

SUPPORT FOR FURTHER IMPLEMENTATION OF THE STRATEGY FOR REFORM OF BULGARIAN JUDICIARY

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1. Basic Information

- 1.1 CRIS Number (Year 3): **2006/018-343.07.01**
- 1.2 Title: **SUPPORT FOR FURTHER IMPLEMENTATION OF THE STRATEGY FOR REFORM OF BULGARIAN JUDICIARY**
- 1.3 Sector: **Justice and Home Affairs**, Sub-Sector: **Judicial Reform**
Sub-project I: Remedy the Civil and Penal Procedures
Sub-project II: Judicial Cooperation in Civil and Penal Matters
Sub-project III: Security Infrastructure and Witness Protection
Sub-project IV: Judicial Information Technologies
- 1.4 Location: **The Judicial System of the Republic of Bulgaria**
- 1.5 Duration: **Multi-annual - 36 months**
Phase 1: Twinning, Technical Assistance and Investment - **Year 1 - 2004**
Phase 2: Twinning, Technical Assistance and Investment - **Year 2 - 2005**
Phase 3: Technical Assistance and Investment - Year 3 - 2006

2. Objectives

2.1 Overall Objective:

To support the Bulgarian Government and the Bulgarian Judicial System in implementation of the Strategy for Reform of the Judiciary through introduction of European standards in justice and through updating the judicial infrastructure that will contribute to the process of preparation of the Republic of Bulgaria for accession to the European Union.

2.2 Project Purpose:

For Programme:

To obtain the necessary administrative and judicial capacity to transpose, implement and enforce the *Acquis* and to accrue the benefits of an operational national network of effective and transparent information systems for the Judiciary.

For Sub-project I. “Remedy the Civil and Penal Procedures”:

To build-up on the results of PHARE projects *BG-0203.01 “Implementation of the Strategy for Reform of the Judiciary”* (Component 1 “Improvement of the access to justice” and Component 2 “Improvement of the enforcement of judgements”) and *BG-2003/004-937.08.01 “Reform of the Civil and Penal Procedures”* in order to ensure fast, efficient and qualitative court procedures through: assistance in the implementation of the reform in civil and penal judicial proceedings; improvement of the procedures of enforcement of judgements; and providing the access to justice through legal aid.

For Sub-project II. “Judicial Cooperation in Penal and Civil Matters”:

To ensure further implementation of the Community instruments in the area of judicial cooperation in penal and civil matters through: assistance in creation of legal and practical grounds for incorporation of the relevant fundamental conventions into Bulgarian legislation; training of experts and magistrates on the newly adopted legislation.

For Sub-project III. “Support for Establishment of Security Infrastructure for the Judiciary and of Witness Protection System in Penal Proceedings”:

To improve the infrastructure and physical security of the Judiciary, and to bring the administrative capacity of the units within the Ministry of Justice up to the level required for efficient and correct implementation of their competences in the field of judicial security.

To establish an effective Witness Protection System in penal proceedings.

For Sub-project IV. “Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage”:

To build-up on the results of the PHARE 2003 project “*Support of the Implementation of the Strategy for Reform of the Judiciary, through the Introduction of Information Technologies*” and of the Early Financing Memorandum-2004 project “*Support of the Implementation of the Strategy for Reform of the Judiciary through the Introduction of Information Technologies - Second Stage*” in order to strengthen the institutional capacity of Bulgarian judicial system through: further integration of the existing IT systems; elaboration and full implementation of modern judicial Management Information Systems - Financial, Accounting, Human Resources, Inspectorate, Judiciary IT *e-learning*, **Central Electronic Archive**, International Penal and Civil Cooperation, and Security; implementation of the concepts of *e-Justice*.

- 2.3 Accession Partnership (AP) and NPAA Priority (and implementing measures envisaged by the Action Plan for AP priorities related to strengthening administrative and judicial capacity):

Accession Partnership 2003:

- Give more attention when the EC *Acquis* is transposed, to how it can be implemented and enforced, including in the court system, at national, regional and local levels, in a way appropriate to the situation in Bulgaria.
- Take steps to continue the reform of the judicial system:
 - Continue to implement the National Reform Strategy for the Bulgarian Judicial System and the Action Plan, and adopt implementing legislation in line with EU practices.
 - Take steps to improve judicial proceedings, in particular to reduce excessive length and ensure full implementation of fundamental rights in penal cases, especially as regards legal aid.
- Improve security and working conditions in courts and prosecution offices.
- Prepare to take further measures to ensure implementation of the Community instruments in the area of judicial co-operation in civil matters, notably as regards mutual recognition and enforcement of judicial decisions.
- Prepare to make legislative amendments necessary in order to accede to and

implement the EU Convention on Mutual Assistance in Criminal Matters upon accession and take the necessary steps to prepare for full implementation upon accession of the instrument applying the principle of mutual recognition and in execution of orders freezing property or evidence.

NPAA:

There has been no new updating of the National Programme for the Adoption of the *Acquis*.

The project will enhance the Bulgarian judicial system's ability to play its role in the further development of effective market economy and in the further implementation and enforcement of the *Acquis*, which will help the country meet the full range of its AP priorities in the field of Justice and Home Affairs.

2.4 Contribution to National Development Plan (and/or Structural Funds Development Plan):

N.A.

2.5 Cross Border Impact:

N.A.

3. Description

3.1 Background and Justification:

At its meeting in Copenhagen (12-13 December 2002) the European Council concluded that the accession of Bulgaria is a part of the same inclusive and irreversible enlargement process that led to the successful conclusion of accession negotiations with the ten "Laeken" candidates. Against this context, the Council set the objective of welcoming Bulgaria as a member of the European Union in 2007. At the same time, the Council confirmed that meeting the objective of 2007 will depend on further progress.

In this respect the Bulgarian Government and the Supreme Judicial Council are increasing the efforts to fully implement the commitments undertaken within the Accession Conference. In this process Bulgaria also follows the conclusions of the EC's 2002 and 2003 Regular Reports and Strategy Papers, the Roadmap (adopted by the Commission on 13 November 2002), and the Accession Partnership (revised by the EC in March 2003).

In October 2003 the accession negotiations on Chapter 24 "Co-operation in the field of Justice and Home Affairs" were provisionally closed. But progress in the negotiations is largely determined by progress in putting into place and implementing the necessary reforms. Hence, the challenge now is to ensure that commitments are met on time.

The 2003 Regular Report indicates that "further good progress could be noted in the area of Justice and Home Affairs". But, "substantial further efforts are needed to further strengthen the judicial system, through a continuation of the reforms".

Based on the analysis of the 2002 Regular Report, the Roadmap draws the conclusion that, whilst Bulgaria is making progress, the country has "a high level

of needs in terms of investment and institution building related to the implementation of the *Acquis*". And farther on it is stated: "The Commission will support further reform efforts, in particular with a view to implementation of the Strategy and Action Plan for Reform of the Judiciary. Projects in this field will be financed from PHARE in 2003 and subsequent years".

The critical notes and recommendations have been taken into account for the updating of the Strategy for Reform of Bulgarian Judiciary and in the updated Programme (Action Plan) for its implementation, both adopted in April 2003 by the Government.

In addition to the Strategy for Reform of Bulgarian Judiciary, the Ministry of Justice elaborated a Bulgarian Judicial IT Strategy and an Action Plan for its implementation, approved by the Supreme Judicial Council in April 2003.

The present project is designed in line with the key priorities laid down in both above-mentioned Strategies, namely:

- Elaboration of the necessary legal amendments related to the speedy, accessible and equitable justice;
- Further harmonization of Bulgarian legislation with the *Acquis* and with the best European standards and practices in justice;
- Taking the necessary measures for guaranteeing the application of the instruments of the Community in the area of the judicial cooperation in penal issues and in civil and commercial cases;
- Development and improvement of the infrastructure and security of the Judiciary;
- Continue the computerization of the Judiciary;
- Unification of the information systems in all the institutions of the Judiciary;
- Full computer equipment of the Judiciary;
- Introduction of *e-Justice*.

Updated IT Strategy (2007-2009) was prepared in the end of March 2006 and was approved by the Supreme Judicial Council with Protocol Decision No. 20 of 26 April 2006. The above mentioned activities are also planned in this updated strategic document.

Within the implementation of PHARE 2002 investment projects for the IT in the Bulgarian judiciary the following results are achieved by April 2006:

- 751 workstations, 90 x 32-bits servers and 40 x 64-bits servers were delivered for the courts;
- Local network infrastructure was developed in all 147 courts in Bulgaria;
- Library and office equipment was delivered to the National Institute of Justice;
- Court case management system was developed and was successfully installed in the courts. Experimental real work in 5 courts in Sofia and Varna region has begun;
- Document workflow management system was developed and was installed in all courts excluding: 5 regional courts, 1 district court and two supreme courts. There are 600 licences supplied to users. Training of trainers

program is completed. Experimental real work in 7 courts in Sofia, Plovdiv, Veliko Tarnovo, Yambol and Pernik courts has begun;

- Unified register system was developed and was installed in 27 district courts. Experimental real work has begun in 3 locations: Sofia and Pazardjik District court and for the MoJ register of NGOs;
- Conviction status certificate system really works in 60 regional courts with data transformation from old active systems, in 20 courts the new system and the old one work simultaneously;
- Relational Data Base Management System (RDBMS) was supplied, installed and the configuration was completed; the design of Data warehouse was delivered.

With the implementation of the project it is expected to obtain the necessary administrative and judicial capacity to transpose, implement and enforce the *Acquis*, with particular attention given to:

- Surmounting the deficiencies of legislation related to the civil and penal procedures, achievement of their aligning with the *Acquis* and provision of timely and complete training for the law implementing authorities;
- Elaboration of legislative preconditions for the accession of Bulgaria to open international fundamental legal instruments in the field of judicial cooperation in criminal matters, civil and commercial cases, adoption of adequate amendments to the national legislation in relation with the application of the accessed by Bulgaria instruments, provision of training for experts and magistrates on the newly adopted legislation and achieving fast and unimpeded cooperation in the common European area;
- Improving the security of the Judiciary through introduction of integrated systems for security and control of access to the court buildings, provision of complete training of the staff of “Security” General Directorate within the Ministry of Justice, and successful introduction of European standards in the field;
- Elaboration and full implementation of modern judicial management IT systems and their integration with the existing ones for the creation of a nationwide network, implementation of the concepts of *e-Justice*, provision of complete training of the staff of the “Information Services and Technologies” Directorate within the Ministry of Justice, and considerable increasing of the efficiency of work and the transparency of the Judiciary.

3.2 Sectoral Rationale:

The Sub-sector “Judicial Reform” is of paramount importance for bringing forward Bulgaria’s total preparation for EU membership.

The considerable need for reform, its depth and its broad coverage in terms of institutions and the huge need for investments called for the updating of the Strategy. In preparing and adopting the updated five-year Strategy for Reform of the Judiciary, the Government of Bulgaria has identified the full range of institutional and material problems facing the Judiciary, and organized them into logical groupings so that each could be addressed. It is based on an overall

assessment of the situation for every aspect under consideration, setting out for each of them the main steps still to be taken by Bulgaria to meet the remaining requirements for membership. The Updated Strategy aims to safeguard that judicial and law enforcement authorities will succeed in the full implementation of the commitments made in the negotiations, and thus meet the standards of EU Member States.

The submitted for EU-funding project for Sub-sector “Judicial Reform” responds to the accession agenda. The activities under this PHARE project are essential for the attainment of the overall objective - to support the Bulgarian Government and the Bulgarian Judicial System in implementation of the Strategy for Reform of the Judiciary through introduction of European standards in justice and through updating the judicial infrastructure that will contribute to the process of preparation of the Republic of Bulgaria for accession to the European Union.

3.2.1 Identification of Projects:

3.2.1.1. *Sub-project I. “Remedy the Civil and Penal Procedures”*

The objectives of Sub-project I. are related to solution of problems in practical justice. Those objectives include: strengthening the law enforcement capacity of the judiciary; improving access to justice through legal aid; improving the execution of judgements’ procedures; reviewing and amending the legislative framework governing the judicial system, with the aim to improve its overall functioning.

The laws regulating the civil and penal procedures (respectively, the Civil Procedure Code and the Penal Procedure Code) are not in line with the *Acquis*. The Roadmap for Bulgaria lists as a medium-term objective to “take steps to remedy the complexity of the penal procedure by making the investigation phase shorter, more efficient and in line with the EU practices”.

On 14 July 2003, the Ministry of Justice started the PHARE Project *BG-0203.01 “Implementation of the Strategy for Reform of the Judiciary”*. The first and the second components of the on-going project are in close relation with the activities under the proposed Sub-project I.:

- The current Component 1 “Improvement of the access to justice” envisages the implementation of numerous activities. The final result of Component 1 will be the submission by the Ministry of Justice to the Council of Ministers for approval of the drafts of the recommended amendments to the relevant laws. A National Commission for Legal Aid (with structures throughout the country) is expected to be established. The Commission will be independent of the judicial system, but therein shall take part representatives of the magistrates, lawyers, experts from the Ministry of Justice, etc. This will enable Bulgaria to bring the legal aid in civil and penal matters, inclusive the administrative processing and efficiency, in line with the respective *Acquis* as well as with the standards of the European Convention on Human Rights and with the jurisdiction of the European Court for Human Rights.
- The current Component 2 “Improvement of the enforcement of judgements” aims at drafting amendments to the Civil Procedure Code (the part concerning execution of judgements), to the Law on the Judiciary, as well as

to recommended (additional) regulations with respect to the legal position of judges and civil servants concerned with execution matters (executors, bailiffs). It will bring the administrative processing and structures of execution proceedings in line with the respective *Acquis* and EU-standards.

The Ministry of Justice is going to start recently the implementation of the PHARE project *BG-2003/004-937.08.01 "Reform of the Civil and Penal Procedures"*. The Project will assist in development of analyses and recommendations concerning the Bulgarian civil and penal procedures, and in creation of new concepts and legal framework regulating the court procedures. As a final result, new draft legislation will be created and submitted to the Parliament by the end of 2005. The adoption of the proposed legislation would immediately lead to the need of actions regarding its proper implementation and enforcement. The new Civil and Penal Procedure Codes might hamper the law-implementing authorities and lead to differing court practices. That is why, significant efforts should be made and resources allocated in order to provide timely and complete training for the law-implementing authorities.

The proposed Sub-project I. will be implemented in close cooperation with the other on-going projects. The sustainability of the achieved results will be ensured. The projects are designed in conformity with each other, thus achieving maximum efficiency by their subsequent implementation. The time schedules of the projects - both running and prospective - would be carried out in a correlative way and with exchange of current information that would contribute to attaining better results in projects' implementation.

3.2.1.2. *Sub-project II. "Judicial Cooperation in Penal and Civil Matters"*

The objectives of Sub-project II. are related to amending and improving the legislative basis in-line with the EU acts and standards, as well as to further implementation of the Community instruments in the area of judicial co-operation in penal and civil matters.

Bulgaria has achieved a satisfactory level of approximation with the *Acquis* in the area of judicial cooperation. But the Roadmap and the Strategy for Reform of Bulgarian Judiciary reveal that a priority for the country is the undertaking of the necessary measures in order to guarantee the application of the Community instruments in the field of judicial cooperation in penal matters, civil and commercial cases. As medium-term objectives are set: identification of priorities and elaboration of draft laws to amend and supplement the existing legislation, including with a view to secure the enforcement of the European Arrest Warrant; identification of competent national courts to carry out activities related to the judicial cooperation in penal and civil matters, and providing conditions for efficient implementation of such activities; training of magistrates from the assigned courts on the application of the relevant Community instruments.

The country still needs and should continue the preparations to accede to four important international conventions in penal matters: the *European Convention on the Transfer of Proceedings in Criminal Cases*; the *Convention between the Member States of the European Communities on the Enforcement of Foreign*

Criminal Sentences; the Convention on Simplified Extradition Procedures between the Member States of the EU; and the Council of Europe Convention on the International Validity of Criminal Judgements.

In May 2003 were adopted amendments to the Penal Code, which will enable Bulgaria to accede to the *Convention on Simplified Extradition Procedures between the Member States of the EU*. The amended in October 2002 Penal Code contains provisions aligning further with the *Convention on the Protection of the European Communities' Financial Interests*. With the obligations undertaken to implement the necessary amendments to its national legislation and practices Bulgaria has declared its decisiveness to contribute to the process of establishing a common European zone of freedom, security and justice.

In June 2003, Bulgaria deposited with the Secretary General of the Council of Europe the instrument of ratification on the *European Convention on the Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children*. The Convention entered into force for the Republic of Bulgaria in October 2003. In May 2003 Bulgaria deposited the ratification instrument on *The Hague Convention on the Civil Aspects of International Child Abduction*, and the Convention entered into force in August 2003. The National Assembly adopted amendments to the Family Code related to the ratifications of the two Conventions in July 2003. Amendments to the Civil Procedure Code were adopted in September 2003. With the measures undertaken, Bulgaria confirms the significance given to the judicial cooperation in civil matters, which would contribute to the fast and unimpeded exchange of information on civil, commercial and family cases.

Sub-project II. is directed towards the creation of legal and practical grounds for incorporation of the relevant fundamental conventions into Bulgarian legislation, as well as towards the training of magistrates and experts on the newly adopted legislation. The proposed Sub-project II. will support the country to finish the reforms in its legal and institutional frames that would enable the recognition and enforcement of foreign court decisions. The latter would increase the mutual confidence among the legal systems of the European states and would contribute to the free movement of people, goods, services and capitals in the common European area.

3.2.1.3. Sub-project III. "Support for Establishment of Security Infrastructure for the Judiciary and of Witness Protection System in Penal Proceedings"

The first main objective of Sub-project III. is related to improving the infrastructure and physical security of the Judiciary - one of the key priorities of the Strategy for Reform of Bulgarian Judiciary.

