STANDARD SUMMARY PROJECT FICHE

1. BASIC INFORMATION

1.1. Désirée number: MT-01-03

1.2. Twinning Number: MT2001/1B/JH-01

1.3. Title: Strengthening Malta’s capacity in Border Control and in the area of Asylum

1.4. Sector: Justice and Home Affairs

1.5. Location: Malta

2. OBJECTIVES

2.1. Wider Objective

- To strengthen Malta's administrative capacity to implement the Schengen Acquis related to border control and management and the acquis in the field of asylum.

2.2. Immediate Objectives

Border management

- To enhance the current administrative capacity in border control and management, in particular the local co-operation between the Police Force, Customs, the Armed Forces of Malta as well the co-operation with counterpart EU law enforcement bodies in the sector of border control.

- To ensure that officers engaged in all levels of the management and application of Schengen controls get an acceptable standard of awareness and expertise through a comprehensive training strategy.

- To promote the exchange of electronic information and transactions between the Police, Customs and other law enforcement bodies locally, and the EU.

- To improve the technical infrastructure of the immigration service, in particular detection of forged documents and specialised equipment for border surveillance.
– To improve the equipment used on army boats and planes for better coastal surveillance.

– To design a strategy and to prepare Malta for the integration of the national IT systems with the Schengen Information System (SIS-II).

**Asylum**

– To guarantee an effective and efficient asylum process, in compliance with the acquis.

– To strengthen or develop the capacity of the Office of the Commissioner of Refugees, including eligibility officers and interviewers.

– To strengthen the capacity of the Appeals Board and of lawyers assisting asylum seekers.

– To set up the necessary database to ensure exchanges of information with the Centre for Information, Discussion and Exchange on Asylum (CIREA).

### 2.3. Accession Partnership and NPAA priority

**Accession Partnership**

– Lift the geographical reservation to the 1951 Geneva Convention in the field of asylum.

– Adopt specific legislation on asylum and set up structures in charge of dealing with asylum requests.

– Continue progressive alignment of visa legislation and practice with that of the EU.

**NPAA**

– Enhance organisational capacities and boost human resources of the branches/agencies involved in the fight against illegal immigration (*Short-term priority*).

– Start immediate consultations leading to participation in the Schengen Information System (*Short-term priority*).

– Set up EU Channel at the borders and enhance police and other border control resources by 1 January 2003 (*Medium-term priority*).

– Enact appropriate legislation by accession concerning Schengen and the pertinent requirements on border controls, visas, work and residence permits and family reunification (*Medium-term priority*).
- Set up the organisational/administrative structures related to the refugees’ legislation. This will be followed by the putting into place of the administrative structure necessary for the implementation of the provisions of the Dublin Convention (Short-term priority).

- Implementation of the lifting of the geographical reservations to the 1951 Geneva Convention on the Status of Refugees is expected to take place during early 2001 (Medium-term priority).

3. DESCRIPTION

3.1. Background and justification

As regards **Borders Control**, legislation related to legal and illegal immigration is currently being drafted to bring national legislation in line with the provisions of the Acquis. Complementary to the above a Data Protection Act was presented in Parliament in late 2000 and presently is in its final stages of debate. The Act will provide the necessary safeguards from the potential abuse of personal data though the information systems. The Act covers all automatic processing of personal data and also certain manual processing. Its provisions are in accordance with the Data Protection Directive (95/46/EC).

Responsibility for border control in Malta primarily lies with the Immigration Branch of the national Police Force. The latter is also assisted by the Armed Forces of Malta, with respect to patrol at sea, and the Customs Department, with respect to the movement of goods.

The General JHA Expert Fact Finding Mission organised in June 2000 noted that the Maltese border control procedures and border security do not give rise to major concerns with respect to the Schengen requirements. It was nonetheless noted that the Maltese administrative capacity needs to be strengthened further as well as the equipment on the army boats and planes for coastal surveillance. The need for specialised training for personnel deployed at external borders, as well as for other officers providing back-up support services in administrative and operational matters pertaining to the management of the Schengen Information System, the SIRENE office and co-operation with EUROPOL, was also deemed necessary.

