (MOU) signed on 7th November 2005 by the European Commission and the Governments of Moldova and Ukraine.

The MOU describes the mandate of the Mission in Article 1 of the MOU as follows (Paragraphs 1 and 2):

The Border Assistance Mission operating under the auspices of the European Commission and its implementing partner / operator, and in close cooperation with the OSCE, will promote coordinated action of and assist the Governments of the Republic of Moldova and of Ukraine in areas involving border, customs and fiscal matters. It will provide practical advice to relevant authorities in the Republic of Moldova and in Ukraine on issues related to border, customs and fiscal matters and will support actions undertaken for the benefit of the Moldovan and Ukrainian Border Guards, Customs Administration, other law enforcement agencies, and other relevant state agencies under the European Community Rapid Reaction Mechanism and the Tacis programme. Attention will also be drawn to the envisaged project aiming at setting up a system to exchange information on customs data and border traffic between the relevant administrations of Moldova and Ukraine.

The Border Assistance Mission will assist and advise officials of the Border Guards, Customs Administration, other law enforcement agencies and other relevant state agencies on matters relating to the control and auditing of cargo and passenger traffic, including revenue collection and accounting procedures applied by the officials of the Border Guards, the Customs Administration, and other law enforcement agencies wherever such procedures are applied, be it at the frontier of the territory of respectively Moldova and Ukraine, at inland police stations and customs posts designated for the checking of documents and the clearance of goods, and at regional and central headquarters' offices of relevant administrations.

In the MOU Annex, four (4) overall and nine (9) specific objectives are described. Below is the list of the overall objectives:

Over all objectives

- a) Contribute to the implementation of the E,U ENP Action Plans with Moldova and Ukraine, the implementation of the June 2004 Council conclusions on Moldova, and the February 2005 Council conclusions on Ukraine, in particular' as regards outstanding border management issues in Moldova and Ukraine.
- b) Build up appropriate operational and institutional capacity in Moldova and Ukraine to ensure effective border control and surveillance.
- c) Contribute to the settlement of the Transnistria conflict by strengthening border control and border surveillance in Moldova and Ukraine, thus reducing possible security threats originating from this region.
- d) Improve transnational cooperation on border management.

Regarding the settlement of Transnistrian conflict, the ninth (and the last) specific objective is shown below:

- i) To make a positive contribution towards the settlement of the conflict in Transnistria and, in case a settlement is achieved within the duration of this action, to promote post settlement consolidation.

Therefore, the original intention was to achieve the settlement during the mandate of the EUBAM - if possible - and to have EUBAM assistance even in the post-settlement period.

This MOU, in only four articles and one Annex, successfully and completely defines the EUBAM's mandate, funding, organization and privileges and liabilities - as well as those of the host Governments. Despite the passage of time and intervening changes, it remains as relevant as at the time of its signature. Three successive extensions of the mandate are also a proof that: 1) the work is not complete; 2) Moldovan and Ukrainian Governments consider EUBAM successful and its continuing presence necessary.

Based on that mandate, EUBAM articulated its Mission as follows: *'To make a sustainable contribution to the development of border-management procedures that meet European Union standards and serve the legitimate needs of Moldovan and Ukrainian citizens, travelers, and trade, which in turn enhances regional security and supports economic development.'*

The EUBAM's Vision Statement was not developed and thus was not evaluated.

In response to this mandate and the stated mission, EUBAM has developed its organisational structure (the chart contains also the number of staff employed in each unit and their status - International Contracted, International Seconded or Local) as per the Annex III.

The current total number of staff is 227, of which 96 are international and 131 are local. Of the international staff, there are 54 with International Seconded and 42 with International Contracted status.

The Mission is organized into six Field Offices, Chisinau Liaison Office and the Odessa HQ. The total length of the Moldova - Ukraine border is 1.222 kilometers (with 67 BCPs) of which 470 kilometers (with 25 BCPs) belong to the Transnistrian section. Field Offices in Kuchurhan (with one Road and one Rail BCP) and Kotovsk are most directly involved with this section of the border.

For the international staff, the ratio of HQ staff to the Field Staff is 41 (43%) to 55 (57%). Even though a rule of the thumb is that no more than 10% of the staff should work at the HQ, the EUBAM HQ still cannot be considered overstaffed, especially because of the analytical, training, administrative, financial, PR and other duties, which they perform in addition to the strictly management duties.

UNDP is the EUBAM's Implementing Agency responsible for all aspects of project administration. According to the chart, it employs 36 staff (16% of the total), mostly at the Odessa HQ.

Taking into account the complexity and the number of the tasks, the length of the border and the number of and variety of BCPs, the EUBAM is efficiently staffed.

The hierarchical structure is up to three levels and thus EUBAM has a modern, relatively flat structure. EUBAM structure is also balanced and well-distributed, so that no manager exceeds the recommended span-of-control limit of eight direct reports.

5.2 MANAGEMENT, QUALITY ASSURANCE AND REPORTING

At the strategic level, EUBAM uses Common Assessment Framework (CAF) as its management tool. This is further developed by an extensive planning, reporting and quality control system at the operational level, which includes:

- Daily, weekly, monthly, semester, annual reports
- Assessments, thematic and special reports²

Management meetings are held weekly and more frequently, if needed. During the early, opening phase of EUBAM, it was reportedly held daily and also during the 2006 blockade. Thus, the management is flexible to respond to changed circumstances.

At the operational level, teams are deployed on a daily basis to the border. They typically consist of one EUBAM Border Guard and one Customs expert, driver and an Administrative Assistant/Interpreter.

In the course of daily work, they provide advice to their counterparts. At the end of each day, the number of advices is tallied and reported for the quality control. Advices are also reported and analyzed at the higher management level. EUBAM also follows up with the counterpart agencies in order to learn if its advice was followed. This constitutes a complete quality control cycle at

² EUBAM Annual Report, 1 December 2010 - 30 November 2011, page 83, refers.

the operational level. When aggregated, EUBAM management can supervise the productivity and the quality of the field staff. Performance evaluation of staff members are conducted as a part of Human Resources Management, as well as quality assurance.

EUBAM International staff consists of experienced Border Police/Guard and Customs professionals with at least five years of experience upon entry. Likewise, EUBAM senior management has decades of relevant experience. The morale is good and the staff retention is at a high level across the board. Staff often remains five and more years with the Mission.

This stability allows for a facilitated planning and better relationship development. For each work phase, forward-looking planning is conducted via Action Plans. EUBAM prepares a first draft, which is sent to Partner Agencies for comments and feedback. In the meantime, an internal strategy seminar is held, in order to evaluate results of the previous phase and identify the priorities for the subsequent phase. The final Action Plan is a detailed document, listing Specific Objectives, divided into Outputs and finally into Activities. The Activities are assigned to EUBAM staff members on individual basis.

5.3 THE EUBAM HEADQUARTERS LOCATION

The founding MOU (article 2, Paragraph 9) states that EUBAM is authorized to set up its logistics base in Odessa. There is no written document describing deliberations as to the selection of HQ location. The only recollection today is that it was decided by RELEX at the time when the Mission was being established.

Regardless of its history, the decision was a sound one and probably the only possible solution. The reasons are as follows:

- It is politically neutral -or, as neutral as possible - at least from the point of view of Transnistria. Kiev as the location would appear biased too much, Chisinau as well. There is no other major city in the area that better meets the criteria of political neutrality and provides the required infrastructure for a HQ, at the same time.
- As a logistical hub, it is superior to any other possible location in Moldova and Ukraine. It is closest to the longest section of the border and also has easy access to the most sensitive border area. In addition, it is close to both seaports and enables control of shipments from those seaports to any part of Ukraine and Moldova, including Transnistria.

