

Standard Summary Project Fiche for the Transition Facility

1. Basic Information

- 1.1 CRIS Number: 2007/019-303.05.08
- 1.2 Twinning contract: BG/07/IB/JH/08
- 1.3 Title: **A Further Step Towards a Higher Quality of Training of Bulgarian Judiciary**
- 1.4 Sector: Justice and Home Affairs
Sub-sector: Justice
- 1.5 Location: National Institute of Justice, Republic of Bulgaria

2. Objectives

2.1 Overall Objective(s)

Further improvement of the professional qualification of magistrates and court clerks through training delivered by the National Institute of Justice (NIJ) according to the European criteria and the experience of other European Judicial Schools.

2.2 Project purpose

Improvement of quality of training of magistrates and court clerks, provided by NIJ, through elaboration of programmes for distant continuing training in EU-law as well as in further specialized topics (judicial cooperation in civil matters, preliminary ruling, ethics and anticorruption, etc.), introduction of technology and software for distant learning as well as elaboration of a module for regional trainings for court clerks.

2.3 Justification

The 2006 Comprehensive Monitoring Report on the state of preparedness for EU membership of Bulgaria, issued by the European Commission in September 2006, emphasizes¹ once again that the Reform of the Judiciary is to be continued in order "to enhance its professionalism, accountancy and effectiveness".

Bulgaria recognizes that the implementation of the *acquis communautaire* together with all further challenges for the Judiciary, require improvement of the professional qualification of judges and court clerks, as well as continuing training regarding implementation of the new legislation².

The 2006 Comprehensive Monitoring Report ascertains as follows: "further progress is still necessary in the area of judicial reform and the fight against organized crime and corruption. The Commission will establish a mechanism to cooperate and verify progress in these areas after accession. This will be based on Articles 37 and 38 of the Act of Accession."³

The improvement of the effectiveness of jurisdiction is also related to the high qualification of the clerks within the court administration and thus, highly depends on the availability of qualitative professional training, which could be provided throughout the whole country.

¹ 2006 Comprehensive Monitoring Report on the State of Preparedness for EU Membership of Bulgaria, September 2006, p. 11

² National Strategic Reference Framework, December 2006, pp. 44-45, available on web-site: http://www.eufunds.bg/docs/NSRF_approved%20by%20CoM.pdf

³ 2006 Comprehensive Monitoring Report on the State of Preparedness for EU Membership of Bulgaria, May 2006, p. 10

FINAL



Due to the above mentioned conclusions made in the Report, one of the indicators, which should be fulfilled by Bulgaria, is as follows: “further implementation of the judicial reform in order to enhance professionalism, accountancy and effectiveness. Evaluation of the impact of the latter and annual announcement of the results.”

With regard to this, the Project focuses on the following priorities in the Strategy for Reform of the Judiciary in Bulgaria:

- Establishment of European standards in the Judiciary
- Enhancement of the professional qualification within the judicial authorities
- Use of computer technologies within the Judiciary

3. Description

3.1 Background and Justification

According to Art. 35f and Art. 35g from the Law on the Judiciary, the National Institute of Justice has to maintain and enhance the continuing qualification of judges, prosecutors, investigators, state bailiffs, and judges for the entries, court clerks, inspectors and other employees within the Ministry of Justice.

The Institute has started its activity since 1 January 2004. During the past three years its administrative capacity has developed and strengthened:

1. Number of employees increased from 12 persons in the beginning of 2004 r. to almost 50 in the beginning of 2007.
2. In 2004 the Institute occupied a new building whose area is approximately 1500 sq.m. In 2007, a second building (for the needs of the Learning and Information Centre) with area from approximately 900 sq.m. will be brought into use.
3. Budget of the Institute, as a part of the budget of the Judiciary, has increased, as follows:
 - 2004 – 1 169 000 BGN
 - 2005 – 1 298 700 BGN
 - 2006 – 2 334 000 BGN
 - 2007 – 2 188 000 BGN

At the same time, the amount and impact of donor funding has decreased.

With regard to that, a following conclusion is to be drawn: the institutional development of the National Institute of Justice has been almost accomplished, which means that the Institute would soon border on the maximum of its growing due to facilities, budget and staff number.

Within the recent years, training activities of the Institute have covered all provisions stated in the Law on the Judiciary:

1. Compulsory 6-months initial training of newly appointed junior magistrates (since 2005).
2. Continuing training of sitting judges in the area of national and EU-law (since 2004).
3. Training of court clerks (since 2005).

The Learning and Information Centre is in process of establishment (since 2006).

NIJ regularly arranges surveys on the training needs of magistrates and court clerks (NIJ Survey on Trainings, Prosecutors Needs Assessment). The results from them, as well as the international engagements which Bulgaria has taken into consideration, along with the governmental strategies in the area of Justice and Home Affairs, unanimously confirm the growing demand and interest of Bulgarian magistrates and court clerks on training with all-round focus, e.g. Fight against Corruption, Money Laundering, Protection of Financial Interests of European Communities, Judicial Cooperation in Civil Matters, Preliminary Ruling, Ethics and Anticorruption.

Number of training activities provided by the Institute has increased during the last three years, as follows:

FINAL

- 2004 – 58 trainings, 1362 participants;
- 2005 – 112 trainings, 2030 participants;
- 2006 – 142 trainings, 3271 participants;
- in 2007 – 27 trainings with 665 participants have been implemented until present.

In the meantime, the new Judicial System Act (adopted by the Parliament on 24.07.2007, promulg. SG No. 64/07.08.2007) foresees the introduction of mandatory continuing training on certain topics (Art. 259). It is obvious, that the National Institute of Justice has bordered on the maximum of its potential and it will be impossible for it to comply with this legal requirement as well as to face the growing needs of the Judiciary by using its current capacity and all conventional training tools. For these reasons the Law extends the scope of work of NIJ by requiring it to deliver distance learning (Art. 249 section 2).

