

SUMMARY FICHE

Sub-programme Number BG 9911

Title: **Institution Building Projects in the field of Justice and Home Affairs**

Sub-programme Justice and Home Affairs

Objectives: The **overall objective** is to assist the Republic of Bulgaria in preparing for accession to the European Union by strengthening its legal framework in specific fields of Justice and Home Affairs, bringing it into line with EU requirements and improving the institutional and administrative framework necessary to implement and enforce this legislation.

This project is fully in compliance with the Accession Partnership requirements, namely:

- Developing effective border management and frontier control system;
- Enhancing the fight against organised crime
- Complete alignment to international conventions , notably in view of the Schengen Acquis
- Improving the operation of the judicial system

The **immediate objectives** include:

1. to strengthen through twinning border management in Bulgaria, by introducing operational standards and practices for the Bulgarian Border Police – which is the prime agency of border management -, based upon the best practices of border management in the EU. Both the Accession Partnership with Bulgaria as well as the Bulgarian National Programme for the Adoption of the Acquis consider the improvement of the bordermanagement as a high priority. This assistance will contribute to Bulgaria's preparations for accession to the European Union and ensure that current strategies to counter illegal immigration (and also cross-border crime) are given greater emphasis.
2. to enhance through twinning the institutional capacity of the Ministry of the Interior in order to allow the development of police structures in compliance with EU standards and to allow the alignment to the EU acquis in this field of JHA. The effort is concentrated on developing information systems and police management issues.
3. to support through twinning the efforts of the Bulgarian Ministry of Justice and European Legal Integration (MJELI) in upgrading the functioning of the judiciary which means in particular addressing the requirements and recommendations of the Accession Partnership as well as the conclusions of the regular report of November 1998 on the progress of Bulgaria, of the Justice and Home Affairs experts mission report of May 1998 and of the follow-up mission of Mrs Jansen (January 1999).

Description Project 1 : Institutional Strengthening of the Bulgarian Border Police
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The Project includes 3 sub-projects:

1. General twinning on legislation, structures and management for the Bulgarian Border Police

This sub-project will see the secondment of a senior EU Member State Border Police Officer as resident Pre-Accession Advisor for a period of two years to the Director of the Bulgarian Border Police. The PAA will have three distinct tasks which are as follows:

- Advise the Bulgarian Director of the border police on the identification of reforms to be undertaken (legislation, structures) and on the best ways of managing these changes
- In close co-operation with the pre-accession adviser in charge of setting up a new training system, assist in the acquiring of knowledge throughout the Border Police on EU norms and standards.
- Working with the Director and his key staff, assist in the identification of additional assistance needs for future consideration under the Justice and Home Affairs sector.

This assistance should include advice on priorities and implementation strategies.

To help him fulfilling his mission, the PAA will be assisted throughout the duration of his assignment by short term EU Member States experts who will analyse the legal framework and audit the structures of the border police (both central and local) in order to identify the needs, the gaps with the EU acquis and the shortcomings and to propose amendments and reorganisations. The precise missions of these short term experts will be defined by the interested MS in their twinning proposals.

2. Specialised twinning on the setting up of a new training system for Border police

The objective of this sub-project is to create a new Border Police Training system, including a training centre, which will enhance the operational standards of the Border Police and bring them into line with norms and practices adopted by the equivalent services within the EU Member States. This enhancement in professionalism will in turn lead to positive improvements in border management. Phare assistance in this project will focus on the provision of an EU specialist on border police training who will be a resident Pre Accession Advisor for a period of 2 years. This PAA will be supported by EU Member States short term experts whose missions will be defined by the interested MS in their twinning proposals. The requirements for the creation of the training centre as elaborated by the Bulgarian Authorities will be sent to the EU MS so that they could be taken into account when drafting the twinning proposals. A close co-ordination between the PAA on training and the PAA on general organisation of the Border police is essential. Therefore, much attention will be paid by the Commission to this aspect when examining the twinning proposals from the interested Member States.

3. Supply of equipment for mobility and surveillance

3.1. Mobility

The main objective of this sub-project is to provide the Bulgarian Border Police with adapted patrol vehicles (including motorcycles if needed) to replace the most obsolete ones of the current vehicle park. The introduction of these vehicles will immediately address the existing problem faced by the Border Police and enhance mobility, both in

¹ AFIS: automated fingerprint identification system
Phare 1999 – JHA Project fiche

terms of patrolling and reaction time in key border areas.

3.2 Surveillance

The objective of this sub-project is to provide a package of equipment (e.g. night binoculars) to enhance the ability of the Bulgarian Border Police to detect illegal crossing of the border, particularly in critical areas identified by the Bulgarian Authorities and confirmed by the steering group on equipment supply.

