

**SECTOR PROGRAMME FICHE
PHARE 2006**

for

JUSTICE

PHARE 2006/018-.01.04

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1. Basic Information

1.1 CRIS Number:
PHARE 2006/018-.01.04

1.2 Title:
Assistance to enhance the independence, professionalism and management capacity of the Romanian judiciary

1.3 Sector:
Justice

1.4 Location:
Romania

1.5 Duration:
17 months

2. Objectives

2.1 Overall Objective(s):

Building an independent, professional and efficient judicial system in Romania

2.2 Project purpose:

Further strengthen the capacity of the Romanian judiciary to perform such as to safeguard its the independence, professionalism and efficiency

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

Romania is facing a complex reform in order to strengthen the independence, professionalism, administration and management of the judicial system in order to ensure successful accession to the EU. Complex legislative measures are correlated with institutional measure and initiatives of improving the human resources.

The main directions of action that drive the reform process in order to adequately implement

and monitor the EU standards on justice and fine-tune the functioning of the Romanian judiciary to be able to perform according to these standards are as follows:

- *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 **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 recruitment of trainers with a background in the judicial profession would help to improve the overall quality of both the initial training and continuous training courses provided by focusing on practical elements, including the implementation of the European Convention of Human Rights in Romania as well as EU law. 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 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.

2.4 Contribution to National Development Plan

- ❑ Not applicable

2.5 Cross Border Impact

- ❑ Not applicable

3. Description

3.1 Background and justification:

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.

These elements together with the closure of the EU negotiations, in view of the accession in January 1st, 2007, made it necessary to reconsider the Strategy for the Reform of the Judiciary, as well as to update and extend it for the period 2005 – 2007. On March 30th, 2005, the **updated Strategy (herein after the Reform 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 Reform 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,
- Ensuring the transparency of the justice act,
- Strengthening the dialogue with the civil society and the involvement thereof in the reform of the judiciary.

In the 2005 Comprehensive Monitoring Report the European Commission expressed its

opinion that “in March 2005 the new Government adopted an ambitious revised Strategy and Action Plan 2005-2007 to reform the justice system. These documents represent a significant step forward in the plans to create an independent, professional and effective justice system and now need to be internalised by the relevant actors. The Action Plan is being implemented according to schedule, with comprehensive monitoring mechanisms consisting of an inter-institutional commission co-ordinated by the Ministry of Justice and a series of working groups within the Superior Council of the Magistracy. The full and effective implementation of the Action Plan should continue without delay. The availability of financial and human resources and comprehensive training as well as accurate and standardised management statistics will largely determine the success of this operation.”

Although the provisions of the three laws (Law on the statute of the magistrates, Law on the organization of the Judiciary and Law on the Superior Council of Magistracy), as adopted in July 2004, created the basis for reform, their implementation has proven that further amendments were necessary in order to improve the efficiency and accountability of the Judiciary. This is the reason why, in accordance with the Government Legislative Programme for 2005 – 2008, as well as the updated Action Plan for the implementation of the Strategy for the Reform of the Judiciary and following extensive consultation with all stakeholders, the legislative package for the reform of the judiciary was amended by *Law no. 247/2005 on the reform in the field of property and justice* (OJ no. 653/22.07.2005), which came into force on July 25th, 2005. The amendments brought by this law provide for:

- Appointment in leading positions by open competitions;
- New appointment and revocation procedure of the General Prosecutor of Romania and of the General Prosecutor of the National Anticorruption Department (NAD), for ensuring their accountability and efficiency;
- The obligation to present an annual report on the activity of the Prosecutors’ Office attached to the High Court of Cassation and Justice and of NAD;
- Ensuring the stability of judges within sections and panels;
- Reducing the requirements concerning the length in service for the promotion and appointment in leading positions;
- Establishing objective criteria for the distribution of files to prosecutors;
- Ensuring permanency of the SCM members’ activity;
- Uniform jurisprudence in disciplinary matters against judges and prosecutors and eliminating favouritism and pressures at local level by transferring the power to initiate disciplinary procedures from courts and prosecutors’ offices to the SCM;
- The composition of leading boards in courts and prosecutors’ offices was changed by introducing more non-leading positions and the powers of the leading boards were extended at the expense of the courts’ and prosecutors’ offices heads;
- Ensuring the independence of “working” prosecutors: objective criteria for

assigning cases and the prohibition of reassignment to prosecutors were introduced, prosecutors' right to appeal before the SCM against reassignment and interference with the investigations and decision making process by the hierarchical superior prosecutors, prosecutors' right to appear before the court against chief prosecutor invalidating their procedural acts.

In this regard, the 2005 Comprehensive Monitoring Report underlines that: "The package contains many positive elements, and the legal framework now offers sufficient guarantees for magistrates' personal and institutional independence. It also seeks to put individual and managerial accountability and responsibility at the centre of the system."

The 2006 Programme was developed following consultation with the main stakeholders from the system and will focused on continuing the evolutions registered in the Romanian judiciary while also enhancing the reform process in line and following the strategic directions of actions identified by the Strategy (see below). It is intended for this sectoral programme to address specific difficulties encountered in ensuring adequate implementation of the tasks under the jurisdiction of the various institutions within the judiciary (i.e. Superior Council of Magistracy, National Institute of Magistracy, National School for Clerks, the Ministry of Justice, the Probation system, the National Administration of Penitentiaries, the Public Ministry). Therefore the Phare support aims at providing the necessary support in order to develop, strengthen or enhance the capacity of these institutions to provide highly-qualitative services.

3.2 Sectoral rationale

With a view to ensuring the functioning of the Romanian judicial system according to European standards and according to the relevant recommendations set forth by the Roadmap, revised Accession partnership with Romania (2003) and European Union Common Position Paper as well as to the needs identified following the consultations organised with the stakeholders, the **Strategy for the Reform of the Judiciary 2005 – 2007** established for the justice system the following main priorities and directions of action:

- Guaranteeing the effective independence of the Judiciary;
- Ensuring the transparency of the act of justice;
- Improving the quality of the act of justice;
- Increasing the efficiency and accountability of the Judiciary;
- Guaranteeing free access to justice;
- Rendering juvenile justice efficient;
- Strengthening the business environment;
- Strengthening the institutional and legislative framework in the field of international

judicial cooperation;

- Strengthening the penitentiary system, according to the European standards;
- Protection of the victims and social reintegration of offenders;
- Preventing and combating corruption within the Judiciary.

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

Thus, the main priorities of the 2006 Phare Programme will focus on providing assistance to enhance the independence, professionalism, administration and management of judicial system by: further supporting the Superior Council of Magistrates after the adoption of new law on judicial system in fulfilling its specific tasks; supporting the implementation of the specialisation principle by providing according training as well as facilities for its functioning into practice, contributing to the creation of a specialized personnel in charge with delivering the justice act; contributing to the improvement of the institutional framework and policy of the National Institute of Magistracy and the National School of Clerks to deliver highly qualitative training of magistrates, respectively court clerks not only in the central premises but also by encouraging and developing the training programme at regional level; further developing the justice for minors, the basis of which are being put in place by the Phare 2003 programme; supporting the development of the national system of probation by promoting and developing its capacity to actively contribute, together with the penitentiary system, to the social reinsertion of former inmates by means of high assistance in pre- and post-release care programmes; increasing the capacity of the penitentiaries to cope with crisis situations, ensure security and further enhancing its capacity to deliver specialised assistance programmes depending on the socio-psychological profiles of the inmates; further develop the capacity of the Public Ministry, focusing especially on terrorism and organised crime cases; further developing the legislative function of the Ministry of Justice with a view to the specific functions that are to be fulfilled by this institutions after the accession (i.e. in the preliminary ruling procedure) and continuing the automation of the system nationwide.

The 2006 Phare support will continue to be focused on the 4 priorities identified in the 2004 Sector Multi-annual Programming, as follows:

- ❑ Priority 1 – Building an independent judiciary in Romania
- ❑ Priority 2 – Building a professional judicial system
- ❑ Priority 3 – Improving the administration and access to justice
- ❑ Priority 4 – Building an efficient management system

3.2.1 Identification of projects

Priority 1 – Building an independent judiciary in Romania

Project 1 – Fostering the capacity of the Superior Council of Magistracy in accomplishing its tasks

One of the objectives of the Strategy for the Reform of the Judiciary is to enhance the independence of the judiciary.

The main guardian of the impartiality and independence is the Superior Council of Magistracy (SCM), as the representative of the judicial authority. The SCM was set up in 2004 by Law no. 317/2004 and is the body empowered to decide on the magistrates' career and their disciplinary liability.

The revision of **the Constitution (2003) and the adoption of the legislative package on the reform of the judiciary** (Law no. 304/2004 on the Organization of the Judiciary, Law no. 317/2004 on the Superior Council of the Magistracy, Law 303/2004 on the Statute of Magistrates), entailed new competences and attributions for the Superior Council of Magistracy by operating important changes and transfers of a large number of prerogatives from the Ministry of Justice such as: competencies regarding the delegation, assignment and transfer of the magistrates, promotion, suspension from office, cessation of office, the presiding of the Superior Council of Magistracy works, decisions concerning complaints of magistrates about the evaluation of the professional activity, notice for investigation, detainment, arrest, searching or sending to trial.

Law no. 247/2005 on the reform in the field of property and justice and other adjacent measures brought further important amendments to the legislative framework regarding the Superior Council of Magistracy, by mentioning a transfer of attributions from the competence of the SCM's Plenum to the competence of the sections for judges or prosecutors. Also, the law provides new regulations for promotion, evaluation and disciplinary procedures to improve the efficiency of the judiciary, such as: organizing contests for appointment in leading positions, extending the exam topics for the promotion contest, establishing disciplinary commissions which take over the task to exercise disciplinary actions from the leading boards of the courts and prosecutors offices, etc. These new amendments resulted in the acknowledged need to increase the number of members of the technical administrative staff from 139 to 263 positions, by adopting the Regulation for the organisation and functioning of the SCM (The SCM Decision no. 326/2005).

In order to enhance SCM's capacity to accomplish its tasks, PHARE assistance was provided by the 2002 and 2004 Twinning projects. These two Phare programmes had significant

contribution to strengthening the independence of the judiciary. Thus, the important achievements already recorded, such as drafting the law regarding the establishing of the SCM, and taken further on by the activities that will be undertaken to strengthen the administrative capacity of the Superior Council of Magistracy in the fields of judicial inspection, human resources, budgetary, coordination of NIM and NSC, relation with mass-media.

Nevertheless, some fields of activity need further development and sustained assistance is needed for assimilating and implementing the changes brought by the new provisions in the field. Furthermore, successful fulfilment of SCM's attributions is only conceivable through and with the fully participation of the over 6000 Romanian magistrates. The stated objective of the updated Strategy for the reform of the judiciary to increase the quality of the act of justice in Romania can only be attained with a direct and active participation and involvement of the magistrates.

Moreover, another important and mandatory development in the reform of the Romanian judiciary, as provided by Law no. 304/2004, as subsequently amended by Law no. 247/2005, is to effectively and efficiently put in place the principle of specialising the judging activity by setting forth the obligation to create specialised tribunals/sections/panels country-wide. In this regard, the Action Plan for the implementation of the Strategy for the reform of the judiciary 2005-2007, provides measures for improving the specialization level of the magistrates by adequately training activities. Bearing this in mind, the SCM finds of high importance to elaborate and follow up an **individual training track** for each magistrate by drafting a job profile for each specialization matter, evaluating the individual specialization necessities for each magistrate and drafting a recommendation for the NIM in order to include the magistrates in continuous training seminars.

Furthermore, the SCM believes that there is a lack of evaluating the impact of the specialization and continuous training on the quality of judgments. In this context, the SCM seeks to create a professional profile for each specialization field, consisting of **standard specialised knowledge** the magistrates are required to possess, defined on the basis of and in accordance with the legislative developments as well as Romanian and ECCJ jurisprudence. Consequently, SCM staff has to be able to analyze if each magistrate's **professional activity does fit the standard job profile**, based on both the magistrates professional performance in practice, as showed by the *evaluation fiche*, and the different training sessions he/she already attended.

These two above-mentioned stages would then allow for a **map of training needs** to be drafted for each magistrate, consisting of the concrete form of training, the number of courses, etc. that he/she needs in order to apply the standard knowledge in the judging activity.

