

Project Fiche – IPA Multi Beneficiary programmes / Component I

1 IDENTIFICATION

Project Title	International Cooperation in Criminal Justice: Prosecutors' Network
CRIS Decision number	2013/024091
Project no.	14
MIPD Sector Code	2. Justice and Home Affairs
ELARG Statistical code	01.24 - Justice, freedom and security
DAC Sector code	15130
Total cost (VAT excluded)¹	EUR 5.263.000
EU contribution	EUR 5.000.000
Management mode	Centralised management
Responsible Unit	Unit D3, Regional Cooperation and Programmes, DG Enlargement of the European Commission
Implementation management	Centralised management
Implementing modality	Stand alone project
Project implementation type	Grant
Zone benefiting from the action(s)	Western Balkans: Albania, Bosnia and Herzegovina, Kosovo*, the former Yugoslav Republic of Macedonia, Montenegro, Serbia

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ opinion on the Kosovo Declaration of Independence

2 RATIONALE

2.1 PROJECT CONTEXT: ISSUES TO BE TACKLED AND NEEDS ADDRESSED

One of the main challenges in fighting organised crime - apart from achieving the necessary political will in the countries – is the cross border nature of many organised crime groups. In order to effectively investigate and prosecute criminal groups, it is necessary to have strong regional cooperation between law enforcement and judicial bodies and to build effective

¹ The total project cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

networks between them. The project aims at improving Beneficiaries' capacities to carry out joint investigations and exchange information in prosecutions involving trans-border criminal organisations, thus combating organised crime and linked corruption cases with cross-border implications.

2.2 LINK WITH MIPD AND NATIONAL SECTOR STRATEGIES

The IPA Multi-Beneficiary (MB) MIPD 2011-2013² identifies as a priority for IPA assistance the support for regional cooperation between law enforcement agencies and judicial authorities to fight organised crime and terrorism, complementing efforts at a national level, particularly as it facilitates networking and sharing of best practices and lessons learned in the region. In fact, in the regional context, the objectives are to strengthen regional and international cross-border cooperation mechanisms between law enforcement agencies and judicial authorities in the combat of the various forms of organised crime and corruption, through networking, mutual legal assistance, transfer of proceedings, requests for extradition, joint investigation teams and witness protection programmes.

2.3 LINK WITH ACCESSION PARTNERSHIP (AP) / EUROPEAN PARTNERSHIP (EP) / STABILISATION AND ASSOCIATION AGREEMENT (SAA) / ANNUAL PROGRESS REPORT

This project takes into account the objectives and priorities set out in the European and Accession Partnerships with the IPA Beneficiaries, and recent Progress Reports, which contain relevant provisions on justice, freedom and security and provide the long-term basis for continued cooperation in the field. Regarding regional issues and international obligations, IPA Beneficiaries still need to enhance cooperation with their neighbours, notably on cross-border cooperation, the fight against organised crime, trafficking and smuggling.

The project is designed in accordance with the recognized challenges of the system, taking into account all the below-stated documents and opinions expressed in them. As such, it will contribute to strengthening international law enforcement cooperation in the fight against organized crime and corruption, and better understanding EU best practice in justice and law enforcement area.

Albania

European Partnership

The project will help achieve short-term priorities set up in the European Partnership (EP) such as: achieving further results in the fight against organized crime; increasing cooperation between different government structures involved in the fight against organized crime and terrorism, especially between judicial and police authorities; taking further measures in establishing coherence and coordination in intelligence gathering, as well as systems of data processing; and increasing the use of special investigative means (i.e. interception of telecommunications and use of confidential information).

The medium term priorities in the EP relevant for this project are: achieving considerable progress in percentage, the number and quality of prosecutions for offenses relating to organized crime and trafficking, as well as in terms of seizure of proceeds of crime; and further increasing international cooperation in combating organized crime and terrorism.

Progress Report 2012

² C(2009)5418

There has been progress on judicial cooperation in civil and criminal matters. The Third Additional Protocol to the European Convention on Extradition entered into force but has not been applied yet. Preparations for concluding a cooperation agreement with Eurojust have advanced. Overall, there has been moderate progress in this area. Inter-institutional cooperation has progressed in investigations of financial crime and money laundering. However, there is an urgent need for key institutions to step up coordination and information exchange and thus maximise their capacity to investigate serious and organised crime. Continuous specialised training involving police officers, prosecutors and judges remains necessary. Standard operating procedures for managing serious crime scenes have been introduced. Threat assessment and proactive investigations should be further promoted. Preparations in order to build a solid track record of investigations, prosecutions and convictions at all levels are moderately advanced.

There has been some progress with international cooperation, notably through the installation of secure communication links with Europol, and information exchanges have continued. Operational cooperation with neighbouring countries, EU Member States and Europol needs to be further enhanced through the exchange of criminal intelligence and the carrying out of joint operations.

Bosnia and Herzegovina (BiH)

The European Partnership

The European Partnership (EP) with BiH includes short term priorities relevant to this project such as reinforcing the fight against organised crime and international cooperation with law enforcement agencies, including by means of proper implementation of international conventions.

