

**PHARE 2005 017-553.01.04**

**Amendment 2005 for**

**The Multi-Annual Programme 2004 – 2006**

**SECTOR JUSTICE**

**Assistance to enhance the independence, professionalism and management capacity of the Romanian judiciary**

# Sector Programme Fiche Amendment 2005 for the Reform of the judiciary and improvement of penitentiaries

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# Sector Programme Fiche Amendment 2005 for the Reform of the judiciary and improvement of penitentiaries

## 1 Basic Information

The sector programme will be funded from EU resources of the budgetary years 2004 to 2006. Allocations to tasks and projects described in this programme fiche amendment for 2005 will be subject of the Financing Agreement 2005 containing also indicative allocations to this programme for the year 2006. Contracting deadlines for projects under this programme and deadline for execution of contracts will be determined in the FA as well.

<b>CRIS Nr</b>	<b>PHARE/2005/017-553.01.04</b>	<b>Country: Romania</b>
<b>Title</b>	<b>Assistance to enhance the independence, professionalism and management capacity of the Romanian judiciary</b>	
<b>Sector</b>	Priority sector	Evaluation sector
Strengthening judicial sector	<b>Justice</b>	<b>Justice</b>
<b>Budget</b>	Total [€Mio] <b>21,50 €Mio</b>	Phare contribution [€Mio] <b>18 €Mio</b>

### Summary

*This programme will provide support in order to strengthen the independence, professionalism, administration and management of the judicial system.*

*Phare support will significantly contribute to the achievement of the objectives of strengthen the independence, professionalism, administration and management of the judicial system committed by the Ministry of Justice within the Strategy for the Reform of the Judiciary and will complement the national effort. The 2005 programme will contribute to achieving the objectives by implementing the following specific tasks: Assistance for the High Court of Cassation and Justice; Further assistance for NIM to successfully enforce the continuous training strategy; Further assistance for supporting the National School of Clerks (NSC) efforts in strengthening its institutional capacity and training policies; Support for strengthening the institutional and legislative framework in the field of international judicial cooperation; Endowment in order to ensure the proper functioning of the international judicial cooperation networks; Increasing the effectiveness of the probation and victims' protection system according to EU best practices; Strengthening the institutional and administrative capacity of the MoJ and the Public Ministry (Prosecutor's Office); To increase the transparency of the courts and Prosecutor's Office activity; Continuation of the judiciary automation*

## 2 Objectives

This sector aims at enhancing the independence, professionalism and management capacity of the Romanian judiciary within the Strategy for the Reform of the Judiciary and will complement the national efforts.

### 2.1 The Needs

Romania is facing now a complex reform in order to strengthen the independence, professionalism, administration and management of the judicial system.

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Complex legislative measures are correlated with institutional measure and initiatives of improving the human resources.

With the approaching of the date of Romanian accession to the EU, a number of institutional building activities need to be undertaken and certain tools have to be established in order to implement and monitor the EU standards on justice.

Issues that require immediate strengthening are:

- *Increasing the independence of the Judiciary*
- *Developing the professionalism of the Judiciary*
- *Improving the administration and access to justice*
- *Improving the management of the courts*

The **revised Accession partnership with Romania (2003)** recommended the following measures in the field of justice:

“- Develop and implement a strategy for the reform of the judiciary that will:

- i) Ensure full independence in particular by: establishing a transparent system for recruiting and selecting magistrates, abolishing the provision allowing senior officials to be appointed judges without having to pass an exam and introducing transparent legal procedures for removing judges from office and for sanctioning them for misconduct;
- ii) Enhance the professionalism of the judiciary in particular by: improving training programs in the National Institute for the Magistracy (NIM): strengthening the ability of the Training Centre for Clerks to deliver both initial and in/service training; and developing training for other legal professionals such as lawyers, notaries, bailiffs, court clerks and staff of the Ministry of Justice.
- iii) Improve the administration of courts in particular by: modernising case management and filing system; developing clear criteria for case assignment; systematic introduction of Alternative Dispute Resolution; extending access to free legal aid; and upgrading court equipment and infrastructure....”

The **Roadmap for Romania (December 2002)** emphasized the necessary steps for the implementation of the *acquis* and the continuation of the judicial reform:

- the effective independence of the judiciary; (point 2.2.)
- adoption of a national strategy for the functioning of the judiciary addressing the requirements of full independence, ethics, training of magistrates, organization of courts and international cooperation on judicial matters (point 2.2)

The **Regular Report for Romania** (October, 2004) stated that: “In addition to formal changes such as legislation and organisational structures, an environment should be created in which senior judges can develop a working culture corresponding to their new responsibilities for defending the independence of the judiciary in practice, for guaranteeing the efficient application of the rule of law and for ensuring high professional standards across the system... The quality of judgments also remains a problem. The heavy workload of judges, their limited access to case law, a lack of information about new legislation, poor circulation of information within the judicial system and a lack of training and specialisation explain this situation.

The Training Centre for Clerks continues to provide both initial and continuous training but its facilities are inadequate given its responsibilities.”

In the **European Union Common Position Paper** (December, 2004), the EU stresses: “the establishment of an independent, honest, reliable, transparent and efficient judiciary is of paramount importance. This notably requires substantial financial resources and a clear long-term political commitment, as well as an efficient use of physical and financial resources, a

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sufficient number of well-qualified staff, objective and transparent recruitment, evaluation and promotion procedures relying on national standards established by the Superior Council of the Magistracy....

The EU also underlines that “the independence and integrity of the courts are of crucial importance for the functioning of a democratic society and that further efforts in this field must be given the highest priority. In addition to the changes in legislation and organisational structures, an environment and a working culture must be developed that protect the independence of the judiciary, guarantee the efficient application of the rule of law and ensure high professional standards across the judicial system”

The EU strongly encourages Romania to ensure that “all necessary efforts are made to accelerate the recruitment and training of magistrates (judges and prosecutors) and other judicial staff. This will help reduce the current heavy workload of judges and will contribute to reducing both the duration of court proceedings and the serious problem of backlogs. In particular, the EU urges Romania to provide the National Institute of Magistracy with the necessary budgetary means allowing it to take up its tasks as prescribed by the new laws, as well as to provide it with high quality staff with practical experience, a modern and practice-oriented curriculum and a stable management so that it can meet the demands in terms of initial and continuous training and recruitment of magistrates. The EU also urges Romania to provide the Training Centre for Clerks with the necessary budget, staff, equipment and infrastructure so that it can meet the demands of providing initial and continuous training to the support staff to be recruited in the years to come, in order to contribute to the alleviation of the workload of judges. The EU invites Romania to report regularly on progress made.”

