

Standard Summary Project Fiche for the Transition Facility

1. Basic Information

1.1 CRIS Number 2007/019-303.05.07

Twinning contract BG/07/IB/JH /07

1.2. Title: **Strengthening the public management of the judiciary and court administration**

1.3. Sector: Justice and Home Affairs

1.4. Location: Republic of Bulgaria, Supreme Judicial Council

2. Objectives

2.1. Overall Objectives:

To improve the public management and transparency of the judiciary and court administration through strengthening the managerial and administrative capacity of the Bulgarian Supreme Judicial Council (SJC) to meet new challenges after Bulgarian accession to the EU.

2.2. Project Purposes:

Improvement of the Supreme Judicial Council operational structure, effective management and administrative capacity as a policy making body in the process of the strategic planning, in order to ensure efficiency of the judicial process ;

Improvement of the access to information and transparency of the judicial system in the context of the public awareness and outreach through strengthened coordination and cooperation of the courts, court administration and other institutions of the judicial system in Bulgaria with government, professional and civil society organizations.

2.3. Justification

One of the main criteria of EU Membership is related to the obligation of the relevant country to strengthen its administrative and judicial capacity in order to be ready to adopt and apply the Community law. Since January 1 2007, Bulgaria has become a member of the EU, thus, Bulgaria recognizes that the implementation of the *acquis communautaire* together with all further challenges for the Judiciary, require improvement of the institutional capacity of the Bulgarian courts in order to implement timely and equally the new legislation. In accordance with the Bulgarian Constitution and the Judicial System Act, the SJC, SCC and SAC have the primary responsibility to control the process of court administration in penal civil, commercial and administrative matters. In particular, the SCC and SAC are responsible also for equal application of the law. In this regard the project will facilitate the smooth application of the new penal, civil and administrative procedural codes in Bulgaria.

The 2006 Monitoring Reports on Bulgaria' progress towards accession in the European Union reveals that Bulgaria should make considerable efforts in the sector of judiciary reform. The judiciary reform, on one side, is characterized with the drafting and enforcement of legislation, and on the other side – with the judiciary system restructuring in the most efficient way. Judiciary reform means also changes taking place in the procedural legislation to assist and not to hamper the administration of justice.

According to the last Monitoring Reports of the European Commission on the state of preparedness for EU membership of Bulgaria and Romania (in May and September 2006) a number of areas of continuing concern were identified with a special need of immediate actions in the context of EU Membership's obligations. The Commission encouraged strongly the country to take and continue the

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necessary efforts in the observed fields such as: the justice system, the fight against corruption, police cooperation and the fight against organised crime, money-laundering and others.

In particular, in the field of judiciary, the reports' summary of monitoring findings is that "some progress has been made in the reform of the **justice system** in Bulgaria". Regarding the role of the Supreme Judicial Council the following conclusion is underlined: "***Further reform of the Supreme Judicial Council is necessary, in particular as regards its accountability and capacity to effectively manage the judiciary, in order to ensure the transparency and efficiency of judicial processes.***"

„The composition and functioning of the Supreme Judicial Council still give rise to concern. Members of the Supreme Judicial Council continue their other professional activities (in most cases as heads of courts or prosecution offices) and therefore cannot devote their effort full-time. Decision making on disciplinary measures by the Supreme Judicial Council has often been slow. There are no legal provisions to suspend magistrates who are under internal disciplinary investigation. A magistrate who is a member of the Supreme Judicial Council and is found to have committed a disciplinary offence cannot be dismissed from the Council. Therefore, concern remains regarding the ability of the Supreme Judicial Council to act as a credible and leading body to promote the highest ethical standards throughout the Bulgarian justice system. Following the adoption of the regulation on competitive examination for and evaluation of magistrates, efforts need to continue to ensure it is rigorously applied. So far, the monitoring mechanism of the new penal procedure code is rather ineffective. The mechanism needs to be better known and used by magistrates, especially in local courts. Most difficulties regarding the implementation of the new penal procedure code relate to its too cumbersome procedures, unrealistic deadlines for the investigation of serious crimes and for scheduling case hearings and, finally, legal restrictions for giving evidence in court by police officers. The anti-corruption departments in the Supreme Judicial Council and in the Prosecution services need to be reinforced and to be protected from undue influence. Furthermore, there is still a backlog of cases initiated under the previous penal procedure code.

The recent adoption of the new Judiciary System act may cause major further delays in the judicial reform efforts. The replacement of 100% of the existing legislation pertaining to the judicial system with new one in less than a year will require significant efforts on the side of all judicial institutions.

In addition, the SJC needs to develop an effective monitoring and evaluation mechanism to measure the instructional development progress of judicial administration, including transparency and effective management issues, ethical standards, effectiveness of the disciplinary decisions, anti-corruption measures, competitive examination and evaluation. In this regard there is a significant lack of coordination between different judicial institutions as well as with professional organizations. The country specifics will require an adequate mechanism for active involvement of local stakeholders, professional organizations and public in the process of sustaining judicial reform efforts."

3. Description

3.1. Background and justification

Bulgaria faces significant challenges in optimizing the administration of its judicial system. The weaknesses of the Bulgarian judicial system were consistently identified in all Regular Reports produced by the European Commission from 1999 to 2006. They have acknowledged that Bulgaria has made significant progress on the judicial reform strategy with the adoption of an Action Plan and major amendments to the Constitution and Judicial System Act. However the judicial system remains weak and there has been little concrete change in its functioning. In order for the judicial system to be able to play its role in the future development of the economy and future enforcement of the acquis, the reforms already agreed on in the National Reform Strategy for the Bulgarian Judicial System need to be fully implemented and work on remaining necessary reforms pursued. Special attention should also be given to reforms to the structure of the Bulgarian judiciary.

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The considerable need for reform, its depth and its broad coverage in terms of institutions and the huge need for investments called for the updating of the Strategy. In preparing and adopting the updated five-year Strategy for Reform of Judiciary (2002-2006), the Government of Bulgaria has identified the full range of institutional and material problems facing the Judiciary, and organized them into logical groupings so that each could be addressed. It is based on an overall assessment of the situation for every aspect under consideration, setting out for all of them the main steps still to be taken by Bulgaria to meet the remaining requirements for membership. The Updated Strategy aims to safeguard that judicial and law enforcement authorities will succeed in the full implementation the commitments made in the negotiations, and thus meet the standards of EU Member States.

Despite the strong legislative basis for reform in the judiciary and jurisdiction systems in Bulgaria, some further efforts are needed to apply the already introduced changes in the legal acts. In order to apply efficiently the new legislation it is necessary to strengthen the capacity of the judiciary system where SJC, SCC and SAC have significant role.

The Supreme Judicial Council (SJC) has yet to realize its potential as a policy making and administrative body of the judiciary. It is short staffed, insufficiently funded and has yet to develop and optimize an efficient structural and functional organization. The judiciary system strengthening is of utmost importance for the enforcement of the EU law. The independence and the efficiency of the judiciary system are key factors preserving the principles of a state based on the rule of law.

The Supreme Judicial Council consists of 25 members, as the Chairman to the Supreme Court of Cassation, the Chairman to the Supreme Administrative Court and the Prosecutor General, are its members by law. Eleven of the Supreme Judicial Council' members are elected by the National Assembly and eleven – by the judiciary authorities (the judges elect six of them, the prosecutors – three and the investigators – two from them at special delegate meetings). The sessions of the Supreme Judicial Council are chaired by the Minister of Justice, but he does not take part in the voting. The Administration of the SJC is governed by a Secretary General who is appointed with a competition.

