

STANDARD SUMMARY PROJECT FICHE

1. BASIC INFORMATION

- 1.1 Désirée Number: **RO0002.03.01**
- 1.2 Title: **FACILITATION OF DANUBE BORDER CROSSING**
- 1.3 Sector: **Justice and Home Affairs**
- 1.4 Location: **Romania/Border Posts on the Danube river.**

2. OBJECTIVES

2.1 Wider Objectives:

The facilitation of crossing the border between Romania and Bulgaria, through the harmonisation of procedures, the improvement of co-operation and exchange of information between the relevant services of the two countries.

2.2 Immediate Objectives:

- To harmonise the procedures and the practices used by the Romanian and the Bulgarian agencies at the border, in line with EU standards and best practice;
- To improve co-operation and regular information exchange between the Romanian border control authorities and with their Bulgarian counterparts;

2.3 Accession Partnership and NPAA priority

This project proposal is related to the priority areas for Romania's membership preparation, as underlined in the Accession Partnership (AP) and the National Programme for Adoption of the Acquis (NPAA) as follows:

AP

Short-term priorities: Training of the personnel having competence at the borders; Concrete steps to combat corruption and organised crime and improved border management; The regulatory and monitoring bodies must be strengthened in such fields as (...) asylum and migration, border management, police co-operation; Capacity to handle migration problems; To complete alignment to international conventions, notably in view of the Schengen Acquis; The developing and reshaping of the institutes which deal with the Border Control, migrants, visas (...) issues; The implementation of an integrated system of communication and transmission of data necessary for the General Inspectorate of Border Police and the territorial subordinate structures, as well as with other institutions/ similar structures;

Mid-term priorities: Reinforcement of the administrative and operational capacity of Customs service; Targeted border control, Improvement of border management system, fight against organised crime and corruption, notably in view of the Schengen Acquis.

NPAA:

– Short-term priorities:

- Development of an adequate infrastructure a specialised equipment in order to sustain modern customs clearance process, based on the selectivity and risk analysis;
- Development of a coherent intelligence and information system in order to simplify the clearing process and better sustain the control system targets;
- Participation in the inter-institutional co-operation in order to fight against and eliminate the law infringements phenomena at the borders.

Mid-term priorities:

- Strengthening of the capacity of the state institutions in the fight against corruption and organised crime;
- Strengthening the administrative co-operation.

3. DESCRIPTION:

3.1 Background and justification

The Romanian and Bulgarian Governments are strongly committed to align their legislation with the EU legislation. The Customs administrations in both countries are well advanced: the Customs primary (Customs Act/Customs Code) and secondary (Application Rules/Customs Regulations/) legislation is compliant with the EU legislation. Now both Customs administrations give high-priority to the development of the third-level legislation (Instructions to Officers), which will improve the consistent implementation of their Customs legislation, at national level.

However, concerning border crossing activities the harmonisation of procedures should be further continued to the level of working practices: co-ordinated opening hours and traffic management, joint contingency plans for dealing with unusual cases (illegal immigration, nuclear materials, hazardous chemical etc.), joint activities, standardised documentation etc.

A Joint Co-operation Committee Bulgaria-Romania was established, which decided in its 1st meeting the organisation of a Joint Technical Meeting, dealing with the importance of the actions related to justice and home affairs, and the standardisation of custom procedures, including veterinary and phyto-sanitary controls.

Since July 1998, simultaneous implementation of intensive control on transit freights, with reinforced teams and in co-ordination between both sides, took place mainly in the field of goods with possible dual-use and nuclear materials.

Since 1 February 1999, as a first stage of harmonising the Customs procedures, Customs officers worked with their colleagues on the other side of the border, at the Giurgiu and Rousse Customs houses. Similar, since April 1999, this initiative was extended to the Calafat and Vidin Customs houses.

In the last period, Bulgarian and Romanian senior Customs officials considered the possibilities for information exchange concerning the freight-flow from both countries and, subsequent agreement was reached: to collect in Rousse Customs house the information from the Vidin and Oriahovo border posts, and to collect in Giurgiu the similar information for the Romanian bank of the Danube. The exchange of such type of information sets obstacles to fraud, on one hand, and contributes to the reduction of waiting times at borders and the facilitation of transit, on the other hand.

