

Project Fiche – IPA National programmes / Component I

1 IDENTIFICATION

Project Title	Support to the Rule of Law System
CRIS Decision number	2012/022-967
Project no.	01
MIPD Sector Code	2. Justice and Home Affairs
ELARG Statistical code	01.23
DAC Sector code	15130
Total cost (VAT excluded)¹	EUR13.60m
EU contribution	EUR 13.40m
Management mode	Centralised Component 2 with GIZ by indirect centralised management
<i>Centralised mngmt:</i> EU Delegation in charge <i>Decentralised mngmt:</i> Responsible Unit or National Authority/Implementing Agency	EU Delegation to the Republic of Serbia
Implementation management	Ministry of Justice and State Administration Ministry of Interior
Implementing modality	Stand-alone project
Project implementation type	<i>C01 - Project-type interventions</i>
Zone benefiting from the action(s)	Republic of Serbia

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.

2 RATIONALE

2.1 PROJECT CONTEXT: ISSUES TO BE TACKLED AND NEEDS ADDRESSED

The justification for this project comes from the need of the Serbian administration to ensure implementation and further development of the judiciary reform strategy, which aims at ensuring independence, efficiency, effectiveness and accountability of the judiciary and law enforcement system, including efficient and timely delivery of criminal justice.

The project will tackle the key problems of overall efficiency of all courts of general jurisdiction (all basic courts and court units, all higher courts, all appellate courts, and the Supreme Court of Cassation in the Republic of Serbia) identified to date as well as quality and effectiveness of the criminal justice process including organised crime and corruption. Such a holistic approach to project implementation should improve the efficiency, quality of work and the public image of the judicial system in the Republic of Serbia by improving its operational procedures, introducing professional development, education of judicial personnel and better public outreach of courts. The project should secure uniformed interpretation and implementation of the existing legislation, clarification of instructions, uniformed education and training programs and manuals for Court Presidents, judges, judicial staff and court administration for the purpose of streamlined approach and an equal level of efficiency, standardization of court processes, operations and procedures throughout the entire network of courts of general jurisdiction. The project will focus on conducting an analysis of the current court practices in order to identify bottlenecks in the daily, weekly and monthly operations in courts.

Serbia recently adopted a number of judicial laws, regulating a comprehensive restructuring (territorial, organisational, procedural, etc.) of Serbian judiciary's operations. This process was followed by a re-structuring and optimisation of the court network that changed seats, numbers and types of courts, a process which was formally completed in January 2010. This was followed by a reduction in the number of first instance courts. The previously existing municipal courts were transformed into basic courts and their number was reduced fourfold. The restructuring of the court network brought a number of challenges for judicial operations. Case files and statistical data had to be migrated to the new court seats. Different organisational and management techniques needed to be reconciled including the introduction of the "AVP" case management software. Under the new system, most former municipal courts were not closed; they continued to function as court units under respective basic court.

In order to 'unburden' the Serbian court system from non-judicial work, the Government of Serbia embarked on a number of supporting regulatory reforms. Company registration, which had been done by the courts, has now been successfully transferred to an executive agency. Similar, one can note the introduction of new legal professions (notaries and bailiffs) and the transferral of land registry files to an executive agency. Once fully completed, these above mentioned reforms should 'free' some court recourses that could then be devoted to the judicial work. Together with the overhaul of the court network, Serbia chose to carry out a general election of all judges. The initial significant shortcomings identified in the general election procedure are in the course of being addressed through a review process, for which there are clear guidelines.

The Government of Serbia developed a radical enforcement reform, which would delegate enforcement to private legal professionals with extensive powers and strong incentives to perform given tasks and authorities. Once the system becomes operational, it will be

necessary to continue institution building of the professional association of enforcement officers – The Chamber – which will introduce professional standards, develop the professional qualifications and discipline the new professionals. Another issue is a need to build the Ministry in charge of Justice and State Administration capacity to supervise the professional and financial operations of the private enforcement officers.

Additionally, the Serbian Government has embarked upon a large-scale criminal justice reform process in the last five years. A new criminal procedure has been developed with the assistance of the OSCE Mission to Serbia and the Criminal Justice Reform Program of the United States Department of Justice since 2006. After several drafts, a new Criminal Procedure Code was finalised in early 2011, adopted in the National Assembly on the 26 September 2011 and the new procedure has entered into force on the 15th January 2012, but only for organised crime and war crimes cases. The full implementation of the new criminal procedure was postponed until 15 January 2013 by a *vacatio legis* of 1 year. The new criminal procedure will introduce prosecution-led investigations, thus abolishing the institute of the investigative judge in pre-trial proceedings. This change will have significant implications in terms of changing the roles of all the main trial actors. Effective police - prosecution cooperation, respect of suspects' and defendants' fundamental rights and "equality of arms" between the prosecution and defence will be of key importance. Thus, a poor understanding and implementation of the new procedures, both in the aspect of investigation as well as court procedures, could paralyse the entire criminal system and seriously jeopardise defendants' and citizens' rights.

The project scope is to make the transition from an inquisitorial to an accusatorial system as smooth and effective as possible by promoting due process principles among practitioners and by establishing a system for early reporting of shortcomings in the application of the new law. Moreover, the project aims to empower all key actors of criminal investigation process for effective and efficient collection of evidence and investigation by providing selected prosecution offices with necessary audio-visual equipment for investigation. In addition, the project aims at boosting direct engagement of the civil society in an area which is traditionally left only to involved parties and practitioners, thus contributing to an increase in citizens' awareness, greater understanding and control of criminal reform policy. The project will also contribute to establishment of effective witness/victim support mechanisms.

2.2 LINK WITH MIPD AND NATIONAL SECTOR STRATEGIES

Multi-annual Indicative Planning Document (MIPD) 2011-2013, page 10: "Justice and Home Affairs: This area is of crucial importance for Serbia's EU integration and is a sector in which serious gaps still remain. A strategic framework for this policy area is developed and it is a good candidate for receiving assistance through a sector wide approach. The main goal is the strengthening of the rule of law. Focus will be placed on the implementation and further development of the judiciary reform strategy, which aims at ensuring independence, efficiency, effectiveness and accountability of the judiciary system, and on the prevention and fight against corruption and organised crime. Support for this sector will help improve the country's competitiveness, as well as strengthen the rule of law."

The following priorities for IPA support over the period covered by this MIPD have been identified:

- Strengthening the rule of law and public administration.

These are essential areas for the political criteria, as identified by the **Commission's 2010 Progress Report on Serbia**. Within the area of Rule of Law, special attention is to be paid to judicial reform and the prevention and fight against corruption and organised crime. Serbia's

public administration needs to turn into an efficient, merit-based and accountable civil service, fully able to cope with alignment and implementation of the EU *acquis*. Activities under this priority have an important bearing on the stability and enhancement of democratic institutions, as well as on the country's business environment.

As a co-ordinator of activities of the Serbian Government to reform Serbia's judicial system and establish the Rule of Law, in 2006 the Ministry in charge of Justice and State Administration developed the **National Judicial Reform Strategy**. The strategy covers the period 2006 – 2011 and provides for a set of reforms that would make Serbia's judicial system independent, transparent, accountable and efficient, public access to court records. As part of the implementation of the National Judicial Reform Strategy, the Republic of Serbia enacted its new Constitution, adopted a package of laws governing the operations of the judiciary, elected an independent governing body of the judiciary (High Judicial Council) and modernised its courts network. At the same time, some of the improvements envisioned in the strategy still present a challenge. These are predominantly improvements related to ensuring efficiency and transparency in the work of the judiciary, such as:

- Courts fully staffed with court administrators
- Service of process reform
- Introduction of weighed caseload analysis
- All courts equipped with public relations officers and information desks
- Uniform data collection in all courts with training for court staff
- New training curriculum for court staff developed and approved
- Reconstruction of court facilities
- Public access to court records

Given that the National Judicial Reform Strategy covers the period 2006 – 2011, the Ministry in charge of Justice and State Administration, HJC and SPC are currently developing an updated Judicial Reform Strategy, which should update and further develop reform priorities for the forthcoming period.

National Strategy for Fight against Organised Crime (page 2), emphasises the following priority: “Capacity building (human, material and technical) of all state bodies involved in the fight against organised crime and strengthening cooperation at the national, regional and international levels.”

Needs of the Republic of Serbia for International Assistance 2011-2013 (NAD) as one of the priorities recognises the following: “Improving the general safety and efficiency in the fight against crime, corruption and terrorism”, Measure 1.2. “Strengthening the capacity of state authorities to conduct proceedings in cases of organised crime, war crimes, corruption, money laundering and other crimes” as well as: Priority 2: “Enhance legal certainty and efficiency of judicial system”, Measure 2.3. ”Improve the efficiency of court proceedings and reduce the backlog of cases” and Measure 2.4. “Enhancing efficiency in enforcing court decisions”

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

The European Partnership with Serbia (including Kosovo) of 18 February 2008 (2008/213/EC), defines as short-term priorities the modernisation of court proceedings and the introduction of an effective court management system, and as a medium-term priorities the reduction of backlog in courts; the further increase of efficiency and professionalism of courts;

and the introduction of uniform standards to gather reliable data on judiciary. These short- and medium-term priorities in the sector for Democracy and Rule of Law laid out on L 80/57 and related to the judicial system are directly linked to the proposed project, which aims to improve the efficiency of the judicial system. **The European Partnership** in the area of justice, freedom and security, identifies and in particular the section relating to Police, the following priorities on L 80/56: Ensure full implementation of the Law on Police (2005) in order to establish professionalism and accountability, improve transparency, develop a modern police force free from undue political interference and increase capacity by means of specialised training.

On 29 April 2008 the EU and Serbia signed the **Stabilization and Association Agreement** (SAA) and on 22 December 2009 Serbia officially applied for EU membership. The SAA, Title VII, Justice, Freedom and Security, Article 80 (Reinforcement of institutions and Rule of Law) highlights the importance of administration of justice noting that co-operation between the Member States of the European Union and the Republic of Serbia shall aim, to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular.

The amended **National Programme for Integration** of the Republic of Serbia into the European Union (December 2009) provides the following priorities for the period 2010-2012: In the field of (3.23.1.) Judicial system:

Managing the backlog

The implementation of actions through the USAID Separation Powers Program 2009 contained in the recommendations should encourage the courts to resort to the techniques which are in compliance with the substantive and procedural laws and the Court Rules of Procedure, in order to prevent prolongation of proceedings and reduce the backlog. The Court Rules of Procedure will provide for the obligation of the president of the court to draw up a backlog management programme which will be used to elaborate the actions that are needed to effectively clear the court backlog and establish coordination with court institutions so as to remove the causes of prolongation of court proceedings.

Enforcement of court decisions

The enforcement of court decisions in the Republic of Serbia is regulated by the Law on Enforcement Procedure for enforcement of civil judgements, and by the Law on Enforcement of Penal Sanctions for criminal judgments. The new Law on enforcement and security has been adopted on 5th May 2011 which will be fully in force on 11th May 2012.

The amended NPI provides the following in the field of *Justice, Freedom and Security* (3.24), 3.24.5., *Police cooperation and combating organised crime*, identifies, as short-term and mid-term priorities: In the period 2010 – 2012, sound integration of all MoI segments is planned to ensure better coordination and cooperation in collection and exchange of the required information, with the purpose of achieving better quality processing of organised crime groups; Cooperation between police and prosecutor's office (page 229) with the aim of further enhancement of cooperation between police and judicial authorities and improvement of the exchange of information and coordination among state authorities.

Commission Opinion on Serbia's application for membership of the EU for 2011 (page 6 and 7) states: The legal and institutional framework for the rule of law in Serbia, including the prevention and fight against corruption and organised crime, has been enhanced, particularly following substantial reforms in the judiciary, the setting-up of the Anti-Corruption Agency and the stepping-up of international cooperation in criminal matters. This has led to initial results. The main challenges remain in the areas of the judiciary, the prevention and fight against corruption and the fight against organised crime.

When it comes to the fight against organised crime, the legal framework developed by Serbia is generally adequate and capacity has improved, including on international cooperation. Capacity for proactive and better coordinated investigations and enhanced cooperation at regional and international levels also remain to be further developed. Technical capacity to carry out special investigative measures should be developed within the law enforcement bodies, under the direct control of the judiciary, what is directly linked by this project.

2.4 PROBLEM ANALYSIS

Since 2009, Serbia adopted a number of judicial laws, regulating every aspect of Serbian judiciary's operations. This process was followed by the **re-structuring and optimisation of the network of courts** that changed seats, numbers and types of courts. This change was formally completed in January 2010. There was a dramatic reduction in the number of first-instance courts. Currently, there are 34 basic courts, 26 Higher Courts, 4 Appellate Courts and the Supreme Court of Cassation. In addition to the courts of general jurisdiction, the court system of Serbia comprises 16 Commercial Courts, a High Commercial Court, an Administrative Court with three divisions, 45 Misdemeanour Courts and a High Misdemeanour Court. Misdemeanour courts are new to the judiciary: formerly they were offices within the executive branch. These courts have a broad jurisdiction over various administrative offences and less serious criminal cases.

The restructuring of the court network brought a number of challenges for judicial operations. Case files and statistical data had to be migrated to the new court seats. Different organisational and management techniques needed to be reconciled. Under the new system, most former municipal courts were not closed; they continued to function as court units under the respective basic court. Thus, judges at the main court seat (that is the seat of the basic court), together with the bulky case files, must travel to the court units for the hearing of civil cases, which requires significant resources and creates security concerns. Criminal cases are heard only at the court seats.

Independence and self-administration of the judiciary were strengthened by the establishment of the new High Judicial and State Prosecutorial Councils. The restructuring of the court network, including the creation of an administrative court, and a new law on enforcement of court decisions were appropriate steps for increasing the efficiency of the judiciary.

Together with the restructuring of the court network, Serbia carried out a **general election of all judges** in a process that gave rise to extensive criticism. The initial significant shortcomings identified in the general election procedure are in the course of being addressed through a review process, for which there are clear guidelines. The review process remains to be satisfactorily completed in a transparent manner, in line with these guidelines. At the same time, the Serbian judiciary still faces a number of challenges. The High Judicial Council has broad authority for judicial appointments and career development and increasing responsibility in managing the system.

In order to **'unburden' the Serbian court system from non-judicial work**, the Government of Serbia embarked on a number of supporting regulatory reforms resulting in Company registration being successfully transferred to an executive agency. Similar reforms are conducted in the area relating to the certification function (to be assigned to a future system of notaries and private enforcement officers), the maintenance of land registry files (to be transferred to an executive agency) and the introduction of a bailiff service in the enforcement procedure. These undergoing initiatives are envisaged and designed in order to relieve some court resources that could be redirected and devoted to judicial work.

There are various factors affecting judicial efficiency in Serbia:

Human Resources challenges - Serbian judges devote large parts of their time to non-judicial activities with regards to case-flow management. Much of this work is administrative in nature and does not require the attention of a judge; however, administrative court staff² is not empowered to contribute in a more meaningful way to unburdening judges from such administrative work. Court presidents are the most overburdened in this respect. They are responsible for the overall management of the court, but come to this job without any training on court or case management. Recently, Serbia formally introduced the position of court manager. Three court managers have already been appointed and the appointment of 11 more is being planned. Currently, it is unclear what duties the court managers will perform and how this position will be distinguished from the existing court secretary position (a legal professional with some functions relevant to court administration) and the head of the court registry. This lack of clarity in the job description of the leading administrative positions in Serbian courts is only a particular example of the overall state of the Human Resources function within Serbia's judicial system with respect to the court staff. The number of court clerk positions in each court is based solely on the number of judges, and does not meet the requirements of the administrative needs within the court. In their daily work, court clerks follow the Court Rules of Procedure and the manuals for operating the now existing electronic case management system – "AVP". In some courts there are also internal operational; manuals but generally case management practices which tend to differ from court to court. The professional development and training of court staff in Serbia also needs attention, and in this sense the Judicial Academy of Serbia is designated to provide training also to the court staff; however, presently there is no such training curriculum.

Case Management - Serbian courts still need time to reach full effectiveness as well as further analysis, or program to address process improvement system-wide. Practices vary largely from court to court depending on factors such as leadership, facilities, prior training in a certain area, IT infrastructure, participation in donor-funded projects, etc. One particular example of inconsistencies in case management practices in different courts and potentially inefficient use of judges' time relates to access to case files. Currently, such access is provided to parties to cases or to their authorised representatives.. In some courts, access to case files of third parties is provided by the registry office upon oral request, while in others it is necessary to deposit a written request and obtain a judges' permission to view one's own case file.

The Ministry in charge of Justice and State Administration has been active in introducing modern **IT technologies** in the judicial system. Recently, it modified and rolled out the electronic case management system (commonly known as AVP) which has been operating successfully in commercial courts since 2006 to the entire court network, Administrative Courts and Misdemeanour Courts, and all 102 court units, which were introduced with a new electronic case management system during the year 2011. Even though there have been some difficulties with the integration of data within the new network and scarcity of trained personnel, the AVP system is now operational in the courts of general jurisdiction and court units. Dockets are available on-line within court websites. In addition, a new case management system is being currently developed with IPA 2007 funding (hereinafter referred to as the SAPS system). It will be introduced on a pilot basis in Courts of Appeals, Administrative Courts and the Supreme Court of Cassation. If this pilot introduction proves successful, it will be rolled out to the entire court system to replace the outdated AVP. The change will require extensive efforts to train court personnel and transfer the data. Further, relatively minor future

²For the purposes of this Project Fiche, the term "court staff" shall refer to administrative staff in courts only and not to judges' assistants with legal education.

improvements to the IT systems in Serbia's courts may be required as relevant legislative amendments are coming into place.

Availability of **statistical information** regarding the work of Serbian courts is due to improve following the introduction of electronic case management throughout the system. Currently its reliability varies from court to court. Definitions of what data shall be collected are interpreted and applied differently from court to court. For example, a much-cited definition as backlog (currently understood as a case older than two years, at a particular court instance) relies on a traditional interpretation of the term, without much discussion as to whether such an interpretation is appropriate. As a result, the track record of Serbia's judiciary may look worse than it is in reality thus impairing the public trust in the system. Other definitions that are of key importance to accurate statistical measurement, such as when a case shall be considered closed from a court's standpoint, also lack in clarity. Additionally, current statistics attempt to capture caseload but the absence of an approved case-weighting methodology makes it difficult to obtain a real understanding of the efficiency of various courts and of individual judges.

All Indicators will be measured and compared to the relevant statistical data from provided the 2012 Annual Report of the Supreme Court of Cassation.

Regulatory Issues: Many of the judicial efficiency issues in Serbian courts could be addressed through process streamlining, improvement in court administration, IT systems and training. Yet, some of the problems may be regulatory in nature. Court rules of procedure, statistical definitions, court fees and recording court hearings³ are among the ones often seen as a contributing factor to process inefficiencies. Government of Serbia reformed civil and criminal procedure and many of these problems will be resolved with the implementation of these specific laws. Still, a comprehensive process review of case management may identify some further regulatory reforms needed to improve judicial efficiency.