Implementing the Strategy for Reform of the Bulgarian Judiciary (adopted by the Council of Ministers' Decision No. 672/01.10.2001) and the Programme (Action Plan) for the Implementation of the Strategy (approved with Resolution of the Council of Ministers No. 152/20.03.2002), the Ministry of Justice prepared

and the National Assembly (the Parliament) adopted amendments to the Law on the Judicial System (promulg. S.G. 74/30.07.2002). The new Article 36 in Chapter Three provides for a specialized unit within the Ministry of Justice, responsible for the security of court buildings, magistrates and witnesses, if needed. In pursuance of the legal provisions, a new Directorate "Security" was established within the Ministry of Justice. In the amended Rules of Procedure of the Ministry of Justice (S.G. 83/2002) a new Art. 30 provides for the place and functions of the Directorate with personnel of 400 guards. With later amendments to the Rules of Procedure of the Ministry of Justice (S.G. 21 and 53/2003) the rank of the Directorate was promoted to General Directorate, and the number of staff increased - 1159 personnel now. *The Updated Strategy for Reform of the Bulgarian Judiciary was adopted with Decision No. 260 of the Council of Ministers from April 21, 2003.*

The functioning of General Directorate (GD) "Security" is regulated in detail by Ordinance No. 1 of 30.01.2003 "*On the Structure, Organisation and Activity of the Security Guard of the Judicial Authority Bodies*" issued by the Minister of Justice and promulgated in S.G. 11/05.02.2003. The Ordinance was coordinated with the Supreme Judicial Council - Decision on Statement No. 2 of 15.01.2003.

The GD "Security" has started the accomplishment of its specific duties. But in its daily work the new unit experiences a considerable number of problems and particular needs for a more efficient fulfilment of the tasks assigned, namely: conducting compulsory initial and further training for increasing the qualification of the staff; elaboration of training programmes; acquaintance with the related practices in the EU Member States; improvement of the level of protection of all judicial premises; supply of indispensable modern portable and steady detecting equipment, control devices, computer software and hardware, etc.

GD "Security" has acquired some experience during the two years since was established. It executes its activities under Article 97-a of the Penal Procedure Code.

The proposed Sub-project III. is expected to support the GD "Security" within the Ministry of Justice in analysing the problems and in increasing the unit's capacity through providing timely and complete training of the staff, introducing integrated systems for security and control of access to the court buildings, procuring computer software and hardware, and modernizing the work conditions. The proposal for investments in security infrastructure and training is justified by a substantive needs assessment of GDSC's experts (*see Annex 7*). The implementation of all envisaged activities shall bring the unit up to the level required for efficient and correct implementation of its competences, as well as shall improve the infrastructure and physical security of the Judiciary to be in line with the best EU practices.

The second main objective of Sub-project III. is to provide the necessary expert assistance required for the organizational and functional building of the Witness Protection Unit and for the training of the personnel.

The Republic of Bulgaria has made significant progress in the fight against organised crime during the last three or four years. The Law on Protection of Persons Threatened in Connection with Penal Procedure (Protection of Persons Act) was adopted by the National Assembly (the Parliament) (promulg. S.G. 103/23.11.2004, in force from 25th May 2005).

The purpose of that Act is to support the fight against severe deliberate offences and organised crime by the means of providing security guard to the witnesses in the penal proceedings and to their relatives. The Act stresses on the establishment of a new administrative unit for execution of the Protection of Endangered Persons Programme. The unit will be in the structure of the General Directorate "Security" within the Ministry of Justice. Having in mind the crime complexity and the crime organisation that unit should be enlarged and should improve the cooperation with similar institutions in the neighbouring countries.

The most difficult crimes to detect and investigate are committed by organised criminal groups. The field of their activities is very wide: purchase, sale and distribution of drugs and weapons, smuggling of illegal goods, alcohol, tobacco and others, organised prostitution, trafficking in people, homicides and threats, financial and tax frauds, car thefts, acts of corruption, abduction and extortion, that generate fabulous profits.

The criminal organisations are very well equipped with technical and communication equipment and extremely mobile. The crimes are very well organised and the criminals are still a step ahead of the law enforcement authorities which makes their detection quite difficult.

Although Bulgarian executive authorities have taken a number of steps to extend the opportunities to fight against crimes, a need of organising certain units with adequate technical equipment and trained personnel still exists. Particular attention should be paid to the witness protection in the penal proceedings. A criminal should not avoid a verdict of guilty because the witness or his/her relatives were threatened and may refuse to testify.

The UN Convention against Transnational Organized Crime (Palermo, 13 December 2000) was ratified by the Republic of Bulgaria on 12 April 2001 (S.G. 42/27.04.2001). Art. 24 of the Convention stipulates the principles of the witness protection.

As the Republic of Bulgaria is a small country (territory approx. 111 000 sq. km) with limited financial resources, it is difficult to build up an effective Witness Protection System by its own. Therefore the cooperation with the neighbouring countries and countries with rich experience in the area is very important.

3.2.1.4. Sub-project IV. "Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage"

The objectives of Sub-project IV. are related to the very important aspect of the judicial reform - to make further progress with the introduction of modern

information technologies, which will speed up the proceedings, increase their quality and diminish the workload of magistrates and administrative staff.

The design of the Bulgarian Judicial IT Strategy is a result of the PHARE 2000 PPF project “*Technical Assistance to the Bulgarian Judiciary for the Development of IT Strategy*”, successfully finalized in March 2003. Further to that project, the following documents were drafted: Judiciary IT related System Synthesis (first version approved by the Supreme Judiciary Council (SJC) in April 2003, and updated version of IT Strategy approved by the SJC with Protocol Decision No. 20 of 26 April 2006); Proposals for improvement of the IT coordination mechanism; and IT projects management based on clear methodology standards (incorporated within the IT Strategy document). The strong point of that project is to set up an efficient mechanism to coordinate the judicial computerization in Bulgaria.

In accordance with the policy of modernization and harmonization of Bulgarian judicial system, the “Information Services and Technologies” (IST) Directorate has been established within the Ministry of Justice. The unit is in charge of the overall management of implementation and maintenance of judicial IT systems and infrastructure. Its responsibilities also include providing expertise in preparing PHARE and other donors’ projects concerning modern technologies, project documents preparation, technical specifications elaboration, and project monitoring and reporting. In this respect, the effective functioning of the judicial IT systems and infrastructure depends on the capacity of the IST Directorate to perform successfully its duties. The administrative capacity of 13 experts employed in the IST Directorate is expected to become insufficient soon in respect to the rapid developments of the IT-related projects. Moreover, the IST Directorate is envisaged to be promoted to a National Judicial IT Agency or a Judiciary Information Services and Technologies Organization (JISTO). It should have branches all around the country, and that would lead to an increase of staff to more than 100 experts and technicians.

The proposed Sub-project IV. is designed on the basis of recommendations, gaps and needs analyses, and lessons learned from previous projects funded by PHARE or by other donors. It is also in line with other on-going projects, aiming at their continuation and upgrading. (*The IT related projects are listed below in item 3.5. Linked Activities*).

NOTE: IN THE FRAMEWORK OF SUB-PROJECT IV. ARE ALSO INCLUDED THE IT COMPONENTS OF THE OTHER THREE SUB-PROJECTS OF THE CONSOLIDATED PROJECT.

The proposed Sub-project IV. is expected to assist in: strengthening the capacity of the IST Directorate; continuation of the computerization of the Judiciary; unification of the information systems in all the institutions of the Judiciary. The successful implementation of all envisaged activities shall lead to modernization of the judicial system, introduction of European standards in the work of Bulgarian Judiciary, achievement of accountability and information transparency, provision of better services, and strengthening the public confidence and support.

3.2.2 Sequencing:

The project is in line with the Updated Strategy for Reform of the Bulgarian Judiciary and with the Bulgarian Judicial IT Strategy, as well as with the Action Plans for their implementation, in which current priorities are stated, indicating clearly what should be done, by when and by whom.

The priorities under the project are also in line with the PHARE 2004-2006 Indicative Programme for the Sub-sector “Judicial Reform”. Their accurate implementation is of a great importance for the successful completion of the judicial reform in the Republic of Bulgaria.

The activities under this project will be closely coordinated with all on-going judicial projects. All the deliverables under different Judicial IT projects, financed by PHARE and by other donors, will be taken into consideration.

3.3 Results:

The purpose of the *Sectoral Programme (consolidated Project)* is: To obtain the necessary administrative and judicial capacity to transpose, implement and enforce the *Acquis* and to accrue the benefits of an operational national network of effective and transparent information systems for the Judiciary. The project purpose will be attained through the achievement of all the results of its four sub-projects.

3.3.1. *Sub-project I. “Remedy the Civil and Penal Procedures”*

3.3.1.1. Purpose:

To build-up on the results of PHARE projects *BG-0203.01 “Implementation of the Strategy for Reform of the Judiciary”* (Component 1 “Improvement of the access to justice” and Component 2 “Improvement of the enforcement of judgements”) and *BG-2003/004-937.08.01 “Reform of the Civil and Penal Procedures”* in order to ensure fast, efficient and qualitative court procedures through: assistance in the implementation of the reform in civil and penal judicial proceedings; improvement of the procedures of enforcement of judgements; and providing the access to justice through legal aid.

3.3.1.2. Results:

Year 1/Phase 1

Component I-1. Strengthening the National and Local Commissions for Legal Aid - Twinning

- Equal access to justice ensured;
- A comprehensive analysis on the indispensable modern technical and office equipment crucial for the proper functioning of the National and Local Commissions for legal aid made;
- Technical Specifications for the equipment to be tendered prepared;
- Information materials for the awareness of society about the options under the National System for legal aid elaborated.

Component I-2. Improvement of the Enforcement of Judgements in Order to Ensure Effective and Prompt Protection of the Rights of Citizens and Legal Entities - Twinning

- Improved practices of enforcement of judgements;
- A comprehensive analysis on the indispensable modern technical and office equipment crucial for the proper functioning of the enforcement of judgements made;
- Technical Specifications for the equipment to be tendered prepared;
- Digests, reference books and other information materials about the most efficient practices of enforcement of judgements for the prompt protection of the rights of citizens and legal entities elaborated.

Component I-3. Elaboration of Materials for the Training of Magistrates and Court Staff in Connection with the New Legislation on Civil and Penal Procedures - Twinning

- Training programmes for magistrates and court administrative staff updated and upgraded;
- Training guides and manuals on the new civil and penal procedural legislation elaborated;
- Pilot training of magistrates and court administrators in accordance with the new system of civil and penal procedures carried out.

Year 2/Phase 2

Component I-4. Supply of Technical and Office Equipment for the Legal Aid - Investment

- Tender procedures held, based on the Technical Specifications elaborated under Component I-1.;
- Technical and office equipment for the National and Local Commissions for legal aid supplied.

Objectively Verifiable Indicators (common to all phases):

- Number of people received legal aid and evolution (in %) by the end of the project;
- Increased speed of the proceedings for enforcement of judgements: duration (in days) and % of reduction of this duration (target in days);
- Reduction of the contradictory court practices;
- Number of magistrates and court administrators trained in accordance with the new system of civil and penal procedures;
- Technical and office equipment established;
- Number of the digests, reference books, training guides, manuals and information brochures elaborated and circulated.

3.3.2. Sub-project II. “Judicial Cooperation in Penal and Civil Matters”

3.3.2.1. Purpose:

To ensure further implementation of the Community instruments in the area of judicial cooperation in penal and civil matters through: assistance in creation of

legal and practical grounds for incorporation of the relevant fundamental conventions into Bulgarian legislation; training of experts and magistrates on the newly adopted legislation.

3.3.2.2. Results:

Year 1/Phase 1

Component II-1. Judicial Cooperation in Penal Matters - Twinning

- Improved system and increased effectiveness in protecting and assisting the crime victims;
- Establishment of a National Compensation Fund for the crime victims;
- Effective internal legal mechanisms established for the implementation of the *EU Framework Decisions on the European Arrest Warrant and on the European Execution Orders for Freezing Assets or Evidence*;
- Experts and magistrates trained on the newly adopted penal acts.

Component II-2. Judicial Cooperation in Civil Matters - Twinning

- Creation of effective internal legal mechanisms for the accession of Bulgaria and for the implementation of the best practices of the EU Member States regarding the *Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations (2.10.1973)*, the *Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (19.10.1996)*, and the *Convention on the International Protection of Adults (13.01.2000)*;
- Experts and magistrates trained on the newly adopted civil conventions.

Component II-3. Creation of an Integrated Information System for International Judicial Cooperation on Criminal and Civil Cases - Twinning

- Developed standards for information cooperation and data exchange between the automated information systems of the bodies for human rights protection and jurisdictional institutions regarding the interrelation with the respective foreign authorities;
- Created mechanism for regulated unified usage of information regarding the international judicial cooperation;
- Availability of summarized information for the enforcement on behalf of the Republic of Bulgaria of the foreign applications for legal aid on criminal and civil cases, extradition and transfer of sentenced persons, recognition of foreign judgements on criminal cases and recognition of foreign judgements on civil cases;
- Provided communication acceleration in the enforcement of applications of foreign bodies for human rights protection and jurisdictional institutions;
- Established Integrated Information System for international judicial cooperation on criminal and civil cases;
- Delivered training of experts and magistrates on effective using of the Integrated Information System for international judicial cooperation on criminal and civil cases.

Objectively Verifiable Indicators:

- Provision of effective legal and practical assistance and adequate post-traumatic psychological treatment for the victims of crime to recover their lives;
- Functioning National Compensation Fund for the crime victims;
- Improved international cooperation in the field of penal matters;
- Number of experts and magistrates trained on the new penal acts;
- Legal and practical grounds for incorporation in the Bulgarian civil legislation of the three relevant fundamental conventions created;
- Network of a number of experts and magistrates competent on the newly adopted civil legislation created;
- Functioning Integrated Information System for international judicial cooperation on criminal and civil cases;
- Number of experts and magistrates trained on the new Integrated Information System for international judicial cooperation on criminal and civil cases.

3.3.3. *Sub-project III. "Support for Establishment of Security Infrastructure for the Judiciary and of Witness Protection System in Penal Proceedings"*

3.3.3.1. Purpose:

To improve the infrastructure and physical security of the Judiciary, and to bring the administrative capacity of the units within the Ministry of Justice up to the level required for efficient and correct implementation of their competences in the field of judicial security.

3.3.3.2. Results:

Year 1/Phase 1

Component III-1. Training of the Personnel of General Directorate "Security Guard" - Twinning

- Action Plan for the infrastructure and security of the Judiciary drawn up;
- Curricula for initial and on-the-job training of the judicial security staff developed;
- Specialized training for the personnel of GD "Security Guard" delivered.

Component III-2. Analysis of the Equipment Needs for General Directorate "Security Guard" - Technical Assistance

- A comprehensive analysis on the indispensable technical equipment for ensuring the high level of protection of Judiciary made;
- Technical Specifications for the equipment to be tendered elaborated.

Component III-3. Establishment of Effective Witness Protection System in Penal Proceedings - Twinning

- Functional witness protection unit including legislative base and job descriptions;
- Developed strategy for efficient Witness Protection System;
- Elaborated manuals (Best Practice Manuals) for Witness Protection Unit staff;

- Trained Witness Protection Unit staff;
- Conducted detailed Analysis for the necessary technical equipment to guarantee effective witness protection;
- Drafted Technical Specifications for the equipment tenders.

Objectively Verifiable Indicators:

- Volume of information (availability);
- Drafted secondary legislative acts and job descriptions;
- Elaborated Plan for Initial and Additional Training of staff involved in witness protection activities;
- Staff trained within the GD “Security”.

Year 2/Phase 2

Component III-4. Installation of Technical Equipment for General Directorate “Security Guard” - Investment

- Technical equipment supplied and put into operation;
- Integrated systems for security and control of access to the court buildings established.

Year 3/Phase 3

Component III-5. Installation of Technical Equipment for Witness Protection - Investment

- Technical equipment supplied and put into operation.

Objectively Verifiable Indicators (common to all phases):

- Action Plan for the infrastructure and security of the Judiciary delivered;
- Curricula for initial and on-the-job training of the judicial security staff delivered;
- Number of the personnel of GD “Security Guard” trained;
- Comprehensive gaps and needs analysis on the indispensable technical equipment for ensuring the high level of protection of Judiciary delivered;
- Technical Specifications for the equipment elaborated;
- Tender procedures successfully held and contracts concluded;
- Equipment supplied and installed;
- Integrated systems for security and control of access to the judicial premises put in operation;
- Functioning Automated Document-flow Management System;
- Functioning National Judicial Security Information System.

3.3.4. Sub-project IV. “Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage”

3.3.4.1. Purpose:

To build up on the results of the PHARE 2003 project “Support of the Implementation of the Strategy for Reform of the Judiciary through the

Introduction of Information Technologies” and the Early Financing Memorandum-2004 project “Support of the Implementation of the Strategy for Reform of the Judiciary through the Introduction of Information Technologies - Second Stage” in order to strengthen the institutional capacity of Bulgarian Judicial System through: further integration of the existing IT systems; elaboration and full implementation of modern Judicial Management Information Systems - Financial, Accounting, Human Resources, Inspectorate, Judiciary IT e-learning, Central Electronic Archive, International Penal and Civil Cooperation, and Security; implementation of the concepts of e-Justice.

3.3.4.2. Results:

For the three years of the multi-annual PHARE planning the results expected are interrelated and formally separated into three phases, and are stated at the IT Strategy “Support of the Implementation of the Strategy for Reform of the Judiciary through the Introduction of Information Technologies”.