The purpose of this project proposal is to assist the Romanian authorities to increase the effectiveness of the cross-border operations at the Bulgarian frontier, by providing the necessary support and expertise to develop and institutionalise harmonised procedures and working practices, to increase the exchange of information between the Romanian agencies and their counterparts in Bulgaria, to improve the inter-agency co-operation at the national level and across the border, with the view to reduce the waiting time at the border for the trade operators and tourists. The activities of the project will concentrate on the Russe-Giurgiu border post together with the Bulgarian-Romanian border posts of Oriahovo- Beket, Silistra-Kalarash, Durankulak-Vama Veke and Yovkovo-Negro.

3.2 Linked activities

3.2.1 EU Phare - at national level

Computerisation of Romanian Customs

Phare national project RO 9304 on development and implementation of the Integrated Customs Information Systems (ICIS). The ICIS projects covered automation of the following Customs activities: Customs declaration processing, Transit (initial phase), Accounting (initial Phase), Enforcement (initial Phase), Management information system (initial phase), Communications nation-wide.

Assistance to the Romanian Customs in developing more effective controls management and border systems

Phare national project RO 9804.02 addresses the further improvement of the operational customs business, e.g. Transit (phase 2), Customs regimes with economic impact, Enforcement (phase 2), Financial and Budgetary system (phase 2), the development of the Customs training function and the stabilisation of ICIS.

3.2.2 EU Phare - at Multi-country level

Transit North-South

This project provides technical assistance to fulfil the necessary legal, organisational and procedural requirements for the alignment to the provisions of the Common Transit Convention.

Measures to Improve Efficiency at Border Posts (MIEABP)

This project aims at implementing risk analysis, selectivity and profiling technique in the Customs operational environment, enabling the targeting of high-risk consignments and traders, on one hand, and the facilitation of legitimate trade, on the other hand.

Customs Information and Intelligence

This project provided technique assistance for the establishment of Intelligence Units within the Customs administration and data analysis tools for the use of information available in-house for Intelligence purposes.

Joint UNDCP – Phare Drug Law Enforcement Programme for South-eastern Europe (phase 1)

This programme seeks to improve and strengthen the effectiveness of law enforcement to combat drug trafficking in South Eastern Europe. It focuses on strengthening national capacities to dismantle drug trafficking organisations, to detect illicit drug manufacturing laboratories, to detect illicit drugs at border crossing points and to prosecute drug traffickers in Bulgaria, Former Yugoslav Republic of Macedonia, and Romania. Among other activities, the programme has enhanced the capacity of Customs and Border Police to apply selectivity and profiling techniques for control of road vehicles, addresses the commitment at policy level to increase co-operation in cross-border controlled delivery operations, and has enhanced the professional network at border crossing points level and at the level of heads of specialised Police and Customs drug enforcement services.

3.2.3 Other donors

World Bank – Trade and Transport facilitation in South-east Europe

This programme, designed to complement the EU programmes in Romania, Bulgaria, Former Yugoslav Republic of Macedonia, provides in Romania/Giurgiu X-ray equipment for the inspection of trucks.

3.3 Results

Assessment of current situation

- Detailed assessment of current situation;
- Needs of each agency analysed in detailed
- Terms of Reference and Tender Dossier developed for each other two project components.

Harmonisation of procedures and working practices

- Legal basis for the inter-agency co-operation and co-ordination at the national and bilateral levels;
- Harmonised procedures and working practices at national and bilateral level;
- Improved traffic management;

Information exchange

- Legal basis for exchange of information at the national and bilateral levels;
- Exchange of information between the Romanian authorities at border posts and between them and their Bulgarian counterparts.

3.4 Activities:

3.4.1 Assessment of current situation

This project proposals involves the Romanian authorities involved in border posts operations: Ministry of Interior/Border Police and Ministry of Finance/Customs. It addresses inter-agency co-operation and co-ordination of procedures, working practices and exchange of information, on the national level and bilaterally with Bulgaria, complementary to the similar Cross Border Co-operation project.

Consequently, the elaboration of Terms of Reference (ToRs) for the components below should be based on a proper assessment of the current situation in the areas addressed by this project, on a detailed analysis of the needs of each agency and on the proper definition of the assistance needed to achieve the objectives of this project and to produce the expected outputs.

