

Standard Summary Project Fiche for the Transition Facility

1. Basic Information

1.1. CRIS Number: 2007/19343.01.03

Twinning Light Contract RO/2007-IB/JH/02/TL

1.2. Title:

Strengthening the capacity of the Romanian institutions to fight cyber crime

1.3. Sector:

Justice and home affairs

1.4. Location:

Romania

2. Objectives

2.1. Overall Objective:

Improved capacity of the Romanian law enforcement agencies to fight cyber crime in line with the obligations related to EU membership

2.2. Project purpose:

Bridging the gaps existing in the domestic legal framework on cyber crime and providing the law enforcement personnel with the necessary tools to fight cyber crime, in order to meet EU requirements

2.3. Justification

The May 2006 Monitoring Report of European Commission refers to the Justice System and Political criteria highlighting the fact that the "training needs remain high particularly for [...] prosecutors and clerks already employed". As a consequence a consistent interpretation of the law at all level is not fully ensured yet throughout the country. In Chapter 24: Cooperation in the field of justice and home affairs, the Commission points out that "additional continuous training is also needed for serving police officers and agents".

The Monitoring Report on the state of preparedness for EU membership of Bulgaria and Romania from September 2006 still finds for the Romanian Public Ministry "serious managerial shortcomings such as [...] lack of relevant ongoing training [...]" and concludes that „further efforts are needed to ensure a more consistent interpretation and application of the law in order to create legal certainty”.

IB

3. Description

3.1. Background and justification:

The occurrence of cyber crime has become a serious and growing threat. High priority is given at European level to tackling the problem.

Operating as a full member of the European Union since January 2007 requires new solutions – compared to the existing methods – to tackle the phenomenon of cyber crime. Due to the complexity of the issue, which recently has more and more serious consequences (e.g. cyber terrorism, attacks on financial and banking data bases etc.) and to the fact that it has no border limits, proper measures have to be taken at national level to ensure that the law enforcement personnel have the necessary tools to counteract cyber criminality.

In matters related to cyber crime, Romania applies the provisions of Law no. 161/2003 regarding certain measures to ensure the transparency and the exercise of public dignities, public functions and business environment, preventing and sanctioning corruption and of Law no. 39/2003 on organized crime. The Council of Europe Convention on cyber crime was also ratified by Romania through Law no. 64/2004. Effective measures to counter organized crime, including cyber crime were set out by the National Strategy on Fighting Organized Crime and its action plan, approved by GD no. 1171 from September 2005.

To step further in addressing in an efficient manner the countering of the cyber crime, assistance is longer needed to identify the possible gaps of the existing legislation in the field, set out a methodology and working procedures for dealing with such cases, to prepare the professionals (prosecutors and police officers) in advance investigation techniques of the cyber crime and provide them with the necessary software applications to support such tasks.

In preparing Romania for acquiring the membership criteria in the field of justice and home affairs, training in the field of fighting organized crime targeted specialised prosecutors and police officers working in the this area. The training courses held so far addressed also issues related to cyber crime, but only at beginning level, on substantial law, and not focused on special investigation techniques, gathering and use of investigative data from the cyber space (under Phare 2004 “Fight against organized crime - an inter-institutional approach”, 2 seminars were organized on basic matters related to this specific field, attended by 20 prosecutors and 11 police officers). The professionals in the field are confronted with complex cyber crime cases and are not always in the position to gather, administer the necessary evidence and sustain the results of the investigation. Consequently, training in-depth and at advance level is needed to ensure that the law is enforced also in this field.

In the same time, a detailed methodology and working procedures addressing all the issues of conducting investigations in this matter, jointly elaborated by specialists from EU and Romanian professionals is mandatory to further consolidate the results of the training, to ensure the dissemination of the knowledge and experience among the law enforcement personnel and a unitary application of the law.

As the investigation of cyber crime is a very complex issue, beside the knowledge acquired via training/manuals, the law enforcement agents needs also access to technology, required to conduct complex cyber investigations, as well as forensic computer support as many such crimes leave “footprints” on computers and on Internet. For these reasons, the present project aims to purchase for prosecutors and police officers a series of software applications that may allow them full capacity to carry out in an adequate manner the cyber space investigations, to

perform undercover investigations in cyber systems, to gather the necessary criminal data and to detect and trace in due time possible offences. This would also support the achievement of one of the measures set out by the National Strategy on Fighting Organized Crime, regarding development of applications to conduct investigations via Internet.

The adequate instruments to implement this project will be a Twinning Light contract, which offers the advantage of a swift implementation providing us with the possibility to have as partner in the project implementation a public institution, active in the field of law enforcement, and a Supply contract, for the procurement of the software applications.