Year 1/Phase 1

Component IV-2. Supply of Hardware for the Judiciary - Investment

- Tender procedures held for hardware for the Judiciary, based on the Technical Specifications elaborated by the Beneficiary;
- IT hardware for the judiciary supplied, tested, installed, commissioning performed;
- Provision of technical training courses for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency’s staff;
- Provision of technical training courses for the Users’ effective performance.

Year 2/Phase 2

Component IV-2. Judicial Business Software Applications Development and Supply of Hardware, Communication Equipment and Standard Software - Investment

- Tender procedures held, based on the Technical Specifications elaborated under the previous judicial IT projects - for the Financial Management, Human Resources Management, Judicial Inspectorate Management, and Security Guard Management Information Systems;
- Judicial business application for the integrated Judicial Financial Management, Human Resources Management, Judicial Inspectorate Management, and Security Guard Management Information Systems developed, delivered, tested, installed in all required locations on all working places;
- Provision of technical training courses for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency’s staff;
- Provision of technical training courses for the Users’ effective performance.

Year 3/Phase 3

Component IV-2. Judicial Business Software Applications Development and Supply of Hardware, Communication Equipment and Standard Software - Investment

- Tender procedures held, based on the Technical specifications elaborated under the previous judicial IT projects - for the Accounting, Judiciary IT *e-learning*, Central Electronic Archive, and International Penal and Civil Cooperation Management Information Systems;
- Establishment of the integrated judicial Accounting, Judiciary IT *e-learning*, Central Electronic Archive, and International Penal and Civil Cooperation Management Information Systems;
- Provision of technical training courses for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency's staff;
- Provision of technical training courses for the Users' effective performance.

Component IV-3. Evaluation of Technical Specifications, and Establishment and Institutional Building of a Registration Agency (expected to become a Judicial IT Agency later) - Technical Assistance

- Provision of IT management methodologies and support for process assessment and control of projects, contracts and quality;
- Integration and harmonization of **all** judicial IT systems;
- Further harmonization of the *e-Justice* system with **all** available judicial IT systems;
- Capacity building of the Registration Agency by provision of technical training courses for perfecting the state-of-the-art technological knowledge and skills of the staff.

Objectively Verifiable Indicators (common to all phases):

- Assessment reports on the Users' needs and requirements in respect to integrated judicial Management Information Systems - Financial, Accounting, Human Resources, Inspectorate, Judiciary IT *e-learning*, Central Electronic Archive, International Penal and Civil Cooperation, and Security, delivered;
- Technical Specifications for the equipment evaluated;
- Tender procedures successfully held and contracts concluded;
- Hardware, communication equipment and standard software delivered, installed and fully operational;
- Application software delivered, installed and put into operation;
- Integrated judicial Management Information Systems - Financial, Accounting, Human Resources, Inspectorate, Judiciary IT *e-learning*, Central Electronic Archive, International Penal and Civil Cooperation, and Security, put in operation;
- System for *e-Justice* implementation put in operation;
- Training modules available;
- Manuals for system administrators and for Users available;
- Registration Agency responsible for the realization of Bulgarian judicial IT policy operative;
- Number of the staff of the Registration Agency trained;
- Number of the certified trainers for training of Users;
- Number of the personnel of the Users trained.

3.4 Activities:

3.4.1. *Sub-project I. "Remedy the Civil and Penal Procedures"*

Year 1/Phase 1

Component I-1. Strengthening the National and Local Commissions for Legal Aid - Twinning

- Establishment of the National System for legal aid, which will coordinate and ensure legal aid on the territory of the whole country;
- Accomplishment of needs analyses on office and technical equipment, as well as on training;
- Elaboration of the Technical Specifications for the equipment to be tendered;
- Provision of pilot training for the managers;
- Establishment of links and contacts with similar institutions in the EU Member States;
- Awareness of the society for the options under the National System for legal aid through elaboration and circulation of information brochures.

Component I-2. Improvement of the Enforcement of Judgements in Order to Ensure Effective and Prompt Protection of the Rights of Citizens and Legal Entities - Twinning

- Strengthening of the existing structures and practices in the enforcement of judgements;
- Accomplishment of needs analyses on office and technical equipment, as well as on training;
- Elaboration of the Technical Specifications for the equipment to be tendered;
- Establishment of constant court practises in the field of enforcement of judgements - through training, seminars, conferences, elaboration and circulation of digests, reference books and other information materials about the most efficient practices of enforcement of judgements for the prompt protection of the rights of citizens and legal entities;
- Strengthening of the professional guild of executive judges - training of the managers, establishment of links and contacts with professional associations from the EU Member States.

Component I-3. Elaboration of Materials for the Training of Magistrates and Court Staff in Connection with the New Legislation on Civil and Penal Procedures - Twinning

- Development of training programmes and curricula on the new civil and penal procedures;
- Elaboration of training guides and manuals on the new civil and penal procedural legislation;
- Provision of pilot training for magistrates and court administrators according to the new amendments in legislation, in view of fast and effective execution of their functions.

Year 2/Phase 2

Component I-4. Supply of Technical and Office Equipment for the Legal Aid - Investment

- Purchase of office and technical equipment for the National and Local Commissions for legal aid:
 - Tender procedure based on the Technical Specifications elaborated under Component I-1.;
 - Supply and installation of the equipment.

Means (common to all phases):

- Selection of the twinning partner(s), including RTA(s) and other experts;
- Elaboration and signing of the Twinning Contract(s);
- Set up of the Working groups of Bulgarian and EU short-term experts, determination of tasks and responsibilities;
- Organising and conducting training seminars and conferences;
- Delivery of the necessary technical and office equipment.

3.4.2. *Sub-project II. “Judicial Cooperation in Penal and Civil Matters”*

Year 1/Phase 1

Component II-1. Judicial Cooperation in Penal Matters - Twinning

- Review of the effectiveness of Bulgarian legislation in the sphere of protecting and assisting the crime victims, and its comparison with the legislation of the EU Member States;
- Development of concrete proposals for the necessary legislative amendments with respect to improvement of the system for protecting and assisting the crime victims;
- Establishment of a National Compensation Fund for the crime victims;
- Analysis of the existing structures and practices on the implementation of *EU Framework Decisions on the European Arrest Warrant* and *on the European Execution Orders for Freezing Assets or Evidence in the EU Member States*, and the opportunities for their incorporation in Bulgarian legislation;
- Elaboration of draft legislation on the procedures and on the structures for implementation of the EU Framework Decisions;
- Development of curricula for the training of experts and magistrates;
- Training of experts and magistrates on implementing the instruments and mechanisms of the EU Framework Decisions.

Component II-2. Judicial Cooperation in Civil Matters - Twinning

- Analysis of existing legal decisions and best practices in implementing the conventions in the EU Member States, and of the possibilities of their incorporation in Bulgarian legislation;
- Elaboration of legal provisions regarding procedures and structures for the implementation of the conventions;
- Development of curricula for the training of experts and magistrates;
- Training of experts and magistrates on implementing the instruments and the mechanisms of the conventions.

Component II-3. Creation of an Integrated Information System for International Judicial Cooperation on Criminal and Civil Cases - Twinning

- Study of the existing information systems for registering and processing of applications of foreign human rights protection bodies and judicial institutions, as well as of Bulgarian ones directed towards other states;
- Development of classifications providing terminological, objective and nomenclatural compatibility of administrative data with the Integrated Information System on international judicial cooperation;
- Development of methods for statistical processing of data on the applications for legal aid for criminal and civil cases, extradition and transfer of sentenced persons, transfer of criminal proceedings, and recognition of foreign judicial decisions on civil cases;
- Introduction of an Integrated Information System for international judicial cooperation on criminal and civil cases;
- Training of experts and magistrates on effectively using the Integrated Information System for international judicial cooperation on criminal and civil cases.

Means:

- Selection of the twinning partner(s), including RTA(s) and other experts;
- Elaboration and signing of the Twinning Contract(s);
- Set up of the working groups of Bulgarian and EU short-term experts, determination of tasks, responsibilities and members;
- Conducting training seminars;
- Delivery of the necessary equipment.

3.4.3. Sub-project III. "Support for Establishment of Security Infrastructure for the Judiciary and of Witness Protection System in Penal Proceedings"

Year 1/Phase 1

Component III-1. Training of the Personnel of General Directorate "Security Guard" - Twinning

- A joint working group of Bulgarian and EU Member States' experts elaborates an Action Plan for the infrastructure and security of the Judiciary;
- A joint working group of Bulgarian and EU Member States' experts develops the curricula for initial and continuing training of the judicial security staff;
- Training of the judicial security staff:
 - Organize 5 seminars-debates of 2 days each for the commanding staff;
 - Organize 30 seminars of 5 days each for initial training of 450 persons from the executive staff;
 - Organize 2 study visits of 5 days each for 5 persons each in an EU Member State;
 - Organize 10 study visits of 2 days each for 10 persons each in Bulgaria in territorial units of GD "Security Guard";
 - Organize 5 seminars of 3 days each for continuing training of 50 persons from the commanding staff;
 - Organize 30 seminars of 5 days each for continuing training of 450 persons from the executive staff.

(NOTE: As mentioned above in item 3.2.1.3., there will be a new increase of 1300 in the number of staff of GD “Security Guard”, which is expected to be approved in 2004, and that shall bring to an increase of the number of seminars as well as of the personnel trained).

Component III-2. Analysis of the Equipment Needs for General Directorate “Security Guard” - **Technical Assistance**

- Setting up a joint working group of Bulgarian and EU Member States’ experts to conduct a thorough analysis and identification of the equipment needs;
- Organize one study visit of 5 days for 5 persons in an EU Member State;
- Elaboration of the Technical Specifications for the equipment to be tendered;
- Pilot training of 3 days on the efficient utilization of the selected security systems and information technologies - for 10 representatives from the headquarters and for 1 representative from each of the territorial units of GD “Security Guard”.

Component III-3. Establishment of Effective Witness Protection System in Penal Proceedings - **Twinning**

- Elaboration of an Action Plan by a joint working group of Bulgarian and EU Member States’ experts;
- Development of the curricula for initial and continuing training of the witness protection staff by a joint working group of Bulgarian and EU Member States’ experts;
- Training of the GD “Security Guard” staff to execute effectively the objectives of the Protection of Persons Act;
- Training of the staff.

(NOTE: New increases in the number of staff in GD “Security Guard” are due in 2006 and 2007 and that shall bring to an increase of the personnel trained. The number of seminars or the number of participants will be increased as well, if needed).

- A joint working group of Bulgarian and EU Member States’ experts conducts a detailed analysis and defines the equipment needs.
- Development of impartial Technical Specifications for the equipment to be supplied by an investment project.

Year 2/Phase 2

Component III-4. Installation of Technical Equipment for General Directorate “Security Guard” - **Investment**

- Purchase of security equipment:
 - Tender procedure based on the Technical Specifications elaborated under Component III-2.;
 - Supply and installation of the security equipment;
 - Training of the technicians for maintenance of the equipment;
 - Establish the integrated systems for security and control of access to the judicial premises.

Year 3/Phase 3

Component III-5. Installation of Technical Equipment for Witness Protection - Investment

- Purchase of security equipment:
 - Tender procedure based on the Technical Specifications elaborated with the assistance of the experts under Component III-3.;
 - Supply and installation of the security equipment;
 - Training of the technicians for maintenance of the equipment.

Means (common to all phases):

- Selection of the twinning partner, including RTA and other experts;
- Elaboration and signing of the Twinning Contract;
- Set up of the working groups of Bulgarian and EU short-term experts, determination of tasks, responsibilities and members;
- Conducting training seminars and organising study visits;
- Elaboration of Terms of Reference for Technical Assistance;
- Selection of the long-term technical adviser;
- Delivery of the necessary equipment.

3.4.4. Sub-project IV. "Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage"

All the activities described beneath have been stated according to the "Support of the Implementation of the Strategy for Reform of the Judiciary through the Introduction of Information Technologies" (*IT Strategy*).

Year 1/Phase 1

Component IV-2. Supply of Hardware for the Judiciary - Investment

- Organising the Tender procedures based on the Technical Specifications elaborated by the Beneficiary;
- Hardware, communication equipment and standard software supply, installation and testing;
- Support to training for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency's staff;
- Support to training for the Users' effective performance.

Year 2/Phase 2

Component IV-2. Judicial Business Software Applications Development and Supply of Hardware, Communication Equipment and Standard Software - Investment

- Organising the Tender procedures based on the Technical Specifications elaborated under the previous judicial IT projects - for the Financial Management, Human Resources Management, Judicial Inspectorate Management, and Security Guard Management Information Systems;

- Hardware, communication equipment and standard software supply, installation and testing;
- Judicial business software applications development, delivery, testing and implementation;
- Elaboration, construction, acceptance testing and implementation of the integrated Judicial Management Information Systems - Financial, Human Resources, Judicial Inspectorate, and Security Guard;
- Support to training for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency's staff;
- Support to training for the Users' effective performance.

Year 3/Phase 3

Component IV-2. Judicial Business Software Applications Development and Supply of Hardware, Communication Equipment and Standard Software - Investment

- Organising the Tender procedures based on the Technical Specifications elaborated under the project BG-2004/006-070.03.01 - for the Accounting, Judiciary IT *e-learning*, Central Electronic Archive, and International Penal and Civil Cooperation Management Information Systems;
- Hardware, communication equipment and standard software supply, installation and testing;
- Judicial business software applications development, delivery, testing and implementation;
- Elaboration, construction, acceptance testing and implementation of the Integrated Judicial Management Information Systems - Accounting, Judiciary IT *e-learning*, Central Electronic Archive, and International Penal and Civil Cooperation;
- Support to training for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency's staff;
- Support to training for the Users' effective performance.

Component IV-3. Evaluation of Technical Specifications, and Establishment and Institutional Building of a Registration Agency (expected to become a Judicial IT Agency later) - Technical Assistance

- Elaboration of IT management methodologies and support for process assessment and control of projects, contracts and quality;
- Consolidation of the Judicial Management Information Systems - Financial, Accounting, Human Resources, Judicial Inspectorate, Judiciary IT *e-learning*, Central Electronic Archive, International Penal and Civil Cooperation, and Security Guard, already established under this project;
- Further harmonization of the *e-Justice* system with all available judicial IT systems;
- Support to training of the staff of the Users and of the Registration Agency responsible for the realization of Bulgarian judicial IT policy.

Means (common to all phases):

- ***Component IV-2. Judicial Business Software Applications Development and Supply of Hardware, Communication Equipment and Standard Software - Investment***
 - Three Supply Tender Procedures separated (*indicatively*) into 3 to 9 Lots;
 - Signing of (*indicatively*) 3 to 9 Supply Contracts;
 - Quality control process in respect to functionality coverage, installation, implementation and maintenance of the contracted deliverables;
 - Working meetings between Contractors and Bulgarian experts;
 - Pilot training of trainers of the Users and of the Registration Agency.

- ***Component IV-3. Evaluation of Technical Specifications, and Establishment and Institutional Building of a Registration Agency (expected to become a Judicial IT Agency later) - Technical Assistance***
 - Selection procedures for consultants and short-term experts;
 - Signing of Service Contract(s);
 - Working meetings between Bulgarian and EU short-term experts;
 - Pilot training of trainers of the Users' and of the Registration Agency's staff.

3.5 Linked activities:

PHARE Programme:

1999 - BG/99/IB/JH/01 “*Strengthening the Independence of the Judiciary and the Institutional Capacity of the Ministry of Justice*” - Twinning project, which provided for measures on all levels, including assistance in rapprochement of Bulgarian legislation with the *Acquis*, enhancement of the structures of the Ministry of Justice and of the Judiciary through training of experts, magistrates and court administration, supporting the professional associations of magistrates, introduction of modern management techniques, and pilot computerization of two courts.

2001 - BG/01/IB/JH/01 “*Streamlining Bankruptcy Proceedings*” - Twinning project, which provides for harmonization of the substantive Insolvency Law, procedural and other relevant regulations with the *Acquis* and EU standards, strengthening the administrative and court structures, and speeding up proceeding through training of experts, magistrates and court administration on effective use of electronic work-flow and information systems. Hardware and software Technical Specifications have been elaborated, and supply and installation of the new IT system is forthcoming.

2001 - BG-0103.03 “*Recruitment and Training Strategy for the Judiciary*” - Technical assistance project, which provides for harmonization of the systems for legal education, selection, recruitment, professional development and qualification of magistrates and judicial clerical staff, and elaboration of a National Training Strategy for the Judiciary.

2002 - BG/02/IB/JH/01-A&B “*Implementation of the Strategy for Reform of the Judiciary in Bulgaria*” - Two Twinning sub-projects, which provide for equal access to justice to all people, streamlining the system of judicial execution with

regards to effective and quick protection of the rights, introduction of new information technologies in the courts in order to improve their effectiveness, and building the National Institute of Justice responsible for the initial and current qualification of the magistrates and the court administration. The support for establishment of an unified court-case management system envisages purchase of computer equipment. It is the largest judicial IT investment project started so far, and it is the basis for all further IT projects in the Judiciary.

Within the implementation of PHARE 2002 investment project *BG-0203.01* for the IT in the Bulgarian judiciary, the following results were achieved by April 2006:

- 751 workstations, 90 x 32-bits servers and 40 x 64-bits servers were delivered for the courts;
- Local network infrastructure was developed in all 147 courts in Bulgaria;
- Library and office equipment was delivered to the National Institute of Justice
- Court case management system was developed and was successfully installed in the courts. Experimental real work in 5 courts in Sofia and Varna region has begun;
- Document workflow management system was developed and was installed in all courts excluding: 5 regional courts, 1 district court and two supreme courts. There are 600 licences supplied to users. Training of trainers program is completed. Experimental real work in 7 courts in Sofia, Plovdiv, Veliko Tarnovo, Yambol and Pernik courts has begun;
- Unified register system was developed and was installed in 27 district courts. Experimental real work has begun in 3 locations: Sofia and Pazardjik District court and for the MoJ register of NGO;
- Conviction status certificate system really works in 60 regional courts with data transformation from old active systems, in 20 courts the new system and the old one work simultaneously;
- Relational Data Base Management System (RDBMS) was supplied, installed and the configuration was completed; the design of Data warehouse was delivered.