Consequently, this component will provide

- short-term assistance to
 - assess the current situation concerning the content of the components below;
 - identify the needs for assistance of each agency;

- liaise with the respective project in Bulgaria to identify the Romanian needs concerning bilateral activities;
- define the assistance needed to achieve the objectives of the project, concerning each project component;
- develop the ToRs and the necessary documentation for the contracting of each project component below.
- If necessary, co-ordination meetings at national and bilateral level;
- If necessary, support for an external programme manager (see point 4.)

3.4.2 Harmonisation of procedure and working practices

As already described in the Background section, Romania and Bulgaria, similar to all other Partner Countries, made significant efforts to align their legislation with the EU legislation. The process is now almost completed, but from the facilitation of trade viewpoint it is necessary that procedures and working practices of all agencies on both sides of the border (Ministry of Interior/Border Police, Ministry of Finance/Customs) are harmonised.

This covers a broad spectrum including harmonised procedures and use of standardised forms/documentation (bilingual to the extent possible), harmonised traffic management, joint activities and/or delegation of competencies, joint contingency plans for dealing with unusual cases (illegal immigration, nuclear materials, hazardous chemical etc.), to co-ordinated opening and shift hours, equivalent number of personnel in accordance with the dynamic of traffic (peaks) etc., with the final goal to facilitate the crossing of the border for trade operators and tourists, while reinforcing the border controls, through the use of the harmonised risk-assessment and selectivity tools techniques.

This component will provide the Romanian authorities involved in border posts operations (Ministry of Interior, Ministry of Finance/Customs) with:

- short-term assistance to
 - assess the legal basis for the activities of Romanian authorities at the border and, eventually to propose amendments;
 - identify the basis for the harmonisation of procedures and working practices, at the national level and with the Bulgarian counterparts;
 - develop and implement solutions/recommendations for the improvement of co-operation and co-ordination between the national agencies, and between them and their Bulgarian counterparts;
 - improve the traffic management;
- implementation of harmonised procedures and working practices, in accordance with the agreed recommendations/solutions;
- development programme for staff involved in border posts operations (joint training courses, seminars, exchange of experience with EU Member States etc.);
- co-ordination meetings at national and bilateral level;
- if necessary, limited resources for the publicity of the project.

3.4.3 Information exchange and technical facilities

The Romanian authorities responsible for border post activities, primarily the Ministries of Interior and of Finance/Customs made significant efforts to develop and implement nation-wide IT systems, according to the specific activities performed by each institution.

From the traffic and trade facilitation viewpoint, it is deemed necessary that these systems exchange information between themselves and with the systems of the correspondent Bulgarian authorities, with a view to minimise the time of documentary and the number of physical inspections. However, the facilitation dimension of border post operations should be based on the use of risk-assessment, selectivity, profiling tools and techniques, and intelligence systems.

This will increase the efficiency of border controls in the field of illegal immigration and refugees, illegal traffic of goods (including drugs, historical and cultural valuables, intellectual piracy referring to false documents, stolen motor vehicles), traffic of serious criminals, etc.

This component will provide

- short-term assistance to
 - assess the legal basis for the exchange of information between the Romanian authorities and the relevant Bulgarian authorities and, eventually to propose amendments to the respective national legislation;
 - identify, analyse, define and document the necessary interfaces between the Romanian authorities and the Romanian side of the interfaces with their Bulgarian counterparts, including the development of compatible procedures, rules, protocols, security mechanisms etc. for their co-operation;
 - develop, pilot and implement the agreed interfaces;
- appropriate software and associated equipment to allow information exchange between the Bulgarian agencies at the border and with the Romanian counterparts, e.g.
 - specialised interfaces between the Bulgarian Border Police and Customs administration and the local area network and equipment to support them;
 - specialised interfaces between Bulgarian and Romanian Border Police and, correspondingly, the Bulgarian and Romanian Customs administrations and the wide area networks and equipment to support them (optical cable link between the Russe and Giurgiu border posts and wireless connections for the remaining border posts on the Danube, file and communication servers for each border posts, UPSs - Uninterruptible Power Sources etc.);
- development programme for staff involved in the use of these systems, e.g. joint training courses, seminars, exchange of experience etc.

