

Integrated Border Management in Ukraine

in the Context of EU Accession

Authors:
Pavlo Kravchuk
Yevheniia Hryhorieva

Expert:
Iryna Sushko,

Design:
Olha Kovalenko

Introduction.

Ukraine's accession to the EU: The border aspect

According to the Treaty of the European Union, any country in Europe can become an EU member state. For this, it must respect and promote democratic values while its citizens (and that of the EU and its member states) must support the aspirant's accession to the Union. It also needs to align with EU rules and standards¹ through the implementation and adaptation of a wide array of norms, divided into 35 chapters of the *acquis*².

In 2022, Ukraine became an EU candidate state. On Nov.8th, 2023 the European Commission (EC) recommended that the Union commence accession negotiations with Ukraine. This means that the country will eventually join the European system of security and border management. Accordingly, its borders will become EU's external and internal borders.

To complete this process, Ukraine must align its system of Integrated Border Management (IBM) with that of the EU. It should also adapt it to the unique challenges with responses outside of the EU regulation's scope.

Membership negotiations with Ukraine that are likely to begin shortly, as well as the EC reports on the candidate countries' progress are based on the *acquis* chapters. IBM is fully covered by

Chapter 24

Freedom, Justice
and Security

Meanwhile, the following chapters partially heed the matter:

Chapter 29

Customs Union

Chapter 22

Regional Politics and
Coordination of Structural
Investments

Chapter 14

Transport

Chapter 23

Judicial System and
Fundamental Rights

Chapter 21

Trans-European
Transport Network (TENs)

For the EC, **Chapter 24. Freedom, Justice and Security** serves as fundamental when assessing the country's readiness to begin negotiations. It encompasses 16 pages, i.e. 10% of the total report's volume; two of those pages are IBM-focused.

This part of the report both directly and indirectly suggests that Ukraine lacks 11 elements of IBM's effective implementation as well as alignment of border policies with the EU³:

- ① Better monitoring of the new IBM Action Plan's* implementation using specific and measurable indicators
- ② The Schengen accession plan (The Schengen plan)
- ③ Advance Passenger Information (API) regulation
- ④ Enhancing IBM actors' capacity at the checkpoints (personnel and equipment/ the infrastructure), including technical means for spotting weapons and people in large transportation
- ⑤ Improving monitoring at the border
- ⑥ Further alignment of the State Border Guard of Ukraine's (SBGU) training programs with FRONTEX's
- ⑦ Creating an interagency cooperation centre
- ⑧ Expanding the network of checkpoints with access to Interpol's database of stolen and lost documents, as well as hijacked cars
- ⑨ Concluding joint control agreements with neighbouring countries
- ⑩ Strengthening corruption combat and corruption prevention in the SBGU and the Customs
- ⑪ Introducing criminal liability for goods smuggling

The report especially heeds points 1 and 11 mentioned in the Chapter's abstract. Most of the recommendations are encompassed by the current Ukraine's IBM Strategy until 2025 and the Action Plan for 2023-2025. Some of them have been at least partially implemented – though the implementation of declared steps requires additional analysis (see Chapter III).

Besides, the EC's IBM-related position and recommendations on the country's EU membership progress also need to be analysed and reviewed in terms of whether they correspond to the EU's IBM policies and practices.

To identify the steps necessary to further align Ukraine the IBM to the fullest, the following must be analysed:

- The correlation between the Strategy, the Action Plan, the EC's recommendations from the first enlargement package Report dated Nov. 8th, 2023 and strategic EU documents
- The Action Plan's technical feasibility

This will enable us to answer these questions:

- ? Does the Strategy and the Action Plan contain goals aimed at fulfilling all EC's recommendations in the IBM domain?
- ? Are there any additional strategic goals and objectives that were not included in the current strategic documents or the EC's report?
- ? Is Ukraine able to achieve the IBM Strategy and Action Plan's goals and objectives?

* Abbreviations for frequently mentioned documents:

IBM Strategy - Strategy for Integrated border management till 2025

IBM Action Plan - Action Plan for 2023-2025 on implementing the Strategy for Integrated border management till 2025

EU Action Plan - Action Plan on implementing European Commission's recommendations on the way to launching negotiations on EU membership

Chapter 1.