2002 - *BG/02/IB/JH/03 "Improvement of Administrative Justice in view of the Fight against Corruption"* - Twinning project, which provided for improvement of the legal and organizational framework of administrative justice in order to: efficiently prevent corruption through introduction of a modern system of administrative legislation and establishment of efficient mechanisms for external judicial control over the work of the public administration; provide effective services to citizens and companies by the public administration; reinforce and effectively protect their rights and interest in the interaction with the administration. The final goal of the project was codification of the administrative procedure and establishment of specialized administrative courts.

The Administrative Procedure Code was adopted by the National Assembly (the Parliament) on 11.04.2006 and entered into force on 12.07.2006.

2003 - BG-2003/004-937.08.01 “*Reform of the Civil and Penal Procedures*” - Twinning project, which provided for development of new Penal Procedure Code and new Civil Procedure Code.

The new Penal Procedure Code was adopted on 14.10.2005 and entered into force on 29.04.2006.

The new Civil Procedure Code was developed, approved by the Council of Ministers on 20.04.2006, and submitted to the National Assembly (the Parliament) on 11.05.2006.

2003 - BG-2003/004-937.08.02 “*Support of the Implementation of the Strategy for Reform of the Judiciary through the Introduction of Information Technologies*” - Under the project the following components are being implemented:

- Computerisation of arrests’ system and Computerisation of prisons’ system and delivery of hardware, communication equipment and standard software to be delivered, installed and fully operational - the tendering process is under way. The contract is expected to be signed by the end of May 2006;
- e-Justice requirements analysis and partial implementation on the Internet - the analysis has started on 01.03.2006;
- Update of IT Strategy, Strengthening the Administrative Capacity of MoJ and Registry Agency for IT management, system integration of IT information SW courts systems as delivered under PHARE 2002 IT judiciary projects - the work has started in mid November 2005. So far the updated IT strategy is developed.

2004-Early Financing Memorandum - BG-2004/006-070.03.01 “*Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Second Stage*” - The suggested sub-projects are:

- Delivery of hardware, communication equipment and standard software;
- Technical Assistance for elaboration of needs analysis and technical specifications for PHARE 2005-2006 IT investment projects for the judiciary.

PHARE HORIZONTAL (multi-beneficiary) projects on Justice and Home Affairs:

- “*Judicial Co-operation in Criminal Matters*” - In the framework of the project desk researches, conferences, meetings and exchange of documents were organized between the Candidate Countries’ authorities and the Member States’ experts, which resulted in detailed proposals for National Action Plans.
- “*Training of Judges in EC Law*” - The concept of the project was to train as trainers a small group of judges, preselected on the basis of their knowledge of EC law and English/French language skills, and to set up of a possible model of training sessions to be led by the trained trainers in the Candidate Countries in the future.
- “*Reinforcement of the Rule of Law*” - The project focused on concrete aspects of functioning of the judicial systems in the Candidate Countries, avoiding

overlaps with but complementing other actions, programmes or reports on the judiciary (e.g. twinings; reports on EU accession progress, and monitoring programmes by the Open Society Institute). It had four parallel modules: an independent judicial system; status and role of the public prosecutor; court procedures and execution of judgements; safety of victims, witnesses, judges, prosecutors, defence lawyers and jurors. The recommendations submitted are in the process of implementation.

Other donors:

UNDP - *Project BUL/03/002 “Establishment of a New System of Administrative Justice in Bulgaria”* - The main objective of the project is to support the implementation of institutional and structural changes required for the establishment of a new system of administrative justice. All that will ensure the protection of the rights of persons in their dealings with the administration, and will improve the quality of the administration through the imposition of a clear and accountable legal framework for the performance of its functions.

World Bank - *Project “Creation of Cadastre and Property Register in Bulgaria”* - The project is supported by a Loan Agreement, and includes four main components: Institutional strengthening of the cadastral offices and improving their activities; Institutional strengthening of the property register offices and improving their activities; Creation of the cadastral maps and registers and the Property register; Information systems, project management, political and legal framework.

Open Society Foundation/COLPI and ABA/CEELI - *Project for creation of press-offices within the different bodies of the judicial system.* Curricula are developed and training of public prosecutors and investigators are conducted.

Spain - *Project “Reinforcement of the Judicial System in the Framework of the Process of Accession of Bulgaria to the European Union”.*

The Netherlands (MATRA Programme) - *Project MAT-01/BG/9/1 “Assistance for the Judicial Reform in Bulgaria - Continuing Training on EU-Legislation and Practice”.*

USAID - *Judicial Development Project (JDP)* - Project is aimed to strengthen the Judiciary in Bulgaria within the wider goal of EU accession. The JDP is focused on improvement of judicial administration, access to premises and security. Under the JDP have been established 11 Model Pilot Courts fully automated with hardware, software, LANs, and telecommunications equipment. All judges and staff in those courts have received extensive training aiming at proper use of equipment and better services.

3.6 Lessons learned:

In order to improve the process of implementation of the Strategy for Reform of the Judiciary regular Steering Committee meetings are organized once a month.

By decision of the Working Group C-2 “Judicial Reform” on improvement of the coordination process with different donors, working groups were established:

- A working group with representatives of the SJC, MoJ and possible donors for the new projects, for which funds are not allocated;
- A working group with representatives of the SJC, MoJ, EC Delegation to Bulgaria and USAID for coordination of the activities, related to the Court Case Management System computerization.

The need for strengthening the Project Implementation Unit has been pointed out in several evaluation reports. In this respect, a new special unit for project management was established within MoJ - the International Programmes Department within the Legal Eurointegration and International Programmes Directorate, staffing eight experts. The Department is in charge of coordination and implementation of international projects and programmes related to the activities of the Ministry of Justice and to the Judiciary.

The tasks assigned by the Protection of Persons Act could be effectively carried out after GD “Security” staff training and equipment with hardware, communication technique and technical means provided that good cooperation with the judiciary bodies, the Ministry of Interior and the Ministry of Foreign Affairs is established.

For the purpose of improving the organization of the various IT projects’ implementation and for achieving the goals of the Bulgarian Judicial IT Strategy, measures were taken as follows:

- *Organizational issues:* Judiciary Information Services and Technologies Organization (JISTO), which has been called Registration/IT Agency in other parts of this Project Fiche, is to be established, comprising 3 levels:
 - The Judiciary Automation Policy Committee (JAPC), which approves and enforces strategic issues; allocates projects’ funding; resolves risks; tracks projects’ progress; approves/rejects projects’ deliverables;
 - The Central (Sofia) organizational level consists of JISTO Directorate for MoJ and SJC area. This level will manage the two main IT areas that consist of applications and technical environment;
 - The national (or distributed) IT structure, which will assist the central structure on nation-wide projects and maintenance.
- *Methodology and management policy:* The projects and support to be provided by the JISTO are:
 - Users Support activities:
 - Preparation activities;
 - Plans implementation activities;
 - ITT phase (appropriate documentation preparation phase);
 - IT project phase.
 - JISTO Internal support activities:
 - Training and know-how transfer activities acquired through technical assistance and IT training courses;
 - Internal staff policy through the creation and adaptation of internal standards and guidelines in respect to roles, responsibilities, IT methodology.

In summary, the IT strategy is a document, which defines the functions of the JISTO and its priorities.

There is a necessity of close collaboration and coordination between the Ministry of Justice and the Supreme Judicial Council.

There is a necessity of close collaboration and coordination between the Ministry of Justice and the Central Contracting and Financing Unit (CFCU) within the Ministry of Finance.

4. Institutional Framework

The project beneficiaries will be both the Ministry of Justice (MoJ) and the Supreme Judicial Council (SJC). The MoJ is the authority responsible for the court premises and the investment activities in the Judiciary. The SJC is in charge of the strategic management of the judicial system. A Steering Committee with the participation of representatives of both institutions will be set up to monitor and guarantee the successful implementation of the project. The Steering Committee will meet on quarterly basis (or in accordance with the necessities) during the three years of project implementation, and will be chaired by a Deputy Minister of Justice. The “International Cooperation and European Integration” Directorate within the MoJ will provide secretarial servicing to the Steering Committee, and will assist in managing and coordinating the overall implementation of the project.

Prior to the start of the implementation of the project the MoJ will establish a joint working team (Task Force) for the actual implementation of the project in terms of organization of the activities and coordination of work with EU experts.

The units of the MoJ will act in close collaboration with representatives from all court instances and levels of the judicial system.

The key institution to implement and engineer Sub-project III will be the General Directorate “Security Guard” within the MoJ.

The “Information Services and Technologies” Directorate within the MoJ will manage and engineer Sub-project IV, as well as all IT related activities under the other sub-projects.

The MoJ will become owner of the assets after project completion, and will be responsible for operating and maintaining the equipment.

5. Detailed Budget

Year 1/ Phase 1 (2004)	EU Support (€)			National Co- financing* (€)	I F I *	TOTAL (€)
	Investment Support (I)	Institution Building (IB)	Total EU (=I+IB)			
Sub-project I. Remedy the Civil and Penal Procedures						
<u>Contract 1</u> <i>Twining</i> (<u>Component I-1.</u> <i>Strengthening the National and Local Commissions for Legal Aid</i> & <u>Component I-2.</u> <i>Improvement of the Enforcement of Judgements</i> & <u>Component I-3.</u> <i>Elaboration of Materials for the Training of Magistrates and Court Staff on the New Civil and Penal Procedures</i>)		1 000 000	1 000 000	*		1 000 000
Sub-project II. Judicial Cooperation in Penal and Civil Matters						
<u>Contract 2</u> <i>Twining</i> (<u>Component II-1.</u> <i>Judicial Cooperation in Penal Matters</i> & <u>Component II-2.</u> <i>Judicial Cooperation in Civil Matters</i> & <u>Component II-3.</u> <i>Creation of an Integrated Information System for International Judicial Cooperation on Criminal and Civil Cases</i>)		1 000 000	1 000 000	*		1 000 000
Sub-project III. Support for Establishment of Security Infrastructure for the Judiciary and of Witness Protection System in Penal Proceedings						
<u>Contract 3</u> <i>Twining</i> (<u>Component III-1.</u> <i>Training of the Personnel of GD</i>)		1 200 000	1 200 000	*		1 200 000

“Security Guard”)						
<u>Contract 4</u> <i>Technical Assistance</i> (<u>Component III-2.</u> <i>Analysis of the Equipment Needs for GD “Security Guard”</i>)		199 999	199 999			199 999
<u>New Contract 5</u> <i>Twining</i> (<u>Component III-3.</u> <i>Establishment of Effective Witness Protection System in Penal Proceedings</i>)		1 200 001	1 200 001	*		1 200 001
Sub-project IV. Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage						
<u>Contract 6</u> <i>Investment</i> (<u>Component IV-2.</u> <i>Supply of Hardware for the Judiciary</i>)	2 100 000		2 100 000	700 000		2 800 000
Total	2 100 000	4 600 000	6 700 000	700 000		7 400 000

* The National co-financing is up to 10 % over the contracted value of the twinning components

Year 2/ Phase 2 (2005)	PHARE/Pre-Accession Instrument support	Co-financing (€M)			Total Cost (€M)
		National Public Funds (*)	Other Sources (**)	Total Co-financing of Project	
Year 2005 - Investment support jointly co funded					
Sub-project I. Remedy the Civil and Penal Procedures					
<u>Contract 7</u> <i>Investment</i> (<u>Component I-4.</u> <i>Equipment for Legal Aid</i>)	0.150	0.050		0.050	0.200
Sub-project III. Support for Establishment of Security Infrastructure for the Judiciary and of Witness Protection System in Penal Proceedings					
<u>Contract 8</u> <i>Investment</i>	2.250	0.750		0.750	3.000

(Component III-4, Technical Equipment for GD "Security Guard")					
Sub-project IV. Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage					
Contract 9 Investment (Component IV-2, Judicial business S/W applications development, and supply of SW/HW - Financial Management, Human Resources Management, Judicial Inspectorate Management, and Security Guard Management Systems)	5.850	1.950		1.950	7.800
Investment support - sub-total	8.250	2.750		2.750	11.000
% of total public fund	75 %	25 %			
	8.250	2.750			

(*) contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises

(**) private funds, FIs loans to private entities

Year 3/ Phase 3 (2006)	PHARE/Pre-Accession Instrument support	Co-financing			Total Cost
		National Public Funds (*)	Other Sources (**)	Total Co-financing of Project	
(€M)					
Year 2006 - Investment support jointly co funded					
Sub-project III. Support for Establishment of Security Infrastructure for the Judiciary and of Witness Protection System in Penal Proceedings					
Contract 10 Investment (Component III-5, Technical Equipment for Witness Protection)	1.500	0.500		0.500	2.000
Sub-project IV. Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage					
Contract 11 Investment (Component IV-2, Judicial Business S/W Applications)	4.200	1.400		1.400	5.600

Development, and Supply of SW/HW - Judiciary IT e-learning, Central Electronic Archive, International Penal and Civil Cooperation Systems; & harmonization)					
Investment support - sub-total	5.700	1.900		1.900	7.600
% of total public fund	75 %	25 %			
	5.700	1.900			

(*) contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises

(**) private funds, FIs loans to private entities

Year 2006 - Institution Building support					
Contract 12 Technical Assistance (Component IV-3 Integration and Harmonization of All Judicial IT Systems)	1.200				1.200
IB support – sub-total	1.200				1.200

Total Year 2006	6.900	1.900		1.900	8.800
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Years 1, 2 & 3/ Phases 1, 2 & 3	EU Support (€M)			National Co- financing* (€M)	I F I *	TOTAL (€M)
	Investment Support (I)	Institution Building (IB)	Total EU (=I+IB)			
TOTAL	16.050	5.800	21.850	5.350		27.200

The national co-financing will be up to 10 % over the contracted value of the twinning components.

The PHARE contribution for investment costs will be no more than 75% of eligible public expenditure, the balance having to be covered by the national co-financing.

The national co-financing will be provided by the National Fund Directorate at the Ministry of Finance.

All operational and running costs and the maintenance of the equipment will be provided by the final beneficiaries.

6. Implementation Arrangements

6.1 Implementing Agency:

The Central Financing and Contracting Unit (CFCU) within the Ministry of Finance will be the Implementing Agency responsible for tendering, contracting, payments and financial reporting, and will work in close co-operation with the beneficiaries.

The Programme Authorizing Officer (PAO) will be Ms. **Gergana Beremska** - State Treasurer of the Ministry of Finance:

tel.: +359 2 9859 2772

fax: +359 2 9859 2773

e-mail: cfcu@minfin.bg

6.2 Twinning:

The beneficiaries of the project are the Bulgarian Judiciary and the Ministry of Justice (1, Slavyanska str., 1040 Sofia, Bulgaria). The Ministry of Justice will manage and implement the project.

Contact persons:

- Mr. **Petar Rashkov** - Director of the International Cooperation and European Integration Directorate:

tel.: +359 2 9237 415

fax: +359 2 9885480

e-mail: peter@justice.government.bg

- for all IT related projects - Mr. **Vassil Merdzhanov** - Adviser to the Minister of Justice on Information Services and Technologies:

tel.: +359 2 9237 539

fax: +359 2 9237 571

e-mail: vassil.merdzhanov@justice.government.bg

It is planned that the project will be implemented through **FOUR** twinning contracts, **TWO** technical assistance contracts, and **SIX** supply contracts.

In each twinning component the success in delivering a guaranteed result will depend on the coherence of a number of successful inputs, the continuity of those inputs and the steady progress. The twinning partners will be officially selected from one or more Member States.

On behalf of the EU partners for each twinning component there will be a Sub-project Leader, a Resident Twinning Adviser (RTA) and a number of short-term experts. The Member State Sub-project Leader will continue to work in his/her Member State administration but at the same time will conceive, supervise and coordinate the overall thrust of the twinning activities. He/She will be complemented by a full-time RTA. The RTAs will work on a day-to-day basis with the beneficiaries, co-ordinate the activities of the short-term experts and assist in the overall twinning arrangements.

From the Bulgarian side for each twinning component there will be a Sub-project Leader, a Sub-project Manager (RTA's Counterpart) and a number of experts (mainly from the units within the Ministry of Justice), and a Sub-project Organizer (from the "International Cooperation and European Integration" Directorate within the Ministry of Justice).

6.3 Non-standard aspects:

The *Practical Guide to Contract Procedures for EC external actions* (PRAG) valid as from the 1/02/2006 will be strictly followed.

Twinning arrangements are expected for the following components:

- Component I-1. *Strengthening the National and Local Commissions for Legal Aid,*
Component I-2. *Improvement of the Enforcement of Judgements in Order to Ensure Effective and Prompt Protection of the Rights of Citizens and Legal Entities,*
and Component I-3. *Elaboration of Materials for the Training of Magistrates and Court Staff in Connection with the New Legislation on Civil and Penal Procedures*
for the total value of 1 000 000 €.
- Component II-1. *Judicial Cooperation in Penal Matters,*
Component II-2. *Judicial Cooperation in Civil Matters,*
and Component II-3. *Creation of an Integrated Information System for International Judicial Cooperation on Criminal and Civil Cases*
for the total value of 1 000 000 €.
- Component III-1. *Training of the Personnel of General Directorate "Security Guard"*
for the total value of 1 200 000 €.
- Component III-3. *Establishment of Effective Witness Protection System in Penal Proceedings*
for the total value of 1 200 001 €.

