Border Management Programme in Central Asia (BOMCA)

Funded by the European Union

Implementing partner

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Integrated Border Management Handbook for Central Asia

Kazakhstan

Kyrgyzstan

Tajikistan

Turkmenistan

Uzbekistan

FOREWORD

The “Handbook for Implementing the Integrated Border Management Concept in Central Asia” (hereinafter “Handbook”) was first introduced to the Central Asian countries during a Regional Conference in February 2006, aiming to provide a basis for consistent implementation of integrated border management-related activities in the Central Asian countries.

The Handbook is of a technical nature and aims at:

- Explaining the IBM concept;
- Providing practical examples for implementing IBM;
- Providing guidance on developing national IBM strategies and action plans.

The current version of the Handbook is meant to complete the original version and increase its practicability and readability without changing to the goals and substance of the original version. In order to facilitate references, the structure has been kept as similar as possible to the previous versions.

Beyond the inclusion of additional good practice examples, this new version provides more information on topics such as public health inspection, risk analysis and data protection. The revised handbook highlights also the multiple connections that exist between important cross-cutting issues such as anti-corruption measures and IBM.

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LIST OF ABBREVIATIONS

AAD	Accompanying Administrative Document
AEO	Authorised Economic Operator
AFIS	Anti-Fraud Information System
API	Advance Passenger Information
BCP	Border Crossing Point
BIP	Border Inspection Post
BOMCA	Border Management Programme for Central Asia
BSE	Bovine Spongiform Encephalopathy (Mad Cow Disease)
CADAP	Central Asia Drug Action Programmes
CAU	Central Analysis Unit
CCO	Common Contact Office (see also CCPD)
CCPD	Centre de Coopération Policière et Douanière (see also CCO)
CIS	Criminal Intelligence System
CEFTA	Central European Free Trade Agreement
CEN	Customs Enforcement Network of the World Customs Organisation
CIREFI	Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CM	Common Manual
CSI	Container Security Initiative
CVED	Common Veterinary Entry Document
DMCP	Diplomatic Mission or Consular Post
EC	European Community
EEC	European Economic Community
EPPO	European and Mediterranean Plant Protection Organisation
EU	European Union
EURODAC	System for the Comparison of Fingerprints of Asylum Applicants and Illegal Immigrants
FAO	Food and Agriculture Organization of the United Nations
FRONTEX	Frontières extérieures, (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union)
HRM	Human Resource Management
IAWG	Inter-agency Working Group
IBM	Integrated Border Management
IBPC	International Border Police Conference
ICMPD	International Centre for Migration Policy Development
ICS	Inland Control Station
ICT	Information and Communication Technologies
IFI	International Finance Institutions
IHR	International Health Regulations
ILO	Immigration Liaison Officer
IMC	Inter-ministerial Commission
INTERPOL	International Criminal Police Organisation
IO	International Organisation
IOM	International Organisation for Migration
IPPC	International Plant Protection Convention
IT	Information Technology
MoU	Memorandum of Understanding

NCB	National Central Bureau (Interpol)
NGO	Non-governmental Organisation
OC	Operational Centre
OIE	World Organisation for Animal Health
OLAF	European Anti-Fraud Office
PNR	Passenger Name Record
RILO	Regional Intelligence Liaison Office
SARS	Severe Acute Respiratory Syndrome
SCD	Single Customs Declaration
SCH	Schengen
SECI	South-East European Cooperative Initiative
SU	Search Unit
ToR	Terms of Reference
TRACES	Trade Control and Export System
UBCP	United Border Crossing Point
UNCAC	United Nations Convention Against Corruption
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office
WCO	World Customs Organisation
WHO	World Health Organisation
WTO	World Trade Organisation

TERMINOLOGY

Action plan: a work plan indicating which specific actions have to be taken by which actors in order to reach the goals as defined in the strategy.

Benchmark: in the context of the European Union (EU) monitoring, "benchmark" means comparison of working methods based on significant figures concerning number of cases, number of staff, average time for single working cases and quality of output.

In the framework of project documentation, "benchmarks" refer to major steps/outputs to be completed before the next project phase starts.

Blue / green border: sea / land border line situated outside authorised border crossing points, where border surveillance actrivities are performed.

Border control: an activity carried out at a border in response exclusively to an intention to cross that border, regardless of any other consideration. It covers: (a) checks carried out at authorised border crossing-points to ensure that persons, their vehicles and the objects in their possession may be authorised to enter the territory or authorised to leave it; and (b) surveillance of borders outside authorised border crossing-points and fixed hours, in accordance with this regulation, to prevent persons from by passing border crossing points in order to avoid checks and enter or leave the territory.

Border crossing point: any crossing point – at land, sea, river, lake or air borders – authorised by the competent authorities for crossing a state border.

Bottom-up and top-down information flow: describes the information flow within a given organisational unit starting at either the central or the operational level, as well as within hierarchical structures from operational to political level (bottom-up) or from political level to operational level (top-down).

Carrier: any natural or legal person whose profession is to provide passenger transport by land, sea or air.

Controlling: steering, decision-making and evaluation of specific processes in a given organisation, as regards organisational developments, staffing or the financial matters of that organisation.

Contingency plan: an organised and coordinated set of steps to be taken in case of an emergency or disaster at the border in order to help the government to quickly recover from serious incidents at minimum cost and disruption. Contingency plans can also include a monitoring process and "triggers" for initiating planned actions.

Database: comprehensive collection of data organised for convenient access, generally automated for electronic analysis.

Delimitation/demarcation: Delimitation is the "physical" line that indicates a state boundary; demarcation is the act of setting and marking limits or boundaries

Early warning system: a system used to receive information or alert other stakeholders about expected or current risks or threats related to e.g. movements of persons or goods, or information on animal, plant and public health risks.

EU good practices: The EU distinguishes between written legal provisions, (e.g. communications, common measures, regulations and directives, agreements, Council resolutions and Council decisions) and good practices that have been developed in specific areas, countries and/or fields of work. These practices have been commonly agreed as good practice within the EU, with the aim of harmonising procedures at a very high level. Good practices are not legally binding. (Examples are the Guidelines of the Commission on risk analysis in the customs field and the Schengen Catalogue on good practices for external border control (to be replaced by the common catalogue), readmission, Schengen Imformation System – Supplementary Information Request at the National Entry (SIS-SIRENE), police cooperation and visa matters).

EU *Acquis Communautaire*: all legal instruments of the European Union/European Community, which have to be legally and/or operationally implemented by Member States, as well as

accession countries according to an agreed plan before accession or within a certain timeframe after accession.

External borders: specifically refers to the EU Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders (of the EU).

Gaps and needs analysis : analysis of the current situation and ongoing measures, with the aim of detecting areas where further action is considered necessary in order to reach given objectives and standards.

IBM strategy: a catalogue of the political and operational objectives a country wants to reach in order to establish a more comprehensive, effective and efficient system of border management.

Laufzettel/routing slip[1]: numbered checklist for cargo vehicles at customs offices at the border with boxes to be ticked off for every completed control measure (border guards, customs, veterinary and phytosanitary services and possibly the authorities of the other country) and signed by the controlling officer. This document is handed to the driver at the entrance point and collected and controlled at the exit point, to ensure that the driver and the truck have undergone all the necessary controls.

Mobile unit: control unit composed – in accordance with foreseen tasks – of representatives of one or more agencies involved in border management to carry out inland surveillance and/or surveillance between border crossing points.

Operational objectives: defined outcome to be achieved by a specific action or set of actions.

Operational plan: detailed plan for specific tasks of organisations and units.

Process analysis: evaluation of work flows and information flows within an organisational unit, an administration or between agencies.

Risk analysis: is an ongoing process which starts with identifying a risk (risk identification), formulating tasks, proceeding with collection and processing of data and information as well as analysing a risk (risk assessment or risk evaluation) and developing options for solutions and decisions (risk management).

Round table: meeting of experts from different sectors/countries on a specific topic.

Task force: organisational unit established solely to carry out tasks to reach a specific objective, usually within a given time frame.

Technical Scheme: Technological Scheme of the BCP is detailed description of types, content and sequence of control operations and procedures preformed by control agencies and/or other services during the movement of persons, means of transport, goods and other items through the BCP in order to cross the border. The TS determines as well the required conditions of functioning and interaction among control bodies and services of each BCP. In order to establish a unified approach to the functioning of BCPs at national level can be established typical (standard) technological schemes or guidelines for road and other types of BCPs.

Training curriculum: education/training plan designed for specific target groups and specific fields of work. As an example, the EU “common core curriculum” for border guards is a plan agreed upon at EU level and consists of a set of modules considered necessary for the training of border guard officers.

Training manual: document designed on the basis of relevant curricula in order to ensure proper implementation of the goals and objectives in the corresponding training curriculum.

[1] Different countries are using different name for this kind of paper

INTRODUCTION

THIS PART ANSWERS THE FOLLOWING QUESTIONS…

- → What is the purpose of this document?
- → Why was the Handbook developed?
- → How is the Handbook structured?

This is the final update of the ***Handbook for Implementation of Integrated Border Management in Central Asia,*** which was first distributed in February 2006. The aim is to provide guidance for a consistent implementation of border management related activities under the BOMCA programme. Relevant international legislation and good practices have been taken into consideration, as well as the experience gained from the ongoing implementation of the BOMCA programme.

The Handbook is intended to support the implementation of national projects in the field of IBM and to assist national authorities in further improving their IBM strategies and action plans. By following the Handbook, the beneficiary countries will ensure that the policies and projects subsequently developed are fully in line with modern standards of border management.
Efficient and effective border management will enable citizens to live in an area of security and freedom where they can travel more freely and where cross-border trade will be facilitated, all of which are key prerequisites for economic growth and poverty reduction. Enhanced cross-border flows will also support the development of more open societies with a better understanding and tolerance of their neighbours and their cultural, religious and linguistic differences. At the same time, threats related to abuse of malfunctioning border management systems, such as smuggling of goods and trafficking in human beings, drugs and weapons, for example, can be more effectively addressed if authorities responsible for the management of state borders improve their communication, exchange of information and overall cooperation.

The Handbook is of a technical nature and should be viewed as a working tool, providing guidance on how to enhance cooperation and coordination at various levels. It should not be seen as detailed technical specifications on how to develop the individual border management systems in Central Asian countries. Rather, it should be regarded as a useful basis and supporting document when developing national integrated and modern border management systems. The document does not claim to be exhaustive as regards the national IBM strategy objectives nor will all the principles embodied in this document have the same applicability and importance in each of the Central Asian countries. Thus, even though the respective IBM strategies and action plans should be in accordance with the IBM concept described in this document, they will necessarily need to be adapted to the national context in each country.

Structure of the Handbook

Following the introduction of the IBM concept, **PART I** describes the three pillars of IBM (intraservice, inter-agency and international cooperation and coordination) which form the basis of the IBM concept. While **intraservice cooperation** describes the cooperation and coordination within an agency or ministry, **inter-agency cooperation** deals with the cooperation and coordination between different ministries and agencies and **international cooperation** eventually specifies the cooperation with agencies and ministries of other states or international organisations.

PART II presents the main agencies in the field of IBM. **Border Guards, Customs, Phytosanitary** and **Veterinary Inspections** as well as, upon specific request in that regard, the **services responsible for Public Health** are introduced by means of presenting:

1) Their main responsibilities;
2) Their institutional framework;
3) The fields of cooperation with regard to their duties in the field of border management. The last section of this Part II introduces additional actors – state actors and non-state actors – who, due to their responsibilities have additional impact on border management.

The essence of the Handbook, i.e. **the concept of IBM – cooperation and coordination in practice** - is outlined in **PART III**. The pillars of IBM cooperation are addressed in three individual chapters. The main focus lies on the above-mentioned main actors. The description of each pillar offers theory, practical answers and examples through the following Subchapters:

- *Legal and regulatory framework* describes the necessary legal basis for the implementation of coordinating structures for cooperation.
- *Institutional Framework* expresses the organisational setting which is needed to introduce the IBM concept.
- *Procedures* in the context of the handbook only refer to procedural issues of coordination and cooperation in the field of the above mentioned three pillars.
- *Human resources and training* deal with recruitment and educational/training issues in the framework of coordination and cooperation.
- *Communication and information exchange* aims to provide guidance on how to best create standardised and efficient exchange and flow of relevant information.
- *Infrastructure and equipment* complements each chapter by indicating the necessary equipment for supporting the cooperation and coordination on all levels.

An additional **Chapter III.4** adresses cooperation with other actors, notably coordination with the police force, prosecutors, carriers/operators, authorities involved in trade facilitation and the public.

Issues related to asylum and visa management, information management and risk analysis (including data protection) as well as fighting corruption in the context of IBM are dealt with in three separate chapters in **PART IV Issues of special concern** – reflecting their importance for all parts and levels of the IBM concept.

The last part of the Handbook – **PART V Development of national IBM strategies and action plans** – provides guidance on how to best strategise the approach towards integrated border management on a national and international level. Forms and templates should give support to the practitioner, agency and interagency body in order to design a clear roadmap for the implementation. A sub-chapter on evaluation and review adds information on how to best monitor the implementation process.

Part VI comprises the **annexes**, including some practical templates and information sheets, complement the contents of the Handbook.

By including **good practice examples** from EU Member States, as well as examples from Central Asian countries and other parts of the world, the Handbook addresses the clear need for a **more practical tool** for the implementation of IBM. The good practice examples (marked with "👍 **good practice example**") illustrate how states are dealing with certain issues in a successful way through the implementation of certain components of IBM.

PART I
THE CONCEPT OF INTEGRATED BORDER MANAGEMENT

THIS PART EXPLAINS THE CONCEPT OF INTEGRATED BORDER MANAGEMENT

IBM foresees the **coordination and cooperation between all actors involved in border management**. By improving communication, information exchange and mutual assistance of and between the services, the state border can be managed more successfully.

I. 1. A variety of actors: a common goal

Whatever country is concerned, a variety of actors are involved in tasks related to the management of state borders. In spite they clearly have different fields of interest and working cultures, they should all work towards two common strategic goals.

Traditionally, one strategic goal at the state level in relation to border management lays in the protection of the borders against threats to national security, the national economy and public health, but also in the prevention of trans-border criminal activities and illicit entry into or exit from the territory.

At the same time, increased international trade and tourism, as well as the growing volume of educational and cultural relations at the international level makes the facilitation of legal movement of persons and goods also an important strategic goal for most of the countries.

I. 2. Integrated Border Management

Integrated Border Management can be defined as:

> **National and international coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management systems, in order to reach the objective of open, but well controlled and secure borders.** [2]

I. 3. The three pillars of the integrated border management concept

This cooperation and coordination should take place on three levels, also called the **three IBM pillars**, which are further explained in the subchapters below:

- → Intraservice cooperation;
- → Inter-agency cooperation;
- → International cooperation.

[2] Adapted from the "Guidelines for Integrated Border Management in the Western balkans", EU Commission staff working paper, updated version, January 2007. It must be stressed that there is No universally agreed upon definition of IBM.

I.3.1. Intraservice cooperation

Intraservice cooperation refers to procedures, exchange of information and resources within one state body (ministry or agency). This includes:

(a) **vertical cooperation**: between central, regional and local levels; and
(b) **horizontal cooperation**: between different units of the same levels.

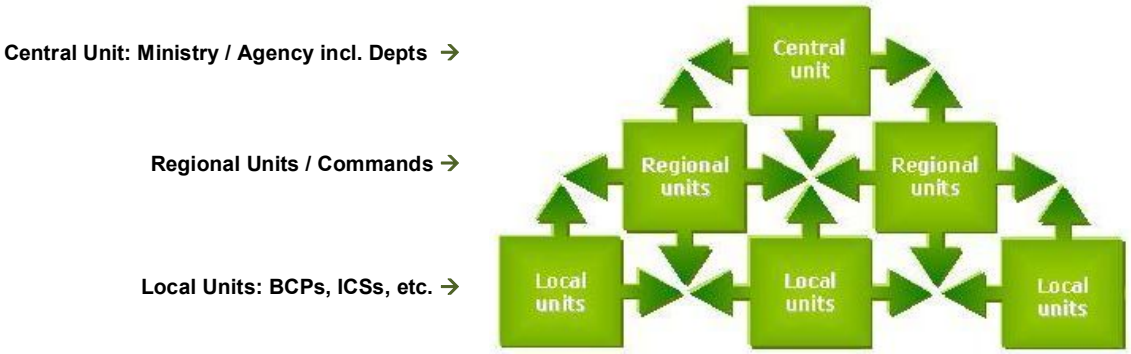


Figure 1: Intraservice Cooperation

Intraservice cooperation refers to interaction between:

- → A ministry and its respective border management agency
- → A border management agency and other services within the same ministry
- → Different units at headquarters
- → Different local units: border crossing points (BCPs), border inspection posts (BIPs) and inland control stations (ICSs)
- → Headquarters, regional units and the local BCPs and ICSs

Examples include the top-down information flow from central level to the BCPs in providing information on new regulations, as well as the cooperation between border officers and inland authorities in order to facilitate notably the secure transhipment and transit of consignments. Information gathered at BCPs and green/blue borders needs to be forwarded to the central level and the results of the analysis of information gathered should be fed back to the local level to further improve operations.

I.3.2. Inter-agency cooperation

Inter-agency cooperation refers to cooperation and coordination between different ministries or border agencies, as well as between the operational officers of the different agencies active at the border or ICSs. It starts at the ministry/**central** level where mid- and long-term strategies are discussed and extends to the operational contacts at the level of **regional** directorates and day-to-day operations at the BCPs/**local** level.

Coordination at the strategic level helps avoid policy inconsistencies while, at the local level, inter-agency cooperation should lead to more efficient workflows, shortened processing times and higher detection rates of illicit trans-border activities such as irregular migration and smuggling of goods and animals. (more details can be found in Chapter III.2.)

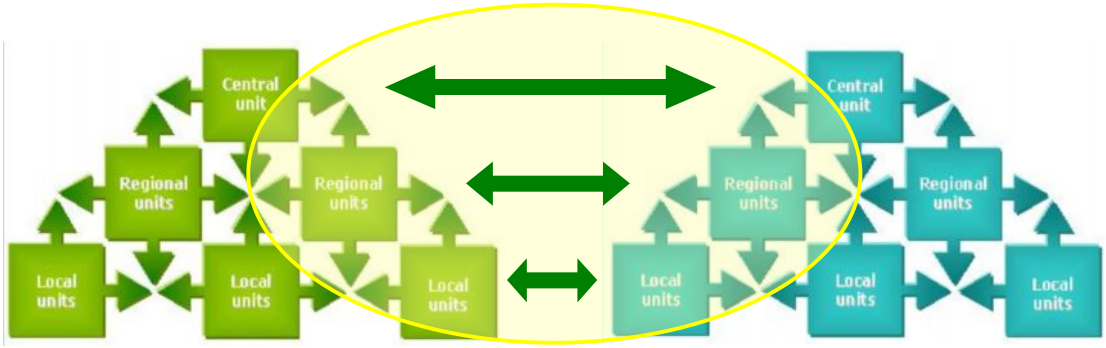


Figure 2: Inter-agency Cooperation

I.3.3. International cooperation

Closer international cooperation in the field of border management with neighbouring and other relevant countries is an effective tool to facilitate legitimate cross border travel and trade, and at the same time fight trans-border crime and irregular migration. While the central level focuses on coordination of strategic aspects such as joint surveillance of the border sections most at risk, cooperation at BCPs focuses on day-to-day operational issues.

International cooperation thus refers to cooperation:

- *Bi-lateral cooperation between neighbouring states*
  Bi-lateral cooperation **should include meetings between neighbouring countries** at the regional and central level to discuss matters such as the status of the different BCPs (including prioritisation and working hours), coordination of border patrols on both sides of the border, setting up joint patrols and operations, creation of common contact offices to intensify communication and exchange of information, prepare procedures for emergency situations (e.g. hot pursuits and incidents in the border area), as well as coordination and cooperation of infrastructure questions and the possible creation of back-to-back controls. As a major precondition for border cooperation to be successful, issues of delimitation and demarcation of the borders should be solved on a bilateral basis.

- *Multilateral cooperation, focusing on border management issues*
  Through multinational cooperation, common fields of work such as trans-border crime, irregular migration, trafficking in human beings, terrorism and smuggling of goods can be better addressed, notably through the signing of international agreements. Cooperation with international stakeholders, participation in regional/international fora and in regular training seminars can ease exchange of information and increase mutual trust among colleagues from different states. This can lead to the creation of an informal network of officials of sister agencies, which will be more inclined to contact each other.

- *Local cooperation between officials on both sides of the border*
  This cooperation would **focus on improving day-to-day operations**. It can range from information exchange up to the flexible solving of possible operational challenges in the interest of the facilitation of legitimate cross-border movements.

Closer international cooperation in the field of border management with neighbouring and other relevant countries is an **effective tool to facilitate trade, and address trans-border crime** and irregular migration. This can be achieved, for example, by establishing appropriate working mechanisms and communication channels, local contact points, joint emergency plans or exercises and handling of incidents in a factual manner to avoid political disputes.
It should be kept in mind that international cooperation initiatives can also have an inter-agency cooperation aspect, and that at least the ministries of Foreign Affairs have to be associated in the negotiation process of related bi- and multilateral agreements. Further inter-agency cooperation aspects of international cooperation, for example, include the possibility of establishing a common contact office for custom and border guard officers from different countries.

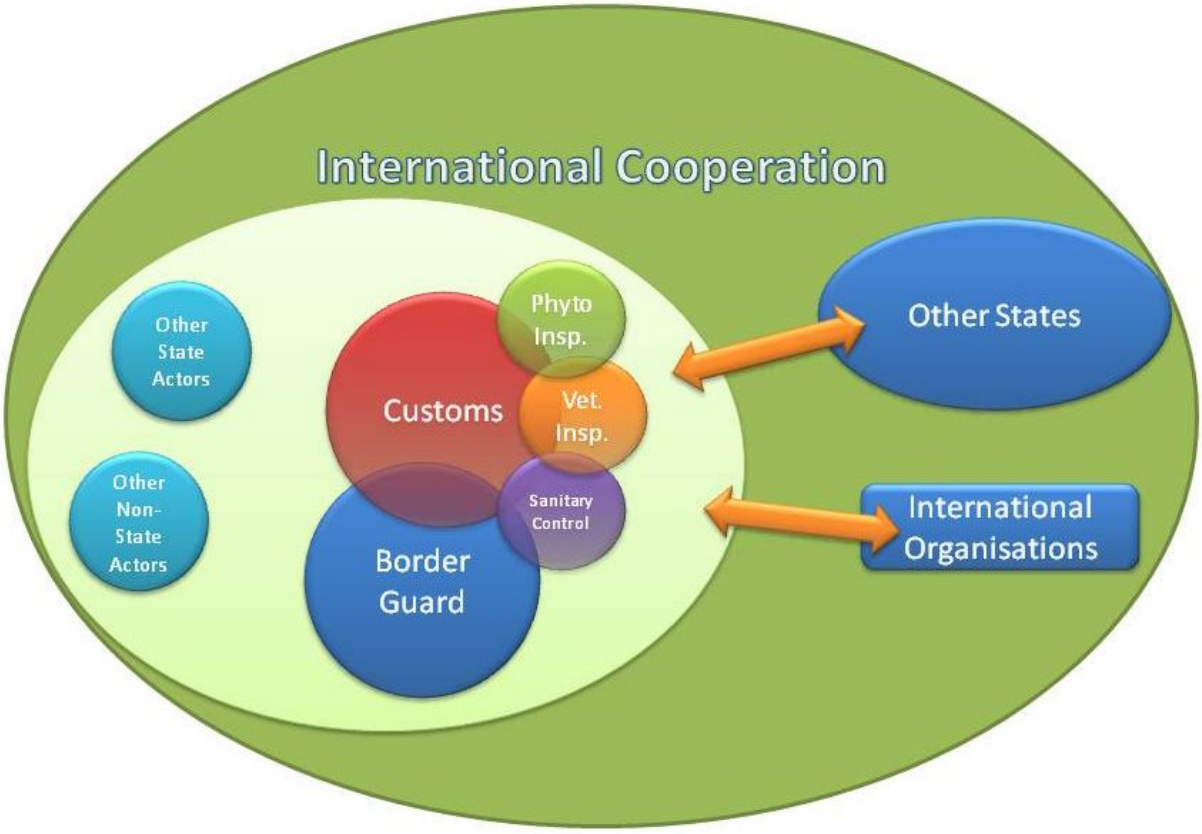


Figure 3: International cooperation

The few examples above show that, whatever IBM Pillar is concerned, cooperation and coordination are to be addressed at all levels of the border agencies. While the central level should focus coordination on strategic issues, the regional and local units should concentrate on operational cooperation. All are closely interlinked and interdependent. This makes it even more crucial to plan carefully and thoroughly measures aimed at improving intraservice, inter-agency and international cooperation; National IBM Strategy and Action plan constitute a tremendously useful tool in that regard (See Part V. for more details about how to elaborate and use those documents).

The three Pillars of IBM are not strictly divided but should be understood as cross-cutting issues. An example would be the establishment of joint contact offices, in which both customs and border police representatives could rapidly exchange information with officers from the neighbouring country. This is clearly an issue to be discussed both between the

agencies involved at the nationa level but also at the international level in order to come to an agreement with the neighbouring country.

The countries of Central Asia differ from each other. Institutional (if not constitutional) arrangements may influence the three-pillar approach to the extent that the levels may not always be explicitly identifiable. These differences need to be kept in mind when reading and applying this *Handbook* in the case of each country.

PART II
MAIN AGENCIES IN THE FIELD OF IBM

THIS PART PROVIDES

A brief description of the main agencies involved in the field of IBM in the Central Asia.

This part aims to briefly describe the main actors typically involved in border issues and their specific needs regarding cooperation and coordination with other services. It is important to keep in mind that the *Handbook* does not purport to cover all aspects related to the tasks of these actors, only those relevant to **cooperation and coordination** activities in the framework of IBM.

Apart from close cooperation between embassies and diplomatic missions, work in the pre-frontier area and at the BCPs and police cooperation inland, coordination between border guards and customs, as well as veterinary, phytosanitary and sanitary inspection services is essential for ensuring efficient and effective border management. For the purpose of this document - as it deals mainly with the crossing of the border - the main focus lies on the agencies mentioned above.

In Centra Asia, the above-mentioned agencies are named the following way:

	Kazakhstan	Kyrgyz Republic	Tajikistan	Turkmenistan	Uzbekistan
Border Guard	Border Guard Service	Border Service	Tajik Border Force	State Border Service	State Border Guard Committee
Customs	Customs Control Committee	State Customs Committee	Customs Authority	State Customs Service	State Customs Committee
Veterinary Inspection Service	State Veterinary & Sanitary Security Department	State Veterinary Department	State Veterinary Supervision Department	State Veterinary Supervision for transport and at the border	State Veterinary Department
Phytosanitary Inspection Service	State Phyto-Sanitary Security Department	Department of Chemicalisation, Protection and Quarantine of Plants	State Inspection Service on Phyto-Sanitary, quarantine of plants	State Service for plant quarantine	State Inspectorate for Plant Quarantine
Public Health Inspection Service	Sanitary-epidemiological services	Centre for Quarantine and Extremely Dangerous Infections	Centre on Sanitarian-Epidemiological Control	State sanitary epidemiological Service	Ministry of Health

In addition to the main border agencies (border guards, customs service, phytosanitary, veterinary and sanitary services), there is a large variety of stakeholders whose activities and interests need to be taken into account in an integrated approach towards border management as well. Agencies in Central Asian countries with relation to IBM vary a lot. While in some country the importance of the Ministry of Transport is very dominant, in another state, it has less responsibility in regard to IBM. This document focuses on those agencies that are commonly of relevance for an integrated approach towards border management. Other additional key agencies have nevertheless to be kept in mind from a national perspective. Some of these agencies are crucial to ensure proper functioning of BCPs; others require information collected by border guards or customs in order to fulfil their respective tasks or have other stakes in border security or trade facilitation. The intensity with which these stakeholders work together necessarily varies according to their tasks.

The long list of governmental stakeholders may include state bodies responsible for:

- Interior
- Justice
- Finance
- Agriculture
- Health
- Foreign Affairs
- Economy
- Environment
- Transport, energy and infrastructure
- Cultural affairs
- Tourism
- Telecommunications
- Defence

Airport and harbour authorities and respective security services also have a key role to play in ensuring security, safety and the smooth flow of persons and goods at the main entry points to their country. At the same time, cooperation should also be established with freight forwarders, carriers, railway companies and other relevant interest groups, such as industry and business associations. In addition, the civil society, NGOs and the population in the border area may also contribute to certain issues of a broader border management concept and thus are actors who should be cooperated with. Chapter III.4 specifically addresses cooperation with these other actors.

II. 1. Border guards

Responsibilities

The border guards[3] are the lead agency with regard to **border security**. A border guard can be deployed at a land, sea or air BCP, along the land or maritime border or in the immediate vicinity of the border or at a regional or central headquarters and has the authority needed:

- To carry out **checks or surveillance** at borders
- To take **preventive or enforcement measures** at the border needed to maintain national security in compliance with national regulations
- **To conduct investigations** into facts observed in the course of checks or surveillance at borders

Therefore border guards:

- **Carry out checks** on the legality of the application of each passenger to enter the country
- **Prevent and stop illegal crossing** of the state border

[3] The EC Regulation No 562/2006 (EU Schengen Borders Code) defines "border guard" as any public official assigned, in accordance with national law, to a border crossing point or along the border or the immediate vicinity of that border who carries out, in accordance with this Regulation and national law, border control tasks. In order to reach a common understanding, the updated version of the IBM Handbook for Central Asia uses the term "border guards" used in the EC Regulation referring to the responsibilities mentioned therein.

- **Control passengers** (including checks of means of transportation and objects in the possession of the person) crossing the state border in accordance with international agreements and in cooperation with other authorities
- **Perform**, at least, rapid and straightforward **minimum checks with regard to the validity of documents** authorising the legitimate holder to cross the border and verification of the presence of signs of falsification or counterfeiting
- Take the necessary measures should a person not fulfil the conditions of entry or exit
- Meet **obligations specified in international agreements**, direct the activity of the authorities mandated to inquire into border events, supervise work related to the surveillance of the state border, be responsible for the placement and renewal of border signs and keep the border clearance area clear
- **Prevent violent action** against the order of the state border and the facilities guarded by the border guards
- Perform **alien police duties** specified in the competent law on foreigners and the relevant by-laws
- Collaborate in performing **refugee authority duties** defined by separate legal provisions
- Take the necessary action to manage any emergency involving refugees and conflict situations directly endangering order at the state border;
- Collaborate in the administrative procedures specified by legal regulations and ensure the **maintenance of order at the state border**
- Exercise authority as specified in legal regulations in certain cases of petty offence
- Collect and evaluate the information required for the performance of the duties of the border guards
- Exercise investigative powers according to national law

Additionally border guards may perform duties specified in legal regulations relating to the defence of borders in the case of martial law, a state of emergency or an emergency situation.

Border guards perform "**border control**". "Border control" as defined in the Schengen Borders Code [4] may be further subdivided into "**border checks**" [5] and "**border surveillance**" [6] ."Border checks" is subdivided into compulsory "**first-line checks**",basic checks, and "**second-line checks**", i.e. further checks which may be carried out, in case of suspicion, in a special location away from the location at which all persons are checked first.

The basic principle of an efficient and effective border management system at the border is for the services involved – within their area of responsibility – to contribute to a maximum level of security for the citizens of the country, while at the same time facilitating the movement of people and goods across the borders.

Institutional framework

Border checks and surveillance of the green and blue border should be executed by professional officials and supervised by a central authority, that is part of a ministry working in the fields of justice, liberty and security and home affairs. Taking the experience of other countries and especially the rules within the EU and Schengen into consideration, it is recommended that border guards be set up as a **specialised, unified, professional body**.

[4] Regulation (EC) No 562/2006 (See Annex VI for full name).

[5] The checks carried out at border crossing points, to ensure that persons, including their means of transport and the objects in their possession, may be authorised to enter the territory of the Member State or authorised to leave it.

[6] The surveillance of borders between BCPs and the surveillance of BCPs outside the fixed opening hours, in order to prevent persons from circumventing border checks.

This could, for example, take the form of an autonomous and centralised unit as a specialised force within the police structures but with a separate budget and clear command structures (other solutions nevertheless are possible as well, as long as the effectiveness of the service is guaranteed). Furthermore, the structural and organizational differences between the border crossing and surveillance offices should be clearly defined. There needs to be a clear definition of the cooperation envisaged at the vertical and horizontal levels.

Fields of cooperation
In the course of fulfilling their duties and tasks specified in legal regulations, border guards shall co-operate with the police, customs, migration agencies, disaster control agencies, national security agencies, environment protection authorities, the army, other state agencies, local governments and their offices, business organisations, social organisations, NGOs, IOs, citizens and their communities.

II. 2. Customs

Responsibilities
Customs authorities generally act as the lead agency for commercial trade. Customs should guarantee trade facilitation as well as to protect society and prevent trans-border crimes and therefore preliminary are in charge of controls of goods passing the borders.

The customs service:
- Ensures the safety and security of citizens
- Protects the environment
- Protects the financial interests of its country
- Protects its country from illegal trade while supporting legitimate business activity
- Increases the competitiveness of business in its country through modern working methods supported by an easily accessible electronic customs environment

A customs officer is a public official deployed either at a land, sea or air border crossing point, along the land or maritime border or in the immediate vicinity of the border, or at inland customs offices.
Customs officers carry out
- Border and inland control to facilitate the flow of legitimate passengers and trade
- Measures at the external border and in the inland needed to secure compliance with national regulations to maintain law and national security, freedom of movement of people and goods
- Controls in compliance with prohibitions and restrictions protecting the safety and security of citizens and the environment
- The collection of national revenue
- Customs procedures (customs clearance) at borders and inland customs offices;
- Investigations into facts observed in the course of checks or surveillance at the external borders and – if so empowered by law – impose administrative fines
- Controls of passengers, goods and vehicle traffic and freight crossing the state border in accordance with agreements and in cooperation with other authorities
- Collection and evaluation of the information required for the performance of the duties of the customs
- Measures of customs control and verification, as well as clearance, and also excise control and tax inspection in order to collect the resulting revenues
- Cooperation in the field of international trade, currency, sanitary, phytosanitary, veterinary and other regulations linked to the cross-border traffic of goods and persons

Institutional framework

The presence of a **central customs administration**, which should be part of the ministry of finance, is necessary for the uniform and correct application of customs rules. Customs has to be present at all BCPs, except at small bilateral BCPs restricted to the border crossing of persons only and where a special agreement between border guards and customs is in place that transfers customs duties to border guards ("cross-designation of responsibilities"). The duties of the customs officers should be defined in the customs administration law.

Cooperation

Customs authorities have an important role in border management, stemming from the dual objective of encouraging trade facilitation and fighting trans-border crime. They are best placed to develop integrated procedures between the various agencies involved in the work at a BCP, such as border guards and phytosanitary and veterinary agencies. Streamlining of customs work is needed to achieve effective integration with other authorities.

In their daily work, customs officers have regular contacts not only with border guards but also with veterinary and phytosanitary inspectors; market inspection and consumer protection services; services responsible for environmental and cultural protection; and services responsible for confirmation of transportation and import and export licences. It is therefore of utmost interest to the customs authorities to be active in ensuring professional cooperation and coordination between all partners.

Given their common objective in fighting trans-border crime and protecting society from risks to safety and security, close and efficient cooperation between customs authorities, who have responsibility for controls on goods, and border guards, who bear primary responsibility for checks on persons, is essential. Synergies should be exploited as well as respective strengths by ensuring an active role for customs in police investigations, especially where fraud and the effective sharing of data and pooling of resources are concerned.

Customs authorities also face new challenges in the light of rising demand to process an increasing volume of goods as quickly and efficiently as possible in order to ensure competitiveness on the global market, while at the same time effectively preventing any harm to society. As the first line of defence against threats posed by illegal or harmful goods, it is vital to strengthen cooperation with other authorities; including those responsible for the control of goods of plants, plant products and animal origin, for foodstuffs and medicines and for market surveillance. Close cooperation with trade partners is also of importance for all agencies involved in trade facilitation. An active role for customs authorities in providing a coherent approach towards trade partners should be envisaged.

II. 3. Phytosanitary inspection

The legal framework for the phytosanitary inspection on international law is laid down by the International Plant Protection Convention (IPPC), which regulates the movement of plants and plant products and their protection against harmful organisms.

Responsibilities

Phytosanitary inspection is the inspection of controlled **plants** and **plant products** imported into or in transit through a country to prevent the introduction and spreading of organism harmful to plants and plant products.

Inspectors are responsible for:

- → **Documentary checks** (validity of phytosanitary certificates)
- → **Identity checks**
- → Check of means of conveyance
- → **Plant health checks** and, if necessary, taking samples
- → Issuing of **phytosanitary certificates** for plants and plant products presented at the border for export

Phytosanitary inspectors at the point of entry should perform phytosanitary inspections or in special cases, such as with laboratory tests, at the point of destination or at other places where phytosanitary consignments can be identified, provided that their phytosanitary integrity is maintained and that appropriate procedures can be followed.

Institutional framework

A single central authority, responsible for all phytosanitary matters could lay down relevant laws and by-laws and to establish other necessary preconditions for the work of a national plant protection organisation dealing with all elements of phytosanitary matters in line with the IPPC (International Plant Protection Convention).

Cooperation

Procedures with relation to phytosanitary inspections have to be followed under the supervision of customs authorities and therefore clear coordination between customs authorities and phytosanitary service is indispensable. In addition, customs officers have to be aware of the tasks of phytosanitary officers and of the plants and plant products, that have to be controlled or small amounts of regulated plants or plant products, that are exempted from phytosanitary control.

II. 4. Veterinary inspection

Responsibilities

The veterinary border inspection is in general responsible for the inspection of all **foodstuffs** and other **products of animal origin**, and **live animals** introduced into the country. The responsibility of the veterinarian border inspection includes consignments that are intended for import as well as consignments in transit - with or without temporary storage. Foodstuffs of animal origin intended for ship supply are also included.

Institutional framework

The ideal structure of the organisation responsible for veterinary checks is relatively compact. All responsibilities related to veterinary border inspection should be brought together in one ministry. If the responsibilities are divided between several ministries, the risk

of overlaps and loopholes arises, which would have to be compensated for with increased coordination efforts.

The veterinary border inspection service is situated either as a unit inside the ministry or, preferably, in an agency working under the direction of the ministry. Typically, the ministry concerned is **the ministry of agricultue**. The BIPs should fall clearly under the responsibility of the veterinary border inspection service in order to ensure the undisputed authority of the ministry or agency over the BIPs.

Cooperation

Exempted from systematic veterinary checks are for example, certain foodstuffs of animal origin forming part of a traveller's personal luggage, some trade samples, samples for exhibitions and small amounts of products intended for particular studies or analyses. As these consignments could be considered as outside of the scope of "normal" systematic veterinary border inspection, customs authorities control them as part of their normal import surveillance. There are also exceptions for live animals: dogs and cats introduced into a country as pets should be exempted from systematic veterinary checks. **Customs control the import conditions randomly**, as part of their normal import surveillance. Therefore the customs authority normally first gets involved with the consignments and – on the basis of the "positive list" – decides whether that consignment falls under the responsibility of veterinary inspection or not.