The activity will take place in the first half of the year 2008. As mentioned above, by that time, the process of establishing specialized panels, sections or courts will be finalised, and the magistrates that deal with specialized matters will be determined. Also, the first evaluation of the magistrates' activity on the new basis provided by the Law no. 247/2005 would have been performed.

Furthermore, the magistrates' professional performance in practice would be significantly improved by allowing them to have direct contacts with foreign magistrates and the possibility to observe in practice the organizing details of another court or prosecutors' office. Internships for magistrates in EU member states would provide the opportunity to **better understand the functioning of courts and prosecutors' offices and to manage efficiently and properly a file until rendering the final judgment.**

In terms of training the human resources within the judiciary, **the SCM coordinates the training activity carried out National Institute of Magistracy (NIM) and the National School for Clerks (NSC)**, according to Law no. 317/2004, as amended by Law no. 247/2005. In this regard, for significant efforts should be undertaken for **decentralising the continuous training** in order to allow the magistrates to make the most of the **continuous character of this form of training**. Hence improving the **capacity of courts and prosecutors' offices to organize continuous training activities** (as a follow-up of the training of trainers NIM Phare programmes) and the development of the Documentation Centres in courts and prosecutors' office (i.e. for consulting legal documentation, organising seminars by the local NIM trainers) is necessary. The requirement to develop the Documentation Centres also steams out of the high importance attached by the SCM to creating adequate conditions for the magistrates to carry out individual study within the premises of courts or prosecutors' offices.

Bearing in mind the above-mentioned, **Phare 2006** will provide assistance in increasing the magistrates' awareness in order to ensure an independent and a quality act of justice, at European standards, developing an individual training track for each magistrate, developing professional profiles for the existing specialisation fields and elaborating a map of training needs for each magistrate in order to improve their professional performance in practice. Furthermore, the Phare assistance will be added to the national effort in developing the possibility of courts and prosecutors' offices to deliver continuous training and create conditions for the individual training undertaken by the magistrates on a daily basis by developing and endowing the Documentation Centres of courts and prosecutors' offices with legal literature, furniture, IT equipments, teaching materials, as well as drafting and publishing manuals and guidelines for individual training. The new Phare programme will also seek to provide assistance both for the institutional building of the SCM (in terms of improving the process of process of magistrates' selection, evaluation and promotion and SCM's relations with similar institutions) and for improving the endowments of the SCM (IT

equipment replaced and upgraded).

Project 2 – “Assistance for the functioning of the specialisation principle in practice”

Law no. 304/2004 on the organisation of the judiciary provided that specialised courts are to be set up country-wide by January 1st, 2008 on the following matters: minors and family, commercial law, labour and social securities, administrative contentious and tax law.

According to these legislative provisions, a specialised tribunal for minors and family (Braşov, 22 November 2004) and 3 commercial tribunals (Piteşti şi Cluj, 27 September 2004, şi Târgu Mureş, 23 November 2004) have been set up.

After the setting up of the aforementioned specialised courts, an assessment on the opportunity and necessity of setting up other specialised courts was carried out. The assessment showed that on medium term only considerable increase of the activities in some counties would justify the setting up of specialised courts in those regions. This is the reason for which Law no. 247/2005 amending Law no. 304/2004 provides that the setting up of specialised courts is no longer mandatory but only facultative. However, the principle of specialising the judging activity is maintained by setting forth the obligation to create specialised sections/panels in courts country wide. Specialised tribunals may be however created in certain fields provided by law only when the actual circumstances (i.e. the caseload in a certain field of law, public financial resources) justify it.

Currently, specialised sections/panels (commercial law, administrative contentious labour, tax law, labour and social securities, minors and family, and intellectual property) function at the level of all Courts of Appeal, according to SCM Decision no. 189 of October 20th, 2004.

In order to allow the effective functioning of the specialisation principle in practice, adequate human resources, training of all personnel and infrastructure is necessary to ensure an appropriate working climate. Thus, certain necessary and mandatory actions are to be taken: **establishing of the employment schemes of magistrates and auxiliary personnel**, on the basis of statistical indicators concerning the judgement activity within the specialised sections and panels; **establishing the magistrates and auxiliary personnel** who shall function within the specialised courts/sections/panels on the basis of their specialisation, achieved through training on specialised fields of law, as well as of several specific criteria such as: interpersonal communication skills, empathy, patience, possessing mediation and conflict resolution techniques, etc.; **specialised training of the professionals involved**, within the well configured programs co-ordinated by the National Institute of Magistracy, **appropriate spaces for their operation**; supplementary funds to adjust premises and to purchase technical

equipment necessary for the proper development of activity.

While the specialized training will be covered through the NIM project, this project will include an endowment component with furniture and other equipments for the specialised courts or sections.

Priority 2 – Building a professional judicial system

Project 3 – “Improvement and development of National Institute of Magistracy’s (NIM) institutional capacity”

The NIM is the public institution with legal personality which is organized and functions on the basis 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, with the subsequent amendments (Law no. 247/2005), “National Institute for Magistracy is the public institution, with juridical personality under the coordination of the Superior Council of Magistracy.

The NIM ensures at the same time the training of future magistrates, - as well as the continuous training during the exercise of profession, namely the training of in-service magistrates. The Institute is in charge with the recruitment and entry- level training of future judges and prosecutors, the in-service training of sitting judges and prosecutors, and of the trainers’ training as well. The training of magistrates remains a priority of NIM policy, especially for sitting magistrates that will have soon to apply the EU law.

Following the legislative amendments through which the specialized courts will be created, the NIM also has the responsibility of training the magistrates who operate in specialized courts, as a component of the continuous training. National Institute of Magistracy has to provide a number of training programmes sufficient for the participation of one-third of the number of magistrates every year and providing intensive training or specific training in certain areas, in order to achieve the prevision of the Law no. 303/2004, on the by-law of the magistrate's profession. The NIM has also the responsibility of training the judges admitted following the extraordinary judge recruiting contest, among candidates who have at least 5 years seniority. Further assistance is therefore needed for enhancing the NIM own efforts in accomplishing its role related to the magistrates’ career.

The NIM has recruited and organised (within the PHARE Programme RO 02/IB/JH/10) training programmes for 114 future trainers for continuous training, in several specialized fields. Following the Phare Programme 2004 and 2005 this network of trainers will be developed and strengthen. Also, under the Phare 2005 activities regarding assessment, evaluation and quality control of the implementation of the training were envisaged as appropriate in the view of alignment to the EU practice in this field.

Furthermore, the NIM new website was significantly improved and the NIM library will be transformed into a centre for legal research and the endowment with new legal documentation it is considered useful and the education program accessibility will be improved.

As stated before since 2002, the continuous training modules are developed in five regions in the country – in the three regional centres: Sovata, Timisoara, Amara and Barlad and NIM headquarters in Bucharest – in order to ensure the unitary training for the magistrates of all courts of appeal. While the conference facilities were mainly provided by previous Phare assistance, the accommodation facilities, the means of audio-video-conference equipment for distance inter-active teaching are still insufficient. In this sense, taking into account that only 2 regional centres (Sovata and Timisoara) have more adequate training conditions (conference facilities and accommodation facilities in the centre) it will be considered appropriate the endowment of equipment to the others NIM's regional centers and NIM's headquarter in order to ensure the proper functioning of these, higher frequency of shorter interactive and more intensive education activities realized in the regional centers.

According to **First Peer Review Report - June 2005 elaborated by Susette Schuster**, “Apparently, the budget of NIM is sufficient for the initial training, but the legal requirements for continuous training could not be fulfilled due to budget restraints”. Also, the 2005 ***Comprehensive Monitoring Report*** mentioned referred to the NIM and NSC that: “neither has all of the resources needed to fulfil their mandate, meaning they remain overly dependent on international funding.”

Government Action Plan for the Implementation of the Strategy on the Reform of the Judiciary 2005 – 2007 and also the Action Plan for applying the Strategy, committed to the creation of accommodation facilities next to the regional centres in Timisoara. Therefore, the endowment through the Phare assistance 2004 with proper facilities for accommodating the magistrates during the continuous training modules allows the organization of a larger number of seminars. The only problem remained is that this dormitory is situated at 10 kilometres to the Timisoara Regional Centre and there are no transportation facilities for the trainees and for these reason it is considered appropriate the purchasing of a minivan for the Timisoara Regional Centre that will assure the transportation for the participants to the NIM's dormitory.

As a general conclusion, MAP could further assist NIM by providing technical assistance for the training policy and supply for the regional centres and **NIM's headquarter with** teaching equipment (sets of discussion equipment, sets of audio-video-conference equipment, sets of portable interpreting equipment, video projectors, laptops, computers, software and licenses, laser printers, scanners, smart board system and copiers) and a minivan that will ensure the transportation for the participants from the Timisoara Regional Centre to the NIM's dormitory.

Project 4 – “Further development of the National School of Clerks (NSC)”

The legal statute of the clerk profession and the legal framework of the School’s activity are provided by the Law no.304/2004 on judicial organization and the Law no.567/2004 on the statute of the auxiliary staff within the courts and prosecutors’ offices.

Set up through Government Decision no. 423/1999, the NSC (former the Training Centre of Clerks) is a public institution, with legal personality, placed under the coordination of the Superior Council of Magistracy. Its task is to ensure the professional training of the clerks and the other auxiliary staff working within the courts and prosecutors’ offices.

The NSC’s activity comprises 2 components: the initial training and the continuous training. Besides these 2 components, the School aims at creating and training a network of trainers among the magistrates and clerks working within courts and prosecutor’s offices all over the country.

The initial training curricula aims at providing future court clerks with the basic knowledge of the relevant legislation necessary for the accomplishment of their tasks, as well as developing specific abilities and attitudes. The training program comprises a theoretical part (courses and seminars related to topics such as civil law, criminal law, civil and criminal procedure, family law, EU law, IT, typing) and a practical stage within the Bucharest courts.

Following the adoption of the Law no. 567/2004, the NSC’ initial training program has become the main way of acceding to the court clerk profession. The same law provides the necessity of ensuring a different initial training curriculum for the court clerks with a law university degree (one-year training) and those with an university degree of another specialization or without an university degree (two-years training).

For the next academic year 2005-2006, following an admission contest, the School has recruited 120 law-degree trainees; the current initial training runs for one year.

The NSC has also the task to organize a two-months training stage for the court clerks assigned to archives and register offices, who are directly recruited through a contest by the courts of appeal.

The continuous training curricula is also important, taking into account the provisions of the Law no.567/2004 which hold that, every 5 years, the auxiliary personnel within the courts and prosecutors’ offices must attend at least one continuous training session, organized by the NSC.

The continuous training program consists of seminars aiming at up-dating and strengthening

the legal knowledge and practical skills which are relevant for court clerk profession. Constant attention will be paid to legislative amendments and the evolution of this profession. The seminars are held at the NSC headquarters and in the regional training centres.

Within the PHARE project RO/02/IB/JH/10 'Assistance in strengthening the independence and functioning of the Romanian judiciary system', a Strategy on the School's development was elaborated. The document has been approved by the Superior Council of Magistracy.

According to the Strategy, the overall objectives of the School's activity are reconsidering the profession of the clerk in line with practices in the EU member states and ensuring an efficient initial training for the sitting clerks within courts and prosecutors' offices. The necessity of reevaluating the clerk profession (consisting of an increase in tasks, responsibilities) is clearly stated and funded with arguments related to the efficiency of courts, human resources, financial costs and institutional framework.

Specific goals on short, medium and long term, related to the general development of the NSC's institutional framework, the initial and continuous training, the selection and training of trainers are also clearly stated in the Strategy.

According to the *2005 Comprehensive Monitoring Report*, positive progress has been seen in the National School of Clerks and, "given the increased need for well-trained court clerks to lessen the administrative burden on judges, this institution should continue to be strengthened as a matter of priority."