As regards **Asylum**, Malta does not have to date a national eligibility procedure and a mechanism for asylum-seekers. The determination process of non-European asylum-seekers is carried out by UNHCR.

On 25 July 2000 the Maltese Parliament enacted a law to make provisions relating to and establishing procedures with regard to refugees and asylum seekers. This Act, which is scheduled to come into force in the second quarter of the year 2001, provides for the establishment of a Refugee Commissioner and an Appeals Board. Malta has also given notice to the High Commissioner of the UNHCR that it will be
lifting its geographical reservation to the Geneva Convention on Refugees (with effective implementation early in 2001).

The 2000 Regular Report stated that Malta has adopted legislation on Asylum that is largely in line with the acquis but that it still has to set up structures to deal with asylum requests.

### 3.2. Linked activities

- General JHA Mission to Malta (5 to 9 June 2000). The result of this mission was a report on the gaps and needs in relation to the EU acquis in the field of Justice and Home Affairs in Malta.

- A technical delegation from the "Service de Coopération Technique Internationale de Police (SCTIP)" of the French Ministry of the Interior visited Malta on two different occasions in May and June 2000 to identify issues relating to the establishment of the Schengen Information System and SIRENE Office and other general border control matters.

- Training sessions for immigration officers and members of the Armed Forces of Malta were provided by the “Centre des Etudes Européennes de Strasbourg” between the 2nd and 6th October 2000 on Asylum and Border Controls. The training was funded by the French Government with the participation of the UNHCR.

- The establishment of a Project Team in November 2000 by the Ministry for Home Affairs to monitor all aspects related to the implementation of the Schengen Acquis. Preliminary training is being provided for the Project Team and the purchase of basic infrastructure / equipment as of April 2001 is to be funded by Government of Malta.

- Reports submitted in January 2001 by EU experts, on gaps and needs respectively in the field of Asylum and Borders control.

- In the sector of Asylum preliminary basic training courses, funded by the Government of Malta, will be provided by the UNHCR. They will concern the Office of the Commissioner of Refugees, Members of the Appeals Board and Immigration Officers. This will in particular prepare them for the incoming twinning project.

- Report drawn up by Ms Anne Williams, from the UK Immigration and Nationality Division, following a three-day visit to Malta during January 2001.
3.3. Results

- Malta will be accepted as a Schengen-compliant country following the strengthening of the administrative capacity in border control and management involving the Police Force, Customs and the Armed Forces of Malta.
- To ensure that officers engaged in all levels of the management and application of Schengen controls get an acceptable standard of awareness and expertise through a comprehensive training strategy.
- To design a strategy and to prepare Malta for the integration of the national IT systems with the Schengen Information System (SIS-II).
- The administrative capacity of the existing asylum structures capable to implement an efficient and effective asylum process, compliant with the acquis, will be enhanced.
- All key players, i.e. the Office of the Commissioner of Refugees, the Appeals Board and all officers involved in the asylum process would be knowledgeable and competent.

3.3.1 Benchmarks

**Border Control**

- A training strategy and implementation plan in place.
- Extensive training to the members of the Schengen Project Team.
- All front-of-line immigration officers will be provided with operational training in matters pertaining to border control and management and the use of point of entry control equipment including the identification of false identification documents.
- Selected officers will be provided with specialised operational training on matters relating to the identification of forged documents and the use of second control equipment and ship and land based surveillance devices.
- Officers identified to manage and perform third stage document control will be extensively trained in operational matters related to the performance of their duties.
- Officers who will be identified to manage and administer the Schengen Information System and SIRENE Office will be provided with preparatory technical operational training on the work practices and procedures that they will be performing once the said system and office become operational.
- Software and database management infrastructure necessary to upgrade the administration of the national border control systems and the facilitation of electronic communication will be purchased, installed and made operational.
• The installation of the basic networking infrastructure and platform required to host the NSIS system will be purchased and installed to interface with existing national IT systems and prepared for the eventual integration with SIS or SIS II.

Asylum

• Well trained officers within the Office of the Commissioner of Refugees to deal with asylum seekers
• Trained members of the Appeals Board capable to decide on appeals filed by the asylum seekers or by the Minister
• Trained personnel at border points to interview asylum seekers and assist in the filling of the relevant “Applications for Declaration of a Refugee Status” forms.
• Trained pool of legal aid officers to assist asylum seekers during the whole process of the asylum procedure.
• Trained linguistic facilitators to assist the authorities and asylum seekers in interpretation
• Country information database operational
• Statistical database in line with EU Acquis in place.