The EU underlines the importance of enhanced efforts to ensure the practical implementation of EU requirements as regards procedures applicable to juvenile delinquents. The EU will closely monitor the reform of the juvenile justice system and its implementation until accession.

Since the adoption of the former **Strategy for the Reform of the Judiciary 2003 – 2007**, that represented the fundament of the Multi Annual Programme Fiche 2004-2006, a series of important developments took place within the Judiciary, the most relevant being the adoption of the legislative package comprising Law no. 303/2004 on the statute of the magistrates, Law no.304/2004 on the organization of the Judiciary and Law no. 317/2004 on the Superior Council of Magistracy.

All these elements, and also the closure of the negotiations with the EU, in view of the accession in January 1<sup>st</sup>, 2007, make it necessary to reconsider the Strategy for the Reform of the Judiciary, as well as to update and extend it for the period 2005 -2008. On March 30<sup>th</sup>, 2005, the **updated Strategy and Action Plan** have been adopted by the Government, with the endorsement of the Ministry of Public Finances in order to secure the financing of the measures (Government Decision no. 232/2005).

Every action included in the present Strategy pursues the following principles, the observance of which is essential for achieving a modern judiciary:

- Strengthening the rule of law,
- Ensuring a true separation and balance of state powers, by strengthening the independence of the Judiciary,
- Respect for human rights,
- Ensuring full institutional and legislative compatibility with the judicial systems in Europe and with the *Acquis communautaire*,
- Ensuring the basis for judicial cooperation with a view to the integration within the European area of freedom, security and justice,
- The adoption of the European best practices on the functioning of the judiciary,

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- Ensuring the transparency of the justice act,
- Strengthening the dialogue with the civil society and the involvement thereof in the reform of the judiciary.

Although the provisions of the three laws, as adopted in July 2004, created the basis for reform, their implementation has proven that further amendments are necessary in order to improve the efficiency and accountability of the Judiciary. This is the reason why, both the Government Legislative Programme for 2005 – 2008, adopted in January 2005, as well as the updated Action Plan for the implementation of the Strategy for the Reform of the Judiciary provide for drafting a law to amend the legislative package for the reform of the judiciary.

### 2.2 Specific Objectives of the sector programme in 2005

Contribution to the implementation and consolidation of the reform project aimed at making the Romanian judiciary fully independent and at increasing its professionalism and management capacity in line with the common values and best practices of the EU Member States as well as with the principles and objective of the Strategy for the reform of the judiciary.

The 2005 programme will contribute to implementing the following specific tasks:

<b><i>Tasks, to start with 2005 funds</i></b>
Assistance for the High Court of Cassation and Justice
Further assistance for NIM to successfully enforce the continuous training strategy
Further assistance for supporting the National School of Clerks (NSC) efforts in strengthening its institutional capacity and training policies
Support for strengthening the institutional and legislative framework in the field of international judicial cooperation
Endowment in order to ensure the proper functioning of the international judicial cooperation networks
Increasing the effectiveness of the probation and victims' protection system according to EU best practices
Strengthening the institutional and administrative capacity of the MoJ and the Public Ministry (Prosecutor's Office)
To increase the transparency of the courts and Prosecutor's Office activity
Continuation of the judiciary automation

### 2.3 Programme priorities and their impact on the sector

The main priorities of the program will focus on providing assistance to enhance the independence, professionalism, administration and management of judicial system by:

- further fine tuning the regulatory and institutional framework of the Superior Council of Magistrates after the adoption of the amendments to the laws on judicial system;
- increasing the efficiency of the juvenile justice system;
- contributing to the improvement of the institutional framework and policy of the National Institute of Magistrates and National School of Clerks to deliver qualitative training of magistrates, respectively court clerks;
- strengthening the judicial cooperation in civil and criminal matters;
- increasing the effectiveness of the probation and victims' protection system according to EU best practices; continuing the automation of the system nationwide.

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Phare support will significantly contribute to the achievement of these objectives committed by the Ministry of Justice within the **Strategy for the Reform of the Judiciary** and will complement the national effort.

**Table of priorities**

<i>Priority</i>	<i>Summary of expected results</i>
Building an independent judiciary in Romania	Institutional capacity of the High Court of Cassation and Justice further improved
Building a professional judicial system	NIM' institutional capacity and training policy further improved
	NSC 'institutional capacity and training policy further improved
	The judicial cooperation in civil and criminal matters strengthened
	The effectiveness of the probation and victims' protection system increased, according to EU best practices
Improving the administration and access to justice	Strengthening the institutional and administrative capacity of the Ministry of Justice and Public Ministry
	Transparency
Building an efficient management system	Continuation of the automation judiciary

## 3 Description

### 3.1 Background and justification:

#### 3.1.1. Priority 1 - Building an independent judiciary in Romania

##### *Project 1 –“Assistance to the High Court of Cassation and Justice”*

The High Court of Cassation and Justice represents the Supreme Court in the hierarchy of Romanian courts. Its main competence consists of trying the second appeal in cassation and also ensuring the unitary interpretation and application of the law by other courts of law.

According to the new Law on the organisation of the judiciary no. 304/2004, the High Court of Cassation and Justice is organised in 4 sections (the Civil and intellectual property Chamber, the Criminal Chamber, the Commercial Chamber, the Chamber of administrative and fiscal contentious), the Panel of 9 judges, the Joint Chambers.

**The Chambers** of the High Court of Cassation and Justice try judicial review against decisions rendered by the courts of appeal and against other decisions, in the cases provided by the law; also, the Criminal Section shall try, in first instance, trials and requests assigned by the law to the competence of first instance of the High Court of Cassation and Justice.

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At the same time, the **Sections of the High Court of Cassation and Justice**, according to their competence, solve: requests for removal of causes from one court to another, for the reasons provided in the procedural codes, conflicts of competence, in the cases provided by the law, second appeals lodged against non-final decisions or court acts, of any kind, against which it may not appeal by any other means, and whose course has been interrupted before the courts of appeal, any other requests provided by the law.

**The Panel of 9 judges** solves second appeals and requests in cases tried in first instance by the Criminal Chamber of the High Court of Cassation and Justice and other cases assigned to it by the law; it acts also as a disciplinary court.