The medium term priorities in the EP relevant for this project are: ensure continued improvement of the enforcement record regarding money laundering; ensure that law enforcement bodies are properly equipped to fight drug trafficking; achieve satisfactory inter-agency and international cooperation, leading to considerably improved results in this area; fully implement police reform; achieve significant results against organised crime, all types of trafficking and terrorism and ensure proper prosecution.

One of the aims of the Stabilization and Association Agreement is to support the efforts of BiH to strengthen democracy and the rule of law. In Article 6 BiH commits itself to continue and foster cooperation and good neighbourly relations with the countries of the region including an appropriate level of mutual concessions concerning the movement of persons, goods, capital and services as well as the development of projects of common interest, notably those related to combating organised crime, corruption, money laundering, illegal migration and trafficking, including in particular in human beings, small arms and light weapons as well as illicit drugs. This commitment constitutes a key factor in the development of the relations and cooperation between the Community and Bosnia and Herzegovina and thus contributes to regional stability."

Progress Report 2012

There was little progress in fighting organised crime. Bosnia and Herzegovina remains a source of arms and ammunition for criminal groups in the EU. Organised crime activities are also linked to the transit of drugs on international trafficking routes. Proactive investigations of organised crime groups are carried out throughout the territory of Bosnia and Herzegovina, although unevenly. Amendments to the instruction on police-prosecutor cooperation were proposed, particularly on cooperation when using special investigative means. Joint training and information gathering on specific cases of police-prosecutor cooperation are organised

regularly. Difficulties remain with proper implementation of the system of prosecutor-led investigations.

The whole range of special investigative measures is used. The system for legal interception of telecommunications is fully operational. Deployment of special investigative measures is limited by the short maximum duration of interceptions, highly restricted use of interpreters for interceptions, lack of modern technology and limited powers to use cover identities and vehicle registrations. Coordination meetings for exchanging intelligence are organised at different levels but with uneven attendance, regularity and quality. Lack of data and persisting mistrust between law enforcement agencies prevent further systematic exchanges of intelligence. An electronic data exchange system for police and prosecutors was set up. All law enforcement agencies established electronic registers.

The former Yugoslav Republic of Macedonia

Accession Partnership

The Accession Partnership underlines the importance of continuation with the implementation of the Set of Action Oriented Measures for the Fight against organised crime. It calls for providing adequate funding and training for implementation of the police reform, strengthening coordination and cooperation both among police bodies and between the police and other law enforcement agencies and strengthening cooperation between the criminal police and the public prosecutors.

Progress Report 2012

There was some progress on judicial cooperation in civil and criminal matters. The appointment of two liaison officers further improved cooperation with Eurojust. Application of the 2011 Law on International Cooperation on Criminal Matters was postponed as a result of the postponed entry into force of the new Law on Criminal Procedure. In this area the country is moderately advanced.

Some progress can be reported on police cooperation and the fight against organised crime. The international law enforcement coordination unit in charge of exchanges of police and intelligence information (ILECU) within the Ministry of Interior is now in operation and an agreement was signed on cooperation between the law enforcement agencies involved. There was good regional and international cooperation on law enforcement through Europol and Interpol. The Sector for International Police Cooperation was designated as the National Central Unit for Cooperation with the signatories of the Convention on Police Cooperation in South-Eastern Europe. An agreement on operational and strategic cooperation with Europol entered into force, but a liaison officer at Europol remains to be assigned.

Serbia

Progress Report 2012

Some progress was achieved regarding judicial cooperation in civil and criminal matters. Further efforts were made to streamline practical cooperation, especially at regional level. Agreements were signed in November 2011 with Slovenia on mutual legal assistance in the enforcement of court judgments and with the former Yugoslav Republic of Macedonia on extradition of own citizens. Cooperation continued with Croatia in matters of extradition, enforcement of criminal judgments and war crimes processing. However, further improvements are still needed to ensure practical enforcement of the legal framework. Action is also needed to ensure effective cooperation with Eurojust. Overall, Serbia remains moderately advanced in the areas of judicial cooperation in civil and criminal matters.

Serbia has made progress in the area of police cooperation and the fight against organised crime. The law on Police was amended in December 2011 to better define police

cooperation at operative level through joint actions, teams and exchange of liaison officers. Measures have been taken to improve the methodology and standards of police work, including an information booklet on anti-corruption for police officers. Cooperation between relevant agencies has improved within the country, in the region and internationally, leading to good results in a number of high-profile investigations into organised crime groups. However, organised crime still remains a serious concern in Serbia. Final convictions remain rare.

Capacity to carry out complex, in particular financial, investigations needs to be built up. Specialised services, in particular the unit for witness protection, still lack sufficient staff, resources and adequate premises. Cooperation and information flow between law enforcement agencies needs to be improved. Statistical data needs to be harmonised and a centralised criminal intelligence system still remains to be established. Risk assessments and crime mapping need to be used more broadly and intelligence-led policing is to be developed. The capacity of the police to carry out, independently of the security intelligence agencies, certain special investigative measures in criminal investigations needs to be established in line with EU standards. Overall, Serbia is moderately advanced as regards police cooperation and the fight against organised crime.