IBM Strategy in Ukraine and the EU: Alignment and Adaptation Challenges

European approach to IBM strategy entails four components:

- ① Development of a multiannual risk-based European IBM Strategy
- ② Development of a Technical and Operational Strategy for European Integrated Border Management (FRONTEX)
- ③ Adoption of national IBM strategies by the member states
- ④ EC's meticulous analysis of IBM's multiannual strategy four years after the adoption, analysing results to develop subsequent strategies⁴

The European IBM approach also envisions 'integrated planning' at the EU member states level. This requires:

- 1) Border management operational plans
- 2) Contingency plans
- 3) Capacity development plans⁵

EU's IBM system is pillared by 15 components. All strategies, both high and low level, must be structured in accordance with them. Besides, national strategies of EU member states must include the Schengen acquis and the results of the 2019-2020 Schengen assessment. Each national strategy must be complemented with an action plan.

The EC approved the current multi-annual IBM strategy in 2023. It will remain in effect until 2027. FRONTEX's technical and operational strategy likewise falls within this timeframe. Accordingly in 2024, all member states must present their national strategies and action plans.

Ukraine's IBM strategy until 2025 was adopted in 2019 when EU had not yet started implementing its new multi-annual IBM Strategy based on 5 year policy cycle⁶. Now that Ukraine is an EU candidate country, its strategic political cycle in the IBM domain **must be synchronised with the EU's corresponding cycles**. This will facilitate IBM

integration and assessment of results.

To do this, the Strategy can **be reviewed, updated and extended until 2027**, which would also entail the adoption of an 2026-2027 Action Plan. In 2027, a new strategy and action plan can be adopted, which would include Ukraine's experience alongside the results of the EC's self-monitoring. Such an update is all the more necessary as the current Ukraine's IBM Strategy contains provisions that are no longer applicable due to Russia's full-scale invasion.

For example, those pertaining to Russian-occupied territories of Ukraine, such as the administrative line with the temporarily occupied Crimea, as well as the size of the water and land border that were not under Ukraine's control.

There are other reasons why. The current Strategy is partially outdated due to Ukraine's EU candidate status and the corresponding changes in strategic approaches to European integration.

It focuses on the need to foster Ukraine's eurointegration path and the Ukraine-EU Association Agreement's implementation. Accordingly, an update is necessary, **pivoting the Strategy towards the necessary level of readiness to manage external and internal EU borders following Ukraine accession to the Union and its subsequent accession to the Schengen zone.**

At the moment, the Strategy is referring to the now-defunct Technical and Operational IBM strategy of Frontex adopted in 2019. It also encompasses 11 out of 15 European IBM principles. Indeed, some of them are applicable to the EU exclusively and may seem superfluous for a non-EU member state like Ukraine. Such as cooperation between member states and the EU. Still, all 15 principles should be integrated into Ukraine's IBM strategy with goals and objectives updated where necessary.

Chapter II.

Assessment of EC's IBM recommendations' fulfilment

The current Strategy and Action Plan cover most of the 11 recommendations highlighted by the EC. Some of them have been at least partially implemented

1

Better monitoring of the IBM strategy new Action Plan's implementation using specific and measurable indicators

This is a pivotal recommendation. It is also one of the two objectives included in the Action Plan for implementing EC's recommendations adopted by the Ukrainian government on Feb. 9th, 2024⁷. IBM Strategy's Goal 9 "The introduction of an assessment system that defines the real state of the IBM Strategy's objectives implementation" also features it.

However, the 2023-2025 Action Plan indicators used to measure the attainment of goals and objectives are questionable. EWB's research shows that they do not reflect the Results-Based Management (RBM) approach. Baseline indicators are also missing alongside bodies with primary responsibility for heading up certain tasks.

We will discuss the matter in greater detail in Chapter III.

2

**The Schengen accession plan
(The Schengen plan)**

In its report, the EC does not demand that Ukraine develop it at its current integration stage. Though Ukraine's IBM Action Plan contains this line "working on the Schengen acquis implementation proposals", the abstract formulation and narrow context (it is mentioned as part of the goal to optimise control procedures) preclude it from being viewed as part of the Schengen plan. Furthermore, neither the Ukrainian public nor the authorities currently heed the matter. It is deemed a non-priority compared to EU's accession – even though Schengen legislation is an EU essential and is closely entangled with IBM matters.

By developing and implementing a Schengen plan, as well as including it into the IBM strategy and Action Plan for implementing EC's recommendations, Ukraine could facilitate the completion of Strategy's goals and prepare itself for EU membership.

3

Advance Passenger Information (API) regulation

Objective 3, Goal 1 of Ukraine's IBM Strategy are focused on API regulation. The Action Plan envisions the submission of a bill on normative regulation of API processing as part of Objective 3 (APIS - Application Programming Interface Service та PNR - Passenger Name Record).

However, there are obstacles.