The High Court of Cassation and Justice is reunited in **Joint Chambers** in order to try second appeals in the interest of the law; to solve, according to the law, notifications on changes in the case law of the High Court of Cassation and Justice; to notify the Constitutional Court in view of checking the constitutionality of laws before their promulgation.

**The Board** of the High Court of Cassation and Justice is represented by the President; the deputy-president and the Directing College.

Within the High Court of Cassation and Justice, **the general assembly** of the judges meets in order to approve the annual activity report, which shall be published; to approve the budget of the High Court of Cassation and Justice, with the consultative endorsement of the Ministry of Public Finance; to elect the 2 members for the Superior Council of the Magistracy, according to the law.

**The Phare assistance** that will be provided through this project aims at improving the institutional capacity of the courts towards EU accession, as well to contribute to the training of the judges and assistance magistrates on EU law.

### ***3.1.2. Priority 2 – Building a professional judicial system***

#### ***Project 2 - “ Continuation of the assistance provided to the National Institute of Magistracy (NIM)”***

Starting with the entering into force of the three new laws on judiciary, the NIM legal competencies have been amended. Thus, according to article 93 para.1 of the Law no 304/2004 on judicial organization “National Institute for Magistracy is the public institution, with juridical personality under the coordination of the Superior Council of Magistracy. Its main tasks are the initial training for judges and prosecutors, continuous training for sitting magistrates as well as training for trainers according to the law”.

In order to implement the new law provisions, NIM elaborated in 2004 four documents strategy aiming at ensuring its sustainable development for the next four years:

- the initial training strategy 2004-2007
- the continuous training strategy 2004-2007
- the strategy for the recruitment and training for trainers 2004-2007
- the strategy for magistrates’ training on IT topic 2004-2007

The above-mentioned documents have been approved by the plenum of Superior Council of Magistracy in November 2004.



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The training of magistrates remains a priority of NIM policy, especially for sitting magistrates that will have soon to apply the EU law. Further assistance is therefore needed for enhancing the NIM own efforts in accomplishing its role related to the magistrates' career.

Thus, in September 2004, following a public and a transparent procedure, 32 new trainers were included in the initial trainers network. On October 15<sup>th</sup> 2004, the SCM approved the list of 120 **initial training** trainers (including the 32 new trainers).

Also, the NIM has recruited and organised (within the PHARE Programme RO 02/IB/JH/10) training programmes for 160 future trainers for continuous training, in several specialized fields (human rights, intellectual property, magistrates' role, labour law, judicial cooperation, competition law, consumers' law, etc).

In November 2004 and in February 2005, NIM premises were extended (4 supplementary offices). In the reference period, the NIM purchased 15 computers, a laptop, a video projector, a multifunctional copying machine and a binding machine. In April 2005 the NIM dormitory for auditors of justice was cabled in order to connect it to the Internet. Furthermore, the NIM new website was significantly improved. Also, steps have been taken for transforming the NIM library into a centre for legal research.

Moreover, each December, starting with the training programme for 2006, the continuous training program is announced for the coming year and is published on the NIM website. The continuous training programme for 2005 was approved by the SCM on March 2<sup>nd</sup> 2005, published on the NIM website and sent to courts and prosecutors' offices.

The new NIM website also introduced a new way of making the NIM seminars known to magistrates. Starting with April 2005, the magistrates may enlist on line to the seminars organised by the NIM.

**Phare 2005** will provide assistance under **1 TA contract**.

### ***Project 3 - "Continuation of the assistance provided to the National School of Clerks (NSC)"***

On 09.12.2004 the Law no. 567/2004 on the statute of the specialised auxiliary personnel from the courts and the attached prosecutor's offices was adopted (part of the legislative package adopted for the reform on judiciary).

As a consequence, the National School for Clerks is going to adapt the institutional and educational strategy to the future redistribution of tasks between judges and clerks.

The number of NSC trainees has increased in 2004-2005 academic year from 86 to 100.

For the next academic year, the SCM has already approved to increase the number of trainees to 120.

In 2005, the location occupied by the NSC has been extended by Order of the Minister of Justice.

The programme for continuous training for 2005 has been approved, comprising 32 training sessions for the debutant court clerks within the courts, 26 seminaries for the experienced courts clerks and 5 seminaries for the court clerks within the prosecutors' offices.

Between September 2004 and June 2005, on the component of continuous training, the following training sessions have taken place in Bucharest and in the regional centres of Arad, Barlad, Timisoara and Sovata:

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- 37 seminars for the recently employed court clerks. The training sessions have focused on specific topics such as: civil procedural law, criminal procedural law, family law, judicial organization, commercial law, ethics, human rights, European law and IT for approx. 500 court clerks.
- 16 seminars for the experienced court clerks for a total of 392 participants, trained on the above-mentioned topics;
- 3 seminars for the clerks within the prosecutors' offices for a total of 90 participants, trained on topics such as criminal procedural law, prosecutors' offices organization, IT and ethics.

Thus, the **institutional strategy** of the NSC refers to the following:

### *1.1 Drafting and co-drafting regulations for implementing the Law no. 567/2004, approved by the Superior Council of Magistracy:*

- The Regulation for organizing and caring out of the admission contest at NSC
- The Regulation for the organization and functioning of the NSC
- The Regulation for organizing and caring out of the admission contest for its specialists within the courts and prosecutor's offices
- The Regulation for organizing and caring out of the contest for recruiting achieving court clerks, registration court clerks and the related personnel.

### *1.2 Extending the NSC's personnel scheme from 27 to 50 positions (staff recruited from the magistrates' body and court clerks, as well as administrative staff)*

### *1.3 Extending the location of the main headquarters of the National School for Clerks*

**The Training Strategy** shall take into account the necessity of ensuring different initial and continuous training curricula for the court clerks with a law university degree, with a university degree of another specialization and clerks without a university degree (according to the article 21 from the Law no. 567/2004)

The following aspects shall be taken into consideration:

#### *2.1 The training curricula and the adequate study materials for every type of initial training, according to its duration (one or two years)*

#### *2.2 The training of trainers (the 2005 curricula for the continuous training was approved)*

#### *2. Code of Ethics for the specialized auxiliary personnel*

The Phare 2005 programme could further support the implementation of the NSC strategy for further training of clerks and trainers.

**Phare 2005** will provide **1 TA contract**.

### ***Project 4 - "Strengthening the institutional and legislative framework in the field of international judicial cooperation"***

The revised Strategy 2005-2008 pays a special attention to strengthening the institutional and legislative framework in the field of international judicial cooperation, considering its

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fundamental role in guaranteeing the European Space as an area of freedom, security and justice.