Anticipating those developments, the 3-years Strategy for Further Development of NIJ, which has been approved in 2006⁴ presupposes that further development of its training activity needs to be accomplished in a qualitative different way – through the use of distant learning trainings as well as through decentralization of the trainings of court clerks that represent 60 % of the target group of National Institute of Justice, according to the law. The aim is at increasing NIJ's capacity by decreasing the costs. The Strategy has been unanimously approved by the Management Board of NIJ, which includes representatives on a very high level from the Supreme Judicial Council and the Ministry of Justice, thus, it is to be determined as a National Strategy for Judicial Training.

This is also the approach, maintained by the European Judicial Training Network (EJTN). Its Strategic Plan 2007-2013 recommends the national institutions for judicial training to implement their training activities by using information technologies. The EJTN Catalogue of activities 2007 already includes several distant learning courses on EU-law topics.

With regard to the above mentioned and in order to be able to contribute to the enhancement of “professionalism, accountancy and effectiveness of the judiciary” by providing judicial training, the National Institute of Justice needs support in following three areas:

- development of curricula for distant /on-line continuing training and e-learning tools on EU-law and other specialized topics (judicial cooperation in civil matters, preliminary ruling, ethics and anticorruption);
- introduction of technology and software for distant learning;
- elaboration of a regional trainings module for court clerks.

The National Institute of Justice, in collaboration with the General Council of the Judiciary of Spain and the Spanish Judicial School, currently implements PHARE Twinning project **BG/2004/IB/JH/05**.

One of the objectives of this on-going project is that the existing continuing training programme for practicing magistrates and court clerks should be complemented with modern, IT-based and low-cost distant learning modules for magistrates and administrative staff. Thus, one of the recommendations of the Spanish experts, determined in their comprehensive activity report on Continuing Training of Magistrates and Administrative Staff (Activity 3.1.1, Annex 5.2), states as follows: “Attendance training is necessary and must be developed, as well as the on-line training. Its advantages are obvious: lower costs, wide coverage because it is possible to reach all judges and prosecutors, favouring at the same time the use of new technologies.”

A pilot distance learning course on the topic “Rights of Defendant in the Penal Procedure” was developed under this project in order to assess the possibility of introduction of distance learning for Bulgarian judiciary. That course has been elaborated by some NIJ trainers with the assistance of PHARE twinning project's experts, however it is located on the information platform of our Spanish

⁴ The Strategy is available on web-site: <http://www.nij.bg/img/Image/Strategy%20NIJ%202.pdf>, see p.5.1 and p.7.1

FINAL

partners, because NIJ does not have an appropriate software and information technology. 25 judges from 17 courts participate in the course and their feedback until now is very positive.

In order to develop those successful achievements and to provide on its own distant learning, which could meet the growing demand on training of the magistrates and court clerks, NIJ needs support and assistance for developing several further distant learning courses on specialized topics for the needs of continuing training, as well as for introduction of a distant learning information system. Otherwise, its capacity would remain limited, and the successfully accomplished activity - incomplete.

Moreover, the maintenance of a continuing distant learning training will lead to a higher effectiveness of the activity of the Learning and Information Centre and of the EU-Law Documentation Centre within NIJ, which has been established with the support of the MATRA Programme of the Dutch Government. Collected documentation which is partially available on-line for all magistrates and court clerks, will serve as foundation and complement of the distant learning training courses.

With regard to the decentralization of the training of court clerks, its double function needs to be highlighted: acquisition of knowledge (to which distant learning could contribute) and mastering of new skills (for which attendance training is necessary). NIJ needs assistance, based on "best European practices", for elaboration of regional training module for court clerks (determination of appropriate training methods in consideration with that double function, as well as determination of topics, trainers, materials, handbooks, organization, etc.).

3.2 Linked Activities:

PHARE Horizontal project (ZZ-9910.02.01) in the field of Justice and Home Affairs where were involved ten applicant countries, including Bulgaria. Three of its components were especially designed for the Judiciary, viz.:

- **The Rule of Law** (Lead Member State: The Netherlands, Centre for International Legal Cooperation);
- **Legal Cooperation in Criminal Matters** (Lead Member State: United Kingdom, assisted by France and Italy);
- **Training of Judges in EC Law** (Lead Member State: Luxembourg, European Institute of Public Administration, with the involvement of France, Finland, Italy and Sweden). The project aimed at building the capacity to train judges in EC law.

Under the horizontal project a curriculum for training with an emphasis on the ECJ's jurisprudence has been developed for the Magistrates' Training Centre of Bulgaria.

PHARE National Programme:

PHARE 1999 *Strengthening the Independence of the Judiciary and Building the Capacity of the Ministry of Justice* (2 Meuro). This twinning project provided for measures at all levels and, *inter alia*, for strengthening the Judiciary by proper court administration, training magistrates in EC law, upgrading the professional knowledge and skills of magistrates, approximating Bulgarian national legislation with the *acquis communautaire*. The project also contained an investment component (pilot courts in Sofia).

PHARE 2001 *Recruitment and Training Strategy for the Judiciary*. The project aimed at improving the system of magistrates' recruitment, career development and qualification, and the career development system for administrative clerks in the bodies of the Judiciary.

PHARE 2002 *Implementation of the Judicial Reform Strategy* (10.8 Meuro). This project aimed at ensuring equal access to justice, and at improving the system of court execution and enforcement. The

project contained an investment component (automation of courts and training of court clerks in the standard software applications).

Within the PHARE twinning project **BG/2002/IB/JH/01**, which has been implemented from May 2004 until September 2005, has been finalized the first stage of the institutional building of NIJ. For the establishment of a Learning and Information Centre (LIC) within NIJ the experience of the French National School for Magistrates was used. The preparation work for establishment of LIC in the framework of this project included two trainings for exchange of experience in collaboration with the Recourse Centre of the French National School for Magistrates. Training materials in EU-Law have been put together on a CD by using know-how and an appropriate software provided by the latter.

PHARE BG-2003/004-937.08.02 *Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Information Technologies.*

The aim of the project is as follows:

- Analysis of all operative and technical aspects for elaboration of a system for e-justice in Bulgaria;
- Preparation of a concept for this system;
- Preparation of technical specifications;
- Support to the tender procedures for supply, related to the introduction of the system.