The SJC is responsible for the self-governing and organisation of the judiciary power and its performing functions concerning:

- Statute of employees (number of people, appointments, promotions, demotions, transition and discharge, remunerations, staff management), disciplinary and penal liability and qualification of judges, prosecutors and investigators;
- Status of courts - decides upon their number, the regions and the head offices
- Judiciary budget – considers and approves the draft budget of judiciary, tables the proposal in the Council of Ministers and supervises the fulfillment of the budget;
- Judiciary structures functioning – requires and generalizes every six months information for the courts, prosecutor's offices, investigation departments functioning as well as the annual reports on their work ;
- Administration and internal organization of judiciary structures appoints and discharges the administration managers and their deputies in the judiciary bodies;

The SJC in exercising its powers is assisted by standing and interim commissions and by the administration. The commissions comprise of members of the SJC and experts – the Council judiciary administration employees.

The Supreme Judicial Council (SJC) is in essence a policy-making body. It is composed of high-level persons whose interests and constituencies differ. Its administrative staff is insufficient in number to meet its operational needs, yet it is charged with preparing the budget for the entire magistrature (i.e. all judicial, prosecution and investigative offices) and for determining the employment status of judges, prosecutors and investigators. Conversely, responsibility for all subordinate court staff lies within the ambit of the Ministry of Justice (MOJ), which is also responsible for administration and inspection functions within the judiciary yet. At the bottom of the current system are individual court

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chairpersons who, acting in their capacity as administrators for their courts, vie for inadequate resources in an ad hoc manner from both the SCJ and the MOJ.

Despite the commitment and hard work of many individual magistrates, the system yet remains disjointed. There is no national system of court administration under either the auspices of the SJC or the MoJ. Instead, each individual court is administered by its chairperson. Administrative matters that could readily be handled by support personnel substantially consume the chairperson's time. Moreover, there are no uniform procedures for the multitude of administrative functions common to all courts and there is a lack of consistency in the operations of one court versus the next. The analysis of the qualities and qualifications of human resources in the judiciary system demonstrated the need to deliver specific training to magistrates and administrative staff. In sum, Bulgaria's courts are administered on an ad hoc basis by individual court managers and administrators and there is an absence of systemic strategic planning. Administrative heads and SJC personal have to be trained in order to enhance their organizational and management skills in accordance with the European standards of good governance. The public role of the magistrates requires the acquisition of skills in different areas closely related to their job. Pursuant to the requirements of the Judiciary System Act, upon first appointment in the judiciary authorities, judges, prosecutors, and investigators have to complete a course in **qualification enhancement**, under qualification programmes adopted by the Supreme Judicial Council and National Institute of Justice.

The Supreme Judicial Council bears a lot of administrative responsibilities as a managing body of the judiciary system, but it does not dispose of the governing and administrative capacity needed to exercise these functions. The problems related to the implementation of the new legislation on public finance management provide additional reasons and need for this project. Therefore an additional reform in the structure, functions and work of SJC must be developed and implemented. The Council's ability to efficiently run the judiciary system and the accountability are the special items to be further improved. All these core issues and the process of correcting them in the context of the Bulgarian obligations as a new EU member are the main focus and priorities of this project.

The recently adopted amendments to the Constitution provided for creation of a new form of monitoring of judicial administration and processes – Inspectorate. In addition the pending Draft of the Judiciary System Act provides for possible significant restructure in the SJC operations. It is discussed that the SJC members should **not** continue their other professional activities (in most cases as heads of courts or prosecution offices) and therefore should devote their effort full-time in managing the SJC operations.

Another important factor influencing the transparency in the work of the judiciary is the **public and media accessibility to the jurisdiction. The transparency of the judiciary need additional strengthening. To improve the image of the judiciary, the transparency of its work has to be increased. Some mechanisms have to be elaborated to achieve transparency in the work of judiciary by regulating the access of the public and of the media to the jurisdiction, so that a balance to be established between the normal functioning of the judiciary and the satisfaction of the needs of information. There will be no adequate and equal treatment of *acquis communautaire* if there is no trust in the society in the judiciary. The trust could be gained only by increased transparency and accountability of the judicial system.**

Surveys indicate that the public perceives there to be a high level of corruption in the judiciary and legal professions, a claim disputed by the judiciary. The endorsement of the principles of transparency and integrity for the court administration and the magistrates is of primary importance for the combat and prevention of corruption and enhancement the citizens' confidence in the judicial institutions. Most of the public court documents and decisions are not accessible for the public. The country specifics will require an adequate mechanism for active involvement of local stakeholders, professional organizations and public in the process of sustaining judicial reform efforts.

Its strategic objective is to plan the future progress of the process of computerization of management, the introduction and further development of the Bulgarian judiciary system information recourses for the period of 2006-2009. The Strategy presents a strategic analysis of the present level of development

of the information service system for the Bulgarian judiciary system and its relevant environment and describes the forthcoming stages of development for the period of 2006-2009.

3.2 Linked activities

PHARE Horizontal

Three of its components are especially designed for the Judiciary, such as:

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

National PHARE Programme:

PHARE 1999 BG/99/IB/JH/01 *Strengthening the Independence of the Judiciary and Building the Capacity of the Ministry of Justice.*

This twinning project provides for measures at all levels and, *inter alia*, for strengthening the Judiciary by proper court administration, training magistrates in EC law, upgrading the professional knowledge and skills of magistrates, approximating Bulgarian national legislation with the *acquis communautaire*. The project also contains an investment component (pilot courts in Sofia)

PHARE 2001 BG-0103.03 *Recruitment and Training Strategy for the Judiciary.*

The project aims at improving the system of magistrates' recruitment, career development and qualification, and the career development system for administrative clerks in the bodies of the Judiciary

PHARE 2002 BG-0203.01 *Implementation of the Strategy for Reform of the Bulgarian Judiciary .*

This project aims at ensuring equal access to justice, and at improving the system of court execution and enforcement. The project contains an investment component (automation of courts and training of court clerks in the standard software applications)

BG/2002/IB/JH/01 A&B, FM BG 0203.01 *"Implementation of the Strategy for Reform of the Judiciary in Bulgaria"*

The overall objective of these two twinning projects is to support the Bulgarian government and the judicial system in the best possible way in implementing the Strategy for Reform of the Judiciary, aiming to meet EU standards and practices in terms of quality of justice through reform of the system of legal aid ensuring equal access to justice, improvement of court decisions enforcement system as well as introduction of information technologies and provide for a sustainable increase of efficiency in the courts. The Project aims also at strengthening the National Institute of Justice for training of the judiciary and the judicial administration

EuropeAid/113343/D/SV/BG „Technical Assistance for the Preparation of a Recruitment and Training Strategy for the Judiciary”

Among the development of a system with clear common criteria for recruitment and appointment of magistrates and clerical staff the project's overall objective was the assessment of the Bulgarian legal education system and the preparation of a strategy for its harmonisation with those in the EU, the development of a National Training Strategy for the judiciary in Bulgaria, including identification of the training needs of magistrates (judges, prosecutors and investigators) and clerical staff, drafting of separate overall Training Strategies for magistrates and clerical staff and design of separate curricula

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for training of magistrates and clerical staff and the provision of pilot training for magistrates and clerical staff.

BG-0203.04 Project “Improvement of administrative justice in view of the fight against corruption”

The main objective of this twinning project is improvement of the legal and organisational framework of the administrative justice in order efficiently to prevent corruption through introduction of a modern system of administrative legislation and establishment of efficient mechanisms for external judicial control over the work of the public administration. The final goal of the project is codification of the administrative procedure and establishment of specialised administrative courts.