Customs officers therefore assist border veterinarians in controlling consignments of animal origin and live animals introduced into the country via a BIP. Cooperation with border guards is limited to instances when border guards detect consignments during their controls that could be of interest to the border veterinarians or the phytosanitary service. In addition, if there are small BCPs where neither inspection services nor the customs service are present, some of the responsibilities, mainly the denial of entry via a non-authorised BCP, may be taken over by border guards.

With regard to cooperation with other border authorities, the division of the areas of responsibility related to consignments predominates in the relationship with other inspection services. In such cases there will usually be a chain of inspections carried out by the various authorities. Cooperation is usually limited to the exchange of information. Cooperation with cargo forwarders, carriers and relevant interest groups is also related mainly to information exchange.

II. 5. Public health inspection

Responsibilities

Communicable diseases do not respect national borders and can quickly spread via airports, harbours and land border crossings through persons, baggage, cargo, containers, goods and postal parcels if no appropriate actions are taken to combat them.[7]

State parties to the International Health Regulations (IHR) are obliged to strengthen their public health capacities at designated airport, harbour and land BCPs in both routine circumstances and when responding to events that may constitute a public health emergency of international concern. The methods used to strengthen those capacities vary from one country to the other, depending on the size and type of BCPs as well as on the international epidemiological situation.

[7] For example, outbreaks of bird flu and H1N1 have shown how quickly a regional problem can become an international one – airports and harbours being of particular concern. The "classic" diseases raise less media attention but are nonetheless relevant for all types of BCPs, especially at airports and along transit routes for migration.

Agencies responsible for checking human health at the border should have the authority to:

- → Carry out surveillance on the health of incoming passengers
- → Report any disease outbreak and alert competent authorities at national, regional and international levels in a timely manner
- → Take safeguarding measures for the protection of public health, including quarantine

Institutional framework

Agencies in charge of public health protection should exist at regional or central headquarters, but do not necessarily have to be deployed constantly at each BCP.
No matter how the agency is set up, the institutional framework should allow for a prompt assessment of possible public health risks and rapid response to contain and manage the risk.

Cooperation

Basic tasks like surveillance or reporting can be delegated to agencies that are continuously present at the border, like customs control. Nevertheless, a back-up team of specialised medical personnel should be available in case of emergencies at the border.

II. 6. Other actors

The term "other actors" refers to institutions that are not directly involved in practical border work, but to a certain extent depend on or interact indirectly with border services and therefore also form a part of the IBM concept. Other actors may be **state actors** or **non-state actors** - the following list gives a short overview of these other actors, while Chapter III.4 provides more details about their involvement in IBM and interactions with the main border agencies.

Other actors

- → **Ministry of transport.** Responsible for access to border crossings and green borders; of key importance is cooperation with regard to scale and importance of specific BCPs
- → **Security agencies.**
- → **Migration authorities**. There should be cooperation with border guards on asylum, migration and visa matters, risk-analysis and information exchange.
- → **Members of the judiciary.** Competencies need to be clarified and procedures with law enforcement authorities have to be established.
- → **Police academies** or other relevant training institutions. Even where police and border guards do not have the same initial and/or consecutive training, border guard training or joint training on certain topics and in accordance with agreed core-curricula should be held in these institutions.
- → **National Railway Companies**
- → **Statistics institutes**. Data could be provided by border authorities such as customs that collect goods-related data.
- → **Market inspection and consumer protection**. In the EU, relevant services are normally placed inland. Functions at the border are largely carried out by customs. Procedures for information exchange should be established and joint operations organized.
- → **Harbour masters** and **airport authorities**. They have a need for efficient information exchange procedures with relevant authorities such as on arrival times, and maintain close cooperation with border management services present at maritime and air BCPs. In particular instances – and in accordance with the respective national legislation it might even be compulsory for them to provide the necessary infrastructure to perform border checks.

- **Carriers and operators**. Information exchange with border guards (e.g. regarding passenger lists) as well as a legal and regulatory framework related to procedures in case of breaches of law is as important as following – in accordance with international obligations or national legislation – provisions concerning carrier liability.
- **Freight forwarders**. MoUs could be established between trade facilitation agencies (i.e. Customs, Veterinary, Phytosanitary, etc) and trusted forwarders. Forwarders are directly touched by workflow improvements and procedures for information exchange.
- **Industry and business association**. There should be regular information exchange with trade facilitation agencies. In addition, training and seminars could be offered by trade facilitation agencies to industry and business.
- **NGOs, civil society, local border population**.

PART III
THE CONCEPT OF IBM - COOPERATION AND COORDINATION IN PRACTICE

THIS PART DESCRIBES

The three pillars of Integrated Border management concept put into practice and provides series of relevant good practice examples from the EU Member States, Central Asian countries as well as from third countries.

The following part is a collection of good practices in the field of cooperation and coordination within and between agencies involved in border management. These are partly practices applied in EU Member States, partly laid down in EU legislation and other documents, complemented with good practices from the Central Asian region and other parts of the world.

For each Pillar – **intraservice**, **inter-agency** and **international** cooperation – the Chapters below are subdivided into the following topics, some fields in which cooperation and coordination should take place and should be looked at:

- Legal and regulatory framework
- Institutional framework
- Procedures
- Human resources and training
- Communication and information exchange
- Infrastructure and equipment.

The distinction between these fields of cooperation is not clear-cut and certain topics might cover two or more of these areas. Cross-references are made in this case.

The individual chapters will first introduce the objectives related to the particular field of cooperation and coordination which might be included in an IBM strategy, i.e. **WHAT** should be achieved in a certain field. The chapter will then go on to describe the possibilities of **HOW** these objectives could be pursued through concrete activities, providing examples of good practices. Certain activities will be applicable to or concern all agencies involved in border issues, while others will be specific to one or the other agency or imply closer cooperation of certain services. It will thus also be mentioned **WHO** should be involved in the concrete activities or who the objectives refer to.

In many countries strategies for individual services do exist. The IBM Handbook at hand should be seen as complementary to these existing strategies which might be expanded by certain aspects of intraservice and international cooperation according to the national interest. The content and implementation of the strategies of individual services should be coordinated at a national level in order to identify complementary fields and to ensure the economic use of resources. While the national IBM strategy might include objectives related to intraservice and international cooperation, this does in no way substitute sector strategies which naturally go far beyond cooperation issues. In the chapters related to intraservice and international cooperation, sub-chapters for the individual services will refer to objectives and good practices which might be included in such sector strategies.

III. 1. Intraservice cooperation

THIS CHAPTER DESCRIBES INTRASERVICE COOPERATION

Intraservice cooperation is the IBM pillar that is usually implemented most quickly, because changes are more easily introduced by an individual ministry or agency when they relate solely to their own operations.

Intraservice cooperation describes the cooperation and coordination between different divisions or units **within** one ministry or agency. The concept is similar to many existing business-orientated efficiency models: effective use of resources, efficient communication, coherent and standardised compliance with streamlined operating procedures. As already mentioned in Part I, it should take place at all levels of the agency or ministry both horizontally and vertically and cover the six fields listed above. Although each of these fields is considered separately in the following subchapters, it is important to note that they are closely interlinked in reality. For example:

- → Procedures cannot be implemented effectively without sufficient legal and regulatory framework;
- → Communication and information exchange is useless if no functional institutional framework is in place, and;
- → Good quality infrastructure and equipment serve no purpose if there is insufficient training.

Intraservice cooperation is also the basis for the other two pillars of IBM: inter-agency and international cooperation. Without each individual agency internally communicating and cooperating effectively, the ability for a state to implement the IBM concept as a whole is limited. If an individual agency is underperforming, its ability to effectively cooperate with other agencies is reduced.

III.1.1. Legal and regulatory framework

The purpose of the legal and regulatory framework is to ensure that each agency involved in border management is legally empowered to fulfil its mandate. It determines its authority, tasks and responsibilities on central, regional and local level, including internal communication and cooperation.

The ministries or agencies responsible for border management need to operate within a legal framework that **clearly determines the authority, tasks and responsibilities** of the agencies and their staff. At the same time, the division of rights and responsibilities at **different levels** of the agencies involved in border management should be clearly stated in the legislation to facilitate the smooth operation of a reliable control system. Moreover, **obligations and terms of cooperation** between individual departments of a ministry, individual units of a service, between the central level, the regional level and BCPs/BIPs/ICSs should also be anchored in laws or by-laws.

Depending on the organisational set-up of the ministries/agencies, laws, by-laws, agreements and internal instructions may cover the following topics:

- → Areas of responsibility and concrete tasks of the agency
- → Powers and authorities the agency is vested with to implement its tasks
- → Definitions of offences and description of penalties and actions to be taken and which jurisdiction they fall under

- → Databases of the agency and access to databases of other agencies
- → Delegated responsibilities: tasks which are carried out by other agencies on their behalf (or vice versa)

Matters related more directly to procedures and organisation should also be regulated:

- → Implementation of operational procedures, such as the links to other units/teams/sectors for routine tasks and the steps that need to be taken in case of unforeseen developments.
- → Gathering and exchange of information, including routine reporting. Regulations should clarify what data should be gathered, from whom and how; how the data should be stored; and what information can be disseminated, to whom and how.
- → Documentation, e.g. templates and forms an agency should use.
- → Regulations should also determine accepted standards and good practices of border management and trade facilitation, such as the one-stop-shop concept, transparency and accountability.

It is essential that **legislation is applied and enforced coherently and reviewed regularly** to ensure that it remains relevant and effective. Such a legal review should aim at identifying overlaps with or gaps in relation to other national legislation. **Care should be taken to ensure that amendments are compliant with related or superior legislation (e.g. international conventions)**.

Selected key reference documents at EU, International and Central Asian levels have been listed at the end of this document in Annex VI “Key Reference Documents”. The subsequent sections highlight some key issues to be taken into consideration for the various border management agencies.

III. 1. 1. 1 Border guards

The competence and scope for border-control and aliens-policing usually derives from the respective constitution laying down the administrative responsibility.

In Central Asia, border control and aliens policing duties are the main tasks of border guards. The respective national legal acts therefore have to give clear instructions on how to fulfil the various duties in a unified and transparent way throughout the respective country. Both duties in particular may affect basic rights of individuals being subjected to control by the border guards. The respective laws and bylaws therefore should give clear instructions on how to control and fulfil the tasks while, at the same time, fully respecting human dignity. All measures taken in the performance of their duties shall therefore be proportionate to the objectives of such measures.

On **national level** the responsibilities of border guards as well as their intraservice cooperation are inter alia commonly regulated in a police act, a border-control or border-guard act, asylum and migration laws, a data protection act, laws regulating the issuance and control of travel documents and visa, laws on air, sea and train traffic and general laws regulating the status of civil servants and law enforcement officers.

The main legal act on border guards should describe the authority and the competencies of the local, regional and central level and clearly specify the tasks to be fulfilled as well as the decision-making-competencies. Internal orders additionally clarify responsibilities and intraservice cooperation.

In fulfilling border surveillance duties border guards shall use stationary or mobile units. The respective legal basis has to ensure that border guards are provided with sufficient legal power to carry out this task in such a way as to prevent and discourage persons from

circumventing the checks at BCPs. The respective legal act therefore has to ensure that on the one side border guards are vested with sufficient law enforcement power to conduct their duties and on the other side that the legal framework for mobile units is in place.
Furthermore instructions have to be introduced clearly stating and dividing the competencies of border guards and those of police officers. This especially has to be taken into consideration, if the border guard units are foreseen to be integrated into the police forces. Clear instructions are particularly necessary as the exercise of (regular) police powers do not have border control as an objective while this is the main duty of border guards. (Regular) Police powers additionally are clearly distinct from systematic checks on persons at the external borders. Regulations with this regard therefore must clearly divide and define the competencies but also clearly define how to cooperate and communicate in case of overlapping responsibilities.

Where appropriate border guards shall also perform the law enforcement tasks referred to their authority by other laws, perform investigations and act as the investigative authority in criminal cases (usually based on a separate law). Since the legal system varies from country to country, this list merely serves to clarify the complexity of the legal framework supporting the work of the border guards.

III. 1. 1. 2 Customs

Customs legislation may comprise of the customs administration law, customs management, the powers of customs officers, customs offences and penalties, flow of information and mutual assistance[8].

Legislation should support the development of a transparent customs administration, to demonstrate accountability and responsibility, and to give the customs administration the authority to make decisions on administrative matters.

Roles, responsibilities and links between the different levels of administration (local, regional and central level) must be clearly defined and transparent. Financing of the customs administration is determined and set out in legal provisions

Regarding border control and inland control the following points are particularly relevant:

- → Customs legislation needs to define clearly all kind of customs procedures
- → Customs legislation needs to provide customs officials with adequate authority for questioning, examining and searching of persons, goods, means of transport, documents and commercial records, and include definitions of clear control procedures.
- → Customs offences and penalties are to be determined by law; as well as the jurisdiction of bodies administrating offence procedures.

A review of customs legislation could aim at achieving the following objectives with a view to both simplifying legislation and enhancing security features:

- → Identify overlaps with, or gaps in its interfaces with other relevant national legislation
- → Use of electronic declarations (also for accompanying documents), and electronic exchange of data
- → Simplify and streamline existing customs procedures
- → Adjust simplified procedures to the needs of electronic processing, and extend their scope and use
- → Define the roles of inland and frontier customs offices

[8] As an example of a basis for customs legislation the updated "**EU Customs Blueprints – pathways to modern customs**" (2007 - page 13 to 15). The Modernised Customs Code ("MCC") may be taken into account (Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code).

- → Define the rights and responsibilities of traders and freight forwarders and improve the service to traders through closer relations between customs services and companies
- → Implementation of provisions for quality measurements and internal audit (e.g. ethic code)

Such modernisation and simplification of customs legislation reduces the cost for business, increases legal security for people, and allows businesses and people to fully benefit from the possibilities offered by IT procedures. Legal provisions for data protection have to be developed where they are lacking or amended according to international standards.

III. 1. 1. 3 Phytosanitary inspection

A general framework for phytosanitary inspection is laid down by the *International Plant Protection Convention (IPPC)*[9].

Working procedures should be developed and subsequently reflected in detailed working instructions for inspectors, relating not only to import, export or the single market, but also to all other official duties of the national service.

Internal cooperation should be anchored in laws or by-laws and the type or level of the officer(s) responsible for making decisions should be clearly defined in an agreement, or in the legislation. A clear legal framework on collection of information, creation of databases and procedures of work should form the basis of the work in this regard.

Phytosanitary service should be present at regional and local level. At local level the presence at designated ports, airports and external land and sea borders should be defined.

III. 1. 1. 4 Veterinary inspection

The regulations on veterinarian inspection may include provisions on **vertical** and **horizontal cooperation** - vertical cooperation divides the responsibilities between the different levels of the veterinary organisation while horizontal cooperation divides the tasks between veterinarians at the same level[10].

Regulations on vertical cooperation may stipulate e.g. the approval of powers and procedures of the Veterinary Border Inspection Posts (BIP) and the withdrawal of this approval. Also provisions on reporting duties and flow of information between the different authority levels may be given.

In many countries the main part of the risk assessment and management on the imported consignments is carried out by the central competent authority when issuing import licences. The role of the border veterinarians carrying out the technical comparison of the import licence with the imported consignment could be strengthened towards more independent control of the implementation of standardized import conditions given by legislation and thus shifting the responsibility for the risk management to lower level.

The **horizontal cooperation** could be further regulated with regard to the cooperation between the veterinary BIPs. Smooth flow of information related to transiting consignments should be ensured between the BCP of entry and exit to prevent the illegal import of

[9] From the Central Asian Countries only Kyrgyzstan (11.12.2003) submitted their instrument of adherence to the IPPC.

[10] Veterinary border inspection witin the EU is based on two Council Directives: *Council Directive 97/78/EC* and The Council Directive 91/496/EC which forms the basis for veterinary border inspection within the EU. In addition to these two Directives several decisions regarding the implementation of these directives provide more detailed instructions on the procedures.

consignments not fulfilling the import conditions. On rejected consignments returned to the country of export rapid distribution of information is needed to prevent the re-introduction of the consignment through another BIP. This information shall also be used at the other BIPs to detect the same deficiencies or risks in similar type of products or animals.

Additionally, the cooperation between the BIP and the inland veterinarians should be regulated, e.g. the official veterinaries responsible for customs warehouses in cases of temporary storage of consignments in transit or intended for ship supply. Information should be sent from the BIP of entry to the warehouse and from the warehouse to the BIP of exit or to the ship followed by feedback information going backwards in the chain to ensure that the consignment is not escaping from the authorized route.

Regulations on cooperation between the border veterinarians and the inland veterinarians in the case of a so called "canalised"[11] consignment could ensure its arrival in the foreseen destination. The border veterinarian should inform the inland veterinarian responsible for the supervision of the establishment of the destination that a consignment has been approved to be transported from the BIP into this establishment. Equally, the requirement for feedback from the inland veterinarian to the border veterinarian within a defined period to confirm the arrival of the consignment at its destination may be regulated. A similar form of cooperation should take place between border veterinarians and inland veterinarians responsible for quarantine stations, slaughterhouses, research institutes and other special destinations.

III.1.2. Institutional framework

The purpose of an institutional framework is to ensure that the agency has the necessary organisational structures to allow an effective implementation of the agency's tasks, as well as efficient intraservice cooperation and communication.

When setting up a border agency, the following needs to be taken into account:

- → The current situation at the border and in the field of border management
- → The specific tasks of the border management agency
- → The means through which these are to be achieved (including work force, infrastructure, equipment and required standards)

Most countries distinguish between tasks at the central, regional and local levels:

- → The central level is where senior management is placed, which is responsible for policy development, legislation, high level communication and operational oversight, supervision of the lower levels, including control of the performance of the latter, and, in some cases, also the management of specialist units.
- → The central (and sometimes also at the regional) level is where the 24/7 operational coordination centre should be placed. It should have 24/7 capability for situation monitoring, coordination and facilitation of operational activities, as well as launching actions in urgent situations. All local level duty officers should have direct access to the operational coordination centre. Special unit operations or inland controls may be organised from the central level, possibly with the support of regional directorates and local units.
- → The regional level (sometimes excluded in smaller countries) has the oversight over all border management activities in a specific border area and all BCPs of a particular border section. Border surveillance activities may be organised at the regional level.
- → The local level refers to BCPs and BIPs and the practical work done there including border surveillance.

[11] See EU Council Directive 97/78/EC, Article 8.

Each agency should ensure that a clear chain of command exists. This means the creation of policy and strategy at the highest executive levels (see below III.1.2.1), which is then implemented by all operational levels in a standardised and accountable manner. All staff should understand their own and their unit's position within the agency as well as their specific roles and responsibilities.

An example of centralised planning is to have a rolling multi-annual planning programme, annual work programme and annual plan of activities and use of resources at the central and regional level, whereas the local level has an annual work programme and an annual or monthly plan of activities and use of resources.

III. 1. 2. 1 Overall border and inland control policy and strategy

Each border management agency should develop an overall border and inland control policy and strategy to be implemented through headquarters. The border control policy and strategy should determine and include:

- → The standards for risk analysis and selective, systematic, comprehensive and flexible controls;
- → Standards for information flow, both top-down and bottom-up;
- → The bodies responsible for planning (at the central, regional and local levels);
- → Cooperation with other border agencies (see also Sub-chapter III.2);
- → Cross-border cooperation (see also Sub-chapter III.3);
- → Relations with trade and the public (see also Sub-chapter III.4);
- → Management;
- → Personnel (human resources, required competencies and codes of ethics);
- → Training;
- → Facilities, equipment and computerisation.

The starting point should be to identify those controls that can be moved inland from the borders without negatively affecting the risks they address and those which have to be carried out at border posts. The objective is to ensure that priority is given to security and that controls are carried out where they are most effective. It is advised to get all BCP/ICS staff familiar with the parts of the border control policy and strategy that directly concern their work, since this can provide additional information about the context in which particular by-laws or internal instructions have been put in place. The application of the policy should be monitored by the management on a regular basis.

Please refer as well to Sub-chapter III.1.3 (Procedures) regarding Border control operational instructions and Operational plans.

III. 1. 2. 2 Internal control unit and external audit

Internal control and reporting units should be in place at the central level to monitor not only **performance** and the **coherent implementation of operational instructions**, but also **the efficient use of resources**. These units should also prevent and investigate cases of corruption (see Chapter IV.4). In countries with a high number of BCPs or countries with developing structures, the need to monitor performance and compliance is higher, therefore internal control units could also be placed at the regional level. The internal control units do not only monitor and assess performance, but can also provide guidance, e.g. to newly recruited staff. Regular performance evaluation helps to detect irregularities of any form and provide feedback for the quality management system of the organisation.

In addition to this, an external audit should take place on a regular basis in order to independently evaluate the effectiveness of the agency's operations and provide an assessment of the agency's internal control mechanism. Transparent procedures have to be

established for corrective action to be taken in case of irregularities, including punishment for perpetrators.

III. 1. 2. 3 Risk analysis unit

All border management agencies should have a risk analysis and statistical unit at the central and sometimes also the regional level. This risk analysis unit should be provided with all relevant information from the field, starting from embassies and diplomatic missions through the pre-frontier area and all the way inland. The central unit should ensure that an accurate analysis of the information, as well as suggestions for operational adjustments are made and forwarded to all relevant units at central, regional and local levels. Please see Chapter IV.3, which deals with risk analysis in more detail.

III. 1. 2. 4 Mobile units

Mobile units are deployed to different locations depending on fluctuating needs. They should be used to carry out border surveillance and to support BCP and ICS staff in times of high cross-border traffic, for example during peak times (start/end of school holidays or tourist season), or in case a BCP may temporarily need particular specialists to respond to a specific need. Mobile units should also conduct targeted checks of persons and/or goods inland and at the border along known smuggling routes. Special attention should be given to provide those units with an adequate legal or regulatory framework, so that they have all necessary competences to efficiently carry out independent checks.

Required human and financial resources, as well as adequate training programmes, equipment and IT support need also to be defined in management and investment plans.

With a view to notably rationalise resources, cooperation and coordination with other governmental mobile surveillance units should be sought, as well as with mobile units of neighbouring countries (Please refer to Sub-chapters III.2.2 and III.3.2).

III. 1. 2. 5 Devolved authorities

An institution works most effectively when staff at the various levels is empowered to make decisions with a certain degree of autonomy. This allows senior management to focus on their core tasks and not predominantly on administrative issues, and also allows faster and more relevant decisions to be made at an operational level (without the need to continuously refer decisions up the chain of command). Although policy and oversight is retained by senior management, micro-management of all units and staff is not practical since it causes delays in decision making.

III. 1. 2. 6 Border guards

No particular recommendation can and should be given, whether border guards should be organised centrally or in a decentralised manner, since this is to be decided upon each countries specific situation. The only item to be strictly observed is that States should introduce appropriate decision making authority and deploy adequat staff and resources in sufficient numbers to carry out border control in such a way as to ensure an efficient, high and uniform level of control.

Additionally the relevant institutions should observe:

- → That a clear and operational structure is established on central, regional and local level;
- → That the commanding-structures are clear;
- → That the issue of cooperation (vertical and horizontal) is clarified within the border guard and also between different authorities; and

→ That the information-gathering and – based on appropriate risk-analysis - dissemination top-down as well as the general information-flow top-down and bottom-up is performed in a structured manner.

It is also highly recommended to establish combined mobile forces (on regional and/or central level) to easily be available for specific dangerous and hazardous situations (bypassing of BCPs, illegal entry in trains, etc.)

All measures should finally be accompanied by evaluations and audits to be conducted from the central level, thus allowing comparison and drawing of conclusions for implementation.

III. 1. 2. 7 Customs

Decentralisation and **delegation of decision-making** increases the flexibility to react with regard to variance in flows of goods and other traffic. It is thus necessary to secure adequate resources, equipment and experts (trained in using the equipment), based on management plans.

Decentralisation and delegation of decision-making requires efficient and independent internal control to ensure efficient use of resources, as well as to review the execution of customs officer's obligations at all levels. Finally, a quality management system and the method for measurement of results could help to achieve constant high quality of standards. The roles, responsibilities, and links between the centre of the administration and regional offices should be clearly defined.

Although customs will remain present at the BCPs, there is a development towards moving detailed cargo control further inland. Border checks should focus on the security aspects while commercial and fiscal checks can be carried out elsewhere. The major advantage of inland cargo clearance is the shorter waiting time at the BCP, allowing for smoother traffic flows. In addition, appropriate facilities and infrastructure for the customs control does not have to remain at the border, where the landscape might be unsuitable or the geopolitical situation difficult.

For making progress on customs controls it is necessary to develop a **centralised risk management** system. Using a centralised risk management in the whole country still requires a specific risk management unit for each region and BCP, taking into account all specialities of this BCP/region. Cooperation and information exchange on vertical and horizontal level has to be established in order to improve the work of customs.

III. 1. 2. 8 Phytosanitary inspection

A single **central authority** should be responsible for phytosanitary matters and phytosanitary services should report to this central authority. Gathering all information from local and regional level a **centralised risk management** should be established.

An efficient and **independent internal control** ensures efficient use of resources, as well as to review the work of phytosanitary inspectors at all levels. Finally, a **quality management** system could help to achieve constant high quality of standards.

Cooperation and **information exchange on vertical and horizontal level** has to be established in order to improve the work of phytosanitary service. The horizontal cooperation also includes the shared activities and interests between the phytosanitary inspectors at BCPs and other phytosanitary inspectors such as regional phytosanitary inspectors.

III. 1. 2. 9 Veterinary inspection

There are different examples to be seen in different countries how the veterinary border inspection could be organised. A centralized model where all the strategic and implementation tasks are carried out by the central competent authority is a model quite rarely seen. Even if in a small country the tight organization would save resources and ensure rapid exchange of information it is not the most transparent or efficient system as the results of the inspections are assessed by the same authority who has set the objectives.

The two level system where the risk assessment and the risk management are carried out by two different levels helps to avoid this problem and the system enables the second level to be clearly accountable to the first. Also organizational systems exist where there is a regional level between the central level and the local level but here the uniform application of the regulations and procedures is in risk and the flow of information slow.

In the most advisable organisation model the **activities are divided** between the central and the operational level. The **central level** carries out the strategic planning based on the political framework including the risk assessment and the **operational level** takes responsibility of the risk management. **Centralised risk units** and **audit units** ensure the objective targeting and the efficient implementation of the import control.

Inside the institutional framework the cooperation on vertical and horizontal level should be regulated clearly by legislation. **Vertical cooperation** includes the division of rights and responsibilities between the central level and local level related to the veterinary border inspection e.g. regarding the approval and withdrawal of the approval of the BIPs and flow of information.

The **horizontal cooperation** includes the shared activities and interests between the veterinary authorities involved in veterinary border inspection and other veterinary authorities such as regional and municipality veterinarians.

III.1.3. Procedures

Procedures define how the work of an agency is done, by identifying responsibilities and giving a step-by-step description of how to implement a specific task.

Procedures in this context refer to procedures for cooperation between individual units, as well as specific aspects of the workflow at the BCPs/BIPs/ICSs. Procedures of individual agencies are outside of the scope of the IBM Handbook.

In order to reach the objective of **systematic, comprehensive and flexible controls, which are applied consistently at all BCPs/BIPs/ICSs**, it is recommended to develop internal guidelines in the form of manuals for every type of BCP (air, road, rail, maritime). Issued by the central level, these manuals should ensure not only that all units follow the same standardised procedures, but also that the interpretation of relevant laws and regulations is the same. It is suggested that, based on central level instructions, operational plans are developed for each BCP/BIP/ICS, reflecting the specific local situation. It should be ensured that contingency plans exist for new or unexpected situations, e.g. non-regulated quarantine pests detected in consignments.

Individual responsibilities have to be clear and the **accountability** of officers/inspectors for decisions taken and the performance in the implementation of their tasks be noted. Regardless of the means by which it is ensured – be it stamps (kept by the officers/inspectors or obtained at the beginning of each shift) or signatures, or in the case of

electronic processing through usernames and passwords – persons responsible should be identifiable for each step in the workflow.

Standardised forms should be developed for reporting and documentation regardless of whether paper or electronic documents are used.

III. 1. 3. 1 Border control operational instructions

The standards which are laid down in the control policy and strategy should lead to concrete operational instructions. These instructions specifically need to take into account the importance of establishing an interface between the centrally located enforcement units and the BCPs/ICSs. The border control operational instructions should include detailed instructions/guidelines regarding working methods for each task on a BCP and ICS related to the control of both commercial and private traffic.

Instructions on the **main procedures** for border control and inspection should be compiled in the form of a manual for ease of reference. It should be ensured that an up-to-date version is available to all staff. The following should be covered by such manuals:

- Information flow, at and between the central, regional and local level – top-down as well as bottom-up: how, by whom and to which unit.
- Control procedures: regular workflow and contingency procedures
- Instructions and objectives for risk analysis
- Sample taking procedures
- Documentation: including standard formats/templates, issuance of documents, transmission to clients and other services, and archiving.

The responsibility for the execution of the border control operational instructions should be clearly defined and assigned to all relevant management levels concerned with border and inland management.

Supervisors of BCP/ICS managers should periodically discuss performance with the BCP/ICS managers and monitor the implementation of the border/inland control operational instructions. Each BCP/ICS manager should keep a comprehensive set of documentation which contains:

- An operational profile (border/inland control operational instructions, including good practice guidelines and strategic planning and reporting system records)
- A risk profile (information on local environment, nature and volume of traffic, intelligence and information, and risk assessment systems, including risk testing)
- Operational plans and reports
- A management profile (instructions regarding personnel, including “Code of Ethics”, training, tools and equipment, etc.)

The attainment of the BCP/ICS targets could be monitored by and reported via a central planning and reporting system.

III. 1. 3. 2 Operational plans

For the implementation of the operational instructions it is recommended that BCP and ICS managers elaborate an operational plan for their respective BCP in close consultation with staff. The operational plan specifies the various tasks and defines the corresponding responsibilities.

All officers need to be aware of the operational plan and their responsibilities with regard to its implementation. The BCP and ICS managers are accountable for the implementation of the operational plan and report progress and results to their superiors on a regular basis.

III. 1. 3. 3 Border guards

Day-to-day cooperation procedures between border guards and members of the police should be developed. Clear procedures should exist regarding the handling of apprehended illegal migrants on whether to bring them to the attention of a migration- or asylum-office or to submit them to any further proceeding. Also other cases affecting both border guards and police, which pose a threat or would constitute a crime, should be dealt with according to unambiguous procedures regarding responsibilities, workflow and exchange of information.

At the same time, clear instructions should be available for joint operations between police and border guards, in the border zone and in the in-land.

Please refer to Good practice 1.1. (Border Guard Manual) at the end of the present Sub-Chapter III.1.3.

III. 1. 3. 4 Customs

Customs controls should facilitate legitimate trade and transit, but also bear in mind security aspects of the country. All customs controls are to be based upon intelligence-led risk analysis and selectivity techniques. The development of emergency plans for exceptional situations endangering human lives and property is also essential.

Customs controls need to be consistent throughout the organisation. The controls at BCPs and ICSs are based on the respective border/inland control policy and sector specific border control strategy. This strategy should be reflected in border control operational instructions (manuals), which ensure consistency of controls at the BCPs as well as at ICSs. Customs controls need to take the relevant international conventions into account, as well as trade/customs agreements, which also need to be included in operational instructions.

Please refer to Good practice 1.2. (Customs Search Guides) at the end of the present Sub-Chapter III.1.3.

For trade facilitation, clear and simplified workflows are required. Customs control should be systematic, comprehensive and flexible and needs to be applied consistently at all BCPs and ICSs. To reduce crossing/waiting time at BCPs for trade to a minimum, it is recommended that checks at the border should focus on the security aspects, while import and export (release) clearances should take place inland.

For transit shipments, including goods entering at a BCP and destined for final clearance at an ICS, pre-lodgement/pre-clearance needs to be available and examinations should only take place if a risk of fraud has been identified.

Travellers need to have the possibility to declare and finally clear non-commercial goods at BCPs, and customs examinations are usually performed if a risk of fraud has been identified, or performed randomly at a defined level.

The use of a centralised risk management for the whole country ensures the consistency of controls. But still, each BCP or ICS should also perform specific risk management taking into account the specifics of the respective BCP or region. In case of an offence or suspicion, customs officers should complete a standardised information document (see as an example the 5x5 standardised information sheet in Annex II) and send it to the central risk management.

Customs controls should be exercised at the border and inland, and need to cover imports, exports and goods in transit.

- → Customs control for transit, export (exit), temporary importation (in cases of oral declaration) and travellers is exercised at the BCPs,
- → Whereas the control of commercial goods released for free circulation, customs control for temporary storage, transit (commence/discharge), warehousing, inward processing, processing under customs control, temporary importation, outward processing and export (release) should be exercised at the ICSs.
- → The above mentioned does not exclude the use of combined BCP and ICS facilities.

III. 1. 3. 5 Phytosanitary inspection

Phytosanitary inspections should be undertaken by phytosanitary inspectors at the point of entry, but also in some special cases at the point of destination or at any other location where phytosanitary consignments can be identified, provided that their phytosanitary integrity is maintained and that appropriate phytosanitary procedures can be carried out.

If a specialist's examination or diagnosis is required, a sample has to be taken and has to be sent to an official laboratory. Phytosanitary inspectors should have official written instructions on the correct sampling and inspection procedures to be applied.

Inspection and sampling procedures may be based on non-targeted general procedures or on special procedures to achieve pre-determined objectives. Samples may be taken from consignments for the purpose of phytosanitary inspection, for subsequent laboratory testing, or for reference purposes. The communication and information flow between inspection services and laboratory should be very fast because the release of goods might depend on the test-results and analysis by the laboratory.

It is important to define the whole sample taking procedure, including the laboratory chosen to analyse them, and the type of analysis to be performed. Laboratory tests should be carried out in accordance with recognised standards. For this, tests should follow official test-schemes or official international standards to detect harmful organisms (e.g. EPPO[12]), and high-level technical equipment should be available to the laboratories.

III. 1. 3. 6 Veterinary inspection

The EC legislation on veterinary border inspection aims to a uniformly implemented control system throughout the borders. There are detailed stipulations on the procedures regarding the documentary, identity and physical checks, on the approval and rejection procedures, sample taking and examination, fees, information systems to be used etc. There are also regulation covering special procedures like transiting, ship supply, canalising etc.

Manuals regarding the veterinary border inspection procedures are a fundamental element in the implementation of a uniform veterinary inspection system. These manuals should contain instructions regarding e.g.:

- → Pre-notification of the consignments
- → Documents to accompany them
- → Type and frequency of checks to be carried out
- → Sample-taking procedures and how to send them to the laboratory
- → Standardised documents to be used for the approval or rejection of the consignment

[12] The European Mediterranean Plant Protection Organisation (EPPO) has 48 members, among them Kazakhstan, Kyrgyzstan and Uzbekistan.

- → Special procedures regarding consignments intended to transit, ship supply or being canalised
- → Fees to be charged
- → Information flow etc.

The manual should also include instructions on reinforced checks where, subsequent to unfavourable results, the ten following consignments of a similar nature and origin shall undergo systematic inspection and sampling.

In order to enhance the efficiency of the inspections an **annual inspection plan** including a **sampling plan** should be drawn up. This plan should be a part of a wider national monitoring plan on residues, pathogens and contaminants. This sample plan should be drafted on the basis of statistics on import flows, information of previous inspections, information on the risks related to public and animal health received from other services, other countries and international organisations.

The use of **standardised forms** is one important step towards a more reliable and transparent Veterinary Border Inspection regime. The EC legislation provides with standardised forms[13]. Separate templates are for foodstuffs and other products of animal origin and for live animals.

These standardised forms contain valuable information on the consignment for the inland veterinarians, including its authorised destination and use. This is an important safeguard: in cases where there is no standardized form accompanying the consignment from the border to the inland establishment, the inland veterinarian is alerted by the fact that the consignment has been illegally imported without being forwarded to the veterinary border inspection.

These standardised forms also serve as a tool for controlling consignments that are not approved by the border veterinarian for free movement inside the country. There might be consignments in transit whose exit from the country shall be controlled by the border veterinarian of the BIP of exit. The standardised form related to the transit consignment is sent by the BIP of entry to the BIP of exit as preliminary information. There are also consignments which have only been approved for certain purposes, e.g. raw material to pet food industry or live animals to quarantine stations, where the standardised form is used to inform the inland veterinarian about the consignment.

Please refer also to Good practice 1.3. (Veterinary Inspection Procedures) at the end of the present Sub-Chapter III.1.3. (see below).

GOOD PRACTICE EXAMPLES
Intraservice Cooperation - Procedures

Good practice example 1.1.
Border Guard Manual for Information Exchange on Irregular Migration

An operational manual for the collection and flow of information on illegal migration, trafficking in human beings, trans-border crime and an early warning system for all border guard and police units performing border policing tasks that describes the following:

- → *Main definitions in the area of border management*
- → *Data to be collected (related to different types of illegal acts)*
- → *Responsibilities and procedures for collecting and exchanging data and information*

[13] See: CVED forms according to the *Commission Regulation (EC) No 136/2004 Art.13 and the Commission Regulation (EC) No 282/2004* Art. 13 for the documentation of the information provided to the border veterinarian on the consignment and subsequently the decision made by the border veterinarian.

at the local, regional and central levels
- → *Types of reports*
- → *Information dissemination: top-down and bottom up intraservice, inter-agency and international exchange of information*
- → *Information analysis*
- → *Templates*

Good practice example 1.2.

Customs Search Guides (Montenegro, Serbia)

Montenegro Customs Administration (MCA) has adopted and distributed a number of operational guidebooks in respect of targeting and the control and search of private cars, trucks, containers, coaches, vessels, railways (rolling stock) and passengers and baggage. These books are in hard-copy and electronic format. They also come with a training module to support sustainability. A Customs Officers Handbook has also been provided in A5 size to fit in the pocket and to act as a permanent 'aide mémoire'. Legal basis – internal agreement. A corresponding operational guidebook was adopted and distributed by the Customs Administration of Serbia (CAS) in Serbia. Legal basis – internal agreement.

Good practice example 1.3.

Veterinary Inspection Procedures

The EU legislation on veterinary border inspection contains among others detailed regulations concerning procedures for documentary, identity and physical checks, on approval and rejection procedures, sample-taking and examination, fees, and information systems to be used. There are also regulations covering special procedures such as transiting, ship supply and canalising. An important provision regulates that the customs service shall not allow the entry or handling in free zones or free warehouses of consignments subject to veterinary checks without the agreement of the competent authority.[14]

III.1.4. Human resources and Training

The competence of staff at the border is essential to the quality of the service delivered. It is therefore crucial that specific training on border-related tasks takes place, and that competent staff is recruited according to objective criteria.

Human Resources

The objective of a **systematic Human Resource Management** (HRM) might be achieved most easily if a separate organisational unit is entrusted with it at central level. A **clear human resource (HR) policy / strategy** should be in place, including **objective and transparent recruitment procedures** based on job related skills and training. This should address the following issues:

- → Detailed job descriptions for all staff based on the terms of reference of the agency
- → Objective and transparent procedures (written) for merit based recruitment, taking job-related skills and education, and transparent procedures for termination of employment.
- → Well-established rules for a system of rotation within the border management agency, regarding both duty station and tasks, either through volunteering or on

[14] Art. 24 of Regulation (EC) No 882/2004

obligatory assignment. This exposes the border officers to different tasks and duties and thus increases their experience and their areas of expertise. This is considered especially useful at the beginning of a career.