Presently, the Romanian Ministry of Justice transposed the relevant *acquis* and ratified the majority of the treaties and international conventions in this field and has undertaken a series of actions meant to ensure the compliance with the EU practice.

Nevertheless, the legislative framework at the European level is evolving, the milestones being set by the Hague programme adopted in 2004.

Thus, in October 2003, a Minister of Justice Order was passed approving the methodology for enforcing the provisions of the Law concerning International Judicial Assistance in Civil and Commercial Cases. In May 2004 the Law for acceding to the 1961 Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents was modified so that competences were transferred from central government to local courts and local government. In March 2004 Orders by the Minister of Justice created Romanian Judicial Networks for both criminal and civil/commercial matters. SCM approved the reorganization of the two networks early 2005. In July 2004 a Law was passed on the International Judicial Co-operation in Criminal Matters - law No. 302/2004. This piece of legislation regulates for the first time hearings by videoconference (Art. 164), as an alternative to the customary rogatory letters.

Thus, if a person is on Romanian territory and needs to be heard as a witness or expert by the judicial authorities of a foreign State, and it is not desirable or it is impossible for that person to appear in person on the territory of that State, the foreign State may request that the hearing take place through a video conference.

One must note that a request for hearing by videoconference needs to specify the reason for which it is not desirable or it is impossible for the witness or expert to appear in person for the hearing, and the name of the judicial authority and the names of the persons who are to conduct the hearing.

Article 164 para 5 set forth the rules that govern hearings by videoconference. Hearings must always take place in the presence of the competent Romanian magistrate, who is assisted, if required, by an interpreter, while the hearing is conducted directly by the competent judicial authority of the requesting State or under its coordination, according to its national law. The witness or expert shall have a right to be assisted, if required, by an interpreter and may claim their right not to testify. Also, if the legal conditions are met, measures may be taken to protect the witness.

As far as judicial co-operation in civil and criminal matters is concerned, legislation has been further aligned with the *acquis*, therefore the transposition of the relevant areas of the *acquis* has continued.

Moreover, Romania is participating as observer to the European Judicial Network in criminal matters since 2002 and obtained recently the observer status in the European Judicial Network in Civil and Commercial matters.

However, the practical capacity for effective and efficient direct contacts between judicial authorities should be increased. The capacity to successfully implement the *acquis* in advanced forms of judicial co-operation – such as the principle of mutual recognition of court decisions – will largely depend on the on-going judicial reform program and the provision of adequate training to judges.

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The assistance will increase the practical capacity for effective and efficient direct international contacts between judicial authorities in order to prepare for mutual recognition of foreign judgments in civil matters and criminal matters and to provide the necessary training.

Therefore, as a first Phare project in this field, it will aim to significantly increase the capacity of the Romanian authorities to enforce the legal framework at EU standards

This task will set up an institutional framework for administrating the local judicial networks of judicial cooperation in civil and criminal matters, according to the EJM model by creating a secretariat of the network, creating a LAN with standardized forms, procuring documentation, a computer for each court of appeal and electronic equipment for videoconferences at a central level (one court of appeal) necessary to facilitate cross border judicial cooperation in taking evidence.

**Phare 2005** will include **1 Twining** contract and **1 supply contract**.

### ***Project 5 - "Continuation of assistance for strengthening the probation and victims protection services in Romania"***

The National Probation Service in Romania has been established and has gradually developed. It departed from an experimental phase – the creation, in 1997, of the first pilot centre for probation at Arad – and continued with the establishment during 2001-2002, of 41 probation services, one for each county of Romania.

In 2000, the first step towards the legal recognition of the probation services was made by adoption of the **GO no. 92/2000** concerning the creation and functioning of the social reinsertion and surveillance services, amended and approved by the **Law no. 129/2002**. The activity of the probation services regulated by the above-mentioned normative acts is very complex, due to the fact that it is carried out in different phases of the criminal trial. Thus, during the pre-trial stage, at the request of the courts and prosecutors offices, the probation councilors complete evaluation reports of the defendants, which contribute to the individualization of their punishment.

Besides this evaluation activity, the probation councilors supervise the behavior of offenders in community and provide assistance and counseling to convicted persons whose imprisonment punishment has been suspended on probation. Also, in collaboration with the penitentiary personnel specialized in assistance and counseling, the probation councilors carry on social reinsertion programmes for the ex-inmates, special attention being granted to juvenile offenders.

In order to ensure the proper implementation of the above-mentioned normative acts, the Department for Social Reinsertion and Surveillance has been established at the level of the Ministry of Justice. Under its coordination, during 2001 and 2002, 41 probation services have been created as specialized bodies without juridical personality organised nearby each county court from each county and 172 probation officers have been recruited and trained.

In 2003, the strategy for the development of the social reinsertion and surveillance services has been elaborated and over 40 training sessions for the staff employed in the probation services have been organized, in the framework of the programme "Probation in Romania". The project was carried on in collaboration with the Department for International Development of the United Kingdom's Government.

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The year 2004 brought significant changes in the probation field, by the adoption of new legislation with impact on the activity of the probation services. Thus, the provisions of the **Law no.272/2004** regarding child protection have increased the attributions of the probation units. According to this law the probation services became competent in civil matter. It stipulates that from the date of its entering into force (January 1<sup>st</sup> 2005), probation services have to provide evaluation reports upon courts request when the juvenile offenders are not legally responsible in all the cases concerning establishment, replacement and cession of an special protection measure provided by this law (art.130, paragraph 2).

Also, the **Law no.294/2004 on the service of penalties and of measures** ordered by the judiciary bodies during criminal trials (published in the OJ no. 591/1<sup>st</sup> of July, 2004), provides **new competences** for the local probation services. Thus, article 9 stipulates that the execution of community service will be coordinated and controlled by the executorial judge directly or through the probation counselor. Article 28 of the same law shows that probation counselor will sit in the commission for the execution of punishment in prison.

The most important piece of legislation with great impact on the workload of the probation councilors is the new **Criminal Code** adopted in June 2004 that will enter into force in 2006. According to the new code, the range of community measures and sanctions is larger than the currently in force. The new penal measures are: binding over and deferred sentence. Also, a new educational measure was introduced – liberty under severe supervision for minors. According to the law, the probation services will be responsible for their surveillance in the community.