PHARE BG/2004/IB/JH/02 *Judicial Cooperation in Penal and Civil Matters* is implemented by the Ministry of Justice with a Member State Partner – the General Council of the Judiciary of Spain and a Junior Member State Partner – the Swedish National Courts Administration.

The project is divided into 3 components: penal, civil and IT and other technologies.

1. The first component concerns the training in penal judicial cooperation and envisages the organisation of several training seminars for magistrates (judges, prosecutors and investigators) and for the judicial staff on the Convention on Assistance in Penal Matters and on the European normative, mentioned above.
2. The second component concerns the training on Judicial Cooperation in Civil Matters and envisages the organisation of 6 seminars for training of magistrates (judges, prosecutors and investigators) and of the judicial staff on the European normative in Judicial Assistance in Civil and Commercial Matters and on the above-mentioned Conventions in civil matters.
3. The third component is dedicated in its major part to IT systems and contains the following activities:
 - ***Integral Bulgarian Judicial Network for Judicial Cooperation in Civil and Penal Matters. Creation of Vademecum***
It is proposed the creation of a Judicial Network of Magistrates, experts in European and International Judicial Cooperation and Assistance, as well as of the so called Vademecum that consists of an easy and fast for use guide for magistrates on International Judicial Cooperation matters.
 - ***Integral IT System for International Judicial Cooperation (in Civil and Penal Matters)***
This activity is dedicated to the creation of basic models of International Judicial Cooperation and Assistance, incorporated to the Judicial IT system, if a statistic database and a web-site link on International Judicial Cooperation. It will concern also the use and knowledge on video-conference, international e-mail and electronic signature in order to be used in International Judicial Cooperation.
 - ***Training on the Effective Use of the Integral IT System for International Judicial Cooperation in Penal and Civil Matters***
There will be organized training seminars on the use of the mentioned IT systems.

FINAL

[Handwritten signature]

The final objective of the activities under the components consists in preparing by the Bulgarian and European experts draft for proposals for possible legislative amendments, previously prepared by the Bulgarian experts in order to adapt the Bulgarian legislation to the European normative.

Seven seminars on Judicial Cooperation in Penal and Civil Matters have been organized in collaboration with Ministry of Justice and the National Institute of Justice.

PHARE BG/2004/IB/JH/05 *Strengthening of the Bulgarian Judiciary. Training of Magistrates and Administrative Staff* is currently (2006-2007) implemented by NIJ in collaboration with the Spanish Judicial School and the General Council of the Judiciary of Spain. The existing continuing training programme for practicing magistrates and court clerks should be complemented with modern, IT-based and low-cost distant learning modules for magistrates and administrative staff.

Nevertheless, in the framework of this twinning project thanks to the PHARE Programme BG-2005/017-353.07.02 NIJ has had the opportunity to receive support through an investment component to the extent of 400 000 Euro, which will be used for supply of equipment for the Learning and Information Centre at the NIJ, as well as for supply of literature for the library.

Due to that supply, NIJ in particular the Learning and Information Centre, will receive the appropriate hardware, which will enable the latter to start its activities related to the European Union Law Documentation Centre for the Judiciary. However, a platform/a distant learning information system with the appropriate specialized software for the implementation of distant learning courses and for its maintenance by NIJ is still missing.

There will be no overlap of both activities, because the on-going project only covers a pilot initiative on distance learning by using the platform for e-learning that exists in the General Council of the Judiciary in Spain. **The project proposal is focused on the design of a full platform and system for e-learning at the National Institute of Justice in Bulgaria. Thus, this future project is to be understood as a follow up of PHARE twinning project BG/2004/IB/JH/05 due to its twinning part as well as to its investment component.**

The on-going PHARE project in its Working area No. 3 "*Continuing training for magistrates and administrative staff*" follows three steps:

- An analysis of the current situation both in the Institute and in the country as a whole. A subject of the analysis will be also the technological resources and conditions that have the NIJ and the Judiciary.
- Propositions for the development of the methodologies and the contents of the continuing training program of the NIJ and proposition for setting-up the Distance Learning Training.
- Monitoring of the implementation of the Distance Learning Training in the pilot courts and analysis of the results.

In the framework of the same project, in collaboration with the Spanish Judicial School, NIJ prepares a pilot course for distant learning. This pilot training aims at exploring the possibilities of applying this methodology in the proposals for improvement of NIJ's curricula and the results of this experiment will further serve to develop a model adapted to the context of Bulgaria. The Learning and Information Centre within NIJ will be assisting for the smooth implementation of the first pilot training in March-September 2007, as all materials will be published and the contacts during the course will be arranged through a platform for distant learning, which is based in Spain.

However, based on the results of the on-going PHARE project the National Institute of Justice will need further assistance to adopt methodology for creating its own distance training courses and train its staff and trainers; to develop several distance training courses and to acquire a platform with technical parameters for distant learning information system including appropriate specialized software in order to provide such courses and to maintain a permanent programme for distant learning training, including subjects.

FINAL

Therefore, the support aimed through this future project is needed for further improvement of the training curricula provided by the National Institute of Justice in the areas, described below, and not for current expenses.

In addition, for implementation of recent amendments in the EU-legislation, as well as of the case-law of the European courts, a permanent training of the magistrates is necessary and further possibilities for inquiries related to the EU-legislation. The European Judicial Training Network (EJTN) points out as one of the implementation strategies for accomplishment of its Strategic Plan (2007-2013) a development and implementation of e-learning tools which confirms the necessity of distant learning for ensuring the quality of judicial training in Europe and for exchanging of information and best practices between magistrates and judicial training institutions. This demand could be fulfilled in Bulgaria by the National Institute of Justice through introduction of distant learning in EU-law; moreover there is also a plan for full computerization of the Bulgarian courts, which will enable them to participate in distant learning trainings. Besides, almost all Bulgarian magistrates have Internet access at home, thus they could attend anytime at distant learning courses organized by the NIJ. A positive attitude regarding the letter has been concluded after a national survey on the results from accomplished by NIJ trainings was arranged.⁵ After the results from the survey had been summarized and analyzed, a considerable demand on specialized trainings on EU-law has been verified. However, the National Institute of Justice cannot afford to extend the number of its administrative staff, therefore, implementation of a distant learning information system and development of e-learning tools would be an appropriate solution. Using those mechanisms will enable NIJ to provide high level qualitative training on different topics of professional interest and demand of the Bulgarian magistrates.