3.4. Activities

3.4.1. Successful implementation of this project anticipates twinning assistance from an EU Member State and the presence of a long-term pre-accession advisor (PAA). He or she will be involved in all the elements of the project but will be supported as necessary by other short term experts.

The PAA, located in the offices of the Ministry of Home Affairs, will be in post for at least 12 months.

The PAA will need to have knowledge of the Schengen Acquis related to border control and experience in that domain, as well as general knowledge of the Asylum acquis and procedures. He or she will work with all the Maltese Authorities concerned.

More specifically, the project will be:
– To co-ordinate both components of the project –i.e. border control and asylum- to assure an optimisation of the resources available (training, staff and equipment), as well as a good overall organisation of the new structures set-up.

– To prepare a comprehensive training strategy, in conjunction with the Staff Development Organisation within the Office of the Prime Minister, to ensure an acceptable standard of expertise, flexibility and awareness of officers engaged in all levels of the management and application of Schengen controls. To assure a co-ordination of this strategy with the asylum training strategy.

– The design a strategy and a plan to integrate in the long term Malta’s national IT systems in SIS-II.

– To oversee the procurement of computer hardware, software and other technical equipment, with the help of EU and local appointed experts.

The following other tasks are identified:

**Border control**

1. Extensive training for the members of the Project Team on matters pertaining to border management and, eventually, the operational requirements of NSIS and SIRENE especially in view of the development of SIS II. This will ensure the provision of an adequate level of competence for monitoring the implementation of the necessary activities to ensure that Malta’s immigration service is brought in line with the provisions of the Acquis.

2. The establishment of arrangements for the attachment of Maltese immigration officers with one or more Schengen compliant Member States for hands-on operational experience in border control and management.

3. The preparation of tender documentation for computer hardware, software and other technical equipment, including equipment required to improve and update both first and second control systems for air, sea and land based surveillance devices.

4. The procurement, installation and commissioning of the equipment tendered for.

5. The training of officers identified to handle the equipment.
6. The provision of professional expertise from Member States administrations in the field of border control and management, to provide the training identified in the above mentioned strategy and programme.

**Asylum**

1. Training for personnel with the Commissioner for Refugees, immigration officers, Appeals Board and legal aid pool

2. Study visits/attachments for Commissioner of Refugees staff immigration police and members of the Appeals Board and legal aid pool

3. Organisation of basic interpretation support for processing asylum seekers applications.

4. Advice on how to set up and manage the country information database.

5. Advice in the compilation of statistical information on asylum seekers.

**3.4.2 Equipment**

Needs cover mainly the upgrading of following equipment:

1. Technical equipment for the inspection of documents (eg. UV lamps, the computer – SIS adapted – systems, fingerprint identification systems, digital camera, etc).

2. Technical equipment for the protection of land and sea borders.

3. National computer system with a view to making it compatible with SIS, including the installation of modern border control services in particular with regards to computer equipment and electronic liaison networks to ensure proper communications within SIS and the various agencies in Malta involved in the relevant activities.

4. Provision of other related equipment (hardware and software) for the Office of the Commissioner of Refugees.

5. The necessary equipment required to improve and update both first and second control systems for air, sea and land based surveillance devices will be purchased and commissioned.

Consequently, the current level of technical infrastructure must be upgraded to enable Malta to be considered by the EU to be an adequate external border of the Schengen area.
4. **Institutional Framework**

4.1. **Border Control**

In view of the importance of this project and related initiatives being undertaken by the Maltese authorities, the Minister for Home Affairs appointed an *ad hoc* Project Team in November 2000 to plan, manage and oversee the implementation of all matters pertaining to the adoption of the Schengen *Acquis*.

The Project Team is chaired by the Assistant Commissioner of Police responsible for immigration and has, as members, representatives from the Office of the Prime Minister, the Ministry for Home Affairs, the Ministry of Foreign Affairs, the Ministry of Justice and Local Government and the Ministry of Finance (Customs Department). The Project Team will ensure a proper co-ordination with the Armed Forces of Malta as required by the implementation of the project. This broad representation ensures the effective co-ordination of all activities and initiatives related to the adoption of the *Acquis*.

