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ANNEX IV

to the Commission Implementing Decision on the 2023 annual action plan for the global threats part of the thematic programme on peace, stability and conflict prevention

Action Document for Critical Infrastructure Protection

ANNUAL PLAN

This document constitutes the annual work programme within the meaning of Article 110(2) of the Financial Regulation, within the meaning of Article 23 of the NDICI-Global Europe Regulation.

1 SYNOPSIS

1.1 Action Summary Table

1. Title CRIS/OPSYS business reference Basic Act	Critical Infrastructure Protection OPSYS/CRIS ¹ number: ACT-61668 Financed under the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-Global Europe) Regulation			
2. Team Europe Initiative	No			
3. Zone benefiting from the action	The action shall be carried out worldwide.			
4. Programming document	Peace, Stability and Conflict Prevention Thematic Programme 2021 – 2027			
5. Link with relevant MIP(s) objectives / expected results	Area of intervention: Global, trans-regional and emerging threats Priority 7 – Critical Infrastructure Protection			
PRIORITY AREAS AND SECTOR INFORMATION				
6. Priority Area(s), sectors	Global, trans-regional and emerging threats 152 - Conflict, Peace & Security			
7. Sustainable Development Goals (SDGs)	Main SDG: 16 (Promote Peace and end violence) Other significant SDGs: 5 (Achieve gender equality and empower all women and girls)			
8 a) DAC code(s)	15210 – Security system management and reform - 100 %			
8 b) Main Delivery Channel	PUBLIC SECTOR INSTITUTIONS – 10000			
9. Targets	<input type="checkbox"/> Migration <input type="checkbox"/> Climate <input type="checkbox"/> Social inclusion and Human Development <input type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
10. Markers (from DAC form)	General policy objective @	Not targeted	Significant objective	Principal objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ Depending on the availability of OPSYS at the time of encoding, a provisional CRIS number may need to be provided.

	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Principal objective
	Biological diversity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Internal markers and Tags:	Policy objectives	Not targeted	Significant objective	Principal objective
	Digitalisation @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	digital connectivity digital governance digital entrepreneurship digital skills/literacy digital services	YES <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	NO <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
	Connectivity @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	digital connectivity energy transport health education and research	YES <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
	Migration @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BUDGET INFORMATION				
12. Amounts concerned	Budget line(s) (article, item): BGUE-B2023-14.020230 – STABILITY AND PEACE - GLOBAL AND TRANSREGIONAL THREATS Total estimated cost: EUR 4 000 000 Total amount of EU budget contribution: EUR 4 000 000			
MANAGEMENT AND IMPLEMENTATION				
13. Type of financing	Project Modality Indirect management through a contribution agreement			

1.2 Summary of the Action

This action aims to decrease the evasion of UN Security Council sanctions at sea and related transnational organized crime at sea, at the global level.

To this end, the action will support a number of flag registries to reinforce their criminal justice and administrative response to sanctions evasion at sea, including their capacity to monitor their fleet and communicate with foreign law enforcement agencies (navies, coast guards etc.) with the view to interdict suspicious vessels.

This action will also support the establishment and operationalisation of the Global Centre countering Sanctions Evasion (GCSE), a process being led by Malta.

This action will closely cooperate with CRIMARIO II² in establishing an information-exchange framework for countering sanctions evasion based on the IORIS maritime coordination, communications and surveillance platform and the SHARE.IT interoperability software developed under CRIMARIO.

It will also be implemented in full complementarity with bilateral and regional programmes and in coordination with EU Delegations and relevant units in the Directorates-Generals for International Partnerships (INTPA), Neighbourhood and Enlargement Negotiations (NEAR) and other Commission services as relevant.

2 RATIONALE

2.1 Context

The support provided by the international community to UN member states engaged in fighting maritime crime has been decisive over the past two decades. Training in vessel boarding, search and seizure, maritime domain awareness platforms, information-exchange or simulated trials: all have proven to be efficient and essential in building strong maritime security structures across the globe. While these initiatives must continue, it is also imperative to continuously expand their scope to new areas of development that have recently emerged - or to those that did not receive sufficient attention. Falling under the latter, the present action aims at assisting member states in reinforcing their criminal justice response to maritime crime by involving an administration often overlooked: the flag registry.

Generally responsible for the registration of vessels applying to sail under a state's flag, the flag registry is the theoretical bond that bridges a state's flag jurisdiction to its vessels. Under international law³, the state has jurisdiction over crimes committed on board a vessel flying its flag no matter its location at sea – as opposed to coastal jurisdiction which requires the vessel to be located in the right maritime zone.

Complementary to a state's coastal jurisdiction, the flag jurisdiction unveils an additional set of legal tools for UN member states to gain criminal jurisdiction over vessels at sea and counter transnational organised crime not only off their coasts but on the high seas.