In February 2023, the Ukrainian authorities adopted a law on the change to the Criminal Code of Ukraine (it was signed into law by the President on April 21st, 2023). It introduces such terms as Advance Passenger Information (API) and Passenger Name Record (PNR).

As per it, it must contain the following type of information: type, number, the country of issuance and the expiry date of every document that serves as an ID, citizenship, surname, name, sex, flight number, departure date, arrival date, arrival airport, departure time, arrival time.

Meanwhile, the Action Plan adopted by the Cabinet Ministries in March 2023, includes the need to develop a governmental bill on the creation of API/PNR⁸ (even though the relevant law had already been adopted by the Verkhovna Rada by then).

The law also stresses that the Cabinet of Ministers must within three months align its normative acts with it. This was never done.

Meanwhile, the Air Code of Ukraine's article 70 contains a norm, - effective since 2012 - according to which in order to expedite the customs and border formalities, air carriers and airports must send advance passenger information to the border control and customs. Besides, the previous version of the abovementioned 2997-IX bill⁹ identified the Security Service of Ukraine's Anti-terrorist centre as the API's recipient - a circumstance that was never included in the text's final version. At the same time, the Ministry of Internal Affairs as well as the SBGU's Administration are put in charge of this, as per the IBM Action Plan.

This combination of factors suggests that IBM actors are at odds as to who should be in charge of API and PNR data procession and keeping. This, in turn, obstructs the system's implementation.

To solve this problem, IBM actors and high-level legislative and executive authorities must foster a unified approach. The mere inclusion of this matter into the IBM Strategy and Action plan may be insufficient in order to complete this task on time and in a proper manner. It would be appropriate to add it as a separate point to the EU Action Plan and to assess it in the EC's subsequent reports accordingly.

4

Enhancing IBM actors' capacity at the checkpoints (personnel and equipment/the infrastructure), including technical means for spotting weapons and people in large transportation

This point is featured in the Strategy's Goal 1, Objective 2, "Updating technical means of control usage checkpoints." As well as Objectives 5 and 6 pertaining to staff

management and training.

The current Action Plan envisions the purchase of 10 mobile scanning systems, diagnosis and repair 11 mobile scanning systems. As well as the purchase of a server for scanned images.

Personnel-wise, the Action Plan contains measures to build up human rights training, update educational programs, adapting the SBGU's education, introduce an e-system and e-learning at the national Customs. Also, it aims to devise a method for personnel planning at the Customs, automate personnel management, and more.

Meanwhile, the Strategy and the Action Plan lack indicators for attaining goals pertaining to capacity building, which would correspond to EU's vision of security at the Ukrainian border. For example, purchasing scanning systems for 100% of the checkpoints.

5 Improving border monitoring

This point corresponds to the Strategy's Goals 2 and 3. The Action Plan contains a large number of measures related to surveillance and monitoring. For 2023, it envisioned the creation of 187 units to combat the illegal use of unmanned aerial vehicles (UAVs), providing the SBGU with photo traps and systems that use seismic sensors for swift deployment to protect local areas, two video surveillances and signal systems at the Russian and Belarusian border. As well as receiving the means to combat UAVs, purchasing them, receiving boats and helicopters, and deploying a network of ultra-short-wave radio repeaters along the border.

6 Further alignment of the State Border Guard of Ukraine's (SBGU) training programs with FRONTEX's

The Action Plan envisions the adoption of the CCC basic - Core Curriculum for the basic training of border guards patrolling water and land borders – by the SBGU's educational institutions.

7 Creating a centre for interagency cooperation

Goal 5, Objective 1 of the Action Plan envisions the creation of an IBM coordination centre.

As of Feb.2024, the Cabinet of Ministers received a bill on the Resolution to Establish and Regulate the functioning of the Coordination Centre for Integrated Border Management. It must be an advisory body alongside the Cabinet in charge of information exchange, coordination, communication, and risk analysis. It can also fulfill selected tasks stemming from IBM implementation monitoring.

The coordination centre will function on the basis of the Ministry of Internal Affairs' situation centre. The personnel is to be chosen by the SBGU's Administration.

8

Expanding the network of checkpoints with access to Interpol's database of stolen and lost documents, as well as hijacked cars

Goal 7 of the Strategy has an objective of "continued international cooperation with law enforcement and organisations like Interpol Europol and Eurojust".

The Plan contains measures aimed at reviewing proposals to join three European Union databases: SIS — Schengen Information System, VIS — Visa Information System, EURODAC— European Asylum Dactyloscopy Database. Though it does not feature steps for joining Interpol databases.