5.4. EUBAM AND ITS STAKEHOLDERS

Monthly External Coordination meetings are held, chaired on a rotating basis by the Deputy Head of Mission and one of the four Partner Agencies. The location of the meeting is also correspondingly rotated.

In addition to the four Partner Agencies, the two EU Delegations in Kiev and Chisinau, and the UNDP as the Implementing Agency, EUBAM has an extraordinarily large number of other

Stakeholders. In general, those can be divided into: 1) Host Countries' State Agencies and Civil Society Organizations; 2) International Organizations (apart from UNDP); and 3) EU and EU MS Institutions (apart from the two EU Delegations).

The first group includes state agencies of Moldova and Ukraine that have responsibility for Border Management (including migration, visa and asylum issues), Transnistria, anti-corruption and cross-border crime and civil society organizations. In practice, this means Ministries of Internal Affairs, Foreign Affairs, State Security Service, General Prosecutors, Police, special anti-corruption bodies and special offices and envoys responsible for Transnistria - all this multiplied by two.

The second group includes notably OSCE Chisinau (due to its role in Transnistria issue), and the law enforcement agencies such as Interpol, World Customs Organisation (WCO) Regional Intelligence Liaison Office (RILO) for East and Central Europe (ECE), Southeast European Law Enforcement Center (SELEC - previous SECI).

The third group includes Frontex, OLAF, DG TAXUD, DG HOME, Eurojust and Europol. Regarding EU Member States, examples of co-operation include the Bavarian State Police, Polish Central Anti-Corruption Bureau, and Lithuanian Special Investigation Service.

This diversity is well-reflected in the EUBAM's Advisory Board. The Advisory Board meets every six months, discusses and approves the work of EUBAM as presented by its Head of Mission and provides guidance as to the future activities.

5.5 CONCLUSIONS AND RECOMMENDATIONS

The internal structure, management and staffing of EUBAM are adequate and efficient. There is no overstaffing in the overall number of staff, nor when looking at individual department level. The reporting and communication is functioning two-ways and coordination of this complex project deserves praise.

Below are recommendations to consider in order to improve further still the Mission's effectiveness, organization and quality of work.

5.1. It would be advisable to draft EUBAM Vision Statement and, in conjunction, develop the Exit Strategy, or at least the indicators of sustainability related to the Partner Services.

5.2. A dedicated Legal Cell staffed with legal experts (one or two) with experience in EU laws related to Border Guards and Customs would serve well the needs of Partner Service as well as the EUBAM's goal of achieving sustainability.

5.3. Out of all international staff, 59% reported good Russian language skills. It would be advisable to identify Direct Client-Facing Positions and to assign to such positions the highest possible number of fluent speakers of Russian, Ukrainian and Romanian (as appropriate for the given location).

5.4. BCP modality - Road, Rail, Sea, River - should be respected as much as possible, by assigning staff experienced in the Road, Rail, Sea, River BCPs to the respective BCP types. This would further increase the overall effectiveness of EUBAM's assistance.

6. The EU's visibility in the beneficiary countries and the visibility of EUBAM's actions

6.1 EUBAM VISIBILITY

Communications Office has a total of four staff: one International Contracted and three Local. Distribution by location is: three in Odessa and one in Chisinau. EU Visibility is its main task.

The EU visibility actions are guided by the ***Communications and Visibility Manual for EU External Actions (2010)***. The EUBAM's Communications and Visibility Strategy is in line with this EC Manual. The overall goal of this Strategy is defined as follows:

EUBAM Communication and Visibility Strategy is designed to facilitate support of the partner services, citizens of Moldova and Ukraine, EUBAM personnel, and other reference groups in order to achieve the Mission's objectives. In addition, the strategy strives to raise awareness of the key reference groups about EU's support for the Mission.

Charts below show the list of communication and visibility actions described by the EC Communications and Visibility Manual for External Actions (the first chart), followed by the extract from EUBAM Annual Report - reporting the number of EUBAM's communications and visibility actions.

Communications and Visibility Manual for EU External Actions - Tools
Press Releases
Press Conferences
Press Visits
Leaflets, Brochures and Newsletters
Websites
Display Panels
Commemorative Plaques
Banners
Vehicles, Supplies and Equipment
Promotional Items
Photographs
Audiovisual Productions
Public Events & Visits
Information Campaigns

EUBAM uses all modes of communication and visibility actions, with the emphasis on Public Events & Visits, Press Releases and on visual promotion via Promotional Items and visibility created by Leaflets, Brochures and Newsletters category (including business cards), and

Banners for the training and public events. Vehicles and premises are also visibly and regularly marked. Staff uniforms, ID cards and badges increase already strong visibility.

The actual number and type of communication/visibility actions is provided in the chart below.

December 2010 - November 2011 statistics:

	Numbers	Comments
Visits to BCPs with students	11	
Visits to BCPs, in general	22	Official delegations/others
Including Visits to BCPs with journalists	7 3	Visits of individual journalists Press-tours for groups of journalists
Number of media invitations/events/press conferences organised	7 24	press-conference Media invitations
Number of press releases issued	26	
Number of news stories drafted for eubam.org	68	
Number of study visits	1	Study visit to Germany and Austria focusing on Euro 2012, held in April 2011, 8 press-officers from UASCS, UASBGS and UA MIA participated
Number of trainings for partners	3	<ul style="list-style-type: none"> - Two workshops for Polish and Ukrainian partners focusing on Euro 2012 - One workshop for press-officers from UA and MD partner services in leadership and management
Number of publications (including number of joint publications with partners)	13	<ul style="list-style-type: none"> - 5 year progress report - JBCO Akkerman Evaluation report - Annual CBSAR - EUBAM annual report - IBM conference publication - EUBAM Security Guidelines - Football booklet - 3 year Football booklet - Volleyball booklet - EUBAM information booklet - Joint photo album with UASBGS - Joint photo album to mark 20 years of MDCS - Children's Drawing Competition exhibition catalogue
Number of partners who benefitted from training/study visits	8 13 18 18	Study visit 1 st Euro 2012 workshop 2 nd Euro 2012 workshop Leadership training
Number of university lectures facilitated	25	18 – in Ukraine 7 – in Moldova
Number of students that attended lectures	500	
Number of school presentations	53	
Number of children who attended presentations in all KWLs	2.460	
Number of road shows	15	
Number of students who attended summer schools/camps	49	25 Summer school "Borders of Europe", 24 Summer Camp
Estimate of number of responses to requests for information/interviews from press/academic researchers	2 students requests, 1 interview for Infotag, 1 article for FinConsult, 1 request for pics for DEVCO	

Source: EUBAM 2011 Annual Report

An important achievement of EUBAM Communication Office is provision of multilingual information panels at BCPs, showing key customs and border regulations to travelers.

Another important communication and visibility tool for EUBAM is its trilingual website: www.eubam.org. It contains updated information about EUBAM's achievements and events and links to the main Partner Agencies, EU Institutions and Civil Society Organizations. The Mission is described in a coherent and comprehensive way, with good visual content and the main documents (such as the MOU, EU decisions and others) are no more than two clicks away - which is considered a best practice in website design.

The results versus targets can be summarized as follows:

To ensure that at least 80% of representatives from the partner services are well informed about EUBAM's activities and satisfied with information received from the Mission (baseline from the External Survey 2009 – 74%).

To ensure that at least 60% of people in the EUBAM working locations are aware about the Mission's role, mandate and contribution to border management (baseline from EUBAM Awareness Survey in 2009 – 56%).

6.2 CONCLUSIONS AND RECOMMENDATIONS

The EUBAM Communication Office has done an excellent work, which, however, can be improved further still, as per the recommendations below.

6.1. The website can improve distribution of its content by developing an RSS syndication.

6.2. Even though the website traffic ranking is not a priority, introduction of more interactive content would increase its effectiveness and the reach. The current www.alexa.com ranking is 24,126,781, which is low and contributes to the inability to achieve target awareness of 60% among the local population.