A state's jurisdiction over its ships is exclusive. Suffering only a few exceptions, it competes with the jurisdiction of coastal states as vessels progressively approach territorial waters, but otherwise remains unchecked on the high seas. With exclusive jurisdiction comes several obligations set out in the same convention⁴ for states to maintain a register of ships containing the names and particulars of ships flying its flag and to assume jurisdiction under its internal law. While all states enjoy the benefit of administering a flag registry, several fail to implement the obligations bound to it. Criminal organisations are aware of these breaches and continue to exploit them, notably to evade international sanctions. For decades they have used specific flag registries to benefit from the protection of an exclusive jurisdiction through states that did not perform any due diligence. Their operations at sea were unknowingly protected by the flag states and remained immune to foreign interventions.

2.2 Problem Analysis

Short problem analysis:

1. Lack of due diligence among flag registries

Despite efforts to detect and interdict transnational organized crime at sea, criminal organisations continue to operate through several evasion practices: disabling or manipulating the Automatic Identification System (AIS), spoofing Maritime Mobile Sea Identity numbers, physically altering vessel identification, falsifying cargo and vessel documents, ship-to-ship transfers, voyage irregularities, false flags, obfuscation of ownership during frequent flag hopping, etc.⁵ For instance, the Democratic People's Republic of Korea (DPRK) engages in many of these actions to facilitate ship-to-ship transfers of goods prohibited by UN Security Council resolutions, notably

² CRIMARIO is a long-standing EU funded action focusing on critical maritime routes in the Indo-Pacific, implemented by Expertise France.

³ Article 92 of the United Nations Convention on the Law of the Sea (UNCLOS): "1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas. (...)"

⁴ Article 94 of the same convention describes the duties of the flag state - of which §2 is of relevance: "(...) every state shall: (a) , (...) (b) assume jurisdiction under its internal law over each ship flying its flag (...)"

⁵ The United States Department of the Treasury, Department of State and the United States Coast Guard have jointly issued their 'Guidance to address illicit shipping and sanctions evasion practices' (May 14, 2020) in which these deceptive measures are explained in more detail.

illicit trade in refined oil and coal. Such activities play an important role in helping the regime avoid returning to dialogue and continue illicit weapons development. Suspicious behaviours at sea are indicators of potential illicit activities: illicit trafficking of goods, illegal dumping at sea, illegal, unreported and unregulated (IUU) fishing, and many other maritime crimes that threaten international security, life under water or the well-being of coastal communities. While several flag registries have developed efficient structures to monitor their fleet's compliance with UNSC sanctions, many lack the incentive, resources, or technical guidance to do so. EU demarches conducted each year since 2016, asking countries to ensure the implementation of UN Security Council sanctions on the DPRK, have resulted in expressions of interest from several in possible cooperation with the EU to build the capacity of the shipping registries to respond to these actions. Several initiatives allow for registries to increase their maritime domain awareness, spearheaded by CRIMARIO⁶ which has developed IORIS⁷, a maritime coordination, communications and surveillance platform that allows operators and analysts, at sea and ashore, to track vessel movements, and coordinate interception operations, at the national and regional level, if and when needed. While IORIS is currently used by maritime law enforcement and safety authorities, its usage must be extended to flag registries. When flagged vessels of any nationality are beyond the contiguous zone or the territorial sea of a coastal State, the latter's law enforcement authorities do not have the authority to intervene. So Flag registries are well placed to monitor vessel movements beyond the above specified waters and must be supported in doing so, to transfer relevant information and action a response.

2. *Absence of information sharing platform among flag registries*

In addition to vessel monitoring capacities, information exchange is crucial in countering transnational organized crime. When a ship is de-registered from a flag state, its owners can simply request to be registered under a new one. Without information exchange, the new registry has no information about the ship's past behaviour – whether it was in breach of UN sanctions, or any applicable safety or environmental regulation – and may accept the request, thereby allowing the ship to pursue its illicit operations. To counter this tendency, the Republic of Malta is leading the establishment of an international organisation (“Global Centre to counter Sanctions Evasion – GCSE”) aimed primarily at sharing information on suspicious and de-registered vessels, preventing them from hopping from a registry to another.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:

Flag registries: Commonly enjoined with the management of the flagged vessel register, flag registries are public administrations often operated by private entities. They implement the UN member states' international obligations related to UNCLOS⁸ to inspect registered vessels and issue permits to ensure the application of several maritime safety and environmental conventions on board. In certain cases (e.g., UNSC RES 1718), UN member states have an obligation to ensure that their registries are not used by criminal organisations to circumvent sanction regimes. While implementing this due diligence, flag registries have a unique opportunity to expand their coverage to several other types of maritime crime. The involvement of the flag registry in the criminal justice response to maritime crime facilitates the application of flag state jurisdiction as a means to interdict and prosecute crimes committed far from shore. This action aims at building the due diligence capacity of registries and promote the exchange of information to ensure a global efficient response. If a ship monitoring system is not being used, IORIS would be offered as an option to provide such data through satellite-AIS overlays and satellite data, apart from other functionalities.