4. INSTITUTIONAL FRAMEWORK

The Romanian Border Police and the Customs Administration will support the implementation of the proposed project by assuring the necessary organisational environment, making available the necessary personnel and covering the cost of the national experts, the necessary building infrastructure, including the training centres, and the related running and administrative costs.

A management structure with Romanian and Bulgarian partners will be established for the implementation of this project. A project manager (an official representative from one of the two countries or an external consultant) who will liaise with all parties from Bulgaria and Romania will be nominated.

5. DETAILED BUDGET (IN MEURO)

COMPONENT	Phare support		Total Phare (=I+IB)	National co-financing ***	IFI****	TOTAL
	Investment support*	Institution Building**				
1. Assessment of current situation		0.30	0.30	0.20		0.50
2. Harmonisation of procedures and working practices	0.30	0.65	0.95	0.35	3.00	4.30
3. Information exchange & Technical facilities	0.80	0.45	1.25	0.25	—	1.50
TOTAL	1.10	1.40	2.50	0.80	3.00	6.30

(*) In relation to software, related developments, equipment, installation, testing and documentation

(**) In relation to changes in management, procedures, legislation, enforcement, training and general activities and services as result of investments.

(***) The funds under "National co-financing" column reflect the Romanian authorities' inputs to this project as outlined in section "Institutional framework".

(****) World Bank' Trade and Transport Facilitation in South-East Europe (TTFSE) – support for equipment in Giurgiu border post, as per section 3.2.3.

6. IMPLEMENTATION ARRANGEMENTS

6.1 Implementing agency

The Implementation Agency (IA) is from the Romanian part the Central Finance and Contracts Unit (CFCU) of the Ministry of Finance with responsibilities for tendering, contracting and payments. The National Agency for Regional Development (NARD) will be the Implementing Authority.

The overall co-ordination of the programme activities in Bulgaria and Romania will be ensured by the already created Joint Co-operation Committee.

A Project Steering Committee (PSC) will be established, comprising representatives of all involved agencies. The PSC will monitor, supervise and co-ordinate the overall progress and implementation of the project. The PSC will provide guidance for the different components of the project, will approve the results, will define priorities, will approve and monitor budgets.

The Project Implementation Unit (PIU) will also comprise representatives of all the agencies benefiting from the project implementation and will carry out the day-to-day management of the project. Its role will be to administer and resolve all issues concerning the management of the project, including planning and identification of tasks, reporting, preparation of Terms of Reference, participation in tendering, monitoring and evaluation of activities. The PIU will report to the PSC.

A work group of experts from the authorities involved also will be established.

6.2 Non-standard aspects

The project will be managed under DIS rules.

6.3 Contracts

The project components will be implemented through Twinning or contracts awarded as result of open tender procedures.

7. IMPLEMENTATION SCHEDULE

7.1 Start of tendering/call for proposals: **January 2001.**

7.2 Start of project activities: **March/December 2001.**

7.3 Project completion: **August 2003.**

8. EQUAL OPPORTUNITY

Equal participation of women and men in this project will be ensured.

9. CONDITIONALITY AND SEQUENCING

This project proposal has been prepared in a way that fully takes into account the Commission's Pre-accession Strategy, the ongoing initiatives within the Phare Programme and that ensures that no overlap with initiatives within other programmes can occur.

The two conditionalities are the following:

- Establishment of a management structure with Bulgarian and Romanian partners
- Nomination of a project manager (a single programme manager for the two countries)
- All interfaces and softwares to be procured under component n°3 shall be fully compatible with the forthcoming Bulgarian BICIS information system and with the operating Romanian ASYCUDA information system.

ANNEXES

1. Logical framework matrix in standard format
2. Detailed implementation time chart in standard format
3. Contracting and disbursement schedule by quarter for full duration of project
4. Legal base of the project.