Kosovo

Commission staff working document accompanying the document Commission Communication on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo

In 2011, the police established the International Law Enforcement Coordination Unit (ILECU) to facilitate cooperation with law enforcement agencies from third countries. The Interpol liaison office is still with UNMIK; some Kosovo Police officers are detached to this unit.

The Police Inspectorate of Kosovo (PIK) was established in June 2011 as an executive body of the Ministry of Internal Affairs, independent of the Kosovo Police. The PIK handles complaints, involves the Professional Standards Unit when disciplinary investigation is needed, and has the authority to launch criminal investigations. Capacities in the Kosovo Police to investigate complex criminal activities remain limited and need to be considerably enhanced. Political leaders in Kosovo need to establish an environment conducive to independent and professional investigations.

Personal data protection is a key component of effective law enforcement cooperation in the EU. Kosovo has adopted the primary legislative framework on personal data protection. The National Agency for the Protection of Personal Data has been established as an independent body reporting to the parliament. Currently, personal data protection is not fully guaranteed. Kosovo needs to focus on implementation, drafting secondary legislation and strengthening capacity. Public authorities, including law enforcement, and the private sector need to be made aware of personal data protection requirements.

2.4 PROBLEM ANALYSIS

Strengthening the rule of law has been identified as a continuing major challenge and a crucial condition for countries moving towards EU membership. This issue has been given greater attention in recent years at all stages of the accession process, in line with the renewed consensus on enlargement. Nevertheless the Western Balkans continue to face major challenges related to the fight against corruption and organised crime. These issues are of key importance for a functioning democracy and economy and largely condition the EU accession process.

In particular, the fight against organised crime remains an important priority for the enlargement countries. It is closely linked with fighting corruption and establishing independent judiciaries. The cross border nature of many criminal activities poses a major challenge to the fight against organised crime. Regional cooperation between law enforcement and judicial bodies, including the creation of professional networks, is particularly important for addressing this challenge. With EU assistance, some progress has been made in putting into place effective legislation and structures to fight corruption and organised crime but rigorous implementation and enforcement of laws are necessary to achieve tangible results.

The substantial differences that exist between the penal systems of the Beneficiaries, and between the Beneficiaries' and the EU Member States' systems, make international cooperation in the fight against organised crime less effective. Cross-border and international cooperation will be particularly beneficial to the countries that do not have sufficient legislation, functional law enforcement administrative structure, and/or satisfactory operational capacities to carry out cross border prosecutions and investigations.

The Multi Beneficiary action "International Cooperation in Criminal Justice: Prosecutors' Network" shall not only take into account the specificities and respect the different stages of advancement of the Beneficiaries' judicial and police systems, their alignment to the EU *acquis*, and progress towards EU accession, but also draw on the experience of the most advanced Beneficiaries.

When local needs cannot be tackled by the Multi Beneficiary action, complementary actions at national level may be identified, in close coordination with the local authorities and the EU Delegations.

2.5 LINKED ACTIVITIES AND DONOR COORDINATION

Prior and ongoing IPA Multi-beneficiary Programmes

- IPA 2008 MB project "Police Co-operation: Fight against Organised Crime, in particular illicit drug trafficking and prevention of terrorism – DET ILECUs II", to improve and promote both strategic and operational regional and international cooperation capacities within the region and between the region and the EU making full use of existing instruments and frameworks, such as relevant networks, international conventions, agreements, and memoranda of understanding on the fight against organised crime in particular illicit drug trafficking, and the prevention of terrorism.
- IPA 2011 and IPA 2012 MB projects "Joint European Union and ICTY Training Project for National Prosecutors and Young Professionals from the Former Yugoslavia": training of a) national prosecutors working on domestic war crimes cases, and b) young professionals with a legal or other relevant background.
- IPA 2013 MB project "Strengthening Regional News Exchange from the International War Crimes Tribunal for the Former Yugoslavia (ICTY), the International Court of Justice (ICJ) and the International Criminal Court (ICC)", to inform public in the countries of the former Yugoslavia about the functioning of the international tribunals and courts of the Hague, in particular the ICTY work and mission, to show that justice is done and how is done, to raise public support for cooperation with the ICTY and for domestic prosecution of war crimes.
- IPA 2010 MB project "Fight against organised crime and corruption: Strengthening the Prosecutors", to strengthen the operational capacity and capabilities of the Public/State Prosecutors' Offices in the Beneficiaries in order to prosecute and

investigate cross-border organised crime and linked cases of economic and financial crime and corruption.