Another significant change in the sanctions system was introducing community service as main punishment replacing imprisonment up to 5 years. These new measures and sanctions will add to the current ones: suspended sentence under supervision, supervised liberty and conditional release.

By entering into force of the **Law no. 211/2004 concerning some measures for the protection of victims of criminal offences** (published in the OJ no. 505/ 4<sup>th</sup> of June, 2004), the competencies of the probation services have been significantly increased. According to this normative act, beginning with January 1<sup>st</sup>, 2005, the probation services have to ensure, psychological counseling and other forms of assistance for victims, upon their request (art.7, 11).

According to the Law no. 211/2004, the psychological counseling must be assured by the probation services free of charge, for the victims of serious offences, for a limited period of three months. For minor victims, the counseling is granted for 6 months. The request for granting the provision of free of charge psychological counseling must be submitted to the probation service attached to the tribunal in whose jurisdiction the victim domiciles. The request must be submitted only after the notification of the prosecutor or court regarding the crime committed.

All the abovementioned normative acts will have great impact on the workload of the local probation services. So far, through previous programs, they have benefited from technical and financial assistance for addressing some of the gaps in fulfilling their tasks. During 2004, the probation personnel benefited from training on community sanctions, restorative justice and victimology.

However, no specific assistance was provided for the protection of victims.

Due to the fact that the probation personnel has little experience in this field (more than 50 % of staff has only legal background) adequate training courses will significantly contribute to the improvement of their activity and to the increased efficiency of the probation services.

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In this respect, further assistance is still needed in order to increase the professionalism of the probation councilors according to their new competences.

In accordance with the above mentioned legislative changes, the Strategy for reforming the Judiciary stipulates the priorities envisaged for the development and strengthening of the probation system, focusing also on the supplementation of the personnel scheme and on the improvement of the professional training of the probation staff by organizing initial and continuous training sessions in the field of victims protection.

The **Phare 2005** will focus on providing assistance to increase the efficiency of the probation system in the light of the new competences added by law, namely to ensure the victims protection services with expertise, training, awareness campaign and procurement of professional documentation. Also, the project will continue the assistance provided through the 2003 Phare Twining Light project on the elaboration of the working group programmes aiming at supporting the social rehabilitation process of offenders.

There will be **1 TW contract** with a mini-supply component (books, documentation).

### **3.1.3. Priority 3 Improving the administration and access to justice**

#### ***Project 6 - Strengthening the institutional and administrative capacity of the Ministry of Justice and Public Ministry***

The new laws on judiciary entered into force in September 2004 and brought as major change the transfer of the powers concerning the magistrates' career to the Superior Council of Magistracy. The Ministry of Justice competencies focuses mainly on justice administration, legislation drafting, judicial cooperation, international affairs, fight against corruption and organized crime along with the line institutions and ministries.

As a first step for internal reorganization according to its redefined attributions of the Ministry of Justice was the adoption of the Government Decision no. 83/2005 on the organization and functioning of the Ministry of Justice.

The abovementioned legislative changes stressed out the need of rethinking the organizational structure of the Public Ministry as well.

In order to perform its tasks according to the EU public administration standards, the Ministry of Justice and the Public Ministry need to improve their functioning mainly in terms of human resources, administrative structure, legislation, and training of the personnel.

Therefore, the 2005 Phare assistance seeks to provide both ministries with a human resources strategy assessing the needs in terms of staff recruitment, training and education in order to support the accomplishment of the tasks incumbent from the future EU member state statute; a proposal for improving the administrative structure of both ministries as well as of the legal drafting activity of the MoJ.

The **Phare 2005** programme will provide assistance through a **TA** contract.

#### ***Project 7 – Transparency***

Reform of the justice is linked to the improvement of the quality of the act of justice but also to improvement of the public perception on how the act of justice is fulfilled.

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The measures of the Strategy for the reform of the judiciary for 2005-2007 and of the Action plan to implement the strategy regard mainly the improvement of the act of justice. In respect to transparency, the following measures apply:

### *Improving the communication between citizens and the judiciary*

- 1.1. Endowing with IT equipment (fax machines, printers, Internet connection) the public relations and information offices within the courts of appeal, tribunals and courts of first instance with heavy workload
- 1.2. Training the public relations and information offices' staff
- 1.3. Providing information of public interest and updating thereof on the websites of the following institutions: MoJ, HCCJ, courts of appeal, prosecutors' offices attached to courts of appeal, NAPO, POHCCJ, SCM, NIM, NSC
- 1.4. Creating an interactive SCM web section in order to facilitate the direct dialogue between the magistrates and the SCM members
- 1.5. Drafting and distributing Guides for the orientation of litigants
- 1.6. Organize on a yearly basis a survey to be carried out by an independent body on the perception of independence by the Romanian judiciary
- 1.7. Organizing "open door" events, by inviting citizens to court premises

### *Ensuring the access to public interest information within the Judiciary, observing the regulations regarding the protection of personal data*

- 2.1. Providing public interest information and updating the information on the web sites of the following institutions: MoJ, HCCJ, courts of appeal, prosecutors' offices attached to the courts of appeal, NAPO, POHCCJ, SCM, NIM, NSC
- 2.2. Designating the internal divisions/ persons responsible with monitoring of the enforcement of legislation on the protection of personal data
- 2.3. Evaluating the accomplishment of the obligations established by law. The courts will inform the SCM on the conclusions.

The PHARE 2005 project will provide assistance through a TA contract.

### **3.1.4. Priority 4 - Building an efficient management system**

#### ***Project 8 - "Continuation of the judiciary 'automation'"***

In the **2004 Regular Report**, the European Commission noted: *"The quality of equipment and infrastructure varies considerably from court to court but is often inadequate. The case document and management system is now operational in some courts, but it needs to be introduced countrywide. Further modernization is needed, in particular to accelerate the computerization of the court system"*.

In order to address these problems, the Ministry of Justice as well the other institutions of the judiciary (Public Ministry, National Administration of Prisons, the High Court of Cassation and Justice) continued the endowment and cabling of the courts and prosecutors offices as to ensure the needed infrastructure for the extension of the ECRIS programme, created under the Phare 1997 programme.

Presently, this software application (i.e. the IT system for the integrated management of files, random distribution of cases on panels and legislative and jurisprudential library) is in

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different stages of use within the judiciary. Thus, the CDMS module (case and document management system) is functional in 30 courts and 28 prosecutors' offices and is being tested in 5 further courts. The second component, the LLDS (legislative database) is operational in 39 prosecutors' offices, in all courts of appeal, tribunals and 43 courts of first instance.