Facilities differ largely across the board. An assessment of court needs in terms of facilities has been prepared only with respect to the Commercial Courts and with the limited scope of evaluating courts' fitness to accommodate the then-new AVP system. There is a need to perform a facilities needs assessment in all court buildings of Serbia, looking in particular at numbers and equipment of court rooms (in some courts there are difficulties in the scheduling of hearings due to the scarcity of court rooms), installation and maintenance of IT hardware, other equipment needs, signage, information kiosks, access for court users with special needs, etc. Even though maintenance of all court network buildings is funded by the Budget of the Republic of Serbia, the envisaged facilities needs assessment would represent a documented list of priorities based on the expert appraisal of the current facilities. In a way, this document will serve as a guideline for the Ministry in charge of Justice and State Administration and the two Councils in addressing the priorities for refurbishment and construction at the level of an entire network.

Serbia's judicial system is generally suffering from a negative public image. The lack of trust in the judiciary has an adverse effect on the Rule of Law in the country and its aspirations to join the European Union. Part of the reason for this negative public perception may be related to inefficiencies in its functioning, while another part is due to a lack of success in outreaching to the media and to the general public and adequately communicating the story of the progress that has been made to date. The availability of websites for Serbian courts and

3 Current rules on court hearing require the judge to repeat everything that the participants in the hearing have said in the court room, for the protocol of the hearing, thus prolonging hearings and creating a risk for mistakes which might impair some of the parties' rights.

on-line information on court dockets are certainly improving the accessibility of the justice system and consequently its image. There is a need for a more comprehensive approach to be taken when it comes to these reform issues, exploring the opportunities for instituting training of court presidents and court administration on press relations and public outreach.

The system for **enforcing civil claims** is technically not the responsibility of judges but the scale of the problem is so severe that it requires a special focus in this project. Traditionally, this function has been performed by court officers with no legal education, no training, low status, and low incentives for performance. As a result, parties often go through multi-year judicial proceedings and finally obtain a judgement only to see themselves unable to enforce it. Even though the responsibility for enforcement does not lie with judges, the ineffectiveness of this final stage of civil procedure impairs the overall image of the judicial system. In order to address this long-standing problem, the Government of Serbia introduced an enforcement reform initiative, which would **delegate enforcement to legal professionals out of which some could start their own private practice while still having public authority**, with extensive powers and strong incentives to perform. The new system will operate in parallel to the old one of court-based enforcement officers. The new Law on Enforcement and Security was adopted on 5th May 2011 and will be fully in force on 11th May 2012.⁴ Once the new law is in force, the Ministry in charge of Justice and State Administration will have a number of responsibilities with regards to the supervision over the enforcement officers and work of the Chamber as well as development a number of implementing regulations referring to the introduction of this new profession. Once the system becomes operational, it will be necessary to institutionally build the professional association of enforcement officers – the Chamber of bailiffs – which will introduce professional standards, develop the professional qualification and sanction these new professionals. Another challenge is posed by the need to build the Ministry's capacity to supervise the professional and financial operations of the enforcement officers. The Ministry shall supervise the work of the Chamber and the legality of the work of the enforcement officers. Therefore the Ministry will be authorised to inspect the books of enforcement officers, to require all necessary information about their work, to impose temporary measures prohibiting their activity, to issue identification and to lead enforcement the officers' registry. Proposed training activities throughout this project would be provided by the Judicial Academy and through cooperation with the new Chamber. The design of IT system for the case management of enforcement cases and for the public registries that the new law on enforcement envisages should enable linkage between enforcement officers' and court enforcement's software within the existing SAPS system.

Organised crime, in various forms increased in magnitude in Serbia at the beginning of 1990-ties. It was at the beginning of 2003, when Serbia was confronted in the harshest manner with the detrimental consequences of organised crime by the assassination of it's Prime Minister. The Min charge of Justice and State Administration in 2004 launched a wide public discussion regarding a new concept of criminal procedure based on prosecutorial investigation with the introduction of some other elements from the adversarial criminal system that should enable a more efficient and speedy trial. The major remark concerning the old Criminal Procedure Code, as one of a few remaining laws in Europe that provides an inquisitorial criminal system with the so-called "court investigation", was that it required an excessively complicated and expensive procedure, which did not allow for an efficient and speedy trial. The foremost problem of the Serbian criminal justice is an inefficient and

⁴ Law on Enforcement and Security ("Official Gazette of the RS" No. 31/2011)

overloaded court system, often unable to fulfil the requirement to adjudicate a case within reasonable time, as set out in Article 6 of ECHR. As an example, currently each judge of the Belgrade Higher Court has to deal with approximately 400 criminal cases per year, which clearly prevents the judge from giving adequate consideration to each case. At the same time Serbian police faced significant problems in collecting valid and reliable evidence in complicated serious crime cases due to outdated forensic methods and legal restrictions in police investigation processes. Another major shortcoming of the current practice in Serbian courts is that witnesses and victims of serious crimes appearing at trials do not have adequate institutional support. This results in the witnesses and victims going through secondary victimization, a setback for both witnesses/victims and the judiciary.

Another shortcoming in the criminal justice chain is the limited capacity of the Ministry of Interior for efficient investigative procedures which are crucial for establishment of an effective prosecution-led investigation. The Ministry's Criminal Police Directorate faces significant obstacles to carry out duties in the field of expert analysis and laboratory testing of crime related evidence. The department within the Directorate responsible for this area is the National Crime-Technical Centre (NCTC/NKTC). The centre is responsible for: a) forensic expert analysis and b) toxicological analysis. It performs forensic testing by providing expertise and the vast majority (90%) of material evidence for judicial prosecution of all crimes committed in the country. In this context the NKTC processes about 20,000 cases per year and is a unique crime-procedural-evidentiary resource for the Serbian judiciary. During the past five years, the number of the performed analyses in the laboratories has increased by approximately 25 % per year. In accordance with the Crime Investigation Law it is important for the expertise to be completed in a relatively short period of time (48 hours). However, the current laboratory doesn't have preliminary conditions required for the beginning of the accreditation process and introducing the standard ISO/IEC 17025. The European Network of Forensic Science Institutes (ENFSI) is authorised by the EU to provide procedures and accreditation criteria in this respect. NCTC of the Ministry of Interior doesn't have a laboratory for toxicological analysis and expertise. For this type of analysis the Ministry depends on the service of another institution (Military Medical Academy) for which the Ministry has to pay a regular fee. Toxicological tests and expertise are essential to the forensic medical expertise in terms of determining the lethal outcome caused by excessive intoxication psychoactive substances, drugs or other toxic substances. A further problem exacerbating the case is the fact that the current equipment and capacity of laboratory of the Military Medical Academy is far below the level of a modern toxicology laboratory. All these obstacles result in the practice where the lack of quality and presentation of evidence leads to dismissal of criminal investigation or dismissal of court case leaving perpetrators unpunished and Serbian citizens suspicious about their personal security and impartiality of law enforcement agencies.

For the reasons described above, the project is designed with four interlinked components. In this sense Component 1 (Judicial efficiency) and Component 2 (Effective enforcement of court decisions) are linked and will impact on each other. The linkage between Component 1 and 2 will contribute to enhance the judicial efficiency. Component 3 (Implementation of new Criminal Procedure Code) and Component 4 (Adaptation of space for improving investigative techniques and forensics) are also linked and they should result with the strengthening of the criminal chain process, raise the quality and capacity of law enforcement and the judiciary in the investigation, pretrial and trial processes. Moreover, the linkage between Component 3 and 4 will contribute to improve the coordination between the Ministry in charge of Justice and State Administration and the Ministry of Interior, raise the level of quality and efficiency of the criminal chain process and serve as a cornerstone for a well organised investigation and thus properly substantiated cases which are presented to the courts.

2.5 LINKED ACTIVITIES AND DONOR COORDINATION

EU funded projects:

Following IPA funded projects are being implemented in the Rule of Law sector:

IPA 2011

Support to the implementation of reforms related to good governance (2012-2014). The project shall support the Multi Donor Trust Fund for Justice Sector by the introduction of a sector wide approach in design, programming and implementation of justice sector reform initiatives (Direct agreement with the World Bank) and strengthening the capacities of law enforcement and judiciary in the prevention and fight against corruption in Serbia (Direct agreement with the Council of Europe).

IPA 2010

Further Alignment of Penal system of Republic of Serbia with EU standards and strengthening alternative sanction system, (2010-2013) Project purpose is to strengthened the capacities of Ministry in charge of Justice and State Administration for the introduction of an efficient, practical and professional training program for convicts to enable them to be employed after sanction (imprisonment) is complete as well as to establish a necessary preconditions for an efficient and effective alternative sanctions system in the Republic of Serbia.

Fight against organised crime and corruption: Strengthening the Prosecutors` Network, (MB IPA 2010) - The aim of the project is to strengthen the operational capacities and capabilities of the State/Public Prosecutors` Offices in the Beneficiaries (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia as well as Kosovo under UNSCR 1244/99) in order to prosecute and investigate cross border organised crime and linked cases of economic and financial crime and corruption.

IPA 2009

Capacity building in the Seized Property Management Directorate and upgrading of the system of seizure of property acquired in criminal activity. The aim of the project is to improve institutional capacity and efficient functioning of the Seized Property Management Directorate of the Ministry in charge of Justice and State Administration, as well as other key institutions involved in the discovery, expropriation, confiscation, management and seizure of property acquired in criminal activity in Serbia.

IPA 2008

Improvement of Transparency and Efficiency (Prosecutors and Penal system), (2012 – 2014) Project purpose is to contribute to the improvement of the efficiency of the prosecutorial and penal systems (including the AEPS) of the Republic of Serbia by introducing an efficient case management and statistical system and increasing public access to information in all judicial branches. If this pilot introduction proves successful, it will be rolled out to the entire court

system to replace the relatively outdated AVP, which is introduced in all basic courts and court units.

Fight against Corruption, (2010 – 2012) the project will contribute to reducing the level of corruption by supporting the operational functioning of the Anti Corruption Agency. It is in correlation with this project on the basis of their mutual purpose-efficient fight against organised crime

IPA 2007:

Standardised System for Judiciary Education and Training, (2009 – 2011). The project purpose was to provide technical assistance in the process of transformation of the Judicial Training Centre to a Judicial Academy. The project was implemented successfully and capacities of the Judicial Academy have improved significantly. The Judicial Academy will be involved in the proposed project with regards to the training activities for: court administration (court staff, court presidents), enforcement officers (throughout cooperation and under framework of the Chamber of Enforcement Officers) and the training of trainers program in the criminal justice sector, specialised trainings for judges, prosecutors and police).

Improvement of efficiency and transparency of the judiciary system, (2009 – 2011) The project purpose was to shorten the length of proceedings in court cases and to reduce the backlog of cases at court by the development of a case management system, including document handling and data collection; to build institutional capacity to better monitor and evaluate the functioning and efficiency of the judicial system; to improve the transparency of court proceedings and the judicial system. With this project a new case management system is being developed, and will be introduced during the year 2012 (hereinafter referred to as the SAPS system) on a pilot basis in Courts of Appeals, Administrative Courts and the Supreme Court of Cassation.

Improvement of the Penalty System (2010-2013) Project purpose is to improve a prison conditions for the inmates by construction of new and reconstruction of existing accommodation facilities, according to EU standards.

Previous EU assistance through CARDS instrument focused on following aspects of judiciary reform:

- Twinning - Capacity building in the Ministry in charge of Justice and State Administration ;
- Technical Assistance pertaining to economic and organised crime;
- Alternative Dispute Resolution project;
- Development of a Legal Database containing all civil, criminal and commercial legislation as well as case law;
- Court modernisation/IT [phase I]: Computerization of the Belgrade District Court and five municipal courts (Belgrade), including upgrading and delivery of software application for SENA, including the source code, to the Ministry in charge of Justice and State Administration and training of 900 end-users;
- Court modernisation/IT [phase II]: Computerization of the five biggest provincial district courts and municipal courts (Nis, Novi Sad, Kragujevac, Krusevac and Sremska Mitrovica) ;

- Court modernisation/IT [phase III]: Computerisation of an additional seven provincial District Courts and Municipal Courts;
- Refurbishment of the biggest court room in Belgrade District Court, as well as the HVAC system in the Palace of Justice;
- Facilitation of assistance to the State Union in the area of visa, asylum and migration and assistance to the State Union Court.

In addition to this, the following relevant projects were implemented:

CBC Bulgaria-Serbia “Strengthening of forensic capacities in the domain of the organised cross border crime prevention in the field of narcotics trafficking”, the project began in 2011. The main goals and tasks of the project are defined by the necessity for strengthening Serbian police capacity for implementing its activities in the field of conducting police investigation, development of the capacity of forensic expert and enhancement of their capacity for collecting evidences in accordance with European best practices.

Support to Prosecutors' Network in South Eastern Europe, PROSECO (2008 – 2010). The overall objective of the project was to strengthen the capacities of the CARDS countries to develop and implement judiciary co-operation against serious crime based on the European Union *acquis* and other European and international standards and practices by supporting the Prosecutor’s Network. In particular, the project focused on strengthening the legislation and institutional capacities of General Prosecutors’ Offices of South Eastern Europe in view of a more effective co-operation against serious crime. This project will build upon the results of PROSECO.

Building and equipping the DNA laboratory -The CARDS funded project of equipping the DNA laboratory of the Ministry. The project included the supply of equipment and staff training in several European relevant laboratories. The DNA laboratory was created according to the high-level model of "clear rooms". The important task of this lab is creating the data base of the DNA profile of the individuals who committed a criminal act. The proposed project presents a logical continuation of this support and will result in rounding up of modern forensics system in Serbian criminal justice system.

Improving the forensic and crime scene operations in the Police Unit in Novi Sad - The project was supported by the Norwegian Government and consisted of actions aimed to supply the necessary equipment for forensic expertise and crime scene investigation as well as the education training conducted by the experts from Norwegian forensic centre in Oslo-KRIPOS.

Establishment of the Center for forensic training and improvement of forensic crime scene processing (inspection) funded by the Government of the Kingdom of Sweden - The content and objective of this project is focused on crime scene processing as opposed to physical, chemical and toxicological analyses that would come subsequently after collection of crime scene evidence. So, this project complements the investigative capacities of law enforcement in Serbia.

Other donors

Various donors have also supported a number of programs in this area in the past. DFID supported court management reforms in selected pilot courts. The United Nations Development Program (UNDP) supported the Misdemeanour Courts and the Judicial Training Centre. The Council of Europe reviewed draft legislation for CoE and EC standards compliance, organised training on the European Convention on Human Rights and implemented an EC funded Economic Crime project. The French Embassy supported the Judicial Training Centre (presently the Judicial Academy) training activities. USAID has funded a reform programme at

the commercial courts, numerous training and legislative reforms, as well as the development of the new legislation in the area of enforcing civil claims. The Organization for Security and Co-operation in Europe (OSCE) has supported Serbia in implementing its National Judicial Reform Strategy.

The proposed project will need to ensure co-ordination and co-operation with the work of on-going donor projects with a view to avoiding duplication of efforts and achieving optimal project results. Some of the current donor programs, whose activities have a bearing on the project, are:

The Multi-Donor Trust Fund for Justice Sector Support with nine contributing donors (Denmark, the Netherlands, Norway, Slovenia, Spain, Switzerland, Sweden (SIDA), the United Kingdom, and the EU) led by the World Bank is active in developing a number of analyses, surveys and strategy papers in the justice area, as well as in building Serbia's system of legal aid.

USAID works on improving the functioning of Administrative and Misdemeanour Courts in the framework of a Judicial Reform and Government Accountability Project. The Separation of Powers Program of USAID worked on increasing efficiency in selected courts, introducing the position of court manager throughout the judicial system and building the institutional capacity of the HCC (namely HJC). This program is also assisting the HCC in the development of a case-weighting methodology. The Business Enabling Project of USAID will provide some support in the preparatory stage of the introduction of the system of private enforcement officers.

A Legal Reform Project funded by the German Federal Ministry of Economic Co-operation and Development and implemented by the GIZ (2011-2018) is providing support in three principal areas: 1. Legislative process – through this component GIZ is focusing its support on in shortcomings in the cycle of the legislative process” 2. Implementation of Laws – this component is primarily geared toward overcoming the implementation gap and enhancing the quality of the application of laws by institutions and individuals, especially in the judiciary and administration; 3. Popularisation of Laws – The third component is design to overcome obstacles in the flow of information from lawmaker to the people and institution affected by the regimes. Under this project GIZ will, among other things, support the notary and enforcement reforms. The primary assistance to enforcement will consist of training initiatives and support for the popularisation of the new system.

The German Foundation for International Legal Cooperation (IRZ) funded by the German Federal Foreign Office cooperates with Serbian institutions, among others, in the fields of administrative, constitutional and competition law and conducts trainings for judges and prosecutors to undertake new roles in the prosecution-led investigation established by the new Criminal Procedure Code.

The Netherlands Embassy is currently financing a project with the NGO Judicial Web and the Ministry in charge of Justice and State Administration on developing software for the registry of enforcement officers which will be used by the Ministry and the future Chamber and serve as the starting point for the future development in this respect.

A Balkans Enforcement Reform Project (2009 – 2011) funded by the Government of the Netherlands and implemented by the Centre for International Legal Cooperation (CILC) works in the area of enforcing civil and commercial claims in the countries of the Western Balkans with particular attention to countries where reforms are underway to privatise the enforcement system.

IFC, with the financial support from the government of the Netherlands, has implemented a project (2009-2011) on alternative dispute resolution in the construction sector in Serbia.

The OSCE, with financial support from the government of the Netherlands, has been implementing since 2004 a project with the aim of strengthening the capacity of judicial institutions in Serbia to deal with war crimes. The Project encompasses four clusters of activities: trial monitoring, regional and international co-operation, public outreach and a capacity building component.

The OSCE, with financial support from the governments of the Netherlands and Norway, provides assistance to the Judicial Academy in the establishment of an initial training programme for candidate judges and prosecutors and of a mentor system at the Academy; to the HJC in its institution building and in the areas of disciplining and evaluating judges; and to criminal procedure reform. The government of the Netherlands provides support to the Judicial Training Academy in the field of Administration of Justice in Cross-border disputes.

The International Management Group is being funded by the Government of the Kingdom of Norway to implement an “Improving the Delivery of Justice in Serbia” program, which works on improving efficiency and transparency in several pilot courts, providing additional support to the HJC and supporting juvenile justice.

2.6 Lessons learned

Previous experience with donor projects focusing on just a particular aspect of court efficiency (i.e. only IT aspect, only legislation or focusing only on judges, etc.) or working with only a few selected courts and achieving certain efficiencies at these courts does not, in the long run, affect the whole system and thus results with considerable discrepancies in procedures, interpretations and performance. Regardless of the strives of all stakeholders to see these changes multiplied, the fact that the majority of courts have continued to work in the old ways creates an inertia that can reverse the positive changes at the pilot courts. Therefore, in order for the project impact is to be measurable and sustainable, this project is designed to focus on the entire system of courts of general jurisdiction.

One of the projects considered effective in bringing about change was the USAID CCASA project, which worked with all commercial courts in Serbia. Another important lesson from previous judicial efficiency projects demonstrates that it is not sufficient to work only with policy makers and the leadership of the judicial system. Work at the higher level is important, but work with individual courts is just as crucial to ensuring the proposed efficiencies respond to the local needs, and to getting buy-in at the operational level. Therefore, the Judicial Efficiency component of this project entails a detailed process improvement review at a large number of individual courts that would be used as basis for identifying inefficiencies and formulating recommendations for improvement and standardisation of court processes. After the adoption of such standards at the high level, these improvements will have to again be implemented at the level of individual courts, namely at all courts of general jurisdiction through uniformed interpretations, guidelines and trainings.