6.4 Contracts:

Contracts	Indicative Split	Contract Value (€)		
		2004	2005	2006
Year 2004/Phase 1				
Sub-project I. <i>Remedy the Civil and Penal Procedures</i>				
Contract 1 = <i>Twinning</i> (<u>Component I-1.</u> <i>Strengthening the National and Local Commissions for Legal Aid</i> <u>Component I-2.</u> <i>Improvement of the Enforcement of Judgements</i> <u>Component I-3.</u> <i>Elaboration of Materials for the Training of Magistrates and Court Staff on the New Civil and Penal Procedures</i>)	1 Twinning Contract	1 000 000		
Sub-project II. <i>Judicial Cooperation in Penal and Civil Matters</i>				

Contract 2 = Twinning (<u>Component II-1</u> . <i>Judicial Cooperation in Penal Matters</i> <u>Component II-2</u> . <i>Judicial Cooperation in Civil Matters</i> <u>Component II-3</u> . <i>Creation of an Integrated Information System for International Judicial Cooperation on Criminal and Civil Cases</i>)	1Twinning Contract	1 000 000		
Sub-project III. <i>Support for Establishment of Security Infrastructure for the Judiciary and of Witness Protection System in Penal Proceedings</i>				
Contract 3 = Twinning (<u>Component III-1</u> . <i>Training of the Personnel of GD "Security Guard"</i>)	1 Twinning Contract	1 200 000		
Contract 4 = Technical Assistance (<u>Component III-2</u> . <i>Analysis of the Equipment Needs for GD "Security Guard"</i>)	1 Service Contract	199 999		
NEW Contract 5 = Twinning (<u>Component III-3</u> . <i>Establishment of Effective Witness Protection System in Penal Proceedings</i>)	1 Twinning Contract	1 200 001		
Sub-project IV. <i>Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage</i>				
Contract 6 = Investment (<u>Component IV-2</u> . <i>Supply of Hardware for the Judiciary</i>)		2 800 000		
Year 2005/Phase 2				
Sub-project I. <i>Remedy the Civil and Penal Procedures</i>				
Contract 7 = Investment (<u>Component I-4</u> . <i>Equipment for Legal Aid</i>)			200 000	
Sub-project III. <i>Support for Establishment of Security Infrastructure for the Judiciary and of Witness Protection System in Penal Proceedings</i>				
Contract 8 = Investment (<u>Component III-4</u> . <i>Technical Equipment for GD "Security Guard"</i>)			3 000 000	
Sub-project IV. <i>Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage</i>				
Contract 9 = Investment (<u>Component IV-2</u> . <i>Judicial Business Software Applications Development, and Supply of SW/HW - Financial Management, Human Resources Management, Judicial Inspectorate Management, and Security Guard Management Systems</i>)			7 800 000	
Year 2006/Phase 3				
Contract 10 = Investment (<u>Component III-5</u> . <i>Technical Equipment for</i>	1 Supply Tender - 1 or more Lot(s); 1 or more Supply			2 000 000

Witness Protection	Contract(s)			
Sub-project IV. Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage				
Contract 11 = Investment (Component IV-2. Judicial Business Software Applications Development, and Supply of SW/HW - Judiciary IT e-learning, Central Electronic Archive, International Penal and Civil Cooperation Systems; & systems harmonization)	1 Supply Tender - 1 to 4 Lot(s): 1 to 4 Supply Contract(s)			5 600 000
Contract 12 = Technical Assistance (Component IV-3. Integration and Harmonization of All Judicial IT Systems)	1 Service Contract			1 200 000

7. Implementation Schedule

7.1 Start of tendering/call for proposals:

Year 1/Phase 1

- Contract 1 - Components I-1., I-2. & I-3. (*Twining*): October 2004
- Contract 2 - Components II-1., II-2. & II-3. (*Twining*): October 2004
- Contract 3 - Component III-1. (*Twining*): October 2004
- Contract 4 - Component III-2. (*TA*): December 2004
- NEW Contract 5 - Component III-3. (*Twining*): November 2005
- Contract 6 - Component IV-2. (*Supply*): December 2004

Year 2/Phase 2

- Contract 7 - Component I-4. (*Supply*): December 2005
- Contract 8 - Component III-4. (*Supply*): December 2005
- Contract 9 - Component IV-2. (*Supply*): January 2006

Year 3/Phase 3

- Contract 10 - Component III-5. (*Supply*): December 2006
- Contract 11 - Component IV-2. (*Supply*): December 2006
- Contract 12 - Component IV-3. (*TA*): December 2006

7.2 Start of project activity:

Year 1/Phase 1

- Contract 1 - Component I-1. (*Twining*): April 2005
 - Component I-2. (*Twining*): October 2005
 - Component I-3. (*Twining*): April 2006
- Contract 2 - Component II-1. (*Twining*): April 2005
 - Component II-2. (*Twining*): October 2005
 - Component II-3. (*Twining*): April 2006
- Contract 3 - Component III-1. (*Twining*): April 2005
- Contract 4 - Component III-2. (*TA*): September 2005
- NEW Contract 5 - Component III-3. (*Twining*): April 2006
- Contract 6 - Component IV-2. (*Supply*): November 2005

Year 2/Phase 2

- Contract 7 - Component I-4. (*Supply*): August 2006
- Contract 8 - Component III-4. (*Supply*): August 2006
- Contract 9 - Component IV-2. (*Supply*): September 2006

Year 3/Phase 3

- Contract 10 - Component III-5. (*Supply*): August 2007
- Contract 11 - Component IV-2. (*Supply*): August 2007
- Contract 12 - Component IV-3. (*TA*): December 2007

7.3 Project completion:

Year 1/Phase 1

- Contract 1 - Component I-1. (*Twinning*): March 2006
 - Component I-2. (*Twinning*): September 2006
 - Component I-3. (*Twinning*): March 2007
- Contract 2 - Component II-1. (*Twinning*): March 2006
 - Component II-2. (*Twinning*): September 2006
 - Component II-3. (*Twinning*): March 2007
- Contract 3 - Component III-1. (*Twinning*): March 2007
- Contract 4 - Component III-2. (*TA*): February 2006
- NEW Contract 5 - Component III-3. (*Twinning*): October 2007
- Contract 6 - Component IV-2. (*Supply*): October 2006

Year 2/Phase 2

- Contract 7 - Component I-4. (*Supply*): July 2007
- Contract 8 - Component III-4. (*Supply*): July 2007
- Contract 9 - Component IV-2. (*Supply*): August 2007

Year 3/Phase 3

- Contract 10 - Component III-5. (*Supply*): July 2008
- Contract 11 - Component IV-2. (*Supply*): July 2008
- Contract 12 - Component IV-3. (*TA*): September 2008

8. Equal Opportunity

The principle of equal opportunity will be integrated into all stages of the project implementation. And that is also in conformity with Bulgarian Law, providing for equal opportunity for men and women to participate in all aspects, despite of their race, nationality, gender, origin, religious and political beliefs. An open tender procedure on forthcoming contracts will be announced by the Internet and national media. The applications shall be evaluated objectively and non-discriminatively.

9. Environment

N.A.

10. Rates of return

N.A.

11. Investment criteria

11.1 Catalytic effect:

N.A.

11.2 Co-financing:

The degree of national co-financing will be up to 10 % of the value of PHARE twinning contracts, and 25 % of the total value of investment contracts. The State Budget through the “National Fund” Directorate within the Ministry of Finance will cover the national co-financing. The national co-financing is arranged as joined financing to the support provided through PHARE funds. The tender procedures and award procedures will follow the PHARE rules.

11.3 Additionality:

N.A.

11.4 Project readiness and size:

The project is in line with the Updated Strategy for Reform of the Bulgarian Judiciary and with the Action Plan for its implementation. After certain additional explanations, further inquiries and working out the draft, and after the necessary coordination with the CFCU and with the EC Delegation, the project could be ready for commencement of contracting by the Third Quarter of 2004.

11.5 Sustainability:

The investment will be sustainable in the long term, i.e. beyond the date of accession. The equipment supplied will comply with the EU norms and standards. By the completion of the project the General Directorate ‘Judicial Security’ within the Ministry of Justice will have the necessary administrative, logistic and human resources capacity. The future maintenance and operating costs will be covered by the budget of the Ministry of Justice.

11.6 Compliance with state aids provisions:

The project will be in compliance with the provisions of the Law on the State Support, as well as with the obligations undertaken by the Republic of Bulgaria in connection with the European Agreement for association.

11.7 Contribution to NDP and/or Structural Funds Development Plan (SPD):

N.A.

12. Conditionality and sequencing

The project is in line with the Updated Strategy for Reform of the Bulgarian Judiciary and with the Action Plan for its implementation, in which current priorities are stated, indicating clearly what should be done, by when and by whom.

The implementation of the project will help to accomplish the goals set in the Accession Partnership and the NPAA, and thus all the recommendations contained in the Regular Report of the European Commission will be fulfilled. Before the implementation of the project starts, the task and obligations of all participating institutions will be defined. They will be clearly formulated immediately after the approval of the project and before its start. The Ministry of Justice will set up a Task Force for the management of the Project.

The work on the project will be done in the conditions of maximum co-operation on part of the Bulgarian institutions. Before the implementation of the project starts, the tasks and obligations of all participating institutions will be defined. They will be clearly formulated immediately after the approval of the project and before its inception. A Steering Committee with the participation of representatives of the Ministry of Justice and the Supreme Judicial Council will be set up to guarantee the successful implementation of the project. The Ministry of Justice will set up a joint working team for control over the actual implementation of the project in terms of organization and co-ordination of activities. The Ministry of Justice will make available full-time staff, fluent in English and with sufficiently developed managerial and coordination skills, including a Project Leader and a Project Manager, in order to ensure the successful implementation of the project.

In cases of delay in project implementation, the reasons for that will be analyzed and the necessary measures to overcome the delay will be taken.

The training planned under Sub-project 3 will be conducted at the National Institute of Justice established as an independent public body at the end of 2003 in accordance with the amendments to the Judicial System Act.

In performing the overall needs analysis the Ministry of Justice will provide all existing data and results of preliminary inquiries.

The project will start only after all preparatory work is completed, and the National co-financing is approved.

The equipment will not be tendered until the EC Delegation is satisfied that the proposed equipment will contribute to achieving the results of the project, and could be utilised effectively.

The most important **milestones** of the project will be:

- Information materials for the awareness of society about the options under the National System for legal aid elaborated;
- Digests, reference books and other information materials about the most efficient practices of enforcement of judgements for the prompt protection of the rights of citizens and legal entities elaborated;

- Training guides and manuals on the new civil and penal procedural legislation elaborated;
- Establishment of a National Compensation Fund for the crime victims;
- Functioning Integrated Information System for international judicial cooperation on criminal and civil cases;
- Action Plan for the infrastructure and security of the judiciary drawn up;
- Curricula for initial and on-the-job training of the judicial security staff developed;
- Integrated systems for security and control of access to the judicial premises put in operation;
- Integrated judicial management Information Systems put in operation;
- System for *e-Justice* implementation put in operation;
- National co-financing approved;
- MoJ's, Users' and IST Directorate's staff available to support the developments and implementation of the projects.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format
2. Detailed implementation charts
3. Contracting and disbursement schedules by quarters for full duration of programme (including disbursement period)
4. Pre-feasibility study (relevant to Sub-project IV.)
5. List of relevant Laws and Regulations
6. Reference list of relevant strategic plans and studies
7. Information on the needs and on some cases related to the security in the Judiciary (relevant to Sub-project III.)
8. Information on the needs of witness protection system
9. IT software and hardware equipment needs (relevant to Sub-project IV.)
10. Judicial IT systems' prioritization (relevant to Sub-project IV.)

ANNEX 1-I.

Logframe for PHARE Project

LOGFRAME PLANNING MATRIX FOR <i>Sub-Project I.</i>	Programme name and number PHARE 2004 - 2006	
<i>Remedy the Civil and Penal Procedures</i>	Contracting period (Year 1 / FM 2004) expires: 30 November 2006	Disbursement period (Year 1 / FM 2004) expires: 30 November 2007
	Total budget Year 1: 1,100,000 €	PHARE budget Year 1: 1,000,000 €

Overall objective	Objectively verifiable indicators	Sources of Verification
To support the Bulgarian Government and the Bulgarian Judicial System in implementation of the Strategy for Reform of the Judiciary through introduction of European standards in justice and through updating the judicial infrastructure that will contribute to the process of preparation of the Republic of Bulgaria for accession to the European Union	Approximation of Bulgarian legislation to the EU standards	<ul style="list-style-type: none"> • Regular Reports of the EC Delegation • EC reports on the Judiciary

Project purpose	Objectively verifiable indicators	Sources of Verification
To build-up on the results of PHARE projects <i>BG-0203.01 "Implementation of the Strategy for Reform of the Judiciary"</i> (Component 1 "Improvement of the access to justice" and Component 2 "Improvement of the enforcement of judgements") and <i>BG-2003/004-937.08.01 "Reform of the Civil and Penal Procedures"</i> in order to ensure fast, efficient and qualitative court procedures through: assistance in the implementation of the reform in civil and penal judicial proceedings; improvement of the procedures of enforcement of judgments; providing the access to justice through legal aid	Proposals for amendments in legislation – procedures and regulations: <ul style="list-style-type: none"> - Creation of draft legislation - The new amendments submitted to the Council of Ministers 	<ul style="list-style-type: none"> • Progress reports on NPAA • Submission of the new legislation to the Parliament, and its inclusion in the legislative programme

Results	Objectively verifiable indicators	Sources of Verification
<p align="center">Results Year 1/Phase 1</p> <p><u>Component I-1. Strengthening the National and Local Commissions for Legal Aid</u> - Twinning <ul style="list-style-type: none"> • Equal access to justice ensured; </p>	<p align="center">OVI (common to all years/phases)</p> <ul style="list-style-type: none"> • Number of people received free legal aid • Increased speed of the enforcement of judgements proceedings 	<ul style="list-style-type: none"> • Evaluation reports • Public surveys • Reports and analysis on the

<ul style="list-style-type: none"> • A comprehensive analysis on the indispensable modern technical and office equipment crucial for the proper functioning of the National and Local Commissions for legal aid made; • Technical Specifications for the equipment to be tendered prepared; • Information materials for the awareness of society about the options under the National System for legal aid elaborated. <p><u>Component I-2. Improvement of the Enforcement of Judgements in Order to Ensure Effective and Prompt Protection of the Rights of Citizens and Legal Entities - Twinning</u></p> <ul style="list-style-type: none"> • Increased efficiency of enforcement of judgements; • A comprehensive analysis on the indispensable modern technical and office equipment crucial for the proper functioning of the enforcement of judgements made; • Technical Specifications for the equipment to be tendered prepared; • Digests, reference books and other information materials about the most efficient practices of enforcement of judgements for the prompt protection of the rights of citizens and legal entities elaborated. <p><u>Component I-3. Elaboration of Materials for the Training of Magistrates and Court Staff in connection with the New Legislation on Civil and Penal Procedures - Twinning</u></p> <ul style="list-style-type: none"> • Training programmes for magistrates and court administrative staff updated and upgraded; • Training guides and manuals on the new civil and penal procedural legislation elaborated; • Pilot training of magistrates and court administrators in accordance with the new system of civil and penal procedures carried out. 	<ul style="list-style-type: none"> • Reduction of the contradictory court practices • Number of magistrates and court administrators trained in accordance with the new system of civil and penal procedures • Technical and office equipment established • Number of the information brochures elaborated and circulated 	<p>enforcement proceedings</p> <ul style="list-style-type: none"> • Reports from the police, investigators' and prosecutors' offices • Reports on the implementation of the Strategy for reform of the Judiciary
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Activities	Means	Assumptions
<p align="center"><u>Activities Year 1/Phase 1</u></p> <p><u>Component I-1. Strengthening the National and Local Commissions for Legal Aid - Twinning</u></p> <ul style="list-style-type: none"> • Establishment of the National System for legal aid, which will coordinate and ensure legal aid on the territory of the whole country; • Accomplishment of needs analysis on office and technical equipment, as well as on training; 	<p align="center"><u>Means (common to all years/phases)</u></p> <ul style="list-style-type: none"> • Selection of the Twinning partner(s), including RTA(s) and other experts • Elaboration and signing of the Twinning Contract(s) • Set up of the Working groups of Bulgarian and EU short-term experts, determination of tasks, 	<p>Enough commitment on behalf of the participants in the Working groups, the civil servants and magistrates involved in project's implementation.</p>

<ul style="list-style-type: none"> • Elaboration of the Technical Specifications for the equipment to be tendered; • Provision of pilot training for the managers; • Establishment of links and contacts with similar institutions in other EU Member States • Awareness of the society for the options under the National System for legal aid through elaboration and circulation of information brochures. <p><u>Component I-2. Improvement of the Enforcement of Judgements in Order to Ensure Effective and Prompt Protection of the Rights of Citizens and Legal Entities - Twinning</u></p> <ul style="list-style-type: none"> • Strengthening of the existing structures and practices in the enforcement of judgements; • Accomplishment of needs analysis on office and technical equipment, as well as on training; • Elaboration of the Technical Specifications for the equipment to be tendered; • Establishment of constant court practises in the field of enforcement of judgements - through training, seminars, conferences, elaboration and circulation of digests, reference books and other information materials about the most efficient practices of enforcement of judgements for the prompt protection of the rights of citizens and legal entities; • Strengthening of the professional guild of executive judges - training of the managers, establishment of links and contacts with professional associations from the EU Member States. <p><u>Component I-3. Elaboration of Materials for the Training of Magistrates and Court Staff in Connection with the New Legislation on Civil and Penal Procedures - Twinning</u></p> <ul style="list-style-type: none"> • Development of training programmes and curricula on the new civil and penal procedures; • Elaboration of training guides and manuals on the new civil and penal procedural legislation; • Provision of pilot training for magistrates and court administrators according to the new amendments in legislature in view of fast and effective execution of their functions. 	<p>responsibilities and members</p> <ul style="list-style-type: none"> • Organising and conducting training seminars and conferences • Delivery of the necessary technical and office equipment 	
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<u>Year 2/Phase 2</u>	Contracting period (Year 2 / FM 2005) expires: 30 November 2007	Disbursement period (Year 2 / FM 2005) expires: 30 November 2008
	Total budget Year 2: 200,000 €	PHARE budget Year 2: 150,000 €

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p style="text-align: center;"><u>Results Year 2/Phase 2</u></p> <p><u>Component I-4. Supply of technical and office equipment for the Legal Aid - Investment</u></p> <ul style="list-style-type: none"> • Tender procedures held, based on the Technical Specifications elaborated under Component I-1.; • Technical and office equipment for the National and Local Commissions for legal aid supplied. 	<ul style="list-style-type: none"> • Technical and office equipment established 	<ul style="list-style-type: none"> • Evaluation reports • Public surveys • Reports and analysis on the enforcement proceedings • Reports from the police, investigators' and prosecutors' offices • Reports on the implementation of the Strategy for Reform of the Judiciary 	<ul style="list-style-type: none"> • Successful tenders for procuring the equipment

Activities	Means	Assumptions
<p style="text-align: center;"><u>Activities Year 2/Phase 2</u></p> <p><u>Component I-4. Supply of technical and office equipment for the legal aid - Investment</u></p> <ul style="list-style-type: none"> • Purchase of office and technical equipment for the National and Local Commissions for legal aid: <ul style="list-style-type: none"> - Tender procedure based on the technical specifications elaborated under Component I-1.; - Supply and installation of the equipment. 	<ul style="list-style-type: none"> • Delivery of the necessary technical and office equipment 	<ul style="list-style-type: none"> ○ Successful tenders for procuring the equipment

Preconditions
<ul style="list-style-type: none"> • Successful implementation of PHARE 2001 project "<i>System for Career Development and Professional Qualification of Magistrates and Clerical Staff in the Judiciary</i>" and PHARE 2002 project "<i>Implementation of the Strategy for Reform of the Judiciary</i>" - for the proposed Components I-1. and I-2. • Successful accomplishment of PHARE'2003 project "<i>Reform of the Civil and Penal Procedures</i>" and the adoption of proposed new legislation is the compulsory prerequisite for starting the activities set in Component I-3.