The present project does not fall under the scope of the Structural and Cohesion Funding, neither of DG JLS programmes due to its specific purpose and no other financing sources were identified to put into practice the activities provided for by the given project proposal.

3.2. Linked Activities

Project RO-02/IB/JH-IO Twinning "Follow up to the assistance for the National Institute of Magistracy (NIM) and for the Training Centre for Clerks and Other Specialized Personnel". The twinning provides for a National Strategy of NIM, in-service-training in line with EU-requirements drafted and approved by the NIM; improvements in the in-service training curricula of NIM effectuated and approved by the NIM; a system of trainers for in-service training of magistrates in line with EU-model; training for up to 700 magistrates in both EC and national matters in line with EU standards. No overlap with Phare 2002 is foreseen, as the current project proposal intends to train prosecutors on specific topics which were not addressed by the previous project.

PHARE 2004/016-772.01.04 "Continuation of the assistance for NIM and TCC" is part of the priority 2 "Building a professional judicial system" and starts on the second half of 2007. It offers training for judges and prosecutors in the following fields: EC law, special investigation methods and witness protection, treatment of persons who co-operate with the judicial system, such as whistleblowers, complex economic and financial investigation in criminal cases, criminal aspects regarding privatization and public procurement investigation. A number of 16 seminars on the topic listed for groups of 20-25 participants is provided. Due to the specific purpose of the current project proposal, no overlap with this Phare 2004 project is foreseen.

PHARE 2004/016-772.03.12 - "Fight against organized crime-an inter-institutional approach" focused on strengthening the anti-organised crime functions, based on an integrated sector strategy ensuring the strategic and operational co-operation between all law enforcement institutions. The project provides for training in the field of fighting organized crime for prosecutors within DIOCT, judges, police officers and other officials. 2 seminars covered cyber crime issues, attended by 20 prosecutors and 11 police officers. As the present project intends to train professionals at advance level, no overlap with this Phare 2004 project is ensured.

Phare 2005/017-553.03.05 - "Strengthening the Romanian institutions capacity of protecting the intellectual and industrial property rights". The Twinning project, of which implementation will start in April 2007, provides for training of 30 prosecutors and 104 police officers in various topics on intellectual property rights. Due to the specific purpose of the current project proposal, no overlap with this Phare 2005 project is foreseen.

PHARE 2006 for justice, Project 8 - "Further consolidation of the institutional capacity of the Public Ministry with a focus on fighting against organized crime and terrorism", which

provides for training on organized crime and terrorism for 250 prosecutors and experts. As the present project intends to train both prosecutors and police officers at advance level, no overlap is foreseen.

3.3. Results

1. Assessment report on the compatibility with the EU standards of the legal framework in the area of cyber crime and its implementation and recommendations on necessary amendments drafted, assumed and endorsed by the responsible institutions.
2. Training Needs Assessment (TNA) report at the level of the prosecutors and police officers on investigative techniques and use of investigative data on cyber crime elaborated.
3. Specific training curricula developed.
4. A number of 100 law enforcement personnel (prosecutors and police officers) in-depth trained at advance level, learnt the best practices on investigative techniques and use of investigative data in the frame of cyber crime.
5. 32 prosecutors and police officers trained on cyber crime issues attended 2 days Training of Trainers (ToT) and learnt necessary training skills.
6. Manual on methodology and working procedures for conducting investigations on cyber crime, including best practices at EU level, with examples of jurisprudence drafted, translated into Romanian language, assumed, endorsed by the responsible institutions.
7. The necessary software applications for conducting cyber space investigations and gathering the necessary criminal data delivered to the Public Ministry and to the General Inspectorate of Romanian Police within the Ministry of Interior and Administrative Reform (GIRP).

3.4. Activities (including Means)

1. Carry out an assessment regarding the compatibility with the EU standards of the domestic legal framework in the area of cyber crime and its implementation and draft an assessment report which should include recommendations on necessary amendments.

It is envisaged that this activity will require the input of 2 STEs, one of 15 years of experience and one of 10 years of experience. The experts are assumed to require in total 28 working days in delivering the specific output (i.e. 14 working days per expert delivered through 1 mission each).

Total budget activity 1 – 26,908 euro

Benchmark:

- *The assessment report will provide recommendations to bridge the gaps of the existing legislation and its implementation framework*

2. Conduct a TNA at the level of the prosecutors and police officers on investigative techniques and use of investigative data on cyber crime.

It is envisaged that this activity will require the input of 2 STEs, one of 15 years of experience and one of 10 years of experience. The experts are assumed to require in total 14 working

days in delivering the specific output (i.e. 7 working days per expert, delivered through 1 mission each).