Numerous previous experiences and a number of successfully implemented projects showed that close cooperation and coordination of all actors involved in the justice sector is vital for a proper functioning of the rule of law. This is why this project is designed to improve the situation in the Justice Sector in a variety of ways: harmonizing the overall functioning of the court practices of all courts of general jurisdiction, ensure proper application of the legislative framework of civil proceedings, enforcement proceedings and criminal proceedings and

strengthen cooperation of law enforcement institutions with the judiciary as a vital precondition for effective fight against crime and corruption. For this reason, proposed project is designed with interlinked Components and based on the Sector Wide Approach principles. In addition, the project secures substantial involvement of civil society organizations in the monitoring of implementation of Criminal Procedure Code and support to the most vulnerable group – victims and witnesses.

3 DESCRIPTION

3.1 OVERALL OBJECTIVE OF THE PROJECT

To strengthen the independence, efficiency, quality and accountability of the judiciary enabling it to fight against all forms of crime through more efficient criminal justice system in the Republic of Serbia.

3.2 SPECIFIC OBJECTIVE(S) OF THE PROJECT

To improve the efficiency, effectiveness and quality of court proceedings; support to the newly established system of enforcement of court decisions; enabling a coordinated fight against all forms of crime through more efficient investigation and court trial procedures, improved capacity of courts, to measure their performance, securing adequate equipment, increased involvement of the civil society and general public into the substantive evaluation of the criminal justice system in the Republic of Serbia.

3.3 RESULTS⁵

Activities related to Component 1 will focus on the courts of general jurisdiction, namely the Basic Courts and court units, the Higher Courts, appellate courts and the Supreme Court of Cassation. Courts of general jurisdiction consist of: 34 Basic Courts and 102 court units, 26 Higher Courts, 4 Appellate Courts and The Supreme Court of Cassation. However, some of the projects results such as Operational Manuals, training curricula for court staff, regulatory reforms, etc. will, by their nature, affect the functioning of the court system as a whole. The facilities review will be implemented in all Serbian Courts with a view to achieving system-wide consistency and improvement. Also, where applicable activities will focus on assisting the constitutional Court in the activities envisaged by the project

Component 1 - Judicial efficiency

Result1.1. Case management in all courts of general jurisdiction of Serbia made them more efficient through the identification and introduction of process improvements. More specifically through: uniformed measures for improvement and benchmarking of efficiency in court processes defined and implemented (e.g. preparation of uniform operation manuals for

⁵ This Project will be implemented in the courts of general jurisdiction, which are:

- Basic Courts – 34 and court units (102)
- Higher Courts -26,
- Appellate Courts -4,
- The Supreme Court of Cassation

Court Staff and Court Presidents), providing different sets of parameters for monitoring efficiency of a) HR, b) court functioning, c) Court finances and training Court Presidents, Court managers and Court administration to properly apply and analyse those parameters, improvement of the HR functions, development of uniform training curricula for Court Presidents, Court managers and Court administration.

Indicators:

- Standards and recommendations for improvement of court efficiency prepared and adopted by HJC and/or Ministry in charge of Justice and State Administration and implemented by all courts of general jurisdiction (which are: Basic Courts – 34 and court units (102), Higher Courts -26, Appellate Courts -4, The Supreme Court of Cassation). hereinafter referred to *courts of general jurisdiction*,
- Training delivered by the Judicial Academy of Serbia for 70 % of the entire court staff of the Serbian court network by the end of the project,
- Developed, adopted and applied Operational manuals for Courts Staff and Courts Presidents.

Result1.2. Judiciary's ability to track and improve performance enhanced

Indicators:

- Data Integrity Review elaborated by the end of the first year after the project implementation and all identified inconsistencies between Courts statistics and actual data addressed by the end of the project implementation,
- All discrepancy practices identified in the Data Integrity Review addressed and rectified,
- Performance measures for all courts developed within 2 years from the commencement of the project and curricula and trainings delivered;
- Case weighting methodology developed within the first year of the project implementation and used for improving judicial accountability and efficiency.

Result1.3. Access to courts, transparency and communication with the public by the courts improved;

Indicators:

- Court users` perception and general public perception of court efficiency improved by at least 20 % (compared to the 2010 World Bank Perception survey).
- Training delivered for all Courts Presidents and at least 80 % of Court administration on press release and public outreach

Result 1.4. Technical documentation for court refurbishment developed;

Indicators:

- Facilities evaluations for Serbian courts prepared within 1.5 years from the commencement of the project (including but not limited to: physical infrastructure, use of IT and ICT infrastructure, security and security protocols, equipment, needs assessment)
- Technical specifications for court refurbishment developed within 2 years from the commencement of the project

Result 1.5. Technical specification for development and/or upgrade of the SAPS software developed;

Indicators:

- Detailed list of the needed software and hardware upgrade,
- List of recommendations regarding the software upgrade,
- Fully functional intranet by the end of the project implementation
- Intranet available and used as stipulated by Operational Manual
- Technical specifications for court's software prepared and approved by HJC and Ministry in charge of Justice and State Administration by the end of the project;
- Interoperability feasibility study of the existing IT systems in the courts with the IT systems of the Republic Public Prosecutors Office and the Administration for penal enforcement prepared and adopted by Ministry in charge of Justice and State Administration by the end of project;

Result 1.6. Training Curricula on judicial efficiency for court staff and court leadership introduced and delivered at the Judicial Academy. All of the trainings envisaged by the project will be conducted in such a way that whereby experts will provide on-the-job training and mentoring in all courts of general jurisdiction.

Indicators:

- Assessment of the training needs of court staff and court leadership completed within 1 year from the commencement of the project
- Training curricula for court leadership and court staff developed/upgraded within 2 years from the commencement of the project
- Training delivered by the Judicial Academy of Serbia for 30% of court staff by the end of the project

Result 1.7. Regulatory amendments introducing measures that would improve efficiency drafted:

Indicators:

- Needs assessment of regulatory reforms to improve court efficiency completed within 1.5 years from the commencement of the project
- Regulatory reforms drafted within 2 years from the commencement of the project
- Regulatory reforms adopted by the respective governmental institutions within 3 years from the commencement of the project

Component 2 – Effective enforcement of court decisions

Result 2.1 Produce an overall assessment of the enforcement regime of civil claims in order to identify further necessary legislative, institutional and other related reform measures for improvement of the efficiency and effectiveness of enforcement of civil claims in Serbia and substantially contribute to the reduction of backlog of pending enforcement cases.

Result 2.2 The introduction of a new system of enforcement officers - Bailiffs is functioning fully and efficiently

Indicators:

- Association of enforcement officers – the Chamber of bailiff’s fully operational through;
- Bylaws regulating the Chamber fully assessed;
- Professional and ethical standards assessed and enforced through the disciplinary process in line with international best practices;
- Development of a Mandatory Training Curricula of the Chamber;
- All enforcement officers received training in accordance with the Mandatory Training Curricula by the end of the project;
- Assessment of the Ministry in charge of Justice and State Administration Department in charge of monitoring and oversight of judicial professions;
- All identified shortcomings in the Ministry in charge of Justice and State Administration eliminated through preparation of amendment of legislation, training of Ministry in charge of Justice and State Administration personnel and securing peer-based learning Study visits by the end of the project;
- Business analysis and technical specification for the design of IT system for a) *case management of enforcement cases* and b) *public registries* prepared.

Component 3 - Implementation of new Criminal Procedure Code

Result 3.1. Increased capacities and skills of Serbian judges, prosecutors, police and defence attorneys to undertake new roles in conducting criminal proceedings, with possible focus on “white collar crime” and due use of “forensic accounting”.

Indicators:

- Number of prosecutors and judges trained in different aspects of enforcement of new CPC techniques: a) investigation, b) prosecution, c) trials. Different aspects of this training programmes prepared by the project included in regular training programs of the Judicial Academy;
- “good-practice” manuals distributed to all basic and higher courts and prosecution offices in Serbia.

Result 3.2. Public prosecutors’ office in Serbia better equipped to deal with their new responsibilities with regards to the investigation and pre-trial process.

Indicators:

- Equipment purchased and delivered to the Public Prosecutors’ Offices by the end of the project necessary for the proper enforcement of the new CPC.

Result 3.3. Serbian Government and general public regularly provided with un-biased reports and assessments of the CPC implementation with civil sector consultation mechanism in place. Note: *This result is crucial for the better protection of human rights and fundamental freedoms Involvement of NGOs which are going to be proficient in monitoring the proper enforcement of CPC is of critical importance for the improvement of functioning of courts, adequate performance of prosecutors office and lawful conduct of police.*

Indicators:

- Trial monitoring conducted in 10 criminal first–instance courts, evenly distributed throughout the Serbian territory (out of 62 first-instance courts in Serbia, meaning approx 16% coverage).

Result 3.4. Additional mechanism for special support for the witnesses and victims protection established Note: *This result is more in line with victim/witness support service in courts and in prosecution office and has nothing to do with the witness protection unit established in the Ministry of Interior.*

Indicators:

- 80% of all judicial institutions covered with witnesses and victims protection training;
- The witness and victims in 80% of courts and prosecutors offices well informed of their rights.

Component 4 – Adaptation of space for improving investigative techniques and forensics

Result 4.1. Fully adapted space for the physical-chemical laboratories and toxicology laboratory at the space provided by MOI in line with ISO/IEC 17025 standards.

Indicators:

- Works on adaptation of the space for the physical-chemical laboratories and toxicology laboratory finalised after one year of the beginning of project implementation.

3.4 MAIN ACTIVITIES

Activities related to Component 1 will focus on the courts of general jurisdiction, namely the Basic Courts and court units, the Higher Courts, appellate courts and the Supreme Court of Cassation. However, some of the projects results such as Operational Manuals, training curricula for court staff, regulatory reforms, etc. will, by their nature, affect the functioning of the court system as a whole. The facilities review will be implemented in all Serbian Courts with a view to achieving system-wide consistency and improvement. Also, where applicable activities will focus on assisting the constitutional Court in the activities envisaged by the project

Component 1 - Judicial efficiency

Activities related to Result 1.1.

1.1.1. *Conduct Process Improvement Review* targeting selected Serbian courts (representative sample of all courts to be selected in consultation with Supreme Court of Cassation, including at least three courts of every type, i.e. Basic Courts and court units, Higher Courts and appellate courts, in order to provide an objective assessment of the Serbian judiciary) which will produce analyses of the existing legislation and its impact on the work processes. *Process Improvement Review will identify best practices and elaborate a set of recommendations for improving the efficiency of court processes with a view to identify any process inefficiencies (including but not limited to: improvement of case processing times, communication, information and documentation flow, human resource management, backlog reduction and improvement of court fee collection)*

1.1.2. Based on the above review, identify best practices and develop a set of recommendations for improving the efficiency of court processes (incl. improvement of case processing times, backlog reduction and improvement of court fee collection);

1.1.3. Implement above mentioned recommendations through on-the-job mentoring in all courts of general jurisdiction.

1.1.3. Develop Operational Manual for court staff of all courts (*Operational Manual for court staff on standardising procedures for case and document processing, record-keeping, customer service and ethics rules, etc.*).

1.1.4. Develop Operational Manual for Court Presidents of all courts - (*Operational Manual for Court Presidents comprising best practices and procedures for managing the courts, strategic planning at the court, analysing and working with statistical information, press relations and public outreach, human resources management, etc.*).

1.1.5. Assist HJC and/or Ministry in charge of Justice and State Administration in developing an appropriate position descriptions for court personnel (Human Resources personnel files including but not limited to personnel data, education background, professional background, personnel training needs, introduction of a carrier system for the court administration based on the following criteria which are listed (but not limited to) properly documented education qualification, years of services, works results, trainings attended, disciplinary liability and conduct and where applicable specialisation).

1.1.6. Development of disciplinary/accountability criteria for court staff.

Activities related to Result 1.2

1.2.1. Conduct a Data Integrity Review in all courts of general jurisdiction with a view to identifying potential inconsistencies between court statistics and actual data, as well as discrepant practices in interpreting or applying statistical requirements.

1.2.2. Develop performance measures (financial, administration, case processing)- for all courts of general jurisdiction (financial, administration, case processing)- *such as court fee collection, case processing times and public perception of courts.*

1.2.3. Provide advice to High Judicial Council on the potential how to develop or improve case weighting methodology in order: a) to improve planning and budgeting for the judiciary, b) allocation of workload among judges and c) development of uniform measuring performance of courts through parameter such as workload, inflow of cases, backlog (eg. number of judges, cases number of staff needed) and delivery of regular or extraordinary, up-to-date court statistics.

1.2.4. Develop a curriculum for measuring overall performance of the Courts.

1.2.5. Train court leadership and court managers to use and analyse case weighting methodology

1.2.6. Develop a curriculum for a ToT (Training of trainers) for activities 1.2.3 and 1.2.4 and provide it to the Judicial Academy by the end of project.

1.2.7. Assess and improve statistics available on the enforcement of civil claims as collected by both court enforcement officers and professional enforcement officers.

Activities related to Result 1.3

1.3.1. Assess opportunities to improve transparency of, public access to, and public perception of the courts of general jurisdiction, including but not limited to modifying building layouts, establishing intake windows, designing and distributing leaflets and informative websites, organising open-door days in courts, establishing linkages between

courts and schools and training judges and court staff on media relations; and

1.3.2. Based on above assessment, implement training through Judicial Academy for at least 80% court administration and all Courts Presidents in all courts of general jurisdiction on public relations and public outreach.

1.3.3. Support to court staff and court presidents to improve access to courts and transparency as well as to enhance communications and outreach by the courts.

1.3.4. Develop standardised approach in on-line communications including standard web sites and standard set of on-line information

Activities related to Result 1.4.

1.4.1. Prepare a facilities evaluation for each Serbian court with a view to identifying renovation/refurbishment needs pertaining to improving court efficiency such as ensuring adequate number of court rooms, installation and maintenance of IT hardware, equipment needs, signage, information kiosks, access for court users with special needs, etc.;

1.4.2. Prepare *review of the current ICT infrastructure, human and other resources of the court network with short-term, mid-term and long-term steps for improvement, including the assessment of each Serbian court*, which will be submitted to HJC and Ministry in charge of Justice and State Administration

1.4.3. Based on the above evaluation, prepare technical specifications for court refurbishment and/or equipment purchases.

Activities related to Result 1.5.

1.5.1. Examine the software operating within the framework of Serbia's judiciary with a view to determining whether any upgrades/improvements are necessary - *e.g. enabling full use of intranet for all Courts Staff all courts of general jurisdictions, upgrades related to legislative amendments, upgrades related to factoring case weighting methodology in the work of the statistical functionality of existing IT systems, as well as any other changes/improvements that the HJC or the Ministry in charge of Justice and State Administration may suggest in the course of project implementation.*

1.5.2. Produce Needs Assessment for upgrade to the SAPS software operating within the framework of Serbia's judiciary (introduced under IPA 2007) and recommendations for enhancement of internal communications within the court system including but not limited to the use of intranet.

1.5.3. Prepare technical specifications for development and/or upgrade of software based on recommendations developed under activity 1.4.1 and 1.4.2.

1.5.4. Prepare technical specifications for development of software for enforcement officers and notaries in Serbia within the existing SAPS

1.5.5. Prepare feasibility study on potentials for interoperability and exchange of data with other institutions, e.g. Prosecutors service and police, etc.

Activities related to Result 1.6.

1.6.1. Develop an assessment of the training needs of court staff and court leadership in respect of court administration, court management and court IT systems.

1.6.2. Based on the assessment, as well as on the Operation Manuals developed under Activities related to the Result 1.1. develop or update training curricula for court staff and court leadership.

1.6.3. Prepare training curricula on a) judicial efficiency, b) court administration, c) management and court management system for court staff and court leadership (Draft of Training curricula should be adopted by the High Judicial Council).

1.6.4. Institutionalise and deliver the above trainings under the Judicial Academy of Serbia.

Activities related to Result 1.7.

1.7.1. Based on the process improvement review under activity 1.1.1. prepare an assessment of regulatory reform needs and draft regulatory amendments in cooperation with HJC and Ministry in charge of Justice and State Administration in areas such as Court Rules of Procedure, civil procedure, criminal procedure as well as in the area of judicial efficiency - *such as service of process, definitions of statistical data collected by courts, rules on open access to court files, fees collection and legal aid;*

1.7.2. Two years after the launch of the enforcement reform (i.e. the commencement of operations by private enforcement officers) assess the efficiency of enforcement of civil claims and draft regulatory amendments to address any deficiencies, if needed.

Component 2 – Effective enforcement of court decisions

Activities related to Result 2.1.

2.1.1. Development of ex-ante overall assessment of the enforcement regime of civil claims including indicators for establishment of a monitoring system.

2.1.2. Introduction of a monitoring system to measure performance of the entire enforcement system of civil claims.

2.1.3. Prepare a roadmap with recommendations for further improvements of the system and based on these recommendations and above mentioned indicators conduct ex-post evaluation of the performance of the entire enforcement system of civil claims.

Activities related to Result 2.2.

2.2.1. Support institutional development of the newly established Chamber of bailiffs by developing professional and ethical standards for its members and enforce these standards through the disciplinary process in line with international best practices.

2.2.2. Full assessment of bylaws regulating the Chamber: a) professional development for all enforcement officers b) ethical and disciplinary Standards, c) relations between the Chamber and Courts in line with international best practices.

2.2.3. Develop Mandatory Training Curricula of the Chamber and a feasible training schedule mandatory for all enforcement officers and deliver trainings for all registered enforcement officers under the framework of the Chamber of bailiffs.

2.2.4. Prepare Analysis for the Ministry in charge of Justice and State Administration institutional capacity to perform professional and financial supervision over enforcement officers envisaged by the Law

2.2.5. Provide support to the Ministry in charge of Justice and State Administration in accordance with the Analysis envisaged under the Activity 1.2.4. Address all identified shortcomings (through preparation of amendment of legislation, training of Ministry in charge of Justice and State Administration personnel, securing peer-based learning study visits)

2.2.6. Support outreach activities addressed to other connected legal professions (e.g. judges, attorneys, insolvency administrators and public notaries), public utility companies and other public service provider and the private sector

2.2.7. Prepare business analysis and technical specification for the design of IT system for the case management of enforcement cases and all public registries which the Law on enforcement and securities envisages. Enable linkage between enforcement officers', Chamber of bailiffs and court enforcement's software's within the existing SAPS system developed under the IPA 2007 program. With respect to this activity, there is a need to coordinate with the team in charge of the Activity 1.5.4.

Component 3 - Implementation of new Criminal Procedure Code

Activities related to Result 3.1.

3.1.1. Conduct Training Need Analyses for criminal justice actors, prepare curricula and conduct "train-the-trainers" programs within the Judicial Academy.

3.1.2. Conduct specialised thematic training programs including on the job training for judges, prosecutors (modern investigative techniques), police officers and defence counsels in four major Serbian cities, seats of Appellate Courts (Belgrade, Nis, Novi Sad and Kragujevac).