Global Centre to counter Sanctions Evasion (GCSE): The international organisation being established by the Republic of Malta is aimed primarily at sharing information on de-registered and suspected vessels, the GCSE having a crucial role in promoting the role of flag registries in the criminal justice response to transnational organized crime at sea, particularly for the application of UNSC sanctions. Governance decisions of the Centre will be provided by a Steering Committee, whilst the day-to-day running of the Centre will be managed by a Director, appointed by the Steering Committee. Apart from the Director, the Centre is expected to be supported by seconded officials and/or international liaison officers from UN member states participating in this initiative, whose prime function will be to facilitate the exchange of information between participating countries, apart from locally recruited administrative staff. IORIS will be used by the GCSE as the prime communication tool to exchange information about registered vessels with flag registries and amongst them. If and when a flag registry

⁶ Critical Maritime Routes Indo-Pacific, EU-funded project launched in 2015.

⁷ Indo-Pacific Regional Information Sharing platform, developed by CRIMARIO and operational since 2018.

⁸ United Nations Convention on the Law of the Sea

opts to use another information exchange system, the emerging SHARE.IT interoperability software⁹ will provide a linkage to IORIS and the GCSE. The GCSE through the United Nations Office on Drugs and Crime (UNODC), and in cooperation with CRIMARIO in the Indo-Pacific, will enable all Flag States to become proficient in the use of IORIS, allowing ship registries to exchange information with one-another through this safe, secure and neutral means. This action will purchase IORIS licences as well as necessary IT equipment (such as wall-mounted monitors) for the benefit of the partner countries using IORIS (beyond the Indo-Pacific where CRIMARIO operates) as well as of the GCSE.

Additional roles for the centre may be integrated such as a global set of best practices on vessel monitoring, manuals dedicated to sanctions enforcement in specific regions (based on sanctions regimes, vessel types, deception techniques, etc), or provision of material that would facilitate the training and mentoring of law enforcement and maritime authorities including flag registries.

Depending on the Centre's final objectives, certain activities implemented under the present project would be coordinated under the centre together with UNODC Office in Malta and implemented by UNODC as per their description in the present document. UNODC will remain directly accountable to the donor for the implementation of the project. The GCSE will benefit from this project which is aimed at supporting its establishment, operationalisation, and outreach to the action's target states. It will constitute its first set of activities and outreach to the target countries in need of support through UNODC.

Law enforcement agencies: This would include law enforcement agencies to be identified with the flag registries, based on UNODC advice and as per their preferences - mostly foreign navies in a position to intervene on the high seas, as well as coast guards, customs or other relevant agencies. As part of the present action, IORIS will be used as the prime communication tool amongst targeted flag registries and with law enforcement agencies, to pass on technical interdiction requests (e.g. from registries to request interdiction of a suspected vessel, and from navies to request flag permission to inspect a suspected vessel).

In this regard, EU naval / maritime actions may either be requested by the Flag States to interdict a suspicious vessel, or be supported in their work by the GSCE sharing information about vessels. It is the case specifically of EUNAVFOR MED Operation IRINI (implementing the UNSC-imposed arms embargo on Libya), EUNAVFOR Operation ATALANTA (contributing to the disruption of weapons trafficking), and possibly also Member States naval assets deployed under the Coordinated Maritime Presences.

Prosecution offices: In order for suspected activities identified by flag registries to be undertaken by the criminal justice system, prosecution offices from each targeted state must be able to use legal dispositions which allow (1) the prosecution of sanctions evasion and (2) through the flag state jurisdiction (as opposed to territorial jurisdiction). Prosecution offices will therefore benefit from the present action by an extension of jurisdiction (unless already applied), several training sessions from UNODC experts on how to apply the relevant disposition and finally simulated trials involving the flag registry to ensure the proper functioning of the process and the confidence of each party in exercising their role efficiently.

The GCSE through UNODC, the latter in cooperation with CRIMARIO in the Indo-Pacific, will enable all users to become proficient in the use of IORIS, allowing the targeted law enforcement agencies to benefit from the present action, as their interdiction capacity will be broadened through better awareness and an increased capacity to conduct flag authorized boarding operations.

In the Gulf of Guinea countries which are already using the EU-funded Yaoundé Architecture Regional Information Sharing (YARIS) platform, the present action will coordinate closely with GOGIN and will not offer the use of IORIS. The YARIS users would be connected with the GCSE and other flag registries via the above-mentioned SHARE.IT interoperability software.

⁹ SHARE.IT is CRIMARIO's initiative aiming to interconnect existing maritime domain awareness systems.

3 DESCRIPTION OF THE ACTION

3.1 Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to decrease the evasion of UN Security Council sanctions at sea and the related commission of transnational organized crime at sea.

The Specific Objectives (Outcomes) of this action are:

- 1 Targeted flag registries reinforce the criminal justice and administrative response to sanctions evasions at sea at national and international level.
- 2 The Global Centre to counter Sanctions Evasions (GCSE) at sea is operational.