BG/2000/IB/JH/01 Project “Strengthening the Public Prosecutor’s Office” and BG-0203.06 Project “Strengthening the Institutional Capacity of the Public Prosecutors’ Office for Combating Organized and Economic Crime and Corruption”

The objectives of these projects are to support the Bulgarian Government in its fight against organised crime and corruption, to complete and implement an Institution Building plan for the Public Prosecutor’s Office (PPO), and to assist in increasing the capacity of PPO for prevention, investigation and combating organized and economic crime and corruption through specialisation of prosecutors, improvement of internal management,

BG 2004/IB/JH/02 — Judicial Cooperation in Penal and Civil Matters

The project aim and results have established the grounds of judicial cooperation between different member states in civil and penal matters. However, the Bulgarian judicial system, including SJC has experienced problems in cooperating with different judicial bodies, government and civil society in order to advance the reform issues. In this regard the proposed project will not overlap the existing PHARE projects, but it will contribute the effect of the cooperation in civil and penal matters by introducing the effects of application of *acquis* to the public. It will also further improve the institutional mechanisms of SJC and other judicial institution adequately and fully to participate in the process of judicial cooperation. In particular the Supreme Administrative Court will need specific assistance due to the specifics of its functions.

BG 2004/016-711.08.02, BG/04/IB/JH/04 “Improvement of the Magistrates’ Legal Status and Strengthening the Capacity of the Supreme Judicial Council”

The purposes of the project are: improvement of the legal framework of the magistrates’ status, provision of training for magistrates and administrative staff and strengthening the capacity of the Supreme Judicial Council. Therefore the work of this project was focused on the following main issues:

1. Magistrates legal status, selection, evaluation and discipline

In particular, the project activities contributed to the process of elaboration of a package of recommendations and proposals for legislative amendments of the legal framework of the magistrates’ legal status, the criteria and mechanisms for their selection, appointment, promotion and downgrading, the methods for verification of the quality of the work done, as well as for the improvement of the mechanism for the realization of disciplinary liability.

Adoption of a new secondary legislation in the field of the magistrates’ legal status (such as the approved by SJC *Regulation for appraisal of magistrates* and *Regulation for rules and provisions for competitions for magistrates*) is a direct result of this project.

2. Administrative capacity of the Supreme Judicial Council

In particular, the project activities are aimed at: provision of a review and analysis of the existing structures and practices of judicial system management in some Member States of the European Union; improvement of the existing mechanism of staff recruitment, evaluation and promotion in the administration of SJC; training administrative staff; keeping track of recommendations of various EU institutions in the field of justice and briefing regularly the members of SJC; and developing regular releases of a newsletter reporting on the work of the Judiciary.

Especially in the field of budget and auditing, the project activities have included: the training of the staff of the financial department to work with uniform accounting software products, as well as presenting the European financial monitoring and audit systems to the relevant SJC staff.

The proposed project will further improve the administrative capacity of SJC in the areas of strategic planning and implementation of the measures developed under the previously funded PHARE projects. The project will further elaborate and improve the management of SJC in areas different from the improvement of the magistrates' status, assessment criteria and promotion system for the SJC administration, and the budget management of the Judiciary. In particular, this shall include the introduction of management methods which should adequately contribute to the implementation of the newly developed regulations, improved qualifications of the SJC and court staff through seminar, and development of monitoring and evaluation plans to monitor the progress in the relevant areas. In addition, the mechanisms for permanent updating the judicial system strategic and action plans by including different stakeholders outside of system (professional and civil society organization) is not yet been developed. The last is of a particular need in order to be fully and smoothly implemented the last amendments in the Constitution and pending draft of Judiciary system act. This would require amendments to already developed management mechanisms and the prepared strategic documents and manuals would need significant revisions. The project will not repeat but will address the sustainability and implementation of other projects' results.

The comparative advantage of the proposed project is in the areas of strategic planning and project cycle management. The new Judiciary System Act requires the new SJC to apply new principles of managing the judicial system which would require changes and improvements in the project cycle management. The members of the new SJC should be permanently involved in the projects implementation and would require their advanced knowledge in the project cycle management. Special focus of the project will be to ensure active role of SJC in the coordination of judicial reform issues with Ministry of Justice, Ministry of Finance and National Assembly. These are areas not previously addressed by other PHARE projects. In addition, the proposed project will pay special attention to the professional organization ensuring their active involvement in the process of monitoring and evaluation of judicial reform. In this regard, the project will also assist to the SJC in the area of capacity building of the new controlling body – Inspectorate. In addition, the proposed project aims to improve SJC functions in the areas of ethical standards, disciplinary sanctions (in particular for court administration) and public procurement.

Other connected PHARE projects are recently under implementation: BG-2003/004-937.08.02 "Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Information Technologies", component 2 "E-Justice Full Analysis and Partial Implementation" (Technical assistance) and BG-2004/006-070.03.01 "Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Information Technologies - Second Phase", component 2 "Judiciary Business Applications Development, and Supply of Hardware, Communication Equipment and Standard Software: e-Justice Initiation and Initial Implementation". The results and objectives of these projects were already mentioned in project results here.

Further it is connected with project BG-2005/017-353.07.01 Strengthening of the Bulgarian Judiciary, sub-project IV "Support for further Implementation of the Strategy for Reform of Bulgarian Judiciary", component 2. This will provide further SW supply to the development of the e-justice within Bulgarian judiciary.

USAID:

Within the USAID the projects *Judicial Development* (2000-2004) and *Judicial Strengthening Initiative* (2004-2007) carry out various activities directed towards the strengthening of the Bulgarian judicial system with regards the accession of Bulgaria to the EU. The work on the projects were

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concentrated over the improvement of the judicial administration – improvement of the citizens' access to the courts and of the court security.

The *United States Department of Justice* renders technical and logistical assistance to the Bulgarian Ministry of Justice and Ministry of Interior in relation to the penal legislation and to the special investigation means.

MATRA Programme, financed by the Dutch government, having as objective the enhancement of knowledge in EC Law among those working in the judicial system of Bulgaria.

The purpose of the new project is to continue the achievements of the above mentioned Phare Twinning Projects and other donor funded activities, and especially in the field of the strengthening the SJC capacity for the Judiciary management such as: Budget and Financial management, Human Resources Management and Public Access and Outreach. The new project will focused mainly on the improvement of the competence of the SJC, SCC and SAC in the development and application of strategic documents, working programmes and plans for judiciary management, including the successful implementation of the new legislation.

3.3 Results

Twinning Contract

Sub-project 1.

Improvement of the management competence of the Supreme Judicial Council -

- 1.1. Prepared regulatory impact analysis of the new legal framework of the Judiciary system after the adoption of the new amendment to the Constitution and the new Judicial System Act;
- 1.2. Implementation of structural and functional changes of the SJC in accordance with the new legal environment;
- 1.3. Improved mechanisms and standards for quality management, policy development and strategic planning of the judiciary by the SJC in line with EU requirements, including developed and implemented relevant strategic documents, plans and policies
- 1.4. Further development of the existing ethical standards, disciplinary decisions, anti-corruption, competitive examination and evaluation procedures in accordance with the new amendments to the Constitution and the new Judicial System Act;
- 1.5. Organised national and international forums on managerial issues and discussions on the developed strategic documents and vision for the judicial reform in the conditions of full EU Membership;
- 1.6. Improved capacity of Supreme Judicial Council and its structure in the field of project cycle management and developed coordination with other institutions in the implementation of different European projects and programmes in Bulgaria;
- 1.7. Prepared needs assessment analysis and trained Supreme Judicial Council members, its administration and courts managers in the important topics of ethical standards, disciplinary sanctions, public procurements etc

Sub-project 2.