3.1.3. Organise study-visits for 20 national trainers.

3.1.4. Prepare good-practice manuals for local courts and prosecutors based on the experiences in the conducted thematic trainings.

Activities related to Result 3.2.

3.2.1. Conduct an assessment of technical capacities for Criminal Procedure Code implementation for prosecutorial offices.

3.2.2. Prepare technical specifications of necessary additional equipment for prosecution investigation (IT and audio-visual equipment).

3.2.3. Purchasing and delivering of equipment to pre-select Public Prosecution Offices, based on case inflow and workload assessment.

Activities related to Result 3.3.

3.3.1. Select and train national trial monitors among civil sector organizations throughout the country (Direct engagement of specialised civil sector institutions with proven experience in trial monitoring through implementing partner agreements).

3.3.2. Monitoring of criminal courtroom proceedings in ten Serbian towns through engagement of civil sector organizations/institutions (NGO's and/or Universities).

3.3.3. Prepare regular trial monitoring findings, polls, expert assessments and recommendations for the benefit of Serbian Government.

Activities related to Result 3.4.

3.4.1. Prepare a study on 'The introduction of witnesses and victims protection in the Serbian judiciary' - *including but not limited to the review of the current legal framework with recommendations for improvement. Also the study will produce an assessment which would prioritise the need for infrastructural changes which should be made in selected courts in order to introduce victim protection system (i.e. separate waiting rooms for victims/accused, assessment of any support mechanisms that are in place in the courts to support victims and recommendations on this matter).*

3.4.2. Prepare witnesses and victims protection training curriculum and deliver to the Judicial Academy. Training should cover the above mentioned practical aspect of victim protection.

3.4.3. Conduct training on the subject of witness/victims' support for judges, prosecutors and other court employees. Training should cover the above practical aspect of victim protection

3.4.4. Organise public awareness actions and integrate all relevant information into the existing High Judicial Council's web portal.

Component 4 – Adaptation of space for improving investigative techniques and forensics

Activities related to Result 4.1.

4.1.1 Undertake adaptation of the facilities according to the quality standards of the EU (ISO / IEC 17025:2006) to provide proper conditions for storage of the equipment procured, and create conditions for the accreditation of the laboratory.

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

Catalytic Effect

A success in the launch of the new system of private enforcement officers will contribute towards the catalytic effect regards overall reform since more and more citizens and businesses will be choosing to 'address' a private enforcement officer as opposed to the court officer for the enforcement of their civil claims thus easing the burden on the court system.

Since the project aims at improving the efficiency of the criminal investigation process it will directly support Serbia's overall effort in organised crime and corruption prevention. In addition, project implementation is expected to greatly boost civil sector engagement in monitoring the effects of the new CPC in criminal courts.

Cross Border Impact

The project will tackle the issue of serious crime investigation and adjudication, therefore providing significant impact on cross border crime prevention in the region and on EU borders.

3.6 SUSTAINABILITY

Even though the judicial procedures review will only be implemented in a sample of courts of general jurisdiction, the sustainability of this process will be ensured through the preparation of detailed Operational Manuals for court staff and court leadership. These manuals will be applicable to the entire court system and, in order to enhance their effect, the project will develop training curricula within the Judicial Academy which will be based on these manuals.

The project impact will further be strengthened and made sustainable through the identification and drafting of statutory and/or regulatory changes, which will address some of the issues that could not be solved solely through process improvement. Increased efficiency of the court proceedings and enforcement of court decisions will lead towards reducing the backlog of cases and enhancement of overall efficiency of the judicial system as well as a public trust in the judiciary. Human Resources aspects, in terms of staff to secure sustainability will be insured. Necessary financial resources will be provided through budgetary projections for the three year period as defined in the Budget Memorandum which concentrate on the reform of judicial system.

The improvement in the efficiency of both the judicial system and the enforcement of court decisions will have a certain cross border effect since it will help Serbia's aspirations to join the European Union and will improve its attractiveness for foreign investments.

3.7 ASSUMPTIONS AND PRE-CONDITIONS⁶

The following assumptions should be considered prior to the implementation of the project:

- HJC should have adopted a case weighting methodology by the time of commencement of the project;
- By the time of the end of the project the Ministry in charge of Justice and State Administration and HJC should have made a definitive decision as to the software system(s) which will be used in Serbian courts;
- Legislation introducing private enforcement agents and supporting regulations should be adopted before or shortly after the commencement of the project;
- The financial and staffing capacities of the Judicial Academy are adequate to accommodate the trainings to be undertaken in the framework of this project.
- Bearing in mind the need for necessary documentation for the premises to be recognised for proper storage of forensic equipment, the MoI is taking full responsibility for timely preparation of this documentation, thus mitigating potential risk;
- Direct and unrestricted access to court-room proceedings should be granted to trial monitors.
- *A more precise needs assessment for the prosecution will be done via a FWC to confirm the exact needs for equipment prior to the signing of Financial Agreement.*

⁶ 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.

No specific sequencing in terms of contracting is required. Nevertheless, given the number of activities envisaged by the project and number of judicial institutions that will be involved in the implementation it will be necessary to initiate direct grant agreements conclusion as well as regular tendering procedure and implementation of the project right after the signing of the FA in order to allow enough time for project implementation in line with PRAG.

4 IMPLEMENTATION ISSUES

The project will be implemented through two service contracts for the implementation of Component 1 and a second one for Component 3, one direct grant (with GIZ for the Component 2), Procurement of the equipment envisaged under Components 3 will be conducted under one supply contract and a works contract will implement Component 4). Co-financing of GIZ shall be provided.

Argumentation concerning the implementation of the Direct Grant to GIZ:

GIZ: The impact of the project would be assured and even significantly increased by implementation through GIZ. Since GIZ is already supporting the introduction of the new enforcement system through funding by the German government, substantial synergies between the interventions would be generated

4.1 INDICATIVE BUDGET

Indicative Project budget (amounts in EUR)

			SOURCES OF FUNDING									
			TOTAL EXP.RE	IPA CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	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)
Component 1			9,000,000	9,000,000								
contract 1.1 Service contract	x		9,000,000	9,000,000	100.0							
Component 2			2,000,000	1,800,000							200,000	
contract 2.1-Direct grant to GIZ	x		2,000,000	1,800,000	90.0						200,000	10.0
Component 3			2,060,000	2,060,000								
contract 3.1-Service contract	x		1,300,000	1,300,000	100.0							
contract 3.2. Supply contract		x	760,000	760,000	100.0							
Component 4			540,000	540,000	100							
contract 4.1 Works contract		x	540,000	540,000	100.0							
TOTAL IB			12,300,000	12,100,000	98.4						200,000	1.6
TOTAL INV			1,300,000	1,300,000	100.0							
TOTAL PROJECT			13,600,000	13,400,000	98.5						200,000	1.5

4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN BY QUARTER)

Contracts	Start of Tendering/ Call for proposals	Signature of contract	Project Completion
Service contract	T+1Q	T+4Q	T+16Q
Direct Grant to GIZ		T+1Q	T+9Q
Service contract	T+1Q	T+4Q	T+9Q
Supply contract	T+2Q	T+4Q	T+8Q
Works contract	T+1Q	T+2Q	T+6Q

4.3 CROSS CUTTING ISSUES

4.3.1 *Equal Opportunities and non discrimination*

Equal opportunities for men and women will be guaranteed as an integral part of the implementation of this project. Even though the project is gender-neutral, the implementer shall be required to make sure that any training under the project is available to men and women. Reports on trainings will have to contain gender disaggregated data.

4.3.2 *Environment and climate change*

The environmental impact of this project will be limited. It will not have a negative impact on the environment nor jeopardise environment, health and security in the future. The project will be delivered in the most environmentally friendly way possible, including the recycling of paper and the reduction of paper-based activities to the absolute minimum, including through distribution of project materials through uploading them on intranet/internet.

4.3.3 *Minorities and vulnerable groups*

The improvement in the judiciary's operations will enhance the responsiveness of courts towards all citizens including those belonging to national minority groups. Additionally, the review of court facilities will give special attention to access to the court buildings of people with special needs.

4.3.4 *Civil Society/Stakeholders involvement*

The process of monitoring and impact assessment of the implementation of Criminal Procedure Code as one of the project components envisages significant involvement of CSO organisations on national and local level as active participants in monitoring activities.

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Project title and number: Support to the Rule of Law System in Serbia	
		Contracting period expires 3 years after the signing of the FA	Execution period expires 1 year after the execution of the contract
		Total budget	EUR 13,60 m
		IPA budget:	EUR 13.40m
Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification	
To strengthen the independence, efficiency, quality and accountability of the judiciary enabling it to fight against all forms of crime through more efficient criminal justice system in the Republic of Serbia.	<ul style="list-style-type: none"> Positive assessment of judicial efficiency and reform implementation by EC Average case processing times at every type of court of general jurisdiction reduced by 10 %; Backlog of cases at the courts of general jurisdiction is reduced; Court users' perception of judicial efficiency improved; Average criminal case processing time reduced by 20%. 	<ul style="list-style-type: none"> EC Progress Reports Official statistical reports of courts, HJC and High Court of Cassation Public opinion surveys 	
Specific objective	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
To improve the efficiency, effectiveness and quality of court proceedings; support to the newly established system of enforcement of court decisions; enabling a coordinated fight against all forms of crime through more efficient investigation and court trial procedures, improved capacity of courts, to measure their performance, securing adequate equipment, increased involvement of the civil society and general public into the substantive evaluation of the criminal justice system in the Republic of Serbia.	<ul style="list-style-type: none"> Average case processing times at Basic, Higher and Appellate Courts improved by at least 10% per year during the project implementation (in total at least 30%)(as compared to the Annual Report of the Supreme Court of Cassation for the year 2012); Court cases backlog reduced by at least 20% by the end of the project (compared to the Annual Report of the Supreme Court of Cassation for the year 2012); Backlog of enforcement cases reduced at least 10 %;per year after year 2 of the project implementation and additional 10% at the end of the project (in total at least 30%) Case backlog as percentage of pending cases reduced by at least 10% by the end of the project (compared to the Annual Report of the Supreme Court of Cassation for the year 2012); Court users' perception of courts' efficiency improved by at least 20% and general public's as well (compared to 2010 WB Survey); The witness and victims in 80% of courts well informed of their rights; 	<ul style="list-style-type: none"> Official statistical reports of the courts, HJC and High Court of Cassation. Public opinion surveys prepared under the project Other public opinion surveys Annual Report of the Chamber of Private Enforcement Officers Trial monitoring reports. Official statistical reports of the Ministry of Interior Official statistical Report of the State Prosecutorial Council Reports of the European Network of Forensic Institute (institution responsible for accreditation of forensic institutes in Europe) Project Report (prepared under Questioners for witness and victims) 	<ul style="list-style-type: none"> Targeted courts motivated and open to implementing improvements identified in the course of the assessment Legislation introducing private enforcement agents and supporting regulations in place before or shortly after the commencement of the project
Results	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
<p>Component 1 - Judicial efficiency</p> <p>Result1.1. Case management in all courts of general jurisdiction of Serbia made them more efficient through the identification and introduction of process improvements. More specifically through: uniformed measures for improvement and benchmarking of efficiency in court processes defined and implemented (e.g. preparation of uniform operation manuals for Court Staff and Court Presidents), providing different sets of parameters for monitoring efficiency of a) HR, b) court functioning, c) Court finances and training Court Presidents, Court managers and</p>	<ul style="list-style-type: none"> Standards and recommendations for improvement of court efficiency prepared and adopted by HJC and/or Ministry in charge of Justice and State Administration and implemented by all courts of general jurisdiction (which are: Basic Courts – 34 and court units (102), Higher Courts -26, Appellate Courts -4, The Supreme Court of Cassation). hereinafter referred to courts of general jurisdiction, 	<ul style="list-style-type: none"> Project reports Assessment produced under the project Operational Manuals produced under the project Technical specification produced under the project 	<ul style="list-style-type: none"> HJC has adopted a case weighting methodology by the time of commencement of the project. By the time of the end of the project the Ministry in charge of Justice and State

<p>Court administration to properly apply and analyse those parameters, improvement of the HR functions, development of uniform training curricula for Court Presidents, Court managers and Court administration.</p> <p>1.2. Judiciary's ability to track and improve performance enhanced;</p> <p>1.3. Access to courts, transparency and communication with the public by the courts improved;</p> <p>1.4. Technical documentation for court refurbishment developed;</p> <p>1.5. Technical specification for development and/or upgrade of the SAPS software developed;</p> <p>1.6. Training Curricula on judicial efficiency for court staff and court leadership introduced and delivered at the Judicial Academy. All of the trainings envisaged by the project will be conducted in such a way that whereby experts will provide on-the-job training and mentoring in all courts of general jurisdiction.</p> <p>1.7. Regulatory amendments introducing measures that would improve efficiency drafted:</p>	<ul style="list-style-type: none"> • Training delivered by the Judicial Academy of Serbia for 70 % of the entire court staff of the Serbian court network by the end of the project, • Developed, adopted and applied Operational manuals for Courts Staff and Courts Presidents. • Data Integrity Review elaborated by the end of the first year after the project implementation and all identified inconsistencies between Courts statistics and actual data addressed by the end of the project implementation, • All discrepancy practices identified in the Data Integrity Review addressed and rectified, • Performance measures for all courts developed within 2 years from the commencement of the project and curricula and trainings delivered; • Case weighting methodology developed within the first year of the project implementation and used for improving judicial accountability and efficiency. • Court users` perception and general public perception of court efficiency improved by at least 20 % (compared to the 2010 World Bank Perception survey). • Training delivered for all Courts Presidents and at least 80 % of Court administration on press release and public outreach • Facilities evaluations for Serbian courts prepared within 1.5 years from the commencement of the project (including but not limited to: physical infrastructure, use of IT and ICT infrastructure, security and security protocols, equipment, needs assessment) • Technical specifications for court refurbishment developed within 2 years from the commencement of the project • Detailed list of the needed software and hardware upgrade, • List of recommendations regarding the software upgrade, • Fully functional intranet by the end of the project implementation • Intranet available and used as stipulated by Operational Manual • Technical specifications for court`s software prepared and approved by HJC and Ministry in charge of Justice and State Administration by the end of the project; • Interoperability feasibility study of the existing IT systems in the courts with the IT systems of the Republic Public Prosecutors Office and the Administration for penal enforcement prepared and adopted by Ministry in charge of Justice and State Administration by the end of project; • Assessment of the training needs of court staff and court leadership completed within 1 year from the commencement of the project • Training curricula for court leadership and court staff developed/upgraded within 2 years from the 	<ul style="list-style-type: none"> • Annual report of the HJC, Ministry in charge of Justice and State Administration. • Act of internal organisation in courts. • Reports if the NGOs • Training programme of the National Judicial Academy • Official Gazette of the RS. • Press clippings and media monitoring • Reports of Chamber of Private Enforcement Officers and Ministry in charge of Justice and State Administration • Training reports and evaluations of the Judicial Academy. • Annual Report of the State Prosecutorial Council. • Annual of the MoI 	<p>Administration has made a definitive decision as to the software system(s) which will be used in Serbian courts.</p> <ul style="list-style-type: none"> • Chamber of Private enforcement Officers has sufficient institutional capacity and resources to introduce training for its members. • Continuous support of the Judicial and Police Academies to complementary and further training of project beneficiaries. • Direct and unrestricted access to court-room proceedings granted to trial monitors. • Serbian authorities regularly review the experts' reports and consolidated trial monitoring assessments and issue recommendations aiming at further improving the criminal reform. • Technical documentation for adaptation works for proper placement of the equipment and technical specification of the equipment for Component 2 is in place prior to the launch of supplies tender. • New equipment procured on time for initiation of validation process
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>commencement of the project</p> <ul style="list-style-type: none"> • Training delivered by the Judicial Academy of Serbia for 30% of court staff by the end of the project • Needs assessment of regulatory reforms to improve court efficiency completed within 1.5 years from the commencement of the project • Regulatory reforms drafted within 2 years from the commencement of the project • Regulatory reforms adopted by the respective governmental institutions within 3 years from the commencement of the project 		
<p><u>Component 2 – Effective enforcement of court decisions</u></p> <p>2.1. Produce an overall assessment of the enforcement regime of civil claims in order to identify further necessary legislative, institutional and other related reform measures for improvement of the efficiency and effectiveness of enforcement of civil claims in Serbia and substantially contribute to the reduction of backlog of pending enforcement cases.</p> <p>2.2. The introduction of a new system of enforcement officers - Bailiffs is functioning fully and efficiently</p>	<ul style="list-style-type: none"> • Association of enforcement officers – the Chamber of bailiff’s fully operational through: • Bylaws regulating the Chamber fully assessed, • Professional and ethical standards assessed and enforced through the disciplinary process in line with international best practices, • Development of a Mandatory Training Curricula of the Chamber, • All enforcement officers received training in accordance with the Mandatory Training Curricula by the end of the project, • Assessment of the Ministry in charge of Justice and State Administration Department in charge of monitoring and oversight of judicial professions • All identified shortcomings in the Ministry in charge of Justice and State Administration eliminated through preparation of amendment of legislation, training of Ministry in charge of Justice and State Administration personnel and securing peer-based learning Study visits by the end of the project, • Business analysis and technical specification for the design of IT system for a) <i>case management of enforcement cases</i> and b) <i>public registries</i> prepared 		
<p>Component 3: Implementation of new Criminal Procedure Code</p> <p>3.1. Increased capacities and skills of Serbian judges, prosecutors, police and defence attorneys to undertake new roles in conducting criminal proceedings</p> <p>3.2. Public prosecutors’ office in Serbia better equipped to deal with their new responsibilities. with regards to the investigation and pre-trial process</p> <p>3.3. Serbian Government and general public is regularly provided with un-biased reports and assessments of the CPC implementation with civil sector consultation mechanism in place.</p> <p>3.4. Additional mechanism for special support for the witnesses and victims protection established</p>	<ul style="list-style-type: none"> • The training program prepared by the project included in regular training programs of the Judicial Academy. • “good-practice” manuals distributed to all basic and higher courts and prosecution offices in Serbia • Equipment purchased and delivered to Public Prosecutors’ Offices by the end of the project. • Trial monitoring conducted in 10 criminal first–instance courts, evenly distributed throughout the Serbian territory (out of 62 first-instance courts in Serbia, meaning approx. 16% coverage). • 80% of all judicial institutions covered with witnesses and victims protection training • The witness and victims in 80% of courts well informed of their rights 		

<p>Component 4 – Adaptation of space for improving investigative techniques and forensics</p> <p>4.1. Fully adapted space for the physical-chemical laboratories and toxicology laboratory at the space provided by MOI in line with ISO/IEC 17025 standards.</p>	<ul style="list-style-type: none"> Works on adaptation of the space for the physical-chemical laboratories and toxicology laboratory finalised after one year of project implementation 		
Activities to achieve results	Means / contracts	Costs	Assumptions
<p>Component 1</p> <p>Result 1.1.</p> <p><i>1.1.1. Conduct Process Improvement Review targeting selected Serbian courts (representative sample of all courts to be selected in consultation with Supreme Court of Cassation, including at least three courts of every type, i.e. Basic Courts and court units, Higher Courts and appellate courts, in order to provide an objective assessment of the Serbian judiciary), which will produce analyses of the existing legislation and its impact on the work processes. Process Improvement Review will identify best practices and elaborate a set of recommendations for improving the efficiency of court processes with a view to identify any process inefficiencies (including but not limited to: improvement of case processing times, communication, information and documentation flow, human resource management, backlog reduction and improvement of court fee collection)</i></p> <p>1.1.2. Based on the above review, identify best practices and develop a set of recommendations for improving the efficiency of court processes (incl. improvement of case processing times, backlog reduction and improvement of court fee collection);</p> <p>1.1.3. Implement above mentioned recommendations through on-the-job mentoring in all courts of general jurisdiction.</p> <p>1.1.4. Develop Operational Manual for court staff of all courts (<i>Operational Manual for court staff on standardising procedures for case and document processing, record-keeping, customer service and ethics rules, etc.</i>).</p> <p>1.1.5. Develop Operational Manual for Court Presidents of all courts - (<i>Operational Manual for Court Presidents comprising best practices and procedures for managing the courts, strategic planning at the court, analysing and working with statistical information, press relations and public outreach, human resources management, etc.</i>).</p> <p>1.1.6. Assist HJC and/or Ministry in charge of Justice and State Administration in developing an appropriate position descriptions for court personnel (Human Resources personnel files including but not limited to personnel data, education background, professional background, personnel training needs, introduction of a carrier system for the court administration based on the following criteria which are listed (but not limited to) properly documented education qualification, years of services, works results, trainings attended, disciplinary liability and conduct and</p>	<p>One Direct grant Two Service contracts One Supply contract One works contract</p>	<p>Budget: Service contract : EUR 9.00m Direct grant to GIZ: EUR 1.8m (0.2m GIZ contribution) Service contract: EUR 1.30m Supply Contract: EUR EUR 0.76 Works contract: EUR 0.54m</p>	

where applicable specialisation).