Total budget activity 2 – 14,054 euro

3. On the basis of the conclusions of the TNA report, draft the training curricula for 100 law enforcement personnel (prosecutors and police officers). The training curricula should include, but not be limited to the following subjects:

- Cyber crime typologies
- Modus operandi
- Investigation techniques and special investigation techniques (intercepting, access to cyber systems.) of each category of cyber crime
- Gathering data from the cyber space
- Digital evidence
- Search in electronic systems
- Cyber crime forensics standards
- Training of trainers

It is envisaged that this activity will require the input of 2 STEs, one of 15 years of experience and one of 10 years of experience. The experts are assumed to require in total 14 working days in delivering the specific output (i.e. 7 working days per expert, delivered through 1 mission each).

Total budget activity 3 – 14,054 euro

4. Deliver 8 intensive and in depth 5 days training sessions (seminars and laboratories) to 100 law enforcement personnel (prosecutors and police officers) on the topics provided for in the training curricula. The training materials will be delivered to NIM at the end of training.

It is envisaged that this activity will require the input of 4 STEs, two of 15 years of experience and two of 10 years of experience. The experts are assumed to require in total 80 working days, delivered in 4 missions each.

Total budget activity 4 – 73,040 euro

5. Deliver 2 ToT sessions of 2 days each to at least 4 of the participants in each the above mentioned training sessions, including evaluation of the ToT attendants.

It is envisaged that this activity will require the input of 2 STEs, one of 15 years of experience and one of 10 years of experience. The experts are assumed to require in total 12 working days (4 days training and 2 days evaluation of trainees per expert), delivered in 1 mission per expert.

Total budget activity 5 – 11,436 euro

Benchmarks:

- *Participants learn investigation methods and best practices of detection and prevention cyber-crime in MS.*
- *Participants' specialised knowledge and skills are upgraded in the field of detection and countering cyber-crime.*
- *Participants are familiarized with relevant EU standards and regulations in the field.*
- *The detection of cyber crime is increased by the application and dissemination of the acquired expertise and knowledge.*

6.1. Establish a working group with at least 8 prosecutors and police officers involved in solving cyber crime cases.

6.2. On the basis of the information provided in the training sessions, but not limited to, and within the working group established at activity 6.1 draft a manual on methodology and working procedures for conducting investigations in cyber crime, including best practices at EU level and relevant pieces of jurisprudence.

It is envisaged that this activity will require the input of 3 STEs, one of 15 years of experience and two of 10 years of experience. The experts are assumed to require in total 45 working days, delivered in 2 missions per expert.

Total budget activity 6 – 42,669 euro

Benchmark:

- *The manual will provide information for the elaboration of further tasks.*

7. Procure the following software applications to be delivered to the Public Ministry and GIRP:

- Software „Core Impact” or equivalent – 2 kits
This software is a comprehensive penetration testing product for assessing specific information security threats to an organization. The product identifies real, tangible risks to information assets and allows the execution of real-world networks attacks to gain information about actual, exploitable security threats. By distinguishing critical vulnerabilities from false positives, the product enables to intelligently plan, prioritize and execute remediation efforts.
- Software „Access data ultimate toolkit” or equivalent – 2 kits
This software allows the investigation, securing and analyzing computer or digital data, offering to law enforcement and corporate security professionals the ability to perform complete and thorough computer forensic examinations.
- Software „GFI Languard N.S.S.” or equivalent – 2 kits
GFI LANguard Network Security Scanner checks the network for all potential methods that a hacker might use to attack it, identifying possible security holes, finding unused local users and groups, listing and detecting blacklisted applications. It allows identifying unauthorized or dangerous software by specifying the list of blacklisted applications.
- Software „MOBILedit forensic” or equivalent – 2 kits
Mobile phones contain some of the most important evidence in criminal investigations. MOBILedit Forensic provides reports with tamper-proof evidence in a court of law. This report details out every piece of information in the phone such as call history, list of contacts, messages, photos, voice recordings, video, files, calendar, tasks, notes etc.
- Software „Google Mini” or equivalent – 2 kits
The Google Mini is an integrated hardware and software solution which allows searches in both intranet and public site deployments.
- Software „Perfect Keylogger full version” or equivalent – 2 kits
Perfect Keylogger is a new generation keylogger which is absolutely undetectable. It allows full undercover investigations on cyber space. One of the most powerful features of Perfect Keylogger is its advanced Keyword Detection and Notification.
- Software „VisualRoute server 2007 business” or equivalent – 2 kits

VisualRoute 2007 allows trace route, ping tests, reverse DNS and Whois lookups, and display the actual route of connections and IP address locations on a global map.