Strengthening the coordination and cooperation with other institutions of the judicial system.

- 2.1. An updated comparative legal and institutional analysis of the independent status and competence of different national judicial bodies in EU Member States and Bulgaria, as well as of the standards and mechanisms of institutional cooperation prepared;
- 2.2. A research and regulatory impact analysis of the weakness of the coordination mechanisms between different Bulgarian institutions, responsible for the administration and management of the judiciary system developed;

- 2.3. Prepared proposal of an improved mechanism of intra – institutional coordination in the field of the judiciary management, especially between the Supreme Judicial Council, Ministry of Justice and National Institute of Justice;
- 2.4. Developed mechanisms for more active participation of the Supreme Judicial Council in the European integration process (in particular on Justice and Home Affairs' issues);
- 2.5. Established and developed a Bulgarian network of magistrates for international legal cooperation;
- 2.6. Organized two National conferences of all Bulgarian judges and magistrates on topical issues of the judicial system development in the context of the full EU Membership;

Technical Assistance Contract

Sub-project 3

Public Access and Outreach

- 3.1. Improved Supreme Judicial Council' capacity to communicate with media and public through implementation of the updated media strategy and policy
- 3.2. Developed and implemented a national concept for providing court information and customer services to the public in accordance with the EU principles and standards of judicial transparency
- 3.3. Prepared, produced and distributed up to dated information materials for the courts in the field of the Bulgarian judicial system
- 3.4. Organized a national surveys of public opinion on the judiciary and court's work
- 3.5. Prepared, produced and distributed an Analytical Report on the status of the judicial system development, as well as the Annual reports of the Supreme Judicial Council
- 3.6. Organized Award Competitions for journalists and media events
- 3.7. Established mechanisms for partnership with professional and NGOs organizations.

3.4 Activities

Twinning Contract

Sub-project 1.

Improvement of the management competence of the Supreme Judicial Council

- 1.1. Preparing regulatory impact analysis of the new legal framework of the Judiciary system (after the adoption of the new "the fourth" Constitutional amendment and the new Judiciary System Act) and the necessary changes of the SJC legal statute, role, organizational structure and functions as a supreme administrative authority of the judicial system
- 1.2. Research on the legal status, competence and good practices of judicial managerial bodies in the EU Member States and their comparison with the Bulgarian system in view of currently approved amendments of the Constitution and new Judiciary system act
- 1.3. Preparation of proposals and recommendations for structural and functional changes of the SJC in accordance with the new legal environment
- 1.4. Assisting in the preparation of the draft secondary legislation with above mentioned proposals and recommendations by public advocacy
- 1.5. Development of mechanisms for effective participation of SJC in the process of adoption of the legal and financial framework of the judicial system by the Council of Ministers and the National Assembly
- 1.6. Developing cooperation with relevant managing bodies in other EU countries and organizing study visits of the SJC' members and administration in order to exchange of information and good practices in the field of the Judiciary management
- 1.7. Assessing the needs and preparing recommendations for the improvement of the SJC internal management and its institutional cooperation with other institutions, improving the SJC register of the international projects and programmes
- 1.8. Recommendations in improving the public management of SJC, including ethical standards, competitive examination, preparing program based budget and collection of relevant statistics for the judiciary

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- 1.9. Development and implementation of relevant strategic documents, good governance standards plans and policies in the field of the management of the judiciary and the Court administration
- 1.10. Strengthen the activity of SJC' Internal Departments through provision of technical assistance and trainings in order to be implemented the new functional characteristics of SJC, including monitoring of the corruption level, evaluation of the results and cooperation with the relevant judiciary institutions and public administration
- 1.11. Organization of two international and regional conferences to discuss the Public management of the judicial system with the participation of the representatives of all relevant institutions and organizations
- 1.12. Organization of two conferences to discuss the developed personnel and other strategic documents and the issues of their implementation
- 1.13. Developing adequate monitoring mechanisms of the progress in institutional development of the judicial system by establishing new control functions and structures
- 1.14. Training needs assessment in the relevant fields of public management, such as ethical standards, public procurements etc and organizing adequate trainings of the SJC relevant staff, courts and courts' administration in accordance with the results
- 1.15. Development and organization of professional training and retraining programmes of the SJC managers (SJC members and a secretary general), relevant staff and structures of the SJC and court managers with a special attention to the managerial fields such as: Strategic Planning, Financial management and Budgeting, Human Resource management, Court Facilities Management and Security, Public Procurement management, Project Cycle Management (especially in the context of European programmes and projects), Information Technology's management, others.
- 1.16. Preparing and organization of specialized training programs for magistrates, court administration, public administration and SJC representatives (including trainings for the relevant internal control bodies).

Sub-project 2

Strengthening the coordination and cooperation with other institutions of the Bulgarian judicial system, as well as with professional organizations

- 2.1. Preparing an updated comparative legal and institutional analysis of the independent status and competence of different judicial bodies in EU Member States and Bulgaria in order to be developed a proposal for future legislative amendments in order to profound the independence of the judiciary
- 2.2. Research and analysis of the weakness of the coordination mechanisms between different Bulgarian institutions, responsible for the administration and management of the judiciary system
- 2.3. Making research on the status and developed standards and mechanisms of institutional coordination of managing judicial bodies in EU Member States and organizing study visits of representatives of the Bulgarian judicial institutions to exchange good practices
- 2.4. Preparation of a proposal of an improved mechanism of intra – institutional coordination in the field of the judiciary management, especially between the SJC, Ministry of Justice and National Institute of Justice
- 2.5. Analyzing the existing Bulgarian institutional mechanism of the European integration and developing a proposal for participation of the SJC in it
- 2.6. Organization of two National conferences of all Bulgarian judges and magistrates on topical issues of the judicial system development in the context of the full EU Membership.

Technical Assistance Contract

Sub-project 3

Public Access and Outreach

- 3.1. Assessment and analysis of the developed media policy and strategy of SJC in order to be updated and to be improved the mechanisms for regular provision of information to the society through media
- 3.2. Develop a detailed action plan for providing court information and customer services to the public in accordance with the EU principles and standards of judicial transparency

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- 3.3. Development of up to dated information materials on SCC, SCC and SJC functioning and publication of commentaries and the established practices of the court in line with the new civil, penal and administrative procedural legislation
- 3.4. Organizing national surveys of public opinion on the judiciary and court's work
- 3.5. Development, publication and distribution of a special edition of SJC, SCC and SAC analytical report on the status of the judicial system development, as well as the SJC annual reports and other publications.
- 3.6. Developing interactive web-page providing advanced IT services to interested parties about the courts and the Bulgarian judicial system
- 3.7. Organizing award competitions for journalists and other media events related with the public presentation of the judicial system's issues
- 3.8. Identification of the professional organizations of magistrates, attorneys, jurors, court experts and experienced NGOs in the field and establish a mechanism for partnership with them in order to improve the open dialogue with the civil society and more active participation of the civil society's organizations in the successful implementation of the judicial reform efforts.
- 3.9. Involvement of the relevant professional organization in order to provide assistance and consultation to the SJC (including expertise in research, legislative drafting and advocacy)

*** The trainings planned will be conducted in cooperation with the National Institute of Justice.**

3.5 Lessons Learned

Need of close collaboration and coordination between the Ministry of Justice, the Supreme Judicial Council, Supreme Court of Cassation and Supreme Administrative Court in order to ensure adequate division and differentiation of their responsibilities in practice and later on-to ensure the necessary legislative amendments.