6.3. Media mix should include an increased presence in visual media (TV, local and national) in order to increase the reach among the business community and the active adult population. An increased coordination with the EUD counterparts may help to pull in larger media houses, while saving the resources.

7. Relevance

7.1 SUMMARY

- Relevance = The extent to which the aid activity is suited to the priorities and policies of the target group, recipient and donor.

EUBAM Result: 4 (on 1 to 4 scale, 4 being the highest)

- Very good and constant coordination with the Partner Services and other Stakeholders
- Responsive & Flexible
- Additional Relevance Due to Visa Liberalization, Deep and Comprehensive Free Trade Agreement, Border Demarcation, and other Emerging Priorities
- BUT: Partner Services will change focus in the future

7.2. HIGH LEVEL OF STRATEGIC CONVERGENCE

Strategic goals of Partner Services and EUBAM are highly compatible and mutually reinforcing. While the partners desire to improve their capacities, performance and complete their part in achieving closer association with the EU, EUBAM is assisting in those efforts, because it is in its mandate and, ultimately, better border control at the doorstep of the EU directly serves its interests. The results are beneficial to both parties and, for that reason, EUBAM has been praised by the Partner Services and its mission extended.

There is always a room for improvement. EUBAM has already established an extensive relationship with the academic community in both beneficiary countries, which should be replicated in respect to the business community. Meeting at regional level in Vinnitsa (Ukraine) was a good initiative, but more can and should be done. The business community, including the traders (importers and exporters, Chambers of Commerce, and similar associations, such as the European Business Association in Ukraine - EBA³, which has an office also in Odessa), freight forwarders, customs brokers, transportation industry and travel companies are most directly interested in improving the access to and from the EU. Including them more often and more directly into consultations and planning of activities can only reinforce the relevance of EUBAM's activities, because they would now better reflect trade facilitation agenda and the need to adopt EU standards.

Another area where business community could provide an useful input is in planning and performance evaluation. EBA Ukraine has its Customs Committee which issues semi-annual

³ DG TAXUD cited EBA as one of the two reliable sources on developments in Ukraine.

Customs Indexes, with a number of useful statistics showing the real results of Customs achieved at the borders.

7.3. NEW PRIORITIES INCREASE EUBAM'S IMPORTANCE

During the course of the recent years, both Moldova and Ukraine have taken bold steps towards an eventual EU membership. In Moldova, in particular, the Government has declared it a strategic priority. As a result, both countries are implementing Visa Liberalization Action Plans (VLAPs) and negotiating Deep and Comprehensive Free Trade Agreements (DCFTA) with the EU. There is a host of other developments in relations between the EU and the two EUBAM partner countries, such as: open sky negotiations, energy community and the recent Strategic Partnership in Customs between the EU and Ukraine.

The implications for EUBAM are clear: a large number of items that need to be implemented by Moldova and Ukraine under both VLAPs and DCFTA include issues that are closely related to the EUBAM's original mandate - for example: border control, IBM, asylum, visa, refugees, document security, harmonization and simplification of customs procedures, rules of origin, classification and valuation, accession to relevant EU and international conventions and other.

Therefore, there is no need to change EUBAM's original mandate for EUBAM to be relevant to the new emerging priorities: for example, by providing advice on improved border controls compliant with the Schengen Acquis, EUBAM is fulfilling its original mandate AND, at the same time, it is assisting the beneficiary countries meet one of the requirements from the Visa Liberalization Action Plan.

As the negotiations and implementations are long-term processes, they provide EUBAM with equally long-term tasks, that will consist in the following:

- 1) Assist the partner countries achieve the benchmark requirements as outlined in VLAPs and also assist them in preparing documents and generally conducting negotiations on DCFTA
- 2) Provide assistance to the EUD and competent DG, such as DG Home and DG TAXUD in assessing and monitoring the progress on the ground - task for which it is uniquely qualified and placed
- 3) Provide assistance in monitoring an eventual Post-Visa Liberalization progress as well as in the correct implementation of DCFTAs with both countries.

Both processes are progressing. Moldova is already in the second phase of the VLAP and Ukraine expects to follow it soon. DCFTA takes longer time and is more complex, making the assistance all the more important.

Frontex is another beneficiary of EUBAM's assistance. It highly appreciates EUBAM's cooperation in establishing its Coordination Points project at Moldova-Ukraine border and is willing to consider various modes of cooperation in the future, including EUBAM's contribution to establishment of EUROSUR-compatible systems in Moldova and Ukraine.

It is also practically certain that DG TAXUD, DG HOME and other EU institutions in their relations with Moldova and Ukraine, which are also pertinent to any aspect of border management can, will and should look to EUBAM to provide updated and reliable information from the field, monitor any agreements reached and advise as to how to resolve any eventual controversies and dilemmas. EUBAM's value added is evident here and an alternative simply does not exist at this time.

7.4 GOOD QUALITY, PARTICIPATIVE, FLEXIBLE PLANNING AND IMPLEMENTATION PROCESS

The relevance of EUBAM's work is directly related to the existing planning process, which provides for multiple point of entry of input and is thorough. Maintaining the quality of the process will be a challenge, but it is essential to keep the current level and fine-tune it, by introducing a slightly varied mix of inputs - primarily the business community (please see above). It is also necessary to implement Action Plans in a flexible way, allowing for emerging priorities to be included or combined with an ongoing action - to an extent possible - on a short notice.

The key words are flexibility and accountability: ability to change course quickly when necessary and the ability to learn lessons from the previous Action Plan cycle and apply them to the following one.

7.5. CONCLUSIONS AND RECOMMENDATIONS

- EUBAM's activities are relevant to the implementation of its mandate, to its Partner Services and to the EU Delegations in Moldova and Ukraine. Its original mandate remains relevant. In terms of the estimated/expected completion of the Mission's mandate, there is a notable difference between (1) the activities related to Transnistria and (2) the capacity building and related activities. The first set of activities requires an estimated ten years (or more) for completion⁴, whereas the second set of activities can mature- and be terminated - in a staggered fashion (i.e., at various points of time) and definitely in a shorter time period.

In addition, there is also an opportunity to increase EUBAM's overall relevance by including more often and more formally the business community into the EUBAM's planning and implementation process. This would demonstrate to Partner Services in practice one of the key principles of EU values and the compliance with the EU Customs Blueprints.

Recommendations:

7.1. Both in planning as well as in implementation of its Action Plans, the Mission should involve more directly also the business community, perhaps through its associations.

⁴ It can only be estimated at this time; however, it certainly will be a long time period.

7.2. The difference between Transnistria-related and capacity building Mission activities need to be examined for a possible reorganization along the lines proposed under Option 4 (please see below in Section 12).

- New priorities - such as the VLAP, DCFTA and other - strongly overlap with the Mission mandate. It is only natural and logical to seek to exploit the synergies and make each Mission activity assist in the achievement also of such new priorities.

Recommendations:

7.3. EUBAM can and should get more explicitly involved in initiatives that most directly relate to its original mandate. Good coordination is necessary in order to exploit the synergies and take advantage of EUBAM's presence on the ground.

- Even more flexibility and accountability can be built into the planning and implementation system. EUBAM can successfully serve a larger number of Stakeholders (for example, the business community) and new initiatives (for example, VLAP, DCFTA and others) through creative planning and interpretation of its original mandate, and its amendments, if necessary.

Recommendations:

7.4. The Action Plan system needs to be revised in order to take into account changes recommended under the previous two recommendations (i.e. the Stakeholders involved and the scope of the mandate). If necessary, the amendment of the mandate should be proposed.