If the GCSE is established within the duration of this project, SO1 would be targeted through the GCSE, supported by UNODC operationally through the output/activities provided with the present project.

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are

- 1.1 Contributing to Outcome 1: The flag registry has established a sanction compliance roadmap
- 1.2 Contributing to Outcome 1: The flag registry monitors its fleet and takes administrative action
- 1.3 Contributing to Outcome 1: Foreign navies intercept suspicious vessels with flag state authorization
- 1.4 Contributing to Outcome 1: The existing legal and regulatory frameworks to comply with UNSC resolutions relating to maritime sanctions are assessed and reinforced
- 1.5 Contributing to Outcome 1: Prosecutors from targeted registries are trained to use flag jurisdiction as an instrument to prosecute crime at sea
- 2.1. Contributing to Outcome 2: The GCSE is supported in its establishment and operation
- 2.2. Contributing to Outcome 2: Technical decisions are taken on the modalities of the vessel database, with IORIS' database being the first consideration.

3.2 Indicative Activities

All activities described in the present output will be implemented by UNODC under the Global Centre to counter Sanctions Evasion once the international organisation is established.

Activities relating to Output 1.1. The flag registry has established a sanction compliance roadmap

- Activity 1.1.1. An assessment of the registry's sanction compliance capacity is conducted
- Activity 1.1.2. The flag registry is assisted in drafting a sanctions compliance roadmap, promoting the implementation of recommendations made by the UN Panel of Experts
- Activity 1.1.3. Awareness raising and roadmap presentations to all registry staff and interested vessel operators.

Activities relating to Output 1.2. The flag registry monitors its fleet and takes administrative action

- Activity 1.2.1. Monitoring tools and equipment are provided to the flag registry based on IORIS or through SHARE.IT if other systems are used.
- Activity 1.2.2. Flag registry sanctions monitoring unit is trained on IORIS to track vessels, including with IORIS wherever needed
- Activity 1.2.3. Flag registry receives information from the maritime community
- Activity 1.2.4. Best practices are developed to ensure adequate administrative responses, including the dissemination of information to the shipping industry and to other flag registries about vessels that have engaged in suspicious activities.
- Activity 1.2.5. Flag registry is mentored in effective flag administration.

Activities relating to Output 1.3. Foreign navies intercept suspicious vessels with flag state authorization,

- Activity 1.3.1. Legislation is assessed to ensure the lawful conduct of foreign interdictions
- Activity 1.3.2. IORIS is used as the prime tool for information-exchange amongst flag registries and foreign navies
- Activity 1.3.3. Flag registries may request foreign navies to interdict a registered vessel where possible
- Activity 1.3.4. Foreign navies may request authorization to interdict registered vessels.

Activities relating to Output 1.4. The existing legal and regulatory frameworks to comply with UNSC resolutions relating to maritime sanctions are assessed and reinforced

- Activity 1.4.1. An assessment is conducted on the competency of the existing legal framework to effectively enforce compliance with UNSC resolutions
- Activity 1.4.2. Conduct a briefing session to decision makers and senior officials
- Activity 1.4.3. The flag state is assisted in drafting relevant legislation and a regulatory framework to effectively criminalise the evasion of sanctions
- Activity 1.4.4. The flag state is supported with capacity building activities to reinforce its exercise of criminal jurisdiction over sanctions evasion.

Activities relating to Output 1.5. Prosecutors from targeted registries are trained to use flag jurisdiction as an instrument to prosecute crime at sea

- Activity 1.5.1. The flag state is assisted in drafting relevant legislation and a regulatory framework to effectively exercise flag criminal jurisdiction
- Activity 1.5.2. Training sessions are held for the prosecution office to practise the use of legal dispositions allowing prosecution through flag state jurisdiction
- Activity 1.5.3. Simulated trials are conducted with flag registries

Activities relating to Output 2.1. The GCSE is supported in its establishment and operation

- Activity 2.1.1. UNODC administers a founding committee, composed of representatives from donor partners, to discuss centre modalities
- Activity 2.1.2. UNODC provides experts to inform the founding committee on legal aspects/supports the technical operationalization of the centre where created.
- Activity 2.1.3. UNODC cooperates with CRIMARIO in establishing a GCSE-related information-exchange framework with partners based on IORIS and SHARE.IT.¹⁰
- Activity 2.1.4. UNODC avails the possibility for target countries to take part in the founding committee and further discuss the future capacity building role of the GCSE.

Activities relating to Output 2.2. Technical decisions are taken on the modalities of the vessel database with IORIS' database being the first consideration

- Activity 2.2.1. UNODC supports the Centre in hosting and administering sessions between selected partners
- Activity 2.2.2. UNODC supports the Centre in drafting the database technical and establishment recommendations, if IORIS is deemed insufficient for the task.
- Activity 2.2.3. UNODC drafts best practices for the detection of sanctions evasions at sea for the adoption by the Centre.