Public involvement and information sharing are crucial for the successful implementation of the reform processes.

4. Institutional Framework

The project will concern the activities of the Supreme Judicial Council, Supreme Court of Cassation and Supreme Administrative Court, district and regional courts, as well as the structures of the local court administration. The Ministry of Justice will be also actively involved in the implementation of the project.

Prior to the start of the implementation of the Project the Supreme Judicial Council in cooperation with Ministry of Justice will establish a joint working group /Task Force/ for the actual implementation of the Project in terms of organization of the activities and co-ordination of experts' recommendations and opinions.

Persons responsible for the Project are:

SUPREME JUDICIAL COUNCIL

Project Leader: Slavka Kamenova, Secretary General,
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The Bulgarian Project Leader shall direct the implementation of the project and shall be responsible for the substance and the progress of the project.

RTA Counterpart:

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The RTA Counterpart will work on a day-to day basis with the RTA.

SPO will be the Supreme Judicial Council.

Slavka Kamenova, Secretary General,
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MINISTRY OF JUSTICE:

Contact Persons:

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5. Budget

	EU Support – Transition Instrument			National Co-financing	IFI	TOTAL
	Investment Support	Institution Building	Total = (I + IB)			
Twinning		1200000	1200000			1200000
Technical assistance		600000	600000			600000
Total		1800000	1800000			1800000

* For the twinning contract national co-financing of up to 10% will be ensured by the National Fund Directorate, Ministry of Finance.

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

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

6. Implementation Arrangements

6.1. Implementing Agency

The beneficiaries of the project are the **Supreme Judicial Council**, 6, Saborna Str., Sofia 1000 and **Ministry of Justice**, 1 Slavianska str., Sofia 1040, Bulgaria.

Bulgarian Project Leader and Senior Programme Officer will be **Slavka Kamenova**, Secretary General of the Supreme Judicial Council. The project will be under the substantive coordination with the Ministry of Justice.

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A Steering Committee will be established including the project leaders of the institutions involved – MoJ and SJC. The coordinator of this activity will be the SJC Secretary General.

The Central Financing and Contracting Unit (CFCU) is the implementing agency to be responsible for tendering, contracting, payments and financial reporting and will work in close co-operation with the beneficiaries.

The Programme Authorising Officer (PAO) will be the State Treasurer of the Ministry of Finance.

Contact Details:

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Deputy PAO:

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The Terms of Reference for the TA component will be prepared by the Supreme Judicial Council.

6.2. Twinning

The Twinning Manual will apply for the twinning part of the project. The project will be implemented through twinning with one or more Member States. The success in delivering a guaranteed result will depend on the coherence of a number of successful inputs, the continuity of those inputs and steady progress.

The twinning will include a Member State Project Leader, who will continue to work in his/her Member State administration but at the same time will conceive, supervise and coordinate the overall thrust of the project. He/She will be complemented by at least one full-time Member State expert – Resident Twinning Advisor (RTA). The RTA will work on a day-to-day basis with the beneficiaries and accompany the implementation of the twinning project. The proposed duration of his/her stay would be up to 24 months.

Required inputs of RTA:

The twinning institution has to be well acquainted with the system of the procedure and the organisation of the court administration and judicial management. The twinning institution must be closely linked to, or preferably be within the structures of the governmental administration of an EU Member State.

The tasks of the RTA are as follows:

The RTA will be responsible for ensuring the delivery of the results of the project, identified in section 3.3. The RTA will be based at the SJC in Sofia, though the project may involve frequent field visits throughout Bulgaria.

The RTA should correspond to the following job description:

- Public Sector Expert
- Highly qualified lawyer with a long experience in the judicial system
- Experience in the relevant field of judicial management and court administration and procedures
- Working experience with structures/organizations for management and development of the judicial system will be a plus

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- Fluency in English
- Computer literate
- High communication skills

Short- and medium-term experts

- Public Sector Expert

Areas not directly covered by the RTA should be taken over by short-term experts with special regard to:

- Advise in matters of civil, penal and administrative legislation
- Methodological support in evaluation and analysis of data
- Implementation of training programmes

The concrete assignments and further topics will be a subject to the preparation of the Twinning Covenant and the recommendations.

6.3. Non-standard aspects

The project will be implemented in EDIS-environment, in full compliance with the national legislation and in accordance with the Transition Facility /TF/ programming and implementation guide and the relevant Phare rules & regulations applicable to TF.

6.4. Contracts

There will be one Twinning Contract for Sub-project 1 and 2 of a total value of 1,2 M €.

One technical assistance contract for Sub-project 3 will be contracted at total value of 0.6 M €

7. Implementation Schedule

The project duration of the Twinning contract is 24 months and of the technical assistance is 18 months.

7.1 Start of tendering/call for proposals

(call for proposals regarding the selection of twinning partner)

Twinning November 2007

Technical Assistance December 2007

-

7.2 Start of project activity

Twinning June 2008

-

Technical Assistance June 2008

-

7.3 Project completion

-

Twinning - June 2010

Technical Assistance - June 2010

-

8. Sustainability

The projects will be implemented in close cooperation with PHARE and other projects. Therefore sustainability of the results already achieved and the objectives already met (short-term and mid-term objectives cp. above) will be ensured. As the sub-projects are designed in conformity with each other, maximum efficiency by their subsequent implementation should be achieved. The schedule for the implementation of the twinning project will be elaborated in a correlative way and with exchange of current information that would contribute to attaining better results in projects' implementation.

The project proposes training on terms ensuring it will be sustainable (train trainers, manuals etc.) In order to guarantee the sustainability of the project all presentations made during the training seminars

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will be included in a Training manual, which could be use for further training activities beyond of the scope of the project.

The experts participating in the study visit will compile a report that will be distributed within the administration and train the colleagues on the newly acquired skills as appropriate

SJC has budget of over 0,3% of GDP and over 60 staff members to accomplish the project tasks. The project sustainability will be achieved through active involvement of the professional and civil society organizations in sustaining reform efforts. The public resources accumulated through these organizations will secure the demand for continuing the reform efforts.

9. Conditionality and sequencing

The project provides support to the parts of the National Strategy for Judicial Reform, which are not implemented yet. The project is based on the success of the previous activities, which are a conditionality and precondition for concluding contracts under TF07. In particular, the beneficiary institution is also beneficiary of the PHARE 2004 project "Improvement of the magistrates' legal status and strengthening the capacity of the Supreme Judicial Council". The good coordination with the aforementioned project is necessary as well as with other projects dealing with reform of the judiciary.

In particular, the project shall insure support to the reform of the judiciary through improvement its management and administration. The implementation of the project will contribute to the recommendations of the European Commission contained in the Regular Reports, and especially in the Monitoring Reports in 2006. In particular this project will build on the previously implemented projects, but it is crucial that its activities to be carefully coordinated between twining and technical assistance component.

Before the project starts, there will be defined the tasks and responsibilities of the participating institution. This will be done immediately after the approval of the project and before its beginning. The Supreme Judicial Council and Ministry of Justice will set up a working group for the management of the Project. The work on the project will be done in the conditions of maximum coordination and co-operation with other judiciary institutions and organizations.