Previously, it was announced that all checkpoints were connected to the Interpol databases as part of the Visa Liberalization Action Plan's implementation. The SBGU also informed EWB that as of 2024, all checkpoints at the Ukraine border have been connected to three Interpol databases, searching for persons, documents, and vehicles. Accordingly, the inclusion of this point in the EC report may be erroneous.

9

Conclusion of joint control agreements with the neighbouring countries

The IBM Strategy's Goal 1 and Goal 6 provide for the regulatory aspect of joint control with Poland, Hungary, Romania, Slovakia and Moldova. According to the plan, the signing of the Agreements is scheduled for 2025. In 2023, the SBGU reported significant progress in the preparation of the updated Agreement with Poland.

It is noteworthy that EU strategic documents do not stress joint control per se. They choose to heed cooperation with third countries in the field of joint operations, information exchange and joint risk analysis. For example, this is the case with goal E "Achieve effective cooperation with third countries" of the FRONTEX Technical and Operational Strategy for 2023-2027.

Accordingly, this is a somewhat Ukraine-specific feature.

10

Strengthening corruption combat and corruption prevention in the SBGU and the Customs

The Strategy lists the IBM actors' unpreparedness to counter corruption among the key challenges. In response, the Action Plan foresees a '100% implementation' of interagency anti-corruption programs.

This is a rather abstract indicator. Besides, a recent EWB study showed that after Feb.24, 2022, customs and border control have become the most corrupt governmental domains, according to public perception¹⁰. Both the Strategy and the Action Plan require a greater detailing of anti-corruption goals and objectives. This can be done through further digitization of border-related processes and public monitoring of anti-corruption programs' implementation.

Goal 7 of the Strategy states the need to "introduce criminal liability for the illegal movement of goods across the state border of Ukraine". According to the Plan, the corresponding bill should be submitted to the Verkhovna Rada in 2024.

This task has been partially completed; the final touches will be made shortly. In December 2023, the Verkhovna Rada voted in support of this bill (3513-IX). Signed into law by the President on Dec.28, 2023, it entered into force on Jan.1, 2024, with the exception of Article 201-3 of the Criminal Code, which establishes criminal liability for smuggling of a wide range of goods. It will enter into force on July 1, 2024.

Ukrainian business associations reacted well to the law's proposal to raise the threshold for criminal liability and the need to prove criminal intent.¹¹

Meanwhile, it is also necessary to consider the EC's call to ensure that the law's violators are held accountable receiving valid sentences and being imprisoned. It is included in the EU Action Plan.

The fact that a clause on the need to penalise smuggling is mentioned in the new IBM Action Plan without specific implementation tasks, requires change.

Chapter III.

Analysing indicators of the Action Plan's implementation

In July 2023, Ukraine's IBM Strategy was updated to reflect Russia's full-scale war against Ukraine and Ukraine's EU candidate status.

According to Chapter 24 "Justice, Freedom and Security" of the EC's Report on Ukraine within the framework of the EU Enlargement Package dated Nov. 8, 2023, next year Ukraine should implement a revised IBM Strategy. It must also ensure that Strategy's Action Plan contains indicators that would enable the proper assessment of its implementation. The EC states that the Action Plan's implementation needs better monitoring, **as well as quantitative and specific indicators to measure progress.**

This **is the first time European integration documents stated this requirement so explicitly.** Notably, such requirements were absent in the EC's Interim Conclusion on Ukraine's application for EU membership dated Feb. 1, 2023.

The new Action Plan for the 2023-2025 Strategy was approved on Dec. 27, 2023. It thus makes sense for it to consider the EC's latest requirements. Its main author, the SBGU, stated that this plan would help reduce queues at the border and expedite the movement of goods, ensure a comprehensive and effective response to challenges in the field of border security and cross-border activities.

The plan also reportedly factors in new tasks related to **Ukraine's EU integration.** They include the introduction of EU control procedures standards, joint control a.k.a one-stop-shop principles at the Ukraine-EU border. As well as technical modernization of checkpoints digitization and automation of processes.

EWB experts tried to analyse whether the current Action Plan takes into account the EC's latest recommendations and has result-oriented indicators to ensure its implementation. Also, what the authorities in charge can do to improve the plan.

Indicators

At the end of 2021, the International Center for the Development of Migration Policy (ICMPD), which is part of the Inter-Agency IBM Working Group, initiated strategic sessions as part of the project "EU Support in Strengthening Integrated Border Management in Ukraine" (EU4IBM).

Their goal was to develop an IBM Action plan for 2023-2025 with specific indicators (see Appendix 1) based on the RBM approach (Results-Based Management), the leading methodology in the planning and monitoring of public policies in many developed countries. It is used by many international organisations and agencies, including the UN, USAID, and the World Bank.