- → Identification of the required numbers and categories of staff (management, operational, administrative, specialist, etc.)
- → Deployment of the necessary number of adequately trained staff, for the agency as a whole and for each individual location (in line with risk analysis), taking account of the necessity to ahve as well a system of substitution in place
- → Adequate salaries
- → Staff monitoring and evaluation mechanisms
- → Code of conduct or ethics (rights and duties)

As briefly mentioned above, the BCP/ICS managers should regularly monitor, and randomly check, that staff is carrying out its duties in accordance with a **Code of ethics**; a document which should be made available to all BCP/ICS staff. It should describe what constitutes misconduct and which sanctions result there from. Any misconduct needs to be reported and have disciplinary consequences, especially regarding the abuse of powers. To control the consistency of controls and discover possible misconducts the management could be supported by using the system of anonymous and unannounced controls.

As highlighted notably in the Customs Blueprints, BCP/ICS managers should ensure that the operational instructions regarding **motivation, satisfaction, and safety** of their staff are applied. The satisfaction of employees should be monitored and taken into account for the improvement of personnel policies and systems. This can be done e.g. with periodical questionnaires (anonymously if desired) regarding the conditions of service, the working place environment or the performance of the respective BCP/ICS manager etc.

Training

As a part of a comprehensive HR policy, **career development** should not only be based on individual performance checked against objective criteria by the supervisor, but it should also be supported by a **coherent training policy and strategy** developed on the central level.

Border management tasks are highly specialised, which should be reflected in the training plans, basic and advanced theoretical and practical classroom-based training as well as on-the-job training, complemented by coaching and mentoring in the field. Training should be a continuous element for staff throughout their careers (refresher, specialisation and new skills/information training) and be based on regularly updated curricula and manuals. The establishment of a train-the-trainers / multiplicator training system should be considered. The concept of IBM should be an integral part of the trainings.

In addition to direct border management training, courses on management skills, languages and computer skills are recommended. Joint training of officers with different profiles could be considered, in order to encourage cross-fertilisation of ideas.

Border agencies should have a centralised training facility and – depending on size and the resources of the country – several “satellite” training offices or centres. The introduction of a training of trainers system could be considered, through which more internal trainers would be available to quickly cascade knowledge down to the field level.

Please refer to Good practice 1.4. (On-the-Job Training and Rotation Systems) at the end of the present Sub-Chapter III.1.4.

III. 1. 4. 1 Border guards

Persons performing border police duties should be specialised, trained professionals. The training should be based on three main pillars

- → Centrally: basic and advanced training,
- → Regional specialisation and
- → Local handling of items of particular attention.

Internal regulations adopted by the central level and based on international standards (e.g. the EU core-curriculum for border guards) should regulate the training, while the regional level handles the organisation of implementation and evaluation.

The implementation itself should be carried out either by the regional or local level. The Head of the BCP and surveillance post has the main responsibility for the implementation of the training for the staff (identify training needs of his staff and carry out certain in-service trainings). Specialised training should be organised and carried out by the regional and central level.

Please refer to Good practice 1.5. (Core Curriculum for EU Border Guards) at the end of the present Sub-Chapter III.1.4.

If the training for general police and border police is separate, joint training sessions should be held and corresponding manuals developed in order to ensure a common law enforcement approach, and facilitate future cooperation, also through personal contacts. Such trainings could cover topics like:

- → General knowledge on travel documents, visas and residence permits
- → Asylum and migration laws
- → Detection and handling of irregular migrants
- → Detection of smuggling of and trafficking in human beings[15]
- → Detection and processing of forged documents
- → Detection and processing of stolen vehicles, drugs, weapons, explosives and dangerous substances
- → Competences in the case of petty (administrative) offences related to the check and surveillance of the border

The initial and advanced training should be followed-up in regular intervals by refresher-courses on central and on regional level.

III. 1. 4. 2 Customs

In the interest of flexibility it is recommended that all customs staff should be capable of carrying out the full range of customs duties at a BCP. Where available, mobile resources (mobile units) are to be used to supplement BCP controls. At ICSs, all staff should be capable of performing the tasks related to transit and temporary storage, release for free circulation, entries in relation to procedures with economic impact and export. Special knowledge is required for the performance of the tasks related to post-clearance control with regard to value, origin, procedures with economic impact, end-use and regimes related to goods exempt from customs duties.

It is recommended to set up a Human Ressource Management (HRM) system in the framework of a staff policy and strategy which precisely defines the responsibilities of the ICS/BCP managers, including performance management and assessment of staff.

[15] The difference between “smuggling” and “trafficking” of human beings is in the puprpose. Purpose of smuggling is only to organize illegal crossing of the state border, since trafficking is related to exploitation of people.

Training could reflect the principles set out in the *"EU Customs - Training" Blueprints* and a corresponding training policy and strategy could be developed, ensuring regular training of the staff structured in different modules. A Customs School or Academy responsible for the basic training of customs officers would guarantee the consistency of trainings.

Seminars, especially training on good practices, should be offered at BCPs and ICSs. The role and responsibilities of the BCP/ICS managers should be defined as regards his competences in the field of training, by identifying the needs of their staff, e.g. for special training on control procedures, IT applications, language training, etc. Training needs, defined by the BCP/ICS managers, which can not be offered by the BCP/ICS, should be forwarded to this Customs School or Academy.

Common trainings for all customs officers should be arranged on a regular basis to refresh and update their knowledge, but also to get information about problems, which occur at BCPs/ICSs. Specific training manuals should be drafted and regularly updated.

III. 1. 4. 3 Phytosanitary and veterinary inspection

The Phytosanitary and Veterinary Inspection Services need strong scientific support from an efficient, adequately staffed, trained and equipped body of specialized scientists, in the form of rapid sample diagnosis, regular and programmed technical training, and scientific advice on inspection and survey procedures.

A working group of qualified and experienced inspectors should undertake the essential task of issuing instructions, to be written and presented in an "inspector-friendly" form. Specific training manuals should be drafted and regularly updated.

Common trainings for the whole staff should be arranged on a regular basis. Also refresher courses on identification of quarantine harmful organisms and animal diseases as well as food and feed hygiene deficiencies, training in scientifically based inspection and sampling procedures and other topics should take place every year.

GOOD PRACTICE EXAMPLES
Intraservice Cooperation – Human Resources & Training

Good practice example 1.4.

On-the-Job Training and Rotation Systems

In *addition to the educational training on-the-job training and rotation systems are recommended to strengthen the expertise of the customs officers. Each BCP has its own characteristics and rotating to other BCPs would broaden the experience significantly and could increase motivation of the officers. The social situation of the foreseen staff for rotating has to be taken into account to avoid frustration.*

Good practice example 1.5.

Core Curriculum for EU Border Guards

The Core Curriculum[16] was designed for all border police officers of the EU and constitutes the minimum EU requirements of border guard training. Countries nevertheless are free to expand the content and the time frame according to their national interest and needs.

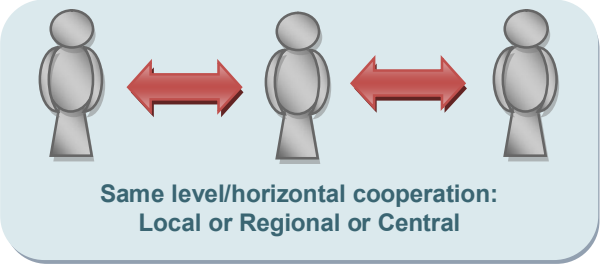
[16] Core curriculum for border police training - report from Austrian and Swedish delegations to the Strategic Committee on Immigration, Frontiers and Asylum, Brussels, Council of the European Union, 8 May 2003

III.1.5. Communication and Information exchange

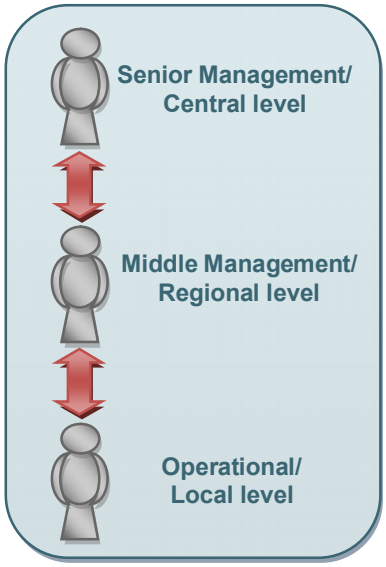
The goal of communication and information exchange is to regulate and standardise an efficient and rapid flow of information and effective documentation.

Operational staff of a border agency needs to have relevant and up–to-date information for properly fulfilling their duties and responding to threats and emergencies in an appropriate way. A central level unit, on the other hand, needs statistics and data as well as information about the activities of other units, since this forms the basis for budget, resources, instructions, planning and strategy formulation, and helps monitor the work of the regional and local level.

The information flow within each border management agency therefore needs to be **horizontal** and **vertical**.



Horizontal flow is the exchange of information between different individuals, departments or units at **the same organisational level**. This should take place at all organisational levels of an agency: at headquarters, between regional centres and local units.



In addition, the **vertical flow** of information from both the central level to the local level (top-down) and from the local level to the central one (bottom-up) need to be addressed: **Up-to-date information is necessary for the performance of duties at the BCPs/BIPs/ICSs as a basis for decision making**.

Effective communication is provided through several methods:

- → Meetings: routine team meetings in the same organisational unit; interdepartmental meetings; individual staff/management meetings; ad hoc meetings.
- → Visits of managers to the field.
- → Circulars/briefing notes: written information to be distributed via IT systems, email, hard copies; notice boards, etc.
- → Databases: hard copy or electronic reference sources, which can be checked by staff for operational information
- → Reports: regular and ad hoc reports
- → Joint activities (e.g. training): awareness of other units' tasks and activities improves the overall effectiveness of the agency (if staff understand the overall workflow of the agency, they can implement their component more effectively)
- → Staff exchanges: placement of staff in a different unit temporarily to give them a clearer understanding of the tasks and activities of other units.

Please refer to Good practice 1.6. (Regular Visits to the Field) at the end of the present Sub-Chapter III.1.5.

All relevant information received from international side as well as the field or the central level in the form of notifications or general guidelines/policies should be centrally transmitted to identified persons at the BCPs/BIPs/ICSs responsible for further dissemination. A **central analysis unit** (see III.1.5.1.) should be responsible for the collection and analysis of information for the purpose of risk analysis.

At the same time, the **central level** needs to be supplied with statistics and relevant information in order to be able to use them as a **basis for instructions and planning, as well as for the auditing** of the performance of the service at the BCPs/BIPs/ICSs. While such statistics and the results of checks can be reported back on a more infrequent level, the other main information from the field, namely any incidents relevant for the dissemination of emergency information needs to be transmitted immediately. Also the bottom-up information flow should thus be organised in a way that allows the centre to **react rapidly to new risks and changing situations**. If during an inspection carried out at a BIP an alarming discovery is made it is equally essential that this information is forwarded to the upper level without delay. The evaluation whether the problem has large-scale or only local impact can only be made at a level where information from all BIPs is gathered.

For all of these flows of information, including the information flow to clients, it is thus important to establish **operational instructions and manuals**. The central units should develop clear procedures, defining which information should go to which unit in which form and how often. This also refers to the development of **standardised forms**.

Important questions to be addressed are for example: which information has to be gathered at the border, which documents are needed at the border by whom, which information is provided to which departments of the service, what happens to the documents (forwarded/copied/entered into a database)? How are the results of risk analysis communicated? How are new procedures, instructions and legislation communicated towards BCPs/BIPs/ICSs?

Regardless of whether the information between HQ and the field is in paper form or via online databases, it needs to be not only standardised, but also **smooth and reliable** and – for the reasons of interoperability – based on internationally agreed standards**.**

One of the basic elements increasing the effectiveness of the border services is the **availability of a modern IT system**, provided of course that adequate training and instructions are given for its use. The exact needs of the various services have to be identified as in some cases a basic IT system might suffice, whereas in others more advanced solutions might be required. **Data protection** is to be given due consideration.

Where networks between central, regional and local levels can be established, the IT system should:

- → Ensure automated information exchange and communication within a unified system (development of clusters: central, regional and local), e.g. through intranet
- → Provide for an efficient and a timely system of collecting, processing and distributing information on all border activities with real-time access for authorised users
- → Allow for data-flow management: including the logging of access to data
- → Include a central alert system
- → Include the possibility to create statistical summaries
- → Ensure security, e.g. through fire walls, cryptography etc.
- → Allow links to electronic border protection equipment
- → Be interoperable with the IT systems of other relevant public authorities

Connection to the Internet and a secure Intranet-system should also be considered for users where this could benefit the objectives of integrated border management, e.g. in identifying

new international trends on trans-border crime or gathering information on actors in international trade.

III. 1. 5. 1 Central analysis unit

The implementation of effective risk analysis depends above all on the extent and quality of information and intelligence available to the respective administration. Hence there is a need for reliable and complete information, usable at both national and local levels.

A Central Analysis Unit (CAU) or Operational Centre should be responsible for the intelligence work within the whole customs and border guard administration, respectively. The CAU should be an information 'pool' with contents gathered and filed from all kinds of sources:

- Strategic intelligence received by the CAU (general)
- Operational intelligence received by the CAU ("hotline" for general public, etc.)
- For customs, information from trade partners as a result of a special Memorandum of Understanding (MoUs)
- Information on the basis of special agreements with other agencies and official bodies (police etc)
- Contacts/ informants
- Staff
- Feedback received on the basis of analysis of the results of previous actions

For this purpose, the CAU must develop good working relationships with all enforcement officers as well as units/sections outside the enforcement sector. A good cooperation with other enforcement agencies in the country is also essential.

The CAU will produce statistics, strategic and operational intelligence reports. It is also responsible for developing and adopting new intelligence methods, following up intelligence reports, maintaining the quality of work and raising the performance of the staff. It should also be responsible for the management of databases.

III. 1. 5. 2 Border guards

The Schengen Catalogue recommends a **two-way information exchange** between central and local levels of the border guard structure. A secure database is to be established to exchange experience between units and to distribute intelligence.

To enable closer cooperation and increased operational effectiveness of the law enforcement bodies a system for communication and information exchange should be established between the border guard and other law enforcement authorities. For example, information exchange on criminal records or on developments and practices in the field of document falsification or smuggling methods would be of mutual benefit.

The border guards shall process personal data in order to perform its law enforcement, crime prevention, policing, defence and public administrative tasks. In order to perform its duties, the border guards may take over data from other data processing systems. The data transfer shall be documented by both the transmitting and the receiving agency.

Compatibility of means of data storage and transmission is an important factor in the efficient exchange of information, and should be kept in mind between border guards and other law enforcement bodies.

To perform its law enforcement, crime prevention and alien policing duties, the border guards may request data from the agencies keeping the registries of personal data and addresses, the national vehicle registry, the registry of criminal offenders (those whose convictions were

upheld by the courts), the registry of those held in penitentiary institutions, the registry of those restricted in their foreign trips and the registry of passports, the registry of border signs and the alien policing registries irrespective of the constraints of the general work order.

An efficient analysis of phenomena finally makes it increasingly necessary to also gather information from abroad (from the embassies and diplomatic missions i.e. on visa and residence-permit-applications and from the pre-frontier-area as regards asylum- and migration-trends).

III. 1. 5. 3 Customs

Communication and exchange, as well as dissemination of information and the easy access to and availability of updated information is crucial for:

- → Consistent and uniform decisions when applying customs procedures
- → A functioning risk management
- → Smooth flow of traffic of people and goods

Instructions on proper information management should thus be established with the obligation for every customs officer to be familiar with the content of any transmitted information before starting their daily work. A manual containing all customs procedures and the necessary steps at BCPs/ICSs should be released for achieving uniformity in the implementation of customs procedures.

Communication among customs officers should be encouraged through regular working meetings and common training of officers of different profiles at BCPs/ICS but also in "Customs School". This would encourage cooperation and information exchange among officers leading to better-informed customs officers.

It is important to enhance the IT and communications network between border, inland and regional offices, but also the information exchange with the trade and the public further described in chapter III.4.2. In all these efforts, cryptographic security has to be taken into account, especially where transfer of sensitive data is concerned.

A customs Intranet should be available on the national level to allow secure communication and rapid distribution of all kind of information between all customs BCP and ICS and the central level of customs. In this way, general information would be made available to all customs officers applying customs provisions.

In some countries data bases have been established covering the harmonised tariff, origin/preference rules and samples of origin certificates and stamps, risk information, duty rates, computerised tools to calculate the duties, results of the work of the customs laboratories, information about seizures and the method used in detecting the irregularities in question.

Please refer to Good practice 1.7. (Use of Standardised Forms) at the end of the present Sub-Chapter III.1.5.

III. 1. 5. 4 Phytosanitary inspection

Records of all actions, results and decisions concerning the regulation of phytosanitary inspection should be kept. All important decisions and actions of a phytosanitary service at the border (e.g. refused consignments) should be immediately communicated to the single Central Health Authority and all other services which might be involved in a specific case. New regulations or decisions should also be sent to all border inspection services as soon as possible and early warning systems should be in place. An information system is required for phytosanitary inspectors at BCPs, which allows them to enter data on inspections and

notifications of interceptions of harmful organisms found in order to facilitate the rapid production of statistics and an effective information exchange.

If it has been established, at the border posts or at the place of destination, that an imported consignment does not meet the requirements stated in the phytosanitary certificate, does not fulfil the requirements stated in the national legislation or otherwise causes risk to plant health, the phytosanitary service of the BIP should inform the central level not later than 48 hours after interception by using the standardised form "Notification of Interception".

Please refer to Good practice 1.6. (Regular Visits to the Field) at the end of the present Sub-Chapter III.1.5.

III. 1. 5. 5 Veterinary inspection

The information flow from the central level should provide all necessary information to the border veterinarians in a quick and efficient manner to serve as a basis for their decision making. This is especially important when the import licence system is replaced by a system based on general import requirements given by legislation. The huge amount of information available and accordingly the changing speed makes this task challenging for the central competent authority. Information related to outbreaks of diseases in exporting countries, acute problems found in food or feed imported from other countries should be forwarded to the BIPs.

The manual on veterinary border inspection procedures shall include detailed information on vertical and horizontal information flow and the needs for information to be provided; e.g. information on rejected consignments and results of laboratory checks. The availability of internet access at all BIPs would remarkably ease the information flow and enable the collection of necessary data and statistics in common form.

Please refer to Good practice 1.8. (TRACES) at the end of the present Sub-Chapter III.1.5.

GOOD PRACTICE EXAMPLES

Intraservice Cooperation – Communication & Information exchange

Good practice example 1.6.

Regular Meetings and Visits to the Field

As a standard in EU Member States each second month a meeting between central level and BCP/ICSs managers is held to discuss new information, regulations and specific problems. Representatives from central level regularly visit the BCPs/BIPs/ICSs to stay in close contact with the officers on the field.

Good practice example 1.7.

Use of Standardised Forms for Information Exchange

The Croatian Customs Administration at pilot BCPs such as Bregana, Bajakovo, Airport Zagreb and Harbour of Split use a standardised and rapid form of information exchange in the area of risk management. The standardised form 5x5 (see attachment hereby) is used to forward information to the central level as well as to the local level. This practice already achieved excellent results.

Good practice example 1.8.

Trade Control and Export System (TRACES)

The EU veterinary border inspectors use the internet-based TRACES-system (Trade Control and Export System), which sends information to other veterinary authorities and customs, and also includes data on imported consignments inserted by the importer. Access to relevant information in TRACES should be granted to veterinary border inspection units and customs. TRACES can also be used for gathering information for audits, and the TRACES data warehouse covers most needs in terms of routine reporting. Importers only have access to their own input, and customs cannot enter any information, only check it.

III.1.6. Infrastructure and equipment

Infrastructure and equipment support operational staff and should be adequate for performing their respective duties.

It is clear that adequate facilities and equipment are needed for the work at the border, and therefore certain **minimum standards** should be achieved. These minimum standards vary for each agency and for each type of BCP. It is recommended that they are reflected in a national law or regulation, ideally covering the needs of all border services together.

Please refer to Good practice 1.9. (BCP Infrastructure) at the end of the present Sub-Chapter III.1.6.

As budget restrictions are common, investment plans are needed to ensure that adequate infrastructure and equipment can be procured in a timely manner, making use of economies of scale. Such plans should cover BCPs, border surveillance units, BIPs, search equipment, infrastructure, communication tools, vehicles, roads, parking space, etc. The quantities of equipment to be procured should be decided upon at central level, but only after coordination with the local level to ensure that actual needs are met.[17] A suitable allocation of equipment is equally crucial: for example, 4x4 wheel drive cars can be put to much better use patrolling the border line than sitting in the headquarters car park (see also III.2.6.3).

The equipment used by the services at the border usually consists of basic and specialist items. It should be adequate and the available quantities should be sufficient to process the flow of passengers and vehicles at each BCP / BiP / ICS. Equipment standards should be formalised by each agency in connection with an overall investment policy, which takes volume and nature of the traffic at each BCP into consideration. Not every BCP or ICS needs to be equally equipped, but minimum standards should be met; also the needs of BCPs and ICSs designated to process high-risk goods should be taken into account.

Basic equipment includes items such as:

- Appropriate uniforms and boots, adjusted to working conditions
- Vehicles
- Entry and exit stamps
- Basic forgery detection equipment (ultraviolet lights, magnifiers and reference material)
- Basic search equipment (mirrors, lights, tools)
- Basic surveillance equipment (cameras, night-vision)

[17] Please see the EU Schengen Catalogue on External border control and Return and readmission for examples of equipment needed for minimum and thorough border checks.

- Communication equipment (radio, mobile phone, fax, computer)
- Weapons
- Personal safety equipment (e.g. bulletproof vest)

Relatively inexpensive equipment or documentation, such as a hand UV lamp and magnifying glasses or copies of document samples, should be available to each officer at their control line in order to ensure their regular use in case of suspicion.

Because of the relative cost and the necessity for operators to be trained in their use, **Specialist tools** are distributed according to need, such as BCPs with extensive traffic. It includes more advanced, and expensive, items such as:

- Mobile or stationary X-ray machines
- Document examination systems
- Forensic laboratories
- Service Dog units

Adequate maintenance facilities for equipment are also essential and a certain budget needs to be reserved for either outsourcing the repairs or training and employing maintenance staff. When discussing the possible acquisition of new equipment with donors, involved agencies should take usage and maintenance costs into account. It is, for example, less costly to maintain a car park with the same brand of cars.

GOOD PRACTICE EXAMPLE
Intraservice Cooperation – Infrastructure & Equipment

Good practice example 1.9.

BCP infrastructure

The list below summarises EU standards and good practices in terms of infrastructure at BCPs

- *The number of control lanes (entry and exit) adequate for the amount of traffic expected and the staff available*
- *Separate control lanes exist for foot passengers, buses, trucks as well as heavy vehicles and exceptional cargo (e.g. hazardous material)*
- *Secure interview rooms and detention space are available on site (to allow investigations to be conducted on site and secure offenders)*
- *Facilities for asylum seekers exist (only accessible for staff who are directly involved in the case)*
- *A communication network is in place: telephones, IT, internet, etc.*
- *Vehicle inspection facilities are available. These are separate and secure locations where suspect vehicles can be examined/searched closely; sheltered from rain and wind, and positioned on level and solid ground (to facilitate searches, for example for the use of motion detectors).*
- *Separate, secure facilities for seized goods are large enough to hold vehicles.*
- *An incinerator for phytosanitary and veterinary requirements exists on site*
- *Staff have facilities which are not shared with or accessible to the public*
- *Specific facilities for travellers exist, such as a parking area and public toilets (separate from staff)*
- *Bank and/or money exchange offices and insurance companies*
- *Facilities for cargo forwarding/carrier agencies*

III. 2. Inter-agency cooperation

THIS CHAPTER DESCRIBES INTER-AGENCY COOPERATION

Although responsible for different aspects of border management, all border management agencies share the same core goals:

- → Protection against threats to national security, order, economy and public health
- → Prevention of trans-border crime and irregularities
- → Facilitation of legal cross-border movements

In order to fulfil these goals, all of the involved agencies must **cooperate, share information and coordinate their work**.

Inter-agency cooperation refers to the cooperation and coordination between all agencies involved in border management, which can be an effective tool in increasing apprehensions of irregular migrants (statistically verifiable), and in making better use of human and financial resources.

This chapter presents the main areas for inter-agency cooperation and coordination especially between border guards, customs, veterinary and phytosanitary inspection services. Customs in this regard has a special role, as customs officers (should) have regular contacts with border guards on the one hand, and veterinarian and phytosanitary control on the other hand in their daily work. Customs thus can provide with a natural linking point between these agencies. It should therefore be in the interest of the customs authorities to be especially active in ensuring optimal coordination between all partners.

III.2.1. Legal and regulatory framework

The legal and regulatory framework for inter-agency cooperation determines the content and scope of the cooperation and information exchange between the involved stakeholders.

Like each authoritative action by a state body inter-agency cooperation must have a basis in laws or by-laws. The legal and regulatory framework related to inter-agency cooperation should therefore provide a **clear definition of respective tasks and competencies of the individual agencies** in order to avoid overlaps, loopholes and areas of unclear competences. There needs to be a **legal framework for cooperation and mutual assistance**. Based upon this, more specific **terms of cooperation** on the operational level should be elaborated.

The general “principle of mutual assistance” shall be included in the relevant national legislation. More specific regulations regarding cooperation of certain or all services should be covered by legislation or by one comprehensive **inter-agency agreement**. Alternatively, separate agreements between certain agencies (e.g. the agencies involved in trade facilitation) may regulate the cooperation with other relevant services. A common inter-agency agreement nevertheless is to be preferred in order to avoid contradictions between agreements. Inter-agency agreements can further be established at different levels, i.e. on central, regional or local levels. An agreement providing guidelines for cooperation on all types of borders and BCPs/BIPs might be supplemented with annexes for the individual types.

In essence, inter-agency agreements address typical topics such as:

- Information and data exchange obligations and mechanisms (e.g. focal points, common use of databases), including a reference to data protection (see Sub-chapter IV.2.5. below). Officers should be clearly instructed to share relevant information with their counterparts.
- Joint risk analysis and/or sharing of risk assessment reports or intelligence
- Day-to-day cooperation procedures at BCPs and inland, including joint operations and controls, e.g. detecting persons attempting to cross the border illegally; preventing or detecting customs crimes and offences; detecting smuggling of protected species, drugs and stolen vehicles, and illegal transportation of waste, harmful chemical substances, radioactive and nuclear material and other dangerous items across the border.
- Joint training
- Sharing of equipment/facilities and joint procurement
- Early warning and contingency plans

Inter-agency agreements should be designed to assist in clarifying legislation and support the general and local cooperation arrangements between the various border authorities. At the same time, they might also serve as an initial stage of cooperation arrangements, which later might be converted to legislation.

Please refer to Good practice 2.1. (Joint Instructions) at the end of the present Sub-Chapter III.2.1.

Special emphasis should be put on areas where responsibilities of several agencies tend to correlate and where assistance by other agencies would be especially useful.

Please refer to Good practice 2.2. (Standard Technological Scheme) at the end of the present Sub-Chapter III.2.1.

Care should be taken to ensure that the agreements lead to *closer* cooperation, and not to *less* control. The latter could happen if services start 'closing their eyes' to issues, which according to the legislative and regulatory framework fall under the authority of another service. Officers should be clearly instructed to share any information they consider relevant with their counterparts and should be fully aware of how to react when they do find products which fall under the authority of officials from other agencies, especially when the latter are not present. If the relevant agreements are formulated in very general terms, they should be supplemented with **clear instructions** how to implement them. Once the agreements are signed they should be made available to all staff by their individual agencies.

Changes in competences of all involved agencies resulting from national administrative reforms or national legal reforms should be **monitored on a continuous basis** in order to identify problems that these changes may cause in the interaction between agencies at an early stage. Most effectively, these topics might be addressed by a joint working group on legal issues

The section below will focus on topics which might be covered by inter-agency agreements between customs and border guards, and between trade facilitation agencies, respectively. At the same time, agreements between other governmental actors could also be valuable, and Memoranda of Understanding with non-governmental actors can be especially beneficial when looking towards trade facilitation.

Another topic addressed in relation to the legal and regulatory framework is the **cross-designation of responsibilities**, which might be considered for certain BCPs or types of mobile controls only or in general.

Finally, the adoption of a **National IBM Strategy and Action Plan** also belongs to the legal and regulatory framework; for more details please see **Part V** below.

Please refer to Good practice 2.3. (National IBM Strategy) at the end of the present Sub-Chapter III.2.1.

III. 2. 1. 1 Agreements between customs and border guard services

Agreements between customs and border guard services are of special importance, as these two agencies need to co-operate closely on a day-to-day basis when checking persons, accompanying documents and the vehicles with whom they enter or leave the country. An agreement between the border guard service and the customs service should thus facilitate a closer coordination of this interaction, and should clarify any action to be taken i.e. especially the division of responsibility when the smuggling of goods which form a threat to society (weapons, drugs, nuclear material etc.) is involved.

Please refer to Good practice 2.4. (Cooperation MoU between Border Guard and Customs) at the end of the present Sub-Chapter III.2.1.

III. 2. 1. 2 Agreements between trade facilitation agencies

Inter-agency agreements could further be concluded between customs and veterinary and phytosanitary agencies, supplementing the legal requirements and thus clarifying the respective responsibilities and concrete working relations. Customs officers should be fully aware of how to react when they find products which fall under the authority of veterinary or phytosanitary officials, also when the latter are not present. Proper guidelines should be available with regard to the handling of confiscated goods, including their possible destruction, as well as responsibilities for storage of these goods and related cost-issues.

Such agreements could take as a source for inspiration the requirements of European Community legislation, as for example regarding customs assistance to border veterinarians: According to the EU legislation[18], the customs service is required to assist the border veterinarians in carrying out their tasks related to the veterinary border inspection. It is, for example, stated that the customs can allow customs clearance only in accordance with the border veterinary decision. Before the customs clearance of a consignment, the customs officers are required to ascertain that the veterinary border inspection fees have been paid or at least that there is enough evidence that they will be paid. The customs should also undertake investigations upon request of the border veterinarians, in cases where the BIP of entry lacks the confirmation that a consignment designated for transit actually left the country within the given timeframe.

The duties to be carried out by the customs at BCPs without BIP should be laid down clearly in the legislation. Generally customs has to refuse entry of such consignments apart from certain exceptions such as small consignments introduced e.g. as a part of traveller's personal luggage and pet animals. It should be clearly stated in the legislation that these should be randomly controlled at the border as a part of normal customs control.

An agreement could also be concluded on the development of a shared national laboratory network for the use of various agencies.

[18] See *Council Directive 97/78/EC*

III. 2. 1. 3 Cross-designation of responsibilities

The customs or border guarding services may – in accordance with the national legislation - at the request of another agency execute certain additional controls on the behalf of the other agency. In such cases care should be taken that the integrity of roles and functions of the respective agencies as defined by the competent authorities is maintained. The regulations, which need to be developed to create the legal framework for these controls, need to provide details on terms and conditions for such controls. Respective instructions should be developed in cooperation between the involved agencies – the agency with the overall responsibility/competence and the agency taking over the responsibility for the implementation in accordance with the agreement. This option has, apart from the advantage of further increasing inter-agency-cooperation, also obvious advantages as regards cost-effectiveness, as it is cheaper than employing additional staff and resources at BCPs. Additional costs for the implementing agency are addressed through the national budget.

Please refer to Good practice 2.5. (Cross-designation of responsibilities) and Good practice 2.6 (Joint Action Plan) at the end of the present Sub-Chapter III.2.1.

GOOD PRACTICE EXAMPLES

Inter-agency Cooperation – Legal and Regulatory Framework

Good practice example 2.1.

Joint Instructions (Uzbekistan)

Joint instructions define the procedure of implementation of border, customs and other types of control of persons, vehicles and cargo on checkpoints across the state border and refer to the interaction between border troops and customs.

Good practice example 2.2.

Standard Technological Scheme (Kyrgyzstan)

A "Standard Technological Scheme for the passage of persons, vehicles, goods, loads and other property in motor/railway/air crossing points through the state border of the Kyrgyz Republic" on interaction of Kyrgyz authorities involved in border management in Kyrgyzstan is currently under discussion.

Good practice example 2.3.

National IBM Strategy (Kyrgyzstan)

The National Coordination Centre (inter-agency working group) of the Kyrgyz Republic has elaborated a draft National IBM Strategy, which is currently under the process of being adopted by the Government. The National Coordination Centre is also elaborating a relevant Action plan aimed at implementing the above-mentioned strategy.

Good practice example 2.4.

Cooperation MoU between Border Guard and Customs (Bosnia and Herzegovina)

In Bosnia and Herzegovina a Memorandum of Understanding (MoU) on cooperation between state border guards, the State Border Service (SBS, now Border Police of BiH) and the Indirect Taxation authority of BiH (ITA – customs) was signed in January 2006. The MoU has clearly defined the competence of ITA as authority responsible for the movement of goods and crimes related thereto and SBS being responsible for the control of persons crossing the State border and criminal acts against the security of the State border. The

MoU establishes obligations:

- *Of both parties, without impacting their respective jurisdictions,*
- *To co-operate on all levels of organization on a number of issues listed in the MoU,*
- *Render mutual assistance with the purpose of preventing and detecting crimes and offences related to the border,*
- *Exchange relevant information and documents,*
- *Ensure joint use of available equipment,*
- *Coordinate their work to facilitate movement of goods and persons,*
- *Organise and coordinate joint activities and*
- *Organise and co-finance common training programs as well as courses for the agencies' staff especially in the field of basic training for customs and police officers.*

According to the MoU it is foreseen to have at least two annual meetings of the agencies' management as well as meetings at regional and local levels to discuss topics of mutual interest and exchange information. It should also be appointed liaison officers at all organizational levels. Relations with the public should be maintained with the mutual consent. For any other kind of cooperation the agencies may conclude specific protocols.

Good practice example 2.5.

Cross-designation of responsibilities

*In **Tajikistan**, cross-designation of responsibilities exists between Ministry of Health, the Agency for Radioactive Security and Customs regarding radiation control. According to the Law on State Borders the border guards posses the right to fulfil the responsibilities of consular services of the Ministry of Foreign Affairs, customs services and the Drug Control Agency in case of absence of their permanent representations.*

*In **Kyrgyzstan**, in case the Veterinary Control is not present at the border, its duties are under the responsibility of either the Border Guards or Customs, which is mainly the case at BCPs with simplified border regime.*

Good practice example 2.6.

Joint Action Plan (Turkmenistan)

Inter-agency cooperation between national agencies present at the border is carried out on the basis of an annually developed joint action plan. Several national agencies such as the State Border Service, State Customs Service, Ministry of National Security, Ministry of Internal Affairs, and the State Service for Registration of Foreign Nationals take part in the preparation of this joint action plan. In the beginning of each year different stages of the plan of the past year are discussed and in case of necessity appropriate updates in the action plan for forthcoming year are made.

III.2.2. Institutional framework

As far as the institutional framework is concerned, inter-agency cooperation is ensured through inter-agency working groups, the exchange of liaison officers and the common risk analysis offices.

The implementation of the concept of IBM is a long-term process which makes the coordination of a variety of actors and numerous activities necessary. This can be facilitated through various means, for example, by:

- Establishing a formal coordination structure in the form of an inter-agency working group
- The exchange of liaison officers
- Setting up joint offices, e.g. for risk analysis

Most of these structures are covered in more detail in Chapter III.3 as far as International cooperation is concerned.

III. 2. 2. 1 IBM Inter-agency Working Group

In order to provide a solid institutional framework to the cooperation and coordination between the services involved in border management, an **inter-agency working group** (IAWG) with clear Terms of References (ToR[19]) should be established gathering relevant focal points of the various services on decision making and operational levels. This inter-agency working group should meet at regular intervals and be composed of high-ranking officials from each ministry, supported by operational border management experts from each agency (lawyers, management, etc.) and controlled by a supervisory group or steering committee, which is directly under the auspices of the political leadership

The tasks of this working group are to resolve problems of cooperation and identify areas where increased information exchange would be beneficial and where other joint interests exist. More specifically, among others the tasks of the inter-agency working group could include the following:

Cooperation on national level:

- → Developing efficient cooperation mechanisms with other governmental bodies or international stakeholders and coordination of work related to the border management.
- → Common identification of or agreement on priorities of the national border management system
- → Overseeing the implementation of actions jointly agreed upon
- → Coordination of procurement for equipment and of BCP infrastructure development
- → Crisis management in relation to borders and resolution of disputes between services

Cooperation on international level[20]:

- → Undertaking work related to conclusion of international agreements connected with border issues
- → Coordinating strategies with neighbouring countries
- → Comprehensive resolution of problems concerning the crossing of the border of persons and goods
- → Coordination of external funding (i.e. BOMCA, etc.) related to border management

The coordination is most easily done through the development of a **national IBM strategy** and **action plan**. The **main task** of such an inter-agency working group is definitely the **development** of such documents.

The strategy defines the goals for improved border management and the action plan lists concrete activities to reach these goals, defines responsibilities and includes timelines as well as costs. Both the strategy and action plan should be **based on an in-depth analysis of the current situation** in the field of border management.

Part V below provides more detailed information on how to develop a National IBM Strategy and Action Plan and **Annex VII** includes an IBM self-assessment grid, which can be used to analyse the current situation.

[19] See Annex IV on Terms of Reference for an IBM Inter-Agency Working Group.

[20] Please refer also to Chapter III.3. on International cooperation.

Where a national IBM strategy and action plan exist, the inter-agency working group is also responsible for **monitoring implementation** and **updating** both documents at regular intervals. The relationship with any other inter-agency/inter-ministerial working groups should be clarified and procedures for resolving conflicts defined.

Other tasks of the IAWG could include the development of a **common risk strategy**[21]**,** a transparent **categorisation of BCPs** and the **selection of priority BCPs**[22] **for coordinated resource allocation.**

Please refer to Good practice 2.7. (Inter-Agency Coordinating Bodies) at the end of the present Sub-chapter III.2.2.

III. 2. 2. 2 National Coordination Centre

In order to have a situational awareness of border management in a country, a national coordination centre could be established. This centre should coordinate the activities of all national border agencies 24/7 and would be responsible for:

- → Daily, weekly and ad hoc situational reports
- → Immediate factual information on situations and early warning messages

All information should be exchanged electronically. Having a single national coordination centre on border management will facilitate and speed up contact and information exchange with other states and international agencies.

Please refer to Good practice 2.8. (Central management of blue border activities) and Good practice 2.9 (Integrated migration management system) at the end of the present Sub-chapter III.2.2.

III. 2. 2. 3 Joint specialist task forces

Specialist task forces should be organised upon need, e.g. on searching and document examination. Their set-up depends on the location, but is usually ad hoc, and predominantly consists of staff from the agencies controlling persons and goods. These groups include officers who are responsible for conducting further, in-depth investigations of those passengers and goods which fail the cursory initial check.

The concept of specialist task forces is well established globally within many border management agencies

This idea of sharing skills and expertise can be implemented more widely than by merely creating joint teams. Individual staff members who have particularly useful skills, such as languages or IT, can also be deployed to assist other agencies.

GOOD PRACTICE EXAMPLES

Inter-agency Cooperation – Institutional Framework

Good practice example 2.7.

Inter-Agency Coordinating Bodies

Several inter-agency coordinating bodies already exist in the Central Asian countries.