8. Efficiency

8.1. SUMMARY

- Efficiency = measures the outputs -- qualitative and quantitative -- in relation to the inputs. It is an economic term which signifies that the aid uses the least costly resources possible in order to achieve the desired results.

EUBAM Results: 3

- Efficiency of the EUBAM structure
- Legal Cell (needed) and Trust Officer (not essential)
- Better matching staff skills with the most appropriate roles & the most efficient locations
- One set of rules, one currency - streamlined, cheaper, more efficient administration
- Activity-based Costing (ABC) to allow for better allocation of indirect costs and eventual savings

8.2 ORGANIZATIONAL STRUCTURE AT ALL LEVELS

EUBAM is a complex and large mission and its structure necessarily reflects this complexity. Nevertheless, it is an efficient structure at all three levels of organization, i.e. when analyzed as a whole, or by unit, vertically and horizontally, as well as when looking at how efficient is staffing, i.e. work output per staff member.

As stated earlier in Section 4, the total number of EUBAM staff is adequate to the number and complexity of tasks for which they are responsible. The output is certainly impressive, in terms of trainings provided, advice given, joint actions taken and by any other measure of performance.

EUBAM has been regularly audited on its financial management, and it was also subject to monitoring and evaluation regarding its efficiency and effectiveness in the context of the EU programmatic support and the EU worldwide IBM assistance. KPMG Bratislava financial audit was being completed in parallel to this evaluation and thus the final results were not available. The results of the reports that were made available for review - the Monitoring Report 2010 and the Court of Auditors Special Report 2010 - were clearly positive.

Analyzed as a whole, EUBAM comes out as efficient in terms of staffing and financial efficiency, when compared to the two most relevant EU missions (please see Section 4 above).

Its vertical structure of three levels is typical and its structure into Units and Cells as well. The subdivisions utilized correspond to the requirements of the mandate and are certainly not

excessive or superfluous - on the contrary, it could be recommended to establish a Legal Cell with one or maximum two staff members, in order to better meet the needs of Partner Services for this type of assistance.

It is also necessary to stress that the creation of the Legal Cell in no way implies hiring new staff, because there are already legal experts in EUBAM that can be assigned to the new Cell. The benefit here is not financial, but of better focus and reallocation of resources to a priority that needs to receive more attention. *(Recommendation 5.2. already addresses this issue and will not be repeated under Conclusions and Recommendations below).*

When looking for units or cells that can be rationalized, the only cell that could be considered for closure is the Trust Officer (one staff). This position is useful and needed, but not absolutely essential - therefore, the issue is what criterion to use: a stricter one, where non-essential positions can be reduced for efficiency and cost-savings, or the more inclusive criterion of whether a position adds value to the Mission. *(Recommendation 4.11. relates to the discontinuation of the Trust Officer from the cost-savings aspect and thus will not be repeated in the Conclusions and Recommendations section below).*

At individual level, EUBAM staff carries a significant workload. Territorial deployment, including the location of the HQ already can be considered optimized. Opening sub-offices closer to the BCPs (in EUBAM terms: Key Working Locations - KWLs) is excellent from the standpoint of staff morale and efficient use of staff time, and reduction of wear and tear of vehicles and gasoline expenses.

Another efficiency measure would be to maximize the number of EUBAM staff speaking the languages of Partner Services who directly interact with the counterparts (Direct Client-Facing positions). Reducing the use of interpreters and improving the communication with the counterparts - being faster and more direct - would be the main benefits of this initiative. It is necessary to stress that this recommendation should not be interpreted as a mandatory requirement for EUBAM to hire only experts speaking official languages in Moldova and Ukraine - only to prioritize deployment of such staff to positions where they can best utilize those language skills. *(Recommendation 5.3. addresses the linguistic skills and thus will not be repeated in the Conclusions and Recommendations section below).*

Financial efficiency and potential cost-savings measures were analyzed in Section 4 above.

8.3 PROCESSES AND COMMUNICATIONS

The key planning and management processes are developed and their efficiency is time-tested. The development of Action Plans for each phase is particularly important, as it involves EUBAM Stakeholders. This is further cascaded into individual work plans, which serve also as a basis for performance evaluations. The system requires a significant effort and coordination: however, it provides an orderly mechanism for planning, implementation and evaluation, and, it serves well all these purposes. Reporting is extensive and also in the function of providing management

information and quality control. Communication is developed throughout the organization and in all directions - vertically and across the units. Every effort should be made to streamline the system; however, it can be considered efficient, given the large number of EUBAM staff, as well as different Stakeholders of at least three types: the EU, Moldovan and Ukrainian.

Based on a sample of reviewed EUBAM reports and work products, they are not regularly - or at least not always - attributable to an identified staff member or members. In order to increase accountability and improve quality control and performance evaluation, it is recommended to introduce a policy of identifying author(s) of reports by name.

UNDP has instituted its equally proven Human Resources, financial and administrative rules and procedures. However, a certain duality between the EU and UN rules resulted in a need to obtain derogations and develop tailor-made solutions for EUBAM. For example, the UN calendar of holidays does not correspond to the EU calendar. Accounting and payments are in more than one currency (euros and US dollars, as well as the two local currencies). Certain staff regulations regarding contracts, mandatory rotation and compensation were also different. While these issues were overcome, it serves as a reminder that working with an EU-based entity would eliminate this duality and streamline the administration under one set of rules.

Implementation of another ongoing initiative - introduction of the Activity Based Costing (ABC) - needs to be accelerated. It holds the potential to identify further cost savings and improve utilization of resources.

8.4. CONCLUSIONS AND RECOMMENDATIONS

- EUBAM structure can be considered efficient in terms of use of staff and financial resources to achieve its mandate. Its structure, analyzed in terms of the organization, organizational units and individual staff is also satisfactory. Nevertheless, there are opportunities to improve EUBAM efficiency by small changes of its structure, while the total staff number would remain the same or be reduced by one.

Recommendations

8.1. It is recommended to introduce a policy of identifying author(s) of reports -external and internal alike - by name.

8.2. Continue to explore Key Working Locations (KWL) for an optimal efficiency in the use of staff time, vehicles and gasoline. Opening sub-offices as close as possible to those BCPs that are far away from Field Offices promotes efficiency, driving safety and staff morale.

- EUBAM management, planning, financial management, communication and administration processes can be considered efficient and were certified as satisfactory by successive monitoring and evaluation missions. Nevertheless, there are opportunities for improvement related to the conflict of rules between the EU and UN. An EU-based entity that would

operate in euros and under EU rules would simplify administration and possibly provide cost-savings. Another opportunity to increase efficiency of financial planning and identify cost savings is the ongoing introduction of Activity-based Costing (ABC), which should be prioritized.

Recommendations

8.3. Activity-based Costing (ABC) introduction should be prioritized in order to better identify indirect costs and eventual cost savings.

8.4. If an EU-based entity, under EU rules and regulations and operating in euros could administer the Mission, the complexity and the associated costs could be reduced (please see Option 2 B below).

9. Effectiveness

9.1 SUMMARY

- Effectiveness = A measure of the extent to which an aid activity attains its objectives

EUBAM Results: 3

- Good overall results, especially with Transnistria confidence building
- Border demarcation close to completion
- Pre-arrival Information Exchange System (PAIES)
- Joint Border Crossing Points
- Replicable models
- Focus on BCP Efficiency
- Discontinuing certain trainings and activities, such as anti-corruption summer schools, management & leadership training
- Refocus of some activities

9.2 GOOD OVERALL RESULTS ESPECIALLY WITH TRANSNISTRIA CONFIDENCE BUILDING

There is a wide consensus that EUBAM has been effective in implementing its mandate. Results are tangible: Partner Services have improved their operations, new laws and procedures have been introduced, law enforcement results, measured in numbers of seized vehicles and contraband articles are impressive.

