

EUROPEAN COMMISSION
EXTERNAL RELATIONS DIRECTORATE GENERAL

The Representative to the Political and Security Committee

Brussels, **27 OCT. 2005**
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INFORMATION NOTE TO THE COUNCIL

Subject: Adoption of financing decision for the establishment of an EU Border Assistance Mission to Moldova and Ukraine under the EC Rapid Reaction Mechanism for €4 million

The Commission wishes to inform the Council about the imminent adoption of a financing decision for €4 million under the Rapid Reaction mechanism (RRM) allowing the initial establishment of an EU Border Assistance Mission to Moldova and Ukraine. Information on the preparation of this Mission was already provided by the Commission to PSC, COEST and CIVCOM over the past weeks, and Member States were separately invited to propose secondments of suitably qualified staff to this mission before 31 October 2005.

1. *Purpose of the decision and beneficiary countries*

This programme will establish an EU Border Assistance Mission to Moldova and Ukraine for the first six months. The Mission will contribute to enhancing Moldovan and Ukrainian capacities for border and customs controls and border surveillance along their common border, including on the Transnistrian section. Improved controls along this border should reduce illicit cross-border flows, including of weapons, drugs or trafficked human beings, while legitimate flows will be facilitated. This is also expected to contribute to a peaceful resolution of the Transnistrian conflict.

2. *Political context and justification of the urgency of the measure*

Moldova and Ukraine are both part of the European Neighbourhood Policy (ENP), and have undertaken specific commitments in the area of border management, including customs, in the context of respective ENP Action Plans or Partnership and Co-operation Agreements (PCA) with the EU.

The region of Transnistria declared its independence from Moldova in 1992, and is today allegedly the source, destination or point of transit of sizeable illicit flows (including weapons, drugs or human beings). There has been little progress towards a political settlement since 1992, and calls have been made over the past years for increased EU and US involvement in the resolution of this 'frozen' conflict. A window of opportunity to move towards a resolution of this conflict appeared after the arrival in power in neighbouring Ukraine of President Yushchenko. In March 2005, the EU appointed a Special Representative for Moldova. The Commission had earlier in 2004 and 2005 helped foster bilateral co-operation on border-related issues in the context of trilateral

dialogue, including on an information exchange system, customs arrangements, and on the operation of joint border crossing points.

On 2 June 2005, the Presidents of Moldova and Ukraine sent a joint letter to President Barroso and High Representative Solana, calling for additional EU support in overall capacity building for border management, including customs, along the whole Moldova – Ukraine border. EU assistance was also specifically requested for the creation of an ‘international customs control arrangement and an effective border monitoring mechanism on the Transnistrian segment of the Moldova-Ukraine State border’. The Commission and the Member States agreed in principle to respond positively to this unique request, and a joint EU Council Secretariat / Commission Fact Finding Mission (FFM) was deployed to Moldova and Ukraine between 23 and 29 August 2005. This mission *inter alia* recommended the establishment of an EC-financed Border Assistance Mission to Moldova and Ukraine along the lines of the Commission’s earlier proposal. Moldova and Ukraine formally agreed to the mandate and tasks of such a mission by signing the related Memorandum of Understanding on 7 October 2005.

To build on this momentum and seize the window of opportunity which may not last long, it is now essential to put in place the Border Assistance Mission as rapidly as possible.

3. Actions to be implemented

The main activities which the Border Assistance Mission is expected to implement include:

- Delivering on-the-job training and coaching in a live work environment to operational-level customs and border guard officials at the most relevant locations along the Moldova-Ukraine state border, as well as key transit points and inland customs houses.
- Carrying out visits and inspections at border crossing points and along the green border.
- Building risk analysis capacity at central level and helping to improve exchanges of risk assessments between local and central levels.
- Advising on border-related standards and best practices by analogy with EU standards; on integrating work of customs and border guards towards an integrated approach to border management; and on improving cross-border co-operation between MD and UA services.
- Analysis of strengths and weaknesses of the counterpart services with a view to making an assessment of needs.

In order to perform these activities, the mission will during the RRM-financed period deploy up to 50 field staff seconded from EU Member States, 19 core staff, as well as the appropriate number of local support staff. Mission core staff will operate in mission headquarters in Odessa, as advisors at the central level, and as heads of field offices.

4. Legal Basis and Budget


The legal basis for this decision is Council Regulation (EC) No 381/2001 establishing the Rapid Reaction Mechanism. It is proposed that a maximum of €4 million be committed to this measure from budget heading 19-02-05. The Mission will receive co-financing in

kind from EU Member States, as most of the mission's international staff (up to 50 customs officials / border guards) will be seconded from EU Member States.

5. Complementary action and follow-up envisaged

The RRM contribution will be part of the broader EU engagement and the support already provided to enhancing the border management capacities of Moldova and Ukraine under the Tacis programme. It is expected that the continuation of the Border Assistance Mission initiated by the RRM will be financed under the Tacis programme, in a seamless transition between the two instruments.

Taking into consideration the recommendations of the Fact-Finding Mission and the PSC conclusions of 9 and 20 September, the EUSR's team is to be enhanced with four advisors, to be located in Kiev, Chisinau and Odessa. The Senior Political Advisor to the EUSR will be the same person as the Head of the EC Border Assistance Mission. The work of the EUSR's team will complement the effective functioning of the Border Assistance Mission.


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