It shifts the focus from daily activities and measures to specific results.

The indicators devised as a result of these strategic sessions were supposed to be used to gauge the attainment of strategic goals. They were also to be included into the Action Plan, becoming the baseline against which progress would be measured by both border stakeholders and beneficiaries.

On Feb. 8, 2022, the Action Plan for 2023-2025, developed by the Cabinet of Minister's Secretariat, IBM stakeholders, international partners and independent experts was submitted for approval to the corresponding ministries and agencies. However, **the developed indicators were not included in the document as they were non-obligatory.**

Following Russia's full-scale invasion, the development of these documents was suspended.

Quality control

The SBGU's Administration is in charge of the Action Plan's monitoring and evaluation. Together with other IBM actors, it prepares the annual reports, proposing measures to enhance IBM strategy implementation.

According to the Action Plan for 2020-2022, in 2021, the SBGU's priority task was to form a working group to develop a national methodology to assess the quality of IBM tasks and create a national catalogue of quality assessment.

This working group was supposed to include the Ministry of Internal Affairs, the State Customs Service, the State Migration Service, the Ministry of Foreign Affairs, the Ministry of Finance and the National Police. By the end of 2022, these authorities were expected to approve the methodology and conduct training for quality control experts. As well as develop provisions on how to evaluate the control procedures time and train experts on the subject.

The Administration of the SBGU formed this working group on April 1, 2021 based on its order No. 70. Together with the experts of the EU4IBM project and other relevant national executive authorities, a draft national methodology was prepared to assess the quality of the IBM tasks implementation. Particularly, the Catalogue used to assess the quality of IBM tasks performance. (see Appendix 2). It was approved by the Cabinet's Resolution dated June 13, 2023.

According to the methodology, the evaluation is primarily used to determine the task's completion using specific indicators, the impact of measures used to achieve strategic goals, the effectiveness of the means, etc. And to provide recommendations for their improvement.

However, in the 2020-2022 Action Plan's results report, presented to the interagency IBM coordination working group in August 2023, this method had not been taken into account.

On Feb. 10, 2024, the Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine approved the temporary working group's members whose task is to assess the quality of IBM tasks implementation.

Analysing target indicators

The 2023-2025 IBM Strategy's Action Plan contains 9 strategic goals, 29 tasks, 84 sub-tasks, 130 measures and 141 performance indicators.

They can be broken down into the following groups:



Quantitative indicators

This group features indicators in absolute and relative terms. It is the most concrete group and thus the most measurable too. Though it's not always clear what the quantity pertains to (pilot projects or types of transport, the quantity of control systems or checkpoints etcetera) and why exactly this type of percentage completion is used.

Example 1. Action Plan's objectives using quantitative indicators

Objective	Action	Performance indicator	Indicators' value			
			Total	Particularly		
				2023	2024	2025
Strategic goal 1. Optimising control procedures at the state border of Ukraine, ensuring an adequate level of security						
Objective 3. Implementation of modern IT solutions during control procedures, namely:						
Ensuring the operation of software and analytical modules of information processing	1) minimization of the influence of the human factor and automation of customs formalities	increased the share of customs declarations issued with automatic execution of customs declarations in the total number of issued customs declarations, percentages	6	1,5	2	2,5
Installing modern automatic biometric control systems	3) installation of modern systems of automatic biometric control (e-Gate type) in PP for air traffic	deployed biometric control systems in checkpoints for air traffic	3	1	1	1
Objective 4. Promotion of cross-border cooperation, namely:						
Implementing a number of pilot projects on e-queues at checkpoints	7) implementation of pilot projects on the organization of queue management in front of international checkpoints for road traffic "Electronic border crossing queue"	Enabling the crossing of the state border of Ukraine in the checkpoints for automobile communication of electronic systems for managing motor vehicle queues	3	1	1	1
Strategic goal 5. Implementation of an effective mechanism for coordinating the activities of IAC subjects to ensure their cooperation						
Objective 5. Restoration and creation of an effective system of guarding and protecting the state border of Ukraine in the de-occupied territory, namely:						
Unified training program of the European Border and Coast Guard Agency (FRONTEX), EU recommendations (TAXUD — Taxation and Customs Union) and the World Customs Organization	3) adaptation of the SBGU's educational processes for of employees of border agencies and coast guards of EU member states at the relevant institutions to the provisions of the Unified Basic Training Program (CCC basic — Core Curriculum for the basic training of border guards)	The educational process is adapted, percentage		70	80	95

This group also features such indicators as receipt of equipment (purchased, acquired, equipped, received, installed, put into operation). Yet, it is not clear whether in the case of the indicators' fulfillment the equipment is received/installed/acquired/purchased, put into operation or not, and whether its functioning is ensured. The difference between "acquired" and "purchased" indicators is likewise rather vague.