Project 2 : Institutional strengthening of the Bulgarian police : upgrading the criminal information systems and enhancing managerial techniques

The project will be implemented through a two-year twinning and will aim at the alignment on the EU Acquis (1981 personal data convention, Europol etc...) . This twinning is not limited to the stolen vehicle system and its automated criminal analysis support. It will encompass the whole Ministry and should cover all the design, organisation and operation of its current and future information system. Besides, this twinning will aim at bringing vehicle policing efficiency to EU standards both in investigative and administrative areas in order to deny criminals any freedom of action. The PAA will be in charge of co-ordinating activities under sub-project two and will be member of a mixed steering committee in charge of monitoring the project. He will be assisted by short term MS TA throughout the implementation of the project.

The project comprises two subprojects :

1. Subproject criminal information system

1.1. Stolen vehicle information system (equipment and technical assistance through twinning)

This subproject will improve the current system by upgrading the database and bringing it to Schengen Information System (SIS) standards, providing a connection capacity to foreign data bases, extending the access down to police station level and preparing an experimental deployment aboard patrol cars. The ultimate goal is to allow for all police officers to access the system and to accomplish quick checks in compatibility with the acquis on free movement of people. The system will be designed to be SIS compatible and to be extendable to other subjects such as searched individuals, stolen items or documents, criminal cases, AFIS¹, DNA² ...

² DNA: biological technique of identification by genetic analysis

³ Criminal analysis is an investigation technique that is used mainly in organised crime cases, mostly in trafficking. It relies now more and more on automated equipment to process the huge volume of pieces of information that are collected by the investigators.

⁴ cf ENFOPOL 46 du 24 mars 1994

⁵ program to increase the efficiency of investigation techniques against organized crime

⁶ this term covers either university institutes or a police institutes that achieve research and development tasks in the areas of policing and police management and deliver an advanced education to police executives. The most known EU bodies of this type are in the UK Scarman center (Leicester University), and Bramshill senior staff college, in France Institut des hautes études de la Sécurité Intérieure (IHESI); in Germany Munster Polizei Akademie, in Netherlands the LSOP. In Hungary the establishment of the Police research institute was granted PHARE support.

Phare 1999 – JHA Project fiche

1.2 Automated criminal analysis system³ (equipment)

This subproject covers the development of an automated criminal analysis capacity comparable to what has been achieved in EU Member States. It relies on the provision of 47 "I2 analyst's notebook" software and associated hardware to equip central and regional levels. This equipment has been adopted by almost all EU Member States, Europol and Interpol. Such a system is necessary to cope with the huge volume of data that are collected by investigating cases of stolen car trafficking and therefore to identify key criminals and organisations. The development of criminal analysis is subject of a recommendation of the European Council.⁴ The system will be initially developed to fight trafficking of stolen vehicle but could later be effectively used against all forms of trafficking (drugs, weapons, money...), thus increasing crime fighting effectiveness. In a medium term perspective, it will also facilitate Bulgaria's full participation in the EC FALCONE program⁵ on this specific issue, when this will be made possible for Candidate countries.

1.3 Forensic support (equipment)

The development of a modern stolen vehicle information system is worthless if criminals are given the opportunity to dissimulate stolen cars by forging the serial number. Consequently, this subproject increase the capacity to detect forged stolen cars by enhancing the current MOI forensic system. It covers the delivery of six X-ray detecting equipment at the main border checkpoints, of detecting kits and the development of a computerised vehicles identity marks data base at regional level. The effectiveness of such a system will be greatly enhanced by the fact that vehicle administrative technical control facilities and registration offices are also under the competency of the national police.

2 Subproject improving the policing/managerial capacity of the Bulgarian Police

2.1 Professional training on foreign languages (training and equipment)

This element relies on the development of a three level curriculum for police academy students, a certain number of sergeants and MOI officials in order to allow them to master the professional jargon in the English, French and German. It will be achieved through a specific training for language teachers, the delivery of teaching equipment (audio and computer multimedia classrooms) and materials (specialised books, dictionaries, films and software products).

It will include some EU Member States technical assistance. This issue is of great interest since a major difficulty in all forms of co-operation and development is the lack of language qualified people. This was underlined by police attachés in Sofia. It should also be emphasised that all submitted subprojects will request a good knowledge of the jargon by the Bulgarian partners. Consequently, this subproject has to be considered as a mandatory preliminary.

2.2 Information Technology (IT) education (equipment and training)

This subproject is the enhancement of the police academy IT education capacity. It will double the existing training capacity, provide a free access computer room and deliver training to work in IT/internet environment.

This proposal covers a double objective. First it aims at educating managers to work in IT environment and consequently can be considered as supporting subproject 2 on automated criminal analysis system. Second, it will allow these managers and executives to directly

access EU information and police professional culture .

2.3 Complementary ENFOPOL training (training)

This subproject is complementary to what is offered by the European Association of Police Colleges under the JHA PHARE horizontal Program "European Curriculum on Police Training in the CEECs" that uses the same ENFOPOL modules. It will answer specific Bulgarian needs and provide on key issues a larger training capacity than what is offered under the horizontal programme. 300 students will receive training through 15 sessions that will cover 8 modules.