[21] Please refer also to Sub-chapter III.2.3 (Procedures)

[22] Please refer to Sub-chapter III.2.6 (Infrastructure and Equipment)

*In the **Kyrgyz Republic**, a Coordination Committee on Implementation of EU-UNDP BOMCA-CADAP Programmes was first established by presidential decree in 2004. It includes high-level representatives/heads of the President's Administration, Border Service, Drug Control Agency, Supreme Court, Legislative Assembly of the Jogorku Kenesh, Department on Defence Issues and Law-Enforcement Bodies of the President's Administration, General Prosecutor, Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Health, Minister of Justice, National Security Service, Customs Service Department of the Ministry of Finance and governors.*
A National Coordination Centre was established by governmental resolution adopted in June 2008[23] with the aim to implement effectively a system of IBM in the country. This centre involves representatives from relevant ministries and agencies having an interest in border management-related fields:

- *Office of the Government of the Kyrgyz Republic*
- *Office of the Security Council*
- *Ministry of Foreign Affairs*
- *Ministry of Interior*
- *Ministry of Agriculture, Water Resources and Processing Industry*
- *Ministry of Health*
- *Ministry of Transportation and Communication*
- *State Committee on National Security*
- *State Customs Committee*
- *State Committee on Migration and Labour*
- *Border Service*
- *DCA*

The National Coordination Centre is led by the Deputy Chairman of the Border Service.

*In **Uzbekistan**, the Inter-ministerial Coordination Group on Cooperation with International Organisations and Foreign Countries in the Field of Improvement of the Border Management System was established in 2005. The coordination group includes the Deputy Commander of Border Forces as Chairman, representatives of the Ministry of Defence, Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Justice, Ministry of Health, State Central Department of Veterinary as well as State Central Inspection for Plants Quarantine of the Ministry of Agriculture and Water Resources, Ministry of Labour and Social Protection of the Population, Ministry of Public Education, State Nature Committee, State Customs Committee, National Drug Control Centre under the Cabinet of Ministers of Uzbekistan, Commission of the European Technical Assistance Programme Coordination Unit (National Coordination Unit – NCU).*

*In **Tajikistan**, the Inter-ministerial Commission on Settlement of Border Management Issues is functioning since 2003. It includes representatives from the main ministries involved in border management. A number of projects have been implemented as a result of recommendations made by the IMC's specialist sub-committees.*
Moreover, a Coordination Council of Law Enforcement Bodies exists, the Chair of which is the general prosecutor. Members of the Council are managers of the relevant state bodies and services. The Coordination Council discusses also issues on fulfilling legal acts, introduces changes issues related to border management, adoption of measures on improvement of cooperation between controlling services. For example, after the planned control of regime of organization of procedure of border crossings at the southern part of border an order was given to involve services to draft a joint technological scheme of procedures of border crossings for river transport. There is further an Inter-Agency Coordination Council On Transport chaired by the Ministry of Transport

[23] Governmental Resolution Nr. 266-p dated 06 June 2008.

Good practice example 2.8.

Central management of blue border activities

*The **Federal Coast Guard of Germany** (Küstenwache des Bundes) coordinates the federal law enforcing activities at sea and is – among other duties - in charge of the protection of the national borders and Customs. Even though the Coast Guard has its own logo and uniform it is not an independent agency but only a coordination body whose members are the Federal Border Guard (Border Guard), Customs, the "Federal Waterways and Shipping Administration" and the Federal Institute of Agriculture (Food/Fisheries Protection). While in principle each agency is responsible for their respective duties, in practice Customs and Border Guard have authority to act on behalf of each other when required. If suspects are apprehended or illegal goods are found, they are handed over to the competent agency at the end of the shift, which then assumes the responsibility for the case. Instant support can be requested from the partner agencies at any time should the need arise. Two Coast Guard Centres coordinate all activities to ensure that the whole coast is covered and that ships are not checked several times by different agencies. The federal government pays for the acquisition of the ships, which are then assigned to the involved ministries. The boats are manned by the respective agencies with officers who own a navigation patent and are experienced seafarers. This system requires a high level of trust and well-established cooperation between the agencies involved, but it has the advantage of an optimised allocation of resources at minimal cost*

Good practice example 2.9.

Integrated Migration Management System

***Hungary** has established a unified countrywide in-depth control system that harmonises the tasks and measures (on municipal level) of all responsible law enforcement agencies and labour organisations. This migration filter system, known as CHECKNET, has been developed as a network, which ensures that executive units of the involved authorities implement their tasks in a coordinated manner as regards time, territory and method. Cooperation between these authorities includes joint aliens policing, control of labour policy and protection of public order, exchange of information and experience related to illegal migration and joint training of staff of the partner authorities. The authorities perform their activities at the main points and routes used for irregular migration, such as cities, railway stations, bus stations, places providing accommodation, highways, building operations, markets and agricultural regions.*

*The **Integrated Management Centre**, which is managed by the Hungarian National Police, coordinates the tasks related to the fight against illegal migration by the Police, the Office of Immigration and Nationality, the Customs and Finance Guard and the National Labour Inspectorate through its virtual liaison officer network at the central and regional levels.*

Key benefits achieved as a result of this good practice:

- *Enhanced effectiveness of the fight against illegal migration*
- *Improved border surveillance and border traffic control*
- *Cooperation and mutual assistance between agencies*
- *More effective management of human resources*

III.2.3. Procedures

The goal of inter-agency cooperation procedures is to have an overall workflow in which the activities of all relevant border management agencies are included, which ensures a smooth processing at the BCP and coordinated border surveillance activities.

The importance of coordination of procedures between agencies is most obvious in their interaction at BCPs, where a **synchronised and efficient workflow** should be aimed for. The emphasis should be on **joint controls** instead of duplications. Procedures should, however, not only be agreed upon and laid down in instructions as regards day-to-day situations, but important also in case of emergency situations. These procedures should form part of a **comprehensive emergency plan**, the details of which need to be adapted for each BCP following general guidelines.

In order to make use of the convergence of interests, as well as to ensure economic use of resources and the exchange of relevant information and mutual assistance, **high-impact operations** on specific topics could be carried out jointly notably between customs and border guards. As certain operations might be more usefully carried out in-land, as defined in the common risk strategy (see below), the close cooperation of **mobile units** by all relevant agencies is required.

III. 2. 3. 1 Coordinated workflow at the BCP

In order to fully analyze the existing **workflow** and thus arrive at suggestions for its improvement, a detailed description has to be elaborated for all different forms of traffic existing at each type of BCP. Also, processing times should be analyzed in order to build a basis for auditing the performance of the BCP and evaluate the effects of the improved workflow at a later stage.

The workflow description should clearly show which authority checks what in which sequence. In this way, possible overlaps in checks become obvious and conclusions can be drawn for the streamlining of the border crossing procedures.

A schedule of BCP procedures which clearly describes the control procedures and identifies tasks and responsibilities of customs, border guards, and the inspection services would also demonstrate such transparency and a client-oriented approach towards freight forwarders. Close cooperation in terms of the processing of goods traffic for the benefit of the clients is foreseen also in the **single window-concept** of the European Commission centred on all goods and merchandise[24], with the aim to simplify the clearance procedures for forwarders and thus further reducing processing times.

In order to guarantee that standardised and streamlined procedures are followed, operational instructions or manuals should be available to all officers based on formal agreements with other agencies. These should include positive lists of consignments which need to undergo veterinary or phytosanitary checks, in order to allow the officers to take the decision whether entry should be refused (if there is no border inspection post) or the consignment be forwarded to the relevant authority. EC legislation and good practices could be taken into account when establishing or revising procedures.

[24] Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the role of customs in the integrated management of external borders, COM (2003) 452 final reflected in the Council Resolution of 2.10.03 on a strategy for customs cooperation, OJ C 247, 15.10.03

Please refer to Good practice 2.10. (Common Basic Workflow in the EU), Good practice 2.11. (Routing slip), Good practice 2.12. (United Border Crossing Point (UBCP)), Good practice 2.13 (Control of Buses) and Good practice 2.14 (Adapted Joint Technological Schemes) at the end of the present Sub-chapter III.2.3.

III. 2. 3. 2 Common risk strategy/Control network

Within the EU, it has been reaffirmed that a joint approach, based on common standards, towards risk management strategy and methods is essential (see also information on risk analysis under Chapter IV.2.). The starting point should be the identification of those controls that can be moved inland without having a negative impact on the risks that they address, and those which have to be carried out at border posts. The objective is to ensure that the **priority is given to the necessity for the security and that controls are carried out where they are most effective.**

On this basis, a comprehensive rationalised common risk strategy can be developed, identifying and addressing the strong and weak points of the present border related activities. One point in creating a comprehensive control network based on a common risk strategy could for example be the identification of adequate inland control points on major transit routes and the establishment of mobile units of customs officers and border guards.

The controls which must be maintained at border posts as well as at the green and blue borders for reasons of safety and security have to be weighed in order of priority. All authorities concerned must work together to establish these priorities and to define the relevant common risk profiles. The profiles established must then be used to select the most useful information for risk analysis from the data made available by all agencies concerned and to identify any improvements or innovations which may be necessary.

It is vital that customs share relevant information, in particular related to current contraband, smuggling and trafficking practices with other agencies to improve the common risk strategy. Traders have to declare their goods to customs which, based on the customs tariff combined with common risk profiles and additional risk-related information/intelligence, carry out an initial risk selection. This allows for centralisation of data collection and simplifies administrative procedures for the traders. Relevant information/intelligence is shared between the agencies at a central level, or at the level of the BCP in case of last-minute intelligence.

For this joint risk management to be effective, a common approach towards the control of vehicles is also essential. Controls required must thus be defined and standardised, determining where and by whom controls should be carried out and whether one service should have priority to start their check and which type of specialised equipment is needed.

Examples of a common risk-orientated approach of customs and border guards are the sharing of risk indicators and intelligence which can be used to combat the illicit trafficking of drugs, weapons, weapons of mass destruction and nuclear materials. Intelligence is also needed in relation to dual use goods or precursors and the protection of the national cultural heritage. Especially in light of the increased fear of terrorist attacks closer cooperation between border guards and the customs service should be established with the aim of preventing the transfer of resources for terrorist organisations.

III. 2. 3. 3 Joint controls

Border agencies should consider joint or coordinated controls and synchronise activities notably in order to shorten processing times. The one-stop control[25] and single window concept[26] are examples of joint control at BCPs.

If, for example, any control agency initiates physical examination within its authority, it should inform the other agencies to give them the possibility to carry out further necessary physical examinations as appropriate, and thereby save costs and inconvenience for all parties involved. To the extent possible, double checks of vehicles and ID documents should be avoided.

The institutionalisation of joint controls, especially between border guards and customs, can be supported through the appropriate infrastructure: only if border guards and customs services facilities are close or shared routine joint controls can be easily institutionalised.

Joint checks of persons and goods should also be carried out by mobile units based on risk analysis. Mobile control at a single location should generally not last longer than two hours to be effective against smuggling and trafficking networks, since these are usually rapidly informed about the controls and move to alternative routes. In most cases mobile units consist of border guard and customs service, but the phytosanitary and veterinary inspection services can join them when needed.

Please refer to Good practice 2.15. (Joint Controls) at the end of the present Sub-chapter III.2.3.

III. 2. 3. 4 Search Unit (SU) / Teams

Depending on the status of the BCP, risk analysis and traffic flow, BCPs and ICSs should be supported by adequately trained and well-equipped Search Units or Teams, or individual experts, from the side of customs and border guards. These teams should consist of two or three officers, each with another field of expertise, like textiles, cigarettes, weapons and ammunition, drugs, documents, stolen vehicles etc. who carry out/support in-depth controls in the second line. To this aim, the required human and financial resources, as well as adequate training programmes, equipment and IT support need to be defined. They should be in close relation to the Central Analysis Unit and Local Intelligence Officers in order to process and disseminate locally gathered information. Information should also flow back, and regular feedback should be given. Controls should be coordinated or carried out jointly between services and experiences exchanged between relevant experts.

If local police can provide experts in any of the fields, there should be a clear prescription of how they could support BCP operations. At smaller BCPs, the coordination of expert resources should be organised by the regional level.

III. 2. 3. 5 Joint operations

Intelligence-led, targeted, high-impact operations on specific groups of people, vehicles or cargoes can take place at the BCP, in the border zone or inland. A detailed operational plan should include leadership, responsibilities, objectives, timing, duration, risk profiles, available equipment and relevant contact numbers. Team members should be well briefed prior to the

[25] This document uses the term “one-stop control” to refer to the concept of joint, physical controls performed by different agencies only once at the same time and at the same place. In the Customs Blueprints this is referred to as the “one-stop-shop” concept.

[26] The single window concept allows all data required by the different border agencies to be submitted (where possible electronically) to the same access point, with the aim of avoiding duplication and facilitating trade.

operation and the results should be evaluated systematically and used as a basis for risk analysis and future operations. Based on this information, border authorities may decide subsequently to focus their checks on specific groups, such as passengers on planes from certain destinations, buses from specific countries, or transport vehicles/cargo from a particular operator. Where detailed inspections are made, customs and border guards could benefit from joint operations as both services have different tasks and access to different information.

In addition to customs and border guards, other agencies could be invited to participate, e.g. the phytosanitary and veterinary inspection services, the police, the agencies responsible for market inspection, labour standards or illegal employment of foreigners. At the same time, other stakeholders, e.g. the police force, should be informed in case they need to be involved on short notice.

Please refer to Good practice 2.16. (Joint Operations) at the end of the present Sub-chapter III.2.3.

III. 2. 3. 6 Mobile units

Depending on the topic, other agencies could be invited to participate in joint operations carried out by mobile units, as for example agencies responsible for market inspection, labour standards or illegal employment of foreigners. At the same time, other stakeholders, such as local police stations, should be informed in case they need to be associated/involved on short notice.

The leadership, as well as detailed objectives of the operations and related responsibilities of the agencies should be clearly defined, as should the communication and reporting structures. A detailed operation plan, to be updated on a regular basis, should include timing, duration, available equipment and relevant contact numbers. Mixed teams should be established which are responsible for the full check of the vehicle as well as any further procedures that might ensue. The team leaders should be well briefed prior to the operation. As with other joint operations, the results should be systematically evaluated and used as a basis for further risk analysis.

If mobile units are newly established, special attention should be given to the relevant legal framework and resulting competences of the agencies, which might need to be adapted, as well as to the establishment of efficient coordination procedures (national and international in order to avoid double- or triple-controls at particular traffic-routes), especially if several agencies active at several levels (central, regional) are involved.

Please refer to Good practice 2.17. (Mobile Units) at the end of the present Sub-chapter III.2.3.

III. 2. 3. 7 Contingency plans

Contingency and emergency plans should be developed that clarify the division of responsibilities in case of imminent threats to national security or public health, or extreme situations such as natural disasters, pandemic diseases (like SARS, H1N1, etc.), mass influx of irregular migrants or refugees, terrorist activities or major accidents and fires in the border zone. These plans should be **developed at central level**, but need to be **adjusted for the regional and local levels**; each BCP should be informed about the distribution of responsibilities and tasks among the services present. Basic issues to be addressed include the availability of contact details of the various local actors to approach in specific situations.

Please refer to Good practice 2.18. (Common Emergency Plan) at the end of the present Sub-chapter III.2.3.

GOOD PRACTICE EXAMPLES
Inter-agency Cooperation – Legal and Regulatory Framework

Good practice example 2.10.

Common basic workflow in the EU

A description of a common basic workflow, which shows the sequence of operations at BCPs and includes all agencies responsible for checks of persons and goods, is standard in all EU Member States. Systematic border checks are the third tier (measures at the external borders) of the four-tier access control model in the EU; please see Annex III for an explanation of this border model.

On entry and exit, the first service in contact with passengers and drivers is usually the border guard service responsible for the border checks. As a result of their observations and checks, a first set of measures is taken, which could range from clearance to refusal of entry, or even apprehension. All persons and goods crossing the border undergo a minimum check that can be carried out in the traffic queue. Based on risk analysis, officers may decide to carry out intensive checks of certain documents, the vehicle or other items related to the crossing of the border. These "second line" controls – to use EU- and Schengen terminology – are carried out in a separate lane, place or room in order not to hinder the border crossing of persons and vehicles in the "first line". In both cases, customs and border guard cooperate as closely as possible in order to speed up procedures. The focus in this regard is increased efficiency and effectiveness of the work of both services, not economies of staffing. While each service is concentrating on its basic tasks, close information exchange with the other services involved is ensured, taking into consideration the possibility of joint controls. Especially if intensive checks are carried out, other services are given the opportunity to take part in order to avoid duplication and inconvenience for all involved.

After the veterinary border inspection has been carried out, the border veterinarian issues a document containing his decision on the consignment – in the EC a document known as the common veterinary entry document (CVED) by using TRACES. The original CVED document is then passed on to the customs officer by the border veterinarian, the importer or the shipping agency as a proof that the veterinary clearance of the consignment has been completed. The customs only allow customs clearance of the consignment in accordance with the border veterinary decision stated in the document. Comparable procedures also apply for phytosanitary inspection.

Good practice example 2.11.

United Border Crossing Point (UBCP)

***Kazakhstan** has been implementing the concept of interaction and cooperation at the border in the spirit of the so-called "Single Window concept", also referred to as United Border Crossing Point (UBCP). Under the existing Joint Order, all agencies represented at the border are housed in one building and closely interact at UBCPs. The plan on UBCPs has been implemented at the Kazakh-Russian border, where currently 18 UBCPs exist. The number of UBCPs is expected to increase in the coming years.*

A single document (called "Tallon") for vehicles registers the entire workflow by all relevant authorities in order to facilitate a more efficient work and transport flow at UBCPs and also other BCPs. In case vehicles need to be inspected more intensively, they will be sent to the nearest specialised inland control station.

Good practice example 2.12

Adapted Joint Technological Schemes

*In **Tajikistan**, it is one of the tasks of the Sub-committee for Training and Curriculum Programmes Development of the Inter-Agency Commission on Settlement of Issues of Border Management under the State Border Committee for State Border Protection to elaborate a "Joint Technological Scheme" for the cooperation between all agencies present at the border. This Technological Scheme will be adapted to the situation at each BCP, resulting in a specific manual for border staff.*
Standard Technological Schemes for interaction and cooperation between all agencies involved were already elaborated for airports and railway border crossing points.
Standard Technological Scheme for road border crossing points is currently under elaboration.
These standard schemes will serve as a basis and example for the creation of adapted technological schemes for each border crossing point, taking into account local specificities.

Good practice example 2.13.

Joint Controls

*In **Kyrgyzstan,** Customs developed a Joint Action Plan for Customs and Border Troops, which is currently going through an internal procedure of the Border Troops. After approval the action plan should result in joint controls at the border and operational information exchange at all BCPs.*

*In **Tajikistan**, the concept of Single Window for Export, Import and Transit Procedures was adopted by the Government in 2008. The concept promotes principles of joint control and delegation of responsibilities between agencies. In the framework of the implementation of this concept, the Ministry of Economy initiated the elaboration of corresponding technological schemes of work and the creation of the State enterprise "Single window" as a supporting agency.*

Good practice example 2.14.

Joint Operations

*In **Tajikistan**, joint operations are organised between the Customs authorities, the Drug Control Agency, the Ministry of Internal Affairs and other law enforcement bodies relevant to drug control, as well as to fight against smuggling of goods, including operations related to illegal smuggling of weapons. Joint operations are also carried out on the international level by the Tajik and Afghan border guards, focussing on drugs and hostages taken among the local population.*
Every year, action plans are developed to cover cooperation between law-enforcement agencies in the framework of the fight against illegal smuggling of drugs, weapons, illegal migration and other offences.

Good practice example 2.15.

Mobile Units

*In **Tajikistan**, mobile units were established in the Drug Control Agency. They involve in their operational activities officers from the Border Force, the Ministry of Internal Affairs and Customs. Mobile units are also addressed in the framework of a Eurocustoms-led project.*

Good practice example 2.16.

Common Emergency Plan

*In **Uzbekistan**, there is a common emergency plan, with the Border Guards as the coordinating agency at BCPs. The Extraordinary Emergency Commission for the Republic holds quarterly meetings and makes decisions on procedures that are mandatory for all structures. The Border Guards, Customs Service, Sanitary Service, Emergency Ministry and Ministry of Internal Affairs were involved in the first joint emergency situation exercise in 2005.*

III.2.4. Human resources and training

Coordinated deployment of staff contributes also to a smoothier management of the borders. Inter-agency training contributes to a better understanding of the tasks and responsibilities and needs of other border management agencies.

III. 2. 4. 1 Deployment of staff

Coordinated deployment of staff at BCPs can contribute to a smoother cooperation and especially benefit smaller services which might not be able to man all posts around the clock. The working hours of the border management agencies, including shift changes, should be communicated and harmonised at each BCP, notably in order to make a common briefing of shift leaders possible. Shift changes, whether synchronised or not, should foresee at least 30 minutes overlap between two shifts to avoid disrupting any ongoing procedures and allow for a proper hand-over.

III. 2. 4. 2 IBM / Inter-agency Training

Joint training activities should involve staff from all border management agencies. These activities have a **confidence-building** and **information exchange** function, and clear benefits may be gained for all agencies if border staff gets more aware about the links between services and how concrete operational cooperation can be improved. Those joint training activities can also result in a **more efficient use of resources**.

For instance, training on the detection of falsified travel documents should be standardised.. Thus the training of consular staff could be undertaken centrally by the national border service. This approach of joint specialist training is economic, allows related procedures to be integrated easily and familiarises personnel with the role and work of other agencies. Such joint courses can be organised in many other areas where the responsibilities of two/several services touch each other:

- → Issues of border guards directly related to customs work, such as smuggling of drugs, weapons, and stolen cars, or
- → Work which requires both customs and phytosanitary/veterinarian expertise (smuggling of and/or import procedures for plants, food, animals).

Different forms of inter-agency training can be distinguished:

- → Training on rules and procedures which deal with or involve cooperation with other actors
- → Joint training with other agencies on issues of common concern[27]

[27] For example, travel documents, visas and residence permits; asylum and migration legislation; code of conduct/ethics; foreign languages; use of equipment/IT tools; detection and handling of irregular

→ Training to familiarise staff with the tasks and activities of their counterparts and to raise general awareness about the importance and benefits of inter-agency cooperation, e.g. to identify the respective needs regarding information exchange.

These training activities should not only target new recruits, but form part of the continuous, in-service training and include operational as well as management level of all agencies. A typical inter-agency training with the aim of introducing participants to the other agencies at the border would cover the following areas: organisational structure, legal framework, basic tasks and competencies and areas of joint interest. Beyond that basic training, more in-depth training on concrete possibilities to improve respective cooperation at BCPs should be implemented. This training should especially target BCPs management and shift leaders from border agencies who, within the limits of the legal and regulatory framework, could introduce immediate improvements to the cooperation and coordination at the relevant BCPs. The training methodology should be inter-active and provide enough room for ideas of the trainees related to their specific situation.

In addition to the abovementioned joint training sessions for all agencies, the following inter-agency training activities are possible:

→ Staff from other agencies invited to attend training on a topic of relevance for more than one agency (e.g. on the tasks of liaison officers)

→ Sharing of expertise and training materials between agencies, e.g. on-entry staff training for visa and consular staff on issues such as document examination and investigative interviewing; training by the veterinary and phytosanitary inspection services for customs staff on procedures for preventing the introduction of harmful organisms or on anti-smuggling controls for products of animal origin; training by sanitary inspectors/health officials for border guards and customs officers relating to new threats to public health, etc.

Systematic training should be given in cases where some tasks have been shifted by legislation from the agency having the expertise to another agency; e.g. the veterinary inspection service should give training to the customs on inspection of pet animals.

In some cases, the training units themselves can benefit from common national training centres. These are shared training centres used by several agencies. In addition to a reduction in costs for individual border agencies and increased access to resources (see Subchapter III.2.6. below), these also facilitate the cross-fertilisation of ideas, provide situations in which staff from different agencies can come into contact, informally and formally, and reinforce the concept of a nationally cohesive approach to border management.

More details and further examples of IBM training courses are provided in the “Integrated Border Management Training Manual, Central Asia”, developed under the BOMCA V programme.

III.2.5. Communication and information exchange

Inter-agency information exchange should be laid down in writing to ensure that communication links are not broken when staff members are exchanged.

A **comprehensive approach towards communication, information and data exchange** should be taken and agreed upon between all agencies. As a starting point an agreement should be found on the type of data/information which should be shared and who should

migrants; detection of smuggling of and trafficking in human beings; detection and processing of forged documents; detection and processing of stolen vehicles, narcotics, weapons, explosives and dangerous substances.

have access to this data for which reason. The agreed approach should form part of an inter-agency agreement, and relevant instructions on procedures be made available to all staff.

Such a comprehensive approach should include meetings between representatives of the agencies at all levels – central, regional and local – with different objectives, from coordination of priorities and long-term strategies as in the forum of an inter-agency working group (see Sub-chapter III.2.2) to the sharing / comparison of statistics based on common definitions between headquarters, on a regional and local level to the coordination of operations at BCPs.

Regular and efficient exchange of information is essential for effectively carrying out the respective tasks related to border management. In addition to general exchange on changing priorities and risks, exchange/comparison of statistics, and operational briefings related to day-to-day operations at BCPs, each agency has naturally special needs with regard to information required from other services in order to perform their functions in the most effective way. The information the services gather is often complementary and interlinked. This should be taken full advantage of, also by involving officers from other relevant agencies in investigations. For example, the information customs obtains in routine checks of travellers and vehicles, or simply through its physical presence at the border, can assist in detecting international crime, in close cooperation with other security authorities. Again in that context, **data protection** considerations should be taken into account (see Chapter IV.2. on Information management and Risk analysis (including Data protection)).

Information exchange mechanisms should not only be defined for 'usual' operations, but also for more specific situations and efficient **early warning systems** need also to be in place, be it through a system of contact points in individual agencies or through advanced IT solutions. Please see Sub-chapter IV.2.3 (Early warning) for more details.

The communication flow should not only be limited to the authorities directly involved in border management. There are also other relevant stakeholders to be taken into account, as for example operators and shipping agencies (possibly subject to API/PNR-processing), which is addressed in Chapter III.4 (Cooperation with other actors).

Data-flow management analysis can be used to evaluate the effectiveness of information exchange between the relevant authorities.

Inter-agency communication is generally approached on three levels:

- → **Local**: Shift managers/leaders in daily contact; BCP chiefs meeting regularly (e.g. on a weekly basis) and on ad hoc basis (e.g. early warning or to deal with unforeseen cases)
- → **Regional**: Heads of regional office conducting regular (e.g. monthly) meetings and on ad hoc basis
- → **Central**: Representatives of all agencies meeting regularly, for example on a monthly basis, as well as on ad hoc basis; representatives of the IBM inter-agency working group meeting on a regular basis (e.g. twice yearly)[28]

A formal agreement between all participating agencies should clarify what information will be shared and with whom. It should then be decided how the information will be exchanged; meeting protocols and minutes (also for ad hoc meetings) should be drafted, distributed and filed.

Methods for information sharing include:

[28] Please see also Part V.

- → Briefings and **meetings**
- → Nomination of **contact persons** or focal points within each agency
- → Exchange of **hard-copy** reports and data
- → Exchange of **electronic** reports and data
- → Sharing of selected information from **databases** with authorised staff from other agencies, e.g. upon a written request or automatically for specific sets of data (e.g. in the field of statistics, when no personal data is concerned).

Regular **short briefings** between the **focal points** of the various services at the BCPs are a simple tool to improve coordination among services at the border. They can report to each other about issues such as the announced arrival of special travellers or consignments (e.g. VIPs, large army contingents, special animal transport, dangerous goods, weapon transport, and persons on special medication). Other issues to be shared can be intelligence on new smuggling tactics or similar identified by one of the services. This can be a starting point for a common risk analysis. Regular meetings should be short (10 to 30 minutes) and focused.

Especially at BCPs, in addition to formalised meetings, informal contacts through which officers/inspectors share information relevant for day-to-day operations are important.

Another simple but effective measure, as well as a starting point for possible more advanced mechanisms, is the establishment of a contact point system, both for the rapid exchange of early warnings regarding threats and the regular exchange of data.

When developing new or upgrading existing IT systems, the following should be taken into consideration:

- → **Compatibility** with other systems in use and planned, (not only within the own ministry but also within those of relevant counterparts). Complete compatibility is not necessary: the possibility of creating interfaces with other existing databases is usually enough;
- → **Security** (data protection, access regulation);
- → **Accountability** (records of access, usernames etc.);
- → **Adaptability** (adding/amending components/modules, users etc.).

The creation of joint systems, such as one overall operating system with sub-modules allocated to each border agency would facilitate and speed up authorised information exchanges.

For example, in the field of trade facilitation, information technology plays a key role in the simplification of procedures. Electronic forms should be made available, where feasible, including all information required by agencies involved. This data could, as regards trade facilitation, be channelled through the customs administration, allowing for a “single-window solution” (this requires electronic communication and data exchange with other authorities).

To ensure that all consignments entering the country concerned undergo necessary border inspection the veterinary and phytosanitary border inspection agencies should coordinate with other enforcement services to gather all pertinent intelligence regarding consignments. This applies in particular to information available to the customs[29], information on ship, boat, rail or aircraft manifests and other sources of information available to the road, rail, port or airport commercial operators.

[29] According to EC provision 136/2004, the Veterinary Border Inspection service should for example have access to the databases (or relevant parts thereof) that are available to customs

III.2.6. Infrastructure and equipment

Shared facilities and joint use and procurement of equipment reduce costs and enhance cooperation between agencies.

Appropriate border infrastructure does not only facilitate the work of staff at the border, but can also be **conducive to close cooperation** between services. For this purpose, and in order to ensure that the needs of all services are taken into account, the **development, modernisation and construction of new border crossing points should be coordinated** between all agencies present at the BCP, as well as with other relevant stakeholders such as the Ministry of Transport or freight forwarders, the offices of which are to be located at the specific BCP.

Minimum standards can be defined, on the basis of the standards to be followed, in a national approach for each type of BCP by the services present at BCPs and be laid down in the form of a law or regulation or another form depending on the country context.

In addition to the possibility of shared facilities, the **sharing of equipment/resources** and **joint acquisition/tendering** could also be taken into consideration for reasons of cost-effectiveness; where possible the creation of a joint tendering office should be envisaged.

III. 2. 6. 1 Selection of priority BCPs

In the light of limited resources, **priority border crossing points** for modernisation and development into main entry points should be selected based on clearly defined, transparent and jointly agreed selection criteria. For example, not all BCPs need to carry out phytosanitary or veterinary controls, and therefore a reduction of the number of BCPs with veterinary and/or phytosanitary controls must be considered, while the infrastructure and equipment in the remaining ones could be upgraded. Regular assessments of existing facilities and equipment in parallel with a careful analysis of existing and possible future flows of traffic, and risk analysis, are fore recommended, as is needs identification.

This selection of priority border crossing points should be made in coordination with all border management agencies. Decisions on priority BCPs or the upgrading of BCPs should also be coordinated with other interested stakeholders such as ministries of Transport and freight operators. It is also important to consult the neighbouring state(s) and take their BCP development plans into account. The regional level should be also considered as to the identification of transregional transport networks.

In some countries infrastructure of the BCP or BIP is not actually owned by, and therefore not under the direct control of, the border agency who uses it. In such cases, the agencies concerned should conclude contracts that formalise the agency's responsibility as regards use, maintenance and coverage of costs.

Based on individual considerations it is even advisable to establish one-stop-controls (see also III.3.3.2.; required are bilateral agreements on simplified border-processing) and thus avoid unnecessary duplication of infrastructure and instead increase cooperation and interaction between all agencies involved.

III. 2. 6. 2 Joint use of facilities and infrastructure

Infrastructure at BCPs can be adapted to allow for integrated control in order to facilitate joint controls and avoid forced duplication of controls..

Placing the offices of all agencies within **one building** can be beneficial, since it enhances informal communication. Where this is not possible it is advised that agencies should be accommodated in offices in close proximity to those agencies they work most often with.

In light of the efficient use of resources and facilitation of sharing specialised equipment it is recommended to use service rooms on a reciprocity basis, however taking the restrictions related to hygiene and the contamination risk into account. For the customs service, coordination with phytosanitary services, with which equipment and facilities for the inspection of goods and incineration facilities could be shared, is especially important. Apart from incineration facilities, the sharing of infrastructure and equipment is not allowed for veterinary services. Facilities for intensive checks of vehicles and unloading of trucks should also be used commonly, bearing in mind that ideally the control itself should be carried out by representatives of all relevant agencies. Furthermore, the use of facilities such as kitchens or common rooms by all services can facilitate informal exchange between officers/inspectors and encourage the feeling of pursuing a common goal.

The extent to which infrastructure and facilities can be shared depends upon a variety of factors. Below is a list of proposed infrastructure and facilities that could be used jointly.

→ **Central (and regional) level**

- Common database (joint access only to those files/data, where common interest is granted by the law)
- Harmonised radio-communication system
- Common phone lines (internal phone system)
- Vehicles for joint purpose

→ **Border Crossing Points**

- Joint inspection places:
    a. Traffic lane for passenger vehicles (personal, vehicles and buses) at entry into the country (from the BCP to control spots)
    b. Traffic lane for passenger vehicles (personal vehicles and buses) at exit from the country (from control points to BCP)
    c. Traffic lane for cargo vehicles at entrance into the country (from BCP to control points)
    d. Traffic lane for cargo vehicles at exit from country (from control points to BCP)
    e. Adequate space for the control of vehicles outside of traffic lanes (passenger vehicles)
    f. Parking spaces
- External infrastructure:
    a. Facilities where servicel dogs can be kept
    b. Fence of BCP
- Internal infrastructure:
    a. Room for telecom equipment/cabling
    b. Central facility for coordination and video surveillance
    c. Recreational/staff premises (common room, lounge, shower)
- Technical infrastructure:
    a. Air conditioning, heating etc.
    b. External telecommunication capacities and telephone lines

c. Backup telecommunication line
d. Copy machine
e. Computers (servers, PCs, laptops, printers, networking equipment, telecom equipment, radio-communication equipment, faxes, etc.)

→ **Clearance posts**

- Warehouses for storage
- Joint inspection points/locations
- External/internal and technical infrastructure as listed above

→ **Mobile units for inland control**

- Joint procurement of vehicles (mobile communication offices etc.)
- Radio communication system

→ **Common Contact Offices**

- Internal infrastructure:
  a. Room for telecom equipment/cabling
  b. Central facility for coordination and video surveillance
- Technical infrastructure:
  a. Air conditioning, heating etc.
  b. External telecommunication capacities and telephone lines
  c. Backup telecommunication line
  d. Computers (servers, PCs, laptops, printers. networking equipment, telecom equipment, radio-communication equipment, faxes etc.)

III. 2. 6. 3 Joint use of equipment

In addition to sharing facilities, the possibility of sharing **equipment** should be explored. Consideration should be given to standardising types and brands with other agencies. Using identical brands or types of equipment will limit costs and contribute to joint use of equipment. Although service dogs are highly specialised, sharing service dogs among the services could also lead to good results and cost savings.

Joint procurement of equipment (e.g. weapons, uniforms, cars and gasoline) can significantly reduce costs and should be undertaken whenever possible.

Please refer to Good practice 2.18. (Joint Procurement) at the end of the present Sub-chapter III.2.6.

The establishment of an inter-ministrerial joint procurement office could help save costs by making use of economies of scale. Where this is not possible, one of the border agencies could, upon request and for particular goods of common interest, take on the responsibility of issuing the tendering procedure on behalf of all border agencies.

Agreements should be established with reference to joint use of equipment / resources, addressing the questions of ownership and priority, maintenance, accountability / documentation, responsibilities, and the limitation of the use of specialised equipment by respective specialists.

Care should be taken that all essential equipment is still available to the officers where needed, i.e. close to the location where controls are carried out (see also III.1.6).

GOOD PRACTICE EXAMPLE
Inter-agency Cooperation – Infrastructure and Equipment

Good practice example 2.18.

Joint procurement

*When the governmental agencies of **Austria** buy their gasoline jointly, a better price can be negotiated with one of the main providers.*

III. 3. International cooperation

THIS CHAPTER DESCRIBES INTERNATIONAL COOPERATION

Areas of relevance for international cooperation:

- Legal and institutional framework
- Harmonised procedures
- Joint operations, checks and patrols on international level
- Exchange of information and statistical data, early warning
- Joint infrastructure: joint BCPs.

International cooperation refers to the cooperation with international organisations and forums, as well as with other states at the bilateral and multilateral level. Such cooperation can take place at central level (between ministries or agencies), regional level (between regional offices) and local level, involving BCPs on both sides of the border.

Border agencies should facilitate international cooperation according to the national foreign policy strategy (usually prepared and coordinated by the respective ministries of foreign affairs) and strategic risk analysis.

More specifically focusing on the Central Asian context, cooperation between the countries of the region and their neighbouring countries is vital for the **development of a common understanding in policing-matters** as well as a common approach in **tackling particular trans-border phenomena (trafficking, smuggling and trans-border-crime)**. To achieve this goal it would also be important to agree on issues like common borders (where they are disputed), and to determine which border crossings to prioritise (common agreements especially in this field are also advisable). Furthermore, the neighbouring states should agree on coordinating controls, starting with the basics (e.g. opening times of BCPs) on to the more sophisticated issues (e.g. one-stop controls).

The cooperation of border services of the states which share sea borders is also crucial. The blue border **cooperation** should be developed on a bilateral as well as on a regional basis. It is recommended to organise joint operations and to establish national coordination centres, which will facilitate information exchange and coordination of actions in this area.

III.3.1. Legal and regulatory framework

In addition to the **delimitation of the state borders** with neighbouring countries and the **designation of official border crossing points**, the legal framework should also regulate the **international cooperation related to the control of borders**. This includes joint activities at BCPs, the border line and in the immediate border zone, information and data exchange and mutual assistance agreements (e.g. sharing intelligence in the fight against organised crime), as well as participating in international organisations and signing international conventions. Although agreements are useful tools, it is always best to include stipulations in legislation.

When agreements are formulated in a general way, detailed implementing protocols are needed for the actual cooperation. While agreements on the central level may remain on a general level, more detailed MoUs might be needed for cooperation on local level, including practical solutions for day-to-day cooperation.

A **border control agreement** can include:

- The possibility of establishing joint border crossing points on the territory of one of the countries
- Control in trains departing from the territory of the neighbouring country
- Common operational procedures at the BCP

In addition to this and depending on the intensity of cooperation between the countries involved, **bilateral agreements** could cover:

- Designation of official contact points or liaison officers or establishment of contact offices
- Establishment of joint contingency plans
- Associated training/exercises
- Joint patrols
- Cross-border surveillance
- Exchange of information
- Harmonisation of day-to-day work practices at the BCP
- A common *routing slip* covering the checks at both sides of the border (see also Annex I)
- Re-admission procedures concerning persons and goods/consignments to which entry is denied
- Controlled delivery
- Hot pursuit and the creation of rapid intervention units composed of national border guards with the right to support the neighbouring country within its territory in case of exceptional or urgent situations.

Please refer to Good practice 3.1. (Bilateral agreements on Liaison officers and Border control) and Good practice 3.2. (MoU on Information Exchange on Illegal Migration) at the end of the present Sub-chapter III.3.1.