⦿ Indicators of documents conclusion

This group contains indicators such as "a contract/memorandum/agreement was signed, an order/joint order was issued, a protocol was signed." Though it is concrete and measurable, in some parts it is unclear with which of the stakeholders and when exactly the documents should be signed.

Example 2. Action Plan's Objective with the indicator documents conclusion

Task	Action	Performance indicator	Indicators value			
			Total	Particularly		
				2023	2024	2025
Strategic goal 5. Implementation of an effective mechanism for coordinating the activities of the IAC subjects to ensure their cooperation						
Objective 2. Improving the interagency IT data exchange. Particularly:						
Ensuring the interoperability of systems and working out interaction regulations to provide access to resources within the scope of IBM actors' powers	3) development of applied software interfaces and elaboration of agreements (protocols) on electronic information interaction between IBM actors	provided informational interaction between the IBM actors	-	Agreements concluded	Agreements concluded	Agreements concluded

⦿ Indicators of normative legal act's development

This group contains the indicators "CMU resolution/order was adopted, the draft law was submitted to the Verkhovna Rada, support of the draft law in the Verkhovna Rada before its adoption, the draft contract was sent for approval", etc. Here, the difference in approaches raises questions. This is because in one case the goal is the adoption of a normative legal act while in the other it is support or submission only.

⦿ IT system-related indicators

The group contains the indicators "functioning of NCTS P5, access to DB/AS/IS, operation of the central image database ensured, IT platform created, information transfer ensured, licences obtained", etc. The indicators of this group are specific and measurable. But due to the difference in wording, it is not clear, for example, whether the creation of a platform entails its launch and operation.

⦿ Indicators pertaining to the organisation or planning of events

The group includes the indicators "training/training were conducted, events/meetings were participated in, events were held", etc. They are specific and measurable.

⦿ Indicators of document processing

The group covers the indicators "report processed, proposals processed, report prepared." The question is raised by the difference in wording "worked out" and "prepared", as well as which of the meanings indicates the result of execution, not just the process.

⦿ Activity planning indicators

This includes the indicators "plans clarified, work plan approved". They are clear and measurable.

⦿ Other indicators

This group includes indicators that are not featured in other groups, such as "the centre is established, the division is functioning, the pilot project is implemented, reconstruction (construction) objects are put into operation," etc. Indicators are specific and result-oriented.

At a glance, most of the target performance indicators of the plan are quantitative and quite specific. Yet, once examined more closely, it becomes clear that because of the diverse and confused wording, the specific results that their implementation will lead to, are often unclear, or the indicator is inconsistent with the task.

Example 3. Action plan's objectives with contradictory indicators

Task	Action	Performance indicator	Indicators value			
			Total	Particularly		
				2023	2024	2025
Strategic goal 2. Rapid response to the legal violations at the state border of Ukraine outside of the checkpoints						
Objective 2. Creating an effective cooperation mechanism to ensure security at the state border of Ukraine outside of the checkpoints. Particularly:						
Ensuring prompt info exchange	2) Detailing the info exchange mechanism among IBM actors	a meeting of the virtual contact analytical centre on issues of data exchange between IBM actors was held	6	2	2	2

Here it is not entirely clear whether the meetings will lead to information exchange. The indicator is focused on the process, not the result.

Other shortcomings

In addition to the terminology confusion and indicator ambiguity, EWB experts have identified the following shortcomings:

⦿ Lack of top level indicators of progress (on the level of Goals)

This is the plan's main gap. The plan does not measure whether the plan's actions will ultimately improve the effectiveness of border management for both stakeholders and beneficiaries of the border. The national methodology of quality control for the IBM performance of tasks, including the quality assessment catalogue, does not answer these questions.

⦿ Lack of baseline values

Baseline values are essential for quantitative indicators, with the progress being measured against them. The lack of these indicators precludes actors from understanding whether any change occurred.