- Software „Hide IP Platinum” or equivalent – 2 kits
The Hide IP Platinum supports the investigators in ensuring the protection of the information system by eventual hacker attacks.
- Software „Tripwire enterprise” or equivalent – 2 kits
Tripwire Enterprise enables configuration auditing and control by detecting all changes across the IT infrastructure, automatically correlating these changes with authorized changes, and generating actionable reports on change activity.

Total budget activity 7 – 30,000 euro, out of which 20,000 euro FT funds and 10,000 euro co-financing.

Benchmarks:

- *Software applications acquired are used at full capacity.*
- *Improved number of undercover investigations conducted in cyber space.*
- *Improved collection of data from cyber space.*

The activities from 1 to 6 will be implemented through a Twinning Light contract and the activity 7 will be implemented through a Supply contract.

For the Twinning Light component, the required inputs are as follows:

Short-term experts of minimum 10, respectively 15 years of experience (189 man-days in total) are needed to provide assistance on:

- Carrying out assessment;
- Drafting guidelines;
- Conducting TNA, preparation of training curricula, training programmes and training materials;
- Delivering training to prosecutors.

General profile of the STEs

- Deep going knowledge and relevant practical experience on conducting investigations on cyber crime (including cyber terrorism) – minimum 10 years;
- Experience in preparing and delivering of training programmes;
- Excellent drafting and reporting skills;
- Former experience as a trainer in similar projects;
- Capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary;
- Experience in EU acceding countries/new Member States would be a plus;
- Participation in similar projects would be an asset;
- Fluency in spoken and written English.

Project leader – min. 15 years experience

A project leader chosen among the short terms experts is needed in order to undertake the responsibilities arising from the twinning covenant, supervise the project implementation, to

participate to the achievement of the activities of the project and elaboration of the quarterly reports and to ensure the ownership of the project on behalf of the member state partner.

The main tasks for the project leader, alongside to the ones of short term expert, are:

- Project management and coordination of the activities of the team members in line with the agreed work programme to enable timely completion of project outputs.
- Preparation of quarterly project progress reports and final report.
- Supervision of the preparation and production of tasks reports.
- Act as the contact point of the MS administration for any issues that may arise during the project implementation, at the required level of representation.

She/he will have the following profile:

- Legal studies or equivalent.
- Experience in conducting investigations on cyber crime (including cyber terrorism) as prosecutor or police officer.
- Capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary.
- Experience in cooperation with EU acceding countries/new member states would be an asset.
- Previous experience as project coordinator/project manager.
- Participation in similar projects.
- Fluency in spoken and written English.

3.4. Lessons learned:

See annex 5

4. Institutional Framework

The Project will be implemented in the following institutional framework:

The overall responsibility for the project lies with the Prosecutor's Office attached to the High Court of Cassation and Justice (POHCCJ). The Public Ministry and the GIRP within the Ministry of Interior and Administrative Reform are the main beneficiaries.

Contact persons for the beneficiaries:

Prosecutor's Office attached to High Court of Cassation and Justice

Mr. Codrut OLARU, Chief Prosecutor of DIOCT / project manager
Bd. Libertatii nr. 14, District no. 5, Bucharest, Romania
Tel. 0040 21 319 38 67
Fax 0040 21 319 38 58
E-mail: olaru_codrut@mpublic.ro

Ministry of Interior and Administrative Reform

General Directorate for European Integration and International Relations

Mr. Corneliu Alexandru, General Director
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General Inspectorate of Romanian Police
 Questor Dan Valentin FĂTULOIU, Chief Inspector
 Bucharest, Sos. Stefan cel Mare nr.13, sector 2
 Phone: 0040 21 212 20 20; Fax: 0040 21 210 65 52

General Directorate for Countering Organised Criminality
 Police questor Eugen CORCIU, General Director
 Bucharest, 3-5 Eforiei Street, sector 5
 Phone: 0040 21 310 05 21, Fax: 0040 21 311 15 79

5. Detailed Budget

€M	Transition Facility support			Co-financing			Total cost
	Investment	Institution Building	Total Transition Facility (=I+IB)	National Public Funds (*)	Other Sources (**)	Total co-financing of the project	TF plus co-financing
Project 01 TWL –	0.00	0.21	0.21	0.00	0.00	0.00	0.21
Project 01 TWL – parallel cofin	0.00	0.00	0.00	0.05*	0.00	0.05*	0.05*
Project 02 Supply	0.02	0.00	0.02	0.01**	0.00	0.01**	0.03
Total	0.02	0.21	0.23	0.06	0.00	0.06	0.29

* For the Twinning light component, the co-financing is parallel and will be provided from the budget of the Public Ministry.