LOGFRAME PLANNING MATRIX					Date of drafting: 17 March 2000
RO0002.03.01 – Facilitation of Danube border crossing					Contracting period expires: December 2002
1					Total Budget: 6.30 MEURO
Wider Objectives	Indicators of Achievement*	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks	Assumptions and Risks	Phare contribution: 2.5 MEURO
The facilitation of crossing the border between Romania and Bulgaria, through the harmonisation of procedures, the improvement of co-operation and exchange of information between the relevant services of the two countries.	Decreased waiting time at the border. Decreased time of documentary and number of physical inspections at the border. Improved co-operation and exchange of information between the relevant border control agencies in Romania and Bulgaria.	European Commission/EC Delegation, Ministry of Foreign Affairs/Department for European Integration (DEI) and Regional Development Agency (RDA) at the end of the project.	Government maintains consistent policy and supports the inter-agency co-operation. National legislation in line with EU legislation and best practice enacted. Close coordination with other initiatives in the sector.		
Immediate Objectives	Indicators of Achievement*	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks	Assumptions and Risks	
1. To harmonise the procedures and the best practices used by the Romanian and Bulgarian agencies at the border., in line with EU standards and best practice	National legislation supporting the inter-agency co-operation and co-ordination at national and bilateral level. Procedures and working practices harmonised. Improved traffic management assures decrease of waiting time at the border.	EC Delegation, RDA, DEI and the Ministry of Finance/CFCU during the implementation of the project, including the feedback of the Trade community.	Full commitment of the Romanian border control agencies and of their Bulgarian counterparts. Consistent support of the coordinating ministries. Timely approval of recommendations/solutions by the relevant Romanian and Bulgarian authorities.		
2. To improve co-operation and regular information exchange between the Romanian border control authorities and with their Bulgarian counterparts.	National legislation supports the exchange of information between the national border control agencies and with their Bulgarian counterparts. Regular exchange of information between the Romanian border control agencies and with their Bulgarian counterparts. Decrease of waiting time at the border.	EC Delegation, RDA, DEI and the Ministry of Finance/CFCU during the implementation of the project, including the feedback of the Trade community.	Full commitment of the Romanian border control agencies and of their Bulgarian counterparts. Consistent support of the coordinating ministries. Timely approval of recommendations/solutions by the relevant Romanian and Bulgarian authorities.		

Outputs	Indicators of Achievement*	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks
<ul style="list-style-type: none"> Comprehensive assessment of current situation; Terms of Reference and Tender Dossier/Twinning Covenant for project components; Legal basis for inter-agency co-operation at the national and bilateral level; Harmonised procedures and working practices harmonised at the national and bilateral level; Improved traffic management; Legal basis for exchange of information at the national and bilateral level; Exchange of information between the Romanian authorities at border posts and between them and their Bulgarian counterparts 	<ul style="list-style-type: none"> Assessment Reports produced; ToRs for project components developed, in accordance with Phare standards, rules and procedures; Tender Dossier/Twinning Covenant for project components developed, in accordance with Phare standards, rules and procedures; Legal basis for inter-agency co-operation at the national level reviewed and, whenever necessary, amendments proposed and promoted; Legal basis for inter-agency co-operation at the bilateral level reviewed and, whenever necessary, amendments proposed and promoted; Harmonised procedures and working practices currently used at the national level; Traffic management improved, in line with EU standards and best practice; Waiting time at the border reduced; Legal basis for exchange of information between the border control agencies at the national level reviewed and, whenever necessary, amendments proposed and promoted; Legal basis for exchange of information between the border control agencies at the bilateral level, reviewed and, whenever necessary, amendments proposed and promoted; Information exchanged regularly between the border control agencies at the national level; Information exchanged regularly between the border control agencies at the bilateral level. 	<p>The Project Steering Committee (PSC) and the Project Implementation Unit (PIU), together with the CFCU and the European Commission' services will regularly review and monitor the evolution of the project implementation, the indicators of achievement, the outputs and the implementation plan, including the feedback of the Trade community.</p>	<p>Commitment of the border control agencies. Co-ordination with the following past and ongoing assistance :</p> <ul style="list-style-type: none"> Phare national projects in the Customs sector; Phare national projects in the Border Management sector; Phare Multi-country Customs Programme UNDCP-Phare Drag Law Enforcement Programme World Bank' Programme on Trade and Transport Facilitation in Southeast Europe.