Taking into careful consideration all the aspects involved in enhancing the educational effort of the National School of Clerks, and in line with the recommendations made within the above mentioned report and the final report of the *PHARE project* RO/02/IB/JH/10 "*Assistance to the National Institute of Magistracy and the Training Centre for Court clerks*", the following key directions are envisaged to be further developed:

I. Development of the institutional framework of the NSC

Due to its recent establishment and in order to implement its ambitious goals stated within the Strategy, the School's activity should be better promoted among its stakeholders (Government, the Supreme Council for the Judiciary, the courts and judges, bar association and clerk unions, NIM and law schools). To this end, it would be useful to elaborate information brochures, leaflets, CD-ROMs on the School's activity and objectives, organise meetings and conferences promoting the School, its Strategy of development and the reformation of the court clerk profession according to EU standards.

II. Improving the training policy

The **initial training** curricula provide the future court clerks with the necessary legal knowledge of the relevant legislation and required by their actual and upcoming statute. As

mentioned above, the content of the curricula will be under permanent adjusting and updating and the planned courses will have to match the training need derived from the evolution of the legislation, the enforcement of ECHR jurisprudence, enforcement of EC law, the creation of specialized courts such as commercial law courts family and minors' law courts.

On the other hand, **training of the sitting court clerks**, in a moment when Romania is both reforming their statute and expanding their competencies, requires a permanent and coherent training effort of the Romanian authorities and international donors. One of the most important goals of these efforts is, besides the institutional development, extending **the network of trainers** equipped with necessary knowledge and skills and able to take over in the near future the training of court clerks from all over the country.

According to the final report of the PHARE project RO/02/IB/JH/10, the School should improve the curricula and extend the network of trainers on specific fields and organise additional workshops on didactical techniques and modern methods of communication. Legal manuals on specific topics should be provided. In order to support this action, it is necessary to further provide the financial assistance offered through the previous PHARE project for the following activities: training of trainers' sessions on specific topics (insolvency procedure, judicial protection of minors, European judicial cooperation in civil and criminal matters) and continuous training sessions on the topics mentioned above and, in addition, on public relations and communication and co-operation between national courts and European courts. Internships for trainers, trainees and in-service clerks at similar institutions and/or courts in a EU Member State would give a impulse to the improvement of the School's curricula and raise awareness on the necessary changes to the court clerk profession.

The final report stated above recommended that, although each separate program has been well defined, the structure of the programs could be more consistent and coherent. A consistent, coherent concept, including elements such as purpose, target-group, learning goals, structure, methods used, etc. is essential. Such a general concept leads to more standardised programs, consistent information to stakeholders and the possibility to compare programs on these elements. In this respect, an evaluation of the training system should be elaborated in order to make proposals for further improvement.

III. Providing adequate training materials and equipment

The 2005 Comprehensive Monitoring Report noted that, since the previous Report, the premises of the School have been extended. Still, due to budgetary constraints, the School does not have "all of the resources needed to fulfil its mandate", meaning that the School remains "overly dependent on international funding". Adequate facilities for modern training activities have to be further provided with an international financial support. Thus, the School has to be further endowed with additional IT and teaching equipments for the School's

headquarters and the regional centres (Burlad, Timisoara and Sovata). Not of less importance is the possibility to purchase for the School's library through Phare 2006 funds, books, journals and courses edited in the EU, helping to align Romanian court clerks to the European court clerk to the European level of professionalism.

Project 5 – “Further development of the probation system in Romania”

The National Probation service in Romania was set up in 2000 by **Government Ordinance no. 92/2000** on the organisation and functioning of the social reinsertion and supervision services, further amended and approved by the **Law no. 129/2002**. The Department for Probation, within the Ministry of Justice, ensures the coordination of the activity of the existing 41 probation services, organised in each county, nearby tribunals. Currently, 192 probation counsellors are employed in the probation system. Since its establishment, the Romanian probation service has undergone significant increases in its legal competencies and changes in the institutional framework.

Following successive **legislative amendments** (Law no.272/2004 regarding child protection, Law no. 211/2004 concerning several measures for the protection of victims of criminal offences, Law no.294/2004 on the service of penalties and of measures ordered by the judiciary bodies during criminal trials) the probation services have acquired under their competencies a wide range of activities and services, carried out in different phases of the criminal as well as civil trial, and are addressed to both offenders and victims.

In terms of **institutional development**, the draft Law on the statute of the probation staff and the draft Law on the payment and other rights of the probation personnel for approval were sent to the Parliament for approval. Furthermore, it is envisaged for the probation system to be reorganized through the creation the National Administration for Probation, body with legal personality and its own budget. Consequently, the current Probation Services, functioning nearby tribunals, will be restructured, in the sense that additional offices and specialised sections will be created. Hence, whereas probation services will function at county level, the probation offices and specialised sections will function at local level, nearby courts of first instance. The local offices' budget will be included in the budget of the National Administration for Probation and not in that of the courts. The draft Law on the National System of Probation is pending approval procedure and it is intended that after its entry into force the 41 local probation offices will be set up.

All consecutive changes in the competencies of the probation services had a major impact on the workload of the local probation services and generated significantly increased needs of training, while the institutional development, namely the envisaged creation of the 41 local probation offices, will require considerable investments in equipment, furniture, and offices.

So far, technical and financial assistance for addressing some of the gaps in fulfilling their tasks has been provided through previous programs. The priorities envisaged for the development and strengthening of the probation system are focused 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.

Another course of actions identified as being required in this field is the need to develop after-care services as well as to ensure an integrated approach between the activity of the penitentiary and probation staff, as already mentioned in a number of experts' reports. For example, one report produced by the experts of Phare 2003 "*Support for the improvement of the penitentiary system*" stresses that coordination between inside prison activities and outside prison activities should be developed in order to reduce the recidivism.

In terms of social reinsertion programmes, the pre-release surveillance is ensured by the penitentiary staff while probation services relate to post release surveillance. The cooperation between the Probation Department and Prison Department is based on a protocol which stipulates that, where possible, probation staff will provide socio-family reports and post-release programmes.

In the penitentiaries the detainee is included in various programmes, based on his/her social and educational needs. Thus, based on existing facilities and duration of detention, the detainees may be involved in: educational and vocation training programmes, socio-cultural programmes, sports programmes, and specific programmes targeting sexual offenders, domestic violence offenders, mentally ill persons, drug-addicts, minors and youth. The information gathered in each detainee's personal file, including the socio-educative programmes followed in the penitentiary, represents the basis for structuring the social intervention during parole, in collaboration with the probation services personnel.

After the release, according to law, the probation services deliver, upon the convicted person's request, assistance and counselling; initiate and deliver social reintegration programmes for convicted persons, together with volunteers, public institutions and NGOs; cooperate with public and private bodies in order to identify the available working places and vocational training for convicted persons, etc. Despite these legal competences of the probation services in post-release surveillance, the actual services delivered in this field are underdeveloped, due to the limited resources and expertise. In fact, the number of probation staff is so reduced that it only allowed for incidental activities to be organised in the field. According to the Strategy for the reform of the judiciary and the related Action Plan, post-release programmes are due to be developed by probation services. For acquiring this goal, the number of probation staff will be increased by 409 counsellors for whom adequate training is needed.

Although various local initiatives aiming at supporting the social reinsertion of former inmates are developed by governmental agencies or NGOs, the lack of a proper coordination amongst these bodies often leads to poor efficiency of the programmes developed. Further awareness-raising on the need of coordination and collaboration is needed.

Furthermore, common training of the probation and penitentiary staff (involving penitentiary educators, social assistants, psychologist and probation counsellors) is necessary especially in order for the programmes started within the penitentiary to be effectively continued in the post-release period, a greater efficiency and reducing the rate of recidivism being thus ensured.

It is envisaged for the project financed under PHARE 2006 to contribute to the institutional development of the National Administration of Probation, the development an important part of probation practice – post-release assistance and supervision by setting up post-release programmes in cooperation with prison staff so that an integrated approach of reducing recidivism will be in place, and training the penitentiary and probation staff in social reinsertion programmes. Special attention will be as well paid to achieving an increased level of coordination and cooperation between local agencies having attributions in the process of social reinsertion of former inmates.

Project 6 – “Development of the juvenile justice system in Romania”

Justice for minors is provided in the Judiciary Reform strategy as an objective to be achieved. The protection of the minors’ rights requires a special attention from society in general, and from those who carry out the act of justice in particular. With a view to establishing an increased protection for minors, the necessity arises to create special procedural provisions for cases involving minors, different from the provisions applying to adults, according to the European standards regarding the observance of the child’s rights.

On the basis of the existing standards and best practices at EU level, several legal acts concerning the protection of child’s rights have been adopted in 2004 both for civil cases, as well as for criminal ones.

The objectives pursued by the present Strategy for the consolidation of justice for minors are the following:

1. The assessment of the necessary staff and premises for tackling and judging the cases involving minor- victims or minor offenders in best conditions;
2. Improving the legislative framework in the field of the protection of child’s rights by elaborating proposals for ensuring a unitary regulation for the simplification of procedures and increasing the procedural guarantees granted to minors;

3. Specialization of the magistrates and of the auxiliary personnel within specific training sessions, organized at the level of NIM, NSC and of the Courts of Appeal;
4. Creating the infrastructure for the best functioning of the justice for minors, with a special focus on establishing administrative structures for the protection of minors (specialized educational services for minors) who will be included within the victims' protection and offenders' social reintegration national system, having attributions in elaborating psychosocial evaluation reports, in granting psychological aid, as well as in supervising the execution of penal sentences.

The Law no. 272 provided the creation of specialized courts for minors and family. The new law of the judiciary provides that sections or courts will be created at the level of all courts.

Through Phare 2003 five pilot centres were nominated and multidisciplinary teams were created in each of these centres – one judge, one prosecutor, one probation counsellor, one police man, one clerk, one social assistant and one penitentiary professional were selected to be members of the team. All these persons were trained to be trainers in the field. The training was focused on the interdisciplinary approach. A lot of seminars for judges, prosecutors, and penitentiary staff were provided.

A Documentation Centre was created and we intend to develop it by adding a new function – information. The documentation resources will be developed.

Through a new Phare project, the multidisciplinary cooperation will be extended: ONGs and educational staff and mediators will be involved.

The endowment of the hearing rooms from specialized courts or section with suitable furniture, equipment for reproducing audio-video recordings (TV systems and DVD player), for a better administration of evidence, is also necessary.

The endowment of the vocational workshop of minors and young persons will follow Phare 2003 (through this project, only the vocational workshop from re-education centres were endowed).

Project 7 – “Development of Romanian Penitentiaries Units”

An analysis of the current situation of the Romanian Penitentiary System reveals the main problems the system has to cope with: an old legislation, issued in 1969, which is no longer in accordance with the new social and economic changes in Romania, buildings of more than 100 years old, inadequate spaces, poor sanitary systems, a larger number of prisoners compared to the staff number, budgetary subventions under the minimum needed and an

ongoing increased number of drug addicts.

Under these circumstances, a significant number of changes took place in the prison system, among which the most relevant is the progressive demilitarization of the system (e.g. the appointment of a civil magistrate in the position of a general director of the National Administration of Penitentiaries, as well as civil staff directors appointed in almost one third of the penitentiaries in Romania. Furthermore, by Law no. 293/2004 on the status of the civil servants in the National Administration of Penitentiaries the staff of the NAP was demilitarised. The transformation of the prison units from military structures to civil ones was also foreseen in the Action Plan within the Government Program for 2003 and 2004, as well as in 2003 Priority Measures Governmental Plan regarding the European Integration; the Strategy for the Reform of the Judiciary 2005-2007 and the related Action Plan provide the measures for continuing and finalizing this process.

For the past years, the National Administration of Penitentiaries focused on implementing the European Penitentiary Rules, promoting a new mentality of the staff and humanising the penitentiary system by respecting the human rights and by creating living conditions similar to the community ones. One of the roles of the penitentiary system is to initiate a change in the social behaviour and beliefs of prisoners, having in view the social reintegration perspective and the reduction of recidivism rate.

In the above-mentioned directions, the NAP has to provide reliable programs for various categories of prisoners and to involve them in different sportive and vocational activities. The endowment of penitentiaries with sports equipment and the training of specialists in developing specific programs will have an important contribution to achieve both objectives, the improvement of detention conditions and the preparation of prisoners for social reinsertion.

According to the Minister's of Justice Order no. 3131/C/29th of October 2003, for the same purpose of humanising the detention regime within prisons as well as for ensuring compliance with the international practice in the field, the range of goods that can be received, kept and used by the prisoners was considerably extended.