The adoption of the new Constitutional Amendment (till February 2007) and new Judiciary system Act will impact on the detailed content of some of the activities. In cases of delay of project implementation, the reasons for this will be analyzed and the necessary measures to overcome the delay will be taken.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
4. List of relevant Laws and Regulations (optional)

ANNEX 1

Logical framework matrix

LOGFRAME PLANNING MATRIX FOR			
Strengthening the public management of the judiciary and court administration	Program name and number		End of Execution of contracts period expires: 15 December 2010
	End of contracting period expires: 15 December 2009		TF Budget: 1,800 MEUR
	Total Budget: 1,800 MEUR		TF Budget: 1,800 MEUR
Overall objective	Objectively verifiable indicators	Sources of Verification	Assumptions
To improve the public management and transparency of the judiciary and court administration through strengthening the managerial and administrative capacity of the Bulgarian Supreme Judicial Council (SJC) to meet new challenges after Bulgarian accession to the EU	<p>Strengthened governing and administrative capacity of the Bulgarian Supreme Judicial Council (SJC)</p> <p>Improved mechanisms of cooperation and coordination between the judicial institutions</p> <p>Increased awareness of citizens on penal, civil, commercial and administrative jurisdiction</p>	<p>Documents for the transition progress of Bulgaria</p> <p>EC monitoring reports and examinations in the field of justice and home affairs</p> <p>Regular reports for the progress of Bulgaria</p> <p>Project-specific baseline assessments and Monitoring and Evaluation findings, including public surveys</p>	<p>Judicial system act adopted and implemented</p> <p>Successful implementation of the ongoing twinning projects</p> <p>Active interest and participation of the project beneficiaries</p> <p>Active interest of media and professional organizations</p> <p>Adoption of sustainable coordination mechanism for</p>
Project purposes	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>Improvement of the Supreme Judicial Council operational structure, effective management and administrative capacity as a policy making body in the process of the strategic planning, in order to ensure efficiency of the judicial process ;</p> <p>Improvement of the access to information and transparency of the judicial system in the context of the public awareness and outreach through strengthened coordination and cooperation of the</p>	<ul style="list-style-type: none"> Recommendations and proposals with regards to the necessary amendments of the legislation drafted New legal framework of the Judiciary system implemented Improved legislation structural and functional 	<p>Adopted legislative amendments to implement the Judiciary system Act</p> <p>Adopted legislative amendments in the secondary legislation regarding SJC</p> <p>Evaluation reports</p> <p>Quarterly and monitoring reports on the progress of the project</p>	<p>Judicial system act adopted and implemented</p> <p>Successful implementation of the ongoing twinning projects</p> <p>Active interest and participation of the project beneficiaries</p> <p>Active interest of media and professional organizations</p> <p>Adoption of sustainable coordination mechanism for</p>

<p>courts, court administration and other institutions of the judicial system in Bulgaria with government, professional and civil society organizations.</p>	<p>system and procedures of the SJC</p> <ul style="list-style-type: none"> • Developed and implemented strategic documents, plans and policies in the field of the management of the judiciary and the Court administration • Developed mechanisms for participation in the European Integration process • Developed and implemented good practices and adequate mechanisms for coordination and cooperation with professional organizations and NGOs • 20 Organised trainings • 20 Organized forums • 12 Organised media events • 2 Conferences organized • Implemented public access and outreach strategy and policy 	<p>Regular reports of implementors</p> <p>Strategy and policy papers</p> <p>Needs assessment reports</p> <p>Guidelines, standards, regulations and other operational documentation produced under the project</p> <p>Documents of organized forums</p> <p>Trainings' documents (programmes, agendas, curricula, lists of participants, etc.)</p> <p>Media publications</p> <p>SJC reports</p>	<p>information exchange between judicial institution and courts.</p> <p>Build upon the success of previous PHARE projects, aimed at establishing unified, synchronized, simplified and systematized court administration procedures.</p> <p>Participation of other institutions in the judicial system and professional organizations</p>
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Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>Sub-project 1. Improvement of the management competence of the Supreme Judicial Council</p> <p>1.1. Prepared regulatory impact analysis of the new legal framework of the Judiciary system after the adoption of the new amendment to the Constitution and the new Judicial System Act;</p> <p>1.2. Implementation of structural and functional changes of the SJC in accordance with the new legal environment;</p> <p>1.3. Improved mechanisms and standards for quality management, policy development and strategic planning of the judiciary by the SJC in line with EU requirements, including developed and implemented relevant strategic documents, plans and policies</p> <p>1.4. Further development of the existing ethical standards, disciplinary decisions, anti-corruption, competitive examination and evaluation procedures in accordance with the new amendments to the Constitution and the new Judicial System Act;</p> <p>1.5. Organised national and international forums on managerial issues and discussions on the developed strategic documents and vision for the judicial reform in the conditions of full EU Membership;</p> <p>1.6. Improved capacity of Supreme Judicial Council and its structure in the field of project cycle management and developed coordination with other institutions in the</p>	<ul style="list-style-type: none"> - Prepared impact analysis of the new legal framework of the Judiciary system - Developed recommendations and proposals for new structural and functional changes of the SJC in accordance with the new legal environment - Developed and implemented relevant strategic documents, plans and policies in the field of the management of the judiciary and the Court administration - Prepared research on the legal status, competence and good practices of judicial managerial bodies in the EU Member States and their comparison with the Bulgarian system - Developed contacts and mechanisms of cooperation with relevant managing bodies in other EU countries - Organized forums on managerial issues of the judiciary (audit, budget and finance) - Establishment of effective 	<ul style="list-style-type: none"> - Evaluation reports - Quarterly and Monitoring reports on the progress of the project - Regular reports of contractors - Needs assessment report - Twinning reports - Forum documents of organised conferences, public discussions, round tables, workshops - Training documents (curricula, programme and lists of participants) - Technical assistance - Organized working groups 	<ul style="list-style-type: none"> New legislation adopted and implemented Active interest and participation of the courts managers and administration New legislation adopted and implemented Active participation and interest of the relevant institutional