ANNEX 1-II.

Logframe for PHARE Project

LOGFRAME PLANNING MATRIX FOR <i>Sub-Project II.</i>	Programme name and number PHARE 2004 - 2006	
<i>Judicial Cooperation in Penal and Civil Matters</i>	Contracting period (Year 1 / FM 2004) expires: 30 November 2006	Disbursement period (Year 1 / FM 2004) expires: December 2007
	Total budget Year 1: 1,100,000 €	PHARE budget Year 1: 1,000,000 €

Overall objective	Objectively verifiable indicators	Sources of Verification
To support the Bulgarian Government and the Bulgarian Judicial System in implementation of the Strategy for Reform of the Judiciary through introduction of European standards in justice and through updating the judicial infrastructure that will contribute to the process of preparation of the Republic of Bulgaria for accession to the European Union	Approximation of Bulgarian legislation to the EU standards	<ul style="list-style-type: none"> • Regular Reports of the EC Delegation • EC reports on the Judiciary

Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
To ensure further implementation of the Community instruments in the area of judicial cooperation in penal and civil matters through: assistance in creation of legal and practical grounds for incorporation of the relevant fundamental conventions into Bulgarian legislation; training of experts and magistrates on the newly adopted legislation	<ul style="list-style-type: none"> • Regulations harmonised /presence/ • Reform of the Judiciary in the sphere of civil and penal matters accelerated /complex/ • Judicial capacity strengthened /complex/ 	<ul style="list-style-type: none"> • Legal framework • Progress reports on the Bulgarian Judiciary 	<ul style="list-style-type: none"> • Commitment for continuing the reform in the Judiciary • Successful accomplishment of project activities

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p align="center"><u>Results Year 1/Phase 1</u></p> <p><u>Component II-1. Judicial Cooperation in Penal Matters - Twinning</u></p> <ul style="list-style-type: none"> • Improved system and increased effectiveness in protecting and assisting the crime victims; • Establishment of a National Compensation Fund for the crime victims; 	<ul style="list-style-type: none"> • Functioning National Compensation Fund for the crime victims • Improved international cooperation in the field of penal matters 	<ul style="list-style-type: none"> • Project contracts • Project reports • Project documents • Draft regulations 	<ul style="list-style-type: none"> • Good project management • Active interest and willingness of the participants • Cooperation and team-work of the different parties

<ul style="list-style-type: none"> • Effective internal legal mechanisms established for the implementation of the <i>EU Framework Decisions on the European Arrest Warrant and on the European execution orders freezing assets or evidence</i>; • Experts and magistrates trained on the newly adopted penal acts. <p><u>Component II-2. Judicial Cooperation in Civil Matters - Twinning</u></p> <ul style="list-style-type: none"> • Creation of effective internal legal mechanisms for the accession of Bulgaria and for the implementation of the best practices of the EU Member States regarding the <i>Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations</i> (2.10.1973), the <i>Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children</i> (19.10.1996), and the <i>Convention on the International Protection of Adults</i> (13.01.2000); • Experts and magistrates trained on the newly adopted civil conventions. <p><u>Component II-3. Creation of an Integrated Information System for International Judicial Cooperation on Criminal and Civil Cases - Twinning</u></p> <ul style="list-style-type: none"> • Developed standards for information cooperation and data exchange between the automated information systems of the bodies for human rights protection and jurisdictional institutions regarding the interrelation with the respective foreign authorities; • Created mechanism for regulated unified usage of information regarding the international judicial cooperation; • Availability of summarized information for the enforcement on behalf of the Republic of Bulgaria of the foreign applications for legal aid on criminal and civil cases, extradition and transfer of sentenced persons, recognition of foreign judgements on criminal cases and recognition of foreign judgements on civil cases; 	<ul style="list-style-type: none"> • Number of experts and magistrates trained on the new penal acts <ul style="list-style-type: none"> • Legal and practical grounds for incorporation in the Bulgarian civil legislation of the three relevant fundamental conventions created • Network of a number of experts and magistrates competent on the newly adopted civil legislation created • Provision of effective legal and practical assistance and adequate post-traumatic psychological treatment for the victims of crime to recover their lives <ul style="list-style-type: none"> • Functioning Integrated Information System for international judicial cooperation on criminal and civil cases • Number of experts and magistrates trained on the new Integrated Information System for international judicial cooperation on criminal and civil cases 		
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<ul style="list-style-type: none"> • Provided communication acceleration in the enforcement of applications of foreign bodies for human rights protection and jurisdictional institutions; • Established Integrated Information System for international judicial cooperation on criminal and civil cases; • Delivered training of experts and magistrates on effective using of the Integrated Information System for international judicial cooperation on criminal and civil cases. 			
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Activities	Means	Assumptions
<p style="text-align: center;"><u>Activities Year 1/Phase 1</u></p> <p><u>Component II-1. Judicial Cooperation in Penal Matters - Twinning</u></p> <ul style="list-style-type: none"> • Review of the effectiveness of Bulgarian legislation in the sphere of protecting and assisting the crime victims, and its comparison with the legislation of the EU Member States; • Development of concrete proposals for the necessary legislative amendments with respect to improvement of the system for protecting and assisting the crime victims; • Establishment of a National Compensation Fund for the crime victims; • Analysis of the existing structures and practices on the implementation of <i>EU Framework Decisions on the European Arrest Warrant</i> and on the <i>Execution of orders freezing assets or evidence in the EU Member States</i>, and the opportunities for their incorporation in Bulgarian legislation; • Elaboration of draft legislation on the procedures and the structures for implementation of the EU Framework Decisions; • Development of curricula for the training of experts and magistrates; • Training of experts and magistrates on implementing the instruments and mechanisms of the EU Framework Decisions. <p><u>Component II-2. Judicial Cooperation in Civil Matters - Twinning</u></p> <ul style="list-style-type: none"> • Analysis of existing legal decisions and best practices in implementing the conventions in the EU Member States and of the possibilities of their incorporation in Bulgarian legislation; • Elaboration of legal provisions regarding procedures and structures for the implementation of the conventions; • Development of curricula for the training of experts and magistrates; 	<p style="text-align: center;"><u>Means (common to all years/phases)</u></p> <ul style="list-style-type: none"> • Selection of the Twinning partner(s), including RTA(s) and other experts • Elaboration and signing of the Twinning Contract(s) • Set up of the Working groups of Bulgarian and EU short-term experts, determination of tasks, responsibilities and members • Conducting training seminars • Delivery of the necessary equipment 	<ul style="list-style-type: none"> • Good organization • Availability of office places

<ul style="list-style-type: none"> • Training of experts and magistrates on implementing the instruments and the mechanisms of the conventions. <p><u>Component II-3. Creation of an Integrated Information System for International Judicial Cooperation on Criminal and Civil Cases - Twinning</u></p> <ul style="list-style-type: none"> • Study of the existing information systems for registering and processing of applications of foreign bodies for human rights protection and jurisdictional institutions, as well as of Bulgarian ones directed towards other states; • Development of classifications providing terminological, objective and nomenclatural compatibility of administrative data with the Integrated Information System on international judicial cooperation; • Development of methods for statistical processing of data on the applications for legal aid for criminal and civil cases, extradition and transfer of sentenced persons, transfer of criminal proceedings and recognition of foreign judicial decisions on civil cases; • Introduction of an Integrated Information System for international judicial cooperation on criminal and civil cases; • Training of experts and magistrates on effectively using the Integrated Information System for international judicial cooperation on criminal and civil cases. 		
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Preconditions

ANNEX 1-III.

Logframe for PHARE Project

REVISED LOGFRAME PLANNING MATRIX FOR <i>Sub-Project III.</i>	Programme name and number PHARE 2004 – 2006	
<i>Support for Establishment of Infrastructure and Security of the Judiciary and of Witness Protection System in Penal Proceedings</i>	Contracting period (Year 1 / FM 2004) expires: 30 November 2006	Disbursement period (Year 1 / FM 2004) expires: 30 November 2007
	Total budget Year 1: 2,840,000 €	PHARE budget Year 1: 2,600,000 €

Overall objective	Objectively verifiable indicators	Sources of Verification
To support the Bulgarian Government and the Bulgarian Judicial System in implementation of the Strategy for Reform of the Judiciary through introduction of European standards in justice and through updating the judicial infrastructure that will contribute to the process of preparation of the Republic of Bulgaria for accession to the European Union	Efficiently operating integrated systems for security and control of access to the judicial buildings	<ul style="list-style-type: none"> • Regular Report on Bulgaria's progress towards EU accession • Final report on the project implementation • Reports of the contractors • Statistics

Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
To improve the infrastructure and physical security of the Judiciary, and to bring the administrative capacity of the units within the Ministry of Justice up to the level required for efficient and correct implementation of their competences in the field of judicial security	<ul style="list-style-type: none"> • Action Plan for the infrastructure and security of the judiciary drawn up • Comprehensive analysis of the indispensable technical equipment for ensuring the high level of protection of Judiciary made • Curricula for initial and on-the-job training of the judicial security staff developed • Training for the personnel delivered • Technical equipment supplied and put into operation 	<ul style="list-style-type: none"> • Quarterly and Monitoring reports on the progress of the project • Regular reports of contractors • Evaluation reports 	<ul style="list-style-type: none"> • Willingness and active interest of the participants • Cooperation of the parties in gathering the relevant information and working together • Training seminars fully completed • Successful tenders for procuring the equipment
To establish an effective Witness Protection System in penal proceedings.	<ul style="list-style-type: none"> • Volume of information (availability); 		

	<ul style="list-style-type: none"> • Drafted secondary legislative acts and job descriptions; • Elaborated Plan for Initial and Additional Training of staff involved in witness protection activities; • Staff trained within the GD “Security guard”. 		
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Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p align="center"><u>Results Year 1/Phase 1</u></p> <p><u>Component III-1. Training of the Personnel of General Directorate “Security Guard” - Twinning</u></p> <ul style="list-style-type: none"> • Action Plan for the infrastructure and security of the Judiciary drawn up; • Curricula for initial and on-the-job training of the judicial security staff developed; • Specialized training for the personnel of GD “Security Guard” delivered. <p><u>Component III-2. Analysis of the Equipment Needs for General Directorate “Security Guard” - Technical assistance</u></p> <ul style="list-style-type: none"> • A comprehensive analysis on the indispensable technical equipment for ensuring the high level of protection of Judiciary made; • Technical Specifications for the equipment to be tendered elaborated. 	<p align="center"><u>OVI (common to all years/phases)</u></p> <ul style="list-style-type: none"> • Action Plan for the infrastructure and security of the Judiciary delivered • Curricula for initial and on-the-job training of the judicial security staff delivered • Number of the personnel of GD “Security Guard” trained • Comprehensive gaps and needs analysis on the indispensable technical equipment for ensuring the high level of protection of Judiciary delivered • Technical specifications for the equipment elaborated • Tender procedures successfully held and contracts concluded • Equipment supplied and installed • Integrated systems for security and control of access to the judicial premises put in operation • Functioning automated document-flow management system • Functioning National Judicial Security Information System. 	<ul style="list-style-type: none"> • Quarterly and Monitoring reports on the progress of the project • Regular reports of contractors • Evaluation reports 	<ul style="list-style-type: none"> • Willingness and active interest of the participants • Cooperation of the parties in gathering the relevant information and working together • Training seminars fully completed • Successful tenders for procuring the equipment

<p><u>Component III-3. Establishment of Effective Witness Protection System in Penal Proceedings - Twinning</u></p> <ul style="list-style-type: none"> • Functional witness protection unit including legislative base and job descriptions; • Developed strategy for efficient Witness Protection System; • Elaborated manuals (best practice manuals) for Witness Protection Unit staff; • Trained Witness Protection Unit staff; • Conducted detailed Analysis for the necessary technical equipment to guarantee effective witness protection; • Drafted Technical Specifications for the equipment tenders. 	<ul style="list-style-type: none"> • Volume of information (availability); • Drafted secondary legislative acts and job descriptions; • Elaborated Plan for Initial and Additional Training of staff involved in witness protection activities; • Staff trained within the GD “Security Guard”. 	<ul style="list-style-type: none"> • Quarterly and Monitoring reports on the progress of the project • Regular reports of contractors • Evaluation reports 	<ul style="list-style-type: none"> • Willingness and active interest of the participants • Cooperation of the parties in gathering the relevant information and working together • Training seminars fully completed • Successful tenders for procuring the equipment
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Activities	Means	Assumptions
<p style="text-align: center;">Activities Year 1/Phase 1</p> <p><u>Component III-1. - Training of the Personnel of General Directorate “Security Guard” - Twinning</u></p> <ul style="list-style-type: none"> • A joint working group of Bulgarian and EU Member States’ experts elaborates an Action Plan for the infrastructure and security of the Judiciary; • A joint working group of Bulgarian and EU Member States’ experts develops the curricula for initial and continuing training of the judicial security staff; • Training of the judicial security staff: <ul style="list-style-type: none"> - Organize 5 seminars-debates of 2 days each for the commanding staff; - Organize 30 seminars of 5 days each for initial training of 450 persons from the executive staff; - Organize 2 study visits of 5 days each for 5 persons each in an EU Member State; - Organize 10 study visits of 2 days each for 10 persons each in Bulgaria in territorial units of GD “Security Guard”; - Organize 5 seminars of 3 days each for continuing training of 50 persons from the commanding staff; - Organize 30 seminars of 5 days each for continuing training of 450 persons from the executive staff. <p><u>(NOTE: As mentioned, there will be a new increase of 1300 in the number of staff of GD “Security Guard”, which is expected to be approved in January 2004, and that shall bring to</u></p>	<p style="text-align: center;">Means (common to all years/phases)</p> <ul style="list-style-type: none"> • Selection of the Twinning partner, including RTA and other experts • Elaboration and signing of the Twinning Contract • Set up of the Working groups of Bulgarian and EU short-term experts under the project, determination of tasks, responsibilities and members • Conducting training seminars and organising study visits • Elaboration of Terms of Reference for Technical Assistance • Selection of the long-term technical adviser • Delivery of the necessary equipment. 	<ul style="list-style-type: none"> • Cooperation of the parties in gathering the relevant information and working together • Training seminars fully completed • Willingness and active interest of the participants • Successful tenders for procuring the equipment

<p><i>an increase of the number of seminars as well as of the personnel trained).</i></p> <p><u>Component III-2. Analysis of the Equipment Needs for General Directorate “Security Guard” - Technical assistance</u></p> <ul style="list-style-type: none"> • Setting up a joint working group of Bulgarian and EU Member States’ experts who will conduct a thorough analysis and identification of the equipment needs; • Organize one study visit of 5 days for 5 persons in an EU Member State; • Elaboration of the Technical Specifications for the equipment to be tendered; • Pilot training of 3 days on the efficient utilization of the selected security systems and information technologies - for 10 representatives from the headquarters and for 1 representative from each of the territorial units of GD “Security Guard”. <p><u>Component III-3. Establishment of Effective Witness Protection System in Penal Proceedings - Twinning</u></p> <ul style="list-style-type: none"> • Elaboration of an Action Plan by a joint working group of Bulgarian and EU Member States’ experts; • Development of the curricula for initial and continuing training of the witness protection staff by a joint working group of Bulgarian and EU Member States’ experts; • Training of the GD “Security” staff to execute effectively the objectives of the Protection of Persons Act. • Training of staff <p><i>(NOTE: A new increase in the number of staff in GD “Security” is due in 2006 and 2007 and that shall bring to an increase of the personnel trained. The number of seminars or the number of participants will be increased as well, if needed.)</i></p> <ul style="list-style-type: none"> • A joint working group of Bulgarian and EU Member States’ experts conducts a detailed analysis and defines the equipment needs. • Development of impartial Technical Specifications for the equipment to be supplied by an investment project. 		
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<u>Year 2/Phase 2</u>	Contracting period (Year 2 / FM 2005) expires: 30 November 2007	Disbursement period (Year 2 / FM 2005) expires: 30 November 2008
	Total budget Year 2: 3,000,000 €	PHARE budget Year 2: 2,250,000 €