Furthermore, the Project Team is accountable to a permanent Steering Committee of the Malta Police Force which is chaired by the Minister for Home Affairs and has membership extended to the Permanent Secretary for Home Affairs, the Commissioner of Police, the Assistant Commissioner of Police for Strategy and Planning and a Managing Consultant from the Management Efficiency Unit in the Office of the Prime Minister. The purpose of the Steering Committee is to oversee operations of the Project Team and provide it with appropriate strategic policy direction.

All the activities identified in Section 3.4 will be under the direct management and supervision of the Project Team mentioned above.

4.2. **Asylum**

The main direct beneficiaries of this project will be the new Refugee Commission itself, as well as the Refugees Appeals Board, both set up in terms of the recently enacted Refugees Act, the immigration officers and border police, who are responsible for the effective and efficient border control in Malta, the legal aid services and the Interpreters.

*The Refugee Commissioner*

The Refugees Act provides for the appointment of a Refugee Commissioner. The Act states that the Commissioner shall as soon as possible examine any application for refugee status and shall recommend or otherwise to the Minister for Home Affairs the acceptance of the application. The Refugee Commissioner has been identified and is an active contributor to the setting up of the necessary eligibility structure. The Commissioner will have an initial complement of four persons consisting of two principal officers and two support staff.
**The Appeals Board**

The Refugees Act also provides for the setting up of an Appeals Board consisting of a chairperson and two other members. The Board will have power to hear and determine appeals against a recommendation of the Commissioner. The chairman and members of the Appeals Board have been identified and are making the necessary preparations for the time when the Act comes into force. The Board will also have a secretary.

**The Legal Aid Lawyers**

Asylum seekers will be having the right, by law, to legal assistance during all the phases of the asylum procedure. Free legal aid will be provided by a pool of legal aid lawyers.

**The Immigration Officers/Border Police**

A team of 12 Immigration Officers will assure a continued presence at border point to deal with the initial interviewing and form filling of asylum seekers.

**The Interpreters**

A pool of freelance language facilitators will be available to assist the authorities and asylum seekers whenever the need arises.

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### 5. **Detailed Budget**

<table>
<thead>
<tr>
<th>(.000 Euros)</th>
<th><strong>Pre-Accession Funds</strong></th>
<th><strong>National Co-Financing</strong>*</th>
<th><strong>Total Estimated Cost</strong></th>
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<tbody>
<tr>
<td>Twinning / Institution Building &amp; Training</td>
<td>975</td>
<td>80</td>
<td>1,055</td>
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<tr>
<td>Equipment</td>
<td>375</td>
<td>210**</td>
<td>585**</td>
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<td><strong>Totals</strong></td>
<td><strong>1,350</strong></td>
<td><strong>290</strong></td>
<td><strong>1,640</strong></td>
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</table>

* These funds are foreseen under the 2001 budget. More funds may be committed for the project by the Maltese government in the coming years however this cannot be shown since the Maltese budgetary system commits and disburses in the same year.

** This includes an allocation of 120,000 Euros Malta Government for the setting up of the Office of Refugees.
6. **IMPLEMENTATION ARRANGEMENTS**

6.1. Implementing Authority

Ministry for Home Affairs Malta  
Casa Leoni, 476, St Joseph High Road,  
Sta Venera HMR18, Malta

**Contact persons**

- **Border Control:**

  Mr Charles Deguara, Director for Policy and Planning at the Ministry for Home Affairs. Casa Leoni, 476, St Joseph High Road, Sta Venera HMR18, Malta.  
  Telephone: 00356 485113. Fax: 00356 485118. E-mail: charles.deguara@magnet.mt

- **Asylum:**

  Commissioner of Refugees, c/o Ministry for Home Affairs, Casa Leoni, 476, St Joseph High Road, Santa Venera HMR18, Malta.

6.2. Other arrangements

Institutional building activities will be carried out through expertise from counterpart administrations in member states.

6.3. Non-standard aspects

Practical Guide for External Aid will be followed. The relevant contracting procedures will also be followed.