2.4 Policing R&D advanced education structure⁶ preliminary assessment

The present subproject covers the preliminary work to establish a Bulgarian structure that will help to develop, through research and advanced education, a Bulgarian national policing model in conformity with EU acquis and standards. Currently, neither the Bulgarian Ministry of Interior nor any Bulgarian university appear to have a proven capacity in that field. Therefore, to support any durable and in depth institutional building, it is necessary first to conceive such a structure (location, responsibilities, assets) through EU assistance. A team of six EU experts will work in close co-operation with the Bulgarians in the field of policing/police management R&D as well as of advanced education. It will assess the current situation and needs to align with the EU standards, design a structure to answer these needs, and assist the Bulgarians in organising a national conference on that issue. Organised in Sofia with EU lecturers, the preparation and the holding of this conference is intended to connect Bulgaria to the relevant EU network, to bring Ministry of Interior executives in contact with EU concepts and to introduce them to EU experts

Project 3. Strengthening the independence of the Judiciary and the institutional capacity to implement the acquis of the European Union in the field of Justice

This project consists of 3 sub-projects :

1. Strengthening the administrative structures of the MJELI and its ability to elaborate an integrated strategy to co-ordinate the judicial reform process and to participate in international judicial co-operation through adoption and implementation of the necessary harmonised legislation

This sub-project covers 4 components.

- 1.1 – Support to the MJELI in its crucial activities and building up institutional capacities

An audit of the structures and operation of the MJELI will be carried out by EU experts within months 1 and 10 of the twinning. It will be concluded by recommendations and an action plan for strengthening and reorganisation of internal structures, staffing, strategy, procedures (including speeding up of the legislative process and improvement of approximation and implementation of the Acquis), internal communication, circulation of documents and computerisation etc.. This audit will also include an assessment of the current communication tools and the establishment of a communication plan, including upgrading of IT networks, so as to deliver to the ministry certain hardware and software (plus training on utilisation and maintenance). The most urgent items of this equipment

will be financed under the project. This equipment supply is to be considered by the PAA in liaison with sub-project 3 (pilot project for improving the courts organisation and administration).

The recommendations and action plan will be implemented (ex : adoption of a new organigram, if need be, together with the necessary texts etc..) between month 12 and month 24 of the twinning, with an evaluation starting at month 20.

- 1.2 – Upgrade the MJELI's ability to participate in international judicial co-operation through adoption and implementation of the necessary harmonised legislation

The MJELI is in a process of assessment of the legislative measures necessary for the implementation of the European acquis in the field of Justice and Home Affairs, including a number of international conventions relating to judicial co-operation in penal and civil matters which Bulgaria has recently signed and/or ratified. The relevant acts have been translated recently and the work for their gradual transposition in Bulgarian law is forthcoming. This work of preparation of national legislation and harmonisation with the acquis requires support from EU experts.

1. In particular, Bulgarian and EU experts will make a legal analysis on the compatibility of the current Bulgarian Civil procedural Code to the requirements of the Lugano Convention (1988) and will propose the necessary legislative amendments ;
 2. Experts will also make a legal analysis of the unification of the conflict of law rules for contractual obligations and will put forward legislative proposals for the new civil code in order to bring it in line with the Rome Convention (1980). Work will also have to be done on several "The Hague" Conventions.
 3. It is necessary to organise vocational training of MJELI personnel (ex : administrators) who have to deal with the conclusion and/or implementation of agreements and conventions in legal matters (including training in the technique of negotiations, in information technologies, foreign languages, practical aspects of enforcement of international conventions etc..).
- 1.3 – Legal assistance in codification activities, including drafting of a new Penal Code and a new consolidated Code of Penal Procedure (CPP)

1.3.1 – Amended code on penal procedure and new consolidated CPP

The existing code on penal procedure has been recently amended extensively. The amendments are meant as temporary adaptations to dispose of a workable code rather quickly without obstructing the operation of the current system of penal procedure. These amendments, which introduce major changes in the investigation procedure and were planned to enter into force in May/June 1999, have been regarded by the European Commission of Human Rights as compatible with the European legislation. The Bulgarian authorities intend to draft a completely new CPP in the near future in order to dispose of an instrument capable of meeting future developments of European and international human rights law. First steps for redrafting the CPP have been taken. There seems however to be general agreement on the necessity of drafting a new code.

Actions to achieve the above objective implies the reinforcement by EU experts of the working group in charge of evaluating the current amendments and drafting the new CPP. The Judicial Reform Initiative will be entrusted with drafting exact training needs. In this respect the ongoing activities in this area funded by the American Bar Association

will have to be taken into account in order to assure complementarity.

1.3.2 - New penal code

As a complement to the amendment of the CPP, a national group of experts has been recently set up in order to consider the necessary changes to be brought to the penal code. From this national group of experts, a working group including EU experts will be entrusted with drafting the new Penal Code. The judicial Reform Initiative will be entrusted with defining exact training needs.