PHARE BG/2005/IB/IH/01 *Implementation of the New Penal Procedure Code. Strengthening the Interagency Cooperation between Public Prosecutor's Office and other Concerning Bodies in Fighting Organized Crime and Corruption*

Component C of this project *Improvement of the Training Environment* is based upon accomplishment of a needs and gaps analysis with regard to training needs on: The implementation of the New Penal Procedure Code following the introduction of norms establishing the prosecutor as *dominus litis* of the pre-trial proceedings, the implementation of special investigation means, such as 'undercover agent' practices, 'controlled delivery' and 'proforma transactions', the enforcement of the European Arrest Warrant, the combat against money laundering, the protection of the financial interests of the European Union, the fight against corruption on high level.

Based on the results of the needs and gaps analysis specific training programmes and training manuals will be elaborated.

USAID

The USAID's *Judicial Development Project* carries out various activities directed towards the strengthening of the Bulgarian judicial system with regard to the accession of Bulgaria to the EU. The work on the project is concentrated over the improvement of the judicial administration – improvement of the citizens' access to the courts and of the court security. The following activities have been carried out: reorganization of premises, changes in the administrative processes, standardization and equalization of forms and manuals, research of the reasons for the delay of cases, introduction of the position of court administrator, carrying out of courses for court personnel and court management on different topics. A substantive element is the automation of the administrative processes. Until now, the 11 pilot courts under the project have been equipped with hardware, software, local networks and communication means.

Activities, related to court clerks' training in 2001-2004, have been accomplished within the framework of the *Judicial Strengthening Initiative*, which is supported by the U.S. Agency for

⁵ NIJ Survey on the Results from the Accomplished by NIJ Trainings, September 2006

FINAL

International Development (USAID) and implemented by the East-West-Management Institute (EWMI). Trainings, which have been provided by NIJ, have been implemented due to the financial support of the *Judicial Strengthening Initiative* of USAID. In 2005 and 2006 new training programmes have been elaborated with a focus on the specialized administration in courts, as well as on the newly appointed court administrators.

Unfortunately, USAID will be withdrawing from Bulgaria by July 2007 which means that NIJ would lose an important partner and adviser with huge experience that has provided the Institute with administrative and financial assistance during the years of its institutional building and strengthening. USAID, and in particular the *Judicial Strengthening Initiative*, helped NIJ to lay the foundation stone, however, the National Institute of Justice will keep improving the quality of training and for its further sustainability its staff would need to keep working with its partners from the European Union.

American Bar Association – Central and Eastern Europe Legal Initiative (ABA/CEELI)

contributes to the amendment in the insolvency procedures, as well as to the delivery of expert assistance in the sphere of bank liquidation and the administration of these procedures. Activities include: financing of individual trainings of officials in the judicial systems, as well as organization of moot courts in EC Law.

MATRA Programme financed by the Netherlands' Government and in cooperation with several Dutch organizations, having as an objective the enhancement of knowledge in EC-law among those working in the judicial system of Bulgaria. In its essence the programme represents training of trainers. Since 2000, two MATRA sponsored projects have contributed to the development of a basic course and two specialised courses in EU-law at the Magistrates' Training Centre.

Within the framework of MATRA programme of the Dutch Government, the NIJ took part in a three-year project *Civil Society in Support of Bulgaria's Stable Policy for Human Rights Guarantees* (2003-2006). It was implemented in partnership with the Bulgarian Ministry of Justice, the Bulgarian Lawyers for Human Rights Foundation, and the Netherlands Institute for Human Rights (SIM) at the University of Utrecht. The speakers at the training events were renowned European scholars, as well as Bulgarian magistrates and lawyers. The project sponsored a review of the conformity of Bulgarian legislation with the ECHR and with the case-law of the European Court of Human Rights, as well as training on specific topics.

The project *Establishing European Union Law Documentation Centre for the Judiciary* (2006-2008) aims at strengthening the institutional capacity of the NIJ and particularly its Learning and Information Centre to provide the magistrates with high-quality training in European law. The partners involved in this project are T.M.C. Asser Institute, the Netherlands Helsinki Committee (NHC) and the NIJ. The activities envisaged include the provision of direct, swift and easy access to relevant information regarding EU legislation and case-law, pertinent training of magistrates, who provide training on EU-law and training for the staff of the Learning and Information Centre. Beneficiaries of this project are the junior magistrates, all sitting magistrates and court clerks, professional organizations and the judiciary in general.

The project finances the development and implementation of library software and the creation of new NIJ Internet site, trainings of the "Learning and Information Centre" Department's personnel and trainings of Bulgarian magistrates on how to operate with European information sources in Internet and on how to create a file on two topics of European law: the European Arrest Warrant and the new Regulation for Services in Internal Market which will be eventually published on the NIJ web-site. A pilot training on Sources on Information about the European Union and EU-law took place on March 13-14 at the National Institute of Justice. This pilot training aimed at implementing regular trainings among trainers and further among the Bulgarian magistrates.

FINAL

Open Society Foundation/COLPI and ABA/CEELI financed a project for the creation of press offices within the different bodies of the judicial system. Means for the training of public prosecutors and investigators have been assigned, as well as for plans for their training.

British Council - the project *Better Legal Training* (2007-2008) addresses five concrete needs in terms of training related to the judicial and prosecutorial magistrates. Each of the elements of training is skills-based and no elements cover introduction of distance learning training courses in EU-law or elaboration of a module for regional trainings for the needs of the court administration.

One of the components named *Training Courses for Court Administrators and Court Clerks* will aim to improve court efficiency by clarifying respective roles, but equally, separating judicial from administrative responsibilities, to ensure that the opportunity to free up judges from their non-judicial burden is exploited in the best way.