1.1.7. Development of disciplinary/accountability criteria four court staff.

Result 1.2.

1.2.1. Conduct a Data Integrity Review in all courts of general jurisdiction with a view to identifying potential inconsistencies between court statistics and actual data, as well as discrepant practices in interpreting or applying statistical requirements. (Note: identified inconsistencies will be addressed through activities 1.1.1. and 1.7.1.)

1.2.2. Develop performance measures (financial, administration, case processing)-for all courts of general jurisdiction (financial, administration, case processing)-*such as court fee collection, case processing times and public perception of courts.*

1.2.3. Provide advice to High Judicial Council on the potential how to develop or improve case weighting methodology in order: a) to improve planning and budgeting for the judiciary, b) allocation of workload among judges and c) development of uniform measuring performance of courts through parameter such as workload, inflow of cases, backlog (eg. number of judges, cases number of staff needed) and delivery of regular or extraordinary, up-to-date court statistics.

1.2.4. Develop a curriculum for measuring overall performance of the Courts.

1.2.5. Train court leadership and court managers to use and analyse case weighting methodology

1.2.6. Develop a curriculum for a ToT (Training of trainers) for activities 1.2.3 and 1.2.4 and provide it to the Judicial Academy by the end of project.

1.2.7. Assess and improve statistics available on the enforcement of civil claims as collected by both court enforcement officers and professional enforcement officers.

Result 1.3.

1.3.1. Assess opportunities to improve transparency of, public access to, and public perception of the courts of general jurisdiction, including but not limited to modifying building layouts, establishing intake windows, designing and distributing leaflets and informative websites, organising open-door days in courts, establishing linkages between courts and schools and training judges and court staff on media relations;

1.3.2. Based on above assessment, implement training through Judicial Academy for at least 80% court administration and all Courts Presidents in all courts of general jurisdiction on public relations and public outreach.

1.3.3. Support to court staff and court presidents to improve access to courts and transparency as well as to enhance communications and outreach by the courts.

1.3.4. Develop standardised approach in on-line communications including standard web sites and standard set of on-line information

Result 1.4.

1.4.1. Prepare a facilities evaluation for each Serbian court with a view to identifying renovation/refurbishment needs pertaining to improving court efficiency such as ensuring adequate number of court rooms, installation and maintenance of IT hardware, equipment needs, signage, information kiosks, access for court users with special needs, etc.;

1.4.2. Prepare *review of the current ICT infrastructure, human and other resources of the court network with short-term, mid-term and long-term steps for improvement, including the assessment of each Serbian court*, which will be submitted to HJC and Ministry in charge of Justice and State Administration

1.4.3. Based on the above evaluation, prepare technical specifications for court refurbishment and/or equipment purchases.

Result 1.5.

1.5.1. Examine the software operating within the framework of Serbia's judiciary with a view to determining whether any upgrades/improvements are necessary - *e.g. enabling full use of intranet for all Courts Staff all courts of general jurisdictions, upgrades related to legislative amendments, upgrades related to factoring case weighting methodology in the work of the statistical functionality of existing IT systems, as well as any other changes/improvements that the HJC or the Ministry in charge of Justice and State Administration may suggest in the course of project implementation.*

1.5.2. Produce Needs Assessment for upgrade to the SAPS software operating within the framework of Serbia's judiciary (introduced under IPA 2007) and recommendations for enhancement of internal communications within the court system including but not limited to the use of intranet.

1.5.3. Prepare technical specifications for development and/or upgrade of software based on recommendations developed under activity 1.4.1 and 1.4.2.

1.5.4. Prepare technical specifications for development of software for enforcement officers and notaries in Serbia within the existing SAPS

1.5.5. Prepare feasibility study on potentials for interoperability and exchange of data with other institutions, e.g. Prosecutors service and police, etc.

Result 1.6.

1.6.1. Develop an assessment of the training needs of court staff and court leadership in respect of court administration, court management and court IT systems.

1.6.2. Based on the assessment, as well as on the Operation Manuals developed under Activities related to the Result 1.1. develop or update training curricula for court staff and court leadership.

1.6.3. Prepare training curricula on a) judicial efficiency, b) court administration, c) management and court management system for court staff and court leadership (Draft of Training curricula should be adopted by the High Judicial Council).

1.6.4. Institutionalise and deliver the above trainings under the Judicial Academy of Serbia.

Result 1.7.

1.7.1. Based on the process improvement review under activity 1.1.1. prepare an assessment of regulatory reform needs and draft regulatory amendments in cooperation with HJC and Ministry in charge of Justice and State Administration in areas such as Court Rules of Procedure, civil procedure, criminal procedure as well as in the area of judicial efficiency - *such as service of process, definitions of statistical data collected by courts, rules on open access to court files, fees collection and legal aid;*

1.7.2. Two years after the launch of the enforcement reform (i.e. the commencement of operations by private enforcement officers) assess the efficiency of enforcement of civil claims and draft regulatory amendments to address any deficiencies, if needed.

Component 2

Result 2.1.

2.1.1. Development of ex-ante overall assessment of the enforcement regime of civil claims including indicators for establishment of a monitoring system.

2.1.2. Introduction of a monitoring system to measure performance of the entire enforcement system of civil claims.

2.1.3. Prepare a roadmap with recommendations for further improvements of the system and based on these recommendations and above mentioned indicators conduct ex-post evaluation of the performance of the entire enforcement system of civil claims.

Result 2.2.

2.2.1. Support institutional development of the newly established the Chamber of bailiffs by developing professional and ethical standards for its members and enforce these standards through the disciplinary process in line with international best practices.

2.2.2. Full assessment of bylaws regulating the Chamber: a) professional

development of for all enforcement officers b) ethical and disciplinary Standards, c) relations between the Chamber and Courts in line with international best practices.

2.2.3. Develop Mandatory Training Curricula of the Chamber and a feasible training schedule mandatory for all enforcement officers and deliver trainings for all registered enforcement officers under the framework of the Chamber of bailiffs.

2.2.4. Prepare Analysis for the Ministry of Justice and State Administration's institutional capacity to perform professional and financial supervision over enforcement officers envisaged by the Law

2..5. Provide support to the Ministry in charge of Justice and State Administration in accordance with the Analysis envisaged in the Activity 1.2.4. Address all identified shortcomings (through preparation of amendment of legislation, training of Ministry in charge of Justice and State Administration personnel, securing peer-based learning study visits)

2.2.6. Support outreach activities addressed to other connected legal professions (e.g. judges, attorneys, insolvency administrators and public notaries), public utility companies and other public service provider and the private sector

2.1.. Prepare business analysis and technical specification for the design of IT system for the case management of enforcement cases and all public registries which the Law on enforcement and securities envisages. Enable linkage between enforcement officers', Chamber of bailiffs and court enforcement's softwares within the existing SAPS system developed under the IPA 2007 program. With respect to this activity, there is a need to coordinate with the team in charge of the Activity 1.4.4.

Component 3

Result 3.1.

3.1.1. Conduct specialised thematic training programs including on the job training for judges, prosecutors (modern investigative techniques), police officers and defence counsels in four major Serbian cities, seats of Appellate Courts (Belgrade, Nis, Novi Sad and Kragujevac).

3.1.2. Particular focus should be given to the investigation, prosecution and adjudication of "white collar crime" and due use of "forensic accounting" in accordance with the new CPC

3.1.3. Organise study-visits for 20 national trainers.

3.1.3. Prepare good-practice manuals for local courts and prosecutors.

Result 3.2.

3.2.1. Conduct an assessment of technical capacities for Criminal Procedure Code implementation for prosecutorial offices.

3.2.2. Prepare technical specifications of necessary additional equipment for prosecution investigation (IT and audio-visual equipment).

3.2.3. Purchasing and delivering of equipment to pre-select Public Prosecution Offices, based on case inflow and workload assessment.

Result 3.3.

3.3.1. Select and train national trial monitors among civil sector organizations throughout the country (Direct engagement of specialised civil sector institutions

<p>with proven experience in trial monitoring through implementing partner agreements).</p> <p>3.3.2. Monitoring of criminal courtroom proceedings in ten Serbian towns through engagement of civil sector organizations/institutions (NGO's and/or Universities).</p> <p>3.3.3. Prepare regular trial monitoring findings, polls, expert assessments and recommendations for the benefit of Serbian Government.</p> <p>Result 3.4</p> <p>3.4.1. Prepare a Study on introduction of witnesses and victims protection in the Serbian judiciary</p> <p>3.4.2. Prepare witnesses and victims protection training curriculum and deliver to the Judicial Academy.</p> <p>3.4.3. Conduct training on the subject of witness/victims' support for judges, prosecutors and other court employees.</p> <p>3.4.4. Organise public awareness actions (round tables , prepare standardised texts to be sent out with summons information stickers, brochure on witness and victim rights and duties in courts, integrate all relevant information into the existing High Judicial Council's web portal, etc)</p> <p>Component 4</p> <p>Result 4.1.</p> <p>4.1.1 Undertake adaptation of the facilities according to the quality standards of the EU (ISO / IEC 17025:2006) to provide proper conditions for storage of the equipment procured, and create conditions for the accreditation of the laboratory.</p>		
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

ANNEX 2 Description of Institutional Framework

The Ministry in charge of Justice and State Administration and High Judicial Council are in charge of implementation and monitoring of this project.

The work, mandate and authorisation of the HJC are regulated by the Law on High Judicial Council (Official Gazette of the Republic of Serbia RS nos. 116/2008, 101/2010).

The High Judicial Council consists of the following sectors:

- Administrative Office
- Material and Financial Operations Sector
- Standing working bodies: The Commission for Evaluation of Judges and Court Presidents
- The Election Commission and other disciplinary bodies

The Council may establish ad hoc working groups to discuss and perform specific tasks within their competence. Ad hoc working groups are formed as a committee, expert teams or work groups.

Standing working bodies: the Commission for the Evaluation of Judges and Court Presidents, the Election Commission and disciplinary bodies

The work, mandate and authorisation of the Ministry are regulated by the Law on Ministries (adopted on May 15, 2007 (Official Gazette of Republic of Serbia no. 48/07)) – i.e. Article 7.

The Ministry in charge of Justice and State Administration consists of the following sectors:

- Ministry Secretariat
- IT Sector
- Material and Financial Operations Sector
- Sector for Normative Affairs and International Cooperation
- Sector for the Judiciary and Minor Offences
- Administration for the Enforcement of Criminal Sanctions
- Sector for EU Integration and International Projects
- Internal Audit Sector
- Directorate for the Management of Seized Property
- Group for the Supervision of Classified Information

The Serbian judicial system comprises of 34 basic courts, 26 Higher Courts, 4 Appellate Courts and the Supreme Court of Cassation. In addition to the courts of general jurisdiction, the court system of Serbia includes also 16 Commercial Courts, a High Commercial Court, an Administrative Court with three divisions, 45 Misdemeanour Courts and a High Misdemeanour Court. The High Judicial Council is supreme judicial self-governing body.

Steering Committee: Component 1, 2 and 3

The Project Steering Committee will be established to monitor progress in project activities implementation. The Committee will consist of a SPO from the Ministry of Justice and State Administration, Ministry of Interior, representative of High Judicial Council as well as relevant representative of EU Delegation.

The Ministry of Interior is a beneficiary of Component 5 activities and is in charge of implementation and monitoring of this project. The Criminal Police Directorate within Ministry of Interior brings together all the units involved in the fight against all sorts of crime, including Sector for fight against organised crime (SFAOC). SFAOC has an organizational units which deals with combating organised crime in the area of narcotics, general, financial and cyber-crime.

The Republic Public Prosecutor's Office, and other prosecution offices of general jurisdiction are responsible for handling the prosecution of criminal offenders. In addition to that for cases of organised crime, corruption and war crimes, special prosecution units are established within the prosecutorial as well as the court network in Serbia.

Also, there are specialised departments in four district prosecutor's office in Belgrade, Novi Sad, Nis and Kragujevac that deals with crimes of corruption and criminal acts of economic crime associated with corruption.

Following organisational units within Ministry of Interior will be direct beneficiary of the project:

National Crime-Technical Centre (NCTC/NKTC), responsible for forensic expert analysis and toxicological analysis. The Centre consists of three organizational units located in Belgrade (forensic and toxicological laboratories) employees about 15, while Novi Sad and Niš 6 employees.

The new forensics laboratory, will serve as a reference laboratory for the three regional laboratories, as well as a back-up in case of increased work load.

Steering Committee: Component 4

The Project Steering Committee will be established to monitor progress in project activities implementation. The Committee will consist of High Judicial Council representative, SPOs from the Ministry of Interior and Ministry of Justice and State Administration as well as relevant representative of EU Delegation. Representatives of Serbian Public Prosecutor and the National Crime Technical Centre, of Criminal Police Directorate will also be the members of PSC. The Ministry of Health representatives will be invited to participate in PCS work.

ANNEX 3 Reference list of relevant laws and regulations only where relevant

- Constitution of the Republic of Serbia (“Official Gazette of the RS” No. 98/2006)
- Constitutional Law on Implementation of the Constitution of the Republic of Serbia (“Official Gazette of the RS” No. 98/2006)
- Law on Organization of Courts (“Official Gazette of the RS” No. 116/2008, 104/2009 and 101/2010)
- Law on Judges (“Official Gazette of the RS” No. 116/2008, 58/2009 – decision Constitutional Court, 104/2009 and 101/2010)
- Law on High Judicial Council (“Official Gazette of the RS” No. 116/2008 and 101/2010)
- Law on the Seats and Territorial Jurisdiction of Courts and Public Prosecutor’s Office (“Official Gazette of the RS” No. 116/2008)
- Law on Public Prosecution (“Official Gazette of the RS” No. 116/2008, 104/2009 i 101/2010)
- Law on the State Prosecutorial Council (“Official Gazette of the RS” No. 116/2008 and 101/2010)
- Law on the Judicial Academy (“Official Gazette of the RS” No. 104/2009)
- Law on Enforcement and Security (“Official Gazette of the RS” No. 31/2011)
- Law on Civil Procedure (“Official Gazette of the RS” No. 72/2011)
- Law on Civil Procedure (“Official Gazette of the RS” No. 125/2004 and 111/2009)
- Criminal Code (“Official Gazette of the RS” No. 85/2005, 88/2005 - corr., 107/2005 – corr., 72/2009 and 111/2009)
- Criminal Procedure Code (“Official Gazette of the RS” No. 72/2011)
- Criminal Procedure Code (“Official Gazette of the RS” No. 58/2004, 85/2005, 115/2005, 85/2005 – other law, 49/2007, 20/2009 – other law, 72/2009 and 76/2010)
- Misdemeanor Law Code (“Official Gazette of the RS” No. 101/2005, 116/2008 and 111/2009)
- Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles (“Official Gazette of the RS” No 85/2005)
- Law on General Administrative Procedure (“Official Gazette of the FRY” No 33/97 and 31/2001 and (“Official Gazette of the RS”, No. 30/2010)
- Law on Execution of Criminal Sanctions („Official Gazette of the RS nos. 85/2005 and 72/09.);

- Law on the enforcement of the prison sentence for criminal offences of organised crimes (“Official Gazette of the RS” no.72/09);
- Law on the Ombudsman (“Official Gazette of RS nos.,. 79/05 and 54/2007);
- Law on the Police (“Official Gazette of Republic of Serbia” nos. 101/05 and 63/2009 – decision of the Constitutional Court);
- The Law on Mutual Legal Assistance in Criminal Matters (“Official Gazette of Republic of Serbia” no. 72/2009).

The rationale for the new criminal procedures may be also found in the following strategic national documents:

The following international conventions and recommendations should be considered:

- United Nations Convention against Transnational Organised Crime (the Palermo Convention);
- Council of Europe Criminal Law Convention on Corruption;
- Council of Europe Additional Protocol to the Criminal Law Convention on Corruption;
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;
- The European Convention on Mutual Assistance in Criminal Matters with Additional Protocols;
- Council of Europe Committee of Ministers Recommendation R (85) 11 on position of victims, from June 28, 1985;
- Council of Europe Committee of Ministers Recommendation R (87) 21 on prevention of victimisation , from September 17, 1987;
- Council of Europe Committee of Ministers Recommendation R (97) 13 on intimidation of witnesses and defence’s rights, from September 10, 1997;
- Council of Europe Committee of Ministers Recommendation R (2005) 9 on witness protection, from April 20 , 2005.

ANNEX 4 Details per EU funded contract(*) where applicable:

The project will be implemented through one service contract providing technical assistance to the High Judicial Council (HJC) and all courts of general jurisdiction in implementing measures targeted towards the enhancement of the efficiency of Serbian judicial system (Component 1 of the project). It will also include additional direct agreement with GIZ for component 2 of the project. Also one service contract for Component 3 and one supply contract. Works under Component 4 will be conducted through a works contract.

The Ministry in charge of Justice and State Administration together with the Public Prosecutors Offices will be responsible for preparation of all necessary documentation and technical specification of the equipment for the prosecutor's offices.

The Ministry of Interior will be responsible for preparation of all necessary documentation and technical specification of laboratory adaptation works. Co-financing of the project shall be done by GIZ under component 2.