However, an alarming increase of forbidden objects found at prisoners was discovered, increase explained by the current overcrowding within prisons and the continuous increase in number of dangerous and mentally disordered prisoners; the lack of staff's responsibility and vigilance in executing their missions also contributed thereto. These forbidden objects found upon prisoners, especially from the categories of sharpened and edged ones, were used to produce very serious negative events, which the prison staff had to cope with; some of these events resulted in severe consequences on the corporal integrity of both staff and prisoners. The consequences and danger resulting from the possession of forbidden objects, especially taking into consideration the increase of terrorism and organized crime threat, need concerted

actions of all staff members in prisons in order to ensure immediate discovery of any attempts to introduce in prisons such objects. Only a simultaneous, regular and substantial approach in performing general searches can ensure success in discovering and confiscating all forbidden objects. However, the situation in this regard could be considerably improved by providing adequate endowment of the prisons with specialized technical equipment to detect the introduction or taking out of forbidden objects from prison units.

In this context, for the purpose of pre-accession and fulfilment of Copenhagen criteria (e.g. institutional stability, improvement of the capacity to fight against organized crime and terrorism), the main goal of the National Administration of Penitentiaries is to continue the prison system reform in line with the EU standards.

To accomplish this goal, the National Administration of Penitentiaries needs to strengthen the capacity to cope with crisis situations, both in terms of human resources, by ensuring sufficient number of supervising staff compared with their responsibilities, and of proper endowments. As such, Phare support is needed for developing a new security system in the detention units and addressing the gaps revealed in terms of endowment with security, surveillance, access control, intervention and alarm equipment; in order to conceive efficient strategy directions of development, an assessment of the actual potential of the penitentiary system in this matter is necessary. As well, a better qualification of existing staff working in Security and Prison Regime Departments to gain skills for efficient interventions in crisis situations, together improved access control in the penitentiaries by providing adequate endowment with handheld metal detectors, walkthrough metal detectors and conveyorised X-ray scanners are absolutely necessary steps to strengthen the administrative and judicial capacity of the penitentiary system. These objectives are also in line with the objectives set forth in The Strategy for the Reform of the Judiciary 2005 – 2007.

Phare support is also needed for improving the detention conditions and, consequently, the transportation of prisoners in human and decent conditions, while also maintaining the security of transportation; as such, appropriate and sufficient means of conveyance need to be ensured for the NAP.

Furthermore, actions need to be taken in order to develop the activity of the prison system by creating and by applying the penitentiary regime rules that are in fully compliance with the human dignity and to facilitate the prisoners' reintegration in society according to the international laws in the penal execution field. The developments of better detention conditions and of appropriate reinsertion interventions meant to decrease the rate of recidivism continue to represent important tasks for the National Administration of Penitentiaries. Taking into account the European Prison Rules, 24 stipulating that the penitentiary regime must include activities of physical exercises and recreation as well as the "Strategy of Social Reintegration Programs in Romanian Penitentiary System" elaborated

within the Phare 2003 Twinning Covenant RO 03/IB/JH 10 that underlines the necessity to endow penitentiaries with sports equipment, Phare 2006 support will ensure the endowment for the unfurling of sport program for detainees.

The 2005-2007 Action Plan for the Reform of the Judiciary, Chapter “Strengthening the prison system according to the European rules”, foresees, among the measures to be taken, the “staff specialization to perform activities with various categories of prisoners (minors, females, drug-addicted, prisoners with mental disorders, suicidal risk etc.). Consequently, training specialists in reintegration to apply specific intervention programs focused on vulnerable categories of prisoners (with mental disorders, suicidal risk, sexual offender etc.) would contribute to both better security within prisons and adequate detention regime.

Since within the Twinning Covenant Phare RO 03/IB/JH 10 “Support for the improvement of the penitentiary system”, the “Strategy for the control of drug trafficking in the Romanian Prison System”, including medium and long term objectives to be achieved, was drawn up, Phare 2006 support would continue the 2003 and 2004 Phare Projects, being a further step for the fulfilment of these important goals.

Project 8 – “Further consolidation of the institutional capacity of the Public Ministry with a focus on fighting against organised crime and terrorism”

The need to develop and implement a Strategy to combat organised crime in line with the Pre-Accession Pact on Organised Crime is provided for in the **Accession Partnership Romania – EU**. Furthermore, **the Roadmap for Romania** includes as a short term measure the adoption and implementation of a *national strategy of combating different types of organised crime*, especially trans-national organised crimes such as: drug trafficking, trafficking in human beings, stolen or counterfeited goods, weapons, nuclear materials, etc, as well as paying special attention to increasing the co-ordination between law enforcement bodies, based on the Pre-accession Pact on Organised Crime.

In accordance with the objectives set forth in the two above-mentioned documents, by *Government Decision no. 2209/2004*, Romania adopted the ***National Strategy for combating organised crime for the period 2004-2007***. This Strategy was amended by a Government Decision in September 2005, by which the ***Action Plan for the implementation of the National Strategy for combating organised crime 2005-2007*** was also approved. The Strategy was drafted by taking into account the legal provisions of international instruments such as the United Nations Convention against trans-national crime, adopted at New York, November 15th, 2000, the Protocol on preventing, countering and sanctioning the trafficking in human beings, especially women and children, the Protocol against illicit trafficking in migrants, territorial, on air and on sea, as well as the Protocol against illicit manufacturing and

trafficking of fire guns, their pieces and parts, as well as munitions, additional to the UN Convention.

The main objectives of the National Strategy relate to:

- the harmonization of the legislation with the *acquis communautaire*;
- the improvement of the endowments of the DIOCT (Directorate for the Investigation of Organized Crime and Terrorism) and GDCOC (General Directorate for Combating Organized Crime) at central and regional level;
- training the personnel on combating organized crime;
- increasing the efficiency of combating organized crime;
- increasing the efficiency of operative information and data exchange on international groups and networks of organized crime.

At the same time, these objectives are embodied in other national strategic documents such as the Plan of Priority Measures for European enlargement, which provides the measure of “ensuring sufficient personnel and modern endowment for the specialised service in countering organised crime”.

The **Directorate for the Investigation of Organized Crime and Terrorism** was established as a specialized structure in countering organized crime and terrorism within the Prosecutor’s Office attached to the High Court of Cassation and Justice by *Law no. 508/17 November 2004* (O.J. no. 1089/23.11. 2004), as amended and completed by the *Emergency Ordinance no. 7/2005*,

According to the law, DIOCT exerts its duties on the entire Romanian territory, through 230 prosecutors specialized in combating organized crime and terrorism. DIOCT is coordinated by the General Prosecutor of the Prosecutor’s Office attached to the High Court of Cassation and Justice and is organized in the following services: the service for combating organized crime; the service for combating drug trafficking; the service for combating economic-financial macro criminality; the service for combating cyber criminality; the service for combating terrorism crimes.

The Ministry of Administration and Interior, with the favourable approval of the General Prosecutor of the Prosecutor’s Office attached to the High Court of Cassation and Justice shall appoint *judiciary police officers* and *non-commissioned officers* who will work under the coordination of the DIOCT. The judiciary police officers shall carry out only the criminal investigation acts disposed by the prosecutors of the DIOCT, under their direct supervision and control.

The Directorate for the Investigation of Organized Crime and Terrorism is authorized to hold and use adequate means for the good detection, processing, storage, and turning into good account information on the crimes that fall in its competence, according to the law. Any data

and information that exceed its competence are sent to the competent authorities.

Having in mind all the above-mentioned attributions of the Directorate, an assessment will be carried out. The assessment will focus on the level of information exploitation coming from open sources and the overall valorisation of the information during the investigation and prosecuting procedure within terrorism and organised crime files. The assessment will build up on the grounds established by the Action plan regarding the management of criminal intelligence drafted and endorsed within the framework of PHARE 2004 Fighting organised crime.

As well a new approach is necessary with regard to the continuous **training** of prosecutors, and experts from DIOCT. Their training must go beyond studying the internal legislation. Therefore, the training must combine the specialised and the academic preparation (legal aspects and scientific research) with the practical issues learned in the field activity regarding the connections and interrelations that exist between terrorism, organised crime and corruption.

In order to address these needs, the personnel involved in fighting against organised crime and terrorism shall be trained through multiple instruments including: (1) field experience through short term stages (3 months) in relevant public institution from Member States and (2) development of training skills through ToT sessions in order to ensure the dissemination of knowledge acquired to other prosecutors through various training sessions.

Due to the fact that the National Institute of Magistracy, the main body ensuring the training of magistrates, does not possess the relevant facilities and expertise, the training on such specialised matters must be organised within the premises of a specialised centre, such as the Prosecutors' Centre for Operational Applications. This centre must benefit of all facilities necessary to ensure a proper training on these matters (i.e. space for practical applications, relevant technology for fighting against organised crime, specific didactical materials etc.), facilities that can be provided through PHARE support.

Priority 3 – Improving the administration and access to justice

Project 9 – “Further consolidation of the institutional and administrative capacity of the Ministry of Justice”

The competencies of the Ministry of Justice focus on justice administration, legal drafting, judicial cooperation, international affairs, fight against corruption and organised crime along with the line institutions and ministries.

As such, an important part of the activity of the Ministry of Justice is related to its legal

function, which implies drafting normative acts within its field of activity, analysing and endorsing normative acts of other state institutions, ensuring the harmonization of normative acts with the community acquis, elaborating bulletins of jurisprudence in order to inform the public at large on the interpretation and enforcement of the legal provisions, and, as well, elaborating studies concerning the jurisprudence of the European Court of Justice and of the European Court of Human Rights.

In the process of European integration and with a view to Romania's accession to the EU, the legal function of the Ministry of Justice will be further enhanced by increased competencies and activities for the development of the community acquis and for preparing the Romanian position regarding various normative acts adopted at European level; consequently, the Ministry of Justice will become significantly involved in various decision making procedures at EU level and will have to establish official contacts with EU institutions. Furthermore, after accession, the Ministry of Justice will ensure the preparations needed for exercising the competence of representation of Romania before the European Court of Justice in Luxembourg, in the preliminary questions procedure. Taking into consideration current and future competencies of the Ministry of Justice, the drafting of adequate working methodologies as well as significant training activities for the MoJ staff are needed.

Moreover, for accomplishing its justice administration function, the Ministry of Justice ensures the necessary material conditions for the development of the courts' activity, elaborates the state budget for the judiciary (except for the SCM and HCCJ), distributes the budgetary allocations to secondary credit chief accountants (courts of appeal) and controls the use of these funds, coordinates and guides the economic and investment activity of the courts. In this standing, the Ministry of Justice is also involved in ensuring the security of the judging activity within courts by providing the necessary equipments. So far, insufficient measures have been taken for ensuring such security and investments would be necessary.

PHARE 2006 will focus on capacity building of the Ministry of Justice for adequately coping with the period pre- and post-accession and on the improvement of the legal function of the Ministry of Justice, especially for adequately dealing with the future competence in the preliminary questions procedure in front of the ECJ. The programme will provide assistance in training the personnel on identified topics (e.g. project management, court management, legal drafting of EU law, public relations, EU procedures and decision making process, the role and contribution of national experts in EU decision making procedures, etc.)

Phare assistance will as well support the efforts undertaken by the Ministry of Justice for improving the working conditions for judges by providing endowments for courts with furniture and security filters.

Priority 4 – Building an efficient management system

Project 10 – “Continuing the automation of the judiciary”

The **revised Accession partnership with Romania (2003)** recommended, among other, the improvement of the administration of courts in particular by modernizing case management and filing system. Furthermore, the **Follow-up Table of the IE Report R/RO/JHA/0411 – Justice and Home Affairs** stated: “IT infrastructure should be improved within the regional GDCOCA, regional offices of NACREP, Tribunals and Courts of Appeal across the country. Existing/under construction databases should be correlated so as to provide a coherent and correct intelligence flow. This recommendation applies for databases developed within different departments of MAI, databases of penitentiary-tribunals-courts of appeal, databases of ACPD-NAPO-NOPCML.”

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.