An agreement on **integrated border processing** should address the following:

- What, how and where the controlling authorities operate
- The sequence of control (workflow)
- Who has what kind of competence and obligation (uniform, firearms)
- Definition of a particular area where each authority can perform its duties

- → Where and in what form intensive controls are carried out (jointly or independently), and what the content of these controls should be
- → What process should be implemented under which competence in the case of a detection of an illegal act
- → The order of entry, stay or return at the BCP (the area where the control is carried out determines which border control authority is responsible for the order of the BCP)
- → The facilitation of priority goods and persons
- → If possible, separate control lanes should be established, e.g. one for nationals and another one for foreigners subject to visa requirements or more intensive checks
- → Order of control at bus lanes
- → Financial obligations (towards other agencies)

Please refer to Good practice 3.3. (Veterinary and Plant Quarantine Agreements) and Good practice 3.4. (Regional Cooperation Agreement) at the end of the present Sub-chapter III.3.1.

III. 3. 1. 1 Border guards and Customs

Agreements between countries relating to border checks or customs control should stipulate:

- → The bodies responsible for its implementation
- → The designation of contact points (at the central, regional and operational levels)
- → Areas of cooperation (e.g. day-to-day cooperation, preventing illegal border crossing, smuggling of merchandise, drugs, transportation of dangerous and poisonous substances across state borders)
- → Detailed forms of cooperation (e.g. joint patrols and checks, meetings and regular information exchange, operation of BCPs with mixed staff, establishment of joint task groups, organisation on staff and command exercises, joint training events, contests, and other exchanges, activities within the territory of neighbouring state[30])
- → Technical issues: entry into force and termination of the agreement, possibility for other state parties to join, and regulation of disputes
- → Issues of processing and transmission of personal data
- → Compensation claims resulting from service tasks realised on territory of the second state

III. 3. 1. 2 Phytosanitary inspection

Bilateral agreements between phytosanitary border services should focus on practical issues related to consignments crossing the border, e.g. the conditions for the reintroduction of rejected consignments. This includes the use of standardised forms, documentation to be provided and of procedures to be followed when import conditions are not met

III. 3. 1. 3 Veterinary inspection

Like the phytosanitary inspection, the veterinary inspection should conclude agreements with other states on rules for rejected and re-imported consignments in terms of the

[30] In cases where cooperation has been further developed, and where trust building measures have led to close day-to-day cooperation between all parties involved, provisions could even be developed which under specified circumstances would allow officers to perform duties on the territory of the neighbouring state (agreement to allow the respective officers to wear their national service uniforms, to use force under conditions and in a manner which would be in line with internal regulations of the state on the territory of which the duty is performed).

documentation and procedures required. Agreements should also establish the frequency of checks according to the status of the country of origin to be followed at the BIPs.

GOOD PRACTICE EXAMPLES
International Cooperation – Legal and Regulatory Framework

Good practice example 3.1.

Bilateral agreements on Liaison officers and Border control

*Bilateral protocols between **Kazakhstan** and **Uzbekistan** as well as **Kazakhstan** and **Russia** regulate the placement of liaison officers (border guard representatives) in the territory of the second state and define territorial sectors of action of the liaison officers.*
*Agreements on cooperation on State Border control were also ratified between **Turkmenistan** and **Uzbekistan** (signed on 16 January, 1996) and between **Turkmenistan** and **Kazakhstan** (signed on July 5, 2001).*

Good practice example 3.2.

MoU on Information Exchange on Illegal Migration

*The countries of the **Western Balkan** region have concluded an MoU on regional exchange of statistical data on illegal migration, through a national contact point in each country. Data is exchanged electronically in the form of standard templates, based on commonly-agreed definitions. The model of MoU enclosed in Annex V has been adapted from the one developed in the Western Balkan.*

Good practice example 3.3.

Veterinary and Plant Quarantine Agreements

*The veterinary and phytosanitary authorities of **Central Asian countries** have adopted the two following cooperation agreements:*

- *The Veterinary Cooperation Agreement between Governments and CIS Member States, dated 12 March 1993;*
- *The Plant Quarantine Cooperation Agreement between Governments and CIS Member States, dated 13 March 1992.*

Good practice example 3.4.

Regional Cooperation Agreement

*The countries that form part of the **East ASEAN Growth Area** – Brunei Darussalam, Indonesia, Malaysia and the Philippines – have drafted a Memorandum of Agreement for the simplification, streamlining and harmonisation of customs, immigration, quarantine and security formalities, including rules, regulations and procedures. The agreement applies to all cross-border movement of goods and people through designated BCPs either by land, sea or air. Wherever it is feasible to do so, the aim is to carry out joint inspections and controls of people, goods and conveyances. And where the local environment does not allow for physically adjacent back-to-back border control posts, officials from one country are allowed to perform their duties on the territory of the other country. The parties to the agreement also agree to exchange information about cross-border movements of people and goods.*

III.3.2. Institutional framework

The institutional framework of a border management agency should allow for active bilateral and multilateral relations including information and data exchange, participation in international organisations, forums and regional platforms, exchange of liaison officers, the

assignment of national contact points or participation in common contact offices, international operations, trainings and exchange programmes, coordination of opening hours, etc. Another facet of coordination with border authorities, specifically of neighbouring countries, is the one relating to the status of BCPs, their prioritisation and related upgrading of BCPs.

III. 3. 2. 1 Common contact offices

Common contact offices are more and more perceived as a valuable tool to speed up information exchange, clarification and forwarding - especially in the case of emergency actions. Comprising officers from different countries that work closely together while also sharing the same premises, these offices demand a high level of integration and serve to speed up the exchange of information for routine cooperation, as well as in the case of emergencies.

Such offices, which include two or more, usually neighbouring countries, could be established at strategically relevant BCPs, or at an agreed upon location in one of the participating countries.

The main task of the contact office is information exchange on daily operations and responding to direct requests. This includes:

- → Documents: Forgeries of travel documents, visas and stamps of border controls
- → Personal data: owners of means of transport[31], residence and ownership of means of communication
- → Identification of means of transport: license plates, serial numbers, etc.
- → Ascertaining the identity of a person
- → Re-admission of illegal migrants
- → Special operations undertaken by border guard patrols for prevention and control in the border zone
- → Controlled deliveries[32] and observations
- → General sharing of intelligence, e.g. on forms and methods of smuggling, on trafficking in human beings and other form of trans-border crime
- → Information regarding cross-border hot pursuit

The contact offices are not limited to border policing tasks, and can ensure an efficient flow of information also for customs services, as well as prosecutors, courts and other authorities (wherever possible, in accordance with the respective national legislation). If it is not possible to deploy liaison officers or establish common contact offices, a network of contact points at the local, regional and central levels in neighbouring countries should be established. The tasks for such contact persons should be clearly defined.

Please refer to Good practice 3.5. (Common Contact Offices) at the end of the present Sub-chapter III.3.2.

III. 3. 2. 2 Liaison officers

Following the four-tier access control model of the EU (see Annex III below), in order to achieve optimal results in the pre-frontier-area, it is necessary to deploy and/or exchange liaison officers with countries identified as specifically relevant (neighbours or countries of

[31] Personal data should be transmitted within the limits set by internal regulations of both contracting states. The issues should be regulated by *an intergovernmental agreement on mutual protection of confidential information.*

[32] Controlled delivery is a tool employed by the criminal prosecution authorities which is indispensable to effectively detect international organized crime. In this context it refers also to an illicit cross-border consignment with the aim to identify the consignee.

origin of significant flows of migrants or goods). The deployment or exchange of these liaison officers would contribute to improved information exchange and coordination both at the operational and the strategic level.

One can distinguish two types of liaison officers: the "specialists" and the "generalists". While the specialised liaison officers have a limited and well defined number of tasks (e.g. an immigration liaison officer), the generalist covers a whole range of topics, and can represent other border agencies as well.

An introduction to the tasks of liaison officers and contact offices and how the various services could benefit could be valuable for representatives from all services – be it in the form of a seminar or in written form.

Please refer to Good practice 3.6. (Immigration liaison officer network) and Good practice 3.7. (Drug Control Liaison Officers) at the end of the present Sub-chapter III.3.2.

III. 3. 2. 3 Regional platforms/inter-agency working groups

National inter-agency working groups (see Chapters III.2 and Part V) can also play a role in multilateral communication through the creation of **regional (inter-agency) working groups** to elaborate together a common regional approach on border security, trade facilitation, infrastructure development, data exchange, and the discussion of other issues of common concern. The set-up of such groups changes according to the topic.

In order to improve regional cooperation and coordination among the Central Asian countries and their neighbours it is recommended to initiate a regional IBM platform or working group. One important element to further foster regional cooperation is again the exchange of information, which can take place in formal or informal regional information exchange groups on specific topics. One of the tasks of the regional inter-agency coordination group is to share information on and coordination of national strategies. This body presents a significant added value when discussing and coordinating of issues such as the prioritisation of BCPs at a regional level (see below III.3.2.6).

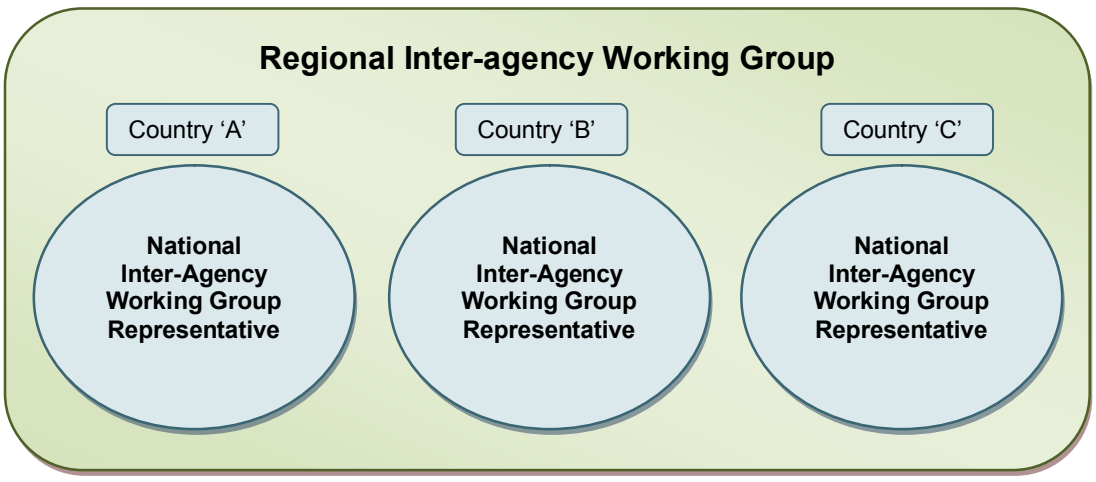


Figure 4: Regional Inter-agency Working Group

III. 3. 2. 4 Participation in relevant international organisations/fora

Representatives of all border agencies should regularly take part in meetings of relevant regional or international organisations or fora. Where this is not yet the case, membership – or at least observer status - in such organisations should be aimed for.

Border Guards should, for example, take part in fora like the yearly International Border Police Conference (IBPC) or international events organized by Frontex. Events organised for instance through Interpol, the United Nations Office on Drugs and Crime (UNODC), the UNHCR or the International Organisation for Migration (IOM) and any other relevant organisation or forum can prove to be most useful.

Customs Administrations should participate notably in meetings of the World Customs Organisation (WCO), such as those related to the Customs Enforcement Network (CEN) or Regional Intelligence Liaison Offices (RILO). The development of the Container Security Initiative (CSI) should also be followed carefully with a view to participating at an early stage on international level. The WTO[33] also addresses issues of high relevance to customs sector.

In relation to phytosanitary services, membership with IPPC[34] and the various regional plant protection organisations [35] should be seeked with the aim to improve and establish international contacts and foster information exchange.

The same applies to veterinary services with regard to a membership at the World Organisation for Animal Health (OIE) [36], WTO and Codex Alimentarius through the WHO.

These and other organisations, such as Frontex[37], also provide standards, offer assistance and support to governments in their particular fields of expertise.

Please refer to Good practice 3.8. (Coordination of border issues at the regional level) at the end of the present Sub-chapter III.3.2.

III. 3. 2. 5 Participation in international operations/exchange programmes

Participation in international operations and/or exercises and institutionalised exchange programmes can also contribute to the establishment of valuable contacts with services in other countries.

III. 3. 2. 6 Coordination of BCP status

Another facet of cooperation between the border management agencies of neighbouring countries entails coordinating the status of individual BCPs, prioritising and upgrading BCPs where appropriate, harmonising opening hours and agreeing on which border agencies should be present at the BCP. This helps to avoid situations in which BCPs are upgraded or inspection services are represented on only one side of the border. Not only should the facilities of the inspection services be built at the same BCPs on each side of the border, but their tasks and responsibilities should also be harmonised. For example, both sides should be authorised to inspect foodstuff or other products of animal origin requiring a certain

[33] The World Trade Organisation has 149 members. The Kyrgyz Republic is member since 20th of December 1998. Kazakhstan, Tajikistan and Uzbekistan have an observer status.

[34] The International Plant Protection Convention (IPPC) is a multilateral treaty and currently has 113 Contracting Parties. Kyrgyzstan submitted its letter of adherence on 11th of December 2003.

[35] A regional plant protection organisation is an intergovernmental organisation providing coordination on a regional level for the activities and objectives of the IPPC as laid down in article IX: Asia and Pacific Plant Protection Commission, Comunidad Andina, Comite de Sanidad Vegetal del Cono Sur, Caribbean Plant Protection Commission, European and Mediterranean Plant Protection Organisation, Inter-African Phytosanitary Council, North American Plant Protection Organization, Organismo Internacional Regional de Sanidad Agropecuaria, Pacific Plant Protection Organization. RPPO membership and contact information are available at: https://www.ippc.int/id/13310.

[36] All five Central Asian countries are members of the World Organisation for Animal Health (OIE).

[37] Frontex has the possibility to establish working arrangements in partnership with third countries and international organisations that share common goals in terms of border security with the EU.

storage temperature, or both should be authorised to inspect live animals. Common premises at the border are advisable.

The coordination of strategies and resulting priorities related to this issue should take place on the central level. A regional (inter-agency) working group (see III.3.2.3 above) would definitely prove helpful in that context.

GOOD PRACTICE EXAMPLES
International Cooperation – Institutional Framework

Good practice example 3.5.

Common Contact Offices

France *has concluded six international agreements with* ***Belgium****,* ***Germany****,* ***Italy****,* ***Luxembourg****,* ***Spain*** *and* ***Switzerland*** *from which have emerged 10* ***bilateral*** *customs and police cooperation centres (Centres de Coopération Policière et Douanière - CCPD). Their role is to facilitate the exchange of operational information on cases relevant to trans-border cooperation, including the identification of foreign registration plates, authenticity checks of administrative documents and judicial assistance, especially in the field of small and medium size cros-border criminality. The advantage of such a centre is the full access it provides to bi-national files and databases (available 24/7).*

Austria*,* ***Italy*** *and* ***Slovenia*** *have opened a* ***trilateral office*** *in Mergvarje where officials from the Austrian and Slovenian National Police and the Italian State Police, Carabinieri and Guardia di Finanza share facilities in a common office. They provide information and exchange data upon request in real time, without the need for written authorisation for each specific case. All information relevant for police cooperation can also be shared with other EU MS agencies by special request. Also mobile customs teams can request information, e.g. on stolen vehicles. A second trilateral centre of this kind has recently opened between* ***Austria****,* ***Hungary*** *and* ***Slovenia****.*

Good practice example 3.6.

Immigration liaison officer network

The ***EU*** *operates an* ***Immigration Liaison Officer (ILO) network****. These ILOs are posted to relevant countries where they contribute to the prevention and combating of irregular migration, and management of legal migration. This is done through the collection and exchange of relevant data as well as the provision of specific assistance to the host country (such as establishing the identities of migrants) and/or advice.*

Good practice example 3.7.

Drug Control Liaison Officers

Tajikistan*'s Drug Control Agency liaison officers are now permanently based in Faizabad and Kabul (Afghanistan) and a number of joint counter narcotics operations have been successfully conducted. An increasing number of liaison visits by local commanders is carried out. In the future, Tajik and Afghan liaison officers are planned to be based permanently in the respective regional HQs of the Afghan 8th Border Police Brigade in Taloqan and of the Tajik Border Force in Khorogh.*

Good practice example 3.8.

Coordination of border issues at the regional level

Many common issues related to border management and border protection are regulated on

*the inter-governmental level within the framework of the **Commonwealth of Independent States** structure (HQ in Minsk, Belarus), the **Eurasian Economic Community** (HQ in Moscow, Russia, Secretariat in Almaty, Kazakhstan) and the **Shanghai Cooperation Organisation** (Regional Anti-Terrorist Centre in Tashkent, Uzbekistan).*

III.3.3. Procedures

Harmonised procedures at the BCPs of neighbouring countries directly contribute to a smoother traffic flow and shortened waiting periods at the border, facilitate joint operations across several states and facilitate the gathering and analysis of standardised data.

They can cover, among others, the establishment of joint emergency/contingency plans and exercises, the synchronisation of activities and BCP opening hours, joint patrolling of green/blue borders and one-stop control, depending on how close the relation with the neighbouring countries is. Once bilateral cooperation has been well established, officers could under specified circumstances be allowed to perform duties within the territory of the second state (e.g. based on agreements on carrying weapons, wearing the national uniforms, the use of force).

Manuals for use by border staff should also refer to cross-border procedures and international cooperation activities in the respective fields.

III. 3. 3. 1 Joint contingency plans

Joint contingency plans and emergency communication mechanisms should be established to deal with unusual cases such as the transport of weapons, nuclear material, hazardous chemicals, hazardous waste, major / extreme security situations, environmental disasters, animal disease epidemics, serious risks related to food and feed hygiene. Related practical exercises involving all services are recommended and can be used to further improve procedures.

III. 3. 3. 2 Standardised documentation

The standardisation and simplification of documentation includes the harmonisation of forms required of and provided to those crossing the border. This should focus on using the same or similar templates for ease of reference and including the same data fields to facilitate analysis (see also models in Annexes I and II). Mutually agreed lists of what official documentation is acceptable from those crossing the borders should be developed between neighbouring states. This is of particular importance to the inspection services (see below III.3.3.7).

III. 3. 3. 3 Joint controls

Joint controls with the counterparts of the neighbouring country can range from general border controls, one-stop control (see more details below), patrols, searches, forensic examination, to surveillance and special operations.

It is important that any such joint approaches are governed by written agreements and guidance, which include:

- → Powers, authorities and competences of each agency
- → Workflow
- → Duty area
- → Where and how in-depth investigations/controls will be conducted

→ The responsibility for passengers and goods which have failed controls and for evidence gathered

III. 3. 3. 4 One-stop control

One-stop control, where all controls at BCP are coordinated by the agencies of both countries and partly carried out jointly, demands a high level of cooperation and coordination. Where this is introduced, the directives, requirements and restrictions of national laws and international agreements must be followed and enforced strictly in order to guarantee adequate cooperation. It is necessary to define the rights and obligations as well as the tasks of assigned staff, and to agree on methods of communication. The actual implementation should be assessed every month at the local level, every half year at the regional level and annually at the central level.

One-stop control should be established – upon agreement between the neighbouring countries – on the side of the border where the facilities are more advanced or the improvement of the working conditions is less costly. The size of border control boxes and sanitary facilities should be adapted to respond to the increased requirements.

Please refer to Good practice 3.09 (Issues to be covered in an Agreement on One-Stop Control) at the end of the present Sub-chapter III.3.3.

III. 3. 3. 5 Border guards

In an advanced stage of bilateral cooperation, and only when neighbouring countries have taken confidence-building measures and the necessary legislation is in place should joint patrols at commonly agreed border sections be considered. The selection of the border sections for joint patrols should be based on a thorough risk analysis and carried out where the pressure is the highest.

Coordination of border patrols is yet another option that contributes to a more efficient use of resources. Under this scenario, neighbouring countries inform each other about their planned border patrol activities, to ensure that they do not duplicate efforts, but rather maximise the area covered. Ideally, the countries should divide the border into sub-sections and alternate border patrol (in a chequer-board pattern).

Please refer to Good practice 3.10. (Joint patrols) at the end of the present Sub-chapter III.3.3.

III. 3. 3. 6 Customs

The head of a BCP should, within his/her mandate, establish harmonised working practices and practical training within the framework of an “Agreement on Mutual Assistance and Cooperation on Customs Matters”, which should be established with relevant foreign countries.

Harmonised working practices also should be carried out under the TIR transit convention. As a minimum requirement, import and export data is exchanged on a daily basis between the BCP customs staff of both sides of the border.

III. 3. 3. 7 Phytosanitary and Veterinary inspection

The use of standardized forms, of procedures to be followed when the import conditions are not met and the documentation to be provided in cases of rejected consignments which need to be re-imported are important examples of cross-border activities.

Please refer to Good practice 3.11. (Standardised Forms) at the end of the present Sub-chapter III.3.3.

GOOD PRACTICE EXAMPLES
International Cooperation – Procedures

Good practice example 3.9.

Issues to be covered in an Agreement on One-Stop Control

As a standard of good practice, an agreement on such simplified processing should address the following issues:

- *What, how and where the controlling authorities operate*
- *Sequence of controls*
- *Who has what kind of competence and obligation (uniform, firearms)*
- *Definition of a particular area where each authority can perform its duties*
- *It has to be defined where and in what form more intensive controls can be carried out, jointly or independently, and what the content of these controls should be*
- *What is the process in case of detecting an illegal act (who has the competence, what kind of competence and tasks exists)*
- *What is the order of entry, stay or return at the border crossing point (the area where the control is carried out determines which border control authority is responsible for the order of the BCP)*
- *If possible, separate control lanes have to be established, where preferential citizens, citizens subject to visa requirements or citizens subject to more intensive control can cross the border*
- *Order of control at bus lanes*

Good practice example 3.10.

Joint patrols

*From September 2009 Border Servicemen of the **Kyrgyz Republic** and **Uzbekistan** have been jointly patrolling the border which was not delimitated between the countries.*

Good practice example 3.11.

Standardised Forms

It is recommended that the neighbouring veterinary services should jointly develop a standardised form for information exchange on rejected consignments. This form, accompanying the rejected consignment, should contain all the necessary information needed for a rapid decision making on the consignment's appropriate use after its re-import (e.g. destruction or sending it back to its place of origin).

III.3.4. Human resources and training

Training events and workshops with international participation, study visits and exchange programmes for officers are means to learn about practices in other countries and foster contacts with counterparts. This aim could also be achieved by inviting counterparts from neighbouring countries to training sessions of national border staff, either at national training centres or directly at the BCP concerned.

III. 3. 4. 1 IBM training

The organisation of specific training courses on Integrated Border Management should be considered at the regional level in a multilateral context, allowing officials from various border services in different countries to learn about the advantages of IBM, as well as to share good practices and experiences.

Basic information on the equivalent authorities of the neighbouring countries, including general legislative background, institutional framework and operational procedures, as well as international cooperation, should form part of the curriculum for new officers and inspectors in order to increase mutual understanding. Wherever suitable regional fora exist, they can work towards regionalised training benchmarks: including regional training centres, common terms of reference and qualifications of trainers, as well as standardised training curricula and material.

Please refer also to the “IBM Training Manual – Central Asia”.

III. 3. 4. 2 Language training

In order to facilitate communication with international counterparts, relevant courses should be offered for priority languages (usually those of the neighbouring countries plus English, Russian and/or another *lingua franca*) for those staff that require them for their daily work. The knowledge of foreign languages is a crucial factor in facilitating cross-border cooperation, as well as for information exchange on an international level.

In general, the staff should be encouraged – possibly also through the use of financial incentive schemes – to learn foreign languages. At the operational level staff should ideally have sufficient knowledge of English to conduct basic interviews, understand basic documentation and be able to explain relevant procedures to travellers. Management level should have access to staff with sufficient knowledge to comprehend relevant technical documentation.

III.3.5. Communication and information exchange

It is essential to set up effective external communication mechanisms in order to create functional interfaces between border agencies in different countries. Emphasis should be put on especially on neighbouring countries, countries of origin of significant flows of migrants, strategically relevant exporting and importing countries, industry representatives within these countries as well as relevant international organisations. Communication between border services can be enhanced at each level: bilaterally between BCPs (local level), between regional headquarters, between ministries or agencies (central level) and at multilateral/regional level.

The relevant **institutional framework** for information exchange such as liaison officers, contact offices and participation in international fora has been described in Sub-chapter III.3.2. This subchapter covers tools for international communication which can be employed irrespective of the institutional framework.

III. 3. 5. 1 Regular meetings

Regular meetings between representatives of border agencies from different countries should be held at all levels. Meetings arranged at **central or regional level** should address strategic issues, common planning and the evaluation of the respective border control

systems.[38] Such meetings may also serve as fora for information exchange on legislative, institutional and organisational developments.

At the same time, heads of border posts should be instructed to maintain regular contact and establish day-to-day working relations with their counterparts at an **operational level**. The exchange of data and intelligence needs to be based on relevant agreements.

One specific form of cooperation could be a **systematic exchange** of national reports (e.g. on a weekly or monthly basis) that are compiled and shared as one comprehensive report and allow a monitoring of the border situation in the whole region. Regional initiatives should be complemented by bilateral contacts. The exchange of statistical data with the authorities of neighbouring countries should also be institutionalised.

An additional recommendation relates to the **analysis of BCP operations**, which should be prepared annually. Neighbouring countries may find it valuable to discuss their key findings relating to shared BCPs, e.g. on a yearly basis. This is a good opportunity to assess operational cooperation and agree on organisational changes with the aim of increasing the harmonisation of border procedures, especially in terms of the traffic of goods.

Special emphasis should be put as well on an **efficient internal information management system** ensuring that information received from international counterparts is effectively shared internally.

For the transmission of personal data, national data protection laws and regulations, the limits set by internal regulations of both contracting states, as well as international obligations have to be taken into account. These issues should be regulated by an intergovernmental agreement on mutual protection of confidential information.

Please refer to Good practice 3.13. (Regular meetings) at the end of the present Sub-chapter III.3.5.

III. 3. 5. 2 Promotion of international networks

Membership of relevant international networks should be pursued, especially as these fora also provide opportunities for formal and informal information exchange and the development of a contact network with counterparts in other states and agencies (see above III.3.2).

GOOD PRACTICE EXAMPLES

International Cooperation – Communication and Information Exchange

Good practice example 3.13.

Regular meetings

Tajikistan: *There are regular meetings of Tajik border guards with Uzbek border guards, where border problems and joint cooperation are discussed. One of the brightest examples is the permanent working meeting of border officers of Tajikistan and Afghanistan on consideration of and discussion on joint efforts and solution of joint problems related to border control at the border. In cooperation with BOMCA there were twice organized meetings of commanders of border troops of Tajikistan and Afghanistan on enforcement of friendly relations and further cooperation in fulfilment of joint tasks.*

[38] Examples of regional dialogues and expert meetings include the Pompidou Group, the Budapest Process, and the International Border Police Conference.

III.3.6. Infrastructure and equipment

As already mentioned, the **upgrading of BCPs** should not only be coordinated among the border agencies on the national level, but also internationally, on a regional as well as bilateral level in order to ensure that a similar level of control is in place at both sides of each BCP. Priority BCPs should be identified jointly, and short-, mid- and long-term needs should be taken into account as regards the investments into infrastructure and equipment.

Depending on the intensity of cooperation between neighbouring countries, **joint use of infrastructure** on juxtaposed BCPs or related to one-stop control could be envisaged, provided that this is authorised by the relevant legislation. Such joint BCPs represent a useful and cost-effective tool in promoting cooperation across the border, and facilitating the legitimate movement of persons and goods. Potential financial savings should however be carefully weighed against operational effectiveness. Facilities can be wholly or partially shared depending on the situation. Options include sharing of search/inspection areas and shared use of specialised equipment. Mobile x-ray scanners, usually mounted on minivans or trucks, can for example be easily shared among agencies on one or both sides of the border, the same goes for document examination devices, detectors of nuclear and hazardous material, number plate recognition devices and video surveillance systems. In some cases, even dogs for the detection of drugs, persons, explosives, etc. can be used on behalf of other agencies.

Shared equipment for search and inspection should be placed at designated areas outside of the second line control area, and, based on an agreement or MoU, these locations (garage, hall, etc) can be used by all agencies.

For BCPs, especially those on highways and other international transit routes, it can be recommended to separate the road haulage according to direction and establish common infrastructure for export and import traffic of trucks, respectively. Through this arrangement a close cooperation of the customs authorities of import and export countries can be guaranteed, including the common use of data which in this case needs to be collected only once. At the same time, intersections of cross-border traffic as well as the mixing of import and export traffic can be avoided.

Direct and fast internet access in all BCPs/ICSs/BIPs is recommended, to provide access to international data available on the internet, for example, on the web pages of the EU, the OIE and the FAO in the case of veterinary inspection and also as a support to efficient exchange of information. Any IT system used should ensure compatibility with other systems and must provide adequate security of data.

Phone connections between the BCPs on both sides of a border make direct and informal information exchange possible and facilitate the solution of practical problems. **Direct radio communication** at the operational and regional level with neighbouring countries should be made possible (attention should be given to the compatibility / interoperability of the systems).

III. 4. Cooperation with other actors

Besides the above-mentioned main border management actors, there are many additional stakeholders whose activities and interests need to be taken into account and who should also be involved in the IBM coordination and cooperation activities, be it ad hoc or on a more permanent basis. Some of them are crucial to ensure the proper functioning of BCPs, as for example the Ministry of Transport with regard to road infrastructure. Some will need to be an integral part of coordination/cooperation structures, whereas others will only be punctually invited to provide their input for specific topics. Cooperation mechanisms should also be established with non-governmental stakeholders, such as freight forwarders, carriers and relevant groups of interest.

This chapter deals with these "other actors" and provides examples of their role in the context of IBM. It is to be noted that this chapter does not pretend to cover exhaustively all of these actors, therefore it is crucial for each country to identify precisely as a first step the different key stakeholders to be involved for the set-up of a national IBM system (see also Part V - Development of National IBM Strategy and Action Plan).

Cooperation and communication with both groups of stakeholders should be regulated by legislation or through bilateral/multilateral agreements and procedures. While addressing information exchange issues, special attention shall also be paid to **Data protection** (for more details, see Part IV - Issues of Special Concern, Chapter IV.2.), notably rights and obligations of those officers who have been authorised to access the data.

The few examples highlighted below illustrate well the need for the main border agencies to establish strong cooperation links with other state and non-state stakeholders and the mutual benefits they could get from this cooperation.

III.4.1. Cooperation with (other) state actors

In order to perform the tasks that are vested in them, border guards, for instance, should co-operate with a number of state bodies, such as: foreign office, the police, railway protection service, metropolitan guard, immigration service (i.e. competences in refugee matters, see also Chapter IV.1. below), fiscal administration, public prosecutors, regional governors and courts. Methods and forms of this cooperation should be regulated in laws and by-laws.

States should further actively pursue the conclusion and implementation of MoUs or other equivalent types of agreements between governmental agencies, such as customs and border guards, and national and international organisations that would help address specific issues such as intellectual property violation, irregular migration and smuggling activities.

III. 4. 1. 1 Cooperation with police service

While the border guard is responsible for the checks at the BCPs and surveillance of the border line and immediate border zone, the police services (or/and immigration service) are responsible for the inland control. This can lead to overlapping responsibilities concerning the fight against trans-border crime, where both agencies are involved. Apart from a clear division of responsibilities for such cases and precise procedures for cooperation, information sharing and follow-up activities are necessary. All relevant authorities have to agree on which data they should have joint access to, such as data on persons to whom entry has been denied.

An area of possible overlap is the fight against cross border criminality, where both the border guard and the (regular) police are strongly involved. An uncoordinated approach may

not only hamper the success of the detection but even jeopardise each of the envisaged actions. An exchange of information and a co-ordinated approach therefore is crucial. Detections with respect to neighbouring or other third countries, in particular, are dependent on existing structures of information sharing like, for example, with Interpol.

The use of, or access to, common databases is of utmost importance and would help fulfil the different tasks of border agencies and police forces. In particular, police forces need access to data of persons to whom the entry has been denied while border guards need to have access to data of persons who were prohibited to enter the country. The different authorities have to co-operate and agree on which data should be shared in order to best implement their various tasks.

III. 4. 1. 2 Cooperation with Ministry of Justice / Prosecutor's office

Border services also have close connections with the agendas of the Ministry of Justice. With regard to one of the main tasks of border services - i.e. trans-border crime prevention - border services are the preliminary law enforcement agencies. Close cooperation between all border agencies and the prosecutors' office is therefore crucial.

With respect to extradition procedures border guards and prosecutors need to cooperate closely in order to guarantee a smooth procedure to enforce respective decisions. Clear written instructions and ad hoc information sharing on transit and related issues have thereby to be agreed upon.

III. 4. 1. 3 Cooperation with the Ministry of Foreign Affairs

The border guards may accept, refuse or cancel visas and should therefore establish a consultation mechanism with the consular department of the **Ministry of Foreign Affairs**. Even if different IT systems are used at the BCPs and in the consulates, the border guards should have access to the visa register so that they can check issued visas at the border.

III. 4. 1. 4 Cooperation with National Labour Office / Ministry of Labour

Agreements could also be considered between the relevant border service – border guards and/or customs, depending on their respective responsibilities – and agencies responsible for issuing and controlling labour permits (e.g. National Labour Office, Ministry of Labour). Under such an agreement, joint controls and information exchange about foreigners staying or working in the country illegally, and people who employ foreigners without permits or organise illegal stay could be foreseen.

III. 4. 1. 5 Cooperation with Ministry of Transport

MoUs should be signed with the **Ministry of Transport**, since information exchange and coordination regarding working hours and the use of infrastructure are needed. Agreements can be seeked also with port and airport authorities (see below).

III.4.2. Cooperation with non state actors

The cooperation of border agencies with non-state actors should also be taken care of. It should notably involve airlines, ferry and cruise operators, air and sea cargo carriers, railway companies, postal companies or services, freight forwarders and importers in countries of origin and destination of goods as well as the general public.

Whereas the state border agencies need information on cross-border movements regarding persons and goods (e.g. time-tables, passenger lists, information on cargo, etc.), non-state actors and the public also require information that should facilitate their crossing of the border.

This information can be disseminated via public notices, internet publications, newsletters, leaflets or as a handbook. Urgent information should be displayed on public notice boards. To facilitate communication, appropriate structures (e.g. local networks, information points/desks in customs offices) should be created where operators and other appropriate persons can obtain relevant information. In addition, standards for services offered to trade and the public, but also for complaint procedures, should be in place.

III. 4. 2. 1 MoUs with non-state actors

The possibility to conclude Memoranda of Understanding between border services and non-governmental actors should also be covered in the legislation. These can include port and airport authorities, which need to closely co-operate with all agencies present at the relevant BCPs among others with regard to necessary infrastructure, as well as commercial enterprises, e.g. shipping agencies/freight forwarders, in which especially the bodies involved in trade facilitation have an interest.

Under latter MoUs, specific enterprises can also benefit from a preferential status with the authorities (see Section III.4.2.3 below).

III. 4. 2. 2 Relations with authorities involved in trade facilitation

Waiting times at the borders affect business, so when an individual BCP – due to inadequate infrastructure or lengthy procedures – has significantly longer waiting times, this may motivate transport companies to look for alternative routes, which in turn eventually may lead to downgrading the BCP and loss of local jobs.

In order to facilitate trade, relevant procedures should be as simplified as possible, whilst still maintaining adequate control. Computerisation of customs procedures for example can help and lead to benefits for both customs and the public (including the trading public). Additionally, where possible, ICT-technologies should be made available to the trade and freight forwarders for paperless customs declarations based on data-processing techniques.

Updates in procedures should be routinely communicated to all trade companies. In the EU, for example, various methods are currently being promoted to assist with the simplication of procedures and the reduction of processing times at the borders, notably the single-window concept and the Authorised Economic Operator (AEO) programme (see also III.4.2.3 below), and these need to be clearly explained to all relevant stakeholders.

Authorities involved in trade facilitation need to initiate regular and close consultations and cooperation with trade organisations. In this context, for example, Regional Customs Consultative Committees could be established, which consist of representatives from trade, customs and other relevant authorities and meet on a regular basis to discuss issues of mutual interest. Matters outside the competence of such regional committees should be referred to a Central Customs Consultative Committee.

For the purpose of implementing MoUs signed with major trade and transport bodies, BCP and ICS managers should seek to regularly initiate contact with transporters, local freight forwarders and traders affected by these agreements. Agreements with umbrella trade/transport organisations and official authorities (e.g. Chambers of Commerce) could also allow for access to trade information for risk assessment purposes, e.g. relevant qualitative and quantitative information and statistical data.

III. 4. 2. 3 Relations with carriers/operators

Carriers/operators transporting passenger and goods by air, sea or land (rail or road) have access to data and information which is of importance for the operational work of the border agencies, including arrival times, cargo inventories, passenger and crew lists from the carriers, preferably compiled in advance, and also, ideally, intelligence.

The carriers on the other hand need access to detailed information on relevant legislation procedures and fees or duties to be paid, visa requirements, the opening hours of the BCP and the working hours of the relevant border agencies. Whether this information is disseminated through brochures, posters or via a web site is secondary, as long as the information is up-to-date and easily accessible for its target group.

In certain cases customs can expedite the movement of trusted carriers, which means that specific enterprises that have gained a *bona fide* status can receive preferential treatment on the condition that they forward all information about their operations in advance and have maintained a positive and correct working relationship for a certain period of time. This bona fide or low-risk status, however, will have to be supervised and evaluated regularly. Carriers can lose this status and be blacklisted in case of violations, and also might be subject to carrier liability sanctions in accordance with the respective national legislation.[39]

Railway companies may provide, sometimes free of charge, premises for officers from border management agencies at train stations in neighbouring countries, since these companies profit from the time saved from in-train border checks (instead of stopping at the border).

Please refer to Good practice 4.1. (Quicker Passenger Clearance through API) at the end of the present Chapter III.4.

III. 4. 2. 4 Relations with the public

Easily understandable, accessible and up-to-date information on issues relevant for crossing the state border should be provided to the public, including standards, statistics on border crossings, relevant regulations and procedures as well as information on offences.

This can take the form of public notice boards at BCPs or brochures, posters, and websites, e.g. on the customs' or border guards' respective websites.

A "Customs and Border Guard Notice for Travellers" on rules and procedures regarding import and export could also be made available to the public. At ICSs as well, reference to all valid customs legislation, notably the one related to prohibitions and restrictions and other information material issued by the Customs Administration should be disseminated and displayed. This can be applied by other border management agencies too.

A joint web portal of several border management agencies could be considered to inform the public about BCPs opening hours, visa regulations, car insurance requirements, vaccination certificates for animals and other relevant information, explaining the tasks and responsibilities of all the agencies present at the border.

Regular efforts should be made to improve the public perception of the role of all agencies involved in the protection of the society, and to increase public knowledge regarding the provisions for legal border-crossing and the type of goods the import of which is illegal (e.g.

[39] In the EU, the Authorised Economic Operator (AEO) status provides access for enterprises to simplified customs clearance or places them in a more favourable position to comply with new security requirements. More specifically, AEOs get reduced inspection rates, priority treatment when inspected, reduced data requirements and the possibility to have the goods checked at a location of their choice.

through campaigns against smuggling, weapons, and regarding the CITES Convention[40] etc.). In addition it is recommended to publish annual information about the outcome of policing-measures at the BCPs and the green border and the success of the activities of the customs administration in its fight against fraud to raise public awareness. For the purpose of presenting successes and improving the public image, it is further recommended to develop a **common media relations strategy**, establishing a system of focal points in all relevant agencies.