The **proposed project** is supposed to build on the attainments of all the previous projects and follows their measures aimed at reforming and modernizing of the Judiciary and ensuring its effectiveness.

The NIJ has not benefited so far from the financial programmes “Civil Justice” and “Criminal Justice” of DG “Justice, Liberty and Security”, and there cannot be any overlap with the current project as their aim is different (elimination of obstacles to the good functioning of cross-border civil procedures, improvement of daily life of individuals and businesses, notably by fostering access to justice, etc.).

3.3 Results:

Contract 1: Twinning

- Start of implementation of technology and software for distant learning in specialized topics;
- Enriched existing curriculum for continuing training with specialized EU related subject areas, e.g. various instruments and important issues concerning judicial cooperation in civil matters, ethical standards, preliminary ruling;
- Improved professional knowledge and practical skills of court clerks for a correct, precise and effective performance of their professional duties. Sustained regional training modules, including elaboration of curricula, implementation and evaluation;
- Unified standards of working practices in the area of court administration in Bulgaria;
- Enhanced magistrates' and court clerks' awareness on ethical standards and rules;
- Pool of trainers with acquired skills and knowledge on e-learning tools;
- Sustainable training curricula on judicial cooperation in civil matters, preliminary ruling and ethical standards;
- Elaborated methodology for distant learning.

Contract 2: Supply of Equipment

- Supply of specialized software and know-how for distant learning information system providing a license to min. of three years, maintenance, as well as upgrading
- Supply of training and all necessary licenses for specialized software for distant learning information system

3.4 Activities:

FINAL

The above listed results will be achieved by implementing the following activities:

Contract 1: Twinning

- Exchange of experience due to the “best practices” for continuing training in distant learning throughout the EU;
- Exchange of experience due to the “best practices” of institutions for training of court administration throughout the EU;
- Exchange of experience and know-how due to the mechanism for implementation of distant learning training, e.g. e-learning tools, technical assistance, etc.;
- Exchange of experience in order to find out software solutions for providing of distant learning courses on specialized topics;
- Exchange of experience due to the EU models in the area of implementation of regional trainings;
- Testing of a pilot training on Judicial Cooperation in Civil Matters;
- Evaluation of the results from implemented distant learning courses with regard to determination of the contents for the materials (guidance), which will be published and submitted;
- Testing of a pilot training on Preliminary Ruling;
- Testing of a pilot training on Ethics and Anticorruption;
- Training needs assessment for the court administration within the judiciary;
- Elaboration and implementation of new training programmes for the needs of the court administration;
- Consultancy assistance for elaboration of a model for implementation of regional trainings;
- Implementation of a pilot regional training of the court administration.

Contract 2: Supply of Equipment

- Tender procedures and supply of specialized software for the needs of a distant learning information system;
- Testing and implementation of the software product;
- Training of the staff and provision of all necessary licences for specialized software for distant learning.

3.5 Lessons learned:

In its Sectoral Interim Evaluation Report, issued in August 2006, the Independent Evaluator stated as follows:

“21. ...There is complementary assistance funded by USAID and MATRA. The construction of a documentation centre is expected to be completed at the end of 2006 which will enable its establishment in 2007. The servers, which have been omitted from a previous supply, were included in the technical specification of the PHARE 2005 project and thus will enable the NIJ to implement the distance learning courses which comprise a separate element of the project.

...

83. ...Strengthening of the NIJ is expected to have the immediate impact of providing the basis for provision of good quality training and introducing new methods of training."

In this regard, it is necessary to provide support for further improvement of NIJ's capacity and deliver the necessary equipment in order to continue the realization of the Strategy for full equipment with information technologies of the judicial system authorities in Bulgaria.

In the process of implementation of previous and current projects NIJ has piled-up the following experience: Attendance training has its advantages, however e-learning is the future of training, not only with regard to the judicial area, but also with regard to education in general. E-learning provides the opportunity to have a permanent contact between the tutor and all other participants; magistrates can participate in the training sessions without being absent from work. E-learning is low-cost, effective and reaches more participants than the attendance training. E-learning would enable NIJ to increase its training capacity without increasing its staff, as well as to implement more training on specialized topics or even on foreign languages and computer literacy for the needs of the Bulgarian magistrates and court clerks.

4. Institutional Framework

The National Institute of Justice will be the beneficiary on the project.

A Project Steering Committee will be constituted, including representatives of the Supreme Judicial Council, the Ministry of Justice, the judicial administration, the Management Board of National Institute of Justice, as well as representatives of the National Association of Court Clerks. Representatives of the Management of EU Funds Directorate and the CFCU within the Ministry of Finance, should be foreseen as observers.

5. Detailed Budget (in €)

	Transition Facility support			Co-financing			Total cost
	Investment (I)	Institution Building (IB)	Total Transition Facility (=I+IB)	National Public Funds (*)	Other Sources (**)	Total co-financing	TF plus co-financing
Contract 1/ Twinning		720 000		*		*	720 000
Contract 2 / Supply of Equipment	60 000		60 000	20 000		20 000	80 000
Total	60 000	720 000	780 000	20 000		20 000	800 000

** Up to 10 % of the contracted value of the twinning project will be ensured by the National Fund Directorate, Ministry of Finance. VAT is not eligible to be included in the national co-financing.*

Contributions from the Bulgarian administration for effective implementation of the twinning/twinning light/TA may be further detailed in the twinning contract/terms of references.

To ensure smooth implementation of the project, the beneficiary will provide adequately equipped office space with telephone, PC (Internet) and fax. Photocopier and access to the necessary information as well as secretarial support will be ensured during the project life-time. In addition the beneficiary will provide space and facilities for workshops (training), consultations and seminars. The national co-financing will be specified in the twinning contract.

FINAL

6. Implementation Arrangements

6.1 Implementing Agency

The Central Financing and Contracting Unit (CFCU) within the Ministry of Finance will be the Implementing Agency. The CFCU will be responsible for administrative and financial implementation of the project (tendering, contracting, payments and financial control).