- IPA 2010 MB project "Regional Cooperation in Criminal Justice: Strengthening capacities in the fight against cybercrime – CyberCrime@IPA", to strengthen cross-border and international operational cooperation between law enforcement and judicial authorities of the Beneficiaries and EU Member States in investigations and prosecutions of cybercrime.
- IPA 2012 MB project "Witness Protection in the Fight against Organised Crime and Corruption (WINPRO II)", to strengthen cooperation to combat organised crime and corruption at regional and European level through reinforcing the institutional capacity of the Witness Protection Units and other relevant agencies in the Beneficiaries to offer protection to witnesses and collaborators of justice, before, during and after the trial, within and/or outside their territory.
- IPA 2013 MB project "Fight against organised crime: International Cooperation in Criminal Justice", to prevent and combat trans-border organised crime and linked corruption cases with cross-border implications, and dismantle criminal organisations involved in illicit trafficking destined to the EU.

The International Cooperation in Criminal Justice, WINPRO II and the Prosecutors' Network projects are interlinked and part of a longer-term process to build the strategic and operational capacities of the Beneficiaries to combat organised crime in the region. These actions should not be perceived as stand alone projects, rather pieces of a puzzle contributing, using the tools available in regional and international cooperation, to a more effective law enforcement system in the region, more closely aligned to EU standards.

IPA National Programmes

Police and judicial reform projects in the Beneficiaries are also implemented at national level under the EU Twinning mechanism and grants. The following projects are worth mentioning:

- IPA 2007 grant project in Albania "*Police Assistance Mission of the EC to Albania (PAMECA III)*". It started in May 2008 and it is envisaged to finish in May 2012.
- IPA 2008 grant project in Bosnia and Herzegovina "*Support to the State Court and Prosecutor's Office of BiH to fight War Crimes and Organised Crime*".
- IPA 2008 Twinning project for Bosnia and Herzegovina "*Support to the Police reform*" to establish necessary legislative and institutional framework for the police service to operate as a single structure effectively implementing the rule of law.
- IPA 2010 Twinning Light project for Montenegro: "*Intelligence-led policing*" to strengthen police capacity in the area of criminal intelligence.
- IPA 2010 Kosovo "*Support the implementation of Intelligence Led Policing in Kosovo Police*", to boost the effectiveness and efficiency of the Kosovo Police by allowing timely and accurate exchange of the information/intelligence/analysis to be used for interpreting criminal environments.
- IPA 2010 Serbia "*Money Laundering*", for prevention and control of money laundering and terrorist financing in Serbia in accordance with European and International standards.
- IPA 2011 Serbia "*Development of strategic planning and improvement of horizontal communication in the Ministry of Interior*", to contribute to the development of Serbian Ministry of Interior and police into a modern and efficient accountable service, in line with the strategy of public administration reform in the Republic of Serbia.
- IPA 2008 Turkey "*Strengthening the Investigation Capacity of Turkish National Police and Gendarmerie Against Organised Crime*", to reinforce the technical investigation

capacity of the Turkish National Police and Gendarmerie General Command in order to identify and prevent organised crime activities in Turkey and implement the National Organised Crime Strategy more effectively.

National programmes and donor activities

Some wider law enforcement regional initiatives continue in the region, such as the South East Europe (SEE) Police Convention, creating a framework for bilateral or SEE-wide follow-up agreements on cross-border police cooperation, bringing them more in line with European practices; the Southeast European Law Enforcement Centre (SELEC) for regional police cooperation for combating trans-border crime; the South East European Prosecutors Advisory Group (SEEPAG), a practical network of public prosecutors complementing the law enforcement mechanism, handling regional organised crime cases; the SEE chiefs of Police Association (SEPCA); and the international law enforcement coordination centres (ie international police departments) (ILECUs), supported by the EU.

Key donors with significant on-going or planned activities in the justice and home affairs sector in the region include US Department of State, USAID, US Marshall Service, Office of Overseas Prosecutorial Development, Assistance and Training OPDAT programme³, UNODC, OSCE and UNDP. Coordination and bilateral cooperation continue between the European Commission, EU Member States (EUMS), Europol, Interpol, other EU and international bodies tasked with police, customs and judicial cooperation, and other international donors, such as the Council of Europe. Networks of liaison officers drawn from the EU Member States have been established in the Beneficiaries. Police and judicial reform projects are also implemented at national level under the EU Twinning mechanism.

Europol, Eurojust, the European Police College as well as the SELEC are developing cooperation and working arrangements with the IPA Beneficiaries in the area of police and criminal justice cooperation inter alia to fight organised crime in the region. Other financial measures support the development of key capacities in each Beneficiary including setting up financial intelligence units and specialised teams of prosecutors and judges to deal with organised crime cases.

2.6 LESSONS LEARNED

Operational activities: According to the various evaluations and monitoring reports, it is necessary to intensify the support to regional operational activities. Operational means, including the safe and secure exchange of data, for increased cross-border cooperation should be developed according to EU best practices.

Ownership: Ownership of the projects should be secured at an early stage in the programming process. For this project, coordination and involvement of the Beneficiaries was ensured since the identification phase of the action.

Implementation: Although a broad range of specific expertise is required for the regional projects, the contracting of consortia with too many partners for police and judicial cooperation projects should be avoided, as the projects will have a specific and targeted approach, and coordination efforts should not be unnecessarily complicated by a saturation of partners.