9,000 computers, 524 servers, 2,065 printers, 200 notebook computers, 90 multifunctional machines, antivirus software and services, management and helpdesk software for courts, as well as 4,300 computers, 453 servers, 3,290 printers, 450 notebook computers, 315 multifunctional machines, antivirus software and services, management and helpdesk software for prosecutors' offices were purchased, by means of a leasing operation, on January 10th, 2006, from the 22 million EUR (12 million Euro for courts and 10 million Euro for prosecutors' offices) assumed as co-financing within the PHARE 2000 Programme. The equipment acquired amounted to 18.5 million EUR.

In 2004 the IT sources of the ECRIS software application, of the LLDS (Legal Library Document System) module, and of the CDMS module have been purchased; this contract allows the Ministry of Justice to modify the ECRIS and further develop the application. Consequently, following the open public tender, financed with budgetary funds and organised in May 2005, the Ministry of Justice is currently extending the functions and maintenance of the ECRIS system, in order to develop modules for civil coercive enforcements, criminal enforcements, judicial statistics and general registry system. Moreover, in the same contract, a web portal for all courts, which provides for an integrated system, including jurisprudence, court session schedule, information on file progress, statistical data, and generic information of each court (leadership, venue, etc) was launched on August 15th, 2005; work is underway for filling in information for all courts. The web portal will improve the access of citizens to

information on the judicial system, as well as the transparency of courts' activity.

The Ministry of Justice also runs a new PHARE project for creating an IT application, embedded in the ECRIS, for the management of bankruptcy cases. In order to develop an efficient system of statistics for the Judiciary, a project is being deployed with funds from World Bank and from own resources.

The development of the IT infrastructure of the judiciary is provided for in the new **Strategy for the Automation of the Judiciary, 2005 – 2009**, approved in June 2005 (Government Decision no. 543/ June 9th, 2005), aiming at creating a unified IT system for all bodies within the Judiciary.

In terms of human resources, 172 IT expert positions are filled in and 122 positions are vacant at the level of the courts and prosecutors' offices; contests for filling in IT experts are ongoing countrywide.

In order to cope with the developments of the ECRIS programme, other judicial software that is currently being developed and the creation of the electronic archiving, further upgrading of the IT infrastructure is needed.

Phare 2006 will contribute to the upgrading the IT infrastructure of the judiciary in order to support the software development, will aim at implementing the public keys infrastructure (electronic signature) and at implementing the software programmes security and monitoring procedures and will provide training for personnel within the judiciary.

3.2.2 Sequencing

The projects identified under the current fiche are part of the 2004-2006 Multi-annual Project Fiche, Sector Justice, and represent the third phase of this particular programming, phase corresponding to the PHARE 2006 exercise.

Several institutions/fields of activity have benefited of Phare support in several phases of the 2004-2006 multi-annual EU Programme as follows:

- ❑ Superior Council of Magistracy:
 - ❑ Phare 2004 – “Strengthening the role of the Superior Council of Magistrates (SCM)”
 - ❑ Phare 2006 – “Fostering the SCM capacity in accomplishing its tasks”
- ❑ National Institute of Magistracy
 - ❑ Phare 2004 – “Further development of the National Institute of Magistrates (NIM)”

- Phare 2005 – “Continuation of the assistance provided to the National Institute of Magistracy (NIM)”
 - Phare 2006 – “Improvement and development of NIM’s institutional capacity”
- National School for Clerks
 - Phare 2004 – “Further development of the Training Centre for Clerks (TCC)”
 - Phare 2005 – “Continuation of the assistance provided to the National School of Clerks (NSC)”
 - Phare 2006 – “Further development of the National School of Clerks”
- Probation system
 - Phare 2005 – “Continuation of assistance for strengthening the probation and victims protection services in Romania”
 - Phare 2006 – “Further development of the probation system in Romania
- Penitentiaries
 - Phare 2004 – “Improve Penitentiary Standards” (annual standard project fiche)
 - Phare 2006 – “Development of Romanian Penitentiaries Units”
- Ministry of Justice and Public Ministry
 - Phare 2005 – “Strengthening the institutional and administrative capacity of the MoJ and the Public Ministry”
 - Phare 2006 – “Further consolidation of the institutional capacity of the Public Ministry with a focus on fighting against organised crime and terrorism”
 - Phare 2006 – “Further consolidation of the institutional and administrative capacity of the Ministry of Justice”
- Automation
 - Phare 2004 – “Continuation of the automation of the courts and prosecutor’s offices”
 - Phare 2005 – “Continuation of the judiciary automation”
 - Phare 2006 – “Continuing the automation of the judiciary”

3.3 Results

3.3.1 Project 1 – “Fostering the SCM capacity in accomplishing its tasks”

3.3.1.1. Purpose

To considerably improve the SCM capacity to carry out the process of magistrates selection, evaluation and promotion

3.3.1.2. Results:

This project will contribute to strengthening the SCM's administrative capacity to fulfil its tasks by providing training for the SCM staff and magistrates and drafting and publishing guidelines and manuals. The task will also give assistance in strengthening the specialization system of magistrates and improving the quality of judgments, by elaborating and following up an individual training track for each magistrate, as well as in improving the capacity to organize the judicial activities in order to settle a case in a reasonable time by providing magistrates with the possibility to better understand the functioning of courts and prosecutors offices and to manage efficiently and properly a file until rendering the final judgment.

The results to be achieved through this project will be:

- ❑ Specialization system of magistrates strengthened and the quality of judgments improved by elaborating and following up an individual training track for each magistrate
- ❑ The capacity to organize the judicial activities in order to settle a case in a reasonable time improved
- ❑ The capacity of courts and prosecutors offices to organize activities of continuous training improved by endowing with the necessary equipment (furniture, IT equipments, teaching materials) the documentation centres of courts and prosecutors' offices as well as by drawing up and publishing manuals and guidelines for individual training
- ❑ SCM's capacity enhanced by endowment with IT equipment.

3.3.2 Project 2 – “Assistance for the functioning of the specialisation principle in practice”

3.3.2.1. Purpose

To ensure adequate conditions for the functioning of the specialisation principle in practice

3.3.2.2. Results:

This project will provide the facilities for allowing a proper functioning of the specialisation principle in practice, according to the solution chosen (panel/section/court) by supporting the endowment of courtrooms where specialised cases will be heard.

- ❑ Court rooms endowed with furniture and other equipments in order to secure adequate performing conditions for the specialised panels/sections/courts.

3.3.3 Project 3 – “Improvement and development of NIM’s institutional capacity”

3.3.3.1. Purpose

Further enhance the institutional development of the NIM, enabling it to adequately meet the training needs for the Romanian magistrates

3.3.3.2. Results:

This project will contribute to the development of the training policy for magistrates by delivering intensive training for trainers among judges and prosecutors while also facilitating the access to information for trainees and sitting magistrates; furthermore it is envisaged for the Timisoara Regional Centre to have the possibility to ensure the transportation for the participants to the NIM’s dormitory.

The results to be achieved through this project will be:

- ❑ Magistrates trained on various topics of EU affairs;
- ❑ The network of trainers strengthened and extended and the trainers able to apply the new didactical techniques;
- ❑ Legal documentation on best practices, jurisprudence and relevant EU legislation for each training modules developed;
- ❑ The magistrates trained for the specialised matters able to implement the knowledge acquired;
- ❑ Training curricula and legal documentation on best practices, jurisprudence and relevant EU legislation for each specialized training modules for magistrates trained for the specialised courts developed;
- ❑ Standardized training modules for the non-judicial professional abilities training of the magistrates elaborated;
- ❑ Evaluation of functioning of training system with a set of proposals ready to

be applied;

- ❑ The continuous assessment, evaluation and quality control of the implementation of the training component performed;
- ❑ Education program accessibility improved;
- ❑ New teaching methods employed in practice;
- ❑ The NIM library endowed with legal documentation;
- ❑ Distance inter-active teaching enabled by the means of audio-video-conference equipment;
- ❑ Higher frequency of shorter interactive and more intensive education activities realized in the regional centres;
- ❑ The regional centres and NIM's headquarter endowed in order to ensure their proper functioning;
- ❑ The centres have appropriate equipment and facilities to accommodate the participants to various training courses;
- ❑ The Timisoara Regional Centre will have the possibility to ensure the transportation for the participants to the NIM's dormitory.

3.3.4 Project 4 – “Further development of the National School of Clerks”

3.3.4.1. Purpose

To further enhance the institutional development of the NSC, enabling it to adequately meet the training needs for the court clerks within the Romanian judiciary

3.3.4.2. Results:

This project will contribute to improving the promotion of the School's activity among its stakeholders, improving the training policy designed for court clerks, strengthening the network of trainers as well as to the further endowing the School's headquarters and regional centres with adequate training equipments and materials that will enhance the quality of the training programmes.

The results to be achieved through this project will be:

- ❑ Improved promotion of the School's activity and goals;
- ❑ NSC trainers trained on various specific topics;
- ❑ Trainers able to apply modern didactical techniques;
- ❑ Improved policy on trainers' recruitment and training;
- ❑ In-service court clerks trained on specific topics, covering the needs of

specialized courts/sections/panels and needs related to the European integration;

- ❑ Manuals on specific topics elaborated;
- ❑ Adequate IT and teaching equipment provided for the proper functioning of the NSC's activity at headquarters and regional centres;
- ❑ Legal documentation provided for the NSC library and for the regional centres.

3.3.5 Project 5 – “Further development of the probation system in Romania”

3.3.5.1. Purpose

To increase the institutional capacity of probation services in order to provide social reinsertion programmes with a special focus on post-release activities

3.3.5.2. Results:

This project will contribute to developing the after-release programmes for former inmates in order to ensure a greater efficiency and reducing the rate of recidivism by elaborating a common working methodology for penitentiary and probation staff, developing common working practices and approaches for probation and penitentiary staff, improving the training provided to the personnel working in this field and developing inter-institutional cooperation at local level. Furthermore, the project will contribute to equipping and furnishing local probation offices in order to provide adequate facilities for the services delivered.

The results to be achieved through this project will be:

- ❑ Working methodology for pre- and post- release programmes, with a special focus on ensuring an integrated approach between the activities delivered by the penitentiary system and probation services, developed;
- ❑ Awareness campaign on the need for inter-institutional cooperation at local level for ensuring viable reinsertion programmes carried out;
- ❑ Prison and probation staff trained in pre-release programmes and after care;
- ❑ The local offices of probation fully equipped and furnished.

3.3.6 Project 6 – “Development of the juvenile justice system in Romania”

3.3.6.1. Purpose

To develop the system created through Phare 2003 – Support for the improvement of juvenile justice in Romania.

3.3.6.2. Results:

This project will contribute to ensuring a coherent and comprehensive juvenile justice working system in place, to training most of the professionals involved in children’s rights protection and developing the documentation and information centre while also endowing the court rooms dedicated to minors’ hearings and the vocational workshops of minors and young prisons. The project will thus continue the philosophy of the Romanian juvenile justice developed through the Phare 2003 programme and will continue the activities of this project, especially in terms of training, by significantly extending the target group in order to create awareness on the importance and specific issues relating to juvenile justice.

The results to be achieved through this project will be:

- ❑ National framework related to the protection of minors’ rights enhanced by involving all professionals concerned: police staff, prosecutors, judges, clerks, probation staff, penitentiary staff, DPC staff, ONGs, schools representatives, lawyers, future mediators;
- ❑ Multidisciplinary training of all professionals involved;
- ❑ The documentation centre created through Phare 2003 developed, adding it an information function;
- ❑ The court rooms dedicated to the minors hearings endowed;
- ❑ The vocational workshops of minors and young prisons endowed.

3.3.7 Project 7 – “Development of Romanian Penitentiaries Units”

3.3.7.1. Purpose

To develop the penitentiary system by improving its capacity to ensure security at all levels, the quality of specific interventions and the detention conditions.

3.3.7.2. Results:

This project will contribute to conceiving an efficient development strategy by drawing up optimal directions of action and to training personnel in order to be able to provide highly qualified interventions. Furthermore, the project will assist in strengthening the security at all levels and to improving the detention conditions.