**For the Supply component, the co-financing is joint.

VAT is not an eligible expenditure under both the Transition Facility and national cofinancing funds indicated in the above budget table. Where contracts are subject to VAT due to provisions of national legislation, these funds have to be provided from national resource outside and in addition to the amounts indicated in the budget table.

6. Implementation Arrangements

6.1. Implementing Agency

The Implementing Agency is Central Finance and Contracts Unit (CFCU) which will be responsible for tendering, contracting, administration, accounting, payments and financial reporting.

Mrs. Carmen ROSU, Director CFCU/PAO
 030669 Bucharest, Sector 3
 Mircea Voda Boulevard 44, Entrance B
 Telephone: 0040 21 32 60 202
 Fax: 0040 21 32 687 30; 32 68 709
 E-mail: carmenrosu@cfcu.ro

The overall responsibility on technical implementation is under the Public Ministry. The contact details for the Implementing Authority are the following:

Ms. Ana Maria HRISTODORESCU, SPO – Head of PIU
Bucharest, Sector 5, Romania
14 Libertatii Bd.
Phone: +40 (21) 311 88 71
Fax: +40 (21) 311 88 72
E-mail: hristodorescu_ana@mpublic.ro

6.2. Twinning

Public Ministry – Implementing authority

Mr. Codrut OLARU, Chief Prosecutor of DIOCT / BC project leader
Bd. Libertatii nr. 14, District no. 5, Bucharest, Romania
Tel. 0040 21 319 38 67
Fax 0040 21 319 38 58
E-mail: olaru_codrut@mpublic.ro

In order to ensure that the project focus is in line with all required principles, a Steering Committee will be established. It will consist of representatives from Public Ministry, GIRP, as well as from NAC and CFCU. Representatives from NIM taking part in the implementation phase will attend the Steering Committee.

The Steering Committee will coordinate and supervise the implementation of activities and will hold a meeting every three months during the preparation and implementation phase of the project.

6.3. Non-standard aspects

The twinning manual and National Procurement Rules will be strictly followed.

6.4. Contracts

Contracts	TF funds Euro	Co-financing Euro	Total amount Euro
TWL	210,000	50,000	260,000
Supply	20,000	10,000	30,000
			290,000

7. Implementation Schedule

7.1. Start of tendering/call for proposals

Twinning: October 2007
Supply: October 2007

7.2. Start of project activities

Twinning: April 2008

Supply: April 2008

7.3. Project completion

Twinning: October 2008

Supply: July 2008

8. Sustainability

Resources in terms of staff and budget to secure the sustainability of the project after their completion will be ensured.

The beneficiaries undertake to ensure the sustainability of the results from 1 to 6:

- The recommendations of the assessment report provided under result 1 will be considered for further amendments of the legislation on cyber crime if compatible with the Romanian system and the beneficiaries' requirements;
- The training activities under result 4 will be sustained through providing a ToT component, where 32 of the participants in the training on cyber crime will get the necessary skills to further disseminate the information. The ToT attendants will be evaluated and receive a trainer certificate. The training materials will also be delivered to the NIM at the end of each training session, to support the delivering in the future of such training.
- The manual provided under result 6 will be endorsed and assumed by the responsible institutions and properly disseminated among professionals, both prosecutors and police officers dealing with cyber crime.

The beneficiaries of the software investment provided under result 7 undertake to purchase the updates that may be available at a later stage.

9. Conditionality and sequencing

Conditionality

The adequate human resources will be ensured before the start of the project.

Sequencing

- MS administration will present the offers.
- Contracts will be prepared on time and according to the project fiche.
- The twinning covenant is planned to be signed by March 2008.
- The supply contract is planned to be signed by March 2008
- The project will be implemented in compliance with the schedule provisioned in the contract.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format
2. Detailed implementation chart

3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period)
4. List of relevant Laws and Regulations
5. Lessons learnt from previous years
6. Detailed budget
7. Additional information