³ OPDAT was created in the Criminal Division of the US Department of Justice in 1991 in response to the growing threat of international crime. OPDAT's mission is to assist prosecutors and judicial personnel in other countries develop and sustain effective criminal justice institutions.

Ensure sustainability: Police and judicial staff must not only be trained to a high professional level, but also empowered to continue professional work once the programme ends. Proper handover of necessary equipment, information, documentation, curricula etc. must be ensured.⁴

Avoid duplication: In order to avoid duplication and unnecessary cost, the best use of existing judicial and law enforcement tools and networks of national bodies has to be considered instead of creating new ones. Functional, thematic cross border networks of law enforcement authorities shall be reinforced to more effectively combat serious crime and prevent terrorism.

Assess state of play: Rather than starting with an overall objective for the region as a whole and then applying a standard methodology, the programme shall start with assessing the current situation in the Beneficiaries then based upon their specificities and needs, the appropriate regional approach shall be defined.

Tailor made approach and synergies: The different stages of readiness of the beneficiaries shall be taken into account during implementation. The project shall draw on the experience of the most advanced Beneficiaries in the alignment process to the *acquis* and develop synergies among them.

3 DESCRIPTION

3.1 OVERALL OBJECTIVE OF THE PROJECT

Prevent and combat serious and trans-border organised crime and linked corruption cases with cross-border implications, and dismantle criminal organisations involved in illicit trafficking destined to the EU, in particular trafficking in firearms, drugs and human beings.

SPECIFIC OBJECTIVE(S) OF THE PROJECT

To strengthen the operational capacity and capabilities of the Public/State Prosecutors' Offices in the Beneficiaries in order to prosecute and investigate serious and trans-border organised crime, including linked cases of economic and financial crime, and corruption.

3.2 RESULTS

Improved capacities of the Public/State Prosecutors' offices in the Beneficiaries to carry out investigations and prosecutions of cross-border cases of organised crime, financial crime and corruption.

Objective verifiable indicators:

- Track record of successful international investigations and prosecutions;
- Amount of information and intelligence exchanged;
- Number of joint operations, investigations and prosecutions;
- Number of investigations targeting confiscation and asset recovery.

3.3 MAIN ACTIVITIES

⁴ OSCE, Implementation of Police-Related Programmes, Lessons Learned in South-Eastern Europe, SPMU Publication Series Vol. 7, Vienna, December 2008.

- Seconded public prosecutors from EU Member States analyse current prosecution files in order to identify main weaknesses and identify solutions;
- Provide advice and organisational support to the offices of the Public/State Prosecutors in charge of the fight against organised crime and corruption, thus improving work efficiency in cooperation, communication and coordination with relevant services;
- Advise and support ongoing investigations of serious crime and high level corruption cases related to organised, economic and financial crime (focus on asset confiscation/recovery, admissibility of evidence, mutual recognition of judicial decisions);
- Enable better cooperation between prosecutors and witness protection units: raise awareness of the existence or methodology of witness protection units, of the concept of threats assessment, of basic "tradecraft" in relation to security of the witness, of implications of relevant aspects of the European Convention on Human Rights, etc;
- Support (both technically and financially) the set up and the practical work of joint investigation teams in on-going investigations, and facilitate the association with Eurojust and Europol;
- Enhance cooperation and communication between competent judicial authorities involved in mutual legal assistance (MLA), based on the principle of direct contacts and mutual trust, central registration of incoming and outgoing requests, and improve technical support (registration, channels of communication, etc);
- Foster direct contacts between the focal points of the Prosecutors' Network, the international law enforcement coordination units (ILECUs), Eurojust, Europol and the European Judicial Network's (EJN) contact points, including, as far as possible, by means of operational meetings, with clear objectives and practical results to be achieved related to operational judicial cooperation;
- Strengthen operational judicial cooperation by creating, under EJN supervision, a website in criminal matters following the structure of the EJN website, providing for operational judicial tools (mutual legal assistance tools and, where relevant, mutual recognition instruments), and holding related monitoring meetings;
- Improve practical knowledge and skills of personnel dealing with international cooperation in criminal justice: organise and deliver practical and case-oriented training, embedded in the national training strategy, organise regional activities, conferences, and study visits to EUMS (in particular to prosecutor's offices), Eurojust and the European Judicial Network.

A supply component for an amount of maximum 8% of the total value of the EU contribution might be envisaged for covering the identification and part of the cost for the purchase of equipment necessary to improve the exchange and sharing of information and intelligence, communication technology and data protection, such as, for instance, secure video conference connections at public prosecutors' and the central bodies for coordination action on the request for legal assistance.

3.4 ASSESSMENT OF PROJECT IMPACT, CATALYTIC EFFECT AND CROSS BORDER IMPACT (WHERE APPLICABLE)

Impact: Given the amount of coordination and information exchange required to counteract organised crime successfully, wide-ranging international support is crucial to build up

effective prevention and response mechanisms. The programme will contribute positively to coordination at the regional level although actual results in terms of countering such crime are difficult to evaluate. The success in fighting organised crime and terrorism will always be a function of many variables, of which the programme "International Cooperation in Criminal Justice: Prosecutors' Network" is only one.