The service contract 1.1. (indicative budget 9,000,000 EUR) shall provide services for following activities:

1.1.1.. *Process Improvement Review* prepared targeting selected Serbian courts (selected in consultation with Supreme Court of Cassation in order to provide an objective assessment of the Serbian judiciary) will analyse the existing legislation and its impact on the work processes

1.1.2. Prepare an assessment of regulatory reform needs and draft regulatory amendments in cooperation with HJC and Ministry in charge of Justice and State Administration in areas such as court Rules of Procedure, civil procedure, and criminal procedure as well as in the area of judicial efficiency.

1.1.3. Implement the recommendations in all courts of general jurisdiction.

1.1.4. Develop Operational Manual for court staff of all courts of general jurisdiction

1.1.5. Develop Operational Manual for Court Presidents of all courts of general jurisdiction

1.1.6. Assist HJC and/or Ministry in charge of Justice and State Administration in developing an appropriate position descriptions for court personnel (Human Resources personnel files including but not limited to personnel data, education background, professional background, personnel training needs, introduction of a carrier system for the court administration based on the following criteria which are listed (but not limited to) properly documented education qualification, years of services, works results, trainings attended, disciplinary liability and conduct and where applicable specialisation).

1.1.7. Development of disciplinary/accountability criteria for court staff.

1.1.8. Prepare training curricula on a) judicial efficiency, b) court administration, c) management and court management system for court staff and court leadership and deliver it to the High Judicial Council for adoption.

1.2.1. Conduct a Data Integrity Review in all courts of general jurisdiction with a view to identifying potential inconsistencies between court statistics and actual data, as well as discrepant practices in interpreting or applying statistical requirements and develop performance measures (financial, administration, case processing)- for all courts of general jurisdiction (financial, administration, case processing)- *such as court fee collection, case processing times and public perception of courts.*

1.2.2. Provide advise to High Judicial Council on the potential how to develop or improve case weighting methodology in order: a) to improve planning and budgeting for the judiciary, b) allocation of workload among judges and c) development of uniform measuring performance of courts through parameter such as workload, inflow of cases, backlog (eg.

number of judges, cases number of staff needed) and delivery of regular or extraordinary, up-to-date court statistics.

1.2.3. Develop a curricula for measuring overall performance of the Courts.

1.2.4. Develop a curricula and train court leadership and court managers to use and analyse case weighting methodology

1.2.5. Develop a curriculum for a ToT (Training of trainers) for activities 1.2.3 and 1.2.4 and provide it to the Judicial Academy by the end of project.

1.3.1. Develop an Assessment of opportunities for improvement of external communications, including transparency, public access to, and public perception of the courts of general jurisdiction; “

1.3.2. Implement training through Judicial Academy for at least 80% court administration and all Courts Presidents in all courts of general jurisdiction on public relations and public outreach.

1.3.3. Support to court staff and court presidents to improve access to courts and transparency as well as to enhance communications and outreach by the courts.

1.3.4. Develop standardised approach in on-line communications including standard web sites and standard set of on-line information

1.4.1. Examine the software operating within the framework of Serbia's judiciary with a view to determining whether any upgrades/improvements are necessary

1.4.2. Produce Needs Assessment for upgrade to the SAPS software operating within the framework of Serbia's judiciary (introduced under IPA 2007) and recommendations for enhancement of internal communications within the court system including but not limited to the use of intranet.

1.4.3. Prepare technical specifications for development and/or upgrade of software based on recommendations developed under activity 1.4.1 and 1.4.2.

1.4.4. Prepare technical specifications for development of software for enforcement officers and notaries in Serbia within the existing SAPS

1.4.5. Prepare feasibility study on potentials for interoperability and exchange of data with other institutions, e.g. Prosecutors service and police, etc.

1.4.6. Prepare facilities evaluation for each Serbian court which will be submitted to HJC and Ministry in charge of Justice and State Administration

1.4.7. Prepare technical specifications for court refurbishments and/or equipment purchases based on findings in 1.4.6.

SEE BUDGET JUSTIFICATION TABLE related to contract 1.1. in ANNEX VIII

GIZ shall under contract 2.1 (indicative budget 1,800,000 EUR) provide following activities:

2.1.1. Support institutional development of the newly established Chamber of Bailiffs by developing professional and ethical standards for its members and enforce these standards through the disciplinary process in line with international best practices.

2.1.2. Full assessment of bylaws regulating the Chamber: a) professional development of all enforcement officers b) ethical and disciplinary Standards, c) relations between the Chamber and Courts in line with international best practices.

2.1.3. Develop training curricula and feasible training schedule mandatory for all enforcement officers and deliver trainings under the framework of the Chamber of bailiffs.

2.1.4. Prepare Analysis for the Ministry of Justice and State Administration's institutional capacity to perform professional and financial supervision over enforcement officers envisaged by the Law

2.1.5. Provide support to the Ministry in charge of Justice and State Administration in accordance with the Analysis envisaged in Activity 1.2.4. Address all identified shortcomings (through preparation of amendment of legislation, training of Ministry in charge of Justice and State Administration personnel, securing Study visits)

2.1.6. Prepare business analysis and technical specification for the design of an IT system relating to case management of enforcement cases and for the public registries which the Law on enforcement of securities envisages. Enable linkage between private enforcement officers', Chamber of bailiffs and court enforcement's software within the existing SAPS system developed under the IPA 2007 program. With respect to this activity, there is a need to coordinate with the team in charge of the Activity 1.4.4.

BUDGET JUSTIFICATION TABLE

<i>Contract 2.1 Direct grant agreement with GIZ</i>		
List of activities	Required Input (days)	Total Fees
<i>Direct grant</i>	1	1,800,000.00 €
TOTAL EXPENDITURE		1,800,000.00 €

The service contract 3.1. (indicative budget 1,300,000 EUR) Component 3, and shall provide following activities:

3.1.1. Conduct a Training Need Analyses for criminal justice actors, prepare curricula and conduct "train-the-trainers" programs within the Judicial Academy;

3.1.2. Conduct Study-visits for 20 national trainers;

3.1.3. Conduct specialised thematic training programs including on the job trainings for judges, prosecutors (modern investigative trainings), police and defence counsels in four major Serbian cities, seats of Appellate Courts (Belgrade, Nis, Novi Sad and Kragujevac);

3.1.4. Prepare good-practice manuals for local courts and prosecutors;

3.2.1. Conduct an assessment of technical capacities for Criminal Procedure Code implementation for prosecutorial offices;

3.2.2. Prepare technical specification of necessary additional equipment for prosecution investigation (IT and audio visually equipment);

3.2.3. Purchasing and delivering of equipment to pre-select Public Prosecution Offices, based on case inflow and workload assessment;

3.3.1. Select and train national trial monitors among civil sector organizations throughout the country (Direct engagement of 10 civil sector institutions through implementing partner agreements);

3.3.2. Monitoring of criminal courtroom proceedings in ten Serbian towns through the engagement of civil sector organizations/institutions (NGO's and/or Universities);

3.3.3. Prepare regular trial monitoring findings, polls, expert assessments and recommendations for the benefit of the Serbian Government;

3.4.1. Prepare a Study relating to the introduction of witnesses and victims protection within the Serbian judiciary

3.4.2. Conduct training on the subject of witness/victims' support for judges, prosecutors and other court employees.

3.4.3. Organise public awareness events (e.g. round tables, prepare standardised texts to be sent out with summons information stickers, a brochure on witness and victim rights and duties in courts, integrate all relevant information into the existing High Judicial Council's web portal, etc)

Through supply contract 3.2. (indicative budget 760,000 EUR) the following activities under Component 3 will be performed.

- Purchasing and delivering of equipment to pre-select Public Prosecution Offices, based on case inflow and workload assessment (estimated value: EUR 0.8m)
- Undertake adaptation of the facilities according to the quality standards of the EU (ISO / IEC 17025:2006) to provide proper conditions for storage of the equipment procured

Preliminary estimation of necessary equipment under Component 3

PORTABLE SYSTEM for investigation team of one Prosecution office

	Item	Pieces
1	Procurement and installation of CMOS/IP colour video camera with appropriate footage for installation on floor stand (carrier)	2
2	Procurement and installation of WIRELESS boundary microphone with same or better technical features.	3
3	Procurement and installation of FOUR CHANNEL RECEIVER for WIRELESS boundary microphone	1
4	Procurement and installation of distributive audio amplifier 2x(1/3)	1
5	Procurement and installation of SDHC memory module	2
6	Procurement and installation video server software	1
7	Procurement and installation of software - Camera Licence	2
8	Procurement and installation of prefabricated AV cable sets in order to connect all of the equipment, with necessary connectors and similar equipment that has not been specified and is necessary for starting the system.	1
9	Procurement and delivery of laptop – working station with Windows 7 Professional OS – OEM and antivirus software.	1
10	Procurement and delivery of audio control headphones (1 spare pair)	1
11	Procurement and delivery of PoE LAN Switch 4 port	1
12	Portable closet 19"/6RU with mechanical tools and wiring SKB 19-6.	1

13	Delivery of floor camera stands K&M 27105-300-55	2
14	Installation of equipment with system testing and setup and user training.	1

STATIONARY SYSTEM for investigation facilities within one Prosecution office

	Item	Pieces
1	Procurement and installation of CMOS/IP colour video camera with appropriate footage for installation on floor stand (carrier)	2
2	Procurement and installation of VGA distribution audio amplifier	1
3	Procurement and installation of fixed/ boundary microphone	3
4	Procurement and installation of audio mixer 6xM+4xS inlets / 2+2 outlets	1
5	Procurement and installation of distributive audio amplifier 2x(1/3)	1
6	Procurement and installation of LCD monitor 46'' nominal diagonal Full HD compatible	1
7	Procurement and installation of wall mount for LCD monitors with adjustable angle	1
8	Procurement and installation of SDHC memory module, 8GB	2
9	Procurement and installation video server software - Base Licence.	1
10	Procurement and installation of software - Camera Licence	1
11	Procurement and installation of prefabricated AV cable sets in order to connect all of the equipment, with necessary casing tubes, connectors and similar equipment that has not been specified and is necessary for starting the system.	1
12	Procurement and installation of a set of AV installation tools and cables, average length 12m.	1
13	Installation of equipment with system testing and setup and user training.	1
14	Workstation with keyboard, mouse and accompanying software.	1
15	Procurement and delivery of audio control headphones (1 spare pair).	1
16	Uninterruptible power supply UPS – 1500VA no charge time minimum 15 minutes for 50% load with adapter for setup into 19'' closets	2
17	Procurement and delivery of PoE LAN Switch 4 port	1
18	Closet 19''/20RU with mechanical tools and wiring	1
19	Procurement and installation of KVM switch 2/1	1

Preliminary estimation of necessary works contract 4.1 (indicative budget 540,000 EUR) under Component 4

Adaptation and equipping of the intended space for the two laboratories shall be arranged under a works contract to carry out the necessary work (air-conditioning system, heating and ventilation, electric works, water and canalization system, flooring and painting works, as well as purchase of relevant required furniture is estimated at 540,000 EUR.

(see Needs Assessment Document - annex 6)

ANNEX 5. Project visibility activities

Visibility of the project will be ensured through a dedicated project website with clear indication of EU support. Visibility activities will be in line with EU visibility rules. A Communication and Visibility plan shall be prepared, budgeted for and implemented by the Project teams. The aim of the visibility activities will be to raise the profile of IPA funding projects, increase awareness among various target audiences and to ensure successful communication of information about the operations and results that will be accomplished. Planning and designing of possible visibility actions and tools will be fully aligned with the EU visibility guidelines “Communication and Visibility Manual for EU External Actions”.

ANNEX 6.

NEEDS ASSESSMENT FOR THE SUPPLY AND WORKS CONTRACTS OF THE PROJECT FICHE - SUPPORT TO THE RULE OF LAW SYSTEM IN SERBIA

1. Background

1.1. Context and rationale

The Serbian Government has embarked upon a large-scale criminal justice reform process in the last five years. The foremost problem of the Serbian criminal justice system is an inefficient and overloaded court system, often unable to fulfil the requirement to adjudicate a case within reasonable time, as set out in Article 6 of ECHR. As an example, currently each judge of Belgrade Higher Court has to deal with approximately 400 criminal cases per year, which clearly prevents them to give adequate consideration to each case. At the same time the Serbian police faces significant problems in collecting valid and reliable evidence in complicated serious crime cases due to outdated forensic methods and legal restrictions in police investigation process. All these problems negatively impacted the Serbian law enforcement sector which is now seen slow and inefficient system incapable of addressing challenges relating to new forms of crime.

The Serbian Ministry in charge of Justice and State Administration in 2004 launched a wide public discussion on a new concept of criminal procedure. During this debate, the overwhelming majority of practitioners have expressed their opinion in favour of the concept of prosecutorial investigation with introduction of some other elements from the adversarial criminal system that should enable more efficient and speedy trial. The major remark concerning the old Criminal Procedure Code, as one of a few remaining laws in Europe is that it provides an inquisitorial criminal system with the so-called “court investigation”, was that it required an excessively complicated and expensive procedure, which did not allow for an efficient and speedy trial.

A new Criminal Procedure Code was finalised in early 2011, adopted by the National Assembly on the 26 September 2011 and the new procedure will enter into force on 15th January 2012 for the organised crime and war crimes. The full implementation of the new criminal procedure is expected to be postponed until the 15th January 2013 by a *vacatio legis* of 1 year. The new criminal procedure will introduce prosecution-led investigations, thus abolishing the figure of the investigative judge in pre-trial proceedings. This change, while being in line with most modern criminal reform trends in Europe, will have significant implications in terms of changing the roles of all the main trial actors, effective police-prosecution cooperation, respect of suspects’ and defendants’ fundamental rights and “equality of arms” between the prosecution and defence.

The project scope is to make the transition from an inquisitorial to an accusatorial system as smooth and effective as possible by promoting due process principles among practitioners and by establishing a system for early reporting of short-comings in the application of the new law. Moreover, the project aims to capacitate all key actors of a criminal investigation process for effective and efficient collection of evidence and investigation by providing selected prosecution offices with necessary audio visual equipment for investigation. Namely, throughout the purchase of the specified equipment prosecutor’s offices would be enabled to

secure protection of the respected rights of individuals and to apply the minimum standards for the right to a fair trial.

The National Crime-Technical Centre (NCTC) performs all kinds of forensic expert analysis for official use by the police departments in the Republic of Serbia and for the purpose of prosecutors and judgment in accordance to relevant National regulations. During the past five years, the number of the performed analysis in the laboratories has increased by approximately 25% per year. In accordance with the Crime Investigation Law it is required for the expertise to be completed in a relatively short period of time (48 hours).

However, the current laboratory does not satisfy the concept of the modern forensic laboratory, so in that sense, it doesn't have preliminary conditions required for the beginning of the accreditation process and introducing the standard ISO/IEC 17025. The European Network of Forensic Science Institutes (ENFSI), authorised by the EU to conduct regulations related to forensics provides procedures and accreditation criteria in this respect.

Of particular priority is the aspect of upgrading of this laboratory under the responsibility of the MoI in order to increase efficiency of staff in carrying out their duties according to international standards.

The Project Steering Committee will be established to monitor progress relating to project activity implementation. The Committee will consist of SPOs from the Ministry of Interior and Ministry of Justice and State Administration as well as relevant representative of EU Delegation. Representatives of Serbian Public Prosecutor and the National Crime Technical Centre, of Criminal Police Directorate will also be the members of PSC. The Ministry of Health representatives will be invited to participate in PCS work with regards to Component 2 implementation.

1.2. Legal context (including requirements from EU acquis and new legislation)

- **Council framework decision of 15 March 2001 on the standing of victims in criminal proceedings** (OJ L 82/1 22.3.2001) provides for the assistance of crime victims before, during and after criminal proceedings. Especially vulnerable victims must be treated in a manner that is most appropriate to their circumstances, their dignity respected and rights recognised throughout the proceedings. Required equipment will be used to secure respect of these rights.
- **Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings** (Official Journal L 280 , 26/10/2010 P. 0001 – 0007) establishes common minimum rules for countries on the right to interpretation and translation in criminal proceedings. The directive also aims to improve the protection of individual rights by developing the minimum standards for the right to a fair trial and the right of defense guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the EU. With introduction of prosecution-led investigations in it is now up to prosecutors' offices to secure that these rights are respected, which will be facilitate by procurement of the specified equipment.
- **National Strategy for Fight against Organised Crime** (Official Gazette of the RS, No.23/2009), which recommends, inter alia, improving the efficiency in combating organised crime by enhancing the public prosecutors' role in criminal investigations, in its p.2, emphasises following priority: Capacity building (human, material and technical) of all state bodies involved in the fight against organised crime and strengthening cooperation at the national, regional and international levels. By securing the necessary equipment the technical capacity of prosecutors' offices will

be enhanced enabling effective implementation of their remits and efficient fight against organised crime.

- EU standards (ISO / IEC 17025:2006) – to achieve accreditation by the ENFSI.
- EU *acquis* Chapter 19 Area of Freedom Security and Justice - This supply contract and this project will contribute towards further progress in implementation of the *acquis* in this specific area and more specifically to setting up institutions, management systems and administrative arrangements which are up to EU standards. Overall, in order to allow these various structures to perform their tasks efficiently, adequate staffing, infrastructure and equipment are required.
- **Needs of the Republic of Serbia for International Assistance 2011-2013 (NAD)**

This project reflects the following NAD targets: *Priority 1*. Improving the general safety and efficiency in the fight against crime, corruption and terrorism. *Measure 1.2* Strengthening the capacity of the state authorities for the proceedings in cases of organised crime, war crimes, corruption, money laundering and other crimes. The equipment will be used to strengthen capacities of prosecutor offices to efficiently and effectively conduct investigations in cases of organised crimes, war crimes, corruption, money laundering and other crimes that will lead to the increased number of convictions.

- **European Commission Progress Report for Serbia 2011.** In section 4.3.4 *the report* summarises that: “the police system remains moderately advanced. The Serbian police have shown investigative capacities, but further sustained efforts are needed.” This project will strengthen investigative capacities of prosecutors’ offices, not only by procuring necessary equipment but also by providing trainings to the target group on how to use this equipment and maintain about efficient investigation procedures while protecting human rights.
- Finally, justification for the enactment of a new Criminal Procedure Code in Serbia may also be found in a number of recommendations, international conventions and treaties relating to criminal procedure. In this regard, the following international conventions and recommendations were considered: • United Nations Convention against Transnational Organised Crime (the Palermo Convention); • Council of Europe Criminal Law Convention on Corruption; • Council of Europe Additional Protocol to the Criminal Law Convention on Corruption; • Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime; • The European Convention on Mutual Assistance in Criminal Matters with Additional Protocols; • Council of Europe Committee of Ministers Recommendation R (85) 11 on position of victims, from June 28, 1985; • Council of Europe Committee of Ministers Recommendation R (87) 21 on prevention of victimisation , from September 17, 1987; • Council of Europe Committee of Ministers Recommendation R (97) 13 on intimidation of witnesses and defense’s rights, from September 10, 1997; • Council of Europe Committee of Ministers Recommendation R (2005) 9 on witness protection, from April 20 , 2005.
- National Legislation:
 - The work, mandate and competencies of the Ministry are regulated by the Law on Ministries (Official Gazette of the Republic of Serbia (RS) No. 19/04, 84/04, 79/05, 48/07) and Law on the Police (Official Gazette of Republic of Serbia Nos 101/05).
 - Civil Procedure Code (Official Gazette of Republic of Serbia No. 125/05)
 - Criminal Procedure Code (Official Gazette of Republic of Serbia No. 85/05)

- The Law on Mutual Legal Assistance in Criminal Matters (Official Gazette of Republic of Serbia No. 72/2009).
- Crime Investigation Law (Official Gazette of Republic of Serbia No. 85/05, 88/05 (correction), 107/05 (correction))

1.3. Institutional context

The Ministry in charge of Justice and State Administration is responsible for the implementation and monitoring of the activities foreseen in this project. The work, mandate and authorization of the Ministry are regulated by the Law on Ministries.