Under this heading there is also an urgent need to identify, develop and support the capacity to do basic scientific research as regards the crime phenomenon in the country. Reliable data on crime are a basic requirement to establish an efficient policy to combat crime and insecurity.

- 1.4 – Support to the National Documentation Centre and to the Central Translation office

The National training and Documentation Centre is established to provide necessary information on the European integration process for the State Administration and the National Assembly. Financial support under this project should allow the MJELI to bring the European legislation database up to EU standards.

The National Translation office is established in order to provide the necessary information tools for the approximation process. The office is providing translation of EC legal instruments and authoritative texts, the publication of the official sources of EC law and the publication of the Bulgarian legal instruments into official languages of the EU. Funding under this project will help covering the costs linked to :

- upgrading technical and infrastructural tools for professional translators
- establish specialised training programmes for European legal translators.

2. Training for professionals and supporting professional associations

- 2.1 – Strengthening professional skills of the magistrates

In order to increase the impact and authority of the Judiciary within society, it is imperative to improve the status of the Judiciary. To reach this goal, it is in the first place necessary to:

- set up a reliable recruitment and selection procedure.
- establish a systematic program of continuing education for sitting magistrates

Actions to achieve the above objective will include :

2.1.1 Establishment of a reliable recruitment and selection procedure

Without a consistent system for entering the Judiciary, it is virtually impossible to regulate the input of personnel. Bulgarian judicial candidates have to serve a one year apprenticeship period before they can start to work as a judge, a prosecutor, an investigator... The quality of this apprenticeship programme is rather poor since too many

law school graduates are seeking apprenticeship every year, resulting in space and mentor time constraints. Magistrates and court employees lack incentives to devote their time and effort to providing apprentices with useful experiences and there are too many compulsory rotations through the court system to be of value added for the apprentice. Therefore, TA will be devoted to help the Bulgarian authorities to make a clear analysis of the mean weaknesses and on that basis establish an action plan for addressing them

2.1.2. The establishment of a systematic programme for continuing education for sitting magistrates

The professional education of magistrates will prove to be a long-term process, necessary for improving the preparation and ultimate effectiveness of the judiciary. Therefore, training will be focussed on "training the trainers" covering EU law, penal and civil law, seminars with EU magistrates, consultation and the provision of up to date professional literature and legal texts. The activities under this sub project will need to be coordinated with the activities planned in the context of the Magistrates Training Centre, to be set up by USAID/Open Society Foundation.

This activity will contain following specific actions :

- Strengthening the training system for magistrates (both for initial and permanent training) ; the pre-accession adviser will examine how the school for magistrates which is currently being set up can be developed ; on this subject, the PAA will liaise closely with international institutions and NGOs involved, particularly with the Open Society Foundation.
- Development and implementation of a training module for magistrates to inform them on the contents and implications of the revised code on penal procedure as well as on their position and tasks under the amended code. Considering the fact that the amended code should enter into force in May/June of 1999, priority should be given to the development of courses in this field. These courses should pay attention to the ideas and philosophy laying behind the new system of criminal procedure, in order to develop a new way of thinking among the magistrates. Their implementation should start as soon as possible (1Q00)

• 2.2 – Supporting professional associations

A vital role in preparing the judiciary for EU accession will rest with the professional associations. This component aims at strengthening their independent role to ensure their abilities to provide effective support to their members and to the judiciary in general. In contradiction with the well functioning Association of Bulgarian Judges, specific attention will need to be paid to the Associations for Lawyers, Public Prosecutors and investigators in terms of organisational support. So far as professional associations are concerned, the following actions should be taken which aim at developing an "esprit de corps" among the legal professions based on the need to dispense justice quickly and according to EU standards :

- Development of the contacts between the national Association of Judges and the Association of Public Prosecutors with their EU counterparts ;
- Development of the awareness of the existence and activities of the Bulgarian Associations of Judges, Public Prosecutors; these should be more known to their members as well as to the other professionals of the judicial sector ; in this perspective, the feasibility of the creation of a

(common ?) newsletter should be examined;

- Development of contacts between the Bar Associations in Bulgaria and EU counterparts;
- Examination of the feasibility of developing of procedural manuals.
- Development of the information of all legal professionals on the amendments to the code on penal procedure (see above project of newsletter). Information of the general public should also be considered (to be financed by the Bulgarian government).
- Development of the information on international judicial co-operation.

3. Improving the courts organisation and administration

The problems the Bulgarian judicial branche is facing in terms of administration, management and planning lead to major delays in the processing of cases. This sub-projects start from the presumption that an efficient operation of the courts administration is the basis of an efficient Judiciary. The administrative departments of the courts are overstaffed but this staff is underqualified. As a result, a lot of work is not handled properly by the administrative staff. A reorganisation of the court administration system is therefore imperious. Capable people have to be trained (and some more qualified staff recruited). It is also important to revise the administrative procedures, to make a clear distribution of work and to develop administrative working models.