The programme will contribute to the development of cooperation between the relevant law enforcement and judicial authorities as well as to the development of strategies, techniques and instruments enabling them to improve their performance in preventing and fighting crime. A better legal, regulatory, and operational framework to fight organised crime, and to facilitate international cooperation in criminal matters will be established.

The action will be regularly monitored and the performance evaluated to allow for the relevant readjustments. Action plans should be developed to assess progress. Several methods will be used to conduct performance monitoring, in particular regular implementation reviews on specific objectives and related activities and results and external monitoring via the European Commission Results Oriented Monitoring. Regular briefing sessions and reports are planned. Evaluation during implementation and/or at the end of the project may also take place.

Catalytic effect: Most Beneficiaries benefit from membership of international organisations and all have a good number of bi-lateral cooperation agreements. Hands-on training, direct exchanges and cooperation, and workshops organised under this programme will contribute to increasing interaction between the relevant services in each Beneficiary and across the region. The programme should also be seen as a strong regional catalytic tool for law enforcement cooperation and for the identification and neutralisation of common threats related to organised crime and terrorism and early identification of developing crime trends.

Any success against organised crime may indirectly bring about many other benefits such as the reduction in the smuggling of narcotics and of people into the region and/or the EU, neighbouring countries and beyond, with positive effects for those countries that are destination for this kind of traffic as well as for those who (perhaps unknowingly) harbour such criminals and their assets. The project is highly appropriate to address also certain social-cultural aspects. As the fight against organised crime is not only for the benefit of the central authorities but also for their citizens. The results in the fight against organised crime increase as the cooperation and information exchange mechanisms improve.

3.5 SUSTAINABILITY

The potential sustainability of this kind of support to international law enforcement cooperation will vary in the region, depending upon the related stages of development of the services, local funding capacities and operational capabilities in terms of equipment and the need for extensive external/international support. The implementation of the project should result, *inter alia*, in amended/drafted laws, bylaws, strategy, action plans and working standards in accordance with EU best practices, increased number of staff trained and working groups continuously functional and making decisions, opinions, proposals etc. In order to achieve sustainable solutions, the Beneficiaries will have to commit adequate financial and human resources to this end. Ownership will depend on the relative development of each IPA Beneficiary regarding, not least, their laws on organised crime, structures and service capabilities. Local personnel must be as far as possible involved at both national and regional levels and take ownership.

3.6 ASSUMPTIONS AND PRE-CONDITIONS⁵

Effective implementation is depending upon a number of elements, such as the willingness of the relevant authorities in the Beneficiaries either to participate in, or to support, the project and the continuation of that support throughout the duration of the project. It has to be recognised that in some of the Beneficiaries the criminal justice system in general and policing in particular are by no means well-resourced in comparison with many EU Member States.

The following risks and assumptions might be subject to revision at the conclusion of the inception phase of the project.

Risks and assumptions

- Adequate political commitment and financial resources of Beneficiaries.
- Political tensions in the region do not adversely affect the administration and effectiveness of the Beneficiaries.
- The willingness to enforce the ‘de-politicisation’ of law enforcement authorities.
- Transparency and efficient cooperation between Beneficiaries and the implementing body.
- National law enforcement authorities willing to collaborate and exchange information with other international law enforcement agencies.

Pre-condition:

- Timely and adequate resources available.

Mitigating measures:

- Outside project control – EU political support.
- Political support in compliance with the demands of the stakeholders.
- Political acceptance of the implementation strategy in all eight beneficiaries with support of all stakeholders.
- Involvement of the heads of the regional law enforcement institutions.

4 IMPLEMENTATION ISSUES

The programme will be implemented following a restricted call for proposals.

Priorities, objectives, results: there will be one call for proposal and only one grant awarded. Objective and results are those defined on page 9 of this document.

Eligibility, selection and award criteria: competent public sector administrations from the EU Member States. In order to be eligible for a grant, applicants must be legal persons; relevant public administration authorities or public sector operators entrusted with responsibilities related to the implementation of activities relevant to the call; directly responsible for the preparation and management of the action with their partners, not acting as an intermediary; experienced in law enforcement and/or judicial cooperation in Croatia, Candidate Countries and Potential Candidates for accession to the EU.

⁵ Assumptions are external factors that have the potential to influence (or even determine) the success of a project but lie outside the control of the implementation managers. Such factors are sometimes referred to as risks or assumptions but the Commission requires that all risks shall be expressed as assumptions. Pre-conditions are requirements that must be met before the sector support can start.

Activities of operational nature as described in paragraph 3.4 Main Activities, in particular activities related to the creation of a website providing for operational tools for judicial cooperation, are implemented under the supervision and with active participation of the European Judicial Network Secretariat.

Maximum possible rate of co-financing: 95%

Timetable and the indicative amount of the calls for proposals: Q1 2014; EUR 5.0 million.