Programme Authorising Officer (PAO):

Ms. Gergana Beremska
State Treasurer of the Ministry of Finance
102, Rakovski Str.
1040 Sofia, Bulgaria
Tel.: (+359 2) 9859 2495
Fax: (+359 2) 9859 2773
E-mail: g.beremska@minfin.bg

Deputy PAO:

Mr. Lubomir Tushanov
Director, Central Finance and Contracts Unit, Ministry of Finance
102, Rakovski Str.
1040 Sofia, Bulgaria
Tel: (+359 2) 9859 2431
Fax: (+359 2) 9859 2773
E-mail: l.tushanov@minfin.bg

The responsibility for technical project preparation, implementation and control will remain with the beneficiary institution:

National Institute of Justice
14, Ekzarh Yossif Str.
1301 Sofia, Bulgaria

SPO:

Mr. Dragomir Yordanov
Deputy Director, NIJ
14, Ekzarh Yossif Str.
1301 Sofia, Bulgaria
Tel.: (+359 2) 9359 100
Fax: (+359 2) 9359 101
E-mail: d.yordanov@nij.bg

The Technical Specifications will be prepared by independent experts in collaboration with the beneficiary.

6.2 Twinning

The Twinning Manual will apply for the twinning component of this project.

National Institute of Justice - Contact persons:

Mr. Stoil Pashkunov - Deputy Director, Administrative Director
Mr. Dragomir Yordanov - Deputy Director, Programme Director
14, Ekzarh Yossif Str.
1301 Sofia, Bulgaria
Tel.: (+359 2) 9359 100

FINAL

Fax: (+359 2) 9359 101

E-mails: d.yordanov@nij.bg and pashkunov@nij.bg

Project Leader from the BC will be a representative of the management of the National Institute of Justice. The Bulgarian Project Leader shall direct the implementation of the project and shall be responsible for the substance and the progress of the project.

Project Leader from the MS will be a magistrate. He/She shall continue to work in his/her Member State administration but shall devote some of his/her time to conceiving, supervising and coordinating the overall implementation of the project.

Experts' Profiles:

RTA - Requirements: Magistrate, public sector expert with a length of service not less than 8 years and an experience in information technologies and implementation of distant learning.

STEs: Magistrates, public sector experts with minimum of 5 years experience; experts having experience with court clerks and their training needs, as well as experts with experience in distant learning.

6.3 Non-standard aspects - N/A

6.4 Contracts

Contract 1 - Twinning

Contract 2 - Supply of Equipment

7. Implementation Schedule

7.1 Start of tendering/call for proposals - 4Q 2007

7.2 Start of project activity - 2Q 2008

7.3 Project Completion - 1Q 2009

8. Sustainability

NIJ is going to organize a working group on the realization of the project, which will be working in collaboration with the Supreme Judicial Council, Ministry of Justice and CFCU.

The project will be carried out in full transparency and collaboration with all key partners.

Due to the Project NIJ will be provided with trained staff for implementation of distant learning training in EU-law, as well as with regard to "good practices" for training of the court administration. 75 magistrates and 40 court clerks from the administration of the judiciary will be trained. 9 trainers will be trained in order to be able to provide distant learning courses. Training materials on EU-law will be published and distributed among magistrates.

9. Conditionality and sequencing

Before the project starts, the tasks and responsibilities of the participating institutions will be defined. This will be done immediately after the approval of the project and before its beginning. The

FINAL

National Institute of Justice will set up a working group for the management of the Project. The main coordination under project remains with NIJ. It is expected full coordination and transparency in the work of all key players involved.

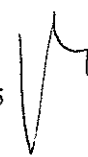
The work on the project will be done in the conditions of maximum cooperation on part of the Bulgarian institutions.

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

ANNEXES TO PROJECT FICHE

1. Logical Framework Matrix (*in standard format*)
2. Detailed Implementation Chart
3. Contracting and Disbursement Schedule by Quarter for Full Duration of Programme (including disbursement period)
4. List of Relevant Laws and Regulations
5. Reference List of Feasibility/Pre-feasibility Studies
6. Needs Assessment (*Investment Component*)

FINAL



ANNEX 1**Logical Framework Matrix**

LOGFRAME PLANNING MATRIX FOR Project:		Programme: Transition Facility	End of execution of contracts period expires:
A Further Step Towards a Higher Quality of Training in the Judiciary		Contracting period expires: 15 December 2009	15 December 2010
		Total budget 800 000 Euro	TF Budget 780 000 Euro

Overall Objective(s)	Objectively Verifiable Indicators	Sources of Verification	Assumptions
Further improvement of training of the magistrates and court clerks delivered by the National Institute of Justice (NIJ) according to the European criteria and the experience of other European Judicial Schools	<ul style="list-style-type: none"> Implementation of the <i>acquis communautaire</i> in the Bulgarian legal system Improvement of the effectiveness of justice through higher qualification of magistrates and court administration 	<ul style="list-style-type: none"> Monitoring reports of the EC Amendments of the Constitution and of the Law on the Judiciary Surveys and questionnaires for evaluation of the work of court administration 	
Project Purpose	Objectively Verifiable Indicators	Sources of Verification	Assumptions
Improvement of quality of training of magistrates and court clerks, provided by NIJ, through elaboration of programmes for distant continuing training in EU-law as well as in further specialized topics (judicial cooperation in civil matters, preliminary ruling, ethics and anticorruption); introduction of technology and software for distant learning as well as elaboration of a module for regional trainings for court clerks.	<ul style="list-style-type: none"> Developed programmes on specialized topics for distant learning in continuing training Strengthened administrative capacity of Learning and Information Centre at the NIJ Implementation of distant learning trainings by the NIJ Strengthened capacity of the NIJ in order to provide distant learning trainings in continuing training, as well as in EU-Law 	<ul style="list-style-type: none"> Quarterly monitoring reports concerning progress of the project Regular reports of project partners Six-month monitoring reports of the EU-Commission 	<ul style="list-style-type: none"> Considerable commitment on behalf of the target-groups Cooperation of the partners for collecting, analyzing and sorting of relevant information for the planned trainings Adequate administrative capacity of the NIJ