This sub-project therefore aims to address following main reasons for cases delay :

- administrative and clerical burdens of all judges
- administrative burdens of Chairman of Courts
- poor performance by court support staff
- lack of judges trained in management techniques
- lack of work ethic among judges
- Prolonged period of collection of evidence

Equipment will also be considered in the framework of a comprehensive plan concerning both the ministry and courts. Special attention will need to be paid to the communication infrastructure and the installation of local networks in courts, in order to :

- modernise the management of the data flows within courts
- speed up the information flow in electronic form
- ease the access to information in order to address the lack of legal research assistance and legal information software

Actions to achieve the above objective will include :

- Audit of the current administration system in order to have a detailed assessment of the main problems. Among others, the following subjects will be taken into consideration : the powers of the "Inspectorate" on the courts, the possibilities for the general public to have access to information and the system of internal flow of information, the possible setting-up of a new record-keeping system, the division of tasks between the President of the Court and the Chief Administrator of the Court. On the basis of this audit, a general road

map for reorganisation and modernisation will be presented within 6 months. This document will mention the actions to be implemented without delay, among which a pilot reorganisation of the courts and an urgent training programme for the professionals concerned :

- a) Pilot reorganisation of the courts : this pilot project will be launched in several courts representing every level of jurisdiction, both in Sofia and in the province ; it will be implemented between month 8 and month 24 of the twinning, with an evaluation at month 20 ; the experimentation will include some computerisation to be financed under Phare 1999.
- b) Urgent training of the all professionals concerned : This training focusing on the improvement of managerial skills, to be developed between months 8 and 24, will address Court Presidents and Administrators (on the management of a court), judges, prosecutors and general administrative staff. So far as the latter category is concerned, an individual evaluation of their professional skills will have been carried out between months 1 and 6 so as to identify who should be trained and on which subjects. To overcome the problem of underqualified administrative staff members, this training should be provided on a basic level and focus on practical skills. This training on managerial aspects will have to be closely co-ordinated with other training done under sub-project 2 (so far as judges and prosecutors are concerned) which is focusing on legal aspects.

Budget

Euro million:

Title of sub-project	Institution Building	Investment	Total Phare	Recipient	TOTAL
Project 1 Institutional strengthening of the Bulgarian Border police	1.55	1.45	3	0	3
Project 2 Institutional strengthening of the Bulgarian police : upgrading of criminal information systems and strengthening managerial techniques	1.8	2.7	4.5	2.6	7.1
Project 3 Strengthening the independence of the Judiciary and the institutional capacity of the Ministry of Justice and European Legal Integration to implement the Acquis of the european Union in the field of Justice	1.45	0.55	2	0	2
TOTAL	4.8	4.7	9.5	2,6	12.1

Implementation For projects 1 and 2

Arrangement: The projects will be implemented through twinning. Responsibility for the administration related to the procedural aspects of the procurement, contracting and accountancy will rest upon the CFCU. Responsibility for the administration related to the preparation, technical control and implementation will rest with the ministry. Technical specifications for the equipment will be defined by steering groups of EU experts on equipment, upon proposals made by specialised sub groups of experts.

For project 3

The project will be implemented through twinning. Responsibility for the administration related to the procedural aspects of the procurement, contracting and accountancy will rest upon the CFCU. Responsibility for the administration related to the preparation, technical control and implementation will rest with the ministry of Justice and European Legal Integration.

Implementation Schedule The duration of the activities to be provided within the project is 24 calendar months. Implementation schedule is indicative as follows:

- Start of twinning preparation: Last quarter of 1999
- Start of project activity: First quarter of 2000
- Completion: first quarter of 2002

**Conditionality
And
sequencing**

The fulfilment of the conditionalities will be checked before the starting of the sub-projects.

Project 1

Institutional Strengthening the Bulgarian Border police

- The equipment will be provided only if the evolution of the legislative and structural framework which will be developed under the twinings is deemed satisfactory by Commission.
- Technical specifications for the equipment must be neutral ; they will be defined through an ongoing feasibility study on equipment for surveillance and mobility.
- The equipment will be affected to areas defined in common by the Bulgarian authorities and the PAA.
- The patrol vehicles and cycles must only be used in border areas.

Project 2

Institutional strengthening of the Bulgarian police : upgrading of criminal information systems and strengthening managerial techniques

- Any project of the ministry of Interior and related bodies needs to be based on the Ministry's firm commitment to adopt and implement the EU acquis and practical standards, to develop a fundamental culture of change and set up a democratic and efficient crime fighting policing system.
- As already mentioned above, the supply of equipment under Phare is strongly linked to this political commitment and it will be reduced or cancelled if the legislative and structural framework in which the ministry of interior operates does not evolve satisfactorily in 1999.
- The Bulgarian Government will have to set up an effective co-ordination mechanism between Police, Prosecutor's Office and Investigation body
- The Ministry of Interior will develop managerial education and wider access to EU policing concepts. The Coordination Service, the International Co-operation service, the Human Resources Service and the Police Academy will have to co-ordinate their respective policies accordingly. The internal control procedures will equally cover the respect of the rules and the achievement of a public service of quality.