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p style="text-align: center;"><u>Results Year 2/Phase 2</u></p> <p><u>Component III-4. Installation of Technical Equipment for General Directorate "Security Guard" - Investment</u></p> <ul style="list-style-type: none"> • Technical equipment supplied and put into operation; • Integrated systems for security and control of access to the court buildings established; • Information technologies (hardware and software) related to security placed at disposal of GD "Security Guard"; • Automation of document-flow management introduced; • National Judicial Security Information System established. 	<ul style="list-style-type: none"> • Tender procedures successfully held and contracts concluded • Equipment supplied and installed • Integrated systems for security and control of access to the judicial premises put in operation • Functioning automated document-flow management system • Functioning National Judicial Security Information System. 	<ul style="list-style-type: none"> • Quarterly and Monitoring reports on the progress of the project • Regular reports of contractors • Evaluation reports 	<ul style="list-style-type: none"> • Successful tenders for procuring the equipment

Activities	Means	Assumptions
<p style="text-align: center;"><u>Activities Year 2/Phase 2</u></p> <p><u>Component III-4. Installation of Technical Equipment for General Directorate "Security Guard" - Investment</u></p> <ul style="list-style-type: none"> • Purchase of security equipment: <ul style="list-style-type: none"> - Tender procedure based on the technical specifications elaborated under Component III-2.; - Supply and installation of the security equipment; - Training of the technicians for maintenance of the equipment; - Establish the integrated systems for security and control of access to the judicial premises. 	<ul style="list-style-type: none"> • Delivery of the necessary technical and office equipment 	<ul style="list-style-type: none"> • Successful tenders for procuring the equipment

Year 3/Phase 3	Contracting period (Year 3 / FA 2006) expires: 30 November 2008	End of execution of contracts period (Year 3 / FA 2006) expires: 30 November 2009
	Total budget Year 3: 2,000,000 €	PHARE budget Year 3: 1,500,000 €

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p style="text-align: center;">Results Year 3/Phase 3</p> <p><u>Component III-5. Installation of Technical Equipment for Witness Protection - Investment</u></p> <ul style="list-style-type: none"> • Technical equipment supplied and put into operation • Integrated systems for security and control of access to the court buildings established 	<ul style="list-style-type: none"> • Tender procedures successfully held and contracts concluded • Equipment supplied and installed 	<ul style="list-style-type: none"> • Quarterly and Monitoring reports on the progress of the project • Regular reports of contractors • Evaluation reports 	<ul style="list-style-type: none"> • Successful tenders for procuring the equipment

Activities	Means	Sources of Verification	Assumptions
<p style="text-align: center;">Activities Year 3/Phase 3</p> <p><u>Component III-5. Installation of Technical Equipment for Witness Protection - Investment</u></p> <ul style="list-style-type: none"> • Purchase of security equipment: <ul style="list-style-type: none"> - Tender procedure based on the technical specifications elaborated with the assistance of the experts under Component III-3 - Supply and installation of the security equipment - Training of the technicians for maintenance of the equipment 	<ul style="list-style-type: none"> • Delivery of the necessary technical and office equipment 	<ul style="list-style-type: none"> • Quarterly and Monitoring reports on the progress of the project • Regular reports of contractors • Evaluation reports 	<ul style="list-style-type: none"> • Successful tenders for procuring the equipment

ANNEX 1-IV.

Logframe for PHARE Project

REVISED LOGFRAME PLANNING MATRIX FOR <i>Sub-Project IV.</i>	Programme name and number PHARE 2004 - 2006	
<i>Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage</i>	Contracting period (Year 1 /FM 2004) expires: 30 November 2006	Disbursement period (Year 1 /FM 2004) expires: 30 November 2007
	Total budget Year 1: 2,800,000 €	PHARE budget Year 1: 2,100,000 €

Overall objective	Objectively verifiable indicators	Sources of Verification
To support the Bulgarian Government and the Bulgarian Judicial System in implementation of the Strategy for Reform of the Judiciary through introduction of European standards in justice and through updating the judicial infrastructure that will contribute to the process of preparation of the Republic of Bulgaria for accession to the European Union	<ul style="list-style-type: none"> • WEB based access to Judiciary services • Percentage of the document flow in electronic format • Percentage rate judicial personnel/workstations 	<ul style="list-style-type: none"> • Commission Regular Report on Bulgaria's progress towards EU accession • Regular reporting on the progress of the projects • Monitoring and Assessment Reports • National Statistics Institute Information • Judiciary system informational web-pages

Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
To build up on the activities of the PHARE 2003 project "Support of the Implementation of the Strategy for Reform of the Judiciary through the Introduction of Information Technologies" and the Early Financing Memorandum-2004 project "Support of the Implementation of the Strategy for Reform of the Judiciary through the Introduction of Information Technologies - Second Stage" in order to strengthen the institutional capacity of Bulgarian Judicial System through: further integration of the existing IT systems;	<ul style="list-style-type: none"> • Help Desk Established • Electronic exchange of information with other government bodies 	<ul style="list-style-type: none"> • Judicial Statistics • Published booklets/leaflets for Trade Community and General Public 	<ul style="list-style-type: none"> • Required legislative changes in force • Coordination with other Judiciary IT related projects financed by different donors

<p>elaboration and full implementation of modern judicial Management Information Systems - Financial, Accounting, Human Resources, Judicial Inspectorate, Judiciary IT e-learning, Central Electronic Archive, International Penal and Civil Cooperation, and Security; implementation of the concepts of e-Justice</p>			
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Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p align="center"><u>Results Year 1/Phase 1</u></p> <p><u>Component IV-1. - CANCELLED</u></p> <p><u>Component IV-2. Supply of Hardware for the Judiciary - Investment</u></p> <ul style="list-style-type: none"> • Tender procedures held for hardware for the Judiciary, based on the Technical Specifications elaborated by the Beneficiary; • IT hardware for the judiciary supplied, tested, installed, commissioning performed; • Provision of technical training courses for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency's staff; • Provision of technical training courses for the Users' effective performance. 	<p align="center"><u>OVI (common to all years/phases)</u></p> <ul style="list-style-type: none"> • Assessment reports on the Users' needs and requirements in respect to integrated judicial Management Information Systems - Financial, Accounting, Human Resources, Inspectorate, Judiciary IT e-learning, Central Electronic Archive, International Penal and Civil Cooperation, and Security, delivered • Technical specifications for the equipment elaborated • Tender procedures successfully held and contracts concluded • Hardware, communication equipment and standard software delivered, installed and fully operational • Application software delivered, installed and put into operation • Integrated judicial Management Financial-, Accounting-, Human Resources-, Inspectorate-, Judiciary IT e-learning-, Central Electronic Archive, International Civil and Penal Cooperation-, and Security- Information Systems put in operation 	<ul style="list-style-type: none"> • Acceptance protocols • Final Acceptance Protocols • Activity Reports • Inventories • Internal Audit Reports 	<ul style="list-style-type: none"> • National budget available on time • Local System administrators in place • Appropriate country wide communication infrastructure available

	<ul style="list-style-type: none"> • System for e-Justice implementation put in operation • Training modules available • Manuals for System Administrators and for Users available • Operative Registration Agency responsible for the realization of Bulgarian judicial IT policy • Number of the staff of the Registration Agency trained • Number of the certified trainers for training of Users • Number of the personnel of the Users trained 		
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Activities	Means	Assumptions
<p style="text-align: center;"><u>Activities Year 1/Phase 1</u></p> <p><u>Component IV-1. - CANCELLED</u></p> <p><u>Component IV-2. Supply of Hardware for the Judiciary - Investment</u></p> <ul style="list-style-type: none"> • Organising the Tender Procedures based on the Technical Specifications elaborated by the Beneficiary; • Hardware, communication equipment and standard software supply, installation and testing; • Support to training for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency's staff; • Support to training for the Users' effective performance. 	<p style="text-align: center;"><u>Means (common to all years/phases)</u></p> <ul style="list-style-type: none"> • Three Supply Tender Procedures separated (<i>indicatively</i>) into 3 to 9 Lots; • Signing of (<i>indicatively</i>) 3 to 9 Supply Contracts; • Quality control process in respect to functionality coverage, installation, implementation and maintenance of the contracted deliverables; • Working meetings between Contractors and Bulgarian experts; • Pilot training of trainers of the Users and of the Registration Agency. 	<ul style="list-style-type: none"> • MoJ IST Unit (Directorate/Agency) properly structured • Sustainability of the MoJ IT staff • Job descriptions in place

<u>Year 2/Phase 2</u>	Contracting period (Year 2 / FM 2005) expires: 30 November 2007	Disbursement period (Year 2 / FM 2005) expires: 30 November 2008
	Total budget Year 2: 7,800,000 €	PHARE budget Year 2: 5,850,000 €

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p style="text-align: center;"><u>Results Year 2/Phase 2</u></p> <p><u>Component IV-2. Judicial Business Software Applications Development, and Supply of Hardware, Communication Equipment and Standard Software - Investment</u></p> <ul style="list-style-type: none"> • Tender procedures held, based on the Technical specifications elaborated under the previous judicial IT projects - for the Financial Management, Human Resources Management, Judicial Inspectorate Management, and Security Guard Management Information Systems; • Judicial business application for the integrated judicial Financial Management, Human Resources Management, Judicial Inspectorate Management, and Security Guard Management Information Systems developed, delivered, tested, installed in all required locations on all working places; • Provision of technical training courses for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency's staff; • Provision of technical training courses for the Users' effective performance. 	<ul style="list-style-type: none"> • Tender procedures successfully held and contracts concluded • Equipment supplied and installed • Integrated systems for security and control of access to the judicial premises put in operation • Functioning automated document-flow management system • Functioning National Judicial Security Information System. 	<ul style="list-style-type: none"> • Acceptance protocols • Final Acceptance Protocols • Activity Reports • Inventories • Internal Audit Reports 	<ul style="list-style-type: none"> • National budget available on time • Local System administrators in place • Appropriate country wide communication infrastructure available

Activities	Means	Assumptions
<p style="text-align: center;"><u>Activities Year 2/Phase 2</u></p> <p><u>Component IV-2. Judicial Business Software Applications Development and Supply of Hardware,</u></p>		

<p>Communication Equipment and Standard Software - Investment</p> <ul style="list-style-type: none"> • Organising the Tender Procedures based on the Technical specifications elaborated under the previous judicial IT projects - for the Financial Management, Human Resources Management, Judicial Inspectorate Management, and Security Guard Management Information Systems; • Hardware, communication equipment and standard software supply, installation and testing; • Judicial business software applications development, delivery, testing and implementation; • Elaboration, construction, acceptance testing and implementation of the Integrated Judicial Financial, Human Resources, Judicial Inspectorate, and Security Management Information Systems; • Support to training for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency's staff; • Support to training for the Users' effective performance. 	<ul style="list-style-type: none"> • Delivery of the necessary technical and office equipment 		<ul style="list-style-type: none"> • Successful tenders for procuring the equipment
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Year 3/Phase 3	Contracting period (Year 3 / FM 2006) expires: 30 November 2008	Disbursement period (Year 3 / FM 2006) expires: 30 November 2009
	Total (indicative) budget Year 3: 6,800,000 €	PHARE (indicative) budget Year 3: 5,400,000 €

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p style="text-align: center;">Results Year 3/Phase 3</p> <p>Component IV-2. Judicial Business Software Applications Development, and Supply of Hardware, Communication Equipment and Standard Software - Investment</p> <ul style="list-style-type: none"> • Tender procedures held, based on the Technical specifications elaborated under the previous judicial IT 	<ul style="list-style-type: none"> • Tender procedures successfully held and contracts concluded 	<ul style="list-style-type: none"> • Acceptance protocols • Final Acceptance Protocols 	<ul style="list-style-type: none"> • National budget available on time

<p>projects - for the Accounting, Judiciary IT e-learning, Central Electronic Archive, and International Penal and Civil Cooperation Management Information Systems;</p> <ul style="list-style-type: none"> • Establishment of the Integrated Judicial Accounting, Judiciary IT e-learning, Central Electronic Archive, and International Penal and Civil Cooperation Management Information Systems; • Provision of technical training courses for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency's staff; • Provision of technical training courses for the Users' effective performance. <p><u>Component IV-3. Evaluation of Technical Specifications, and Establishment and Institutional Building of a Registration Agency (expected to become a Judicial IT Agency later) - Technical Assistance</u></p> <ul style="list-style-type: none"> • Provision of IT management methodologies and support for process assessment and control of projects, contracts and quality; • Integration and harmonization of all Judicial IT Systems; • Further harmonization of the e-Justice system with all available judicial IT systems; • Capacity building of the Registration Agency by provision of technical training courses for perfecting the state-of-the-art technological knowledge and skills of the staff 	<ul style="list-style-type: none"> • Equipment supplied and installed • Integrated systems for security and control of access to the judicial premises put in operation • Functioning automated document-flow management system • Functioning National Judicial Security Information System. 	<ul style="list-style-type: none"> • Activity Reports • Inventories • Internal Audit Reports 	<ul style="list-style-type: none"> • Local System administrators in place • Appropriate country wide communication infrastructure available
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Activities	Means		Assumptions
<p>Activities Year 3/Phase 3</p> <p><u>Component IV-2. Judicial Business Software Applications Development and Supply of Hardware, Communication Equipment and Standard Software - Investment</u></p> <ul style="list-style-type: none"> • Organising the Tender Procedures based on the Technical specifications elaborated under the previous judicial IT projects - for the Accounting, Judiciary IT e-learning, Central Electronic Archive, International Penal and Civil 	<ul style="list-style-type: none"> • Delivery of the necessary technical and office equipment 		<ul style="list-style-type: none"> • MoJ IST Unit (Directorate/Agency) properly structured

<p>Cooperation Management Information Systems;</p> <ul style="list-style-type: none"> • Hardware, communication equipment and standard software supply, installation and testing; • Judicial business software applications development, delivery, testing and implementation; • Elaboration, construction, acceptance testing and implementation of the Integrated Judicial Accounting, Judiciary IT e-learning, Central Electronic Archive, International Penal and Civil Cooperation Management Information Systems; • Support to training for perfecting the state-of-the-art technological knowledge and skills of the Registration Agency's staff; • Support to training for the Users' effective performance. <p><u>Component IV-3. Technical Assistance for the Evaluation of Technical Specifications, and Technical Assistance for the Establishment and Institutional Building of a Registration Agency (expected to become a Judicial IT Agency later) - Technical Assistance</u></p> <ul style="list-style-type: none"> • Elaboration of IT management methodologies and support for process assessment and control of projects, contracts and quality; • Consolidation of the Judicial Management Information Systems - Financial, Accounting, Human Resources, Inspectorate, Judiciary IT e-learning, Central Electronic Archive, International Penal and Civil Cooperation, and Security, already established under this project; • Further harmonization of the e-Justice system with all available judicial IT systems; <p>Support to training of the staff of the Users and of the Registration Agency responsible for the realization of Bulgarian judicial IT policy.</p>			<ul style="list-style-type: none"> • Sustainability of the MoJ IT staff • Job descriptions in place
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Preconditions

- Approved Bulgarian Judiciary IT Strategy and Multi-annual Action Plan;
- Commitment of MoJ and SJC to continue with the judicial reform and in particular with further development of the Information Systems in the Judiciary; MoJ users and IST Directorate staff available to support the development and implementation of the projects;

(Third Phase)

- Well-established IT judiciary structures for the final realization of the IT Strategy;
- Established and working Registration Agency, responsible for the further realization of the IT judiciary policy in Bulgaria.

ANNEX 2-I.

Detailed Implementation Chart

Sub-Project I. "Remedy the Civil and Penal Procedures"

COMPONENTS		2004	2005				2006				2007		
		4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q
<u>Component I-1.</u> Strengthening the National and Local Commissions for Legal Aid	Twinning (Contract 1)												
<u>Component I-2.</u> Improvement of the Enforcement of Judgements in order to Ensure Effective and Prompt Protection of the Rights of Citizens and Legal Entities		D	C	C	I	I	I	I	I	I	I	I	X
<u>Component I-3.</u> Elaboration of Materials for the Training of Magistrates and Court Staff on the New Civil and Penal Procedures													
<u>Component I-4.</u> Equipment for Legal Aid	Investment (Contract 7)					D	D	C	C	I	I	I	X

D = Design of tender procedure

C = Contracting period

I = Implementation

X = Closure

ANNEX 2-II.

Detailed Implementation Chart

Sub-Project II. “Judicial Cooperation in Penal and Civil Matters”

COMPONENTS		2004	2005				2006				2007		
		4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q
<u>Component II-1.</u> <i>Judicial Cooperation in Penal Matters</i>	Twinning (Contract 2)												
<u>Component II-2.</u> <i>Judicial Cooperation in Civil Matters</i>		D	C	C	I	I	I	I	I	I	I	I	X
<u>Component II-3.</u> <i>Creation of an Integrated Information System for International Judicial Cooperation on Criminal and Civil Cases</i>													

D = Design of tender procedure

C = Contracting period

I = Implementation

X = Closure

ANNEX 2-III.