6.4. Contracts

In addition to the twinning covenant there will be supply contracts for equipment.

7. **IMPLEMENTATION SCHEDULE**

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Start of tendering/call for proposals:</td>
<td>June 2001</td>
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<tr>
<td>Start of project activity:</td>
<td>November 2001</td>
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<tr>
<td>Project Completion:</td>
<td>June 2003</td>
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</table>

8. **EQUAL OPPORTUNITY**

Government of Malta is an equal opportunity employer.
9. **Environment**

Not applicable.

10. **Rates of Return**

Not applicable.

11. **Investment Criteria**

   11.1. **Catalytic Effect**

   The Pre-Accession Funds contribution will help strengthening the administrative capacities and international collaboration in border control and asylum process as well as harmonisation of data collection and the relevant institutional framework.

   11.2. **Co-finance**

   National co-finance contributions primarily will cover the setting up and maintaining the new administrative structures.

   11.3. **Additionality**

   Not Applicable.

   11.4. **Readiness**

   Relevant Legislative framework is in place and institutional set up identified and will be in place by the end of second quarter of 2001.

   11.5. **Sustainability**

   Relevant government policies ensure sustainability. The operational costs of the required administrative structures will be met out of public funds.

   11.6. **Competition**

   Services and equipment will be procured in line with the relevant regulations.

12. **Conditionality and Sequencing**

   - Setting up of Refugees Commissioner’s Office and coming into force of Refugees Act;
   - Malta complies with NPAA initiatives;
– Deployment of the necessary human resources to follow up the decision and activities identified by the Project Team;

– The provision of co-financing from Maltese sources.

Annexes

I. Logframe planning matrix
II. Implementation time schedule
III. Cumulative contracting and disbursement schedule of EU funding
IV. Reference to feasibility reports
## Logframe Planning Matrix for: Borders’ Control and Asylum Project