Annex 1 - Log frame

Logframe planning matrix for project fiche			Programme name and number 2007/19343.01.03	TF
Title of the project			Contracting period expires in 15 December 2009	Disbursement period expires in 15 December 2010
Strengthening the capacity of the Romanian institutions to fight cyber crime			Total budget : 0.29 MEuro	TF budget: 0.23 MEuro
Overall objective	Relates to Copenhagen criterion and acquis chapter ¹	List of other projects with same objective		
Improved capacity of the Romanian law enforcement agencies to fight cyber crime in line with the obligations related to EU membership	<ul style="list-style-type: none"> Political criteria 	RO-02/IB/JH-IO Twinning "Follow up to the assistance for the NIM and for the Training Centre for Clerks and Other Specialized Personnel" PHARE 2004/016-772.01.04 "Continuation of the assistance for NIM and TCC" PHARE 2004/016-772.03.12 "Fight against organized crime-an inter-institutional approach" PHARE 2006 for justice, Project 8 - "Further consolidation of the institutional capacity of the Public Ministry with a focus on fighting against organized crime and terrorism".		
Project purpose Bridging the gaps existing in the domestic legal framework on cyber crime and providing the law enforcement personnel with the necessary tools to fight cyber crime, in order to meet EU requirements	Objectively verifiable indicators <ul style="list-style-type: none"> Legislation on cyber crime aligned to EU standards at the end of 2009. Number of solved cases on cyber crime increased with 10% each year after the completion of the project 	Sources of Verification <ul style="list-style-type: none"> Annual Reports of the Public Ministry Project reports; Internal audit reports Statistics and reports of the beneficiaries 	Assumptions <ul style="list-style-type: none"> Implementation of the EU experts recommendations Active interest of the participants in training sessions and commitment to ensure sustainability 	

¹ Please specify here the recommendation made in Comprehensive Monitoring Report or other relevant documents (SIGMA (financial control, procurement, Peer Reviews, Evaluation reports, Final reports of TW projects)

Results	Objectively verifiable indicators	Sources of Verification	Necessary law amendments approved
<p>1. Assessment report on the compatibility with the EU standards of the legal framework in the area of cyber crime and its implementation and recommendations on necessary amendments drafted, assumed and endorsed by the responsible institutions.</p> <p>2. TNA report at the level of the prosecutors and police officers on investigative techniques and use of investigative data on cyber crime.</p> <p>3. Specific training curricula developed.</p> <p>4. A number of 100 law enforcement personnel (prosecutors and police officers) in-depth trained at advance level, learnt the best practices on investigative techniques and use of investigative data in the frame of cyber crime.</p> <p>5. 32 prosecutors and police officers trained on cyber crime issues attended 2 days ToT and learnt necessary training skills.</p> <p>6. Manual on methodology and working procedures for conducting investigations on cyber crime, including best practices at EU level, with examples of jurisprudence drafted, translated in Romanian language, assumed and endorsed by the responsible institutions.</p> <p>7. The necessary software applications for conducting cyber space investigations and gathering the necessary criminal data delivered to the Public Ministry and to GIRP.</p>	<ul style="list-style-type: none"> Assessment report drafted and endorsed. TNA report drafted. Training curricula drafted. 8 training sessions on cyber crime issues of 5 days each for 100 staff delivered by the end of the project. 100 staff trained until the end of the project on cyber crime issues. 32 attendants of training on cyber crime issues trained also in ToT by the end of the project Improved NIM training resources by the end of the project. Relevant manual drafted with the support of at least 8 Romanian staff by the end of the project. No. of prosecutors and police officers with access to the software applications for conducting cyber space investigations by the end of the project. Higher number of cyber space investigation each year after the completion of the project 	<ul style="list-style-type: none"> Annual Reports of the Public Ministry Project reports TF sectoral monitoring reports Training lists of participation Assessment report in place Manual in place 	<ul style="list-style-type: none"> The relevant information structured in order to complete an accurate assessment report The staff to be trained is available by the time of the training. Willingness of the beneficiaries to put into practice the manual issued under the project.
Activities	Means	Sources of Verification	Assumptions

<p>1. Carry out an assessment regarding the compatibility with the EU standards of the domestic legal framework in the area of cyber crime and its implementation and draft an assessment report which should include recommendations on necessary amendments.</p> <p>2. Conduct a TNA at the level of the prosecutors and police officers on investigative techniques and use of investigative data on cyber crime.</p> <p>3. On the basis of the conclusions of the TNA report, draft the training curricula for 100 law enforcement personnel (prosecutors and police officers).</p> <p>4. Deliver 8 intensive and in depth 5 days training sessions (seminars and laboratories) to 100 law enforcement personnel (prosecutors and police officers) on the topics provided for in the training curricula. The training materials will be delivered to NIM at the end of training.</p> <p>5. Deliver 2 ToT sessions of 2 days each to at least 4 of the participants in each the above mentioned training sessions, including evaluation of the ToT attendants.</p> <p>6.1. Establish a working group with at least 8 prosecutors and police officers involved in solving cyber crime cases.</p> <p>6.2. On the basis of the information provided in the training sessions, but not limited to, and within the working group established at activity 6.1 draft a manual on methodology and working procedures for conducting investigations n cyber crime, including best practices at EU level and relevant pieces of jurisprudence.</p> <p>7. Procure software applications to be delivered to the Public Ministry and GIRP.</p>	<p>1 TWL Contract</p> <p>28 working days / 2 STEs.</p> <p>14 working days / 2 STEs</p> <p>14 working days / 2 STEs</p> <p>80 working days / 4 STEs</p> <p>12 working days / 2 STEs</p> <p>45 working days / 3 STEs</p> <p>1 Supply Contract</p>	<ul style="list-style-type: none"> • Annual Reports of the Public Ministry • Project reports • TF sectoral monitoring reports • Training lists of participation • Assessment report in place • Manual in place 	<ul style="list-style-type: none"> • Financial, logistic and human resources commitment of the beneficiaries to the project. • Efficient co-operation between Member States experts and national officials.
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Annex 2 - Detailed time implementation chart
Adoption of the new statistical acquis communautaire provisions