- The Ministry in charge of Justice and State Administration consists of the following departments:
 - Sector for the Judiciary and Minor Offences
 - Normative Affairs and International Cooperation Sector
 - European Integration and International Projects Sector
 - IT Sector
 - Material and Financial Operations Sector
 - Administration for the Execution of Penitentiary Sanctions
 - Directorate for Management of Seized property
 - Ministry Secretariat

The Ministry in charge of Justice and State Administration shall closely cooperate with the Republic Public Prosecutors Office aiming to ensure proper and adequate implementation of the supply contract. Baring in mind specificities of the equipment and a new role of prosecutors close cooperation and coordination between those two institutions would be necessary for the project implementation process.

There are 34 basic prosecutors' offices, 26 high prosecutors' offices and 4 appellate prosecutors' offices, Republic Public Prosecutors' Office and two prosecutors' offices of the special jurisdiction, Prosecutors' office for organised crime, and Prosecutors' office for war crimes. The Republic Public Prosecutor's Office and other prosecution offices of general jurisdiction are responsible for handling the prosecution of criminal offenders. In addition to that for the cases of organised crime, corruption and war crimes, special prosecution units are established within the prosecutorial as well as courts network in Serbia. Also, there are specialised departments in four district prosecutor's office in Belgrade, Novi Sad, Nis and Kragujevac that deal with crimes relating to corruption and criminal acts of economic crime associated with corruption.

An Equipment Needs Assessment will be conducted in accordance with project plan and detailed technical specification of necessary additional equipment for the prosecution investigation (IT and audio visually equipment).

Purchased equipment will be delivered to the pre-selected Prosecutors' Offices, which will be responsible for the delivered equipment, and will provide necessary facilities. These equipment will be used in the investigation process, which is now under competence of prosecutions.

The Ministry of Interior is the key beneficiary, and the Criminal Police Directorate within MoI brings together all the units involved in the fight against all sorts of crime, including Sector for fight against organised crime (SFAOC). SFAOC has organizational units which

deal with combating organised crime in the area of narcotics, general, financial and cyber-crime.

The National Crime-Technical Centre (NCTC/NKTC) - under the Criminal Police Directorate, is responsible for forensic expert analysis and toxicological analysis. The Centre consists of three organizational units located in Belgrade (forensic and toxicological laboratories) employees about 15, while Novi Sad and Niš 6 employees.

The laboratory, will serve as a reference laboratory for the three regional laboratories, as well as a back up in case of increased work load.

2. Gap assessment

It is important to clarify that the prosecution-led investigation is a new institute in the Serbian judiciary. The new Criminal Procedure Code introduces the prosecution-led-investigation which means that prosecutors will be in charge for investigation.

According to the previous law there was no need for any specified equipment for the prosecutors' offices, because internal affairs authorities was entitled to conduct investigation referring to the law or under request of the public prosecutors. Public prosecutor was authorised to request the investigation, and Ministry of Interior led investigative process. In a line with a new amendments and the recent changes in the law investigation is within the jurisdiction of public prosecutor, this means that investigation will be conducted by the public prosecutor with the assistance of police. The public prosecutor is empowered to conduct pre-investigation procedures, deciding on dropping or postponing prosecution, conducting investigation, conclude agreement of admission of criminal offence and agreement of testimony, file indictment and represent prosecution before the court, to drop the charges, to file appeals against court rulings which are not yet enforceable and to submit extraordinary and legal remedies against final court decisions, and other actions within the jurisdiction in accordance with CPC.

With increased competences for conducting investigations, prosecutors will apply new techniques and use new equipment in their work. The usage of IT and audio visually equipment is of significant importance for the conduct of an investigation procedure. The equipment purchased throughout this project will be for the first time used by the prosecutors in investigative process.

Under proposed activities in the project an assessment of technical capacities for the implementation of the Criminal Procedure Code will be conducted. The assessment will be prepared in accordance with the workload of each prosecution in the Republic of Serbia, and will present the list of priorities, which will include the exact prosecution and technical specification of the needed IT and audio visually equipment.

The project is meant to build capacity of the Ministry of Interior to carry out duties in the field of expertise analysis and laboratory testing of crime related evidences.

The fact that the Centre units are dislocated makes coordination and securing samples and evidence complicated.

The National Crime-Technical Centre performs all kinds of forensic expert analysis for official use by the police departments in the Republic of Serbia and for the purpose of prosecutors and judgment in accordance to relevant National regulations.

The standard operative procedures that are applied in the Centre during the expertise are in line with European criteria given by the ENFSI (European Network of Forensic Science Institutes). During the past five years, the number of performed analyses in the laboratories has increased by approximately 25% per year. In accordance with the Crime Investigation Law it is important for the expertise to be completed in a relatively short period of time (48 hours). However, the current laboratory does not satisfy the concept of the modern forensic laboratory, so in that sense, it doesn't have preliminary conditions required for the beginning of the accreditation process and introducing the standard ISO/IEC 17025.

There is a need for increasing the capacities of the current laboratory. On the other hand, the National Crime-Technical Centre of the Ministry of Interior doesn't have a laboratory for toxicological analysis and expertise. This type of analysis, for use by the Ministry is performed by another institution (Military Medical Academy). These toxicological tests and expertise are essential to the forensic medical expertise in terms of determining the lethal outcome caused by excessive intoxication psychoactive substances, drugs or other toxic substances. Both laboratories have a gas-mass spectrometer, which is the basic physical-chemical technique for determining sources of abuse of, drugs, pesticides and their metabolites in biological material (blood, urine, organs, hair). The laboratories also have gas chromatograph equipped with a module for determining easily vaporised substances (usually alcohol) in samples of biological material.

The above equipment is far below the level of equipment a modern toxicology laboratory should have. The work of a large number of samples in a single device in this case (gas chromatography-mass spectrometer) rapidly reduces the service life of the instrument and leads to a cumulative increase of measurement error. The current performance level of the laboratory for toxicological analysis and that of experts is on minimum.

According to the basic rules of analysis and detection of psychoactive substances in biological material it is necessary to have the checks and techniques of physical-chemical analysis consistent with ISO / IEC 17025:2006 standard.

These techniques can be complex and include: High Performance Liquid Chromatography with Mass spectrometry (LC/MS) and/or simpler, which includes the widely used High Performance Liquid Chromatography (HPLC) as well as some techniques which are based on immune-enzymatic reactions. All laboratories in the world that deal with forensic toxicology laboratory and a few laboratories in Serbia, which are in accordance with ISO/IEC 17025:2006 standards, works with the above mentioned techniques, from the more complex to the simpler.

The low level of technical capacity (equipment) of the toxicology laboratories (gas-mass spectrometer gas chromatograph) is unacceptable from the point of making expert opinions and conclusions that are made on the basis of the laboratory results. In these circumstances it is of utmost importance to improve the capacities of the laboratories.

The significance of this analysis is enormous in terms of continuous work to solve the crime and that these laboratory tests and expert testimony by a judicial authority of the Ministry in charge of Justice and State Administration.

For the works concerning the adaptation of the space for the laboratory, all necessary permits needed to carry out the works will be provided in time before the actual implementation of the contract. The required technical specifications will be availed by the Ministry of Interior

in due time prior to the launch of tender. Required permits will be available prior to start of the works, and will be submitted to local authorities by the Ministry. Supervision, since not legally required for such kind of works (according to local regulations), shall be (within the Ministry of Interior, there is a Department for joint affairs, that normally carries out the supervision of Ministry works). However, if this does not conform to EU regulations, the matter can be discussed further on the technicalities. The works (adaptation) that will be done through this project will prepare for the installation of the equipment that is foreseen to be procured. . Concerning the works, the adaptation design has to be prepared in order to define types, quality and quantity of the works to be done in order to adjust the space to the requirements of the project. The adaptation design should be prepared by engineers in order to have the documents ready when the project will be approved. This project documentation (adaptation design) will be a basic document for preparation of tender dossiers for works. Supervision of works can be financed through a framework contract.

For functional operation of any chemical laboratory, in this case, toxicological and physico-chemical, adequate functional space is a necessary which must satisfy certain (technical) strict requirements. The mentioned requirements apply to the operation of sophisticated equipment and instruments used in these laboratories.

There are a number of parameters that must be met in order to continuously receive accurate, precise and reproducible measurement results that are of great importance for the final expert's opinions that are presented to the judicial authorities who require this type of analysis. An important parameter is the temperature range of space in which instruments are placed. According to the wide experiences of the modern laboratory space optimal temperature should be between 22⁰C to 28⁰C in order to obtain accurate, precise and reproducible measurement results. This is achieved by a good quality air-conditioner systems. For a stable, safe and quality work of these instruments it is necessary to have good electrical installations. This type of work is also important to the maintenance of instruments which extends their working life. Further, the entire area must be constructed of materials that are resistant to high temperatures in case of fire which is achieved by use of fireproof materials. At the end, but no less important are quality works water installation and waste, which would protect the environment protection and to ensure functional operation of instruments and the whole laboratory.

For this purpose existing office area in the possession of MoI, of about 500m² is going to be adapted into laboratory space. Since future laboratory rooms are not designed and used for that purpose currently, the technical requirements for installation of the equipment and normal everyday operation has to be applied. Technical requirements can be split into following groups: **electrical** - installations to enable stable and continues electrical supply for the instruments that, according to their sensibility, can't stand supply variations. **Water and canalization** installations that will enable sufficient quality of water to be used and also protect the environment from possible pollution as a result of laboratory material used. **Air-conditioning** is one of the technical requirements that is required in order to enable neutral atmosphere that is not influencing laboratory results. Since the laboratory space has to be isolated from the outdoor system, proper **ventilation and heating** has to be established to keep the required working conditions. To avoid electrostatic electricity, working conditions need to be kept tidy and sterile, proper **flooring and wall painting** has to be done. All space has to be equipped with the furniture that is produced for the laboratory purpose. A site visit was organised with the representatives of the EUD, the MOI and SEIO in February 2012.

3. Financial sustainability

Financial sustainability will be provided through the Budget of the Republic of Serbia, and funds allocated for the prosecutors' offices, which will be used for the maintenance of the equipment. Prosecutors and other employees will be trained for the adequate use of the equipment and specified techniques required for the investigation.

Last but not least, project implementation is expected to greatly boost civil sector engagement in monitoring the effects of the new CPC in criminal courts. The judiciary is therefore a beneficiary of the project, as they can use evidence and results of testing from the laboratory.

Works

Maintenance of the laboratory space shall be the responsibility of the Ministry of Interior and will be budgeted for from funds from the budget of the Republic of Serbia.

4. Indicative list of equipment (incl. estimated prices based on market analysis and locations)

Equipment related to the component 3.

No	Item	A. # of Items ⁷	B. Item rate (in EUR)	C. Expected costs (in EUR) C=A x B
PORTABLE SYSTEM for the investigation team of the one Prosecutors` office				
1.1.	CMOS/IP colour video camera with appropriate footage for installation on floor stand (carrier)	2	885	1770
1.2.	WIRELESS boundary microphone with same or better technical features.	3	580	1740
1.3.	FOUR CHANNEL RECEIVER for WIRELESS boundary microphone	1	980	980
1.4.	distributive audio amplifier 2x(1/3)	1	215	215
1.5.	SDHC memory module	2	30	60
1.6.	video server software	1	650	650
1.7.	software - Camera Licence	2	200	400
1.8.	Prefabricated AV cable sets in order to connect all of the equipment, with necessary connectors and similar equipment that has not been specified and is necessary for starting the system.	1	350	350
1.9.	laptop – working station with Windows 7 Professional OS – OEM and antivirus software.	1	1100	1100
1.10.	Audio control headphones (1 spare pair)	1	48	48
1.11.	PoE LAN Switch 4 port	1	65	65
1.12	Portable closet 19’’/6RU with mechanical tools and wiring SKB 19-6.	1	255	255

⁷ The Specification provided in the Annex consists from the portable and stationary types of equipment, and number of the equipment required per one prosecutors office. The Needs Assessment for the equipment which will be conducted at the beginning of the implementation of the project will give a clear picture about the necessary equipment and prices. Namely, this analysis was conducted and prepared at the beginning of the project preparation cycle (January-March 2011).

1.13.	Floor camera stands K&M 27105-300-55	2	45	90
1.14.	Installation of equipment with system testing and setup and user training.	1	285	285
STATIONARY SYSTEM for investigation facilities within the one Prosecutors` office				
2.1.	CMOS/IP colour video camera with appropriate footage for installation on floor stand (carrier)	2	885	1770
2.2.	VGA distribution audio amplifier	1	400	400
2.3.	Fixed/ boundary microphone	3	200	600
2.4.	Audio mixer 6xM+4xS inlets / 2+2 outlets	1	720	720
2.5.	Distributive audio amplifier 2x(1/3)	1	215	215
2.6.	LCD monitor 46'' nominal diagonal Full HD compatible	1	1550	1550
2.7.	Wall mount for LCD monitors with adjustable angle	1	104	104
2.8.	SDHC memory module, 8GB	2	30	60
2.9.	Video server software - Base Licence.	1	650	650
2.10.	Software - Camera Licence	2	200	400
2.11.	Prefabricated AV cable sets in order to connect all of the equipment, with necessary casing tubes, connectors and similar equipment that has not been specified and is necessary for starting the system.	1	310	310
2.12.	Set of AV installation tools and cables, average length 12m.	1	740	740
2.13.	Installation of equipment with system testing and setup and user training	1	285	285
2.14.	Installation of equipment	1	120	120
1.15.	Workstation with keyboard, mouse and accompanying software.	1	1100	1100
1.16.	Audio control headphones (1 spare pair).	1	48	48
2.17.	Uninterruptible power supply UPS – 1500VA no charge time minimum 15 minutes for 50% load with adapter for setup into 19'' closets	2	495	990
2.17.	PoE LAN Switch 4 port	1	65	65
2.18.	Closet 19''/20RU with mechanical tools and wiring	1	750	750
2.19.	KVM switch 2/1	1	120	120
Total costs for all items (euro)				19,005.00

TOTAL: 40 x 19005=760 200

The Table above represents the current needs of the Prosecution Offices. The precise list of equipment will be produced in Technical Specifications when they will be prepared.

Works under the component 4

Adaptation and equipping of the intended space for the two laboratories shall be arranged under a works contract to carry out the necessary work (air-conditioning system, heating and ventilation, electric works, water and canalization system, flooring and painting works, as well as purchase of relevant required furniture is estimated at 540,000 EUR.

I Works necessary for the laboratory

I. SUMMARY PER TYPES OF WORKS	
Types of works and works items	Total Cost
A. Type of works: air-conditioning system	120,000€
B. Types of works: heating and ventilation	100 000 €
C. Types of works: electric works	80 000 €
D. Types of works: water and canalization system	80 000 €
E. Flooring and painting works	40 000€
F. Types of works: purchase of relevant required furniture	120 000 €
<i>Total Cost of material/resources (A+B+C+D+E+F)</i>	<i>540.000 €</i>
TOTAL EXPENDITURE (II.)	540.000 €

5. Indicative Timetable/scheduling/sequencing

Year	Year 1												Year 2															
Quarter	Q1			Q2			Q3			Q4			Q5			Q6			Q7			Q8			Q9			
Month	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12	M1	M2	M3	M4
Preparation of the tendering dossier			MS																									
Tendering and contracting												MS																
Implementation																												

MS – stands for Milestone

The supplies contract is expected to be signed in cooperation with component 2 of this project

As previously mentioned, prior to the launch of Supplies contract all necessary documentation including technical specification for the equipment for Component 3 as well as technical documentation for Component 4- adaptation works for the laboratory.

Annex 7

Justification for international organizations

GIZ as an implementing partner

LIST OF QUESTIONS TO DETERMINE THE APPROPRIATENESS OF WORKING WITH AN IO

Concise recommendation to the QSG

Summary of the reasons for working with an IO:

Why this IO in particular has been selected:

Why the proposed option is preferred over alternatives:

1. *AN IO HAS ITS OWN, INTERNATIONALLY RECOGNISED INSTRUMENTS, DEVELOPED MECHANISMS AND NETWORK OF QUALIFIED EXPERTS.*

GIZ (former GTZ) as a German Government owned organization has vast experiences in planning and implementing projects for the German government, the EC, beneficiary institutions and other international donors.

The project would perfectly complement the ongoing endeavors of the German government (implemented by GIZ Legal Reform project Serbia) in supporting the implementation of the new enforcement regime in Serbia and assure its sustainable implementation. The project would be build on the existing cooperation established with all relevant stakeholders, as well as on the already established infrastructures, networks and operations and would benefit from GIZ's management and expert capacities in Serbia, the region and headquarters in Germany.

GIZ has been supporting the introduction of modern enforcement systems in Serbia (since 2003) and the region (SOE) for many years. Especially the valuable experience made in neighboring countries can be easily deployed.

Finally, GIZ has vast experiences and high internal standards concerning result and impact orientation, monitoring and evaluation and other relevant project management tools.

This approach, experience and implementation capacity represent a clear added value that only GIZ can ensure.

Things to consider before working with an IO

Basic data

- **Total size of programme:** 2 000 000€
- **Commission contribution (as a % of total programme)-** 90%
- **Contribution of IO:** 10 %
- **Contributions of other donors-**no
- **Trust Fund and Trust Fund reference (where appropriate)**

- **Has the 4 pillar review been completed? Yes**

Aid Effectiveness

How will the IO:

- **Support the partner country involved to exercise effective leadership and ownership over their programmes?**

The project will be implemented in close collaboration with several national institutions: Ministry of Justice and State Administration and State Administration, Serbian Judiciary, Chamber of Enforcement Agents Serbia (once established), Bar Associations as well as Chambers of Commerce. Their involvement in the implementation of the project will insure ownership and effective leadership.

- **Fit the program in the context of a joint donor assistance strategies (if it exists) and ensure that the programme is complementary to other donors' work (taking into account division of labour, programme based approaches and joint and coordinated in-country missions)?**

The respective program/project is developed bearing in mind ongoing and planned programs/projects financed both by EU contribution so far approved, German technical assistance and national resources. The project will be implemented in close cooperation with Sector for EU funds and Development Assistance (former Development Assistance Coordination Unit DACU) and other relevant authorities.

Furthermore, the project would represent the much needed extension of the endeavors of the German government to support implementation of the new enforcement system in Serbia by focusing mainly on the court perspective of the enforcement system. Since GIZ would implement the German and the EU-funded part, complementarity would be assured.