The results to be achieved through this project will be:

- ❑ An assessment of the capacity of prison system to cope with crisis situations;
- ❑ A strategy to cope with crisis situations;
- ❑ The prison system endowed with electronic equipment for access control;
- ❑ The penitentiaries endowed with means of conveyance for prisoners transportation;
- ❑ Prison staff working in Security and Prison Regime Departments trained as specialists in crisis situations;
- ❑ Specialists working in Reintegration Departments trained to deal with vulnerable prisoners;
- ❑ Penitentiaries endowed with sport equipment.

3.3.8 Project 8 – “Further consolidation of the institutional capacity of the Public Ministry with a focus on fighting against organised crime and terrorism”

3.3.8.1. Purpose

Improving the capacity of the Public Ministry to fight against organised crime and terrorism.

3.3.8.2. Results:

This project will contribute to developing ground procedures for investigating and prosecuting terrorism and organised crime files and training the multi-disciplinary teams involved in investigating cases of terrorism and organised crime. It will also contribute to the endowment the Prosecutors’ Centre for Operational Applications with furniture for the classrooms, video-projector, laptop, shelves, books and copier – mini-print-shop, TV systems, DVD player, video-cameras, forensics kits, and translation installation.

The results to be achieved through this project will be:

- ❑ Assessment on the level of information exploitation coming from open

sources and the overall valorisation of the information during the investigation and prosecuting procedure within terrorism and organised crime dossiers, drafted, disseminated to the prosecutors' offices and endorsed;

- ❑ Prosecutors and experts from DIOCT acquired field experience in relevant institutions from Member States through 3 months and trained through Train the trainers' sessions in order to ensure the dissemination of knowledge;
- ❑ Members of the multi-disciplinary teams, including prosecutors from prosecutors' offices attached to tribunals, courts of appeal and High Court of Cassation and Justice and experts (e.g. financial, banking, forensic) trained;
- ❑ The Prosecutors' Centre for Operational Applications endowed with furniture for the classrooms, video-projector, laptop, endowing the library – shelves, books and, copier – mini-print-shop, TV systems, DVD player, video-cameras, forensics kits, translation installation, relevant didactical materials.

3.3.9 Project 9 – “Further consolidation of the institutional and administrative capacity of the Ministry of Justice”

3.3.9.1. Purpose

The institutional and administrative capacity of the Ministry of Justice further consolidated in order to enforce its current attributions.

3.3.9.2. Results:

This project will contribute to improving the legal function of the MoJ, with a focus on the acquis transposition function and the on future MoJ competence on the preliminary questions procedure in front of the ECJ by developing working methodologies and procuring EU law books and legal documentation and will provide adequate training for the MoJ staff. It will also assist the administrative function of the MoJ by contributing to improving the working conditions for judges by providing endowments with furniture and security filters (gate and metal detector).

The results to be achieved through this project will be:

- ❑ The legal function of the MoJ improved, with focus on the acquis transposition function (drafting of, advising on and enforcement of the EU

legal framework) and on the future MoJ competence in the preliminary questions procedure in front of the ECJ;

- ❑ MoJ staff trained on the identified topics provided (legal drafting on EU law, EU decision-making procedures, ECJ jurisprudence, etc.);
- ❑ The working conditions for judges improved regarding: endowment with furniture and security filters and EU law books and legal documentation for the MoJ.

3.3.10 Project 10 – “Continuing the automation of the judiciary”

3.3.10.1. Purpose

To continue the automation of the judiciary.

3.3.10.2. Results:

This project will contribute to upgrading the existing IT infrastructure in order to allow it to support the software developments and to remove the effects of equipment technical usage and moral wear. Furthermore, it will ensure the implementation of the public keys infrastructure (electronic signature) in the judiciary and will provide hardware and software for the implementation of the procedures for the security and monitoring of IT system.

The results to be achieved through this project will be:

- ❑ IT infrastructure of the judiciary upgraded;
- ❑ Public keys infrastructure (electronic signature) implemented;
- ❑ Software programmes security and monitoring procedures implemented;
- ❑ Personnel within the judiciary trained.

3.4 Activities (including Means)

Priority 1 – Building an independent judiciary in Romania

Project 1 – “Fostering the SCM capacity in accomplishing its tasks”

Sub-project 1.01

- ❑ Drafting a job profile for each specialization matter – foreign and Romanian expertise;
- ❑ Evaluating the individual specialization necessities for each magistrate,

taking into consideration the individual performance in practice and the training courses already attended – training for SCM staff and software programme;

- ❑ Drafting a recommendation for the NIM in order to insert the magistrates in continuous training seminars, taking into consideration the individuals needs as established as a result of the activity b;
- ❑ Training for SCM staff.
- ❑ Internships for 30 magistrates in the EU member states, in order to better understand the functioning of courts and prosecutors' offices and to manage efficiently and properly a case-file until rendering the final judgment.

Means: 2006 TA Contract

Sub-project 1.02

- ❑ Acquisition of legal literature for documentation centres at the level of courts and prosecutors' offices;
- ❑ Endowing the centres with all the necessary equipment (furniture, IT equipments, teaching materials);
- ❑ Drafting and publishing manuals and guidelines for individual training.
- ❑ Acquisition of IT equipment and furniture equipment.

Means: 2006 Supply contract

Project 2 – “Assistance for the functioning of the specialisation principle in practice”

Sub-project 2.01

- ❑ Purchasing furniture and other equipments for at least 10 court rooms

Means: 2006 Supply contract

Priority 2 – Building a professional judicial system

Project 3 – “Improvement and development of NIM's institutional capacity”

Sub-project 3.01

- ❑ Training of magistrates (judges and prosecutors) in community law within the continuous training component delivered by NIM. The various groups of judges and trainee judges shall receive training tailored to their specific

needs. The central element of the training shall be the EU law, Convention for the Protection of Human Rights and Fundamental Freedoms, judicial ethics, enforcement of intellectual property rights, anti-trust legislation, state aids, competition matters, appeal proceedings for asylum seekers, financial and tax crime, third pillar law and judicial co-operation, money laundering, corruption, economic crimes etc.;

- ❑ Further training of trainers in both substantive law as well as in interactive teaching and other pedagogical methods;
- ❑ Organising short time intensive interactive seminars in order to increase frequency of shorter education activities realized in the regional classrooms;
- ❑ Workshops with MS lecturers (Educational experts or HR experts in judiciary) in order to make the judiciary system to accept new concept of the lifelong training, which is compatible with judicial education systems in EU member states;
- ❑ Internships for sitting magistrates and NIM trainees;
- ❑ Elaboration of standardized training modules for the vocational training;
- ❑ An evaluation of the training system in order to prepare the proposals for further improvement will be carried out;
- ❑ Measures will be designed for the continuous assessment, evaluation and quality control of the implementation of the training component;
- ❑ Training curricula and legal documentation on best practices, jurisprudence and relevant EU legislation for each specialized training modules for magistrates will be developed;
- ❑ Legal documentation for NIM library will be acquired.

Means: 2006 TA Contract

Sub-project 3.02

- ❑ Supply of equipment to the NIM's regional centers and NIM's headquarter in order to ensure the proper functioning of the regional centres and NIM's headquarter;
- ❑ Purchase and delivery of minivan for the Timisoara Regional Centre.

Means: 2006 Supply contract for IT equipment (computers with software and licenses and printers), teaching equipments for the improvement of training process (sets of discussion equipment consisting of: server, video camera, digital connection etc, sets of audio – video – conference equipment consisting of: microphone, repro boxes, mixing equipment, etc., sets of portable interpreting equipment, consisting of: headphones, interpreting cabins etc., video

projectors, laptops, laser printers, scanners smart boards system and copiers) and 1 minivan.

Project 4 – “Further development of the National School of Clerks”

Sub-project 4.01

- ❑ Elaborating information brochures, leaflets, CD-ROMs on the School’s activity and objectives, organising meetings and conferences promoting the School, its Strategy of development and the reformation of the court clerk profession according to EU standards;
- ❑ Training of trainers on the following topics: insolvency procedure, institutions involved in the judicial protection of minors, European judicial cooperation in civil and criminal matters;
- ❑ Training of in-service clerks on the following topics: insolvency procedure, institutions involved in the judicial protection of minors, public relations and communication, European judicial cooperation in civil and criminal matters, relation between national courts and the European Courts;
- ❑ Drafting manuals for the continuous training on the above-mentioned topics;
- ❑ Workshops on didactical techniques and modern methods of communication addressed to NSC trainers;
- ❑ Study visits and internships for the School’s trainees and trainers at similar European institutions and European courts;
- ❑ Evaluation of the trainers’ recruitment and training system in order to prepare the proposals for further improvement.

Means: 2006 TA Contract

Sub-project 4.02

- ❑ Endowment with adequate IT and teaching equipment;
- ❑ Purchasing legal documentation at headquarters and regional centres.

Means: 2006 Supply contract

Project 5 – “Further development of the probation system in Romania”

Sub-project 5.01

- ❑ Assessment of the Romanian legislative and institutional framework regarding pre- and post- release programmes (existing legislation, regulations, methodologies, and best practices) by the PHARE experts

together with representatives from National Administration of Penitentiaries and Probation Department.

- ❑ Elaborating proposals for drafting necessary by-laws and for inter-institutional collaboration.
- ❑ Elaborating a new methodology for working in pre- and post-release programmes, based on the legislative and institutional assessment performed, comparative analysis of legislative resources and best practices in EU Member States and the relevant recommendations of Council of Europe.
- ❑ Carrying out awareness campaigns on the need for inter-institutional cooperation at local level for ensuring viable reinsertion programmes.
- ❑ Developing an initial and continuous training curricula for the penitentiary and probation staff which should follow topics like: sentence planning, risk of escape and risk of re-offending, offending behaviour programmes, alcohol related and drug related programmes, family counselling, job counselling, etc.
- ❑ Organising regional training sessions of 4 working days for approximately 40 participants each, delivered by Phare experts and Romanian specialists. Prison and probation staff attending the training sessions will be selected among the existing personnel and the participants in each training sessions shall include both probation and penitentiary staff so that they will presented with the opportunity to develop the same philosophy and approach in reducing recidivism.
- ❑ Publishing a training manual including practice guidelines.

Means: 2006 TA Contract

Sub-project 5.02

- ❑ Endowing the new probation offices set up in the proximity of penitentiaries for facilitating the delivery of pre- and post-release programmes. This activity includes purchasing equipment and furniture for 41 offices (one office in each county); each office will have 6 desks, 14 chairs, 4 metallic lockers, one car, 4 computers, 2 printers, one photocopy machine, one fax/telephone.

Means: 2006 Supply contract

Project 6 – “Development of the juvenile justice system in Romania”

Sub-project 6.01

- ❑ Assessment of the national framework related to the protection of minors' rights already in place;
- ❑ Improvement of the working methodology, on the base of recommendation made under activity no. 1.1;
- ❑ Enhancement of specialised structures in charge with the minors issues (civil and criminal) – e.g. judicial protection of minors within the judicial system, specialised structures within the prisons etc;
- ❑ Elaboration of guides for the large public, containing all the information concerning the procedure and substantial right;
- ❑ Organisation of multidisciplinary training sessions aiming to gather all actors involved;
- ❑ Elaboration of training manuals, in order to be spread at the national level;
- ❑ Organisation of fellowships for multidisciplinary teams in EU countries with experience in this field;
- ❑ Procurement of books and materials in order to endow the already created documentation centre;
- ❑ Creation of an internet site containing all the information regarding the minors' rights protection.

Means: **2006 TA Contract**

Sub-project 6.02

- ❑ Endowment the court rooms dedicated to the minors hearings;
- ❑ Endowment the vocational workshops of minors and young prisons.

Means: **2006 Supply contract** for the endowment of the hearing rooms from specialized courts or sections with suitable furniture, equipment for reproducing audio-video recordings (TV systems and DVD player), for a better administration of evidence in cases involving minors and juveniles and for continuing the endowment of the vocational workshops for minors and young persons carried out through Phare 2003 (through this project, only the vocational workshop from re-education centres were endowed).

Project 7 – “Development of Romanian Penitentiaries Units”

Sub-project 7.01

- ❑ Assessment of the capacity of prison system to cope with crisis situations;
- ❑ Conception of a strategy to cope with crisis situations (strikes, introductions of forbidden objects, hostage negotiations);
- ❑ Organize training sessions for the specialists in crisis situations;
- ❑ Organize training sessions for the staff to apply specific interventions on vulnerable prisoners;
- ❑ Organize visits to MS for exchange of experience.