4.1 INDICATIVE BUDGET

Indicative Project budget (amounts in EUR) (for centralised management)

PROJECT TITLE			SOURCES OF FUNDING									
			TOTAL EXPENDITURE	IPA CONTRIBUTION		NATIONAL CONTRIBUTION						PRIVATE CONTRIBUTION
	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	% (2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1	X											
Contract 1	-	-	5.263.000	5.000.000	95						263.000	-
TOTAL IB												
TOTAL INV												
TOTAL PROJECT			5.263.000	5.000.000	95						263.000	5

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

(1) In the Activity row, use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN BY QUARTER)

Contracts	Start of Tendering/ Call for proposals	Signature of contract	Project Completion
Grant Contract	Q1 2014	Q3 2014	Q4 2017

4.3 CROSS CUTTING ISSUES

4.3.1 *Equal Opportunities and non discrimination*

The project does not directly target equal opportunities but it will respect gender equality, not least through the inputs to upgrade legislation towards EU standards. There are many high level female officials in the police services, in the prosecutors' offices, in the courts, although the specialised units for witness protection programmes remain predominantly male-dominated.

4.3.2 *Environment and climate change*

The programme will indirectly contribute in tackling the criminal phenomenon of eco-mafia.

4.3.3 *Minorities and vulnerable groups*

Minority and vulnerable groups' concerns will be reflected in all activities under the programme, in particular when it concerns public services, legislative matters and socio-economic development.

4.3.4 *Civil Society/Stakeholders involvement*

This programme was developed on the basis of the results of the bi-annual Working Group on Justice Freedom and Security with the participation of representatives of the NIPACs, the Regional Cooperation Council, Council of Europe, Interpol, United Nations Office on Drugs and Crime (UNODC), International Organisation for Migration (IOM), International Centre for Migration Policy Development (ICMPD), the European Commission and EU Delegations. In addition, discussions were held with the Western Balkan Network of EU Member States, as well as with EUROJUST, the European Judicial Network Secretariat and the Western Balkans Prosecutors' Network.

ANNEXES

- 1. Log frame**
- 2. Amounts (EUR) contracted and disbursed per quarter over the full duration of the project**
- 3. Description of Institutional Framework**
- 4. Reference list of relevant laws and regulations only where relevant**
- 5. Project visibility activities**

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Project title and number International Cooperation in Criminal Justice: Prosecutors' Network		02
		Contracting period expires: 30/11/2014		Execution period expires 30/11/2017
		Total budget	EUR 5.263.000	Duration: 36 months
		IPA budget:	EUR 5.000.000	
Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification		
Prevent and combat serious and trans-border organised crime and linked corruption cases with cross-border implications, and dismantle criminal organisations involved in illicit trafficking destined to the EU, in particular trafficking in firearms, drugs and human beings.	Track record of successful international investigations and prosecutions			
Specific objective	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions	
To strengthen the operational capacity and capabilities of the Public/State Prosecutors' Offices in the Beneficiaries in order to prosecute and investigate serious and trans-border organised crime, including linked cases of economic and financial crime and corruption.	Track record of successful international investigations and prosecutions	Local and National Records (MoI, Customs Administration) Statistical publications EC Progress Reports	<ul style="list-style-type: none"> - Adequate political commitment and financial resources of Beneficiaries - Political tensions in the region do not adversely affect the administration and effectiveness of the Beneficiaries. - The willingness to see the 'de-politicisation' of law enforcement authorities. - Transparency and efficient cooperation between Beneficiaries and Grant beneficiary. - National law enforcement authorities willing to collaborate and exchange information with other international law enforcement agencies. 	
Results	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions	
Improved capacities of the Public/State Prosecutors' offices in the Beneficiaries to carry out investigations and prosecutions of cross-border cases of organised crime, financial crime and corruption.	<ul style="list-style-type: none"> - Track record of successful international investigations and prosecutions - Amount of information and intelligence exchanged - Number of joint operations, investigations and prosecutions 			

Activities to achieve results	Means / contracts	Costs	Assumptions
<ul style="list-style-type: none"> - Seconded public prosecutors from EUMS analyse current prosecution files in order to identify main weaknesses and identify solutions; - Provide advice and organisational support to the offices of the Public/State Prosecutors in charge of the fight against organised crime and corruption, thus improving efficiency in cooperation, communication and coordination with relevant services; - Advise and support ongoing investigations of serious crime and high level corruption cases related to organised, economic and financial crime (focus on asset confiscation/recovery, admissibility of evidence, mutual recognition of judicial decisions); - Enable better cooperation between prosecutors and witness protection units: raise awareness of the existence or methodology of witness protection units, of the concept of threats assessment, of basic "tradecraft" in relation to security of the witness, of implications of relevant aspects of European Convention on Human Rights, etc; - Support (both technically and financially) the set up and the practical work of joint investigation teams in on-going investigations, and facilitate the association with Eurojust and Europol; - Provide and exchange expertise about the national legal frameworks and best practices, in particular the criminal procedure codes and the related legislation on special investigative measures; - Enhance cooperation and communication between competent judicial authorities involved in mutual legal assistance (MLA), based on the principle of direct contacts and mutual trust, central registration of incoming and outgoing requests, and improve technical support (registration, channels of communication, etc); - Foster direct contacts between the focal points of the Prosecutors' Network, the international law enforcement coordination units (ILECUs), Eurojust, Europol and the European Judicial Network's (EJN) contact points, including, as far as possible, by means of operational meetings, with clear objectives and practical results to be achieved related to operational judicial cooperation; - Strengthen operational judicial cooperation by creating, under EJM supervision, a website in criminal matters following the structure of the EJM website, providing for operational judicial tools (mutual legal assistance tools and, where relevant, mutual recognition instruments), and holding related monitoring meetings; 	Grant Contract	EUR: 5.000.000	