	2007												2008												2009											
Calendar months	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	A	M	J	J	A	S	O	N	D
Twinning component						D	D	D	D	C	C	C	C	C	C	C	I	I	I	I	I	I	R													
Supply component						D	D	D	D	C	C	C	C	C	C	C	I	I	I	R																
	<div>D = Design C = Contracting I = Implementation</div>																																			

Annex 3

Annex 3a - Cumulative contracting schedule

	31/03/07	30/06/07	30/09/07	31/12/07	31/03/08	30/06/08	30/09/08	31/12/08	31/03/09	30/06/09	30/09/09	31/12/09
CONTRACTED Twinning light					0.21 Meuro							
CONTRACTED Supply					0.02 Meuro							
NB: All contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of the FA.												

Annex 3b - Cumulative disbursement schedule

	31/03/08	30/06/08	30/09/08	31/12/08	31/03/09	30/06/09	30/09/09	31/12/09	31/03/10	30/06/10	30/09/10	30/09/10
DISBURSEMENT Twinning light		0.8 Meuro	0.19 Meuro	0.21 Meuro				9	10	10		10
DISBURSEMENT Supply		0.01 Meuro	0.02 Meuro									
NB: All disbursements must be completed within 36 months of signature of the FA.												

Annex 4 - List of relevant Laws and Regulations

1. GD no. 232/2005 on Strategy on judiciary reform 2005 – 2007
2. GD no. 1171/2005 on approving the National Strategy on Countering organized crime and the Action Plan for implementation the Strategy
3. Law no. 39/2003 on preventing and countering organized crime
4. Law no. 64/2004 on ratification of European Council Convention on cyber-crime
5. Law no. 365/2002 amended by law no. 121/2006 on electronic commerce
6. Law no. 304/2004 on judicial reorganization
7. Law no. 302/2004 on international judicial cooperation on criminal matters
8. Law no. 508/2004 on organizing and functioning of the Department for Investigation of Organized Crime and Terrorism
9. GEO no. 131/2006 on amending Law no. 508/2004 organizing and functioning of the Department for Investigation of Organized Crime and Terrorism
10. Law no. 54/2006 for approving GEO no. 134/2005 for amending and completing GEO no. 43/2002 on National Anticorruption Department
11. National Bank of Romania Regulation no. 6/2006 on issuing and utilization of electronic payment means and the relations between the participants of these transactions
12. Criminal Code
13. Criminal Procedure Code

Annex 5 - Lessons learnt from previous years

Identified Gaps or Recommended courses of intervention	Action for covering the Gap or implement the recommended intervention	Phare Programming (Project Reference) 2004-2006	Transition Facility
<p>Recommendation of 1st Peer review Report on JHA – Policing, Organised Crime, June 2005, by Byron Davies</p> <p>“Consideration should be given to centralising crime training based possibly on a modular principle, giving a structured approach to both basic and continuation training.” –</p>	<p>The participation of Romanian prosecutors and, respectively police officers in other EU programmes (AGIS, MATRA) by attending seminars, conferences, study visits is ongoing.</p>	<p>Phare 2004/016-772.03.12 “Fight against organized crime – an inter-institutional approach”</p> <p>Phare 2006 “Improvement of capacity of the prosecutor office attached to the High Court of Cassation and Justice to fight against organized crime and terrorism”</p>	<p>Strengthening the capacity of the Romanian institutions to fight cyber crime</p>
<p>2nd Peer Review Report December 2005 by Susette Schuster</p> <p>“Continuous training should be strengthened. To the expert many problems of the judiciary are more due to a lack of ideas and lack of knowledge. Knowledge of other areas apart from law, like accounting, tax calculation, business administration, statistics, and human resource management should be enhanced among the trial judges”.</p>	<p>During 2005, the professional specialization of prosecutors in dealing with offences like trafficking in human beings, trafficking in drugs, money laundering, computer-related crime, offences committed through electronic means of payment, terrorism etc was a priority at the level of the management of DIOCT and Prosecutor’s Office attached to the High Court of Cassation and Justice.</p> <p>In 2007, two seminars in the field of cyber-crime – basic knowledge – were organised and attended by 20 prosecutors and 11 police officers.</p> <p>Also, 71 prosecutors took part in different forms of international professional training and experience exchange.</p> <p>At the GIRP level it has been reviewed and actualized the system of inter-departmental, inter-ministerial and inter-services cooperation protocols which has</p>	<p>Phare 2004/016-772.03.12 “Fight against organized crime – an inter-institutional approach”</p> <p>Phare 2005/017-553.03.05 “Strengthening the Romanian institutions capacity of protecting the intellectual and industrial property rights”</p> <p>Phare 2006 “Improvement of capacity of the prosecutor office attached to the High Court of Cassation and Justice to fight against organized crime and terrorism”</p>	
<p>Country Monitoring Report May 2006</p> <p>Chapter 24: Cooperation in the field of justice and home affairs</p>		<p>Phare 2004/016-772.03.12 “Fight against organized crime – an inter-institutional approach”</p>	