FINAL

Results	Objectively Verifiable Indicators	Sources of Verification	Assumptions
<p>► Twinning:</p> <ul style="list-style-type: none"> • Start of comprehensive implementation of technology and software for distant learning in specialized topics • Enriched existing curriculum for continuing training with specialized EU related subject areas concerning judicial cooperation in civil matters, preliminary ruling, ethical standards • Improved of professional knowledge and practical skills of court clerks for a correct, precise and effective performance of their professional duties. Sustained regional training modules, including elaboration of curricula, implementation and evaluation. • Unified standards of working practices in the area of court administration in Republic of Bulgaria • Enhanced magistrates' and court clerks' awareness on ethical standards and rules • Sustainable training curricula on courses related to preliminary ruling, judicial cooperation in civil matters and ethical standards • Pool of trainers with acquired skills and knowledge on distant learning and e-tools • Elaborated methodology for distant learning 	<ul style="list-style-type: none"> • Elaborated regional trainings programme for the needs of the court administration in the area of court administration in Republic of Bulgaria • Unified standards of working practices in the area of court administration in Republic of Bulgaria • Established distant learning technology • Elaboration of recommendations with regard to the areas, where implementation of distant learning is needed; elaboration of presentation regarding this • Software for providing distant learning courses • Trained NIJ staff for implementation of distant learning trainings in EU-law through the provided software, as well as with regard to "good practices" for training of the court administration • 75 magistrates trained within the three distant courses • Published and submitted in an electronic copy training materials in EU-law • 40 court clerks from the administration of the judiciary trained • Distributed training materials on the three subjects • 9 trainers will be trained through ToT in order to be able to provide distant learning courses 	<ul style="list-style-type: none"> • Evaluations of the participants • Training materials • Public surveys • Conclusion and analyses of the experts • Published handbooks • Technical equipment • Evaluation reports 	<ul style="list-style-type: none"> • Willingness and active interest of the participants • Appropriate and working software for distant learning trainings • Cooperation of the parties in gathering the relevant information and working together • Adequate administrative capacity of the NIJ

<p>► Supply of Equipment:</p> <ul style="list-style-type: none"> • Supply of specialized software and know-how for distant learning information system providing license to a min. of three years, maintenance, as well as upgrading • Supply of training and all necessary licenses for specialized software for distant learning 			
Activities	Means	Sources of Verification	Assumptions
<p>► Twinning:</p> <ul style="list-style-type: none"> • Exchange of experience due to the “best practices” for continuing training in distant learning throughout the EU • Exchange of experience due to the “best practices” of institutions for training of court administration throughout the EU • Exchange of experience and know-how due to the mechanism for implementation of distant learning training, e.g. e-learning tools, technical assistance, etc. • Exchange of experience in order to find out software solutions for providing of distant learning courses • Exchange of experience due to the EU models in the area of implementation of regional trainings • Testing of a pilot training on Judicial Cooperation in Civil Matters • Evaluation of the results from implemented distant learning courses with regard to determination of the contents for the materials (guidance) which will 	<ul style="list-style-type: none"> • Procedure for a choice of a Twinning partner and approval of twinning contract • Procedure for approval of a RTA • Set-up of working groups • Consultancy assistance by local experts, e.g. IT experts, on preparation of TS for the supply tender • Needs assessment of the needs of court administration • Assignment of Project Leaders • Technical equipment for the needs of distant learning • Technical equipment for the needs of regional trainings and mobility • Providing of study visits and trainings for NIJ’s staff and management with regard to implementation of distant learning. The experts participating in the study visit will compile a report that will be 	<ul style="list-style-type: none"> • Quarterly monitoring reports for progress of the project • Regular reports of project partners • Monitoring by the Ministry of Finance 	<ul style="list-style-type: none"> • Support from relevant institutions, whose representatives, magistrates, court administration and experts take part in the activities • Coordination and transparency in the work of the key partners • Appropriate and working software for distant learning trainings bought and installed on time • On-time delivery of technical facilities for the mobility of staff, lecturers and materials for regional trainings

FINAL

ANNEX 2

Detailed Implementation Chart

Components		2007												2008												2009											
		VI	VII	VIII	IX	X	XI	XII	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII					
1	Contract 1 - Twinning							T	C	C	I	I	I	I	I	I	I	I	I	I	I																
2	Contract 2 - Supply										T	T	T	C	C			I	I	I	I																

T - Tendering
C - Contracting
I - Implementation

FINAL

ANNEX 3**Contracting and Disbursement Schedule by Quarter for Full Duration of Programme (including disbursement period)**

Sub Projects	4 Q 2007	1 Q 2008	2 Q 2008	3 Q 2008	4 Q 2008	1 Q 2009	3 Q 2009	4 Q 2009	1 Q 2010	2 Q 2010
Contract 1 - Twinning										
Contracted (€M)		0.720								
Disbursed (€M)			0.200	0.400	0.600	0.720				
Contract 2 - Supply										
Contracted (€M)			0.080							
Disbursed (€M)			0.040	0.060	0.080					

Note: Up to 10 % of the sum of EU Support is required as National co-financing in accordance with the Twinning Manual. It will be covered by the State budget through the National Fund Directorate within the Ministry of Finance

FINAL


ANNEX 4

List of Relevant Laws and Regulations

1. Constitution of the Republic of Bulgaria
2. Judicial System Act
3. Strategy for Reform of the Judiciary
4. Revised Action Plan on the Implementation of the Strategy for Reform of the Judiciary
5. Council Framework Decision on the European Arrest Warrant
6. Convention on the Protection of the European Communities' Financial Interests
7. UN Convention against Transnational Organized Crime
8. Council of Europe Convention on Cyber-crime