Also, from its budgetary resources, the Ministry of Justice allocated in 2004 supplementary funds for purchasing the IT sources for the ECRIS software application, of the database content of the LLDS (Legal Library Document System, the second module of the ECRIS software), and of the services for the integration within the CDMS of the software application for random distribution of cases. This contract allows the Ministry of Justice to modify the ECRIS and further develop the application.

In order to further extend the functions and maintenance of the ECRIS system, an open public tender, financed with budgetary funds was organised in May 2005 in order to develop modules for civil coercive enforcements, criminal enforcements, judicial statistics and general registry system. Moreover, the tender dossier also included the development of websites for each court, in order to improve the access of citizens to information from the judicial system, as well as the transparency of the courts' activity.

All these steps preceded the recent adoption by the Government in June 2005, of the new **Automation Strategy for the Judiciary**.

Through the Government Decision no. 455 from 30 May 2005, the Ministry of Justice was granted the approval for contracting 12 MEURO, the co-financing related to the 2000 Phare programme in total value of 22 MEURO (by means of a leasing operation). The remaining of 10 million Euros whose beneficiary is the Public Ministry will be contracted at the next 2005 budgetary rectification.

In terms of human resources, currently, at the level of the courts and prosecutors' offices, 170 IT expert positions are filled in, and 119 positions are vacant. Following the approval of the Regulation on the organisation of the contests for filling the vacant positions of IT experts from courts and prosecutors' offices<sup>1</sup>, contests for filling in IT expert positions are ongoing countrywide.

**Phare 2005** will contribute to the creation of an electronic archiving file by improving the ECRIS software. This project will provide:

- Professional scanners
- Storage devices
- Storage devices management software for the electronic archiving files
- training seminars for IT personnel

**Phare 2005** will further assist the judicial system with IT equipment (**1 supply contract**).

### **3.2 Sectoral rationale**

#### *3.2.1 Identification of needs and necessary action for 2005 programme*

Phare 2005 will be dedicated to further assisting the SCM, NIM, NSC to strengthen their institution capacity, and to support the MoJ efforts in the field of international judicial

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<sup>1</sup> SCM Decision no. 92 of March 16, 2005, published in O.J. no. 266 of March 31<sup>st</sup>, 2005



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cooperation, victims' protection, continue automation (step 2) and setting up of an efficient juvenile justice system.

### 3.2.2 Identification of tasks or projects under the 2005 programme

#### Priority 1 - Building an independent judiciary

<i>Task nr</i>	<i>Title</i>	<i>Relates to priority nr</i>
1.1	Assistance for the High Court of Cassation and Justice	1

- **Tools:** 1 TA

#### 3.2.2.2. Priority 2 - Building a professional judicial system

<i>Task nr</i>	<i>Title</i>	<i>Relates to priority nr</i>
8.1	Further assistance for NIM to successfully enforce the continuous training strategy	2

- **Tools:** 1 TA contract

<i>Task nr</i>	<i>Title</i>	<i>Relates to priority nr</i>
9.1	Further assistance for supporting the National School of Clerks (NSC) efforts in strengthening its institutional capacity and training policies	2

- **Tools:** 1 TA contract

<i>Task nr</i>	<i>Title</i>	<i>Relates to priority nr</i>
9.2	Support for strengthening the institutional and legislative framework in the field of international judicial cooperation	2

- **Tools:** 1 Twining contract

<i>Task nr</i>	<i>Title</i>	<i>Relates to priority nr</i>
9.3	Endowment in order to ensure the proper functioning of the international judicial cooperation networks	2

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- **Tools: 1 supply contract**

<i>Task nr</i>	<i>Title</i>	<i>Relates to priority nr</i>
11.1	Increasing the effectiveness of the probation and victims' protection system according to EU best practices	2

- **Tools: 1 TW contract**

*3.2.2.3. Priority 3 - Improving the administration and access to Justice*

<i>Task nr</i>	<i>Title</i>	<i>Relates to priority nr</i>
15.1	Strengthening the institutional and administrative capacity of the MoJ and the Public Ministry	3

- **Tools: 1 TA contract**

<i>Task nr</i>	<i>Title</i>	<i>Relates to priority nr</i>
15.2	Transparency	3

- **Tools: 1 TA contract**

*3.2.2.3. Priority 4 - Building an efficient management system*

<i>Task nr</i>	<i>Title</i>	<i>Relates to priority nr</i>
17	Continuation of the judiciary automation	4

- **Tools: 1 supply contract**

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Project Nr	Title	Task	Relates to priority	Total cost Phare+ Co- financing €Mio	Starts at DD/MM/YY	Ends DD/MM/YY	Implementation tools
1	Assistance for the High Court of Cassation and Justice	1.1	1	0.70	1/06/2007	30/10/2008	TA
2	Continuation of the assistance provided to the National Institute of Magistracy (NIM)	8.1	2	1.20	1/01/2007	30/10/2008	TA
3	Continuation of the assistance provided to the National School of Clerks (NSC)	9.1	2	1.00	1/01/2007	30/10/2008	TA
4	Strengthening the institutional and legislative framework in the field of international judicial cooperation	9.2 9.3	2	1.87	1/10/2006	30/10/2008	TW Supply contract
5	Continuation of assistance for strengthening the probation and victims protection services in Romania	11.1	2	1.20	1/10/2006	30/10/2008	TW
6	Strengthening the institutional and administrative capacity of the MoJ and the Public Ministry	15.1	3	1.20			TA
7	Transparency	3	3	1.00	1/01/2007	30/10/2008	TA
8	Continuation of the judiciary 'automation	17	4	13.33	1/10/2006	30/10/2008	Supply contract

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### 3.3 Linked Activities:

#### Priority 1

- 1) **Twinning project RO 02/IB/JH-09** “Strengthening the functioning of the Romanian Judiciary and its representative body - Superior Council of Magistrates”
- 2) **PHARE 2003/005-551.04.16** “Support for the improvement of the justice for minors” - Twinning and Investment