Moreover, EUBAM has achieved good results in providing support to confidence building measures regarding the Transnistria issue. This is the most sensitive and complex EUBAM task. EUBAM's role is to provide practical solutions to customs, trade and transportation to and from Transnistria and to assist with the implementation of Joint Declaration. This work is coordinated within the overall political effort to settle the conflict in the "5+2 format." To date, EUBAM's contribution was clearly positive. A recent EC report - *Implementation of the European Neighborhood Policy in the Republic of Moldova - Progress in 2011 and Recommendations for Action* (May 2012) summarized the progress as follows:

Conflict prevention and confidence-building

Good progress can be reported as regards cooperation on the Transnistrian issue. Official talks in the '5+2' format resumed in Vilnius on 30 November, with active participation of the EU. The political representatives from Chisinau and Tiraspol met regularly, and the Prime Minister met with the Transnistrian leader a number of times, most importantly in September in the margins of an OSCE-sponsored conference on confidence building measures. In December a major

political and generational change took place in Tiraspol, when Mr. Shevchuk replaced Mr. Smirnov as leader of the breakaway region. This may have in the medium term a positive impact on the negotiating process.

A lot of careful planning, discipline, time and patience is necessary to achieve progress on this issue. The political headwinds are strong and the timeframe needed to reach any solution can only be estimated - the only certainty is that it will require years and not just a few. Any let up or a misstep can easily undo years of patient networking. The best metaphor that describes the process is *strolling through a minefield*: the only way to proceed is slow and careful, and even then there is a risk is that everything can be lost.

For this issue, EUBAM has one dedicated staff member, reporting directly to the Head of Mission. This arrangement is efficient and transparent and is clearly one of the reasons behind the EUBAM's success in this segment. It is also highly appropriate to involve the top level managers with issues related to political processes, such as Transnistria. In addition, whenever a dedicated and identified person is responsible for a clearly identified task, accountability is greatly improved and good results can be expected.

As a part of the assistance package, EUBAM participated in the process of **border demarcation** between Moldova and Ukraine, which is reportedly close to completion, including the Transnistrian sector.

Roundtables, trainings, study tours, even sport activities as well as any other forms of joint activities between Moldovan and Transnistrian counterparts are some creative ways of building confidence, while at the same time building capacities. Whatever the form of the activity, its ultimate confidence-building goal should not be overlooked.

Resumption of rail freight traffic to and from Transnistria is another practical result achieved with the EUBAM's technical assistance.

9.3 REPLICABLE MODELS

Over the years, EUBAM was effective in creating useful and practical solutions to real-life issues related to Border Management procedures and infrastructure in Moldova and Ukraine. Those EUBAM's achievements that can be considered innovative and pioneering in the region and even worldwide are highlighted in this sub-section.

From 2008, the **Pre-arrival Advance Information Exchange System (PAIES)** is the IT platform that allows exchange of information between Moldovan and Ukrainian Customs. Regional Customs Administration has expressed an interest in developing a similar solution on their borders with Ukraine and elsewhere. Advance information is quickly becoming a norm in the EU, Eastern Europe and worldwide. For that reason, this IT solution and related Customs standards and procedures can be considered a replicable model at least on a regional scale. If properly applied, such a model can save time and money to the new implementers and help

them to avoid mistakes and minimize risks inherent when developing any new complex IT solution.

Joint Border Crossing Points (JBCPs) are an innovative and cooperative way of organizing border checks. JBCP is a BCP where two neighboring countries complete some or all of their checks in one location. World Bank has developed a typology of JBCPs with plans and names of different types of Joint BCPs, according to which the Briceni - Rossoshany JBCP is "delocalized" and Giurgiulesti - Reni JBCP is "staggered". In the first type, all border checks are performed in one location, which is entirely on the territory of one of the bordering countries (in this case, in Ukraine). The second type retains the traditional infrastructure on both sides of the border, but exit controls of one country is performed jointly with entry controls of the host country.

EUBAM can be proud of having overcome significant procedural and legal issues related to the establishment of this type of joint infrastructure. In addition, the relationship and the level of trust of the two sides had not been ideal, before EUBAM's assistance.

Taken as a package - an infrastructure plan, joint procedures and legal acts - this also is a replicable and desirable model for future Border Management in the region and even worldwide.

Introduction of Single Window systems in the beneficiary countries and e-Customs initiatives is another area where EUBAM needs to provide assistance. This work also creates replicable regional models, such as laws, regulations, procedures and IT applications.

Even experiences in resolving "**frozen conflicts**" can, to some extent, be considered replicable in similar environments. This refers in particular to measures, activities undertaken, memoranda resolving certain customs issues and regimes and similar written products.

9.4 ANTI-CORRUPTION ACTIVITIES

It is highly improbable that any Mission would be effective in all its activities, however carefully they might be planned and however enthusiastically implemented. EUBAM's anti-corruption activities are targeting results in a very long future (decades) and even then it is not possible to be sure that the current fundamental framework of perverse incentives and disincentives will be altered sufficiently to allow for change to take place.

Anti-corruption schools, competitions, study trips and even trainings on ethics for Customs Officers can have effect in different environments. Countries with endemic and pervasive corruption, bordering on impunity, can be reformed with a concerted and sustained effort from the top (political will), specialized anti-corruption institutions and laws and a vigorous and effective enforcement. If EUBAM were to be effective on this issue, the focus of its anti-corruption activities would need to change completely.

As this issue was described under Section 4, in respect to cost-savings, recommendations will not be repeated here. As a conclusion, this is both the issue of effectiveness, as well as of cost-

savings. By terminating these activities, cost-savings can be realized. By refocusing the activities to law enforcement - for example, to developing Internal Audit function within the Partner Services - cost-savings may be lost, but an effective action against corruption would be taken.

9.4 FOCUS ON BCP EFFICIENCY

Border Agencies have traditionally retained a strong law enforcement focus. They were expected to arrest and punish violators, seize contraband and complete other law enforcement actions. They were - and continue to be - evaluated on basis of such metrics.

In comparison, the focus on trade facilitation and BCP efficiency is much more recent. Also, its natural constituency is outside of the Border Agencies - in the business community, which wants efficient clearance of cargo and in the general public, which requires speedy clearance at airports, seaports and land BCPs.

Customs, in particular, is challenged by this dual mandate, which appears to require contradictory actions and priorities. As a rule, trade facilitation and efficiency, being more recent priorities, require a larger effort to explain and to inculcate into the culture of Border Agencies as co-equal priorities.

In order to effectively introduce the culture of customer-friendly and efficient operations, it is necessary to create and enforce good time standards for clearance. This should be done systematically for various types of border checks - whether performed by Border Guards/police or by Customs - and at various types of BCPs - airports, seaports, road and rail BCPs.

9.5 CONCLUSIONS AND RECOMMENDATIONS

- EUBAM work - with minor exceptions - can be considered highly effective. In particular, confidence building measures and other Transnistria-related work has been successful to date and will need to be continued for years to come. Disengagement would cancel results of multi-annual efforts and is not an option. In order to ensure steady funding, it may be advisable to consider the special multi-annual funding source for this component alone.

On the other hand, anti-corruption activities as currently practiced cannot produce results before the end of EUBAM's mandate and should be either discontinued or changed to focus on assistance to anti-corruption enforcement.

Recommendations

9.1 Continue funding and supporting EUBAM across the range of its mandate. Transnistria issue remains pertinent and will require a longer time horizon in terms of programming and funding than any other component. For that reason, Option 4 has been developed - please see Section 12.

- EUBAM has produced innovative Border Management solutions, such as the plan for two types of Joint Road BCPs and Pre-Arrival Information Exchange System (PAIS). At the same time, introduction of Single Window systems and e-Customs initiatives is expected to proceed in Moldova and Ukraine - and can also be replicated in the region. These can be considered replicable models and should be distributed regionally or even wider.