<p>- Improve practical knowledge and skills of personnel dealing with international cooperation in criminal justice: organise and deliver practical and case-oriented training, embedded in the national training strategy, organise regional activities, conferences, and study visits to EUMS (in particular to prosecutor's offices, Eurojust and the European Judicial Network).</p> <p>A supply component for an amount of maximum 8% of the total value of the EU contribution might be envisaged for covering the identification and part of the cost for the purchase of equipment necessary to improve the exchange and sharing of information and intelligence, communication technology and data protection, such as, for instance, secure video conference connections at public prosecutors' and the central bodies for coordination action on the request for legal assistance.</p>			
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ANNEX 2: Amounts (in EUR) contracted and disbursed per quarter over the full duration of project

Contracted	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018
Contract 1	5.000.000															
Cumulated	5.000.000															
Disbursed	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018
Contract 1	1.333.333				1.666.667					1.500.000						500.000
Cumulated	1.333.333				3.000.000					4.500.000						5.000.000

3. Description of Institutional Framework

The authorities responsible of the implementation of the project will be the offices of the Public Prosecutors, Ministries of Interior and Ministries of Justice of the Beneficiaries, including law enforcement agencies and judicial authorities (criminal police, border police, government protection bureau, special investigative units, prosecutors' offices, courts) involved in the fight against criminal groups.

4. Reference list of relevant laws and regulations

- Multi-beneficiary Multi-annual Indicative Planning Document 2011-2013
- Commission's Communication of 5 March 2008 "Western Balkans: Enhancing the European perspective"
- Commission's Communication of 9 November 2010 "Enlargement Strategy and Main Challenges 2010-2011" COM(2010) 660
- Regional report on Western Balkans,11791/11 CORDROGUE 145COWEB 138, 6 December 2011
- Towards a complementarity approach by the Union and the Member States to the external dimension of JHA policy in the EU, 8 December 2011
- Implementation EU Policy cycle for organised and serious international crime: Draft strategic goals related to the EU crime priority "Western Balkans", 17 October 2011
- Enlargement Strategy and Main Challenges 2012-2013
- Communication from the Commission to the European Parliament, the Council and the European economic and social, Committee, Fighting Corruption in the EU, COM(2011) 308 final, 6.6.2011
- Commission Staff Working Document of 8 February 2008 "An examination of the links between organised crime and corruption" – SEC(2008) 196
- Commission's Communication of 27 January 2006 "The Western Balkans on the Road to the EU: Consolidation Stability and Raising Prosperity"
- Council Action Oriented Paper on Improving Cooperation on Organised Crime, Corruption, Illegal Migration and Counter-terrorism, between the EU, Western Balkans and relevant ENP countries of 12 May 2006
- Council Decision of 18 February 2008 (2008/210/EC) on the principles, priorities and conditions contained in the European Partnership with Albania and repealing Decision 2006/54/EC
- Council Decision of 18 February 2008 (2008/211/EC) on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina and repealing Decision 2006/55/EC
- Council Decision of 18 February 2008 (2008/212/EC) on the principles, priorities and conditions contained in the Accession Partnership with the former Yugoslav Republic of Macedonia and repealing Decision 2006/57/EC
- Council Decision of 22 January 2007 (2007/49/EC) on the principles, priorities and conditions contained in the European Partnership with Montenegro.
- Council Decision of 18 February 2008 (2008/213/EC) on the principles, priorities

and conditions contained in the European Partnership with Serbia including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2006/56/EC

- Council and Commission Decision of 26 March 2001 concerning the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part - Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part
- Council and Commission Decision of 22 May 2006 concerning the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part - Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part
- Albania 2012 Progress Report
- Bosnia and Herzegovina 2012 Progress Report
- The former Yugoslav Republic of Macedonia 2012 Progress Report
- Montenegro 2012 Progress Report
- Kosovo Commission staff working document accompanying the document Commission Communication on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo
- Serbia 2012 Progress Report
- Commission Opinion on Serbia's application for membership of the European Union, October 2011

5. Project visibility activities

To be further developed during inception period. Project presentation, visibility measures and visible presence by means of project layout, project logo, project flyer, giveaways and an Internet website; possible additional tool: a communication platform. Direct involvement of the Regional Cooperation Council (RCC) and relevant regional initiatives, participation of the Beneficiaries to the Steering Committee.