#### Priority 2

- 1) **Phare RO 9705-01** - Technical Assistance for NIM and NSC provided training, procurement, and institutional building
- 2) **RO 98/IB/JH/01/04** -The training component covered ‘General training in EC Law’.
- 3) **Phare RO-9905-01** continued the components of Phare 97 in terms of training, procurement, and institutional building for NIM and NSC
- 4) **Phare 1999 Horizontal Programme** “Building Capacity for Training of Judges in EC Law” provided training for 24 judges in EC law and to support the elaboration of a EC practical manual for judges
- 5) **Twinning covenant RO02/IB/JH/10** provides a National Strategy of NIM, in-service-training in line with EU-requirements drafted and approved by the NIM; Improvements in the in-service training curricula of NIM effectuated and approved by the NIM; a system of trainers for in-service training of magistrates in line with EU-model set up and functioning; training for up to 700 magistrates in both EC and national matters in line with EU standards delivered; legal documentation on best practices, jurisprudence and relevant EU legislation for each training seminar designed  
  
NSC - An institutional policy of NSC, guaranteeing autonomous functioning, drafted and approved by the NSC; a system of trainers for in-service training of court clerks in line with EU-models set up and functioning; a national strategy of NSC for in-service training of court clerks in line with EU- requirements drafted and approved by NSC; training for up to 420 court clerks members in both EC and national legal matters in line with EU-standards delivered; legal documentation on best practice, procedural techniques and legal provisions for training courses designed drafting the NSC strategy, curricula, and the creation of a strong network of trainers, at the national level
- 6) **Luxembourg Ministry of Foreign Affairs** approved a 2 year project for training of magistrates in the area of Freedom, Security and Justice consisting in 10 seminars (2004-2005)
- 7) 2 training workshops on justice for minors were organised in January and February 2005 by the NGO “**Social Alternatives**” Association – **Iași**”, with the financial support of the UK Embassy in Bucharest, and with the participation of 25 magistrates
- 8) **The American Bar Association (ABA/CEELI)** has been involved in organizing 10 seminars on ethics for both NSC trainees (5 seminars for a total of 87 persons) and court clerks in office (5 seminars for a total of 125 clerks).
- 9) The NSC, jointly with the **German Foundation for International Cooperation (IRZ)**, has organized in 2005 one seminar on court and time management. The seminar, attended by 20 chief clerks, enjoyed the participation of German experts.

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**10) The British Department for International Development** is supporting the development of a National Probation Service in Romania through a consultancy based in the University of Wales Swansea. This Project has been carried out between 1998-2004 and it has been extended with 2 more months for 2005. The assistance aims to further provide training for the Romanian probation counsellors with the UK experts' support, having in mind the amendments of the criminal legal framework, training for judges dealing with penal cases, improving the promotion activity for probation services, the creation of national standard of quality for probation services and specialized inputs in the area of the European Excellence Model on effective management.

Also, the Probation Department was the beneficiary of two Phare Access programmes. The first project was carried out jointly with the Centre for Legal Resources on the restorative justice field. The second project, carried out between December 2003 and August 2004, was in conjunction with the Penal Reform International on the execution of community service sentences. In the year 2004 the Probation department has cooperated with the NGO „the League for the Defence of Human Rights”- LADO-for the elaboration of a legal guide for the convicted persons supervised by the probation services; 4000 copies of this guide were disseminated locally, for the direct use of the convicted persons.

In the year 2004 the Probation department has cooperated with the NGO „The Romanian Center for Human Education and Development”-CRED- for the development of the project “Alternative measures - Provoking community answer to juvenile delinquency”, financed by UNICEF. A bilateral programme with the United States of America has been initiated with the purpose of raising awareness about the role of probation amongst the judiciary. As such, 6 local seminars were organized between February-March 2005.

The cooperation with United Kingdom is continuing by a new project “Strengthening the institution of probation in Romania” - 2005 - 2007, financially supported by Global Opportunity Fund that will start in April 2005. The purpose of this project is to create systems and know-how to strengthen the institution of probation, to raise efficiency in service delivery.

### **Priority 4**

**1) Phare RO 9705.02** – software application for Case Document and Management System and Legal Library and Documentation System

**2) Phare RO 0001.01** – hardware and cable

### **Connection with the WORLD BANK PROGRAM (relevant for all priorities)**

**I. IDF GRANT** (312.500 USD split as follows: 250.000 USD from World Bank and 62.500 USD co-financing).

#### Components:

1. Between 19.01-18.07 2004 it was conducted an assessment study of the impact of the EU legislation on national law;
2. Within the “Strengthening the financial management” component, there are under development between June – September 2005 two projects:
  - Strengthening Institutional Capacity Building for Capital Investment Planning and Budgeting at the Ministry of Justice
  - Strengthening Institutional Capacity Building for Public Procurements Assessments

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### **II. Programmatic Adjustment Loan (PAL) – PPIBL (Private and Public Institution Building Loan)**

As support of the judicial reform objectives included in the PAL II Matrix, the World Bank has allocated financial assistance for implementing the following measures:

- Professional training /study-tour for the institutional SCM strengthening (two study-tours were programmed starting with April 2005);
- Institutional SCM support by procuring hardware and software equipment (under implementation starting with May 2005);
- Developing tests for general knowledge, logical and juridical judgment, synthesize capacity using technical assistance programs (under implementation between June – September 2005);
- Developing judicial performance indicators on order to improving the automated statistical system (under implementation between June – September 2005 within CSM);
- Procurement of hardware for developing the statistical automated system (under implementation between July – September 2005 within MoJ);
- Court Rationalization Study (task achieved in April 2005 by SCM and MoJ);
- Creating a network of trainers for the court administrators (task to be completed by SCM and MoJ between July – September 2005);
- Developing and adopting regulations (Best Practice Manual) regarding the methods of proposal and drafting of the budget and budget execution projects (task to be completed by SCM and MoJ starting with July 2005);
- Developing and professionalizing the trainers' network within NIM with the aim of developing the teaching techniques (under implementation between June – October 2005 within NIM);
- Revising the company legislation (task to be completed by MoJ, MoPF, MEC, CNVM, AVAS between June and October 2005).

### **3.4 Lessons learned:**

#### ***See also Annex 6***

All the proposals are part of the Strategy for the reform of the judiciary for 2005-2008 and Action Plan developed by Romania in line with EU requirements.

An adequate staffing of the PIU-s and coordination with all stakeholders will contribute to a successful implementation of the projects

Since the Ministry of Justice is following a strategic approach on reform, the impact of the proposed measures is likely to be much greater than before.