¹⁰ This will include support to the use of IORIS outside of the Indo-Pacific (provision of IORIS training courses, licenses, AIS overlays, contribution to IORIS running costs), as well as the development / increase of the data storage capacities of IORIS to meet the GCSE needs.

3.3 Mainstreaming

Environmental Protection & Climate Change

Outcomes of the SEA screening (relevant for budget support and strategic-level interventions)

No further action was required

Outcomes of the EIA (Environmental Impact Assessment) screening (relevant for projects and/or specific interventions within a project)

No need for further assessment.

Outcome of the CRA (Climate Risk Assessment) screening (relevant for projects and/or specific interventions within a project)

No need for further assessment.

Gender equality and empowerment of women and girls

As per the OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. UNODC actively promotes gender equality and women's empowerment in line with SDG target 5.1. The delivery of activities is accompanied by strong recommendations for management to ensure gender equality among the training recipients. It is also at the core of the programme since it employs the same number of women and men, and this way target 5.5 gives an example to beneficiaries since women have full and effective participation on the field and equal opportunities for leadership at all levels of decision-making.

Human Rights

Human rights elements and a human rights-based approach are mainstreamed in all UNODC programming and programme activities. Certain measures are put in place in specific environment where effective vetting of maritime law enforcement practitioners to be trained is conducted. The delivery plan for activities is also shared with other UN entities, including OHCHR and UNCT to ensure that human rights are effectively promoted.

Disability

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0.

Democracy

The United Nations General Assembly reaffirms that "human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations"¹¹ By involving flag registries in the criminal justice efforts to counter illicit trafficking at sea, the project strengthens the rule of law in a number of target countries by allowing law enforcement agencies to investigate and interdict illicit waterborne operations.

Conflict sensitivity, peace and resilience

Strengthening the capacity of countries with large flag registries but limited resources to act against sanctions evasion would significantly contribute to the EU's policy objectives of encouraging the full implementation of sanctions as a means to convince the DPRK to cease destabilising actions that threaten international peace and security and resume dialogue. UNSC resolutions impose sanctions on the DPRK that prohibit trade in a wide range of areas and impose restrictive measures on individuals, entities and vessels that are involved in activities that support the illegal nuclear and missile programmes, including through sanctions evasion. The Panel of Experts established pursuant to UN Security Council 1874 reports biannually on methods used by the DPRK to evade sanctions. In the maritime area, this includes the illicit import of refined oil and export of coal to China and ship-to-ship transfers of prohibited goods.

Vessel movements are relevant to many other UNSC sanction regimes. Maritime transportation is as essential to international trade as it is to international trafficking of goods. The success of sanction regimes imposed on Iran, Libya, Somalia, South Sudan, or Yemen heavily depends on the international community's capacity to monitor vessels at sea and interdict those involved in evasion operations through all available means. The present action is

¹¹ See para. 5 in "Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels" (A/67/L.1), 19 September 2012

notably aimed at implementing measures taken by the UN Security Council under Article 41, Chapter VII, of the UN Charter, in accordance with its duty to maintain or restore international peace and security.

Disaster Risk Reduction

Increasing flag registry diligence over vessels (particularly over those fraudulently registered) will indirectly allow for better control of applicable maritime environmental conventions (e.g. MARPOL). Assisting the implementation of such international instruments will contribute to the risk reduction of environmental disasters at sea. Moreover, many UN sanctions target Weapons of Mass Destruction: as such the disaster risk reduction aspect is inherent to this project result.

Other considerations if relevant

While the present action is aimed at strengthening the criminal justice through flag registries, several activities will reinforce the overall due diligence of states over registered vessels. Countering crime, and particularly sanctions evasion, is the primary expected impact. Yet flag registries remain accountable for a number of separate obligations that the present action would indirectly assist them in implementing: regulatory control over is required in the application of labour, safety and environmental conventions (e.g. MARPOL, SOLAS, ICLL).

3.4 Risks and Lessons Learnt

Category	Risks	Likelihood (High/Medium/Low)	Impact (High/Medium/Low)	Mitigating measures
2	COVID-19 pandemic situation restricts travel and activity implementation	Medium	Medium	UNODC GMCP will continually assess the situation and apply mitigating measures and develop contingency plans for the programme implementation according to situation on the ground
2	Adverse political events jeopardize willingness of government agencies to reform	Low	Medium	UNODC GMCP staff is in regular contact with government partners to advocate for reform and change; Programme staff utilises various diplomatic channels, including permanent missions at HQ and key stakeholders to advocate need to implement international obligations; Programme provides flexibility to redirect programming.
3	Lack of willingness of the countries and their flag registries to reform the latter for corruption reasons.	Medium	High	During the Inception period, UNODC will interact with potential target states and assess their political willingness to receive support in this key area. Local EUDs and Embassies will be requested to exercise political pressure. UNODC will draw up a roadmap to tailor the activities to target states' interests and to interact with local authorities throughout the project.
3	Integrity issues	Medium	Medium	Corruption is an issue in many states targeted by this programme, but UNODC assesses its impact as unlikely on the activity and the use of the skills transferred.
1	Human rights violations by UNODC counterparts	Low	High	Human rights elements and a human rights-based approach are mainstreamed in all programming and programme activities; Effective vetting of maritime law enforcement practitioners to be trained; Consultation with other UN entities, including OHCHR.
2	Changes in government priorities	Medium	Low	Programme staff will continuously engage with policy makers and government agencies to ensure their commitment and support in the implementation of this project
2	Institutional memory is not integrated and too fragmented for a	Low	Medium	Continued follow-up with and training of focal points in the partner institutions.