Where feasible, communication with the general public should be encouraged with the provision of a 24/7 running toll-free (free call) telephone numbers / "hotlines" and simplified internet contact possibilities. This also increases the chances for officers at the BCPs/ICSs to receive intelligence from the public that could be channelled to the central risk analysis unit.

All information should be provided in the relevant languages of the region. BCP or ICS staff should reply promptly to requests for information by the public. In the event that they cannot provide an immediate reply, the relevant requests should be forwarded to a central information desk and processed in a time-efficient manner.

GOOD PRACTICE EXAMPLE
Cooperation with Other Actors

Good practice example 4.1.

Quicker passenger clearance through API

Passenger lists, including names as well as places of embarkation and destination, have to be carried by every aircraft, as required in Article 29 of the Chicago Convention. However, due to increasing air traffic and enhanced security checks, the processing of such information can cause significant delays. Advance Passenger Information (API) is speeding up this process by forwarding the required information to the airport of arrival while the aircraft is still in flight, and by reducing administration upon arrival e.g. by making the completion of visa liberalisation forms unnecessary. Since such a system should accommodate the needs of border guards, immigration, customs and agricultural authorities, it is essential, that they are involved in the planning and development of such a system. Although participation in the API entails additional costs for the operators and control authorities, they may be persuaded to cooperate by the advantage of quicker passenger clearance. The costs for installing such a system include establishing the electronic data interchange system and training staff on the new procedures.

[40] Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES convention)

PART IV
ISSUES OF SPECIFIC CONCERN IN THE CONTEXT OF IBM

The present part addresses issues of particular importance that need to be taken into account while setting up an integrated border management system, i.e.:

- → Migration, asylum and visa management in the context of IBM;
- → Information management and risk analysis (including data protection);
- → Fight against corruption in the context of IBM.

One chapter is dedicated to each of the above-listed issues.

IV. 1. Migration, Asylum and Visa Management

THIS CHAPTER REFERS TO MIGRATION, ASYLUM AND VISA MANAGEMENT IN THE CONTEXT OF IBM

The authorities responsible for migration, asylum and visa issues are not necessarily represented at the border, so there should be well defined cooperation structures between the responsible authorities and the relevant border agencies.

Within certain limitations dominated by international law, every state has the sovereignty to regulate migration flows due to its preferences. Each country may regulate who may enter the territory on which grounds, using which border crossing with what kind of documents. Traditionally the legal competences in the field of migration lie within the ministries responsible for Justice and Home Affairs together with the Ministry of Foreign Affairs. Border guards being part of these institutions thereby play an essential part in the migration process.

In particular they:

- → Control the borders and mostly on short notice have to identify the status of the persons passing the borders
- → Check and control the lawfulness of entry by checking visas and passports with regard to authenticity
- → Have to distinguish between illegal migrants and persons who fled from the country in order to search for international protection.

In execution of the mentioned responsibilities border guards are in charge of an important part in the migration procedures. In order to fulfil all these tasks well trained personnel and useful equipment are as essential as a good sense of cooperation with other state actors like the Ministry of Foreign Affairs, Ministry of Interior, Immigration, Aliens and Asylum Authority, as well as regional and international cooperation. In general it is recommended that each state undertakes an analysis about the stake holders (including their specific tasks) in the area of visa, asylum and migration (e.g. authority responsible for illegal migration)

Among the key elements of cooperation in the fields of migration, asylum and visa there are:

- **Training**. A special focus has to lie on trainings for border guards. Such trainings should include continuously training sessions as well as joint specialised training (e.g. on detection of falsified documents).
- **Clear procedures**. The complex tasks within the three fields require clear procedures for border guards in all three areas combined with practical and up to date manuals
- **Institutional framework**. With regard to the institutional setting it is recommended to keep close ties with the specialised authorities. The introduction of liaison officer could for example further enhance the competence of border guards when fulfilling their duties and would have the advantage of a specialist at hand.
- **Data exchange**. Also in the field of visa, migration and asylum access to information is of utmost importance. Legal basis have to give a clear picture on what kind of data need to be shared between the key actors dealing with visa, migration and asylum.
- **International cooperation**. Border guards specifically are dependent on the newest available information e.g. new migration risks etc.

Within the EU the guiding principle for the work in this field is laid out in the Four Tier Access Control model, which is described in the Schengen Catalogue on External Borders Control, Return and Readmission[41].

The subchapters below will elaborate key issues of the involvement of border guards with regard to migration, asylum and visa.

IV.1.1. Migration

With regard to the entry, admission, expulsion and readmission of foreigners, **international obligations** contained notably in the following key legal instruments:

- Universal Declaration of Human Rights,
- Geneva Convention on the Status of Refugees and the 1967 Protocol attached thereto;
- Covenant on civil and political rights;
- Convention against Torture;
- UN Convention on the Rights of the Child with regard to issues related to children

IV. 1. 1. 1 Entry and Admission

Relevant data should be collected on a national level and exchanged on a national and international level for high quality risk analysis and early warning in the field of visa, asylum and migration. International information exchange is needed to be able to effectively study legal immigration, prevent illegal migration, to better detect forged documents and to organise expulsion in line with human rights standards.
An **operative early warning system** should be established.

Experts for the **detection of falsified visa** and travel documents are needed. Therefore staff at the BCPs should be trained specially at BCPs with high risk of illegal migration (the specific know how also might be received by introducing liaison officers or via secondment of competent staff). Regular specialist training for a familiarisation with the methods of falsifying travel documents and visas and on relevant equipment for discovering falsifications could be organised.

IV. 1. 1. 2 Return and Readmission

Return and readmission are necessary tools to prevent illegal immigration but they also depend to a large extent on cooperation and coordination on all levels. A specific focus nevertheless lies on international cooperation.

[41] For detailed information about the Schengen Four Tiers principle see Annex III below.

Border guards are differently involved in return and readmission: on the one side they are authorised to send back foreigners who do not (for whatever reason) fulfil the preconditions for entry and on the other side they may be involved in transit operations of readmission, be it accompanied or unaccompanied deportation, be it at land, sea or air ports. With respect to these duties strong cooperation with law enforcement agencies responsible for the deportation of illegal migrants and regular police forces are as important as international cooperation with authorities in neighbouring and other countries.

International cooperation on highest level (e.g. for the elaboration, negotiation and conclusion of readmission agreements) therefore is also an essential part of a comprehensive approach to prevent illegal migration. On operational trans-border cooperation specific operational agreements with their international counterparts should be developed.

IV.1.2. Asylum and international protection

During the asylum procedure border guards regularly have the **first contact** with asylum seekers and are mostly responsible for the first interview with the latter. While deciding on access to the territory, they have to divide between them and illegal migrants. Given those essential contributions to the asylum procedure a strong command of cooperation between the border guards and the asylum authority as well as other involved actors is essential, since the authorities responsible for identifying asylum-seekers may include border authorities, but also police, NGOs or lawyers providing legal advice. A referral system should be put in place to effectively refer the asylum-seeker to the refugee agency which will accept the application for asylum and process the request. It is strongly recommended that authorities other than the authority responsible for processing the asylum claim, e.g. border guard, only register the application for asylum and then refer the application with all relevant information to the determining authority.

IV. 1. 2. 1 Trainings

Therefore **trainings** are recommended for border guards including a training on the basics of the national asylum procedure keeping in mind the fulfilment of international obligations. In addition the curricula should include training on detecting and understanding asylum requests even in cases where asylum seekers are not in a position to clearly communicate their intention to seek asylum, as well as basic communication skills concerning how to address asylum-seekers, including those with special needs.

Ideally such training is conducted by representatives of the Asylum Authority which additionally stimulates informal contacts for further cooperation. Information sheets (including main contact information) for border guards on duty as well as information sheets (in different languages) for arriving asylum seekers drafted by the Asylum Authority thereby should be presented and distributed.

IV. 1. 2. 2 Procedure

Asylum-seekers and persons in need of protection should be given access to the refugee status determination procedure and to reception facilities regardless of whether the request for asylum is made at the border or within its territory. Border officials are responsible for facilitating the application procedure and expeditiously transferring the claim to the proper decision-making authorities. It is recommended that administrative instructions and operational guidelines are issued to border guards and immigration officials on how to deal

with asylum claims and persons in need of protection.[42] To prevent *refoulement* and the turning away of asylum-seekers at the border and to ensure access to the asylum procedure, officials who first come into contact with asylum-seekers, in particular at the border, should have training on how to identify requests for asylum and how to refer asylum applicants to the appropriate authority.

In order to distinguish between different categories of persons in composite flows e.g. regular and irregular migrants, victims of trafficking, genuine asylum-seekers and those without valid claims, states may want to establish joint identification exercises.

The table below illustrates where border management is directly connected to procedures in the field of asylum. Procedures inland or at representations abroad are not considered here.

Central level	→ Decision on asylum policy, legislation and shaping of procedures
Operational level: *claim*	→ Reception of asylum claims (border, inland) → Processing of asylum claims → Decision on granting entry to the territory → Initial interview
Operational level: *facilities*	→ Temporary reception facilities for asylum seekers
Related procedures at the border	→ Return and detention → Alternative means of detention

IV. 1. 2. 3 Information on the Procedure

Asylum applicants should be informed that the request will be treated with confidentiality and subject to rules on data protection. As a way of implementing this provision, it is recommended that the asylum authorities develop materials and procedures to disseminate relevant information to all asylum seekers, both at the border and within the country, taking into account the principal languages of the asylum-seekers and varying degrees of literacy and education of the asylum seekers who are received. Information should be disseminated in a variety of ways, including: written text and illustrations on posters or notices displayed outside the relevant government asylum office, information leaflets, as well as counselling by qualified government staff at the border and elsewhere. The information should include:

- → Eligibility criteria for refugee status
- → The rights and responsibilities of asylum-seekers and refugees including access to social and legal counselling and accommodation possibilities, access to legal adviser and UNHCR
- → Procedures that must be followed to apply for refugee status determination, including the appeal procedures and available assistance for asylum applicants
- → The supporting documentation that should be presented at the time of registration
- → Confidentiality in the refugee status determination process
- → The legal and practical consequences of recognition/rejection decisions
- → Any information about the host countries laws and procedures that may affect the rights of refugees and asylum-seekers

[42] UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status and its complementary Guidelines on International Protection are not legally binding documents but they are considered to be authoritative interpretations of the refugee definition in Article 1 of the 1951 Convention relating to the Status of Refugees. UNHCR's Agenda for Protection, which is the outcome of the Global Consultations on International Protection in 2000 was endorsed by UNHCR's Executive Committee and, even though not legally binding, it has considerable weight as it reflects broad consensus by over 140 signatory States on actions and goals in refugee protection. Other sources that are not automatically legally binding but can be considered are UNHCR's position papers with assessments as to the returnability to various countries of origin, reports by non-governmental organizations (NGOs) and the decisions of national courts and administrative bodies in other countries.

→ Information on how to report improper conduct by government staff, security guards, interpreters, or legal counsel

IV. 1. 2. 4 Reception standards

The legal and physical protection of the asylum-seeker begins at these initial stages of the application process. Ports, borders, transit zones, or other in-country locations approached by persons wishing to lodge application for asylum, should adequately meet basic needs and preserve the dignity, privacy, safety of the asylum-seekers as well as family unity. The physical minimum conditions that should be in place are accommodation facilities for asylum-seekers with adequate standards, registration facilities, interview facilities and an archive[43] for file management.

IV.1.3. Visa

As a general rule, aliens who are subject to visa requirement should apply for a visa in the diplomatic mission or consular post (DMCP), but under certain circumstances this may also be done by the border guards at BCPs. Whether border guards are authorised to issue visas or not, they are responsible for checking visas at the BCP to detect false or falsified visas and to verify the entry conditions. The border guards should have the right to refuse entry or cancel visas, even to holders of a valid visa, in case of suspicion with probable cause or for other well-founded reasons that the visa is falsified or issued on false grounds, according to the specific provisions of national law.

IV. 1. 3. 1 Procedures

There should be a general implementation manual valid for all BCPs describing the steps to be carried out for checking that the visa is genuine, and for verifying the entry conditions. It should also verify on what grounds and procedures for issuing a visa at the border. Reporting requirements for issued/rejected visa should be set up. The decision to issue a visa should be made by a senior officer or official of a higher authority. All available information should be used when taking the decision, including information from other authorities.

Border guards should have the authority to cancel issued visas and shorten the validity of a visa. The decision to cancel the visa should be taken by the national administrative authorities responsible for border checks. A cancellation should be carried out in cases of well founded suspicion or if a visa has been issued in error to an alien who is the subject of an alert refusing entry as an undesirable person. If this happens, an indication should be attached to the visa sticker that shows that the visa has been cancelled. The cancelled visa is then considered as never having existed. The procedure of cancellation should be distinguished from the procedure of refusing the visa holder entry, for example because he/she does not have the documents to justify the purpose of his stay.

A reason for the shortening of the validity of a visa could be that the alien does not have adequate financial means for the initially intended duration of the stay.[44]

[43] Because of the highly sensitive nature of the information provided by asylum-seekers, the protection of data is of utmost importance throughout the procedure. It is therefore recommended that the security of data is ensured by providing strong and lockable cabinets for paper files and controlled access to keys and by protecting electronic data with passwords and also preferably using computers which are physically lockable. Files and databases should remain the property of the Government irrespective of where they are held and there should be restricted access to confidential information.

[44] Decision of the Executive Committee of 14 December 1993 on the common principles for cancelling, rescinding or shortening the length of validity of the uniform visa (SCH/Com-ex (93) 24).

Visa applications, visa decisions and the major reasons underlying them should be placed on file. It is recommended to keep visa applications at least one year where the visa has been issued and at least five years where the visa has been refused. In order to make it easier to locate an application, the file and archive references should be mentioned during consultation and in replies to consultation.

Central level	→ Decision on visa policy, legislation and setting-up of procedures
Operational level	→ Reception of applications (DMCPs) → Processing of applications → Check of applications with relevant authorities → Structures for verification → Decision-making on application
Related procedures at the border	→ Checks of issued visas at the border → Decision on entry and possibilities of appeal → Decision on cancellations and possibilities for appeals → Reception of and decision on visa applications at borders

IV. 1. 3. 2 Technical requirements

Ideally, BCPs have access to relevant parts of the IT-system used by the central visa authority (Ministry of Foreign Affairs or Immigration) and the DMCPs for checking issued visas and for issuing visas at the border. On-line consultation and electronic exchange of data between the DMCPs, the central authority and the BCPs is recommended. When building up or refining IT systems for electronic issuing of visas and visa register, care should be taken that the IT systems, if not the same, are compatible and inter-linkable and be in line with international data protection rules. A visa information system and facilitation of data transfer with border authorities on issued visa and refused visa applications will contribute considerably to raising the level of efficiency regarding prevention of irregular migration and facilitate procedures for bona fide travellers. Regardless of the technique chosen the personal data exchange regarding all documents should be transferred via secure channels between decentralised units and central authorities

All BCPs must have the basic equipment for recognising travel document and visa forgeries. Following a risk assessment, those BCPs that require more advanced equipment should be identified.[45] In addition, border guards should have access to a manual of documents (hard copy and electronic version) that provide samples of documents accepted for entry (or to which a visa could be affixed) to support their assessments. A database with specimens of foreign travel documents (authentic documents as well as false and falsified documents) would be useful and should be set up in cooperation between the relevant ministries. The framework of cooperation should be specified, as well as a plan on how to add information to the database and access rules. In this regard regional cooperation and information exchange would be beneficial in order to share both authentic and false and falsified documents.

The visa sticker should preferably be printed and not written by hand. Inkjet printers should be used for the printing of visa stickers (laser printed visa stickers are more liable to manipulation). Visa-stickers shall be registered as such (blank) so that every single visa sticker can be tracked at any time.

IV. 1. 3. 3 Training

There should be common training for all staff categories involved in visa matters (DMCPs, BCPs and the responsible departments within the Ministries and any other relevant

[45] See the "EU Schengen Catalogue: Issuing of Visa: Recommendations and Best Practices" for a list of equipment for low, intermediary and high risk areas.

authority). Training in detection of false and falsified documents (as well as use of equipment for this purpose) is of particular relevance for border guards. The relevant ministries should cooperate closely on training; a cost effective way to provide training is to invite trainers from the other ministry on different relevant topics. For example, on detection of false and falsified documents it could be of value for staff employed at DMCPs abroad to draw on the relevant experience of border guards.

GOOD PRACTICE EXAMPLE
Asylum and Visa Management in the Context of IBM

Good practice example 4.1.

Asylum telephone hotline

*The Asylum Affairs Division of the **Lithuanian** Ministry of the Interior has a 24-hour mobile duty telephone. The telephone number is distributed to all state border guards (under the Lithuanian Ministry of the Interior) and may be used if a foreigner has been apprehended by border guards and has applied. The border guard calls the asylum authority, which then further coordinates and decides on the next steps to be taken. Legal basis: internal instruction on the asylum procedure adopted by the Lithuanian Ministry of the Interior.*

IV. 2. Information Management and Risk Analysis (including Data protection)

THIS CHAPTER DESCRIBES

Five inter-connected areas of information management and information sharing:

- Information gathering
- Statistical information exchange
- Early warning
- Risk analysis
- Data protection

Information management refers to the recording, collection, storage, processing and assessment of data and information related to border management. In the context of this chapter, information management mainly deals with strategic information processes and does not focus solely on the management of personal data.

Information gathering, statistical information exchange, early warning and risk analysis should not be considered as being separate. They should go hand in hand if they are to be functional instruments of border security. A carefully established information management system on data exchange and an operational early warning system, which includes all relevant stakeholders, provides a strong basis for a comprehensive risk analysis system.

IV.2.1. Information gathering

The primary goal of information gathering is to systematically collect data for the purpose of monitoring the operations of border agencies, exchanging statistical data with other agencies and providing information for risk analysis and/or early warning.

All border management agencies should be able to collect and analyse data and information. Staff at the local and/or regional offices should be trained to gather relevant data and information, to analyse it locally and to pass it on to the central level for further processing. The central level should compile all relevant information, process it into a usable form and feed it back to the local level, as a tool for tactical risk analysis/profiling and operational planning. See Annex V (article 5) for examples of migration data.

The concrete methodology for the collection and dissemination of data and information should be laid down in a detailed and practical operational manual for each agency. Such a manual can take many forms but always needs to be tailored to the specific needs of the administration it is for. Each level (local, regional and central) possesses a certain degree of responsibility for the collection of analytical data and information related to individual cases.

As a general practice used world-wide, most of the local offices work 24 hours a day, which allows for immediate recording of any unlawful activities exposed. To ensure a harmonised and continuous flow of information there should be a technical connection to the central level to be able to maintain the direct, fast and secured delivery of data.

IV.2.2. Information exchange on inter-agency and international level

The goal of exchanging data is to share relevant information with other agencies in order to contribute to a more effective and efficient border and cross-border operation.

A central level office should be tasked to manage/coordinate/supervise information exchange with the other law enforcement and border management agencies on a “need to know” basis. A similar procedure for information exchange should be established with neighbouring countries and beyond. In case such an office already exists, information exchange and liaison tasks could be assigned to its mid- or senior level officers.

At the local level, common contact offices serve as an efficient information exchange mechanism for cross border cooperation. They usually also work on the “need to know” basis, which means that the border agencies define at central level (through appropriate legislative instruments) what type of information can be exchanged upon request. At selected BCPs, tasks and responsibilities regarding international information exchange, such as ad hoc situation reports or information on matters of urgency (verbal communication), can form part of the job description for the shift or team leader, authorised by the BCP commander in charge.

Information exchange works best when all agencies involved in the process use a common, standardised template. The data to be registered in this form should always be in line with both, internal and external needs. Processing timeframes should be arranged between the agencies exchanging information to ensure an unhindered and structured cooperation. The content and frequency of the exchange should also be arranged in detail to avoid loss of information.

IV.2.3. Early warning

The aim of early warning (system) is to allow for rapid response to extraordinary situations relevant for both sides of the border. Early warning procedures are designed to warn of an impending problem that may affect a country’s migration/border situation and therefore needs on immediate reaction from the partner agency/country.

Early warning information contains the first indications of an extraordinary situation faced in a country or by a border agency. New developments in the area of illegal migration, for example, would require immediate counter-measures to be taken. These include changes in modus operandi, itineraries or modes of transport, new types of large-scale travel document forgery, significant increase in illegal immigration and infiltration of large groups by facilitator networks.

The implementation of an early warning system requires a complex and comprehensive approach with a decentralised system. The border agencies should establish a horizontal and vertical structure to rapidly inform other agencies. The local, regional and central levels should make sure that relevant information is disseminated in due time. Responsibilities should be described in standard operational procedures where, in addition, the tasks of the person/unit in charge of network maintenance are detailed.

At national level, there should be a harmonised approach based upon existing risk assessment/profiles and officers (at each level) should be aware of which information is relevant to counterparts in the other border management agencies at inter-agency and international level.

General training for officers involved in running the early warning system should be complemented by a specialised training component, focusing on filtering received information and on methodology.

Annex 4 gives an example of a regional early warning system on illegal migration established through an MoU, including an early warning template.

IV.2.4. Risk Analysis

Risk analysis extracts meaningful information from data obtained from various sources for the purpose of organising activities to counter illegal actions.

The main purpose of risk analysis is to **support the reaction capacity** of the border agencies either directly by supporting operational teams with information or indirectly through direction of the organisation and allocation of resources. Risk analysis is an ongoing, cyclical process that involves all elements of information management: drawing conclusions as to causes, effects, circumstances and trends in, for example, illegal migration, as well as the efficiency and effect of counter-actions, tools and techniques. It needs to be based upon systematically-gathered and centrally-coordinated information.

An effective **risk analysis** programme should meet the following criteria:
- → Policy and operational objectives must be clearly stated
- → Hierarchy and accountability to management must be identified
- → An information management system must be in place to ensure that performance can be measured and evaluated
- → Risk analysis outputs must be disseminated to staff at local level in a way that provides solid grounds for effective and efficient border control

IV. 2. 4. 1 Strategic and operational risk analysis

Strategic analysis focuses on identifying and assessing problems, generating knowledge for decision makers or creating the necessary knowledge base for adjusting the agency's capability to meet future challenges in to answer to specific questions.

The purpose of operational risk analysis at BCP level is to **apply selective but effective controls**, based on identification of the areas where the greatest risks are located. Based on

risk profiles, the limited resources, (both in terms of staff and facilities/equipment), can thus be concentrated in fields where unintentional or deliberate breaches of the regulations are most likely to occur, while at the same time minimising the disruption to trade and traffic flow.

The criterion for evaluating the effectiveness of a risk analysis system is the correlation of the number of checks with the number of detected cases: the aim is to keep the difference between these figures as small as possible.

IV. 2. 4. 2 Process of risk analysis

The description of the process of risk analysis below refers to intraservice risk analysis, but also to joint analyses with other services at national or international level.

Step 1: Main threats should be identified first and associated key risks should be described. The description of these risks requires the identification of a list of factors (push and pull factors, trends and profiles etc.) that influence the border management systems and their effectiveness and can be used as a source of information for better allocation of resources. The operational level should also contribute to the overall assessment, both by providing the following information for the strategic analysis and/or by providing the following data to the system (if it exists):

- → The level of control exerted by the authorities at different parts of the border sections and inland
- → The total number of irregular migrations to and from the country
- → Newly identified gaps and deficiencies in the border management system

Step 2: The probability and consequences of each factor needs to be assessed, to determine whether or not the identified deviation may become a potential risk for the systems.

Step 3: Ensure that data processing preconditions for the preparation of the risk assessment are in place:

- → A system that gathers information, processes it and generates a relevant output
- → The system must be able to process data of a very general nature, as well as very specific data gathered by the relevant authorities on individual cases
- → The system must be able to deliver an output that meets the demands on operational and tactical (field) levels

Step 4: Key strategic information needed for the assessment is collected:

- → Potential ”push” and ”pull” factors that have an effect on irregular migration
- → Description of the routes and methodology of regular and illegal migration and modalities in modus operandi in trans-border crimes
- → Trends and profiles of regular and irregular migrants
- → Efficiency of the border management system
- → Standards of the border management system

Likewise, similar process of risk analysis can be used for Customs service and other border agencies. In cases of a joint RA assessment, analysis or processes, border agencies have to define where the potential areas of cooperation exist. Nevertheless, every border agency will carry out its own RA which depends on the operational needs, assessments and prognosis.

Risk profiles

A risk profile is a tool for officers, assisting them in the operation and management of their respective office, station or region. It is designed to replace a certain percentage of random

and routine examinations of documents and goods with planned and targeted checks, which are based on a set of predefined criteria.

It should be tailored to regional or local circumstances and cover a number of aspects:

- → Identify the risk areas at a given location
- → Evaluate the level of risk: high (H), medium (M), or low (L)
- → Test the effectiveness of preventive or counter-measures taken

There is no standardised format for risk profiles, as long as it is comprehensive and of relevance for the location in question. It can be shared in hard or electronic copy and can have a variety of sections. Different risk profiles will usually apply to imports, transit and exports.

A risk profile should always contain:

- → A description of the risk area
- → An assessment of the risk
- → Counter-measures to be taken
- → Date of the action taken
- → The results and evaluation of the effectiveness of the action taken

The risk profile is a **dynamic record**, which ensures that all risks perceived and all intelligence collected (either locally or disseminated from the central analysis unit) are evaluated and processed and that certain actions in relation to them are implemented. It is the responsibility of the ranking officers to operate and manage the profile and it is recommended that they involve staff from their own stations when they need to define local risks and action plans.

To remain effective, the risk profile must be **flexible** so that new risks are identified and assessed, whereas previously identified risks that have been reviewed and found to be at a satisfactory level are recorded as low-risk. It is essential to **keep the risk profile accurate, relevant and up-to-date**. This includes cleaning the system of outdated information. The BCP/ICS manager must therefore **review** the risk profile at regular intervals, e.g. every three months. Officers at all levels should be asked to take part and to contribute to the review.

IV. 2. 4. 3 Joint risk analysis unit

The border agencies should consider a multi-dimensional approach to risk analysis by establishing an inter-agency body for this task. The preconditions for such a body are existing functional risk analysis systems for each involved agency, with experienced and qualified officers dealing with threat and risk assessment on a daily basis. Since not all actors have a similar weight in border management, the responsible body should be one of the main (law enforcement) agencies, whose authority could be set forth in an MoU between the competent agencies, which covers the operation of all organisational units and personnel involved in border control risk analysis.

As a more comprehensive solution and reaction to border security threats, countries should consider joining their (human and technical) resources to develop bi- or multilateral risk assessments as a general support to their operational activities on national, bi- and multilateral level. The physical establishment of such units could be considered at common contact offices already in place. For multilateral cooperation a centre should be established in one of the participating states. Already existing multilateral cooperation agreements can be used for the implementation of joint risk analysis, if applicable.

IV.2.5. Data protection

Individuals enjoy the fundamental right to have their personal data protected in accordance with national and international legislation and principles.

Integrated Border Management is based on the principle of cooperation and coordination between the different agencies and institutions involved in border management. This cooperation and coordination occurs on national level (intraservice and inter-agency cooperation), as well as on international level and the exchange of data represents an essential part of this. This exchange of data also includes information on individuals and it is of utmost importance that the involved border agencies make sure that natural persons enjoy the fundamental right that their personal data is protected according to national and international principles. Issues of data protection therefore typically accompany all stages of an integrated border management concept and have always to be kept in mind.

Personal data as described in article 2a of the Directive 95/46/EC[46] is understood within the EU as "*any information relating to an identified or identifiable natural person ("data subject"); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity."*

IV. 2. 5. 1 Legal aspects

Issues of personal data protection arise at all levels of border management where a balance between the human right for privacy[47] and the use of personal data or databases to fight crime and related unlawful activities needs to be found. Natural persons have the right to legal protection of their personal data. Consequently the use, allocation, sharing and storage of personal data have to be regulated by national data protection laws.

Data protection is guided by the principles of

- Avoidance of data[48]
- Data economy
- Stored data must be bound to a specific aim
- Control of the use of the data

In addition to the national law on data protection, the laws regulating the tasks of the border management agencies should identify the following:

- Types of data that the agency may collect
- Processing and storage time of data
- Purpose for which data might be used
- Rules on how data may be forwarded to a third party (both internally and internationally) and who has a legal interest as a third party
- Access to data by other authorities (e.g. direct access, or the possibility to send a request for certain data in connection with its task stated by law)
- Specific rules concerning law enforcement issues on data processing, which differ from the general data protection regulations

[46] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

[47] For example, as regulated in Article 8 of the European Convention on Human Rights. It is to be noted that the *International Covenant on Civil and Political Rights* of 16 December 1966, entry into force on 23 March 1976, was acceded by Kyrgyzstan on 07.10 1994, by Kazakhstan on 24.01.2006, Uzbekistan 28.09.1995 (signed on 31.08.1995), Turkmenistan 01.05.1997 and Tajikistan 04.01.1999.

[48] Data should **in principle** not be collected and stored unless differently provided by law.

Bilateral agreements containing the authorisation for the exchange information involving personal data should also always clarify the required level of protection of data and rules on the procedure in case of misuse of such data. As a matter of principle, data should only be exchanged with countries which guarantee the same level of data protection as foreseen in the national law.

IV. 2. 5. 2 Operational aspects of data protection

Security measures should be introduced both at the premises where databases are kept as well as at the end-users' premises. Internal security rules must take into consideration at least the following aspects:

- There should be a national body responsible for data security which may comprise one or more authorities.
- The security policy for IT systems should be an integral part of the overall security policy of the relevant authorities and has to be documented in writing.
- Internal data protection officers should be appointed to those bodies that process personal data.
- It is vital to allocate resources for the establishment and maintenance of data security measures.
- Procedures and responsibilities should be determined to ensure that all security measures are followed and continuously updated and revised.
- The levels of security need to correspond to the importance and confidentiality of the data stored.
- A register of relevant IT equipment should be maintained and updated following serious incidents or system changes that have an impact on data security.
- Responsibilities of persons involved in data security should be defined, possibly in connection with the respective job specifications.
- Only persons with specific authorisation (of different level) may have access to data and to equipment used to process data, and their access needs to be recorded.
- Each database may only be accessed when this is required to carry out the tasks for which the user is responsible.
- Chains of command and procedures need to be defined, ensuring that security incidents or suspected security incidents are reported as quickly as possible.
- All personnel must take part in the necessary training programmes, which should include all current rules on data security.
- Any contravention of security rules should be disciplined to the extent necessary.

GOOD PRACTICE EXAMPLES

Information Management and Risk Analysis (including Data protection)

Good practice example 4.2.

Analytical centre for the monitoring and analysis of migration

*The Analytical Centre of the **Czech Republic** is a permanent analytical office on inter-ministerial level, focussing on monitoring and analysing migration. The objective of this Analytical Centre is, among others, to contribute to the creation of a comprehensive picture of migration trends in the Czech Republic.*

The Analytical Centre is coordinated by the Asylum and Migration Police Department of the Ministry of the Interior. In addition to relevant bodies and offices of the Ministry of the Interior and the Czech police, the following ministries and offices are involved: the Ministry of Foreign Affairs, the Ministry of Labour and Social Affairs, the Ministry of Finance (Directorate General of Customs), the Ministry of Industry and Trade, the Ministry of Justice, the intelligence services, and the Office of the Vice Prime Minister for European Affairs.

Findings of the Analytical Centre serve as basis for adopting long-term, medium-term planning and ad hoc measures. Activities carried out by the centre are divided into four forums, distinguished by the topics they cover:

- *The Migration Forum monitors the situation pertaining to the residence of foreign nationals, including the provision of recommendations and proposals to adopt measures in the area.*
- *The Security and Operations Forum focuses on an operative evaluation of security risks relating to border protection and illegal migration and formulates recommendations and proposals for measures to be adopted in this area.*
- *The Strategy Forum concentrates on formulating comprehensive opinions concerning border protection and migration. The overall direction of the Analysis Centre is also being discussed within the Strategy Forum.*
- *The Visa Forum monitors visa policy and practice by formulating recommendations and proposals for measures to be adopted in this field*

Good practice example 4.3.

Early warning system on illegal migration

An early warning system for transmitting information on illegal immigration and facilitator networks among EU Member States is operating under the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI). The following information should be transmitted immediately:

- *First indications of illegal immigration and facilitator networks, particularly in the countries in which migration originates*
- *New developments in this area which require immediate counter-measures*
- *Sharing of statistics on irregular migration*
- *In periodical meetings findings and data are compared and newly discovered modus operandi are discussed.*

Good practice example 4.4.

Exchange of information on risk consignments

In the EU, the border veterinarians identify and select the consignments to be checked together with customs based on risk analysis. In order to be able to cross-check that the consignments really have been checked, the BIP staff have direct access to all relevant information available in the electronic system of customs and to commercial databases of port and airport operators. Customs and the Veterinary border inspection service send information concerning risk consignments and illegal imports to each other via the Community Risk Management system. When needed, the BIP staff also receive information on upcoming public or animal health risks or illegal imports of products of animal origin or live animals via the Anti Fraud Information System (AFIS) and the WCO Framework of Standards to Secure and Facilitate Global Trade (SAFE).

IV. 3. Fight against corruption

THIS CHAPTER LISTS

Actions which can be taken to fight corruption in the context of IBM, addressing the:

- → Legal and regulatory framework
- → Institutional framework
- → Procedures
- → Human resources and training
- → Equipment

Corruption is a worldwide phenomenon which is not limited to specific regions or political systems. It exists in industrialised and developing nations alike and the fight against it is a challenge for all government agencies. The agencies active at the border are no exception: crossing the state border illegally, fraudulently obtaining a visa, trafficking in human beings, smuggling of persons, goods, weapons or drugs are all activities facilitated by corruption.

Corruption can take many forms. Bribery, fraud, extortion, embezzlement, abuse of discretion and favouritism are among the most common ones. While there is no universally accepted definition of corruption, the one most frequently used is shared by the World Bank and the UN, describing corruption as "the abuse of power for private gain".[49]

Usually a distinction is made between petty or small scale corruption (unofficial charges and bribes) and political or grand corruption (use of position and influence, embezzlement). The most dramatic form is state capture, a systematic high-level corruption which is strong enough to undermine the functioning of the state.

IV.3.1. Fighting corruption in the context of IBM

Due to the nature of their tasks and their frequent interaction with the public, border management agencies are particularly vulnerable to corruption. Still, a number of preventive actions can be taken within each agency – many of these at little or no cost and in most cases also without high-level political support.

The starting point for fighting corruption is normally a thorough and objective analysis of the current situation, where the risk for corruption within a border management agency is assessed. This analysis

- → Identifies the areas and positions most targeted by attempted bribery
- → Searches for loop holes in existing laws and procedures
- → Analyses recent breaches of rules and laws by staff as well as court cases where corruption played a role
- → Takes the public image of the border management agency into account

The results provide the basis for developing an anti-corruption strategy, either individually for each border management agency or as part of the national IBM strategy, and a concrete action plan, which specifies activities, responsibilities, timelines and costs. The subchapters

[49] Other organisations promote much more detailed definitions, which however carry a similar message: The Council of Europe for example defines corruption as "requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof.

below list a set of actions which can contribute to reducing corruption; however, it is important to note that this list of activities is by no means complete and it must always be adapted to specific national circumstances. Still, there are general principles which are relevant for every administration:

- A clear anti-corruption policy: the distinction between a legitimate gift and a bribe needs to be clear to all staff and the consequences of a violation must be specified.
- The tasks for the individual positions must be clear and the performance of staff needs to be evaluated in more than one way, also through independent and unannounced controls.
- Salaries must be adequate and cover actual living costs.
- Transparent and merit-based process for hiring and firing staff.
- Quality introductory and regular in-service training on anti-corruption awareness, motivation and the consequences of corruption.
- Procedures should be transparent and proper documentation should make *ex post* performance analysis possible.
- Chiefs should be rotated from BCP to BCP
- There should be rotation between shifts from time to time
- Four-eye principle for all sensitive decisions.
- The collection of duties, fees and fines in cash should be avoided to the extent possible.

IV.3.2. Legal and regulatory framework

The very basis for fighting corruption is its criminalisation in the penal code[50], which should include a clear definition of the crime in a national context, a comprehensive listing of which activities constitute corruption, and effective, proportionate and dissuasive sanctions for corruption offences. If an officer is found guilty of corruption, s/he should not only be dismissed from his/her current position, but completely banned from civil service.

A law on self-reporting, which foresees some forms of lenience for officers who admit having been involved in corruption and now cooperate with law enforcement (*before* an investigation has been launched against them) is recommended. This not only helps to identify corruptors, but also provides an exit strategy for officers who want to go clean, but would otherwise be afraid of being blackmailed by their former corruptors.

Each border management agency should have a code of conduct specifying the duties of its respective officers, and providing guidelines on:

- What constitutes a conflict of interest (depending on the national and cultural context), what are its forms (incompatible functions and activities, restriction on auxiliary activities, acceptance of gifts, etc), how to avoid it, with whom to consult, whom to report and what the consequences are
- What in practical terms constitutes corruption in the specific context of the agency, and how to react when a bribe, for instance, is offered
- Which cases raise doubts where a supervisor should be involved
- Legal and disciplinary consequences in case of violating the anti-corruption rules.

The core parts of the code of conduct should be published, to make clients aware of the agency's anti-corruption policy. All partner agencies at the BCP and local level of the neighbouring countries should also be informed.

[50] The penal code should be accompanied by a law on asset declaration and asset recovery, which regulates the confiscation of the gains of corruption and can even include a reversal of the burden of proof for the proceeds of crime.

IV.3.3. Institutional framework

There is an ongoing discussion among practitioners over whether institutional centralisation or decentralisation offers better opportunities for fighting corruption, since there are advantages and disadvantages to both. What experts agree upon, however, is that each unit has to take care of internal anti-corruption issues first (for agencies forming part of law enforcement, an office for internal affairs should be responsible for corruption investigations).

Since the public is an important ally in the fight against corruption, a toll-free telephone line or website should be established to receive complaints and information about corrupt practices. Technical solutions exist, which allow placing an anonymous complaint online, and can also give access to a mailbox where a response from the contacted authority can be collected and follow-up messages exchanged - keeping the identity of the informant protected at all times.

IV.3.4. Procedures

The procedures that determine the activities of the border management agencies need to be described in a manual available to all staff. These procedures should be as simple and transparent as possible, and include an adequate amount of checks (signing in and out at the beginning and end of a shift, logging on and off computers, incident reports, shift leader supervision, etc.) to ensure that the actual work of each officer can be verified *ex post*. A review and update of the procedures is recommended at regular intervals.

Since the collection of fines and fees offers many opportunities for corruption, procedures should be organised in such a way that the handling of cash at the BCP is avoided whenever possible. In some countries, customs duties are not collected directly, but need to be paid at a bank with a branch office at the BCP. When this is not possible, the four-eye principle should at least be introduced, which requires that all sensitive financial decisions are also checked or co-signed by a second person. A particularly delicate chapter is the procurement of goods and services. The majority of countries have therefore enforced strict procurement rules with several layers of controls, including public tendering, anonymisation of all tenders, selection of the winning tender through a panel and personal division of functions between ordering of goods and services and the control of their quality.

The work of each border management agency should be audited at regular intervals, financially and operationally. In this context, the statistical data collected should be used not only to analyse overall development and regional trends, but also to identify differences in the performance of specific BCPs or individual shifts since these can be indicators of irregularities. Care should be taken to identify possible irregularities both during routine controls and unannounced checks.

There should be a possibility for mobile units to carry out unannounced operations, independently of local management, in areas where corruption is a common phenomenon.