Recommendations

9.2 EUBAM's knowledge, experience and replicable models should be preserved and disseminated. For that reason, Option 3 has been developed - please see Section 12.

- Efficiency of processing cargo and passengers at BCPs of all types (road, rail, air and sea) is a relatively new and under-developed priority for Border Agencies everywhere. EUBAM can and should assist its Partner Services to develop and monitor specific time standards for identified types of border checks, for each type of BCP - road, rail, air and sea. If successful, this can function as an indirect anti-corruption measure, because it will eliminate a tool for bribe extortion from passengers and truckers

Recommendations

9.3 More focus should be put on the new and the most unfamiliar: trade facilitation. In order to make an effectively promote efficiency of processing, Partner Services should receive assistance in developing and monitoring specific time standards, for specific border check operations and according to the type of BCP: road, rail, air and sea. Business community could provide monitoring input as well. World Customs Organization (WCO) Time Release Studies (TRS) should be introduced. EUBAM could help Moldova and Ukraine expand their participation in the International Road Transport Union (IRU) Border Waiting Times Observatory (BWTO). Please see below a map showing participating Road BCPs in the Baltic area.



10. Potential Impact

10.1. SUMMARY

- Impact = The positive and negative changes produced by a development intervention, directly or indirectly, intended or unintended

EUBAM Result: 3

- Impact was Good (for example, Customs has substantially reduced the number of physical inspection, Joint BCP has improved the clearance times)
- Potential Impact is even greater – a more strategic approach needed

10.2 EUBAM'S GOOD IMPACT

EUBAM has made good impact on Partner Services in many ways, of which some of most important and visible will be recounted in this sub-section.

- Constant advice and daily contact with the EUBAM experts has resulted in Partner Services' staff adopting a more professional attitude and taking on board advice regarding work processes.
- It is reported that Customs, for example, have reduced the number of physical inspections significantly.
- The customs laws and regulations were simplified and changed to be closer to the EU standards.
- Authorized Economic Operator (AEO) concept was introduced into both Partner Countries.
- Moldova and Ukraine exchange customs information electronically, using an advanced IT platform - PAIES.
- At Briceni-Rossoshany Joint BCP, clearance times have been reduced 15-20%.
- Immigration cards were phased out in Moldova and Ukraine.
- Border Guards of Moldova and Ukraine exchange operational information **and** jointly patrol the Green and Blue Borders.
- Two joint Task forces were set up and they now operate: Task Force Arms and Task Force on Cigarettes.
- In several Joint Operations, involving Partner Services, EUBAM and one or more international Law Enforcement Agencies (such as SELEC, OLAF, Frontex, Bavarian State Police), vehicles, cigarettes, forged documents, and narcotics were seized. In Megara operation alone, 61.4 millions of cigarettes were seized (12 million euro value) - the largest

seizure of cigarettes in Europe in 2011. Moldovan Information and Security Service won SELEC's annual award for its role in the seizure.

- Moldovan Government approved the National Integrated Border Management (IBM) Strategy 2011-2013 and Ukrainian Cabinet of Ministers approved IBM Concept and the subsequent Action Plan for the Implementation of IBM Concept.
- Post Clearance Control Directorate was created in Moldovan Customs at the central level.

All these positive changes would not have happened without EUBAM or would have occurred at a much later stage. EUBAM's presence alone is having a positive impact, because:

- ✓ It is a visible proof of the EU's commitment;
- ✓ It spurs Partner Services to cooperation with each other and to work towards the EU approximation;
- ✓ It deters corruption;
- ✓ It enables confidence-building measures with Transnistria to be implemented.

10.3 POTENTIAL IMPACT WITH A MORE STRATEGIC APPROACH

As successful as it is, EUBAM's impact can be larger still, if a more strategic approach was taken. In practice, it means all of the above:

- Enlarging the number of Stakeholders beyond the Partner Agencies - in particular by engaging the business community (as proposed earlier) for input, ideas and monitoring support;
- Considering enlarging the mandate at least geographically (as a regional one), while simultaneously introducing priorities into the Action Plan;
- Building durable structures for interagency and international cooperation, capacity to operate such structures (human and technological) and the legal framework necessary to support such cooperation; and,
- Using the network of regional and international cooperation to disseminate replicable models with partners.

10.4. CONCLUSIONS AND RECOMMENDATIONS

- EUBAM has made a considerable impact on Partner Services in all fields of their work: legal, organizational, procedures and infrastructure. In order to further increase its impact, EUBAM should adopt a regional and strategic approach.

Recommendations

10.1 EUBAM should be allowed to cooperate on a regional basis, exchange and further develop/refine replicable models relevant to the Border Management (for example, compatible

IT solutions to exchange operational confidential information in the languages of the region). While its geographical scope is extended, the planning process should become more disciplined and introduce prioritization of activities.

10.2 Durable structures (organizational and technological) for interagency and international cooperation should be developed by Partner Services. EUBAM should assist in setting up such structures and enable Partner Services to operate them independently.

10.3 Moldova and Ukraine, with the assistance of EUBAM, need to develop Data Protection legal and regulatory framework fully compliant with the EU standards.

10.4 For better international cooperation, EUBAM should assist Moldova and Ukraine to become parties to and to successfully apply relevant UNECE and other international conventions.

11. Sustainability

11.1. SUMMARY

- Sustainability = concerned with measuring whether the benefits of an activity are likely to continue after donor funding has been withdrawn

EUBAM Result: 3 (due to rounding)

- Not built into every activity, especially in earlier stages
- Need to systematically build up the structures, the legal framework and the processes
- EUBAM Vision – to be Developed
- EUBAM Exit Strategy – to be Developed

11.2 TREND TOWARDS MORE SUSTAINABILITY

EUBAM started under the Rapid Reaction Mechanism (RRM) and was funded initially for six months. Sustainability was the least of its concerns then. Results were expected in a long term, which could not be defined at the time.

As its work and focus shifted more to capacity development and less on monitoring and daily operations, it became more concerned with long-term development effects and sustainability.

Recently, more sustainable activities have been undertaken by EUBAM, including, but not limited to:

- More Train-the-Trainer (ToT) trainings that develop a pool of qualified trainers for Partner Services;
- Development of Training Academies and other Partner Services' training structures;
- Development of Public Relations Offices to undertake a whole range of PR, Public Education and Communications functions;
- Partner Services delivering independently Management and Leadership trainings.

This development towards more sustainability should be further accelerated and managed in a systematic way.

11.3 BUILT-IN SUSTAINABILITY

Every future EUBAM activity should be planned for sustainability. This element of developmental work should become a priority for EUBAM planning and implementation.

In other words, EUBAM will build in sustainability into its Action Plans. In order to achieve that, plans should contain assessment of actions needed to develop Partner Services' **institutional structure, legal framework and procedures**. EUBAM should assist in the development of these three key elements in order to ensure that sustainability is achieved.

11.4 DEVELOPING VISION AND EXIT STRATEGY

Even though EUBAM is not an organization/institution with indefinite life, it is a long-term Mission, which is sufficiently similar in order to make it meaningful for it to develop its Vision. The Vision will necessarily reflect the future state when, most likely, EUBAM has succeeded in assisting the Partner Services achieve EU standards in their core operations. Similar goals can be set, as long as they are realistic, achievable and describe a sustainable and satisfactory development of Partner Services.

In that sense, EUBAM's Vision is also its Exit Strategy: by achieving its Vision, it loses its *raison d'être*. The difference between the two documents is that the Vision describes the future in terms of EUBAM's development and achievement, while the Exit Strategy describes Partner Services and the indicators of their development, that allow us to conclude that they have achieved EU standards (in selected areas or up to selected targets) and that their development is so advanced so as to be irreversible. This would then allow an orderly completion of the Mission.