Means: 2006 TA Contract

Sub-project 7.02

- ❑ Purchasing of electronic equipment for access control and distributing it to penitentiaries;
- ❑ Purchasing means of conveyance for prisoners' transportation and distributing it to penitentiaries;
- ❑ Purchasing sport equipment and distributing it to penitentiaries.

Means: 2006 Supply contract

Project 8 – “Further consolidation of the institutional capacity of the Public Ministry with a focus on fighting against organised crime and terrorism”

Sub-project 8.01

- ❑ Elaborating an assessment focusing on the level of information exploitation coming from open sources and the overall valorisation of the information during the investigation and prosecuting procedure within terrorism and organised crime files
- ❑ Organising 3 months stages in EU relevant institution from EU Member States
- ❑ Organising train the trainers' session in order to ensure the dissemination of knowledge.
- ❑ Organising training sessions in field of organised crime and terrorism

Means: 2006 TA Contract

Sub-project 8.02

- ❑ Endowing The Prosecutors' Centre for Operational Applications with furniture for the classrooms, video-projector, laptop, endowing the library – shelves, books and, copier – mini-print-shop, TV systems, DVD player, video-cameras, forensics kits, translation installation, relevant didactical materials.

Means: 2006 Supply contract

Priority 3 – Improving the administration and access to justice

Project 9 – “Further consolidation of the institutional and administrative capacity of the Ministry of Justice”

Sub-project 9.01

- ❑ Elaborating a working methodology sharing best practices on acquisition function that MoJ will carry out – legal drafting and advisory function;
- ❑ Elaborating a working methodology on the preliminary questions procedure in front of the ECJ;
- ❑ Training sessions on drafting of, advising on and enforcement of the EU legal framework etc.;
- ❑ Internships for the MoJ staff working on drafting and advising at the European institutions and MS mandated bodies;
- ❑ Endowing the MoJ library with EU law books and legal documentation.

Means: 2006 TA Contract

Sub-project 9.02

- ❑ Endowing all courts of appeal and tribunals with a security gate and metal detector;
- ❑ Endowing 20 courts with furniture for court rooms.

Means: 2006 Supply contract

Priority 4 – Building an efficient management system

Project 10 – “Continuing the automation of the judiciary”

Sub-project 10.02

- ❑ Procurement of working stations and other hardware equipments;
- ❑ Implementing the public keys infrastructure (electronic signature);
- ❑ Implementing software programmes security and monitoring procedures;
- ❑ Organising training courses for IT experts from the judiciary.

Means: **2006 Supply contract**

3.5 Linked Activities:

Priority 1

1). Twinning Project RO02/IB/JH-09 “Strengthening the functioning of the Romanian judiciary and its representative body – The Superior Council of Magistrates” aiming at make a contribution to the drafting and the establishment of an administrative and organisational structure for the Superior Council of Magistracy and having as end result the strengthening of the institutional capacity of the Council and its functioning, in accordance with its new tasks. Hence, the Project encompassed **four main objectives**: improving the status of the Superior Council of Magistracy, setting up of the organization plan for the structure of the Council, drafting the secondary legislation of the Superior Council of Magistracy, setting up an Action Plan for the screening of the way the Magistrates Code of Ethics is respected by the magistrates.

2) Phare 2004 “Strengthening the role of the Superior Council of Magistracy”, composed of one TA and one Supply Contract will support the training of the staff and members of the council and assistance to promote legal debates and will provide appropriate endowment support for an efficient functioning of SCM.

Priority 2

1) DFID Project „Probation in Romania carried out in cooperation with the British Department for International Development – aimed at improving the management of the probation system by designing and implementing at national level the European Excellence Model, a model for measuring the organization performance. As well, a first draft of national

performance standards was finalised and sent to local services for comments. The national performance standards establish quantitative and qualitative standards in assessing the performance of the local probation services, aiming at unifying the practice in the field while also improving the quality of the specific activities delivered. Also, in the framework of this programme, following the elaboration of the strategy for the development of the social reinsertion and surveillance services, 40 training sessions for the staff employed in the probation services have been organized.

2) Phare 2003 on the support for the improvement of the justice for minors in Romania - magistrates, social workers and probation counsellors benefited from training on juvenile justice.

3) Phare 2003 Twining Light project “Improving the efficiency of the Romanian probation system in supporting the social rehabilitation process of offenders and victims”: elaboration of group work programmes aiming at supporting the social rehabilitation process of offenders.

4) Phare 2005 “Continuation of assistance for strengthening the probation and victims’ protection in Romania” focuses 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 and procurement of equipment and furniture. Also, the project will continue the assistance provided through the **2003 Phare Twining Light project**.

5) In 2004 the Probation department has cooperated with the NGO „The Romanian Centre for Human Education and Development”-CRED - for the development of the project **“Alternative measures. Provoking community answer to juvenile delinquency”**, which was financed by UNICEF.

6) A bilateral programme with the United States of America has been initiated with the purpose of raising awareness on the role of probation amongst the judiciary. As such, 6 local seminars were organized between February-March 2005.

7) Phare RO 9705-01 – Technical Assistance for NIM and NSC provided training, procurement, and institutional building.

8) RO 98/IB/JH/01/04 – The training component covered ‘General training in EC Law’.

9) Phare RO-9905-01 continued the components of Phare 97 in terms of training, procurement, and institutional building for NIM and NSC.

10) 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.

11) 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

12) 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)

13) 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

14) The German Foundation for International Legal Co-operation (IRZ) – assistance on drafting the statute of clerk profession and a strategy for the evolution of clerk profession; training sessions on court management.

15) The American Bar Association (ABA CEELI) – assistance on drafting a code of ethics for clerks; initial and continuous training sessions on ethics.

16) US Embassy - training sessions of court clerks in drafting statistic data reports

17) The 2002 Phare Programme "Integrated programme to strengthen the capacity of Romanian institutions involved in the fight against money laundering, the combat against the financing of terrorism and related organised crime" focuses on strengthening the capacity of the anti-money laundering institutional system (in line with the EUs Second Money Laundering Directive and special recommendations against the financing of terrorism of the

Financial Action Task Force set up by OECD members).

18) Phare 2004/016-772.03.12, “Fight against organised crime – An Inter- Institutional Approach”, having as purpose to strengthen anti-organised crime functions based on an integrated sector strategy ensuring the strategic and operational co-operation between all law enforcement institutions.

19) The Phare Project 2003/005-551.04.17 – „Support for the improvement of the penitentiary system”, valued at **5.0 MEuro**, is currently ongoing and has three components: a twinning component with the Direction of Prison Institutions in Spain and two investment components for the endowment of workshops with the necessary equipment for the vocational training of adult prisoners, and for the endowment of penitentiaries with equipment for the detection of used drugs in blood and urine, for the detection of drugs when entering and inside the prisons and for the management of overdose crises. The project purpose is to improve the capacity of the prison system to fight against drug-related problems and to improve the capacity of the prison system to develop viable social reinsertion programmes for adult prisoners taking into consideration their prison regime. As recently achieved results within the twinning with the Spanish partner one of the most important activities to be connected to this project proposal were: “The Strategy for the development and implementation of social reintegration programmes in the Romanian Prison System”, “The Strategy for the control of drug trafficking in the Romanian Prison System”, and “The Strategy for the implementation of preventive and therapeutic programmes in the field of drug-addiction in the Romanian Prison System”. Within these strategies, short, medium and long term objectives were set to be implemented with national budgetary resources, and external funds.

20) The Phare Project 2004/016-772.01.06 – „Further improvement of the penitentiary system”, valued at **1.67 MEuro**, which is in the initial development phase, has two components, a twinning with the Direction of Prison Institutions in Spain (1.0 MEuro Phare Funds) and an investment component for the purchase of means of conveyance for the prisoners’ transportation (0.5 MEuro Phare Funds and 0.17 MEuro co-financing). The Project Purpose is the improvement of prison management, as well as the capacity of prison system to manage dangerous prisoners and the improvement of prisoners’ transportation conditions. The Project will ensure the acquisition of 20 means of conveyance for the prisoners’ transportation compared to the assessed need of 120 vehicles necessary to perform in optimal conditions the transportation of prisoners to courts and transfers between prisons.

Priority 3

1) Phare 2005 – Strengthening the institutional and administrative capacity of the

Ministry of Justice and Public Ministry will seek 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 Ministry of Justice.

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

3) 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, and training seminars for IT personnel. **Phare 2005** will further assist the judicial system with IT equipment

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 an assessment study of the impact of the EU legislation on national law was conducted;
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

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 (task completed - first study-tour - May, 9 - 13, 2005 in Spain, second in Ireland - June 27 - 1 of July, 2005);

- Institutional SCM support by procuring hardware and software equipment (under implementation - to be completed by end of March 2006);
- Developing tests for general knowledge, logical and juridical judgment, synthesize capacity using technical assistance programs (under implementation first phase - to be completed by October 2006);
- Developing judicial performance indicators on order to improving the automated statistical system (under implementation - to be completed by March, 2006);
- Procurement of hardware for developing the statistical automated system (contract signed; equipment to be delivered by end March 2006);
- Court Rationalization Study (task achieved in April 2005 by SCM and MoJ);
- Creating a network of trainers for the court administrators (contracted and under implementation between January – June 2006);
- Developing and adopting regulations (Best Practice Manual) regarding the methods of proposal and drafting of the budget and budget execution projects (task contracted and under implementation between January 2006 – January 2007);
- Revising the company legislation (task under implementation - to be completed by end of April 2006).

III. Judicial Reform Project – World Bank Loan No. 4811 – RO

A **loan agreement** was concluded by the MoJ with the World Bank on **January 27th, 2006**. The total value of the contract is of **110 million EUR** (130 million USD).

The works and services under the loan agreement will be implemented for a period of 5 years, starting with its ratification (mid 2006), and the **finalization is foreseen for April 1st, 2011**.

Component 1: Court Infrastructure Rehabilitation (76 million EUR)

The project will support the **rehabilitation and new building of prioritized court premises**, and the **development of uniform space planning and design standards for court facilities**. Rehabilitation and construction will provide **improved public access and rationalization of court facilities**, structural and environmental upgrading, enhanced security features and technological capacity and plan revisions required for the judiciary to function with efficiency and independence.

During project preparation, MoJ carried out a **thorough assessment of the existing court buildings**, and selected the high-priority buildings which require urgent rehabilitation. **The selection process was based on criteria and methodology agreed with the World Bank,**

which included, *inter alia*, factors such as: workload, number of judges, geographical distribution, technical conditions and seismic resistance of the buildings. The selection process was conducted in a participatory manner, and various stakeholders, including judges and court personnel, were consulted.

The project will also support the development of a **schematic design manual** for court building that will serve the judicial system in the long term, as well as in the initial investments.

Component 2: Strengthening the Administrative Capacity of Courts (9.6 million EUR)

The project will assist the Romanian courts to **adopt modern administration techniques** to increase their productivity, improve the quality of their services and restore confidence in the judiciary. The following activities are proposed to be the focus of this component:

- **Assessment to identify causes for case delays;**
- Development of a **framework for economic management of the courts**, including regulatory and organizational arrangements for economic managers and training;
- **Optimization of courts' operational processes**, including transfer of non-adjudicative tasks from judges to court personnel, and upgrading the functioning of case registries, archives, recording of court proceedings, court statistics and case monitoring.

Furthermore, the component includes a **technical assistance** element for the drafting of the **new Civil procedure code, Penal Code and Penal procedure code**.

Component 3: Integrated Resource Management System for the Judiciary (18.4 million EUR)

The IT Strategy, approved in July 2005, anticipates **the development of a comprehensive Resource Management System (RMS)** for the judicial system. (Operational level case management systems are being implemented under EU financing.)

- ✓ The RMS **will cover financial, physical, and human resource management functions for the entire Judiciary**. It will also cover management support functions, both reporting and analytic.
- ✓ The RMS **will support management functions at the level of the individual courts, as well as at the MoJ, SCM, and the HCCJ**.
- ✓ The system **will operate over the EU/Government funded wide area network** and will obtain reporting information from the court-level operational systems.
- ✓ The RMS **will serve approximately 5,000 users**, comprising 20-25 individuals at

each of the approx. 200 judicial facilities, and approximately 200 individuals at the MoJ, SCM, and HCCJ.