Legal Instruments in Civil Cooperation

- European enforcement order for uncontested claims
- Jurisdiction, recognition and enforcement of judgements in civil and commercial matters (Brussels I)
- Jurisdiction, recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility (Brussels II)
- The 1996 Hague Convention - Parental responsibility and protection of children
- Convention on the law applicable to contractual obligations (Rome Convention)
- Non-contractual obligations: Rome II
- Decision 2001/470/EC. Council Decision of 28 May 2001 establishing an European Judicial Network in civil and commercial matters
- Regulation (EC) 1346/2000. Council Regulation of 29 May 2000 relating to insolvency proceedings
- Regulation (EC) 1348/2000. Council Regulation on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters
- Regulation (EC) 1206/2001. Council Regulation of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters
- Council Regulation (EC) 2116/2004 of 2 December 2004, amending Regulation EC 2201/2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility, repealing Regulation EC 1347/2000 as regards treaties with the Holy See
- European Parliament and Council Regulation 805/2004 of 21 April 2004 creating an European enforcement order for uncontested claims
- Council Regulation (EC) 2201/2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) 1347/2000
- Regulation EC 1896/2006 of the European Parliament and the Council of 12 December 2006 creating an European order for payment procedure

Preliminary Ruling Procedure: Acts and Regulations

- Treaty Establishing the European Community
- The Treaty on European Union

FINAL

- Information Note of the Court of Justice on references from national courts for a preliminary ruling (2005/C 143/01)
- The Judicial System Act
- Cases for consideration:
 - Case 16/65, Schwarze;
 - Joined cases 21-24/72, International Fruit Company;
 - Case 166/73, Rheinmühlen;
 - Case 5/77, Tedeschi/Denkavit;
 - Case 314/85, Foto-Frost;
 - Joined cases C-143/88 and C-92/89, Zuckerfabrik;
 - Case C-465/93, Atlanta;
 - Joined cases C-300/98 and C-392/98, Parfums Christian Dior SA;
 - Joined cases C-187/01 (Gözütok) and C-385/01 (Brügge)

Ethics and Anti-corruption: Acts and Regulations

- Recommendation R (94) 12 of the Committee of Ministers to Member States on the Independence, Efficiency and Role of Judges
- Resolution (2002) 12 of the Committee of Ministers establishing the European Commission for the Efficiency of Justice (CEPEJ)
- ECOSOC Resolution 2006/23 strengthening basic principles of judicial conduct
- Ethical Code of Bulgarian judges
- Ethical Code of Bulgarian prosecutors
- National Strategy on Combatting Corruption
- Action Plan for implementation of the National Anti-corruption Strategy
- Convention on the protection of the Communities' financial interests
- Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union
- Article 29 of the Treaty on European Union
- OECD Convention on combatting bribery of foreign public officials in international business transactions
- the Criminal Law Convention on Corruption of the Council of Europe
- the Civil Law Convention on Corruption of the Council of Europe
- the United Nations Convention against Corruption
- Protocol to the Convention on the protection of the European Communities' financial interests
- Second Protocol to the Convention on the protection of the European Communities' financial interests
- Council of the European Union Framework Decision on combatting corruption in the private sector
- UN Model Code of Conduct for Public Officials
- Resolution (99) 5 of the Committee of Ministers of the Council of Europe: Agreement Establishing the Group of States against Corruption
- Resolution (97) 24 of the Committee of Ministers of the Council of Europe: Twenty Guiding Principles for the Fight against Corruption

FINAL

ANNEX 5

Reference List of Feasibility/Pre-feasibility Studies

1. NIJ Survey on Products and Services, provided by the JSI of the USAID in collaboration with the National Institute of Justice
2. Experts' Report due to the Needs Assessment of NIJ and the Bulgarian Judiciary. Planning of the Establishment, Organization and the Functions of a Learning and Information Unit
3. Reports on the Advantages of Distance Learning Training / Spanish Judicial School, June 6-9, 2006

FINAL

ANNEX 6

Needs Assessment (*Investment Component*)

The provision of the distant learning software and the purchasing of software licences and all supplementary equipment for the needs of a distant learning information system will increase the NIJ capacity with 1/3 without increasing the staff.

Providing Distant Learning Software

The distant learning software is an absolute prerequisite for the NIJ capacity in organizing independently distant learning courses. The NIJ capacity in promoting the continuing training of magistrates and court clerks by stressing on current issues of the application of the newly adopted EU legislation is part of the efforts for carrying further the judicial system reform in view of increasing its professionalism, accountancy and effectiveness.

The last results inquiry of the conducted NIJ trainings in September 2006 shows that there is a mainly positive attitude of the magistrates and the court clerks towards introducing the on-line courses as an alternative of the typical classroom training. Meanwhile, there is a lack of information about this kind of training since more than half of the inquired magistrates and court clerks do not have an opinion over that issue. This may be due to the fact that the distant learning is a new form of training, introduced in the recent years and it is still gaining popularity in Bulgaria.

The advantages of the distant learning are both for the participating magistrates/court clerks and for the NIJ as an organizer. These advantages are the following:

- Free time planning for preparation and its efficacious use according to the needs of the participant;
- Equal access and participation of magistrates from different parts of Bulgaria without any accommodation and transport expenses;
- Expert support throughout the whole period of the training;
- Assessment of the work on individual basis;
- Access to common space for discussions.

From a technical point of view the platform, which will support the courses, would be able to satisfy the needs for having several courses at the same time. It would have the appropriate interface in Cyrillic and would be easily integrated into the NIJ web-content management system.

The investment needed for the purchasing of the software will be preceded by a possibility analysis and drafting of a concrete professional specification of the system. The stages should be as follows:

- Studying the possibility for hiring a platform and if there is such – hiring it;
- If there is no such possibility, consulting help for drafting a platform with detailed technical parameters for distant learning information system;
- Selection and purchasing the appropriate software product for distant learning;
- Testing and introducing of the software product;
- Provision of training for NIJ's staff members;
- Provision of all necessary software licences to a minimum of three years, maintenance, as well as upgrading.

FINAL

According to the functionalists the price of that type of software varies. It depends on how complicated the system is. In some cases, it is necessary to provide for annual maintenance surcharge. The maintenance will be ensured one time only during the period of the project. Afterwards the NIJ will be applied for budget funding.

Goals and expected results are as follows:

- Optimization of the work of NIJ's staff, in particular of Continuing Training Department, incl. the EU-law Unit;
- Cost effectiveness;
- Time effectiveness.

FINAL