A procedure for whistle blowing for staff members, which describes whom to contact and how, and also guarantees protection and anonymity for the whistleblower, usually leads to an increase of reported cases. Also the reporting of misconduct within partner agencies should be possible.

It should also be noted that transparency towards the public about their rights and duties, prices and services, pays off: not only because it helps to reduce processing times, but also because a well informed customer is less ready to pay a bribe. This can be achieved e.g. through leaflets, the website and folders, posters, stickers at the BCP which should be available in all relevant languages.

IV.3.5. Human resources and training

While high wages do not necessarily prevent corruption, it is uncontested that an inadequate income leads to an increase of corruption – especially if it does not cover actual living costs. It goes without saying that increasing the salary level of a whole institution is an extremely costly reform project, which can take several years of preparation and may need political support. It is nevertheless essential: without adequate remuneration, officers simply cannot afford to stay honest.

However, corruption prevention work should start long before the first salary is paid during the recruitment phase, which should be used to make thorough background checks on potential employees, including their performance in previous jobs and personal property. Some agencies also use psychological tests to assess the personality of those who apply for particularly sensitive positions, to get an indication of their sense of duty and their general susceptibility to corruption.

Once a person is hired based on merit and chosen by a panel according to transparent criteria, their actual work should be based on terms of reference which provide a precise description of the tasks and responsibilities for his/her position. The criteria for ending an employment contract should be equally transparent and adhered to: first of all, to ensure that employees are aware of the consequences of misconduct or abuse of office and second, to protect officers who are fulfilling their duty based on arbitrary decisions from above.

While anti-corruption training (with practical exercises) and corruption awareness raising should be part of the general training of staff, some countries consider regular rotation of staff and a gender balance at the various duty stations useful to make the development of corrupt networks less likely.

IV.3.6. Equipment

There are numerous technical solutions to enhance transparency in border management and render corruption more difficult, for example: computerised systems for the border guard, which are linked to Interpol or national databases of search warrants, or specialised customs systems, which give an automatic alert when trucks from blacklisted companies arrive. While it is already standard in most countries that such databases are password protected and access is only granted according to need (not rank!), it is often overlooked that these systems can only enhance transparency if every person/truck at the border is actually entered in the system. In some countries, the introduction of the CCTV (closed-circuit television) at BCPs has improved the situation.

Relatively simple technical systems are available to randomly select persons which should undergo intensive checks, reducing the possibility for an officer on duty to give preferential treatment to people of his/her choice.

Furthermore, booths for border checks could have shaded windows so that passengers cannot choose lines depending on the identity of the booth officer.

PART V
DEVELOPMENT OF NATIONAL IBM STRATEGY AND ACTION PLAN

THIS PART PROVIDES

A methodology and tools that have proved useful in the process of establishing a national IBM strategy and action plan in several parts of the world. The following topics are covered:

- Identifying key stakeholders and setting up IBM inter-agency working groups
- Planning and implementation tools
  - Developing a national IBM strategy
  - Developing a national IBM action plan
  - Implementing the action plan
- Monitoring, evaluation and review
- Overview of the IBM implementation process

In today's interconnected world, no single state administration could claim to be able to solve cross-border issues on its own. Border management covers a wide range of topics and tackles complex and sometimes controversial issues that warrant efficient and effective cooperation and coordination between all relevant stakeholders to:

- Address problems in a multidisciplinary way
- Identify overlaps or omissions, while respecting each agency's area of competence
- Help reduce divisions between different sectors of work, foster joint decision-making and in the longer term ensure coherence in the work carried out by the different agencies
- Conduct better resource planning and make optimal use of the expertise and competence of each agency involved

All relevant stakeholders should therefore jointly develop:

- A **national IBM strategy**, where the strategic and operational objectives are listed that should lead to improved cooperation
- A **national IBM action plan**, which describes concrete actions that have to be taken to reach the objectives of the strategy. Timing, costs and responsibilities are identified as well.

These documents not only ensure a unified approach to IBM among all stakeholders, but also help to identify priorities and obtain the political and administrative support for their implementation. Furthermore, both documents can be used to support the request for financial and technical assistance from partner countries and international donors.

V. 1. Setting up a coordinating body for IBM

Since the development of the national IBM strategy and action plan needs to include all agencies that have a role in border management, coordination at ministerial level is needed.

As a first step, a **national coordinator** for IBM should be nominated has and provided with the necessary political, administrative and financial support to facilitate the IBM process, and to include other ministries, institutions and agencies upon need.

This coordinator needs to identify the key stakeholders in the area of border management which should constitute the core team for the development of the IBM strategy and action plan.

This is best done through the establishment of:

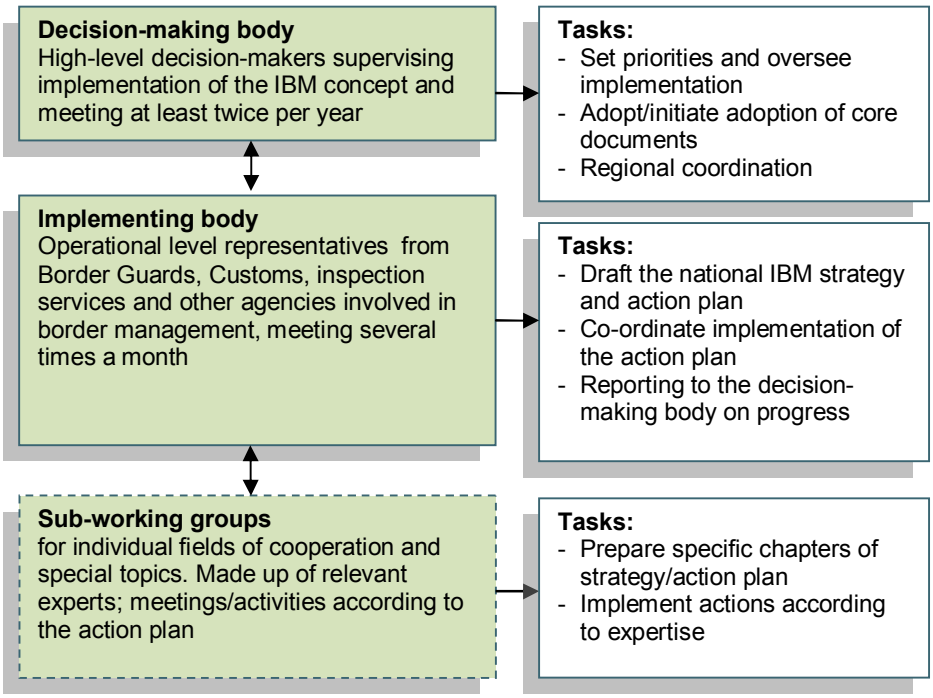
- **A decision-making body**: a high-level inter-agency working group at political/decision-making level for defining the overall goals
- **An implementing body** consisting of inter-agency working groups at operational/expert level for the translation of the overall goals into concrete activities.

If a body with a similar profile already exists in a country, it could take on the tasks of the high-level or operational-level working group.

Both bodies should consist of representatives from all institutions who have a role in border management in the country. State bodies that are only peripherally involved in border issues, as well as non-state actors such as industry and business associations, can be involved in discussions on specific questions. The national coordinator for IBM should coordinate the activities of the implementing body and submit the results of its work and regular reports to the decision-making body.

See Annex IV for an example of **Terms of Reference** for an inter-agency working group. The following figure shows a possible structure for the working groups.

Figure 3: IBM coordination mechanism



V.1.1. The decision making body

The main task of the **decision-making body** is to ensure **political commitment** to the national IBM strategy and oversee its implementation. Regional coordination also falls under its responsibilities. Its members therefore need to be of a sufficiently senior level, such as heads of agencies, under-secretaries of state or deputy ministers. The **responsibilities** of the decision-making body include:

- Identification of priorities in the area of IBM
- Securing sufficient budgetary means – from the national budget or through external funding – for the implementation of IBM
- Adoption of official documents related to IBM or initiation of legal procedures for the adoption (depending on the national legal system and the level of participants in the body)
- Monitoring and guidance for the drafting and implementation of the IBM strategy and action plan and regular update of the strategy in line with national priorities
- Coordination of the development and implementation of the national IBM strategy and action plan with neighbouring countries and other high-level coordination bodies in the region
- Synchronisation of the work of all bodies of the state administration involved in border management as well as with legal persons involved in border traffic at the national, regional and local levels
- Supervision of the work of the implementing body
- Cooperation with and provision of guidance to all bodies of the state administration and regional and local bodies in matters related to IBM and providing suggestions for resolving issues of contention

Given the nature and number of its tasks, the decision-making body should be supported by a secretariat, for the organisation of meetings and for administrative work as well as for the preparation and dissemination of relevant documents.

V.1.2. The implementing body

Made up of practitioners and experts, the **implementing body** at a more **operational** level drafts the national IBM strategy and action plan, coordinates implementation and reports to the decision-making body on its progress. It may decide to establish sub-working groups or invite experts on specific topics at any time during this process. Depending on national preferences, members of the implementation body can either be relieved of their regular duties to work in a permanent IBM office or, alternatively, remain in their position and meet at short intervals for the IBM working group.

The **tasks** of the implementing body shall be as follows:

- Drawing up a detailed work plan and timeline for the development of the strategy and action plan
- Conducting of a thorough gaps and needs assessment on the national border management situation, as a prerequisite to the development of the IBM work plan.
- Drafting of the national IBM strategy, as well as an action plan for the implementation of the strategy
- Implementation of the sections of the action plan related to inter-agency cooperation
- Periodically review and update the IBM strategy and action plan

- → Providing recommendations for improved cooperation and coordination between agencies
- → Providing assistance to the bodies of the state administration in matters of IBM, including in the coordination of individual activities/projects
- → Creation and coordination of expert sub-working groups where necessary
- → Regular reports to the decision-making body, including monitoring, evaluation and review results, based on terms of reference for the frequency and timeframe of reporting.
- → Other tasks as requested by the decision-making body

It is crucial that the members appointed to the decision making or implementing body are available for regular meetings. Substitutes should be named in case a member is not able to join a meeting.

Please refer also to Good practice 2.7. (Inter-Agency Coordinating Bodies) at the end of Sub-chapter III.2.2.above.

V. 2. The national IBM strategy

The national IBM strategy should provide the government with:

- → A comprehensive overview of the current border management situation
- → Information on ongoing border-related initiatives and projects
- → Clear strategic and operational objectives for cooperation and coordination in the field of IBM

The strategy document itself should be **concise** and **openly formulated**, not going into details that may need frequent updates. It should focus on the goals to be achieved, while the concrete activities, the timeline and the resources necessary to reach them should be covered in the action plan.

Once a consolidated draft of the national IBM strategy and action exist, they should be submitted for adoption to the IBM decision-making body, which forwards it to the **government for official adoption**. Once adopted, the documents should be sent to all relevant stakeholders for reference.

Since the governmental adoption can take up to several months, it is recommended to start with the development of the IBM action plan immediately after the completed strategy is approved by the IBM decision making body without waiting for the government approval. Since the action plan complements the strategy, it is also possible to submit both documents together for governmental adoption.

V.2.1. Drafting the IBM strategy

All relevant stakeholders need to be **involved** in the process of drafting the IBM strategy in order to ensure broad commitment, swift adoption and effective implementation. While the main responsibility for developing the document lies with the agencies in charge of border surveillance and protection, checking travel and identity documents, customs control and sanitary or quarantine services, other interested parties should be consulted where appropriate.

It is important to keep in mind that only certain chapters of the IBM strategy (and action plan) can be compiled through inputs from individual agencies: significant parts have to be drafted jointly in order to ensure that the document reflects a commonly agreed view of the involved agencies. Strategies that only respond to the needs of one of the border management agencies may be considered useful sector-specific strategies, but will remain outside the realm of IBM.

Parts of the IBM strategy to be developed jointly by all relevant border agencies:

- → General outline of the document
- → Introduction and basic information about the border management situation in the country
- → All sections referring to inter-agency cooperation

Parts that can be drafted by individual agencies:

- → Description of the main actors in the field of border management
- → Chapters on intra-service cooperation
- → Chapters on international cooperation

But even in these cases coordination and peer review is recommended, to identify additional areas where inter-agency synergies could be made use of. It is important that the parts that are developed by individual agencies follow the same structure and also contain a comparable level of detail. Once the draft of the IBM strategy is completed, it should be circulated to all relevant stakeholders for comments and then be officially accepted in a joint meeting.

Before the actual drafting of the strategy document can start, the main strategic objectives in the field of IBM must be identified and formulated. The standards described in the IBM Guidelines should serve as a basis in this regard. Subsequently a thorough **situation analysis** regarding all fields of cooperation and coordination should be conducted, including:

- → A thorough gap and needs assessment[51]
- → An inventory of all ongoing and planned, national and international activities in the area of border management

This analysis serves as starting point for the IBM strategy and action plan[52], based on which specific objectives for all services and fields of cooperation (legal and regulatory framework, institutional framework, procedures, human resources and training, communication and information exchange, infrastructure and equipment) need to be developed. When drafting the objectives it should be kept in mind that they need to be balanced: if too ambitious, they run the risk of damaging the overall credibility of the strategy. On the other hand, if the goals are set too low, they run the risk of being seen both locally and internationally as a token effort.

Since the terminology may differ not only from country to country but also between the border agencies within one state, it is advisable to attach a glossary to strategies and action plans. An example of such a glossary can be found at the beginning of these Guidelines.

GOOD PRACTICE EXAMPLE

Development of National IBM Strategy and Action Plan
While drafting the National IBM Strategy...

Good practice example 5.1.

How to address issues in the IBM Strategy

The IBM Strategy should, for example, highlight the importance of information exchange, and clearly state that regular meetings should be held between services at all levels for this purpose. It could also concretely propose meetings between heads of services at the regional level or shift leaders at the BCPs. Concrete activities leading to the implementation of such meetings, such as the issuance of internal instructions to that effect, should however be included in the action plan, and not in the strategy.

[51] Please see Annex 7 which provides a self-assessment grid on IBM

[52] More detailed analyses may have to be conducted during the implementation phase, for instance, on the legal framework, workflows or specific data that could be exchanged between agencies. Wherever this is the case, these analyses should be mentioned in the IBM strategy as objectives and in the action plan as actions.

V.2.2. Outline of the IBM strategy

It is recommended that a national IBM strategy includes the following chapters:

Chapter 1 Introduction/background/context/preamble

- → Overall purpose of the IBM strategy
- → Expression of commitment to implementation

Chapter 2 Summary of geographical and political characteristics relevant for border management

- → Length of the border line, number of BCPs
- → Border traffic flow (passengers, goods, etc.), in comparison to previous years
- → Main challenges in the field of border management and existing needs (based on the gaps and needs assessment)

Chapter 3 Institutional framework/actors

- → Main actors involved in border management and their organisational structures, main tasks
- → Presence at BCPs

Chapter 4 Coordinating structures

- → Inter-ministerial coordination mechanisms (IBM decision-making body and implementing body): composition and main tasks
- → International and regional coordination mechanisms (when applicable)

Chapter 5 the core of the document: goals for intra-service, inter-agency and international cooperation, covering the following fields of cooperation:

- → Legal and regulatory framework
- → Institutional framework
- → Procedures
- → Human resources and training
- → Communication and information exchange
- → Infrastructure and equipment

For each field of cooperation, a short description of the existing situation should be given, followed by the strategic objectives. It should be mentioned in the text if the goals are short-, medium- or long-term.

Chapter 6 Reviewing, monitoring and evaluation of the strategy

The task of regularly reviewing the strategy and monitoring and evaluating its implementation through the action plan should be described here.

Annexes

In order to keep the strategy document short and concise, all information that is not strictly necessary for the formulation of the strategic goals should be included in an annex, e.g. lists of relevant laws or organisational charts.

V. 3. The national IBM action plan

The national IBM action plan translates the objectives identified in the strategy into specific activities; in the interest of continuity, the same persons who were involved in developing the strategy should work on the action plan. When drafting the action plan it must be ensured that practitioners' concerns are adequately reflected. Whereas legal amendments take place at the central level, most of the implementation will ultimately take place at an operational level, that is, directly at the BCP or in a regional directorate.

The document should be seen as a **flexible working tool** that can be modified to reflect changing requirements and new situations. Therefore a **regular update is required**.

V.3.1. Developing a national IBM action plan

The individual **objectives** of the IBM strategy need to be extracted to serve as the basis for the action plan. This document is ideally drafted in the form of two tables which can be adapted to national needs, but should at least include the following information.

Table 1 should:

- → Describe each of the objectives which were transferred from the IBM strategy, by including a brief explanation of its context: the current situation, requirements and, if applicable, good practices to be followed;
- → List the necessary actions to fulfil the objective; and
- → Provide a set of indicators which help to identify when the objective has been completed. The indicators should be "SMART":

S pecific	What is actually expected to change?
M easurable	How will it be known if the goal has been reached?
A ttainable	Is it realistic and likely to be achieved?
R esult-oriented	Are the results set meaningful?
T imed	By when can the goals be expected to be achieved?

Proposed template for Table 1:

OBJECTIVE 1:		
INDICATORS: Typical indicators for reaching an objective are e.g.: Drafted or adopted laws, implemented activities, a certain /percentage of people trained, equipment procured, statistics showing increased detection/apprehension rates, shorter processing times, etc. (More on the indicators further below).		
CONTEXT	**PROPOSED ACTION**	**STAKEHOLDERS**
CURRENT SITUATION What is the current situation in relation to the objective? **REQUIREMENTS AND GOOD PRACTICES** Which requirements need to be met e.g. regarding national and international obligations and which related good practices should be incorporated?	1. List of the actions necessary to fulfil the objective. Details on each action listed here will be elaborated upon in **table 2**	Which state or non-state agencies, international organisations etc.. should be included in the discussions on this objective? Again, details per action will be given in **table 2**.

It is useful to number both the objectives and the actions as they will be referred to in discussions among working group members and experts.

GOOD PRACTICE EXAMPLES

Development of National IBM Strategy and Action Plan
While drafting the National IBM Action Plan...

Good practice example 5.2.

Concerning the Objectives...

One of the objectives could be, for example, to enable faster crossing of the borders for trucks. A measurable and verifiable indicator would then be a reduction of the average processing time or - even more concretely - that the time a truck on average needs for crossing the border is reduced by x% or to x minutes within the next year.

Good practice example 5.3.

As regards Actions...

Several actions could be imagined which would contribute to reaching the objective of faster crossing of the border for trucks. These could include the decreasing of processing times through better coordination between services and a harmonized workflow. A complementary action could be infrastructural changes, such as the introduction of separate lanes for empty trucks.

Table 2: For each action identified in Table 1, a second table (Table 2) needs to be completed, detailing:

- → Practical activities necessary for the implementation of the action
- → Expected results and indicators which are held in order to verify whether they were reached
- → Stakeholders: responsible agency(ies) and other actors are involved.
- → Time needed for completion of the action, as well as its place in the overall timeline of the action plan
- → Financial and human resources.

Proposed template for Table 2:

ACTION 1.1. (COPIED FROM TABLE 1)
ACTIVITIES Practical activities to be implemented for the completion of the action referred to in this table; important remarks/clarifications and issues to be kept in mind
PRIORITY of the action: High/medium/low
EXPECTED RESULT OF THE ACTIVITY could for example be: a changed situation on the ground, the completion of analyses and reports, proposals submitted to the decision-making body for decision on further steps to be taken
INDICATORS to measure the results achieved
RESPONSIBLE AGENCY : Agency/body responsible implementing the action
ACTORS INVOLVED Agencies, other bodies or specific experts to be involved in the activity. It should be indicated if they are only associated in order to provide their expertise or also to be involved in the decision-making process. It is also possible to indicate if the support of international experts should be requested and attempts will be made to seek funding from international donors.
COSTS FOR THE MAIN STAKEHOLDERS
DURATION: 1 month, 1 year, continuous, etc.
PROPOSED TIMELINE: Starting March 2002; continuous; ongoing, etc. Or: After activity 1, after technical discussions, etc. Timelines need to be realistic as the agencies responsible should not be overburdened, and it should be logical and coherent not only regarding a certain objective, but throughout the whole action plan.
LINKS <u>Objective</u> Action, activity and a short explanation for the link (If the start or completion of this action is dependent on another objective or the completion of another action/activity, this should be indicated here in order to keep it in mind while drafting and later updating the timeline.)

V.3.2. Obtain financial and implementation commitment from key stakeholders

While it may not be possible to attribute detailed human and budgetary resource needs to each activity, the decision-making body should nevertheless be provided with an estimate of the costs for the main stakeholders. This could be a rough calculation of the manpower and other resources needed. The cost estimate can be revised and detailed resource requirements established after an in-depth analysis as part of the implementation of the action plan.

The need for support from international organisations or experts should be indicated in order to allow for the initiation of discussions with donors and possible project partners at an early stage. One needs to keep in mind, however, that no obligation can be created for agencies that have not been involved in the development of the action plan.

GOOD PRACTICE EXAMPLE

Development of National IBM Strategy and Action Plan
While drafting the National IBM Action Plan...

Good practice example 5.4.

Financial support

For example: Including the following in the action plan is not necessarily helpful to the process: "The financial support of the international organisation X will be needed for the upgrade of the infrastructure of the BCPs", because this refers to an aim outside of the control of the respective Government. Instead, the following phrase could be used: "Financial support by international donors will be requested for the upgrading of the BCPs". Only if an international project is about to start or already ongoing, concrete references can be made in the document: "The upgrading of the BCPs will be financed through the project Y of the international donor A".

CHECKLIST

Below is a list of questions that the developers of the action plan should ask themselves in order to assess the coherence of the action plan before it is finalised:

- → Do the objectives in the action plan match the objectives in the national IBM strategy?
- → Are clear, transparent, realistic and time-related indicators available for all objectives?
- → Do the actions match the objectives?
- → Do the activities match the actions?
- → Are all relevant activities mentioned?
- → Are clear, measurable and verifiable indicators attributed to each action?
- → Are responsibilities clearly defined?
- → Have all relevant stakeholders mentioned been involved in developing the action plan?
- → Is the timeline realistic and consistent throughout the action plan?

V. 4. Implementing the action plan

The **implementing body** is responsible for the implementation of the action plan under the supervision of the decision-making body. Throughout implementation, it should be in contact with experts in all relevant fields, be it on legal issues, procedures, technical solutions or other matters.

Experts could be called upon on an ad hoc basis to provide input on specific questions, or their support could be institutionalised in **sub-working groups on specific topics**. Each of these groups should have clear terms of reference, develop a work plan and regularly report to the implementing body on their progress.

SUB-WORKING GROUP TERMS OF REFERENCE

- → Context and problem statement
- → Expected outcome
- → Participants and division of responsibilities
- → Tasks
- → Methods of work, coordination, reporting and communication
- → Decision-making practices
- → Monitoring procedures

V. 5. Monitoring, evaluation and review

In order to determine the success of the national IBM action plan and adjust it to changing priorities and situations, all elements of the plan should be subject to monitoring, evaluation and review on a regular basis. Based on the results of this analysis, actions and activities may be adapted or objectives reformulated or added. Likewise, the IBM strategy should be reviewed at regular intervals.

Table: Monitoring, evaluation and review of IBM action plans and strategies

	Monitoring	Evaluation	Review
Who?	IBM implementation body	IBM implementation body with external expert support	IBM implementation body and decision-making body
When?	Ongoing	Periodic: mid-term after completion and upon request	Strategy: 5 years or more Action Plan: 2 years
Why?	Check progress, take remedial actions, update plans (sub-objectives and activities)	Draw conclusions, input for policy review (action plan and strategy update)	Adapt the strategy and action plan to changing realities
Relevant parts of action plan and strategy	Expected results, activities, indicators, costs	Objectives and results of the action plan, overall objectives of IBM strategies	Whole documents

V.5.1. Monitoring

It is advisable to produce regular **monitoring reports** summarising the progress that has been made. The implementing body should monitor how successful the action plan is in terms of the implementation of activities, delivery and achievement of results, expenditure and resources used, and possible risks. This is achieved through a continuous, systematic collection and analysis of information and data (meetings, activity reports, etc.) from the involved border management agencies. This helps to assess whether the goals set have been achieved or are likely to be and thus supports effective decision-making.

At an **operational** level, the input (human and financial resources) and output (measurable changes) of each action should be accounted for. At the **strategic** level, the information on monitoring should be presented in a concise way and include suggestions for necessary adjustments.

GUIDING QUESTIONS FOR MONITORING

- → Have activities been implemented on time?
- → Are the necessary human resources and financial and technical means available to carry out the activities?
- → Have the required results been achieved? What results have been achieved?
- → Which objectives have not been reached? Why? What additional actions/activities would be necessary for reaching the objective?
- → Should the timeframe for the implementation of the activities be extended?

V.5.2. Evaluation

Evaluation entails an assessment of the efficiency, effectiveness, impact, relevance and sustainability of the action plan and strategy. When evaluating, the same information that was used for monitoring is relevant, but with a different focus and complemented with additional information. The purpose of evaluation is to obtain a more global view of the progress made in the implementation. This is achieved by comparing the results with the objectives of the action plan and strategy, not looking at the number of objectives that were implemented, but at the quality of the results. Evaluations should be carried out at periodic intervals, e.g. midway through and then after the completion of activities. It is recommended to include independent, external experts in this process.

The results of the evaluation should be used to include lessons learned in the ensuing implementation, to indicate possible amendments and to take a changing policy environment into account. **Evaluation reports** may serve as the basis for future decision-making.

GUIDING QUESTIONS FOR EVALUATION

- → Have the activities led to the anticipated results?
- → Has the related objective been achieved? If not, has there been any progress towards achieving it?
- → What factors influence the achievement of the results and objectives? Are the necessary human resources and financial and technical means available to carry out the activities?

V.5.3. Review

Both the evaluation results and the monitoring data are needed for the review of the action plan and strategy. The strategy document does not have to be reviewed as frequently as the action plan since national strategies are normally established to cover a longer term of up to five years. However, if the situation in a country or the national policy on border management changes drastically, some of the objectives in the strategy (and consequently the action plan) may have to be reviewed. The strategy should be reviewed periodically, for example every three to four years, and amended accordingly to reflect national priorities and developments. The action plan should be reviewed preferably annually, but at the latest every second year.

If the evaluation shows that some activities have not led to the expected results, there may be a need to review also the actions or the objectives. The first step for the implementing body is to list any necessary additions or deletions from the IBM strategy and action plan. This document should be agreed upon by the decision-making body, which can then ask the implementing body to elaborate a new version of the two documents.

Actions which have already been implemented and objectives that have been reached can be deleted from the action plan and included in a list of achievements.

GUIDING QUESTIONS FOR REVIEW

- → Which objectives have been achieved? Which activities completed? Are follow-up activities necessary?
- → Are the objectives and activities still relevant? Should any objectives or indicators be reformulated?
- → Are there any new challenges?
- → Were the set goals too ambitious? Why?

V. 6. Summary of the strategy and action plan process

The following summary complements Figure 5 further below, which offers a schematic overview of the process of developing and implementing national IBM strategies and action plans. The main steps in the process are listed on the left. Keywords next to each step recall details or activities related to these steps.

The following steps are necessary for setting up national IBM coordination bodies:

- → Designate a national coordinator
- → Identify and contact all key stakeholders
- → Establish coordinating bodies (decision-making body and implementing body) with clear terms of reference.

The following steps are necessary for developing a national IBM strategy:

- → Identify overall aim of the IBM strategy
- → Analyse the current situation (gap and needs analysis)
- → Define the strategic objectives
- → Draft individual strategy chapters
- → Circulate the draft strategy paper for input from all stakeholders
- → Approve the final strategy document at the IBM decision making body.
- → Adopt the strategy at the political/governmental level
- → Review and amend regularly

The following steps are necessary for developing a national IBM action plan:

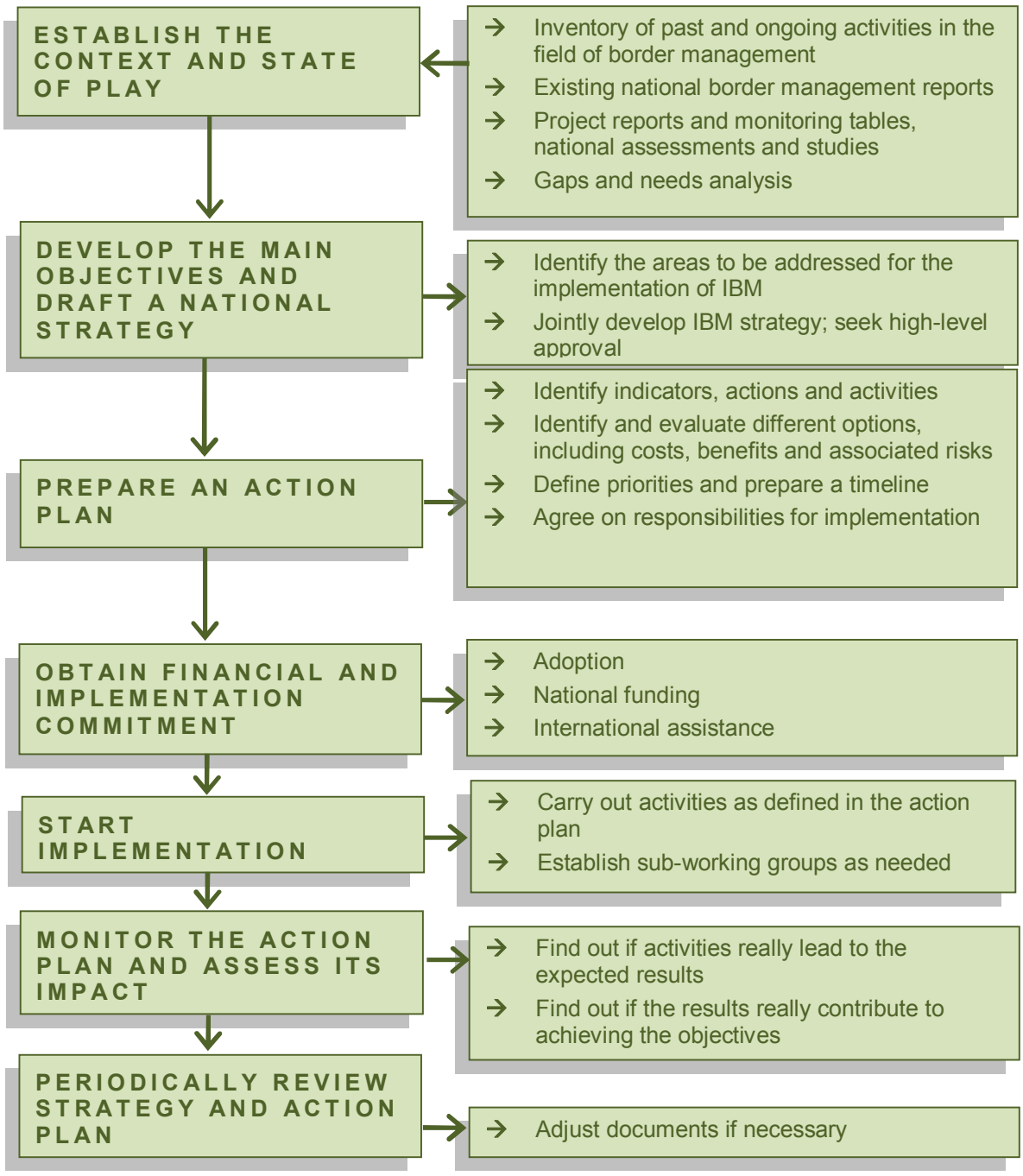
- → Extract objectives and indicators from the IBM strategy
- → Identify concrete actions, activities and related indicators for each objective
- → Decide on responsibilities for implementing the activities
- → Draw up a timeline
- → Obtain commitment to the action plan and the resulting activities from key stakeholders and approval from the IBM decision-making body
- → Adopt IBM action plan at political/governmental level

The following steps are necessary for implementing a national IBM action plan:

- → Draft terms of reference for the monitoring, evaluation and review of the action plan
- → Implement activities according to the action plan

- → Regularly collect and analyse data regarding the success of implementation and check if the timeline is being observed or needs to be reviewed
- → Evaluate the impact of the action plan according to terms of reference
- → Review and update every 1 or 2 years

Figure 5: Overview of the process of developing and implementing the IBM strategy and action plan



PART VI

ANNEXES

ANNEX I
ROUTING SLIP

Name of BCP to be filled by Boarder Guard Service…….. Unique Number…….

A. To be filled by driver Time when filling the form: Vehicle/trailer registration No: Name and family name of driver: (capital letters) Is vehicle carrying any load: If any load, are any dangerous goods included:		Î NO Î NO	Î YES Î YES			
B. To be filled in by Border Guard Service 1. Person – checking of: - travelling documents, driving licenses, ID and visa 2. Vehicles – checking of: registration, insurance, vehicle safety standards, international transport authorization illegal person (not in depth)		Î NO Î NO Î NO	Î YES Î YES Î YES		Start time (1 + 2)	Finish (1 + 2)	Signature (1 + 2)
C. To be filled in by Customs 1. Person – Customs: - checking the luggage 2. Vehicle – Customs: - checking the technical conditions (for customs purposes (sealing etc.) - search for concealed goods, incl. explosives, weapons, weapons of mass destruction and narcotics 3. Vehicle – Border Guard Service - search for concealed explosives, weapons incl. weapons of mass destruction and narcotics		Î NO Î NO Î NO Î NO	Î YES Î YES Î YES Î YES	Î Rdm (complete if yes) Î Rdm (complete if yes) Î Rdm (complete if yes)	(1 + 2) (3)	(1 + 2) (3)	(1 + 2) (3)
D. Reserved for Veterinarian inspection							
E. Reserved for Phyto-sanitarian inspection							
F. Reserved for Market inspection							
G. To be filled in by Customs 1. Load – Customs: - handling and check of documentation - physical inspection, incl. search for explosives, weapons, weapons of mass destruction and narcotics - sampling 2. Load – Border Guard Service - search for illegal persons, explosives, weapons incl. weapons of mass destruction and narcotics		Î NO Î NO Î NO Î NO	Î YES Î YES Î YES Î YES	Î Rdm (complete if yes) Î Rdm (complete if yes)	(1) (2)	(1) (2)	(1) (2)
The vehicle is not permitted to depart from BCP before this "Laufzettel" is handed over to the Customs and departure has been approved by the Customs.					(Time & stamp)		

BOMCA Regional Office
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ANNEX II
5X5 STANDARDISED INFORMATION SHEET

COLLATION, EVALUATION AND DISSEMINATION

This is the basic principle of capturing, evaluating and disseminating information, and turning that information into Intelligence, which can be most effectively distributed to Operational staff. To this end the following forms, and guidance notes, have been designed to most efficiently capture and evaluate that information:

1. **The Intelligence Report which incorporates not only the capture of the information, but also the evaluation of that Intelligence, using the 5 x 5 system.**

2. **The Intelligence Report will be completed by the Officer receiving the information, and will act as the document for input on to the database. This Report will be completed as soon as possible by the recipient, and passed to the Risk Analyst in the team, for entry to the database. Box "S" on the form is for Source evaluation, and Box "I" for Intelligence evaluation.**

3. **Each "separate" piece of information on the form will be coded, under the 5 x 5 system, by the Officer completing the form, and this will also be entered on to the database. This will in turn act as a future reference to other officers who will be able to know the source, and Intelligence, evaluation at time of capture. They will also be able to link this information into any future intelligence received on the subject.**

4. **This type of Intelligence having been entered to the database will generate an Intelligence Report for transmission to the Central Intelligence system, and to other stations that could have an interest.**

5. **It is important this information is entered promptly, and correctly, to the database, and that the Intelligence form is generated at the same time, so that it can be added to any Intelligence already held.**

6. **Having completed the form, and entering the data, it will be given a reference number as generated by that database. The form will be cross -referenced and filed in a secure location. This form, together with other forms completed and documents held, will form the basis of the Intelligence package which will be held and controlled by the Risk Manager.**

7. **Source Evaluation is the coding given by the recipient of the information as to the reliability, in their opinion, regarding the source of the information (see 5x5 intelligence evaluation system below). This will be based on their past experience, and knowledge, of the source and will range from Always Reliable, through Unreliable to Untested.**

8. **Evaluation of the intelligence itself is again made by the recipient of the information (see 5x5 intelligence evaluation system below). This will range from Known to be fact without Reservation, through to false or malicious information.**

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9. The completion of the Database(s) will be completed by the Risk Management Unit.

INTELLIGENCE REPORT

ORGANISATION and OFFICER:		**DATE / TIME OF REPORT:**	

SOURCE :		**REF. No:**	

SOURCE EVALUATION	**A** Always Reliable	**B** Mostly reliable	**C** Sometimes reliable	**D** Unreliable	**E** Untested source

INTELLIGENCE EVALUATION	**1** Known to be true without reservation	**2** Known personally to source but not to officer	**3** Not personally known to source but corroborated	**4** Cannot be judged	**5** Suspected to be false or malicious

REPORT	**EVALUATION**		
TEXT	**S**	**I**	

SENT TO RISK ANALYST: YES / NO. DATE:

DISSEMINATION TO: DATE:

Are the Evaluation codes correct? YES / NO

... DATABASE COMPLETED? YES / NO

Signature / Originator:

THE 5 x 5 INTELLIGENCE EVALUATION SYSTEM

1. EVALUATION OF THE SOURCE.

The source should be evaluated using the alphabetical categories listed below. In practice, however, very few sources will be graded as 'A'. In the 5x5 evaluation system, 'untested source' and 'unreliable source' have been differentiated. The categories are:

A = ALWAYS RELIABLE.

An individual who, in the past, has proved to be reliable in all instances has supplied where there is no doubt of the authenticity, trustworthiness and competence of the source, or the information. Examples of this might include information known directly to other Law Enforcement Officers, or where information in the past has always been 100% accurate.

B = MOSTLY RELIABLE.

Sources where information in the past has, in the majority of instances, proved to be reliable. Examples might include contacts, and informants, whose information has proven correct the vast majority of times, but not enough to be graded 'A'.

C = SOMETIMES RELIABLE.

Sources where information in the past, in the majority of instances, has proved unreliable. Some information has in the past proved correct, but in the majority of times has been incorrect. The information should not be acted upon without further corroboration, or checks.

D = UNRELIABLE.

Examples of this type of information might include individuals, who have routinely proven unreliable in the past, or there is some doubt about the authenticity, trustworthiness or competency, for example the information has been passed through a number of sources.

E = UNTESTED SOURCE.

This does not necessarily mean that the information is unreliable but should nonetheless be treated with caution. Corroboration should be sought.

2. EVALUATION OF THE INTELLIGENCE.

- The intelligence itself should be evaluated using the numerical categories listed below. It is important that such an assessment should be as accurate as possible, since it may be necessary to defend such action taken on the basis of intelligence.
- In the 5 x 5 system a fifth evaluation category is included for material, which is suspected to be false, or malicious. The categories for use are:

1. KNOWN TO BE TRUE WITHOUT ANY RESERVATION.

- Examples might include events witnessed by a Law Enforcement officer. In the use of technical aids, care should be taken that whilst it will be an accurate record of what an officer heard, the intelligence itself may still not be accurate, for example the source may be repeating hearsay, or lying.