#### ***Priority 1***

Better coordination with SCM

Better coordination with the NIM for the training on juvenile justice topic

#### ***Priority 2***

Maintain the interest of the trainers in order to ensure sustainability of the project

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### *Priority 4*

Provide adequate IT resources

## **4 Expected Results of the programme**

### *Priority 1*

- Judges and the assistant magistrates from the High Court and cassation and Justice trained in EC law
- The HCCJ role in unifying of the jurisprudence strengthened
- The public relation office activity of the HCCJ improved
- The library of the HCCJ endowed with new titles

### *Priority 2*

- The magistrates/trainers trained in EU law on various topics and the NIM library will be endowed with legal documentation, and multi disciplinary teams trained on juvenile justice issues
- The clerks/trainers trained in EU law on various topics and the NSC endowed with adequate teaching equipment (IT equipment, shorthand and typing equipment) and legal documentation
- The members of the local judicial networks trained and the institutional structure for the networks' administration created at the MoJ level
- The local judicial networks endowed in order to ensure their proper functioning
- Probation and victims protection services strengthened

### *Priority 3*

- the human resources strategy of the MoJ and PM assessed and recommendation for its improvement provided;
- the administrative structure of the MoJ and PM assessed and recommendation for its improvement provided;
- the legislative function of the MoJ assessed and recommendation for its improvement provided;
- training on the identified topics provided (HR, management, economics, legal drafting, auditing, EU affairs, IT issues)
- The public relations activity of public information offices, auxiliary services of the courts and prosecutor's offices – archives, registry office, enforcements improved

### *Priority 4*

- The electronic archiving file installed

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## **5 Detailed Budget**

Indicative budget for the budgetary year 2005

<b>Year 2005</b>	<b>Indicative EU support</b>					
<b>€MIO</b>	<b>Investment Support</b>	<b>Institution Building</b>	<b>Total EU (=I+IB)</b>	<b>National Co- financing*</b>	<b>IFI*</b>	<b>TOTAL</b>
<b>Project 1</b> TA		0.70	0.70			0.70
<b>Project 2</b> TA		1.20	1.20			1.20
<b>Project 3</b> TA		1.00	1.00			1.00
<b>Project 4</b> Tw supply	0.50	1.20	1.70	0.17		1.87
<b>Project 5</b> TW		1.20	1.20			1.20
<b>Project 6</b> TA		1.20	1.20			1.20
<b>Project 7</b>		1.00	1.00			1.00
<b>Project 8</b> Supply	10.00		10.00		3.33**	13.33
<b>Total 2005</b>	<b>10.50</b>	<b>7.50</b>	<b>18.00</b>	<b>0.17</b>	<b>3.33</b>	<b>21. 50</b>

\* The amount represents a part of a **loan** currently negotiated between MoJ and World Bank aiming at further strengthening the automation of the judicial system



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### Detailed allocation for Investment/Institution Building for 2005:

	Phare support	Co-financing			Total Cost
€M		National Public Funds (*)	Other Sources (**)	Total Co-financing of Project	
<b>Year 2005 -Investment support jointly co funded</b>					
Project 4	0.50	0.17		0.17	0.67
Project 8	10.00		3.33	3.33	13.33
<b>Investment support – sub-total</b>	<b>10.50</b>	<b>0.17</b>	<b>3.33</b>	<b>3.50</b>	<b>14.00</b>
<i>% of total public funds</i>	<i>max 75 %</i>	<i>min 25 %</i>			
<b>Year 2005 Institution Building support</b>					
Project 1	0.70				0.70
Project 2	1.20				1.20
Project 3	1.00				1.00
Project 4- TW	1.20				1.20
Project 5	1.20				1.20
Project 6	1.20				1.20
Project 7	1.00				1.00
<b>IB support</b>	<b>7.50</b>				<b>7.50</b>
<b>Total project 2005</b>	<b>18.00</b>	<b>0.17</b>	<b>3.33</b>	<b>3.50</b>	<b>21.50</b>

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

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

## 6 Implementation Arrangements

### 6.1 Institutional Framework

For the whole project the Implementing Agency will be Central Finance and Contracts Unit (CFCU) which will be responsible for tendering, contracting, administration, accounting, payments and financial reporting.

Central Finance and Contracts Unit (CFCU) / Ministry of Public Finance

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## **Sector Programme Fiche Amendment 2005 for the Reform of the judiciary and improvement of penitentiaries**

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### **6.2 Implementing Authority**

The Implementing Authority (IA) for task 3 (Transparency), task 8.1, (NIM), task. 9.1 (NSC) is **SCM**.

For tasks 9.2, 9.3 (judicial cooperation), 11.1 (victims' protection), 15.1 (MoJ&PM) and 17 related to automation, Implementing Authority is **MoJ**.

The implementing authority for the project 1.1 is High Court of cassation and Justice

The PIUs set up at the level of the two IA will be responsible for overall procedural and administrative management of the projects. Responsible persons for each component will be appointed from the institutions directly involved in the respective components.

Direct beneficiaries will be: High Court of Cassation and Justice, SCM, judicial system, Ministry of Justice, probation services, but also NGO/s will be involved in these projects.

### **Twinning**

For priority 2, the main beneficiary is the Ministry of Justice and probation services.

The RTA Advisor will be based at the relevant Directorate level and will, within the Department, be answerable to the Secretary of State for EU Integration or other senior officers. In case of Twinning, the RTA will also report to the project leader based in the MS.

For the day-to-day implementation of the respective activities, close collaboration will be established with the directly concerned departments or institutes. The harmonization of the national legislation with EU Regulations will be co-coordinated with the Director for the relevant Department and/or Institution and their legal adviser(s). Close co-operation will also be established with the Phare Implementation Unit (PIU) of the MoJ and SCM in particular for any components related to the technical procedures.

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### **6.3 Implementation Schedule**

7 months after signature of the FA all ToR for contracts scheduled for contracting under the budgetary year 2005 will be approved.

For those contracts missing these deadlines a reallocation of funds is foreseen.

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The members of the PIU established and functioning on the basis of internal regulation, at the level of every IA and beneficiary' institution are carrying out the implementation of the Phare projects.

### **6.4 Monitoring**

- The SCM and the MoJ through regular PIU meetings.
- Monitoring Reports for the SMSC meetings.

**Annexes to programme fiche**

1. Sector programme monitoring sheet
2. Detailed implementation chart
  - 2.1. Contracting and payment schedule
3. Reference list of relevant laws and regulations
4. Reference list of relevant strategic plans and studies
5. Logframes for all tasks or projects listed in the summary table
6. Lessons learnt