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<p>implementation of different European projects and programmes in Bulgaria;</p> <p>1.7. Prepared needs assessment analysis and trained Supreme Judicial Council members, its administration and courts managers in the important topics of ethical standards, disciplinary sanctions, public procurements etc</p>	<p>mechanisms of consultation, coordination and work with the courts and court administration</p> <ul style="list-style-type: none"> - Professional trainings and retraining programmes developed - Prepared proposals and recommendations for the draft legislation - Organized public discussions on the topical issues - Developed mechanisms for coordination between the institutions - Developed rules and mechanisms for the institutional building - Provided trainings - Prepared a needs assessment analysis in the field - Prepared proposals for improving the process of preparation and adoption of the judiciary budget - Adopted and implemented strategic planning documents, action plan and operational plan - Developed and provided rules and mechanisms for implementing public procurement procedures and audits in the judicial system 	<ul style="list-style-type: none"> - Legislation in the field - Strategic documents in the field - Provided documents of the conferences - Provided documents of the trainings 	
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<p>Sub-project 2 Strengthening the coordination and cooperation with other institutions of the Bulgarian judicial system, as well as with professional organizations</p> <p>2.1. An updated comparative legal and institutional analysis of the independent status and competence of different national judicial bodies in EU Member States and Bulgaria, as well as of the standards and mechanisms of institutional cooperation prepared;</p> <p>2.2. A research and regulatory impact analysis of the weakness of the coordination mechanisms between different Bulgarian institutions, responsible for the administration and management of the judiciary system developed;</p> <p>2.3. Prepared proposal of an improved mechanism of intra – institutional coordination in the field of the judiciary management, especially between the Supreme Judicial Council, Ministry of Justice and National Institute of Justice;</p> <p>2.4. Developed mechanisms for more active participation of the Supreme Judicial Council in the European integration process (in particular on Justice and Home Affairs' issues);</p> <p>2.6. Organized two National conferences of all</p>	<ul style="list-style-type: none"> - Prepared a comparative legal and institutional analysis of the independent status and competence of different judicial bodies in EU Member States and Bulgaria, as well as of the standards and mechanisms of institutional cooperation - Developed a research and analysis of the weakness of the coordination mechanisms between Bulgarian judiciary institutions - Developed mechanisms for SJC participation in the European integration process - Organized two National conferences of all Bulgarian judges and magistrates - Joint activities involving NGOs and media - Technical assistance - Bulgarian network of magistrates - Organized two National conferences 	<ul style="list-style-type: none"> - Evaluation reports - Quarterly and Monitoring reports on the progress of the project - Regular reports of contractors - Needs assessment report - Organized working groups - Strategic documents in the field - Provided documents of the conferences - Provided documents of the trainings 	<p>Participation of the courts in providing public information</p>
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<p>Bulgarian judges and magistrates on topical issues of the judicial system development in the context of the full EU Membership;</p>			
<p>Sub-project 3. Public Access and Outreach</p> <p>3.1. Improved Supreme Judicial Council' capacity to communicate with media and public through implementation of the updated media strategy and policy</p> <p>3.2. Developed and implemented a national concept for providing court information and customer services to the public in accordance with the EU principles and standards of judicial transparency</p> <p>3.3. Prepared, produced and distributed up to dated information materials for the courts in the field of the Bulgarian judicial system</p> <p>3.4. Organized a national surveys of public opinion on the judiciary and court's work</p> <p>3.5. Prepared, produced and distributed an Analytical Report on the status of the judicial system development, as well as the Annual reports of the Supreme Judicial Council</p> <p>3.6. Organized Award Competitions for journalists and media events</p> <p>3.7. Established mechanisms for partnership with professional and NGOs organizations.</p>	<ul style="list-style-type: none"> - Prepared national concept for providing public information and access - Organized national survey - Revised media strategy and developed media policy - Prepared, produced and distributed information materials for the courts in the field of the Bulgarian judicial system - Organized award competitions for journalists - Media campaign - Number of NGOs involved 	<ul style="list-style-type: none"> - Evaluation reports - Quarterly and Monitoring reports on the progress of the project - Regular reports of contractors - Needs assessment report - Organized working groups - Strategic documents in the field 	<p>Participation of the NGOs, professional organizations and media</p>

			<ul style="list-style-type: none"> - Provided documents of the conferences - Provided documents of the trainings <p>Forum documents of organised conferences, public discussions, media events, round tables, workshops</p>	
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Activities	Means	Assumptions
Sub-project 1 Improvement of the management competence of the Supreme Judicial Council 1.1. Preparing regulatory impact analysis of the new legal framework of the Judiciary system (after the adoption of the new "the fourth" Constitutional amendment and the new Judicial System Act) and the necessary changes of the SJC legal statute, role, organizational structure and functions as a supreme administrative authority of the judicial system 1.2. Research on the legal status, competence and good practices of judicial managerial bodies in the EU Member States and their comparison with the Bulgarian system in view of currently approved amendments of the Constitution and new Judiciary system act 1.3. Preparation of proposals and recommendations for structural and functional changes of the SJC in accordance with the new legal environment 1.4. Assisting in the preparation of the draft	<ul style="list-style-type: none"> - Selection of a twinning partner and signing of the Twinning Covenant - Appointment of RTA - Set up of the Working groups under the project - Organization of study visits, seminars and trainings - Organization of working meetings - Organization of round tables, public discussions and workshop - Consultations – appointment of 	<ul style="list-style-type: none"> - Considerable commitment on behalf of the participants in the Working group, the civil servants and magistrates involved in the project implementation - Willingness and active interest of the participants - Support from financial and budget institutions

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<p>secondary legislation with above mentioned proposals and recommendations by public advocacy</p>	<p>experts</p> <ul style="list-style-type: none"> - Training materials preparation - Training curricula and programs preparation - Organization of conferences 		
<p>1.5. Development of mechanisms for effective participation of SJC in the process of adoption of the legal and financial framework of the judicial system by the Council of Ministers and the National Assembly</p>			
<p>1.6. Developing cooperation with relevant managing bodies in other EU countries and organizing study visits of the SJC' members and administration in order to exchange of information and good practices in the field of the Judiciary management</p>			
<p>1.7. Assessing the needs and preparing recommendations for the improvement of the SJC internal management and its institutional cooperation with other institutions, improving the SJC register of the international projects and programmes</p>			
<p>1.8. Recommendations in improving the public management of SJC, including ethical standards, competitive examination, preparing program based budget and collection of relevant statistics for the judiciary</p>			
<p>1.9. Development and implementation of relevant strategic documents, good governance standards plans and policies in the field of the management of the judiciary and the Court administration</p>			
<p>1.10. Strengthen the activity of SJC' Internal Departments through provision of technical assistance and trainings in order to be implemented the new functional characteristics of SJC, including monitoring of the corruption level, evaluation of the results and cooperation</p>			

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<p>with the relevant judiciary institutions and public administration</p> <p>1.11. Organization of two international and regional conferences to discuss the Public management of the judicial system with the participation of the representatives of all relevant institutions and organizations</p> <p>1.12. Organization of two conferences to discuss the developed personnel and other strategic documents and the issues of their implementation</p> <p>1.13. Developing adequate monitoring mechanisms of the progress in institutional development of the judicial system by establishing new control functions and structures</p> <p>1.14. Training needs assessment in the relevant fields of public management, such as ethical standards, public procurements etc and organizing adequate trainings of the SJC relevant staff, courts and courts' administration in accordance with the results</p> <p>1.15. Development and organization of professional training and retraining programmes of the SJC managers (SJC members and a secretary general), relevant staff and structures of the SJC and court managers with a special attention to the managerial fields such as: Strategic Planning, Financial management and Budgeting, Human Resource management, Court Facilities Management and Security, Public Procurement management, Project Cycle Management (especially in the context of European programmes and projects), Information Technology's management, others.</p> <p>1.16. Preparing and organization of specialized training programs for magistrates, court</p>		
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administration, public administration and SJC representatives (including trainings for the relevant internal control bodies)			
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Activities	Means	Assumptions
Sub-project 2 Strengthening the coordination		