**Contracting period expires:** October 1, 2003  
**Disbursement period expires:** October 1, 2004

<table>
<thead>
<tr>
<th>WIDER OBJECTIVE</th>
<th>INTERVENTION LOGIC (Project structure)</th>
<th>OBJECTIVELY VERIFIABLE INDICATORS</th>
<th>SOURCES OF VERIFICATION</th>
<th>ASSUMPTIONS AND RISKS</th>
</tr>
</thead>
</table>
|                 | To strengthen Malta's administrative capacity to implement the Schengen Acquis related to border control and management and the acquis in the field of asylum | – Border control and management systems compliant with recommendations proposed by General JHA Fact Finding Mission and the provision of Shengen Acquis  
– Handling of requests by asylum seekers in place and functioning in line with the acquis | – EU Commission documents  
– EU Regular Reports  
– Statistical reports | – Co-ordination between local Authorities  
– Preparatory training for members of Project Team  
– Deployment of human resources |
<table>
<thead>
<tr>
<th>INTERVENTION LOGIC (Project structure)</th>
<th>OBJECTIVELY VERIFIABLE INDICATORS</th>
<th>SOURCES OF VERIFICATION</th>
<th>ASSUMPTIONS AND RISKS</th>
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<tr>
<td><strong>IMMEDIATE OBJECTIVES</strong></td>
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<tr>
<td><strong>BORDERS’ CONTROL</strong></td>
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<tr>
<td>– To enhance the current administrative capacity in border control and management, in particular the local co-operation between the Police Force, Customs, the Armed Forces of Malta as well the co-operation with counterpart EU law enforcement bodies in the sector of border control;</td>
<td>– The number of training programmes organised.</td>
<td>– A Training Plan.</td>
<td>– Availability of expertise</td>
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<tr>
<td>– To ensure that officers engaged in all levels of the management and application of Schengen controls get an acceptable standard of awareness and expertise through a comprehensive training strategy;</td>
<td>– The number of officers trained.</td>
<td>– Attendance of officers on training programmes.</td>
<td>– Availability of human and financial resources</td>
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<td>– To promote the exchange of electronic information and transactions between the Police, Customs and other law enforcement bodies locally, and the EU.</td>
<td>– The availability of technical equipment.</td>
<td>– Malta Police Force Annual report</td>
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<td>– To improve the technical infrastructure of the immigration service, in particular detection of forged documents and specialised equipment for border surveillance</td>
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<td>– To improve the equipment used on army boats and planes for better coastal surveillance;</td>
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<td>– To design a strategy and to prepare Malta for the integration of the national IT systems with the Schengen Information System (SIS-II).</td>
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<td><strong>ASYLUM</strong></td>
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<td>– To guarantee an effective and efficient asylum process, in compliance with the acquis;</td>
<td>– Increased asylum seekers (Refugees) satisfaction</td>
<td>– Annual Report of Commissioner of Refugees</td>
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<tr>
<td>– To strengthen or develop the capacity of the Office of the Commissioner of Refugees, including eligibility officers and interviewers;</td>
<td>– Trained personnel at Office of Commissioner of Refugees</td>
<td>– Statistical data</td>
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<td>– To strengthen the capacity of the Appeals Board and of lawyers assisting asylum seekers;</td>
<td>– Trained personnel at the Appeals Board</td>
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<tr>
<td>– To set up the necessary database to ensure exchanges of information with the Centre for Information, Discussion and Exchange on Asylum. (CIREA)</td>
<td>– Trained immigration officers and police</td>
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<td>– Trained interpreters</td>
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<td>– Trained pool of legal aid lawyers</td>
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<td>– Reduction in number of appeals before the Appeals Board</td>
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<tr>
<td>RESULTS</td>
<td>OBJECTIVELY VERIFIABLE INDICATORS</td>
<td>SOURCES OF VERIFICATION</td>
<td>ASSUMPTIONS AND RISKS</td>
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</table>
| • The administrative capacity in border control and management involving the Police Force, Customs, and the Armed Forces of Malta should enable Malta to be considered by the EU to be an adequate external border of the Schengen area.  
• Malta will be accepted as a Schengen-compliant country following the strengthening of the administrative capacity in border control and management involving the Police Force, Customs and the Armed Forces of Malta  
• To ensure that officers engaged in all levels of the management and application of Schengen controls get an acceptable standard of awareness and expertise through a comprehensive training strategy.  
• To design a strategy and to prepare Malta for the integration of the national IT systems with the Schengen Information System (SIS-II).  
• The administrative capacity of the existing asylum structures should allow an efficient and effective asylum process, compliant with the acquis;  
• The administrative capacity of the existing asylum structures capable to implement an efficient and effective asylum process, compliant with the acquis, will be enhanced.  
• All key players, i.e. the Office of the Commissioner of Refugees, the Appeals Board and all officers involved in the asylum process would be knowledgeable and competent. | • Training programmes are developed for all officers concerned.  
• Better management of the implementation process by the Project Team.  
• Officers certified as knowledgeable in the handling of equipment.  
• Efficient handling of asylum process by Maltese authorities | • Commission evaluation reports.  
• Status reports by the Project Team to the Malta Police Force Steering Committee on the progress of implementation.  
• Equipment in place and operational.  
• UNHCR Reports  
• Statistical Information sent to EUROSTAT | • Provision of the necessary inputs to deliver required activities.  
• Co-operation of all Stakeholders |
| INPUTS                                      |                                                                                                  |                                                                                          |                                                                                       |
| Twinning assistance                          |                                                                                                  |                                                                                          |                                                                                       |
| Procurement of equipment                     |                                                                                                  |                                                                                          |                                                                                       |
| • A trained Project Team.  
• Asylum requests directly handled by Office of the Commissioner of Refugees  
• Equipment installed. | • Tender documents.  
• Agreements with Schengen compliant states for attachments of officers.  
• Evaluation reports. |                                                                                          | • Availability of financial and human resources |
## IMPLEMENTATION TIME SCHEDULE

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<thead>
<tr>
<th>COMPONENT</th>
<th>2001</th>
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D: Design
T: Tendering and contracting
I: Implementation
X: Closure
### CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE

**Pre-Accession funding**

<table>
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<th>2002</th>
<th>2003</th>
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<td>31/12</td>
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<td>Disbursed</td>
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</tr>
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</table>
REFERENCE TO FEASIBILITY REPORTS


– Reports by experts sent to Malta by the DG Enlargement (January 2001)