Project 3

Strengthening the independence of the Judiciary and the institutional capacity of the Ministry of Justice and European Legal Integration to implement the Acquis of the european Union in the field of Justice

- Commitment from the Bulgarian government to improve salaries, careers and working conditions in the judicial sphere, especially those of the judges and prosecutors.
- Commitment from the Bulgarian government to improve courts premises (with a first effort in the pilot courts, to be chosen before the end of month 2 so that the improvements could be brought between months 3 and 7, before the beginning of the pilot reorganisation)

ANNEXES

1. Log-frame in standard format
2. A) Cumulative contracting and disbursement schedule
B) Detailed implementation chart
3. Cost breakdown
4. Relation of project with previous Phare activities
5. Detailed projects fiches:

Project 1: Institutional Strengthening the Bulgarian Border police

Project 2: Institutional strengthening of the Bulgarian police : upgrading of criminal information systems and strengthening managerial techniques

Project 3: Strengthening the independence of the Judiciary and the institutional capacity of the Ministry of Justice and European Legal Integration to adopt and implement the Acquis of the European Union in the field of Justice and Home Affairs

6. Standard summary Twinning Project Fiche

- Project 1 Pre-accession advisor to the Bulgarian Border Police
Pre-accession advisor to establish a training centre for the Bulgarian Border police
- Project 2 Pre-accession advisor for Acquis oriented management of criminal information systems
- Project 3 Pre-accession advisor for strengthening the administrative capacities of the Ministry and enhancing the independence of the judiciary

ANNEX 1**LOGFRAME PLANNING MATRIX FOR PROJECT: Institution Building Projects in the field of Justice and Home Affairs****TOTAL BUDGET: 9.5 M€**

Wider Objectives:	Indicators of Achievement:	Source of Information:	Assumptions and Risks:
To strengthen the institutional capacity of both the Ministry of Interior and the Ministry of Justice and European Legal Integration in order to enable them to cope with future developments in the field of Justice and Home Affairs and more particularly in the fields of policing and police management, bordercontrol and the judiciary.	<ol style="list-style-type: none"> 1. Willingness of Bulgaria to meet requirements of Schengen Agreement and EU Accession; Reduction of levels of border-related crime. 2. Improved institutional capacity of the Ministry of Interior; MOI proposals for development of policing and police management to an effective and democratic model acceding the acquis. 3. Ministerial strategy for on-going improvement of judiciary system 	<ol style="list-style-type: none"> 1. Bulgarian Authorities and EC/MS; PAA progress reports 2. PAA report; MOI reports; Police attachés, AEPC and Europol reports. 3. Reporting of pre-accession advisors; reports of Working Groups 	<ol style="list-style-type: none"> 1. Change in Bulgarian Policy; Inadequate funding to support further reform and re-equipment of Border Police; Inadequate Border; Management Strategy 2. The MOI is committed to develop a crime effective and democratic policing system that match the EU acquis and is able to pass over the cultural gap. 3. Absorption capacity of the MJELI; Relation between MJELI and professional bodies; consensus on roles of MJ, judiciary, judges etc
Immediate Objectives			
<ol style="list-style-type: none"> 1. To strengthen border control, to restructure Border Police and to reduce border-related crime. 2. To gain practical policing development experience through the achievement of a Schengen standard stolen vehicle information system and associated automated analysis and forensic supporting systems, to overtake the language and IT communication barriers to access EU policing culture and to immediately access EU management education on critical issues and develop an R&D advanced education capacity in the field of policing/police management 3. To improving administrative structures of MJELI, to strengthening professional judiciary associations, to obtain recommendations for improving Penal procedures Code, to obtain recommendations for more efficient court functioning, 	<ol style="list-style-type: none"> 1. Reduction in illegal immigration, smuggling, drug trafficking, transfrontier organised crime; Improved efficiency of Border Police; Modernisation of Border Police equipment holdings. 2. Achievement of the various systems and effective operation report; design of extension projects; increased number of developed EU standards projects; increased exchanges between Bulgarian and EU partners in the areas of police co-operation and training; improvement of the police managerial capacity; development of R&D and advanced education in the field of 	<ol style="list-style-type: none"> 1. Government evaluation on an ongoing basis; Bulgarian Authorities and EC/MS; Phare Evaluation Reports. 2. PAA progress reports Reports on police bodies activity ;Reports on international co-operation by EU member states, AEPC, Europol, Police attachés. 3. Reporting of Pre-accession advisors; 	<ol style="list-style-type: none"> 1. Full Government support of programme; Management of change handled correctly; Levels of illegal activity rise faster than Authorities ability to manage existing levels. 2. The managerial capacity that is developed to handle the technical components of the projects is kept on and extended to the cultural dimension in perspective of the acquis. Civil society faces no turmoil. Bulgarian civil