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<p>and cooperation with other institutions of the Bulgaria judicial system</p> <p>2.1. Preparing an updated comparative legal and institutional analysis of the independent status and competence of different judicial bodies in EU Member States and Bulgaria in order to be developed a proposal for future legislative amendments in order to profound the independence of the judiciary</p> <p>2.2. Research and analysis of the weakness of the coordination mechanisms between different Bulgarian institutions, responsible for the administration and management of the judiciary system</p> <p>2.3. Making research on the status and developed standards and mechanisms of institutional coordination of managing judicial bodies in EU Member States and organizing study visits of representatives of the Bulgarian judicial institutions to exchange good practices</p> <p>2.4. Preparation of a proposal of an improved mechanism of intra – institutional coordination in the field of the judiciary management, especially between the SJC, Ministry of Justice and National Institute of Justice</p> <p>2.5. Analyzing the existing Bulgarian institutional mechanism of the European integration and developing a proposal for participation of the SJC in it</p> <p>2.6. Organization of two National conferences of all Bulgarian judges and magistrates on topical issues of the judicial system development in the context of the full EU Membership.</p>	<ul style="list-style-type: none"> - Selection of a Consultant and signing of the contract - Set up of the Working group under the project - Organization of seminars and trainings - Organization of working meetings - Organization of round tables, public discussions and workshop - Consultations – appointment of experts - Development of information materials - Gathering information - Publication of information materials - Training materials preparation - Training curricula and programs preparation - 		Support from the media, NGOs and courts
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Activities	Means	Assumptions
<p>Sub-project 3. Public Access and Outreach</p> <p>3.1. Assessment and analysis of the developed media policy and strategy of SJC in order to be updated and to be improved the mechanisms for regular provision of information to the society through media</p> <p>3.2. Develop a detailed action plan for providing court information and customer services to the public in accordance with the EU principles and standards of judicial transparency</p> <p>3.3. Development of up to dated information materials on SCC, SCC and SJC functioning and publication of commentaries and the established practices of the court in line with the new civil, penal and administrative procedural legislation</p> <p>3.4. Organizing national surveys of public opinion on the judiciary and court's work</p> <p>3.5. Development, publication and distribution of a special edition of SJC, SCC and SAC analytical report on the status of the judicial system development, as well as the SJC annual reports and other publications.</p> <p>3.6. Developing interactive web-page providing advanced IT services to interested parties about the courts and the Bulgarian judicial system</p> <p>3.7. Organizing award competitions for journalists and other media events related with the public presentation of the judicial system's issues</p>	<ul style="list-style-type: none"> - Prepared national concept for providing public information and access - Organized national survey - Revised media strategy and developed media policy - Prepared, produced and distributed information materials for the courts in the field of the Bulgarian judicial system - Organized award competitions for journalists - Media campaign - 	<p>Support from other institutions and organizations</p>

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<p>3.8. Identification of the professional organizations of magistrates, attorneys, jurors, court experts and experienced NGOs in the field and establish a mechanism for partnership with them in order to improve the open dialogue with the civil society and more active participation of the civil society's organizations in the successful implementation of the judicial reform efforts.</p> <p>3.9. Involvement of the relevant professional organization in order to provide assistance and consultation to the SJC (including expertise in research, legislative drafting and advocacy)</p>			
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ANNEX 2

Detailed implementation chart

Project title: Strengthening the public management of the judiciary and court administration

ACTIVITIES	2007					2008												2009											
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
Contract 1, Sub-project 1 & 2				T	T	T	T	T	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Contract 2, Sub-project 3				T	T	T	T	T	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	X	

T = Tendering
C = Contracting period
I = Implementation
X = Closure

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ANNEX 3

Contracting and disbursement schedule by quarter for full duration of programme
(In Million Euro)

	2007 Q 4	2008 Q 1	2008 Q 2	2008 Q 3	2008 Q 4	2009 Q 1	2009 Q 2	2009 Q 3	2009 Q 4
Sub project 1									
Contract 1: Twinning			1.2						
Disbursed			0.2	0.2	0.4	0.8	1.0	1.0	1.2
Sub-projects 2 & 3									
Contract 2: Technical Assistance			0.6						
Disbursed			0.36	0.36	0.54	0.54	0.6	0.6	

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ANNEX 4

List of relevant Laws and Regulations

Bulgarian legislation and regulations

1. Constitution of the Republic of Bulgaria
2. Judicial System Act
3. Judicial Reform Strategy and the Action Plan
4. Ordinance for organization of the court administration
5. Internal Rules of SJC
6. Court decisions of Constitutional Court

EU Judicial Cooperation

7. Convention of 25 Mai 1987 between the Member States of the European Community, related to the implementation of the non bis in idem principle
8. Agreement of 25 Mai 1987 related to the implementation, between the Member States of the European Community, of the Convention of the Council of Europe on the surrender of indicted persons
9. Agreement of 6 November 1990 between the Member States of the EU related to the transmission of repressive procedures
10. Convention of 19 June 1990 for the implementation of the Schengen Agreement of 14 June 1985
11. Convention of 13 November 1991 between the Member States of the European Community on the carrying out of foreign criminal indictments
12. Convention of 26 July 1995 related to the protection of financial interests of the European Community
13. Convention of 26 Mai 1997 related to the fight against corruption concerning the European Community agents or Member States agents
14. Convention of 17 June 1998 related to the forfeiture decisions concerning the right to drive
15. Joint action of 29 June 1998 related to the good practice for judicial cooperation in criminal matters
16. Convention of 29 Mai 2000 related to the judicial cooperation in criminal matters between the Member States of the EU
17. Protocol of 16 October 2001 to the Convention on judicial cooperation in criminal matters between the Member States of the EU
18. Council Decision 2005/876/JAI of 21 November 2005 related to the information exchange extracted from the criminal record
19. Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice - Text adopted by the Justice and Home Affairs Council of 3 December 1998. Official Journal C 019 , 23/01/1999.
20. Charter of fundamental rights of the European Union, OJ C 364 of 18 December 2000.
21. Council Decision of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) (OJ L 017 19.01.2001 p. 22)
22. Council Decision of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria.
23. Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency (Text with EEA relevance)
24. European Network of Judicial Councils in the EU. Joint action of 29 June 1998 concerning the creation of a European judicial network.

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25. Statute of the Iberoamerican Judge, 23-25 May 2001 (VI Iberoamerican Summit of Presidents of Supreme Courts and Tribunals of Justice).
26. Decision xxxx of 28 February 2002 instituting Eurojust
27. Council Framework-Decision 2002/465/JAI of 13 June 2002 related to the common teams of investigation
28. Council joint action 96/277/JAI of 22 April 1996 concerning a framework of exchange of magistrates of connection aiming to the improvement of the judicial co-operation between the Member States of the European Union
29. Council Framework-Decision 2003/577/JAI of 22 July 2003 related to the carrying out in the European Union of decisions for the freezing of assets or elements of proof
30. Council Framework-Decision xxxx of xxxx related to the application of the mutual recognition principle to the decisions of confiscation
31. Council Framework-Decision xxxx of xxxx related to the evidence obtention warrant
32. Council Framework-Decision 2005/214/JAI of 8 Mai 2003 concerning the application of the mutual recognition principle to financial sanctions

Other Regulations

33. Resolution Res(73)23 on harmonisation measures in the field of legal data processing in the Member States of the Council of Europe.
34. Recommendation Rec(80)3 concerning teaching, research and training in the field of "computers and law".
35. Recommendation No R (81)7 on measures facilitating access to justice.
36. Recommendation Rec(83)3 concerning the protection of users of computerised information services.
37. Recommendation No R (86) 12 concerning measures to prevent and reduce the excessive workload in the courts.
38. Recommendation Rec(92)15 concerning teaching, research and training in the field of law and information technology.
39. Recommendation No R (94) 12 on the independence, efficiency and role of judges.
40. Recommendation Rec(95)11 concerning the selection, processing, presentation and archiving of court decisions in legal information retrieval systems.
40. Resolution (97) 24 on the twenty Guiding Principles for the fight against corruption.
41. Resolution (98) 7 Authorising the partial and enlarged agreement establishing the "Group of States against Corruption - GRECO".
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43. Recommendation No. R (2000) 10 on codes of conduct for public officials
44. Recommendation No R (2000) 19 on the role of public prosecution in the criminal justice system
45. Recommendation No R (2000) 21 on the freedom of exercise of the profession of lawyer.
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47. Recommendation No R (2001) 3 on the delivery of court and other legal services to the citizen through the use of new technologies.
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