Example 4. Action Plan's tasks that lack base values

Task	Action	Performance indicator	Indicators value			
			Total	Particularly		
				2023	2024	2025
Strategic goal 5. Introducing an effective coordination mechanism for IBM actors to ensure their cooperation						
Objective 2. Creating an effective cooperation mechanism to ensure the security of Ukraine's state border outside of the checkpoints. Particularly						
Development of an integrated system of automated management of borders and migration processes and an integrated system of biometric information about a person, their identification and verification as functional subsystems of a unified information system of the Ministry of Internal Affairs	4) modernization of the national system of biometric verification and identification of citizens of Ukraine, foreigners and stateless persons	the number of licenses for the right to store and process biometric data has been increased		Licenses obtained		Licenses obtained
Objective 6. Increasing personnel management effectiveness. Particularly						
Ensuring the appropriate level of units' staffing and motivating staff	4) the development of additional measures to reduce the turnover of SBGU personnel	Employee turnover indicator, in percent		17	12	7
	5) development of additional measures to motivate the SBGU staff	Employee engagement, in percent		No less than 30	No less than 40	No less than 50

⊕ The body in charge isn't identified

The Action Plan does not explicitly identify the governmental body in charge of the activity's implementation. As a result, by default the first governmental body mentioned in the list attached to the Action Plan is considered to be the one.

However, in the report on 2020-2022 Action Plan's implementation a governmental body responsible for the incomplete tasks is mentioned.

⊕ In many cases activities are planned for longer than one year

The RBM design calls for all actions to be detailed time-wise. As a rule, they should not exceed the timeframe of one year. Preferably, a specific month should be added.

Conclusions and recommendations

In total 10 out of 11 recommendations on IBM policies derived from the EC enlargement report were included in Ukraine's 2023-2025 IBM Strategy and Action Plan. Development and implementation of Ukraine's Schengen plan is the only recommendation that is not part of any strategic document.

Meanwhile, only two recommendations have been included in the EU Action Plan.

The levels of implementation of each of the 10 abovementioned recommendations substantially differ. Some have been fully implemented while others – only partially. The normative part of recommendation 11 pertaining to the introduction of criminal liability for goods smuggling is almost fully completed. Though its practical implementation requires the adjustment of the relevant task of the IBM Action Plan.

Meanwhile, EC's claim that certain checkpoints in Ukraine do not have access to the Interpol database contradicts the SBGU's reports.

To implement API tasks, it is necessary to heed different complexities and resolve contradictions among IBM actors and national legislative and executive authorities.

Considering the importance of border management and the Schengen policies for the EU, both EC's monitoring methodology and Ukraine's eurointegration agenda (EU Action Plan) require improvement.

Ukraine and EU's agenda in the IBM domain must include the following:

- Synchronising Ukraine's IBM policy cycle with the EU's. This includes data exchange on Strategy's implementation at the end of the cycle
- Including the targets indicating readiness to manage external and internal borders of the EU following Ukraine's accession and its preparation to join the Schengen area. Adding these points to the Ukraine-EU negotiations agenda
- Including all 15 principles of EIBM into Ukraine's IBM strategy
- Including integrated planning principles into Ukraine's IBM Strategy

It is recommended that all these issues are listed as EC recommendations regarding Ukraine's EU accession progress. Specifically, into Chapter 24, subsection "Schengen and External Borders".

The implementation of Recommendation 1 "Better monitoring, as well as quantitative and concrete indicators to measure the progress of Ukraine's IBM Action Plan implementation" must be heeded by the Ukrainian authorities.

The analysis of the IBM's Action Plan for 2023-2025 showed that it does not factor in the EC's recommendations dated Nov. 8, 2023, and contains many controversial performance indicators. Accordingly, the effectiveness of the National methodology for quality control of IBM's task performance, which will be based on the indicators currently specified in the plan, is questionable.

The IBM Action Plan's shortcomings and inconsistencies include the lack of top level indicators, baseline values, and explicit definition of those in charge of performing the tasks. There is also terminology ambiguity and focus on the process rather than the result.

It is therefore necessary to review the approaches to IBM plan development and make the following adjustments to the current and subsequent plans:

- including top level indicators of IBM's impact developed in 2021 in the next Action Plan (if possible, in the current Action Plan too). If necessary, another discussion featuring IBM stakeholders should be held within the meeting of Inter-Agency Working Group or meeting of the temporary working group on the assessment of quality of IBM's performance
- unifying the terminology used to define the performance indicators;
- removing or thoroughly reformulating indicators related to processes; the focus should be exclusively on the result;
- devising the baseline values at least for the plan's quantitative indicators
- for all quantitative indicators, it is necessary to specify units of measure