11.4. CONCLUSIONS AND RECOMMENDATIONS

- EUBAM's evolution towards more sustainable activities has been gradual and is still ongoing. It needs to be encouraged further and managed in a systematic way.

Recommendations

11.1 In the future Action Plans, for each area of action, analyze systematically what - if any - institutional structures, legal/regulatory acts and procedure need to be developed in order for Partner Service to change in a sustainable way. Certify in what areas further training is not needed.

- There is a need to develop EUBAM's Vision as well as the Exit Strategy. The two documents are closely related and should be developed in parallel.

Recommendations

11.2 In cooperation with Partner Services, EUBAM should start developing its Vision and Exit Strategy. It should define its own development and achievement for the future (Vision), as well as the level of development and Objectively Verifiable Indicators (OVI) that will be used to determine that Partner Services have achieved a sustainable change and thus do not need this type of assistance any longer.

12. Findings and Recommendations for Future Assistance

PART NOT TO BE DISCLOSED

ANNEXES

Annex I: Description of the Assignment

(SUMMARY OF THE TOR)

Global objective:

To contribute to the improvement of EU-funded assistance to the Republic of Moldova and Ukraine

Specific objectives:

To help identify strengths and weaknesses of EUBAM assistance delivered in the past seven years (EUBAM phases 1 to 9);

To contribute to the definition of future programming needs in this area, in particular for assistance budget from 2014 onwards

Requested services, including suggested methodology:

There are a number of specific issues that should be addressed during this evaluation. These are in particular:

- Determination and assessment of financial resources allocated per topic and per type of assistance (monitoring, technical advice, training, etc.);
- Assessment of the Mission's management and implementation arrangements;
- The EU's visibility in the beneficiary countries and the visibility of EUBAM's actions

Recommendations on future directions of assistance in this area

Methodology to be applied in the evaluation:

The **relevance** of the past and proposed future assistance in terms of appropriateness of the Mission's objectives and activities to the problems that they are supposed to address, including compatibility, coherence and possible synergy with other actors in the sector

The **efficiency** of the assistance in terms of how well activities transformed the resources available into the results in particular regarding the role of the implementing partner UNDP in making available human and technical resources

The **effectiveness** of the support in terms of achievement of the Mission mandate, with particular emphasis on the fulfilment of the various objectives defined during the course of the last seven years

The **prospects for impact** of the support in terms of direct and indirect results of the Mission in the medium term, both positive and negative.

The **sustainability** of the EU assistance provided to the partners and other stakeholders

The consultant is expected to submit on each of these criteria a series of conclusions and recommendations supported by documented evidence and based on thorough assessment

In order to fulfill this assignment, the Contractor will collect and analyse the relevant documents and conduct face-to-face, telephone and/or e-mail interviews of as many as possible of the members and observers of the Advisory Board:

Members:

- 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 the Transnistrian region or for EUBAM issues appointed by the respective Presidents or Cabinets of Ministers of Moldova or Ukraine
- EU External Action Service (HQ in Brussels)
- European Commission (DG DEVCO in Brussels)
- Organisation for Security and Cooperation in Europe (OSCE)
- United Nations Development Programme (UNDP) in Ukraine and Moldova

Observers:

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

as well as other relevant stakeholders including the U.S. Embassies in both countries, FRONTEX (Warsaw), EUROPOL, SELEC (formerly SECT Centre), European Parliament and the EU Member States representatives (in Kyiv and Chisinau).

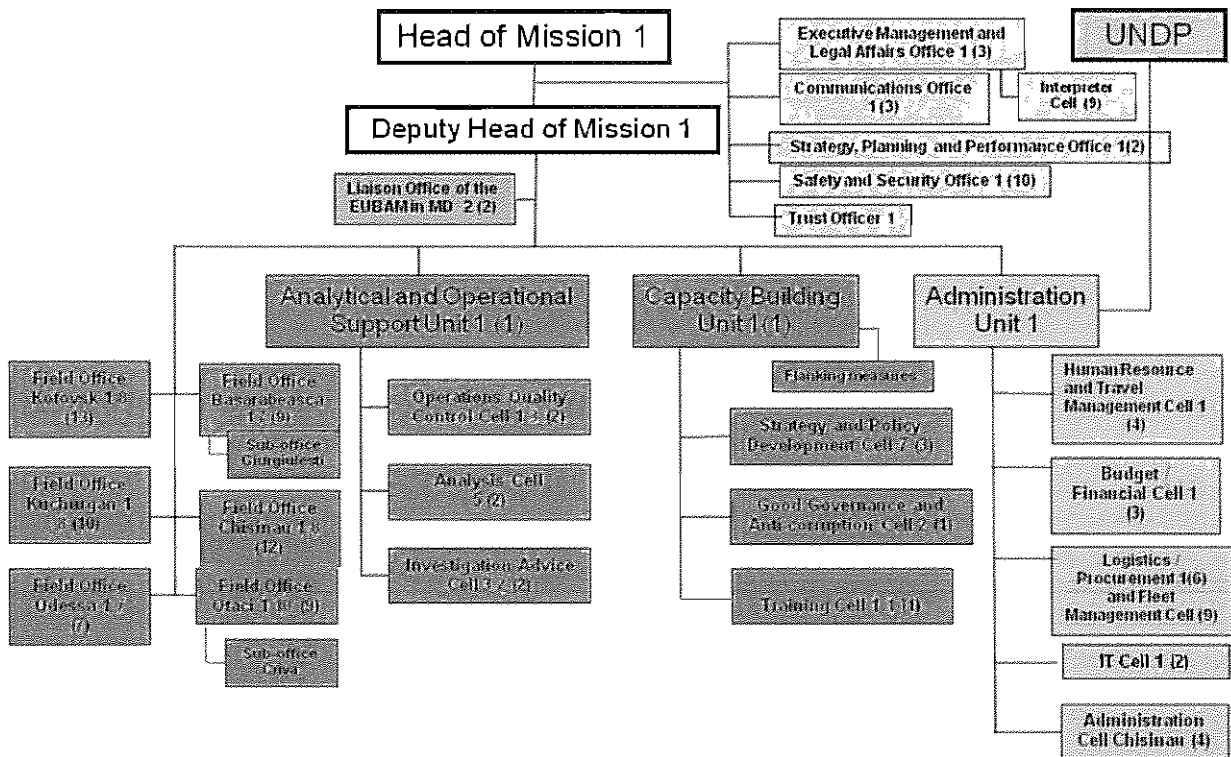
Required outputs:

Inception report, Draft Final Report, Final report

Annex II: Evaluation Questions

Evaluation Question (EQ)	IL or ToR	Typology	EQ Text
EQ 1	ToR Financial Resourcing	Specific issue	To what extent and to what effect has the financial support and assistance provided by EUBAM been coherent, cost effective and correctly targeted in order to achieve maximum benefit for the beneficiary / Partner services?
EQ 2	ToR Management & Implementation	Specific issue	To what extent has EUBAM ensured that co-operation & coordination is effectively achieved in collaboration with their implementing partners, donor organisations and other stakeholders in order to manage and implement its activities?
EQ 3	ToR Visibility	Specific issue	To what extent and by what methods have the public relations and awareness activities of EUBAM contributed to raising the visibility / profile and creating a positive image of the Mission and the EU in the Partner services and Partner countries?
EQ 4	ToR Recommendations on future directions of assistance	Specific issue	To what extent and effect has it been possible for the Partner services to influence EUBAM's decisions or request specific areas of support and assistance to be implemented during Phases 1-9 and proposed for the future?
EQ 5	IL Overall Objectives - Conflict Tension & International Security	Monitoring & Technical Assistance	To what extent and by what methods have EUBAM's activities directly contributed to reducing conflict tensions, building confidence and developing international security by preventing the outbreak, recurrence or continuation of violent conflict in the region of Transnistria and neighbouring countries?
EQ 6	IL Overall Objectives - Economic Development	Monitoring & Technical Assistance	To what extent and to what effect have EUBAM's support to Partner services contributed to the facilitation of trade and economic development in the region?
EQ 7	IL Overall Objective - Capacity Building	Monitoring Technical Assistance & Training	To what extent and by what methods have EUBAM's assistance to the development and implementation of IBM contributed to any significant and sustainable improvements in the strengthening of borders by enhancing the capacity of Partner services to detect organised crime, smuggling and Customs fraud?
EQ 8	IL Operational Objective - Professionalism of Staff	Monitoring & HR Development /Training	To what extent and to what effect have EUBAM's HR policies and Training programmes been appropriate and /or assisted in embedding the concepts, practices and procedures of IBM by improving the professionalism of staff and strengthening the Partner services technical and administrative capacities?
EQ 9	IL Operational Objective - Organisational Development	Technical Assistance	To what extent and with what effect have EUBAM contributed to the progress and sustainable development of legal, regulatory and institutional framework reforms for the Partner services, which have resulted in alignment and attainment with EU standards?
EQ 10	IL Operational Objective - Visa Liberalisation	Long Term Typology: Technical Assistance	To what extent and to what effect has EUBAM's support to Partner services directly contributed to improving the flow of persons, the management of migration at the borders and as a result progress towards Visa liberalisation?

Annex III: EUBAM Organisational Chart



Source: EUBAM, 30 September, 2012

Legend: Black = Number of International Contracted Staff
 Red = Number of International Seconded Staff
 (Black) = Number of Local Staff

Annex IV: List of Documents Reviewed

Executive Board of the United Nations Development Programme and of the United Nations Population Fund, Report on the Assessment of the Cost Recovery Policy Effectiveness (DP/2007/36 of 30 May 2007)

Joint First and Second Evaluation Round, Second Addendum to the Compliance Report on Ukraine, adopted by GRECO at its 54th Plenary Meeting (Strasbourg, 20-23 March 2012)

European Court of Auditors, Special Report 9/2008 on "The Effectiveness of EU Support in the Area of Freedom, Security and Justice for Belarus, Moldova and Ukraine"

Monitoring Report on EUBAM (MR-131946.01 of 14 October 2010)

Meeting at the Parliamentary Committee of Budgetary Control, 25 May 2011, EULEX Background Material

Factsheet, Common Security and Defense Policy, EU Border Assistance Mission at Rafah Crossing Point (EUBAM RAFAH), updated: January 2012, Rafah/19

European Commission, High Representative of the EU for Foreign Affairs and Security Policy, Implementation of the European Neighborhood Policy in the Republic of Moldova - Progress in 2011 and Recommendations for Action, Staff Working Document (2012), 15 May 2012

EUBAM Annual Report, 1 December 2010 - 30 November 2011

EUBAM Special Report on Congestion in Odessa Port, 2011

EUBAM Comments on Draft Customs Code of Ukraine, 2012

Annex V: List of Interlocutors

- 1. EUBAM Headquarters Odessa:**
 - Mr. Udo Burkholder, Head of Mission
 - Mr. Slawomir Pichor, Deputy Head of Mission
 - Ms. Snejana Nenova, Management Advisor
 - Mr. Andrew Filmer, Head of Capacity Building Unit
 - Mr. Ronan Goggin, Communications Officer
 - Mr. Rosario De Blasio, Operational Quality Control Coordinator
 - Mr. Jean Van Acker, Strategy Planning and Performance Adviser
 - Ms. Svitlana Fesenko, Strategic Planning and Performance Associate
 - Ms. Georg Eichhorn, Head of Administration
 - Ms. Nazik Umuralieva, HR Administration Specialist
 - Ms. Mirella Mladenova, Finance Officer
 - Mr. Lajos KARAKAS, Training Specialist, Hungary

- 2. EUBAM Odessa Port Field Office:**
 - Mr. Martin Wintersberger, Head of Analytical and Operational Support Unit
 - Mr. Kastytis Sklenskas, Head Of Odessa Port (Acting)
 - Ms. Iana Chernopyshchuk, Administrative Assistant / Interpreter

- 3. EUBAM Kuchurhan Field Office:**
 - Mr. Mika Kouri, Head of Field Office Kuchurhan

- 4. Ukrainian State Border Guard Service - Kuchurhan:**
 - Captain Yury Podolian
 - Major Yury Vashchenko, Deputy Head of Kuchurhan Border Guard Division

- 5. Ukrainian Customs Service - Kuchurhan**
 - Mr. Oleksandr Balagura, Acting Head of Customs Office

- 6. EUBAM Chisinau Liaison Office**
 - Head of Liaison Office, Mr. Klaus Durmeier

- 7. EUBAM Field Office Otaci, Sub-Office Kriva-Mamaliga**
 - Mr. Adam Dzwonek, Border Guard Expert

- 8. EUBAM Field Office Besarabasca, Sub-Office Giurgiulesti:**
 - Ms. Galja Petrova, Customs Specialist
 - Mr. Dariusz Mrowiec, Head of the Field Office
 - Mr. Stephan Schoenhofer, Border Guard Expert
 - Mr. Francesco Celi, Customs Expert

- 9. Customs Service of the Republic of Moldova:**
 - Ms. Alina Namolovan, Customs Consultant
 - Ms. Ana Toderas, Chief, Training Center
 - Mr. Ilie Rabei, Chief, Anti-Fraud

- 10. Border Guards, Moldova**
 - Mr. Serghei Todiras

- 11. Ministry of Internal Affairs, Moldova:**
 - Mr. Petru Turcan, Chief Expert, International Cooperation and European Integration Department
 - Mr. Ion Candu, Anti-Smuggling Unit
 - Mr. Iurie Ursan, Chief, Human Trafficking Unit

- 12. General Prosecutor, Republic of Moldova:**

Ms. Diana Rotundu, International Cooperation Department
Mr. Ghenadie Purlie, EUBAM Liaison Officer

13. Government of Moldova, Bureau for Reintegration

Mr. George Balan, Deputy Head

14. EU Delegation Chisinau

Mr. Andrei Vrabie, Project Manager

15. UNDP Chisinau:

Ms. Nicola Harrington-Buhay, UNDP Resident Representative

Ms. Alla Skvortova, Assistant Resident Representative

16. OSCE Chisinau

Mr. Maurice Durand, Politico-Military Member

17. European External Action Service (EEAS), Brussels:

Mr. Remy Duflot, or the Republic of Moldova, Political issues, Transnistria, border related issues

Mr. UNGUR Calin-Ionut, Ukraine Political Desk Officer

18. DG TAXUD, Brussels:

Mr. Jan Zralek, Regional Customs Expert

Mr. Marko Latti, Chief of Department

19. DG HOME, Brussels

Ms. Gianina Popescu, Regional Desk Officer

20. Ukrainian Representation Office in Brussels

Mr. Roman Andarak, First Secretary

21. EU Delegation in Kiev:

Mr. Philippe Bories, Sector Manager, EEAS

Mr. Alexandru Albu, Head of Operations, Section I

Mr. Andrew Rasbash, Head of Operations in Ukraine

22. UNDP Kiev:

Ms. Ricarda Rieger, UNDP Resident Representative

Ms. Elena Panova, Deputy Country Director

Ms. Yuliya Scherbinina, Senior Project Manager (EUBAM)

23. Ukrainian State Border Guard Service, Kiev:

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26. Frontex, Mr. Jozsef Bali

27. Southeast Europe Law Enforcement Center (SELEC), Ms. Snejana Maleeva,

Annex VI: List of Recommendations

PART NOT TO BE DISCLOSED