	sustainable and independent management after programme end			
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3.5 The Intervention Logic

The underlying intervention logic for this action is that:

IF an assessment of the registry’s sanction compliance capacity is conducted; and the flag registry is assisted in drafting a sanctions compliance roadmap; and awareness raising and roadmap are presented to all registry staff and interested vessel operators; THEN the flag registry will have established a sanction compliance roadmap defining a sustainable long-term engagement.

IF monitoring tools and equipment are provided to the flag registry; and a flag registry sanction monitoring unit is trained in vessel tracking; and the flag registry receives information from the maritime community; and practices are developed to ensure adequate administrative responses; and the flag registry is mentored in effective flag administration; THEN the flag registry will be in capacity to effectively monitor its and take administrative actions against any vessel suspected of illicit trafficking including sanctions evasion.

IF legislation is assessed to ensure the lawful conduct of foreign interdictions; and flag registries are able to request foreign navies to interdict a registered vessel; and navies are able request authorization to interdict registered vessels; THEN law enforcement agencies will effectively be able to interdict vessels with flag registry permission.

IF an assessment is conducted on the competency of the existing legal framework to effectively enforce compliance with UNSC resolutions; and a briefing session to decision makers and senior officials is conducted; and the flag state is assisted in drafting relevant legislation and a regulatory framework to effectively exercise flag criminal jurisdiction, and the flag state is supported with capacity building activities to reinforce its exercise of criminal jurisdiction over crimes committed on vessels flying its flag; THEN the existing legal and regulatory frameworks to comply with UNSC resolutions relating to maritime sanctions will be reinforced.

IF the flag state is assisted in drafting relevant legislation and a regulatory framework to effectively exercise flag criminal jurisdiction; and training sessions are held for the prosecution office to practise the use of legal dispositions allowing prosecution through flag state jurisdiction; and flag states are supported with capacity building activities to reinforce its exercise of criminal jurisdiction over sanctions evasion; THEN prosecutors from targeted registries will be in position to use flag jurisdiction as an instrument to prosecute crime at sea

IF the flag registry has established a sanction compliance roadmap defining a sustainable long-term engagement, AND has the capacity to effectively monitor its fleet and take administrative actions against any vessel suspected of illicit trafficking including sanctions evasion AND law enforcement agencies are effectively able to interdict a vessel upon flag registry request AND the existing legal and regulatory frameworks to comply with UNSC resolutions relating to maritime sanctions is reinforced; THEN targeted flag registries will reinforce the criminal justice and administrative response to sanctions evasion at sea at national and international level.

IF UNODC administers a founding committee, composed of representatives from donor partners, to discuss the GCSE modalities; and provides experts to inform the founding committee on legal aspects/supports the technical operationalisation of the Centre once created; and UNODC cooperates with CRIMARIO in establishing a GCSE-related information-exchange framework with partners based on IORIS and SHARE.IT, and while availing the possibility for target countries to take part in the founding committee and further discuss the future capacity building role of the GCSE, THEN the GCSE will be supported in its establishment and operation. IF UNODC supports the Centre in hosting and administering sessions between selected partners; and drafts database technical and establishment recommendations; and drafts best practices for the detection of sanctions evasions at sea; THEN; UNODC will have assisted the international community in taking technical decisions on the vessel database structure. IF the GCSE is established and operationalized; and the international community has agreed on the technical modalities of the database; THEN the GCSE will become fully operational and effective.

IF targeted flag registries reinforce the criminal justice and administrative response to sanctions evasions at sea at national and international level, and if the GCSE is fully operational and effective; AND the assumptions at this level hold true, THEN the action will contribute to assist targeted members states in building a more effective and sustainable response to organized crime at sea, including UN Security Council sanctions evasion.