No	Strategic goals	Impact indicators	Measured in	Baseline value (2022)	Target (2025)
1	Optimizing control procedures at the state border of Ukraine while ensuring security	1. Trade facilitation: reducing time for passing all control formalities	Duration (minutes)	X	Y
		2. Customer satisfaction: level of satisfaction of persons crossing the border	[%]	X	Y
		3. Border control effectiveness: increasing the probability of violation detection	[%]	X	Y
2	Swift reaction to legal violations at the state border outside the checkpoints	1.Increasing the effectiveness of control at the land border: reducing response time (limit)	Duration (minutes)	X	Y
3.	Controlling the situation at sea, ensuring swift reaction	1.Increasing the coverage of territorial waters by means of surveillance (no "black holes")	[miles, %]	X	Y
		2. Reducing response time (rescue and/or search operations)	Duration (minutes)	X	Y
4.	Selective control based on risk analysis and assessment to reduce threats at the border	1.Increasing the number of detected offenses using risk profiles	[%]	X	Y
		2. Increasing the ratio of the number of automated to non-automated risk profiles	[%]	X	Y
5.	Introducing a mechanism for coordinating the activities of IBM actors, which ensures their effective cooperation	1.Decreasing response time to incidents that require joint operations	Duration (minutes)	X	Y
		2.Increasing the level of trust between the subjects of the IAC	[%]	X	Y

6.	Introducing an effective international cooperation mechanism for IBM development	1.Increasing the number of interagency agreements between border/customs authorities of Ukraine and relevant authorities of foreign countries (neighbouring countries, the EU, third parties)	[Number]	X	Y
		2.Increasing the number of joint checkpoints (primarily on the territory of Ukraine) with the EU	[Number]	X	Y
7.	Ensuring law enforcement agencies' effective countermeasures against cross-border crime	1. Increase in revenues to the state budget	[%]	X	Y
		2. Increasing the coefficient of responsibility for committed crimes [convicted/identified]	[%]	X	Y
		3.Increasing the corruption perception index	[Place]	X	Y
8.	Identifying illegal migrants and their return to their countries of origin	1. Expediting procedures	Duration (minutes)	X	Y
		2.Reducing the time between detection of illegal migrants and their return to the country of origin	Duration (minutes)	X	Y
		3. Reducing the number of violations of illegal migrants' human rights	[Number]	X	Y

Appendix 2. IBM task implementation:
Quality assessment catalogue

Strategic goal	Strategic goal's attainment progress		
	Fully attained	Partially attained	Unattained
1. Optimizing control procedures at the state border of Ukraine while ensuring security.	5 points	4 points	0 to 3 points
2. Swift reaction to legal violations at the state border outside the checkpoints	5 points	4 points	0 to 3 points
3. Controlling the situation at sea, ensuring swift reaction	5 points	4 points	0 to 3 points
4. Selective control based on risk analysis and assessment to reduce threats at the border	5 points	4 points	0 to 3 points
5. Introducing a mechanism for coordinating the activities of IBM actors, which ensures their effective cooperation	5 points	4 points	0 to 3 points
6. Introducing an effective international cooperation mechanism for IBM development	5 points	4 points	0 to 3 points
7. Ensuring law enforcement agencies' effective countermeasures against cross-border crime	5 points	4 points	0 to 3 points
8. Identifying illegal migrants and their return to their countries of origin	5 points	4 points	0 to 3 points
9. Introducing an evaluation system that determines the real state of implementation of tasks of integrated border management.	5 points	4 points	0 to 3 points

Кінцеві виноски

- 1 [Conditions for membership - European Commission](#)
- 2 [Chapters of the acquis - European Commission](#)
- 3 The list is derived from the report's analysis.
- 4 [COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL establishing the multiannual strategic policy for European integrated border management COM/2023/146 final](#)
- 5 [Regulation \(EU\) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard](#)
- 6 [Policy Document Developing a Multiannual Strategic Policy for European Integrated Border Management in Accordance with Article 8\(4\) of Regulation \(EU\) 2019/1896. 2022](#)
- 7 [Action plan for the implementation of the recommendations of the European Commission, presented in the Report on the progress of Ukraine within the framework of the 2023 European Union Enlargement Package](#)
- 8 [Cabinet of Ministers of Ukraine - On the approval of the plan of priority actions of the Government for 2023](#)
- 9 ["On the approval of the Procedure for submission by air carriers or persons authorised by them of preliminary information about passengers, import and transit cargo transported by aircraft, to state border protection authorities and customs authorities." Official website of the Parliament of Ukraine](#)
- 10 [Analytical brief «Do digital solutions enhance transparency and prevent corruption at the border»](#)
- 11 [The EBA is grateful for considering the proposals in the law on the criminalization of smuggling and hopes to get acquainted with the full version of the adopted document in the near future. European Business Association.](#)