	<p>policing/police management.</p> <p>3. co-ordinated ministerial and professional associations' discussion on needs for the judiciary ; Training sessions; consensus on status</p>	<p>Working Groups; Judiciary/ ministerial evaluation.</p>	<p>universities are able to support policing/police management R&D and advanced education.</p> <p>3. Relation between MJELI and professional bodies</p>
Outputs			
<p>1. New and modern training standards which fully comply with Schengen Standard of border policing, Enhanced operational capacity on selected border areas, Elaboration of new management structures and policies which are fully in line with best practice in EU border police services.</p> <p>2. An increased capacity in the field of vehicle crime and overall improved efficiency against organized crime; An improvement of managers and executive communication skills with EU partners; policing and police management improvement on specific issues of special interest in Bulgaria; appropriation of EU policing concepts and policing R&D interest; Design of R&D and advanced education bodies in the field of policing/police management education.</p> <p>3. Improved MJELI administration, especially with regard to international judicial co-operation, legal documentation and translation office. Establishment of systematic programme for continuing education for sitting magistrates</p> <p>Actionplan to address weaknesses of recruitment and selection procedures for professionals on the bench</p> <p>Strengthen the independent role of professional associations</p> <p>:Ensure ability of professional associations to provide effective support to their members and the judiciary in general, Enhance contacts with other European professional associations, Ensure access to international legal literature and information, Feasibility study on development of procedural manuals. New penal Procedures Code in line with European standards</p>	<p>1. Creation of fully functioning Border Police Training Centre; Deployment of surveillance equipment in key areas and an increase in detection rates of illegal cross border activity; increased operational mobility through the deployment of modern vehicles; Secondment of a senior MS Expert to advise the Director of Border Police.</p> <p>2. Increased number of recovered stolen vehicle; increased use of IT system by police officers and investigators down to station level; increased number and improved skills of language and IT educated personals; increased number of effective co-operation with EU member states in investigation and training; practical measures developed matching EU standards</p> <p>3. Improvement of internal functioning and administrative capacity of MJELI to be measured through approximation of laws process and efficient implementation of international conventions; Network of trained judges, prosecutors, magistrates in Penal procedures code, legal aid system, court management techniques; provision of equipment and associated training; Improvement of functioning of Courts.</p>	<p>1. Phare Evaluation (including MS input); Border Police Statistics; Report of Senior Advisor.</p> <p>2. Project and contractors reports; MOI reports.</p> <p>3. Reporting of pre-accession advisors; ministerial and professional association evaluation; Working Groups</p>	<p>1. Provision of suitable advisors; Procurement and installation of equipment and maintenance; Full Government Support.</p> <p>2. The MOI commitment to develop information system is supported by a similar commitment to have it effectively and democratically operated at all levels; Qualified staff is available and will remain with the MOI to operate the new projected systems; The MOI human resources service takes into account the newly developed educational opportunities.</p> <p>3. Workload of judges may preclude training attendance; Relation between MJELI and professional bodies.</p>

Introduction of Court management techniques and communication infrastructure in a number of Pilot Courts leading to a clear alleviation of the administrative and clerical burdens of all judges and of the chairmen of courts, improved performance of court support staff, Introduction of work ethic among judges, Shortening of the period to collect evidence, Ability to quickly access information in criminal and civil cases. A modern management of data flow within courts			
Inputs			
<ol style="list-style-type: none"> 1. Pre-accession advisor and short term TA for both the border police administration and for setting up the border police training centre, auditing, short term mission to define equipment selection; short-term expert knowledge in specific areas (law, management techniques, language training, maintenance of equipment); Relevant training sessions, additional needs identification missions in context of multi-annual approach. 2. Pre accession advisor and short-term TA for implementing the information system as the core of a global criminal information system; TA to build IT and language education capacity ; TA to review and issue recommendation for policing/police management R&D and advanced education, training sessions, additional needs identification missions in context of multi-annual approach 3. Pre accession advisor and short-term TA, audit and needs analysis of current administrative structures of MJELI; training planning and provision; Study to map current status of penal procedures Code, and Court administration. 	<ol style="list-style-type: none"> 1. Equipment defined, deployed and fully operational; training and advice commences; 2. Development undertaken and results achieved in line with agreed time table. 3. Assessment of results of first twinning and indication of needs leading to preparation of second twinning 	<ol style="list-style-type: none"> 1. Phare Evaluation; Expert Reports. 2. PAA report; MOI reports; Police attachés, AEPC and Europol reports. 3. Reporting of PAAs; Working Groups 	<ol style="list-style-type: none"> 1. Availability of funds/advisors and equipment 2. TA appropriate experts are available either by EU member states or contractor; MOI managerial capacity is kept at a good level for implementation; The feasibility study proves the technical quality of the information system subproject. 3. Availability of courts / release of judiciary for training