3.6 Logical Framework Matrix

Results	Results chain (@):	Indicators (@):	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
Impact	The evasion of UN Security Council sanctions at sea and the related commission of transnational organized crime at sea are decreased.	1. Number of interdictions and administrative measures taken against suspicious vessels	1. Baseline: n/a	1. Target: +10	1. UNODC	<i>Not applicable</i>
Outcome 1	The criminal justice and administrative response to sanctions evasion at sea is strengthened by flag registries at national and international level	1.1. Number of flag registries integrated to the criminal justice and administrative response to sanction evasions 1.2. Number of countries with enhanced interoperable data gathering/information sharing systems established.	1.1. Baseline: 0 1.2. Baseline: n/a	1.1. Target: 10 1.2. Target: +10	1.1.: n/a 1.2. n/a	Assumption is baseline: 0. TBC by assessments.
Outcome 2	The Global Centre to counter Sanctions Evasions (GCSE) at sea is operational	2.1. Number of flag registries assisted by the GCSE through UNODC 2.2. Number of countries with enhanced maritime security related information exchanges and analysis, and/or crisis management cooperation/activities.	2.1. Baseline: 0 2.2. Baseline: 0	2.1. Target: 10 2.2. Target: 10	2.1. UNODC 2.2. UNODC	None.
Output 1 relating to Outcome 1	The flag registry has established a sanction compliance roadmap	1.1.1. Number of assessments of flag registry compliance to sanctions evasions 1.1.2. Number of sanction compliance roadmap for the flag registry	1.1.1. Baseline:0 1.1.2. Baseline:0	1.1.1. Target: 1 1.1.2. Target: 1	1.1.1. Variable for each targeted registry. 1.1.2 Variable for each targeted registry.	Variable for each targeted registry. Assumption is baseline 0. TBC by assessments.
Output 2 relating to Outcome 1	The flag registry monitors its fleet and takes administrative action	1.2.1. Number of officers trained in vessel tracking per registry through action timeline 1.2.2. Number of best practices developed for the registry 1.2.3. Number of fraudulent registration detected per registry	1.2.1. Baseline:0 1.2.2. Baseline:0 1.2.3. Variable from a registry to another.	1.2.1.Target: 15 1.2.2. Target: 1 1.2.3. Variable from a registry to another.	1.2.1. Variable from a registry to another. 1.2.2. Variable from a registry to another.	Assumption is baseline 0. TBC by assessments.
Output 3 relating to Outcome 1	Foreign navies intercept suspicious vessels with flag state authorization	1.3.1. Number of requests sent by registry to foreign MLE force 1.3.2. Number of requests received by registry from foreign MLE force 1.3.3. Number of assesment of applicable legislation	1.3.1. Baseline:0 1.3.2. Baseline:0 1.3.3. Baseline:0	1.3.1.Target: 5 1.3.2. Target: 5 1.3.3. Target: 1	1.3.1. Variable from a registry to another. 1.3.2. Variable from a registry to another. 1.3.3. Variable from a registry to another.	Assumption is baseline 0. TBC by assessments.
Output 4 relating to Outcome 1	The existing legal and regulatory frameworks to comply with UNSC resolutions relating to maritime	1.4.1. Number of assesments conducted on legal/regulatory framework	1.4.1. Baseline:0 1.4.2. Baseline:0	1.4.1. Target:1 1.4.2. Target:1	1.4.1. Variable from a registry to another. 1.4.2. Variable from a registry to another.	Assumption is baseline 0. TBC by assessments.

	sanctions are assessed and reinforced	1.4.2. Number of training sessions conducted for criminal justice practitioners in applying legal framework in compliance with UNSC resolutions				
Output 1 relating to Outcome 2	The GCSE is supported in its establishment and operation	2.1.1. Number of international organisations established to counter sanction evasion at sea 2.1.2 Number of countries with enhanced maritime security information exchanges and analysis, and crisis management cooperation/activities including via exercises.	2.1.1.Baseline: 0 2.1.2.Baseline: 0	2.1.1. Target: 1 2.1.2. Target: 10	2.1.1. UNODC 2.1.2 n/a	None.
Output 2 relating to Outcome 2	Technical decisions are taken on the modalities of the vessel database	2.2.1. Number of final recommendations made on the modalities of a database	2.1.2.Baseline: 0	2.1.2. Target: 1	2.1.2. UNODC	None.

4 IMPLEMENTATION ARRANGEMENTS

4.1 Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement with partner countries.

4.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of the adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

4.2.1 Indirect Management with a pillar assessed entity

This action may be implemented in indirect management with UNODC. The envisaged entity has been selected using the following criteria: UNODC has expertise and unique capacity to provide direct support to partner countries in the implementation of the UN Convention against Transnational Organised Crime, the UN Convention against Corruption, universal legal instruments against terrorism, and as 'guardian' of the three Drug Conventions, as well as its strong research and analysis mandate and capacity. The EU-UNODC partnership has been confirmed through an exchange of letters in 2005 and is supported by a diverse global portfolio of projects in EU partner countries around the world. UNODC's Global Maritime Crime Programme (GMCP) works worldwide to support states in addressing maritime crime and foster international cooperation among states to address shared challenges in tackling crimes that are often of a transnational nature. The main aim of GMCP's work is to develop a full criminal justice response to maritime crimes, by securing the baseline through a maritime security strategy, legislation and maritime capability and capacity. Further, GMCP has been supporting member states in strengthening their maritime law enforcement capacity by embedding experts to work daily with relevant maritime law enforcement agencies in improving their response to maritime crime. UNODC GMCP has a proven track-record of practical on-the-ground delivery including in high-security contexts such as Somalia and Yemen and through COVID-19. Since the Programme's launch in the Horn of Africa in 2009, UNODC GMCP has consistently grown, working with a total of 57 member states and delivering over \$214 M of support. UNODC GMCP has been subject to multiple In-Depth Evaluations with consistently positive appraisals.