2. THE INFORMATION IS KNOWN PERSONALLY TO THE SOURCE BUT NOT KNOWN PERSONALLY TO THE REPORTING OFFICER.

3. THE INFORMATION IS NOT KNOWN PERSONALLY TO THE SOURCE BUT IS CORROBORATED BY INFORMATION THAT IS ALREADY RECORDED.

4. THE INFORMATION IS NOT KNOWN PERSONALLY TO THE SOURCE AND IT CANNOT BE CORROBORATED IN ANY WAY.

5. SUSPECTED TO BE FALSE OR MALICIOUS.

Action should be taken with extreme care, and corroborated by a more reliable source. Collating this type of information may prove useful in judicial cases e.g. why an informant should be treated as unreliable. Whilst it may be desirable to record such intelligence, it must be correctly and clearly graded and assessed for the potential risks arising from its inclusion.

ANNEX III
KEY ELEMENTS
OF THE CONCEPT OF INTEGRATED MANAGEMENT OF THE EXTERNAL BORDERS OF THE EU
(The Four-Tier Access Control Model)

In its meeting on 4-5 December 2006, the Justice and Home Affairs Council of the EU concluded that integrated border management (within the EU) is a concept that consists of the following dimensions:

- → Border control (checks and surveillance) as defined in the Schengen Borders Code, including relevant risk analysis and crime intelligence
- → Detection and investigation of trans-border crime in coordination with all competent law enforcement authorities
- → Coordination and coherence of the activities of Member States and Institutions and other bodies of the Community and the Union.
- → Inter-agency cooperation for border management (border guards, customs, police, national security and other relevant authorities) and international cooperation
- → The four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control, control measures within the area of free movement, including return)

Simply put, the first two of these dimensions describe **what** should be done (border control, risk analysis, crime intelligence, detection and investigation of trans-border crime), whereas the following two dimensions describe **how** this should be done (through coordination, coherence, inter-agency cooperation and international cooperation, and the last dimension states **where** it should be done.

The four-tier access control model is described in the EU Schengen Catalogue on External Borders Control and Return and readmission[53] as the core of IBM. It consists of a set of complementary measures be implemented in four different tiers: 1) Measures in third countries; 2) Cooperation with neighbouring countries; 3) Border control (at the external border); and 4) Control measures within the area of free movement, including return.

1. **First-tier** measures are taken in **third countries**, especially in countries of origin and transit. These measures include advice and training from liaison officers and document experts with regard to the visa process for consular officials at consular posts and for carrier company personnel in third countries of origin or transit, which are the source of the risks generated by illegal immigration.

2. The **second tier** consists of cooperation with **neighbouring countries**. Agreements with neighbouring countries on cooperation in the field of border management are an efficient tool for increasing border security. Cooperation should be realized by establishing appropriate working mechanisms such as exchange of information, appropriate communication channels, central, regional and local contact points, emergency procedures, handling incidents in an objective manner in order to avoid political disputes, etc. Regional cooperation structures across external borders should also be established in maritime areas. These initiatives should bring together all countries in the region.

[53] Draft updated Schengen Catalogue on External Borders Control, Return and Readmission - Recommendations and best practices, Council of the EU, 7864/09 LB/mdc, page 13.

3. Border control, as the **third tier** of the model, guarantees systematic border checks for every person **entering or exiting the Schengen area**. It also ensures an adequate level for exposing illegal border crossings in areas between border crossing points or via sea, using false documents or hiding inside various modes of transport. Border control is part of national crime prevention, as it detects and reveals human smuggling, stolen property and other trans-border and border-related crimes as well as contributing to the detection of serious crime.

4. The **fourth tier** comprises control **measures within the area of free movement**, including return. These measures prevent illegal immigration and trans-border crime inside the territory of the Schengen States by enhanced searches, checks and surveillance measures based on national information, and in accordance with national law. Illegal immigrants detected inside the Schengen territory shall be taken under the control of the authorities. They should be registered, and if no grounds for residence exist, and if there are no obstacles based on compelling humanitarian grounds or international law, they should be repatriated to their country of origin. Member States should define minimum standards for control measures within their territory together with other relevant authorities, of places known to be critical for third-country nationals staying illegally, cross-border traffic connections, etc.

ANNEX IV
TERMS OF REFERENCE FOR AN IBM INTER-AGENCY WORKING GROUP

These Terms of Reference (ToR) detail the composition and tasks of the high level IBM Interagency Working Group (IAWG), as well as the procedures ensuring the smooth functioning and effectiveness of its work.

Permanent Members

- → Chair (upon agreement between all partners, possibly Ministry of the Interior)
- → Ministry of Foreign Affairs - Visa-regimes
- → Ministry of the Interior – Border Guard
- → Ministry of Finance – Customs Directorate
- → Ministry of Agriculture – Veterinary Inspection
- → Ministry of Agriculture – Phytosanitary Inspection

Associated Ministries and State Institutions

- → Ministry of Health

If one of the members of the IAWG cannot attend a meeting, he/she shall nominate a representative who will take decisions on his/her behalf.

Tasks:

- → Coordinates the national task forces;
- → Reviews and adopts the reports of the task forces, as well as the consolidated reports;
- → Ensures commitment at higher level and continuous communication with the responsible decision-makers within the government;
- → Ensures communication with and involvement of other relevant institutions upon need (e.g. Ministry of Tourism, Transportation, Development, Justice, Foreign Affairs, Finance, Labour, Regional Integration, Environment, and Chamber of Commerce).

Focal points in each of these institutions will be responsible for distributing information about the ongoing activities of the project and channelling input and comments of their organisation to the work of the IAWG. The Focal Points will be asked to join the meetings of the IAWG.

Decisions of the High Level IBM Interagency Working Group are reached unanimously.

ANNEX V
MODEL OF MoU ON INFORMATION EXCHANGE AND EARLY WARNING

MEMORANDUM OF UNDERSTANDING

between the Ministry A of Country X, the Ministry A of Country Y and the Ministry A of Country Z on establishing a system of statistical information exchange on illegal migration and the participation in a regional early warning system

The Ministry A of Country X, the Ministry A of Country Y and the Ministry A of Country Z (hereinafter referred to as the Signatory Parties),

DESIRING to contribute to the overall goal of having a more effective and efficient management of regional illegal migration flows;

RECOGNISING, that in order to combat illegal migration effectively, there is a need for the Signatory Parties to receive early information on threats and risks as they emerge, so that they can better prepare suitable counter-measures;

TAKING INTO CONSIDERATION the existing bilateral agreements of the Signatory Parties on (police) cooperation;

ACKNOWLEDGING the Signatory Parties' respective national regulations regarding the national and international exchange of migration related statistical data, as well as the provisions on information exchange contained in their national Strategies and Action Plans for Integrated Border Management (IBM);

TAKING INTO ACCOUNT that among the competent bodies of the Signatory Parties currently no system for the exchange of statistical information and early warning on illegal migration exists,

HAVE AGREED as follows:

Article 1

Purpose of the Memorandum of Understanding

The purpose of this MoU is to establish an efficient data exchange system among the competent bodies of the Signatory Parties containing statistical data on illegal migration and human smuggling, as well as a regional early warning system.

The exchange of statistical data on illegal migration shall contribute to the general cooperation among the Signatory Parties, support the planning and implementation of national and international

activities related to combating illegal migration and human smuggling, and contribute to joint or individual risk analysis.

The regional early warning system shall contribute to the timely sharing of information among all concerned Signatory Parties, without prior request, to allow the recipient(s) to take preventive measures before any illegal act can be committed.

Article 2

National Contact Point (NCP)

Early warning and the exchange of data subject of this MoU shall be conducted through a National Contact Point (hereafter: NCP) who has to be identified (newly appointed or in the form of an already existing contact point) by each Signatory Party. The NCP should be operational 30 days after signature of this MoU.

Once the NCP is identified, the other Signatory Parties shall be notified immediately about the name of the NCP, phone and fax number, email address as well as other relevant information. In case of any changes of the contact points other Signatory Parties should immediately be informed thereof.

On a rotational basis one of the Signatory Parties shall be in charge for the collation of information received from individual countries, used for drafting of the overall monthly and annual report (see Article 3). The rotation takes place in alphabetical order every twelve months, starting with Country X from the 1st of the month following the signature of the MoU.

I. Establishment of a system of statistical information exchange on the topic of illegal migration:

Article 3

Reporting formats

The Signatory Parties should exchange statistical status reports on illegal border crossings and smuggling of human beings once per month, as well as ad hoc, on the initiative of one signatory party, or upon request by one of the Signatory Parties of this MoU. Once per year an overall analysis should be made, carried out by the national body of the state responsible for the collation of all national reports.

Article 4

Data exchange: format and procedure

The data shall be exchanged electronically, in the form of templates. The reporting language is English. Each NCP completes the relevant templates for its national report, and forwards it to the NCP of the state in charge of the overall monthly, ad hoc, requested and annual reports, which are based on the national reports.

Article 5

Monthly Statistical Report (MSR)

For the monthly data exchange among the Signatory Parties a reporting system should be established consisting of a **monthly statistical report** (hereafter: MSR) on the following topics:

- Number of persons detected crossing the border illegally outside of a border crossing point
- Number of persons attempting to cross the border illegally at the border crossing point
- Number of persons detected as facilitators
- Number of persons detected staying illegally in the country
- Number of persons refused entry into the country
- Number of submitted asylum requests (inland and at the border)
- Number of detected false or falsified travel documents according their type and country of issue, at border crossing points

The nationality of the perpetrators should be described with 3-letter ISO codes.

Article 6

Timelines for the submission of data

Information regarding each state, collated for the purpose of submitting data for the MSR**,** should be prepared by each Signatory Party and sent to each other national contact points via e-mail until the **10th working day of the following month.**

The state responsible for the overall report shall collate all national MSR and forward the overall MSR to the National Contact Points of Signatory States via e-mail until **the 15th working day of the following month.**

The annual overall analysis of the previous year will take place on the 15th working day of March in each year, and provide a statistical overview over all relevant events, following the same format as the monthly reports.

Article 7

Review

The Authorities of the Signatory Parties should closely monitor the process of data and information exchange and provide a platform for the involved experts to gather each year to jointly develop a common analysis based upon the exchanged information.

II. Development of a regional early warning system:

Article 8

For the purpose of the establishment of a regional early warning system the Signatory Parties agree to transmit information on:

- first indications of illegal migration and facilitator networks, particularly in the states in which migration originates;
- events which constitute new trends in the field of illegal migration and facilitation and which represent such a threat that requires immediate counter-measures;
- changes in the modus operandi observed in the context of illegal migration;
- newly detected forgeries of travel documents, visa stickers and residence permits that can be used for illegal entry or illegal stay;
- disappearance of blank travel documents, visa stickers and residence permits and the serial numbers thereof;
- unusual increase of the monthly figures for persons entering a specific border sector illegally (land, air, lake, river and sea borders);
- occasional events (sport, cultural, tourist) that may cause a significant increase of passenger traffic entering the Signatory States;
- an increase in the number of dubious visa applications or of established cases of abuse which may be used for entering the Signatory States illegally;
- facilitation in the case of large groups of persons;
- new methods of facilitation or new facilitator networks;
- adoption of new or amendment of legislation on visas, border control, conditions for entry and stay that might have effect on the other Signatory States concerning migration flows;
- other cases which a Signatory Party considers to be of special importance for the other Signatory Parties in combating illegal migration or facilitator networks.

Article 9

If a Signatory Party is aware of the occurrence of any of the above-mentioned cases of illegal migration, it should immediately inform the Signatory Party concerned thereof by the means of the Early Warning Information Form.

Every contact point that is informed of any of the above-mentioned cases of illegal migration, especially a threat at its borders, should immediately and on its own initiative take the measures it requires and should immediately inform other relevant organisations of the Signatory Party.

Article 10

This reporting system shall be without prejudice to the existing procedure for forwarding statistical data or bi- or multilateral agreements for the exchange of information.

Article 11

This MoU shall be applied by the Signatory Parties in accordance with their national legislation.

The transmission of information may be suspended if deemed appropriate on grounds of national or public security. In the case of suspension, all Signatory Parties shall be duly informed and by doing so, no reason for the suspension has to be given.

Article 12

Final provisions

The MoU is concluded for an undefined period of time, and it shall come into effect on the date it is signed by all Signatory Parties (or, in the event that the designated Signatory Parties sign on different dates, it will come into effect on the date it is signed by the last Party).

Amendments or supplements to this MoU may be introduced with the mutual written consent of all Signatory Parties, through diplomatic channels, pursuant to the procedure envisaged for its adoption.

Each Signatory Party may terminate the application of the MoU by prior submission of a written notice to another Signatory Party, three months following the day when one of the Signatory Parties receives such notice.

This MoU is open for other states to join with the written consent of all the Signatory Parties through diplomatic channels.

Signed in XX, on XX, in English / Russian. Courtesy translations into all relevant languages will be provided by the respective signatories.

(signatures)

Annex

Early Warning Information Form

Reference No.: Reporting Party:

Date: Recipient Party:

Subject area: □ Illegal border crossings
□ Facilitation
□ Forgery
□ Disappearance of blank documents
□ Other (specify) …….....

Subject detail: ……

1. Place and date of detection / suspected entry: (delete as applicable)……..……

At the border: □ Land □ Sea □ Air □ Lake □ River
Inside the country: (place) ……
Other (specify) ……..

2. Nationality (nationalities) and numbers of third country nationals detected: (ISO code)

Nationality …. Number …. Nationality …. Number …. Nationality …. Number….

3. Illegal border crossing using facilitators: □ Yes □ No

Nationality/ies and number of facilitators: (ISO code)
Nationality …. Number ….

4. Means of transport: □ on foot □ car □ minibus
□ bus/coach □ lorry □ aeroplane
□ passenger train □ goods train □ ship
□ other (specify)……..

5. Route:
From……..……via……..……to……..……

6. Travel or Identity documents used:
□ Ordinary passport □ Services passport □ Diplomatic passport
□ National Identity document
□ Convention travel document (1951 Geneva Convention)
□ Non-convention Alien's Identity Document
□ Residence permit □ Other (specify)…….

Country by which travel or identity document issued (ISO code): …….
Place of issue: …….....

7. Type of visa used: □ Short stay □ Transit □ Long stay □ None

Date and place of issue: ……..…….… Country issuing visa (ISO code): ……

8. Types and numbers of forgeries detected: Total number: ……

□ Photograph substituted (number…..)
□ Counterfeit (number…..)
□ Entries altered (number…..)
□ Stolen blank (number…..)
□ Pages replaced (number…..)
□ Use of foreign official documents (number…..)
□ Other (specify)…….……... (number…..)

9. In case of stolen/disappeared blank travel or identity documents used or found:

Type of the document:
□ Passport □ Visa □ Residence Permit
□ Other travel document (specify)……

Serial number of the document: …….....
The issuing state of the document: …….....

10. Date, duration and location of an event that may cause a significant increase of passenger traffic:

□ Sport □ Cultural □ Tourist □ Other

date/duration……..
location…….
means of transport used……

11. Feedback information is required: □ Yes □ No

12. Comments/Action taken:

……..……...……...……
…..……..……
……..……

Total pages in report: ……
Accompanying sheet with additional information: □ Yes □ No

ANNEX VI
KEY REFERENCE DOCUMENTS

Border checks

EUROPEAN UNION
The 1985 Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22 September 2000).
Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, of 22 September 2000).
Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data
Council Regulation 2007/2004/EC of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ 2004 L 349/1 of 25 November 2004), (Frontex).
Prüm Convention, Council of the EU (No 10900/05, 07.07.2005)
Regulation No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community code on the rules governing the movement of persons across borders (Schengen Borders Code)
Regulation 1931/2006/EC of 20 December 2006 of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen convention
Commission recommendation of 06/XI/2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons
Council Conclusions of 4-5 December 2006 on Integrated Border Management (2768th Justice and Home Affairs Council meeting in Brussels
Regulation 863/2007/EC of 11 July 2007 of the European Parliament and of the Council establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation No. 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers
Commission "Border Package" communications of 13 February 2008
Council Conclusions of 5-6 June 2008 on the management of the external borders of the Member States of the European Union (2873rd Justice and Home Affairs Council meeting in Luxembourg)
INTERNATIONAL
Convention of 7 December 1944 on International Civil Aviation (ICAO Convention, Annex 2, 9)
Convention on Facilitation of International Maritime Traffic (FAL, 9 April 1965)
Convention against Transnational Organised Crime (UN, Palermo Convention, 15 November 2000, including two protocols)
UN treaties against international terrorism can be found on the following portal: http://www.un.org/News/dh/latest/intreaterror.htm

Customs control

EUROPEAN UNION
EU Customs Blueprints - Pathways to modern customs (2007)54
Community Customs Code: Council Regulation (EEC) No. 2913/92 (valid until the end of the transitional period, 2013)
Council Directive 92/12/EEC, general arrangements for subjects to excise duty
COMMISSION REGULATION (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code
Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code)
Commission Regulation (EEC) No. 2719/92 of 11 September 1992 on the accompanying administrative document for the movement under duty-suspension arrangements of products subject to excise duty

[54] The EU Customs Blueprints have been used as guidelines for countries acceding to the European Union. They have also been used as a guide by partner countries of the European neighbourhood policy wanting to strengthen their administrative and operational capacity and to align and simplify procedures on EU standards. The customs blueprints have also been used to help third countries from other regions, like Asia and southern Africa, to develop and implement customs reform and modernisation projects.

Commission Regulation (EC) No. 648/2005 on security
Commission Regulation (EEC) No. 3649/92 on the Simplified Accompanying Document
INTERNATIONAL
Convention establishing a Customs Cooperation Council (WCO, 4 November 1952)
Revised International Convention on the Simplification and Harmonisation of Customs Procedures (WCO, revised Kyoto Convention 3 February 2006)
International Convention on the Harmonisation of Frontier Controls of Goods (UN, 21 October 1982)
International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (WCO, Nairobi Convention, 21 May 1980)
Convention on Nomenclature for the classification of goods in Customs tariffs and Protocol of Amendment thereto (WCO, 11 September 1959)
Convention on the Harmonized Commodity Description and Coding System (WCO, 1 January 1988)
International Convention on Mutual Administrative Assistance in Customs Matters (WCO, Johannesburg Convention, 27 June 2003, not yet in force)
SAFE Framework of Standards to Secure and Facilitate Global Trade (WCO, 23 June 2005)

Inspection of plants and plant products

EUROPEAN UNION
EU Directive 2000/29/EC codifies the whole range of Community measures against the propagation and introduction of harmful organisms
INTERNATIONAL
The International Plant Protection Convention (IPPC) regulates the movement of plants and plant products and their protection against harmful organisms
Other international standards related to the inspection of plants and plant products can be found on the following portal: http://www.ipfsaph.org/En/default.jsp
Convention on International Trade in Endangered Species of Wild Fauna and Flora (UN, CITES Convention, 3 March 1973, amended 22 June 1979)
Phyto-Sanitary Convention for Africa (OAU, 13 September 1967)

Inspection of live animals and foodstuff

EUROPEAN UNION
Directive 91/496/EEC laying down the principles of veterinary checks on animals
Directive 97/78/EC laying down the principles of veterinary checks on products
Commission Decision of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC
EC Regulation 136/2004 on the Common Veterinary Entry Document (CVED)
Trade Control and Expert System introduced by Commission Decision 2004/292/EC
Commission Regulation (EC) No 745/2004 of 16 April 2004 laying down measures with regard to imports of products of animal origin for personal consumption
Regulation (EC) No 454/2008 of the European Parliament and of the Council amending Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movements of pet animals, as regards the extension of the transitional period.
Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules Decision 2001/812/EC (BIP requirements)
Commission Decision (2000/208/EC) of 24 February 2000 establishing detailed rules for the application of Council Directive 97/78/EC concerning the transit of products of animal origin from one third country to another third country by road only across the European Community
Commission Decision (2000/571/EC) of 8 September 2000 laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport
INTERNATIONAL
The OIE develops normative documents relating to rules that Member Countries can use to protect themselves from the introduction of diseases and pathogens, without setting up unjustified sanitary barriers. The main normative works produced by the OIE are: → The Terrestrial Animal Health Code and the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals → The Aquatic Animal Health Code and the Manual of Diagnostic Tests for Aquatic Animals
Other international standards related to the inspection of live animals and foodstuff can be found on the following portal: http://www.ipfsaph.org/En/default.jsp

Human health check

EUROPEAN UNION
Decision 2119/98/EC of the European Parliament and the Council establishing a Network on Communicable Diseases (started work in 1999)
Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be covered by the Community network
2003/542/EC: Commission Decision of 17 July 2003 amending Decision 2000/96/EC as regards the operation of dedicated surveillance networks
Regulation (EC) no 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for Disease Prevention and Control (ECDC)
Decision 2008/426/EC of 28 April 2008 amending Decision 2002/253/EC laying down case definitions for reporting communicable diseases to the Community network
Commission Decision 2000/57/EC of 22 December 1999 and the amending Decision of 28 April 2008 on the Early Warning and Response System (EWRS) for the prevention and control of communicable diseases
European Centre for Disease Prevention and Control (ECDC) Code of good administrative behaviour
INTERNATIONAL
The second edition of the International Health Regulations (IHR) (WHO, 15 June 2007)
International Classification of Diseases (ICD) (WHO, May 1990)

Asylum and other forms of international protection

EUROPEAN UNION
Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 50 of 25 February 2003), ("Dublin Regulation")
Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316 of 15 December 2000)
Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212 of 7 August 2001)
Green Paper on the future Common European Asylum System (COM(2007) 301 final of 6June 2007)
INTERNATIONAL
Universal Declaration of Human Rights (UN, 10 December 1948)
African Charter on Human and Peoples' Rights (OAU, 21 October 1986)
Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and additional protocols (CoE, 4 November 1950)
Universal Islamic Declaration of Human Rights (Islamic Council of Europe, 19 September 1981)
Arab Charter on Human Rights (Council of the League of Arab States, 15 September 1994, 23 May 2004, 15 March 2008)
Geneva Convention relating to the Status of Refugees, (UN, 28 July 1951, amended 31 January 1967
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), (UN, 10 December 1984)
Guidelines and Measures for the Prohibition and the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (OAU, 2002)
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and additional protocols (CoE, 1 February 1989)
Inter-American Convention to Prevent and Punish Torture (OAS, 28 February 1987)
Declaration on Territorial Asylum (UN, 14 December 1967)
African Charter on Human and Peoples Rights (AU, 26 June 1981)
African Union Convention Governing the Specific Aspects of Refugee Problems in Africa (AU, 10 September 1969)
Organization of American States Convention on Political Asylum (OAS, 28 March 1935)
Organization of American States Convention on Territorial Asylum (OAS, 28 March 1954)
Organization of American States Convention on Diplomatic Asylum (OAS, 28 March 1954)

Migration

EUROPEAN UNION
Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261 of 6 August 2004)
Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air, (OJ L 321 of 06 of December 2003)
Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorized entry, transit and residence (OJ L 328 of 5 December 2002)
Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals {SEC(2005) 1057} (COD/2005/0167 of 18 June 2008), ("Return Directive")
Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders (OJ 261 of 6 August 2004).
Council Framework Decision 2002/629 of 19 July 2002 on combating trafficking in human beings (OJ L 203 of 1 August 2002)
Council Framework Decision 2002/496 of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328 of 5 December 2002)
Council Recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country Council Recommendation of 24 July 1995 on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements (OJ C 274/25 of 19 September 1996)
INTERNATIONAL
International Convention on the Protection of the Rights of All Migrant Workers and Their Families (UN, 18 December 1990)
Convention concerning Migration for Employment (ILO, Revised 1949)
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, UN, 25 July 1951)
Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nation Convention Against Transnational Organized Crime, 15 December 2000
Protocol to Prevent, Suppress, Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nation Convention Against Transnational Organized Crime, 15 December 2000
Ethical and Safety Recommendations for Interviewing Trafficked Women (WHO, 2003)
Inter-American Convention on International Traffic in Minors (OAS, 18 March 1994)
Council of Europe Convention on Action against Trafficking in Human Beings (CoE, 16 May 2005)

Visa and ID documents

EUROPEAN UNION
Council Regulation (EC) No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit (OJ L 64 of 7 March 2003).
Common consular instructions on visas for the diplomatic missions and consular posts (OJ C 326, 22 December 2005).
Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213 of 15 June 2004)
Catalogue of recommendations for the correct application of the Schengen acquis and best practices: Issuing of visa, 07-02-2003
Regulation no 3625/09 of the European Parliament and of the Council establishing a Community code on Visas (Visa Code)
INTERNATIONAL
ILO Convention on Seafarers' Identity Documents (No 185) 19 June 2003

Information gathering

EUROPEAN UNION
Decisions adopted jointly by the European Parliament and the Council Decision No 1578/2007/EC of the European Parliament and of the Council of 11 December 2007 on the Community Statistical Programme 2008 to 2012
Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199 of 31 July 2007)

Early warning and information exchange

EUROPEAN UNION
Resolution of 27 May 1999, on the creation of an early warning system for the transmission of information on illegal immigration and facilitator networks
Council Conclusions of 30 November 1994 on the organisation and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (Cirefi)
EU Schengen Catalogue, External borders control, Removal and readmission: Recommendations and best practices, Council of the European Union, 28 February 2002

Anti-corruption

EUROPEAN UNION
EU Convention on the protection of the European Communities' financial interests (OJ C 316, 27/11/1995)
EU Protocol to the Convention on the protection of the European Communities' financial interests (OJ C 313, 23/10/1996)
2nd Protocol to the Convention on the protection of the European Communities' financial interests (OJ C 221, 19/07/1997)
INTERNATIONAL
United Nations Convention Against Corruption (2005)
The UN Declaration against Corruption and Bribery in International Commercial Transactions (1996)
The UN Convention against Transnational Organized Crime(2003)
UN: International Code of Conduct for Public Officials (GA resolution 51/59, 12.12.1996)
Council of Europe: Civil Law Convention on Corruption (European Treaty Series No. 174, Strasbourg, 04.11.1999)
Council of Europe: Twenty Guiding Principles of the Fight against Corruption (Resolution (97) 24).
OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1999);
OECD: Revised Recommendation of the Council on Combating Bribery in International Business Transactions (1997)
OECD : Recommendation of the Council on the Tax Deductibility of Bribes to Foreign Public Officials (Council of the OECD on 11 April 1996)
WCO: The Arusha Declaration (July 1993)
OAS: Inter-American Convention against Corruption (29/03/1996)

ANNEX VII
IBM SELF-ASSESSMENT GRID

This IBM self-assessment grid can be used by practitioners to assess to what degree IBM is already implemented in their agency or country and to assess strengths and weaknesses in their border management systems - a first step in identifying suitable solutions. The first three sections are divided according to the three IBM pillars; the last section assesses anti-corruption measures.

Name:		Exists		Appreciation					Comments, explanations and/or measures to be taken
				1. Weak, 2. In development, 3. Medium, 4. Developed, 5.Excellent					
INTRASERVICE COOPERATION		**yes**	**no**	1	2	3	4	5	
Legal and regulatory framework	What actions the agency is empowered to do have been clearly described in a legal act								
	Legislation is compliant with related legislation such as international conventions/protocols.								
	There is a clear division of tasks between your agency and the other border agencies.								
	Acts defined as offences are clearly defined and corresponding penalties and jurisdiction have also been clearly stated in a legal act								
	The structure of the agency and its place in the government institutional framework, has been clearly outlined in a legal act								
	Exactly what tasks that staff at all different levels of the agency should perform are defined								
	Agency documentation is defined								
	Access and ownership of databases relevant to the work of the agency have been clearly described								
	How individual units/departments should cooperate and communicate has been clearly described, including monitoring thereof								
Institutional framework	The chain of command between the policy and operational levels has been formalised								

	All staff members understand their own and their unit's role and responsibilities within the agency								
	There exist monitoring mechanisms to ensure compliance and effectiveness								
	The agency has its own management strategy								
	The agency routinely monitors the implementation of policy								
	Decision-making powers are devolved within the agency								
Procedures	The agency has written standard operating procedures (SOPs) or similar internal instructions describing working procedures, work flow, etc.								
	All staff members have access to manual(s) that describe and provide guidance on all procedures in their area of responsibility								
	The written control procedures clearly describe the workflow at the BCP, including the types, frequency and methodology of the control procedures								
	There are clear instructions and objectives for risk analysis, including the procedure for sharing of RA results with other agencies								
	All staff are aware of contingency/emergency situation procedures and their role therein								
	The agency has a code of conduct (and ethics)								
	All staff know their individual responsibilities, as well as the procedure for disciplinary action in case of irregularities.								
	Disciplinary or corrective actions are taken by a unit specialised in external auditing								
	The persons/passengers/carriers crossing the border have easy access to information about their rights, obligations and procedures for crossing the border and the consequences of any breaches								
Human resources and training	The agency has a clear human resource policy (recruitment, training, deployment, performance evaluation, promotion policy, etc.)								

	The human resource policy is regularly evaluated and updated								
	The agency has a unit/department solely dedicated to human resource management								
	There are detailed job descriptions available for and accessible to all staff								
	The procedure for recruiting staff is objective and transparent and applied uniformly throughout the agency								
	The agency has its own training strategy								
	Staff are regularly trained and monitored on complying with the agency's code of conduct								
	The agency has its own training academy/centre								
	The agency has its own training curriculum								
	The agency has its own trainers								
	Trainers receive regular training (pedagogical and specialist courses)								
	Trainers have sufficient resources and skills to carry out their training								
	Staff training is both theoretical (classroom-based) and practical ('on-the-job')								
	Refresher and specialist training courses are available to all staff on a regular basis								
	Inter-departmental/unit training activities are held								
	Foreign language training is provided								
Communication and information exchange	The agency has operational instructions on information management, including the flow and exchange of information								
	The type of information that has to be gathered at the border and the methods for doing so have been clearly defined								
	Standardised forms and templates are used throughout the agency								
	The agency has an IT system								
	Authorised users have real-time access to information on relevant border activities								

	Information is exchanged through regular reports circulating upwards in the agency (vertical communication)								
	Instructions and information are regularly passed down through all levels of the agency (vertical communication)								
	Units at all levels in the agency have access to the right information when they need it								
	Regular (weekly/monthly) meetings, agreed in advance, take place within the same unit (staff/management) at the local, middle management and senior management levels (horizontal communication)								
	Regular (weekly/monthly) meetings, agreed in advance, take place between different units at all levels (horizontal communication)								
	Regular (weekly/monthly) meetings, agreed in advance, take place between the different levels of the agency (vertical communication)								
	Staff working in different units meet regularly for joint activities								
	Staff are sometimes exchanged between different units in order to improve their understanding of the other unit's function								
Infrastructure and equipment	All staff have uniforms and associated personal equipment								
	All locations have the basic furniture and office supplies needed to function properly								
	All locations have the basic equipment needed to carry our their tasks.								
	The agency owns/has regular access to a sufficient number of specialist equipment needed to carry out its tasks								
	There is a sufficient number of staff who know how to operate specialist equipment								
	The agency owns the infrastructure (buildings, roads) of the BCPs								
	In case the agency does not own the BCP infrastructure, the agency has an functioning agreement with the owner.								

	The infrastructure at all BCPs includes an adequate number of building(s) for the agency to conduct its work in								
	The infrastructure at all BCPs includes an adequate number of control lanes								
	The infrastructure at all BCPs includes secure interview room(s) and detention space								
	The infrastructure at all BCPs includes adequate facilities for asylum seekers								
	The infrastructure at all BCPs includes adequate communication equipment (e.g. phones)								
	The infrastructure at all BCPs includes secure facilities for seized goods								
	The infrastructure at all BCPs includes separate and adequate facilities for staff (accommodation, leisure room)								
	The agency has an investment plan for buying necessary equipment and/or developing necessary infrastructure								
	Baseline equipment and infrastructure standards for the agency have been formalised in a regulation								
Name:		**Exists**		**Appreciation** 1. Weak, 2. In development, 3. Medium, 4. Developed, 5.Excellent					**Comments, explanations and/or measures to be taken**
INTER-AGENCY COOPERATION		**yes**	**no**	1	2	3	4	5	
Legal and regulatory framework	Tasks, competencies and areas of responsibility of all border agencies are clarified in law.								
	There are no duplications, overlaps or loopholes between the above legislation.								
	Legislation at all levels is reviewed and revised to ensure harmonisation and compliance.								
	Your agency is empowered by law to cooperate with other actors.								
	Details of how and when inter-agency cooperation will occur is defined in legislation.								

	Your agency has formalised cooperation with other agencies through formal agreements or MoUs (Memorandums of Understanding).								
	National data protection law defines the standards which are to be applied for information collection, exchange and storage								
Institutional framework	There exists a centralised inter-agency working group which meets regularly.								
	Your agency meets regularly with the other border agencies at both the central and local levels.								
	Your agency coordinates with the other border agencies on upgrading or downgrading any BCPs								
Procedures	Your agency's workflow at the BCP has been synchronised with the other border control/inspection agencies.								
	Existing workflows are documented and assessed.								
	Procedures are in place for your agency to inform and be informed by other agencies of necessary information								
	The agency can delegate authorities to other agencies and be delegated to act on behalf of others.								
	Joint controls, such as the one-stop control and single-window concepts, or joint inland control, are practiced.								
	Joint operations are conducted, for example, at the border, in the border zone or inland through mobile units								
	Joint expert/specialist units exist.								
	Joint contingency plans exist which clearly define individual agency tasks and responsibilities.								
Human resources and training	Training Needs Analyses are regularly conducted.								
	Training on inter-agency cooperation takes place.								
	Joint training with other agencies takes place.								
	Staff are sometimes exchanged between different agencies in order to improve their understanding of the other agencies' functions.								

	Staff with certain skills (languages, IT etc.) are available for use by other agencies.								
	Trainers have a full and common understanding of integrated border management and transfer standardised knowledge.								
	Different agencies' trainers have common terms of reference and qualifications.								
	Shared training facilities are used.								
	Training curricula and material which are common to all agencies are used.								
Communication and information exchange	Your agency has a contact person(s) for information exchange with the other border agencies.								
	Your agency exchanges data with other border agencies on a regular basis								
	Non-routine/ad hoc information is exchanged promptly with the relevant border agencies.								
	Your agency shares one or more databases with other border agencies								
	Your agency's IT system is compatible with the IT systems of other agencies.								
	Your agency takes part in an early warning system with other border agencies (e.g. through contact points)								
	Your agency shares risk analysis, risk indicators and intelligence with other agencies								
Infrastructure and equipment	Priority BCP locations have been identified in cooperation with other agencies.								
	Facilities and infrastructure are shared with other agencies.								
	Equipment is shared with other agencies.								
	Joint procurement of facilities and equipment is used.								
Name:		**Exists**		**Appreciation**					**Comments, explanations and/or measures to be taken**
				1. Weak, 2. In development, 3. Medium, 4. Developed, 5.Excellent					
INTERNATIONAL COOPERATION		**yes**	**no**	1	2	3	4	5	
and regulatory frame	Delimitation and demarcation of national borders is clarified.								

	Readmission agreements exist with neighbouring and other relevant countries.								
	The basis for cooperation and communication exists in relevant legislation.								
	Legislation at all levels is reviewed and revised to ensure harmonisation and compliance.								
Institutional framework	Official border crossing points are adequately categorized with a neighbouring country (status of BCPs, prioritisation and related upgrading, as well as the coordination of opening hours)								
	Common contact offices or focal points exist (for example at strategically relevant BCPs)								
	Your agency has deployed (or is represented by) liaison officers to neighbouring/strategically important countries.								
	The agency is represented on a regional inter-agency working group which meets regularly.								
	The agency is a member/observer of relevant international organizations.								
Procedures	Operational procedures are harmonised with other relevant border agencies (in neighbouring countries).								
	There are joint controls, such as general border controls, patrols, searches, forensic examination, surveillance, operations etc.								
	Joint contingency plans exist.								
	Documentation required of and provided to those crossing the border are standardised with other states/international organisations.								
Human resources and training	IBM training for all levels of staff is conducted jointly with other agencies and other countries.								
	Training on specific international cooperation subjects (such as language, IBM, IT and international standards/procedures) is provided to staff.								
	Joint training with border agencies from other states occurs (including multi-agency/multi-national participants and/or trainers, and practical exercises).								

	Training standards and curricula are harmonised regionally.								
	The number of staff at BCPs is coordinated with the neighbouring country.								
Communication and information exchange	Regular meetings (agreed in advance), weekly/monthly, between representatives of border agencies from different countries are held at the central level.								
	Bilateral, regular meetings (agreed in advance) between representatives of border agencies from neighbouring countries are held at the local BCP level.								
	Your agency is involved in regional/international initiatives (conferences, meetings, seminars etc.)								
	The agency exchanges information with other relevant border agencies (in other states) on a regular basis and upon request								
	Information is used and analysed in cooperation with other relevant border agencies and other authorised bodies								
Infrastructure and equipment	Priority BCP locations have been identified in cooperation with other states.								
	Facilities and infrastructure are shared with other states (joint use)								
	Equipment is shared with relevant border agencies of other states.								
	Joint international procurement of facilities and equipment is used.								

Name:		**Exists**		**Appreciation**					**Comments, explanations and/or measures to be taken**
				1. Weak, 2. In development, 3. Medium, 4. Developed, 5.Excellent					
ANTI-CORRUPTION MEASURES		**yes**	**no**	1	2	3	4	5	
Legal and regulatory framework	Is corruption mentioned in the criminal law?								
	Is the sub-legal framework in place?								
	Is your country an UNCAC signatory?								

	Did your country sign and ratify any other international anti-corruption instrument?								
Institutional framework	Is there political will to fight corruption?								
	Do a national anti-corruption strategy and action plan exist?								
	Does an independent anti-corruption body with investigative powers exist in your country?								
	Is corruption acknowledged as negative for your agency?								
Procedures	Are officers of your agency required to handle money?								
	Is the need to prevent corruption reflected in your agency's procedures?								
	Is the 4-eye principle in place for financial procedures?								
	Is your agency audited on a regular basis?								
	Is every person with decision-making power controlled?								
	Are border checks carried out on a random basis or based on personal profiling?								
	Does a procedure exist on how to investigate corruption?								
	Are there transparent procurement procedures and are they followed?								
	Does your agency have a black list of companies which tried to bribe?								
Human resources and training	Is the problem of corruption reflected in the training curricula of your agency?								
	Does your agency have a code of conduct?								
	Do clear terms of reference for each position exist?								
	Is there a selection panel for the hiring of a person?								
	Are background checks carried out before somebody is hired?								
	Do applicants pay for being hired for a position?								
	Is the entrance level salary level for your service proportionate with actual living costs?								
	Are whistle-blowers from within your agency protected against retaliation?								
	Are sanctions in place for civil servants involved in corruption?								

	Are civil servants found corrupt banned from civil service for life?								
	Have any civil servants from your agency been brought to court and sentenced for alleged corruption?								
	Is there a regular turn-over of staff, to avoid corrupt networks from developing?								
	Is it legal for staff members of your agency to receive presents or invitations from clients?								
	Is there a maximum amount for presents staff members can receive from clients?								
	Is there more or less a gender balance among the staff of your agency?								
	Do staff members of your agency have to declare their assets and are these declarations verified? Does asset recovery exist?								
Communication and information exchange	Has your country moved up or down in recent years on the Corruption Perception Index of Transparency International?								
	Is the image of your agency predominantly positive or negative in the public mind?								
	Is the public well informed about the rights of your agents and the fees to be paid?								
	Do information brochures, signs, websites (in all national languages and English) exist, which inform the public about its rights and legal obligation not to bribe?								
	Does an ombudsperson for complaints against your service exist? Do people know about it?								
	Is it possible to lodge anonymous complaints against staff members of your agency?								
	Are your relations with the media on a positive footing?								

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