ANNEX 2A CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE

Cumulative Quarterly Contracting Schedule (M€)

Project	4Q 99	1Q 00	2Q 00	3Q 00	4Q 00	1Q 01	2Q 01	3Q 01	4Q 01	1Q02	Total
Project 1		3	-----	-----	-----	-----	-----	-----	-----		3
Project 2		4,5	-----	-----	-----	-----	-----	-----	-----		4,5
Project 3		2	-----	-----	-----	-----	-----	-----	-----		2
		9,5	9,5	9,5	9,5	9,5	9,5	9,5	9,5	9,5	9,5

Cumulative Quarterly Disbursement Schedule (M€)

Project	4Q 99	1Q 00	2Q 00	3Q 00	4Q 00	1Q 01	2Q 01	3Q 01	4Q 01	1Q 02	Total
Project 1		0,4	0,7	1,1	1,3	1,6	2,0	2,3	2,7	3	3
Project 2		0,8	1,2	1,7	2,1	2,4	3	3,4	4	4,5	4,5
Project 3		0,2	0,4	0,6	0,9	1,1	1,5	1,7	1,8	2	2
TOTAL		1,4	2,3	2,4	4,3	5,1	5,5	7,4	8,5	9,5	9,5

ANNEX 2B DETAILED IMPLEMENTATION TIME CHART

	1 9 9 9			2 0 0 0											2 0 0 1															
Project	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Project 1																														
Project 2																														
Project 3																														

Tendering, contracting, twinning covenant finalisation

Implementation, disbursement and completion

ANNEX 3 DETAILED BUDGET BREAKDOWN (in Euro)

INSTITUTION BUILDING PROJECTS IN THE FIELD OF JHA	Sub-elements	Institution Building (IB)	Investment (IN)	Total Phare (= IB + IN)	Recipient Co-financing	IFIs	TOTAL
SUB-PROJECT 1 Institutional strengthening of the Bulgarian Border Police	Border Police Adviser	700.000 (including PAA and short term TA)	0	700.000	0	0	700.000
	Training center adviser	850.000 (including PAA and short term TA)	150.000	1.000.000	0	0	1.000.000
	Equipment (mobility and surveillance)	0	1.300.000	1.300.000	0	0	1.300.000
	Sub-Total	1.550.000	1.450.000	3.000.000	0	0	3.000.000
SUB-PROJECT 2 Institutional strengthening of the Bulgarian Police	PAA	500.000	1.700.000	2.600.000	2.000.000	0	4.600.000
	Stolen vehicles	400.000					
	Criminal analysis	160.000	440.000	600.000	200.000	0	800.000
	Forensic support	160.000	340.000	500.000	200.000	0	700.000
	Professional language training	70.000	150.000	220.000	100.000	0	320.000
	IT Education	60.000	70.000	130.000	30.600	0	160.000
	ENFOPOL training	130.000	0	130.000	20.000	0	150.000
	Police management development	320.000	0	320.000	50.000	0	370.000
	Sub-Total	1.800.000	2.700.000	4.500.000	2.600.000		7.100.000
SUB-PROJECT 3 Strengthening the independence of the judiciary	PAA	450.000		1.250.000	0	0	1.250.000
	Administrative capacity of the MJELI, including international judicial co-operation	550.000	250.000				
	Professional bodies	200.000	100.000	300.000	0	0	300.000
	Court administration	250.000	200.000	450.000	0	0	450.000
	Sub-Total	1.450.000	550.000	2.000.000	0	0	2.000.000
	TOTAL	4.800.000	4.700.000	9.500.000	2.600.000	0	12.100.000

ANNEX 4 Relations with Previous Phare activities and with ongoing projects

For the Ministry of the Interior projects : In 1999 for the first time under the Phare national programme for Bulgaria, assistance in the field of JHA is foreseen.

Other forms of assistance were given under Horizontal JHA Programmes (needs assessment mission in May 1998) and in a lesser extend via Title VI programmes (of which Bulgaria is not yet full member).

For the Ministry of Justice : Under the chapter Justice and Home Affairs no previous assistance was given. Under the National Phare programme of 1995 a Phare project BG 9502 "Approximation of Bulgarian Law to EU law" the Ministry of Justice and European Integration received 2 M €Phare support. The project aimed to :

- supporting the Bulgarian governmental policy for European integration by providing assistance to the approximation to EU law ;
- Supporting a comprehensive and coherent programme for the approximation of EU law
- Providing advice and training of ministerial officials and officials of the National Assembly

The World Bank, USAID and Open Society Foundation (SOROS) are offering assisting to MJELI, to professional associations and NGOs active in this field. Preliminary consultation has taken place in order to avoid overlap with and to be complementary to these donor's activities.

ANNEX 5 DETAILED PROJECT FICHES

ANNEX 6 SUMMARY TWINNING PROJECT FICHE