Detailed Implementation Chart

Sub-Project III. "Support for Establishment of Security Infrastructure for the Judiciary and of Witness Protection System in Penal Proceedings"

COMPONENTS	2004	2005				2006				2007		
	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q
<u>Component III-1. Training of the Personnel of General Directorate "Security Guard"</u> - Twinning (Contract 3)	D	C	C	I	I	I	I	I	I	I	I	X
<u>Component III-2. Analysis of the Equipment Needs for General Directorate "Security Guard"</u> - Technical assistance (Contract 4)			D	D	C	C	I	I	X			
<u>Component III-4. Technical Equipment for GD "Security Guard"</u> - Investment (Contract 8)					D	D	C	C	I	I	I	X

COMPONENTS	2005	2006				2007			
	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q
<u>Component III-3. Building of Effective Witness Protection System</u> - Twinning (NEW Contract 5)	D	C	C	I	I	I	I	I	X

COMPONENTS	2006				2007				2008		
	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q
<u>Component III-5. Technical Equipment for GD "Security Guard"</u> - Investment (Contract 10)				D	D	D	C	I	I	I	X

D = Design of tender procedure

C = Contracting period

I = Implementation

X = Closure

ANNEX 2-IV.

Detailed Implementation Chart

Sub-Project IV. “Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Judicial Information Technologies - Third Stage”

COMPONENTS	2005	2006				2007				2008		
	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q
<u>Component IV-2. Supply of Hardware for the Judiciary - Investment (Contract 6)</u>	D	D	C	C	C	I	I	I	X			
<u>Component IV-2. Judicial Business Software Applications Development and Supply of SW/HW - Financial, Human Resources, Judicial Inspectorate, and Security Guard Management Systems - Investment (Contract 9)</u>		D	D	C	C	C	I	I	I	X		
<u>Component IV-2. Judicial Business Software Applications Development, and Supply of SW/HW - Judiciary IT e-learning, Central Electronic Archive, International Penal and Civil Cooperation Systems - Investment (Contract 11)</u>					D	D	D	C/I	I	I		X
<u>Component IV-3. Integration and Harmonization of All Judicial IT Systems - Technical Assistance (Contract 12)</u>					D	D	D	C	I	I	I	X

D = Design of tender procedure

C = Contracting period

I = Implementation

X = Closure

ANNEX 3. **Contracting and Disbursement Schedule by Quarter for Full Duration of Programme**
(in Million Euro)

	2005		2006				2007				2008				2009		
	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q
<i>Contract 1 (Twinning)</i>																	
Contracted	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0									
Disbursed	0.4	0.4	0.5	0.5	0.6	0.7	0.8	0.9	1.0	1.0	1.0	1.0					
<i>Contract 2 (Twinning)</i>																	
Contracted	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0									
Disbursed	0.4	0.4	0.5	0.5	0.6	0.7	0.8	0.9	1.0	1.0	1.0	1.0					
<i>Contract 3 (Twinning)</i>																	
Contracted	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2									
Disbursed	0.5	0.5	0.6	0.7	0.8	0.9	1.0	1.1	1.2	1.2	1.2	1.2					
<i>Contract 4 (Technical assistance)</i>																	
Contracted			0.2	0.2	0.2												
Disbursed			0.1	0.1	0.15	0.2	0.2	0.2	0.2								
<i>NEW Contract 5 (Twinning)</i>																	
Contracted					1.2	1.2	1.2	1.2	1.2	1.2							
Disbursed					0.6	0.7	0.8	0.9	1.0	1.1	1.2	1.2	1.2	1.2			
<i>Contract 6 (Investment)</i>																	
Contracted						2.8	2.8	2.8	2.8								
Disbursed						1.4	1.8	2.2	2.6	2.8	2.8	2.8	2.8				
<i>Contract 7 (Investment)</i>																	
Contracted					0.2	0.2	0.2										
Disbursed					0.1	0.1	0.15	0.2	0.2	0.2	0.2						

	2005		2006				2007				2008				2009		
	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q
Contract 8 (Investment)																	
Contracted						3.0	3.0	3.0									
Disbursed						1.0	1.5	2.0	2.5	2.5	3.0	3.0					
Contract 9 (Investment)																	
Contracted								7.8	7.8	7.8							
Disbursed								3.2	4.1	5.0	5.9	6.8	7.3	7.8			
Contract 10 (Investment)																	
Contracted									2.0	2.0	2.0	2.0					
Disbursed									0.8	1.0	1.2	1.4	1.6	1.8	1.9	2.0	
Contract 11 (Investment)																	
Contracted									5.6	5.6	5.6	5.6					
Disbursed									2.3	2.5	3.3	3.8	4.3	4.8	5.3	5.6	
Contract 12 (Technical assistance)																	
Contracted									1.2	1.2							
Disbursed									0.5	0.7	0.9	1.0	1.2				1.2

ANNEX 4-IV.

**Pre-Feasibility Study
(relevant to Sub-project IV.)***

No	Investment project	Activities already planned for 2002	Activities already planned for 2003	Environmental Impact
1	Elaboration and implementation of Inspectorate System	- increased efficiency of the judicial system through effective and prompt protection of the rights of citizens and legal entities - first stage of overall computerization and introduction to modern information technologies in the courts of Bulgaria	n/a	n/a
2	Establishment of modern Financial System for the entire Judiciary	n/a	n/a	n/a
3	Implementation of Human Resource Management System in MoJ	n/a	n/a	n/a

* In respect to the current realization of the projects for Financing Memorandums 2002 and 2003 detailed pre-study reports and evaluations will be available in some months period

ANNEX 5.

List of Relevant Laws and Regulations

- Constitution of the Republic of Bulgaria
- Law on the Judiciary
- Penal Procedure Code
- Civil Procedure Code
- Penal Code
- Family Code
- Law on Obligations and Contracts
- Law for the Protection of Child
- International treaties and conventions, ratified by Bulgaria
- Rules of Procedure of the Ministry of Justice
- Law on Protection of Persons Threatened in Connection with Penal Procedure

ANNEX 6.

Reference List of Strategic Plans and Studies

- Strategy for Reform of the Judiciary in Bulgaria (published in 2001; Updated version - Council of Ministers' Decision No. 260/21.04.2003) - available on Ministry of Justice's web-site: www.mjeli.government.bg
- Action Plan for the implementation of the Strategy for Reform of the Judiciary in Bulgaria - available on Ministry of Justice's web-site: (*see above*)
- Bulgarian Judicial IT Strategy (adopted by the Supreme Judicial Council in April 2003) - available on Ministry of Justice's web-site: www.mjeli.government.bg/itstrategy
- Action Plan according to Bulgarian Judicial IT Strategy (incorporated within the IT Strategy) - available on Ministry of Justice's web-site.

ANNEX 7. Information on the Needs Related to Security in the Judiciary

(relevant to Sub-Project III.)

The needs for development and improvement of General Directorate ‘Security Guard’ within the Ministry of Justice were included as *No. 10 ‘Infrastructure and Security of the Judiciary’* among the key priorities in the Updated Strategy for Reform of the Bulgarian Judiciary and in the Action Plan for its implementation, both adopted by the Council of Ministers in April 2003.

The GD ‘Security Guard’ is entrusted with the tasks of assisting the Minister of Justice in his interaction with the Supreme Judicial Council and with the bodies of the judicial system, as well as to provide better security for the premises of the judiciary and, where necessary, for certain magistrates.

The specialised guarding unit has the following functions (*as per Art. 36e. of the Law on the Judiciary - SG No. 74/2002*):

1. organising and carrying out the guarding in all buildings of the judicial system;
2. providing the order in the buildings of the judicial system and the security of the bodies of the judicial system in fulfilment of their legal capacities;
3. organising and carrying out the guarding of judges, prosecutors, investigators and witnesses, where necessary;
4. assistance to the bodies of the judicial system when persons are subpoenaed, as well as in court execution;
5. the compulsory bringing of persons when it is ordered by a body of the judicial system;
6. escorting accused and defendants on bail or persons incurring punishment in prisons to the bodies of the judicial system;
7. providing the guarding of the investigation detentions.

Calculations made by experts of GD ‘Security Guard’ determine that for the successful accomplishment of the abovementioned functions the General Directorate and its regional units should have a staff of 1839 persons, as follows:

- 986 - for guarding of the court premises (138 judicial regions and 6 military courts), and of the corresponding offices of prosecutors, investigators and bailiffs;
- 450 - for escorting within the confines of Bulgaria, as well as to and from abroad;
- 327 - for summoning, detention and compulsory bringing of persons;
- 76 - for body-guarding of magistrates and witnesses.

Simultaneously with the appointment of the necessary commanding and executive staff in the headquarters and in the territorial units, GD ‘Security Guard’ has to conduct compulsory initial and further training for increasing the qualification of the staff.

Furthermore, indispensable for the GD ‘Security Guard’ are technical, specialized and auxiliary devices, as: specific conveying, piloting, securing and armoured cars and vans; reliable communications and computer equipment; portable and steady devices for weapon- and explosive-detecting; specialized armaments and subsidiary equipment for the specific detaining, escorting and guarding activities; for personal safety; etc.

Information
on Some Cases Related to Security in the Judiciary

On 25 March 2003, a bomb exploded in the Sofia District Prosecution Office. During the night of 28 March 2003, the personal car of the regional prosecutor in Pernik exploded.

During the first week of April 2003, the Sofia Palace of Justice, where the Sofia City Court, Sofia District Court, Supreme Court of Cassation, and the Supreme Prosecution Office of Cassation have their headquarters, was closed three times due to telephone threats for existence of bombs in the building.

On 8 April 2003, the building of the Sofia Regional Court was closed due to the same reasons.

On 26 March 2003, the Supreme Judicial Council requested urgent financial and organisational measures to insure the security of judicial buildings and magistrates.

On 8 April 2003, two badge scanners for entrance control were installed in the Sofia Palace of Justice. That was ordered by the Minister of Finance. In the meantime, the Minister of Justice reported that the judicial police unit within the Ministry of Justice is under practical establishment. The judicial police officers will guard the courts, prosecution offices and investigation services.

ANNEX 8. **Information on the Needs of Witness Protection System**
(relevant to Sub-project III.)

The function of protection of magistrates, prosecutors, investigators and witnesses is realized through a Sector with the same name in the GD “Security Guard” since 2003. The Sector includes 29 officials. For implementation of the Law on Protection of Persons Threatened in Connection with Criminal Procedure, under the Sector is created a Bureau for Protection with the rank of Department. It is provided for 2006 the number of staff to reach 60 and for 2007 up to 100-110 people.

For the successful implementation of the functions laid in the Law, the Bureau for Protection needs a number of modern cars and other technical equipment, that is:

- armoured cars - jeeps (4 x 4 with good off-road ability), standard cars, concealed armoured vests, multi-filling weapons, machine-gun weapons, ‘free hands’ safe transmitters, portable mini panic-buttons, mobile phones with special connection, mini cameras for control and transmission of picture, black-light emanating devices, night-seeing devices, devices for explosive detection under cars, shooting training sets, etc.

NOTE: The Technical Specifications for Component III-5. will be elaborated with the assistance of the experts under Component III-3. (Twinning).

ANNEX 9. IT Software and Hardware Equipment Needs

(relevant to Sub-project IV.)

1. TA components and related contracts

The TA contracts envisaged for the three years of the multi-annual PHARE planning for the Sub-project IV. are allocated with the establishment of the IT Agency as required urgently by the EC. For accomplishing the task an amount of 2.4 MEURO has been required - 0.8 MEURO for each of the three years (2004, 2005, and 2006).

For the years 2004 and 2005 the amount required of 1.6 MEURO totally will be spent on institutional building and strengthening:

- 0.6 MEURO for developing the MA capacity of the Agency (PHARE Programming Guide 2004 - 7.5);
- 0.7 MEURO for capacity building of Agency's Intermediate Bodies concerned with Judiciary IT projects' immediate monitoring and evaluation on national level;
- 0.3 MEURO concerned with Agency's establishment and proper functioning needs.

The respectful calculations for these needs have been made on two years expenses basis in accordance with the already gained experience of the MoJ specialists in relevant projects and the costs for similar activities accomplishment (e.g. Cadastre Agency projects within WB financing, etc.).

For the year 2006 the amount of 0.8 MEURO will be allocated for the IB capacity of the Agency's staff, strengthening the institution, equipment maintenance and disseminating the IT Agency first activities' results. Respectfully the sums required for these activities are:

- IB - 0.3 MEURO;
- Maintenance and support - 0.1 MEURO;
- PR campaign - 0.2 MEURO;
- Staff training - 0.2 MEURO.

Respectfully the MoJ specialists consider these funding not sufficient for accomplishing these tasks (especially the PR related task). Also within the emergency of the IT Agency's establishment considered by the EC authorities several times till now, more unexpected expenses are possible to emerge within the process of its establishment.

2. Supply components and related contracts

The Judicial IT Strategy covers a 4-year period and a number of activities to ensure an advanced IT infrastructure in the Judiciary in order to meet the requirements for the EU accession of Bulgaria. According to the experience of the MoJ experts, the funding envisaged will be not sufficient for accomplishing this task. It must be taken into account that the projects included in the 3-year programme cover large personnel and geographic scopes.

There is approximately 10,000 staff working in association with the Beneficiaries' organizations in various capacities related to Judiciary. The implementation of the systems will provide interface for observing the content and inquiry facilities for these staff commensurate with the workload in each of 381 locations, as follows:

1. Ministry of Justice (incl. arrests and prisons) - 42
2. Supreme Judicial Council - 1

3. Supreme Administrative Court - 1
4. Supreme Court of Cassation - 1
5. Appeal Courts - 5
6. District Courts - 28
7. Regional Courts - 112
8. Military Appeal Court - 1
9. Military Courts - 5
10. Prosecution - 155
11. Investigation - 29
12. National Institute of Justice - 1

2.1. For the years 2004 and 2005, *e*-justice implementation and realization have been envisaged. The realization of this component of the IT Strategy has been postponed till now from the EU funding authorities, but with the progress of Bulgaria towards accession to the EU brings forward the urgent need of establishment of the *e*-Justice component as well as of meeting the *Acquis* requirements concerning the financial accounting and human resources management systems, which require a complex set of tasks and activities to be funded and accomplished in 2 years time. Following the experience from other judicial projects' realization (of less scope), the MoJ specialists give approximate evaluation of this project realization needs as:

- setting-up an advanced, secure and reliable communication system covering all the locations listed above - 2 MEURO;
- hardware equipment needs for the entire judicial system (courts, government institutions, etc.) - 4 MEURO (for the years 2004 and 2005);
- application software development and implementation - 6 MEURO (for the years 2004 and 2005);
- maintenance, licenses and other needs - 2 MEURO (for the years 2004 and 2005).

For detailed information on *e*-Justice project components and needs refer to the IT Strategy.

2.2. In respect also to the IT Strategy full implementation and full harmonization of Bulgarian judicial system to the EU standards, for the year 2006 two projects have been planned:

2.2.1. Security IT System. Regarding the complexity of the tasks envisaged in this projects following sums are needed for its realization:

- for full software and hardware equipment for security needs - 3.5 MEURO;
- for maintenance - 1.5 MEURO.

2.2.2. Other Judicial IT systems "to be identified" as stated in the IT Strategy long-term priorities.

This means that some new projects (not foreseen in the initial version of the IT Strategy) will be defined, such as:

- *e*-learning system for all the judicial personnel and other interested institutions;
- establishment of a Central Judicial Electronic Archive according to the "*Draft recommendation on archiving of electronic documents in the legal sector*" proposed by the

European Committee on Legal Co-operation (*CDCJ*) on its 52nd meeting in Strasbourg, 20-23 May 2003.

Following the experience from other judicial projects' realization, the MoJ specialists give approximate evaluation of these projects of 7 MEURO.

For detailed information on Sub-project's both components and needs, refer to the IT Strategy.

ANNEX 10.

Judicial IT Systems' Prioritization

(relevant to Sub-project IV.)

Following the needs assessment stated in Annex 8, seven projects (stated below and included as components in Sub-project IV.) are of paramount importance to be implemented through PHARE Financing Memorandums till 2007 in order the Bulgarian Judicial IT Strategy to be accomplished and the reform in the Judiciary to be finalized. The projects envisaged for the multi-annual planning memorandum have been identified as long-term priorities within the IT Strategy. However Sub-project IV. comprises several medium-term priority projects that have been postponed from Financing Memorandum 2003.

These projects have been included in Sub-project IV. of the Project Fiche and constitute the following priorities as stated in the IT Strategy:

- *e-Justice* - development of central portal site, and development of front- and middle-office - to support the integration of various back offices - (*long-term priority* from IT Strategy) - 2004 *
- Inspectorate System - add-on to Data Warehouse and MIS system - (*medium-term priority*) - 2004
- Financial Management System in the MoJ - implementation (full computerization and software support in respect to EU requirements) - (*medium-term priority*) - 2005
- Human Resource Management System in the MoJ - implementation (full computerization and software support in respect to EU requirements) - (*long-term priority*) - 2005
- *e-Learning* System for all the judicial personnel and other interested institutions - (*long-term priority*) - 2006
- Central Judicial Electronic Archive - establishment - according to the "Draft recommendation on archiving of electronic documents in the legal sector" proposed by the European Committee on Legal Co-operation (CDCJ) at its 52nd meeting in Strasbourg, 20-23 May 2003 - (*long-term priority*) - 2006
- integration of all judicial management IT systems: establishing interconnectivity and interoperability - (*long-term priority*) - 2006

For effective establishment and institution building for the Registration /Judicial IT/ Agency and the projects' realization for all the three years (2004, 2005, and 2006) TA components have been foreseen.

Apart from the above stated projects, to Sub-project IV. have been added two IT components of the other sub-projects:

- *for Sub-project II.* - International Judicial Civil and Penal Cooperation System - 2006 (Investment component)
- *for Sub-project III.* - Judicial Security System - 2005 (Investment component).

* see Annex 4., item 2 "e-justice"