UNODC is dependent on the UN Secretariat, as confirmed during the 5th EU-UN Financial and Administrative Framework Agreement (FAFA) Working Group in April 2008, and is currently undergoing an ex ante assessment of its systems and procedures. Given UNODC's compliance with the conditions in force at the time and long-standing cooperation with the EU in the area of peace and security, other indirect management actions have been awarded to the organisation. On this basis, UNODC can implement this action under indirect management, pending finalisation of the ex ante assessment, and, where necessary, subject to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation.

In case the envisaged entity would need to be replaced, the Commission's services may select a replacement entity using the same criteria. If the entity is replaced, the decision to replace it needs to be justified.

4.3 Indicative Budget

Indicative Budget components	EU contribution (amount in EUR)
Indirect management with UNODC	4 000 000
Evaluation – cf. section 5.2 Audit – cf. section 5.3	Will be covered by another Decision
Strategic communication and public diplomacy (cf. section 6)	na
Contingencies	0
Totals	4 000 000

4.4 Organisational Set-up and Responsibilities

The implementation of this action will be coordinated and led by the European Commission. To this end, as well as as part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Contracting Authority together with the implementing partner will establish a *Steering Committee* aiming to monitor progress made in project implementation, approve the work plans of the project, approve ad-hoc support to a specific country, review progress reports and other documentation, ensure the participation of all relevant stakeholders in project activities, promote synergies with actions of bilateral and regional cooperation of the EU and its Member States and coordination with the programmes and projects financed by other donors. The Steering Committee will meet at least once per year. Relevant EU institutions, Commission services and CRIMARIO will be invited to attend the SC meetings.

5 PERFORMANCE MEASUREMENT

5.1 Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy or reform action plan list (for budget support).

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.2 Evaluation

The Commission may, during the implementation, decide to undertake mid-term or final evaluations for duly justified reasons either on its own decision or on the initiative of the partner.

The Commission shall inform the implementing partner at least one month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports may be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project. The financing of the evaluation shall be covered by another measure constituting a financing decision.

5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

6 STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

Communication and visibility is a contractual obligation for all entities implementing EU-funded external actions to advertise the European Union's support for their work to the relevant audiences.

To that end they must comply with the instructions given in the Communication and Visibility Requirements of 2018 (or any successor document), notably with regard to the use of the EU emblem and the elaboration of a dedicated communication and visibility plan, to be completed for every action at the start of implementation.

These obligations apply equally, regardless of whether the actions concerned are implemented by the Commission, the partner country (for instance, concerning the reforms supported through budget support), contractors, grant beneficiaries or entrusted entities. In each case, a reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and delegation agreements.

Communication and visibility measures may be funded from the amounts allocated to the action. For the purpose of enhancing the visibility of the EU and its contribution to this action, the Commission may sign or enter into joint declarations or statements, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union. Visibility and communication measures should also promote transparency and accountability on the use of funds.

Effectiveness of communication activities on awareness about the action and its objectives as well as on EU funding of the action should be measured.

Implementing partners shall keep the Commission and concerned EU Delegation/Office fully informed of the planning and implementation of specific visibility and communication activities before work starts. Implementing partners will ensure adequate visibility of EU financing and will report on visibility and communication actions as well as the results of the overall action to the relevant monitoring committees.

Appendix 1 REPORTING IN OPSYS

An Intervention (also generally called project/programme) is the operational entity associated to a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Interventions are the most effective (hence optimal) entities for the operational follow-up by the Commission of its external development operations. As such, Interventions constitute the base unit for managing operational implementations, assessing performance, monitoring, evaluation, internal and external communication, reporting and aggregation.

Primary Interventions are those contracts or groups of contracts bearing reportable results and respecting the following business rule: 'a given contract can only contribute to one primary intervention and not more than one'. An individual contract that does not produce direct reportable results and cannot be logically grouped with other result reportable contracts is considered a 'support entities'. The addition of all primary interventions and support entities is equivalent to the full development portfolio of the Institution.

The present Action identifies as

Action level		
<input type="checkbox"/>	Single action	Present action: all contracts in the present action
Group of actions level		
<input type="checkbox"/>	Group of actions	Actions reference (CRIS#/OPSYS#):
Contract level		
<input checked="" type="checkbox"/>	Single Contract 1	Contract with UNODC