Inputs	Indicators of Achievement*	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks
<u>Financial</u> <ul style="list-style-type: none"> Internal contribution: 0.80 MEURO Phare national contribution: 2.5 MEURO <u>Additional Inputs</u> <ul style="list-style-type: none"> World Bank: 3.00 MEURO. 	<p>Internal budget approved.</p> <p>Financing Memorandum approved.</p>	<p>The Ministry of Finance/CFCU and the European Commission' services.</p>	<p>Commitment of the Romanian Government.</p> <p>Approval of the European Commission.</p> <p>Budgets approved and available.</p>

* Must be quantified and measurable

ANNEX 3 - CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE

RO0002.03.01 - Facilitation of Danube border crossing

All figures in million EURO

	31/03/2001	30/06/2001	30/09/2001	31/12/2001	31/03/2002	30/06/2002	30/09/2002	31/12/2002	31/03/2003	30/06/2003	30/09/2003
CONTRACTED	0.35	0.35	0.35	2.50							
DISBURSEMENT	0.11	0.32	0.33	1.04	1.40	1.52	1.85	2.20	2.35	2.46	2.50

ANNEX 4 - LEGAL BASE OF THE PROJECT

RO0002.03.01 - Facilitation of Danube border crossing

COMMISSION REGULATION (EC) № 2760/18.12.1998 concerning the implementation of a programme for cross-border co-operation in the framework of the PHARE programme - art. 5, p. 1 (f) "*Actions related to justice and home affairs Community policy*";

AGREEMENT ON COOPERATION TO PREVENT AND COMBAT TRANS-BORDER CRIME – between the Governments of Bulgaria and Romania; on preventing, investigating and repressing trans-border crime; for the improvement of the effectiveness of prevention, detection and prosecution of cross-border criminal violations for the active members of ICPO – Interpol for police matters, World Customs Organisation for customs matters, the SECI countries, as well as for the exchange of criminal information in partnership with their enforcement authorities and the Interpol General Secretariat; SECI – Interpol co-operation.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BULGARIA AND THE GOVERNMENT OF REPUBLIC OF ROMANIA ON COOPERATION AND MUTUAL ASSISTANCE IN CUSTOMS MATTERS, signed on 10 November 1998 in Bucharest. Under this Agreement Bulgaria and Romania will provide assistance to each other in the prevention and investigation of violations of the customs legislation in the field of commercial fraud and drug-trafficking and information will be provided on request and will be used for the purposes of the proper implementation of the customs legislation.

AGREEMENT BETWEEN BULGARIA, ROMANIA AND TURKEY FOR COMBATING TERRORISM AND ORGANISED CRIME signed in Antalya, Turkey.

The co-operation in the areas covered by this Agreement will be carried out by exchange of information and coordinated joint activities. The development of a computerised information system in the field of the co-operation in the fight against terrorism and organised crime is also foreseen in the future.

Particular attention is paid to the co-operation in the field of fight against drug-trafficking and smuggling of weapons, ammunitions, explosives, poisonous chemical, biological and nuclear substances as well as against illegal actions with these materials.

There is a special accent on joint activities of the competent border authorities of the three countries in the field of fight against illegal border crossings of persons and groups.

PROTOCOL FOR THE STRENGTHENING OF THE TRIPARTITE CO-OPERATION FOR COMBATING TRANS-BORDER CRIME – signed between Bulgaria, Romania and Greece on 8.09.1998 in Sofia, Bulgaria.

Charter of organisation and operation of a SECI Regional centre for the combating of trans-border crime

INTEGRATED PROGRAMME FOR FIGHT AGAINST CORRUPTION AND ORGANISED CRIME by the Romanian Ministry of Interior, Customs, Ministry of Justice, Public Ministry under the Catch-up facility which includes review of the capacity for action of the involved institutions, establishment of an institutional communication system providing the necessary information flows, design and development of a common computerised system and setting up of a mechanism for common training.

Law no. 56 regarding to Romanian State Border

Art. 6 – "the cross of the Romanian state border is made by persons, transport vehicles, merchandises and other goods through check points which are opened international trafficking, defined as Check Points. The crossing of Romanian state border can be made also through other places according to the agreements between Romania and neighbour states."

Art 7- " at the check points, the border control of persons, transport vehicles, merchandises and other goods coming in or out of the country is organised and completed. The border state crossing through Check points are completed according to laws."