For the reasons of sustainability and as a natural continuation of the reform of the enforcement system in Serbia GIZ Legal Reform Project Serbia is continuing to support the development of necessary bylaws and other major implementation measures through the well-established cooperation with the Serbian Ministry of Justice and State Administration. The working group has been established and an implementation plan delivered to the Ministry in April 2011. Planned activities envisage among others, the development of secondary legislation (by-laws), the design and implementation of the appointment procedure of Private Enforcement Agents (PEA), the establishment of a national chamber and association of PEA, the development of a code of ethics of PEA, training and examining of PEA, development of supervision and oversight functions within the Ministry in charge of Justice and State Administration and measures to introduce the new system to the public (awareness raising).

The foreseen component of the EU programme on Rule of Law is mainly taking the perspective of the judiciary and the courts and will support the inclusion of the new system into the Serbian court system. That would perfectly complement above-mentioned planned and ongoing GIZ activities and provide a further reason to charge GIZ Legal Reform Project with the implementation of the component of the EU project. With such an approach Ministry in charge of Justice and State Administration believes that the entire enforcement system would be treated appropriately (all relevant institutions would be addressed, establishing and securing proper

interaction between all actors in the system, fine tune the chain of the enforcement system), entire business cycle of the enforcement process would be treated adequately (from the perspective of the court, from the perspective of the Chamber, from the perspective of the Ministry in charge of Justice and State Administration) and last but not least all actors would be assisted (Serbian judiciary, Ministry in charge of Justice and State Administration and the Chamber).

Additionally, GIZ implementation measures are ongoing and could be – in the case of availability of further (necessary) resources and financials means – easily extended in order to assure a smooth and comprehensive implementation of the new enforcement system in Serbia.

- **Make use of country systems for public financial management and procurement (on the basis of available joint assessments and analytical work with other donors)? Provide a rationale when country systems are not used (including an explanation for the use of parallel Project Implementation Units (PIUs)?**

Subcontracting in this project will be done directly by GIZ and in collaboration with the local partners who will use public financial management.

- **Coordinate and align capacity development and technical cooperation?**

The project is mainly focused on the sustainable development of capacities within the relevant Serbian institutions and their staff, raising of awareness of the importance of all actors in the project and strong cooperation. That will be achieved by a direct inclusion of the respective institutions and individuals in the activities of the project.

- **Ensure full and timely information any conditions attached to the programmes as well as on commitments and disbursement on an annual and multi-annual basis (predictability and transparency)?**

GIZ will report on an annual basis on funds received, commitments and disbursement. It will also provide a progress report every six months.

Why we work with Ios

- **Why have international organizations been considered to manage this programme in preference to working directly with the government or with NGOs – e.g. request from government, absence of alternatives, capacity, normative or policy considerations, etc.**

Ministry in charge of Justice and State Administration is of the opinion that this direct award would present a continuation and closure of TA in the area of enforcement. GIZ has been active in the area of enforcement for more than 8 years, from the assessment period, throughout the period of drafting of the new legislation by working group, as well as currently in the process of the support to the implementation of the new law, support to the Ministry in charge of Justice and State Administration in monitoring the implementation of the law, support to the establishment of the Chamber of private bailiffs, drafting of necessary by-laws and facilitation of know-how and best practice exchange in the region. GIZ Legal Reform Project Serbia has also the necessary capacities to implement a multi-annual project of that scale. Awarding GIZ with additional funds would enable the GIZ Legal Reform Project Serbia to extend their activities

substantially without establishing a completely new project infrastructure, secure continuation of good cooperation and use of the existing 8 year know-how. Through this sort of continuation, more resources could be directly dedicated to the implementation of the enforcement system and the necessary capacity building and no time would be wasted. As foreseen outputs of the EU project concept in the field of enforcement are complementary to the activities planned and already implemented by GIZ, and represent an upgrade to the Serbian enforcement system a direct award would also assure a coherent implementation and effective “donor coordination”.

Since GIZ activities in the area of legal and judicial reform are scheduled until 2018, a direct award would have a more sustainable impact on the Serbian system. Finally, a direct implementation through GIZ could also considerably benefit from the well-established cooperation between GIZ Legal Reform Project and the Serbian Ministry of Justice and State Administration, Serbian Judiciary and other relevant stakeholders.

- **Why has this particular international organization been selected in preference to other IOs – e.g. experience in the country/region, expertise, neutrality/security reasons, absence of alternatives, coordination ability, etc.**

GIZ Legal Reform project has been for more than 10 years active in the field of legal reform in Serbia and the region. GIZ as institution and in particular GIZ Legal Reform Project have in-depth expertise in the field of enforcement and maintain excellent relevant networks in Serbia, the region and worldwide. Furthermore, the project has a strong management and implementation capacities track record to implement the project.

The GIZ Legal Reform Project Serbia has a long-lasting experience in providing support to the reform and implementation of the enforcement systems in Serbia and the region of South East Europe. It thereby focuses strongly on concrete results and respective indicators. The Serbian system has been supported in different ways in the past 8 years. The first engagement has been agreed with the, at that times federal Ministry of Justice (Federal Republic of Yugoslavia) in 2003. Since the federal state was dissolved the efforts have continued with the Ministry of Justice of the Republic in Serbia (in a combined reform of the codes on enforcement and the code on civil procedures) in 2005/2006. The latest draft (now enacted as law, with a vacatio legis of one year – implementation starts in June 2012) has been supported from the beginning. Representatives of the project were attending the meetings of the working group of the Ministry; expert advice has been provided. To further clarify the role of the project it has to be mentioned that the project was and still is sharing a part of the staff with the GIZ Open Regional Fund for Legal Reform in South East Europe (ORF). One of components of the ORF was dedicated to the harmonisation of economic laws in the countries of the region (Croatia, Albania, Bosnia and Herzegovina, Serbia, Montenegro and Macedonia) with a special focus on the laws on companies, insolvency and enforcement. Most of the regional experts participating in this component were at the same time members of working groups for the reform of the abovementioned laws in their respective countries. The regional experience through GIZs activities in SOE is a further benefit of having GIZ charged with the implementation of that component: it allows easy access to valuable experiences, models and best practice made in Serbia’s neighboring countries. Finally, German government is for many years supporting legal and judicial reforms in many transition economies (e.g. Central Asia, South Caucasus, Mongolia). The reform of the enforcement system has been frequently a major issue on the reform agenda. GIZ headquarters providing to projects strong support, knowledge management and global networks through its expert unit “Law and Judiciary” staffed with key experts in that field.

Furthermore, the GIZ project team itself has already experiences in implementing projects funded by other donors. In Serbia, the project has been implementing a project for Swiss development cooperation (SECO) in 2005 – 2007. Within the Open Regional Fund SOE Law Reform, with whom the project shares personal in Serbia and is strongly interlinked, a project (Balkan Enforcement Reform Project) funded by the Dutch government has been jointly implemented with the Centre for International Legal Cooperation (CILC). Finally, just recently GIZ signed an EC Grant contract to support a regional network of prosecutors in SOE within the activities of the Open Regional Fund SOE Law Reform.

- **What is the expected added value of working with this IO in this particular context - e.g. speed of delivery, quality, etc.**

GIZ's added values to this particular project are following:

- Long experience in the design and implementation of successful technical assistance and cooperation projects in the field of enforcement;
 - Well established cooperation with the Serbian authorities and an excellent response rate of the Serbian institutions to the GiZ expertise and project implementation dynamics;
 - Excellent management and implementation capacities track record;
 - Well established networks in the field of enforcement in Serbia, the region, Germany and the EU;
 - Comprehensive experiences from past and ongoing activities and support measures in the field of enforcement in Serbia and the region;
 - Well established cooperation with the Serbian Ministry of Justice and State Administration and other relevant stakeholders.
- **Is the programme financially significant or does it address issues that are important in political, normative or policy terms. By financially significant, the following is understood:**

In the case of single donor actions, a threshold of €10 million applies

In the case of multi-donor actions a threshold of €5 million applies

Both of these thresholds are indicative only and smaller programmes will continue to be possible; however a clear justification must be provided, where smaller programmes are proposed. Experience with the application of the thresholds will be monitored carefully and should be reported in the EAMRs.

In the area of enforcement the total budget of this project is considered financially significant (the overall budget of 2 000 000 does not involve substantial expenditure in fixed assets).

It addresses also the important issues from the normative and policy point of view regarding the enforcement of judgments and the subsequent reduction of the backlog of cases within judiciary by increasing capacities of the judiciary, the enforcement agents and other relevant stakeholder.

- **Relevant experience with this IO, either in this country/region or elsewhere**

Especially since GIZ obtained the status as Delegated Entity in 2008, it has been implementing a great number of projects on the basis of Delegation Agreements for the EC. In SOE, projects are implemented in Albania (3) and Montenegro (2). Apart from this, GIZ is also implementing EU-Grants, usually co-funded by the German government.

Additionally, GIZ has been also implementing several Service Contracts for the EC through its business unit GIZ International Services. In SOE, there have been approx. 30 contracts awarded to GIZ within the last 10 years, several in Serbia (for example: Policy and Legal Advice Centre II (PLAC II) and Policy and Legal Advice Centre III (PLAC III)).

GIZ Legal Reform project Serbia (2011-2013, 1.Phase granted; 2014-2018, planned) is in the beneficial position to draw on the respective experiences made and resources available. Additionally, GIZ headquarters provide strong support and backstopping means for projects co-funded by the EC.

- **Assessment of the expected and actual impact and performance of the IO in this programme.**

The expected impact of this project is to improve capacities and quality of institutional reforms aimed at the enforcement of judgments and to further support Serbia in its approximation with the relevant international standards, with reference to strengthening the capacities of the newly introduced enforcement system and the judiciary.

The impact of the project would be assured and even significantly increased by implementation through GIZ. Since GIZ is already supporting the introduction of the new enforcement system through funding by the German government, substantial synergies between the interventions would be generated. Since German assistance in that field is scheduled until 2018, mandating GIZ with implementation of the project would also assure the sustainability of results.

Implementation issues

- **Will the IO implement the programme using its own staff only or will it work with implementing partners? A list of the intended partners and the amounts granted should be provided. This can then be updated when reports are received.**

GIZ Legal Reform project uses its own subject matter specialised staff and also engages when necessary experts depending of particular needs of the project. Moreover, GIZ makes use of its presence in the field in order to ensure the political and administrative support of its actions in terms of activity implementation on the day to day basis approach. Additionally, GIZ would ensure accommodation of project staff within its premises. Since the GIZ Legal Reform project team already exists, additionally, one international expert, 1-2 local project officers/national advisers and administrative support would be sufficient to implement the project.

- **Has the IO been able to confirm that implementation by partners is more effective than implementation with its own staff?**

The IO should be able to provide a guarantee that the use of implementing partners is appropriate – i.e. that it is the best way to implement the programme and that issues of cost effectiveness

have been considered. A series of options could be proposed – cost-benefit analysis carried out, speed and quality of delivery, etc.

The programme will be jointly implemented by the GIZ and its partners.

- **Will the IO conclude procurement contracts?**

Yes

1.1. Contractual issues

- **Is joint management being used – if not, what is being used and why? (see instruction note 4916 of 27 March 2007, chapter 7 of the updated version ofnPRAG 2008 and instruction note 29599 of 10 February 2009)**

N/A

- **Is a framework agreement in force?**

N/A

- **Is the agreement to be concluded in conformity with the relevant framework agreement and the standard contribution agreement or the administration agreement (for the World Bank).**

N/A

- **Are any special conditions included which derogate from the standard contribution agreement or the administration agreement? If so a thorough justification needs to be provided.**

N/A

Governance, reporting and monitoring

- **What will be the respective role of the IO, the partner country, the EC and other donors in the governance bodies of the programme?**

The modus of GIZ legal Reform project provides the presence and activity of the Projects Steering Committee. The Steering Committee (SC) is expected to be composed of EU representatives, the GIZ Legal Reform project Team Leader and the national representatives of each beneficiary institution or partner in the project. The SC closely follows aspects of the project's implementation and its political dynamics as well as addresses any major issue that the project may face. It shall have regular meetings (every 4 months) and shall have the following responsibilities:

- To make an assessment of emerging needs for sound project implementation.
- To provide orientation for the project implementation.
- To support the project implementation

- To comment and add on projects Work plan
- Recommend strategies for the project implementation
- To conduct reviews of project reports and other documentation.
- To conduct a final review of the implementation.
- To recommend strategies for sustainability and follow up activities.
 - **What are the reporting arrangements in place for this specific programme? e.g. as provided in the UN joint reporting guidelines, Standard Contribution Agreement or supplementary requirements.**

Reporting arrangements are defined by the General Conditions applicable to European Community contribution agreements with international organisations.

- **Is it intended to carry out a verification of this programme?**

GIZ Legal Reform project when designing the Project's Description of Action ensures that an assessment and verification mission takes place prior to finalizing the project's work plan. This shall – beside GIZ Legal Reform projects own insight – involve meetings with the relevant beneficiaries and partners as well as verification of current status of reforms and means for implementation. These meetings would serve to get appropriate feedback from the national institutions and also to initiate the designing of the Work plan of activities in line with the project's log frame and its Description of Action.

- **What are the monitoring arrangements in place for this specific programme? e.g. regular reporting, ROM, field missions by EC staff, evaluation performed by the IO, evaluation commissioned by EC.**

The project's implementation aspects will be monitored by the Steering Committee, while different evaluations and auditing may take place and they usually consist of the following types:

- GIZ's own (commissioned) independent evaluation/assessment;
- EC independent evaluation;
- Result Oriented Monitoring (ROM carried out under the EuroAid; carried out (the independent evaluation by the GIZ; the ROM by the EU) while the EU task manager would be in charge for day-to-day liaison with the project team. Reporting will be done as noted in point 2 of this section;
- Internal and external Auditing of the GIZ (in terms of financial management)

As far as concerns the evaluation organised and commissioned by GIZ, such evaluations provide an assessment of the overall progress of the project during its implementation against the project's objectives and its activities, as set out in the project document, and its value-added and impact. The assessment will describe findings and conclude with proposals to GIZ, which then shall be provided to the donor, the contracting authority and to the beneficiary institution. The evaluation addresses the following questions:

Impact: How has the project achieved its intended objectives so far? Type and kind of the results of the project activities, and their impact due to the project's assistance; Assessment of project variations and changes in pursuit of the project aims, and comment on the variation from the original project specification.

External factors: How have external factors influenced the achievement of the project's objectives and what can be extrapolated from this experience for future technical assistance and co-operation projects?

Project design: What can be extrapolated in terms of lessons learned from the project design (i.e. how was the preliminary needs assessment conducted, what was the rationale for the selection of certain activities, which other inputs were used for the design stage etc.); How well has the project infrastructure and its work plan (including its calendar of activities) worked to achieve the projects' objectives and meet the project area needs?

The project's context with other donor efforts/ongoing programmes: What has been the project's visibility and "placement" as a technical cooperation intervention of GIZ and of the donor organization?

ANNEX VIII – BUDGET TABLE BREAKDOWN (RELATED TO COMPONENT 1)

DRAFT													
Estimated budget for 3 years													
Line Items	Rate	Unit	Year 1			Year 2			Year 3			Totals	
			Units	Base	Amount	Units	Base	Amount	Units	Base	Amount	Units	Amount
1. FEES													
SENIOR EXPERTS													
Team Leader	1,000.00	/day	240.00	1,000.00	240,000.00	240.00	1,000.00	240,000.00	240.00	1,000.00	240,000.00	720.00	720,000.00
Judicial Efficiency Expert 1 - KE	1,000.00	/day	240.00	1,000.00	240,000.00	240.00	1,000.00	240,000.00	240.00	1,000.00	240,000.00	720.00	720,000.00
Institutional Development Expert - KE	1,000.00	/day	200.00	1,100.00	220,000.00	200.00	1,100.00	220,000.00	200.00	1,100.00	220,000.00	600.00	660,000.00
Regulatory Reform Expert - KE	1,000.00	/day	240.00	1,000.00	240,000.00	240.00	1,000.00	240,000.00	240.00	1,000.00	240,000.00	720.00	720,000.00
Judicial Efficiency Expert 2 - NKE	1,000.00	/day	40.00	1,000.00	40,000.00	40.00	1,000.00	40,000.00	40.00	1,000.00	40,000.00	120.00	120,000.00
Judicial Efficiency Expert 3 - NKE	1,000.00	/day	150.00	1,000.00	150,000.00	150.00	1,000.00	150,000.00	0.00	1,000.00	0.00	300.00	300,000.00
Human Resources Expert - NKE	1,000.00	/day	0.00	1,000.00	0.00	25.00	1,000.00	25,000.00	25.00	1,000.00	25,000.00	50.00	50,000.00
Curriculum Development Specialist - NKE	1,000.00	/day	0.00	1,000.00	0.00	30.00	1,000.00	30,000.00	30.00	1,000.00	30,000.00	60.00	60,000.00
ICT Enterprise Architect - NKE	1,000.00	/day	240.00	1,000.00	240,000.00	240.00	1,000.00	240,000.00	240.00	1,000.00	240,000.00	720.00	720,000.00
PR expert - NKE	1,000.00	/day	100.00	1,000.00	100,000.00	100.00	1,000.00	100,000.00	100.00	1,000.00	100,000.00	300.00	300,000.00
Subtotal Senior Experts					1,470,000.00			1,525,000.00			1,375,000.00		4,370,000.00
													0.00
JUNIOR EXPERTS													0.00
Team Member 1 (activities related to result 1)	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	720.00	288,000.00
Team Member 2 (activities related to result 1)	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	720.00	288,000.00
Team Member 3 (activities related to result 1)	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	720.00	288,000.00
Team Member 4 (activities related to result 2)	400.00	/day	140.00	400.00	56,000.00	140.00	400.00	56,000.00	0.00	400.00	0.00	280.00	112,000.00
Team Member 5 (activities related to result 2)	400.00	/day	0.00	400.00	0.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	480.00	192,000.00
Team Member 6 (activities related to result 2)	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	720.00	288,000.00
Team Member 7 (activities related to result 3)	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	720.00	288,000.00
Team Member 8 (activities related to result 3)	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	0.00	400.00	0.00	480.00	192,000.00
Team Member 9 (activities related to result 3)	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	720.00	288,000.00
Team Member 10 (activities related to result 4)	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	720.00	288,000.00
Team Member 11 (activities related to result 4)	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	720.00	288,000.00
Data Analyst	400.00	/day	140.00	400.00	56,000.00	140.00	400.00	56,000.00	0.00	400.00	0.00	280.00	112,000.00
Administrative assistant	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	720.00	288,000.00
Accountant	400.00	/day	240.00	400.00	96,000.00	240.00	400.00	96,000.00	240.00	400.00	96,000.00	720.00	288,000.00
Subtotal Junior Experts					1,168,000.00			1,264,000.00			1,056,000.00		3,488,000.00
Local Support Staff													
Interpreter		/day	240.00		0.00	240.00		0.00	240.00		0.00	720.00	0.00
Secretary		/day	240.00		0.00	240.00		0.00	240.00		0.00	720.00	0.00
Subtotal Local Support					0.00			0.00			0.00		0.00
TOTAL FEES					2,638,000.00			2,789,000.00			2,431,000.00		7,858,000.00
2. INCIDENTAL COSTS (including operational costs)											project		1,142,000.00
3. TOTAL PRICE OF THE PROJECT													9,000,000.00
KE - Key expert													
NKE - non Key expert													