Component 4: Institutional Development of Judicial Institutions (6 million EUR)

This component will provide assistance to the following bodies:

- **SCM** – in the area of development of long-term judicial policies, monitoring judicial performance, and public communications;
- **MoJ** – in the area of capital investment planning, judicial statistics, human resources management, budget planning and internal and external communications;
- **NIM** – in the area of development of new qualification tests for judges’ selection and promotion; development of training courses and curricula;
- **NSC** – in the area of strategic planning; development of certain training courses and delivery of training through distance learning programs and other innovative methods.

This component will also **provide funding to develop and implement specific tools for monitoring project results**, including public surveys and court user surveys.

The monitoring mechanism includes:

- **A comprehensive baseline survey**, to be carried out immediately after loan effectiveness in order **to provide a snapshot for the current reality**.
- **Two more surveys**, to be carried out over the 4½-year project implementation period.
- In addition, **court user surveys** will be carried out to monitor the backlog and processing standards in the busiest courts.

3.6 Lessons learned:

- See annex

4. Institutional Framework

- The Implementing Authority (IA) for project 1 (SCM), project 3 (NIM), project 4 (NSC) is SCM.
- For project 2 (specialisation), project 5 (probation), project 6 (juvenile justice), project 7 (penitentiaries), project 9 (MoJ), and project 10 (automation) Implementing Authority is MoJ.
- For project 8 (Public Ministry) Implementing Authority is the Prosecutors’ Office attached to the 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: SCM, NIM, NSC, NAP, judicial system, Ministry of Justice, Public Ministry, probation services, but also NGO/s will be involved in these projects.

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5. Detailed Budget

	Phare/Pre-Accession Instrument support	Co-financing			Total Cost
€M		National Public Funds (*)	Other Sources (**)	Total Co-financing of Project	
Year 2006 - Investment support jointly co funded					
<i>Sub-project 1.02.</i> Providing adequate endowments to the SCM and courts and prosecutors' offices	0.3	0.10		0.10	0.40
<i>Sub-project 2.01.</i> Endowments for allowing the specialisation of the specialisation in practice	0.25	0.09		0.09	0.34

<i>Sub-project</i> 3.02. Endowment for NIM's regional centres and NIM's headquarter	0.33	0.11		0.11	0.44
<i>Sub-project</i> 4.02. Endowment of NSC with adequate training facilities for the training of clerks	0.15	0.05		0.05	0.2
<i>Sub-project</i> 5.02. Endowment of local probation offices	0.4	0.14		0.14	0.54
<i>Sub-project</i> 6.02. Improving the facilities of the juvenile justice system in Romania	0.55	0.19		0.19	0.74
<i>Sub-project</i> 7.02. Increasing the capacity of the penitentiary system to ensure security at all levels and improving the detentions conditions	1.35	0.45		0.45	1.8
<i>Sub-project.</i> 8.02. Endowing the Centre for Operational Applications	0.32	0.11		0.11	0.43
<i>Sub-project</i> 9.02. Improving the working conditions for judges	0.65	0.22		0.22	0.87

<i>Sub-project 10.01.</i> Continuing the automation of the judiciary	9.00	3.00		3.00	12.00
Investment support – sub-total	13.30	4.46		4.46	17.76
<i>% of total public funds</i>	<i>74.89%</i>	<i>25.11 %</i>			
	Phare/Pre-Accession Instrument support	Co-financing			Total Cost
€M		National Public Funds (*)	Other Sources (**)	Total Co-financing of Project	
Year 2006 Institution Building support					
<i>Sub-project 1.01.</i> Fostering the capacity of the Superior Council of Magistracy in accomplishing its tasks	0.80				0.80
<i>Sub-project 3.01.</i> Follow-up the assistance provided to the National Institute of Magistracy	1.10				1.10
<i>Sub-project 4.01.</i> Further improvement of the NSC institutional capacity and training policy	1.10				1.10
<i>Sub-project 5.01.</i> Further development of the probation system in Romania	0.80				0.80

<i>Sub-project 6.01.</i> Development of the juvenile justice system in Romania	0.70				0.70
<i>Sub-project 7.01.</i> Development of Romanian Penitentiaries Units	0.80				0.80
<i>Sub-project 8.01.</i> Further consolidation of the institutional capacity of the Public Ministry with a focus on fighting against organised crime and terrorism	1.00				1.00
<i>Sub-project 9.01.</i> Further consolidation of the institutional and administrative capacity of the Ministry of Justice	0.40				0.40
IB support	6.70				6.70

Total project 2006	20.00	4.46	-	4.46	24.46
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(*) contributions from the State budget; these funds will be included in the state budgets at the moment of its drawing up, according to the relevant national methodology.

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

The co-financing for the investment components of the 2006 Projects shall be provided by the following institutions:

□ SCM for:

- Sub-project 1.02.
- Sub-project 3.02.
- Sub-project 4.02.

- ❑ Ministry of Justice for:
 - Sub-project 5.02.
 - Sub-project 6.02.
 - Sub-project 9.02.
 - Sub-project 10.01.
- ❑ The National Administration of Penitentiaries for:
 - Sub-project 7.02.
- ❑ The Prosecutors' Office attached to the High Court of Cassation and Justice for:
 - Sub-project 8.02.

6. Implementation Arrangements

6.1 Implementing Agency

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.

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6.2 Twinning

- ❑ Not Applicable

6.3 Non-standard aspects

- ❑ The PRAG¹ will be strictly followed.

6.4 Contracts

¹ *Practical Guide to Contract Procedures Financed from the EC general Budget in the context of External Actions:* http://europa.eu.int/comm/europeaid/tender/gestion/pg/npg_en.doc

- ❑ Project 1 – “Fostering the SCM capacity in accomplishing its tasks”
 - 1 2006 TA Contract (Sub-project 1.01.) – 0.8 M€
 - 1 2006 Supply Contract (Sub-project 1.02.) – 0.4 M€

- ❑ Project 2 – “Assistance for the functioning of the specialisation principle in practice”
 - 1 2006 Supply Contract (Sub-project 2.01.) – 0.34 M€

- ❑ Project 3 – “Improvement and development of NIM’s institutional capacity”
 - 1 2006 TA Contract (Sub-project 3.01.) – 1.1 M€
 - 1 2006 Supply Contract (Sub-project 3.02.) – 0.44 M€

- ❑ Project 4 – “Further development of the National School of Clerks”
 - 1 2006 TA Contract (Sub-project 4.01.) – 1.1 M€
 - 1 2006 Supply Contract (Sub-project 4.02.) – 0.2 M€

- ❑ Project 5 – “Further development of the probation system in Romania”
 - 1 2006 TA Contract (Sub-project 5.01.) – 0.8 M€
 - 1 2006 Supply Contract (Sub-project 5.02.) – 0.54 M€

- ❑ Project 6 – “Development of the juvenile justice system in Romania”
 - 1 2006 TA Contract (Sub-project 6.01.) – 0.7 M€
 - 1 2006 Supply Contract (Sub-project 6.02.) – 0.74 M€

- ❑ Project 7 – “Development of Romanian Penitentiaries Units”
 - 1 2006 TA Contract (Sub-project 7.01.) – 0.8 M€
 - 1 2006 Supply Contract (Sub-project 7.02.) – 1.8 M€

- ❑ Project 8 – “Further consolidation of the institutional capacity of the Public Ministry with a focus on fighting against organised crime and terrorism”
 - 1 2006 TA Contract (Sub-project 8.01.) – 1 M€
 - 1 2006 Supply Contract (Sub-project 8.02.) – 0.43 M€

- ❑ Project 9 – “Further consolidation of the institutional and administrative capacity of the Ministry of Justice”
 - 1 2006 TA Contract (Sub-project 9.01.) – 0.4 M€
 - 1 Supply Contract (Sub-project 9.02.) – 0.87 M€

- ❑ Project 10 – “Continuing the automation of the judiciary”
 - 1 2006 Supply Contract (Sub-project 10.01.) – 12 M€

7. Implementation Schedule

It is expected that 6 months after the approval of the 2006 Financing Agreement, all ToR for contracts scheduled for contracting under the budgetary year 2006 be approved.

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

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

7.1 Start of tendering/call for proposals

- ❑ September 2007

7.2 Start of project activity

- ❑ June 2007

7.3 Project completion

- ❑ November 2008

8. Equal Opportunity

- ❑ Not Applicable

9. Environment

- ❑ Not applicable

10. Rates of return

- ❑ Not applicable

11. Investment criteria (applicable to all investments)

11.1 Catalytic effect

- ❑ The investment projects therein proposed are in accordance with the necessities and needs identified in the process of reform of the judiciary and aim at providing adequate support in terms of endowments and infrastructure to this process; the investments proposed are in-line with the strategies developed in the field or with priorities identified through the process of monitoring the reform process. These investments will enhance the capacity of the system to adequately perform such as to ensure high compliance with EU standards and best practices and secure a smooth accession to the European Union.

11.2 Co-financing

- ❑ All investment projects will receive joint co-financing from the state budget. See budget table in section 5 above.

11.3 Additionality

- ❑ Not applicable

11.4 Project readiness and size

- ❑ Not applicable

11.5 Sustainability

- ❑ The investment will be sustainable in the long term and it will further enhance the capacity of the judiciary in order to achieve a full and effective reform of the sector.

11.6 Compliance with state aids provisions

- ❑ The investments will respect the state aid provisions of the relevant Europe

Agreement².

12. Conditionality and sequencing

Conditionality:

- ❑ The Public Ministry takes the necessary measures for enabling the Prosecutors' Operational Centre to start its activity by the date of starting the tendering procedure for sub-project 8.02. (Supply Contract)
- ❑ The premises of the 41 new probation offices are secured such as to enabling them to start their activity by the date of starting the tendering procedure for sub-project 5.02. (Supply Contract)

By the end of the projects, the following milestones of impact for the 2006 Project Fiche will have been achieved:

Priority 1:

- The system of selecting, evaluating and promoting the magistrates improved
- Higher professional standing of the magistrates sitting in specialised matters
- Better quality of the justice act

Priority 2:

- Improved system of training the magistrates
- Better quality of training programmes for the magistrates, adequately tailored to the real training needs existing within the system
- Enhanced professional standing of the Romanian magistrates and wider access of magistrates to training programmes
- Improved system of training the court clerks
- Better quality of training programmes for the court clerks, adequately tailored to the real training needs existing within the system
- Enhanced professional standing of the Romanian court clerks and wider access of court clerks to training programmes
- Higher quality of pre- and post-release assistance programmes delivered to former inmates
- Wider access of former inmates to pre- and post-release assistance programmes
- Increased number of successful socially reinserted ex-inmates

² Europe Agreements can be accessed via http://europa.eu.int/comm/enlargement/pas/europe_agr.htm

- Enhanced system of juvenile system at national level
- Enhanced quality of the justice act involving minors
- Enhanced capacity of the penitentiary system to deal with crisis situation
- Increased level of security within the penitentiaries
- Improved care provided to vulnerable categories of inmates
- Improved management and valorisation of terrorism and organised crime cases
- Enhanced professional standing of prosecutors involved in prosecuting terrorism and organised crime cases

Priority 3

- The Ministry of Justice able to competently exercise its legal functions, with a particular focus on the preliminary procedure before the ECJ
- The capacity of the Ministry of Justice to perform its administrative function enhanced

Priority 4

- Better administration of justice supported and facilitated by an integrated and performing automated system
- Enhanced capacity of judiciary personnel to make use of the IT facilities provided

Annexes to project Fiche

1. Annex 1 - Logframe in standard format for each project – Annex 1a, 1b, 1c and 1d
Annex 1e - Sector monitoring sheet for sector programmes
2. Annex 2 - Detailed implementation chart
3. Annex 3 - Contracting and disbursement schedule, by quarter, for full duration of project
4. Annex 4 - For all projects: reference list of feasibility/pre-feasibility studies, indepth ex ante evaluations or other forms of preparatory
5. Annex 5 - Reference list of relevant laws and regulations
6. Annex 6 - Reference list of relevant strategic plans and studies
7. Annex 7 - Lessons learnt