<p>"Still, the overall administrative capacity in staff and training is not yet up to requirements.</p> <p>Ensuring a consistent interpretation of the law will be particularly important in terms of building the confidence that underpins the principle of mutual recognition. Direct contacts between Romanian judges and prosecutors and their colleagues in EU member states remain limited. Preparations in this area need to be stepped up".</p> <p>Conclusion</p> <p>Some progress has taken place in police co-operation and combating organised crime, the fight against money laundering, the fight against drugs, and judicial co-operation in civil and criminal matters. Enhanced efforts are needed to continue training for law enforcement personnel;</p> <p>All of these areas still require swift action now in order to resolve the remaining shortcomings in time for accession.</p>	<p>as purpose the information exchanging between the police units and between these and others law enforcement institutions (Public Ministry, Justice Ministry, GIBP, NAA etc)</p> <p>Based on these protocols it has been made information and data exchanges, training courses and common actions at central and territorial level.</p> <p>At GIBP level it has been drafted an analysis of crimes with cross-border character committed by Romanian perpetrators which emphasizing the target identification and criminal groups.</p> <p>The review of bilateral accords regarding countering organized crime in order to create conditions for police cooperation including cross-border tracking in cases of emergency and cross-border surveillance in the limits of Covenant of application of Schengen Accord is ongoing.</p>	
<p>The Monitoring Report on the state of preparedness for EU membership of Bulgaria and Romania from September 2006 still finds for the Romanian Public Ministry "serious managerial shortcomings such as [...] lack of relevant ongoing training [...]" and concludes that „further efforts are needed to ensure a more consistent interpretation and application of the law in order to create legal certainty”.</p>		

Annex no. 6 - Detailed budget

Twinning Light						
Actions	Responsibility		Cost			
	tick as appropriate					
	BC	MS	Unit Cost	No of Units	total MS Cost	
1 Assessment regarding the compatibility of the domestic legal framework in the area of cyber crime and its implementation with the EU standards						
2 MS Experts		X	250	28	7.000,00	
Project management costs		X	7.000,00	150%	10.500,00	
Per diems		X	228	36	8.208,00	
Air tickets		X	600	2	1.200,00	
BC Experts	X					
Coffee breaks	X					
Total activity 1					26.908,00	
2 Training Needs Assessment (TNA) at the level of the prosecutors and police officers on investigative techniques and use of investigative data on cyber crime						
2 MS Experts		X	250	14	3.500,00	
Project management costs		X	3.500,00	150%	5.250,00	
Per diems		X	228	18	4.104,00	
Air tickets		X	600	2	1.200,00	
BC Experts	X					
Coffee breaks	X					
Total activity 2					14.054,00	
3. Training curricula for 100 law enforcement personnel (prosecutors and police officers)						
2 MS Experts		X	250	14	3.500,00	
Project management costs		X	3.500,00	150%	5.250,00	
Per diems		X	228	18	4.104,00	

Air tickets		X	600	2	1.200,00
BC Experts	X				
Coffee breaks	X				
Total activity 3					14.054,00
4. Training sessions					
4 MS Experts		X	250	80	20.000,00
Project management costs		X	20.000,00	150%	30.000,00
Per diems		X	228	80	18.240,00
Air tickets		X	600	8	4.800,00
BC Experts	X				
Accommodation participants	X				
Transport participants	X				
Coffee breaks	X				
Costs related to training venue	X				
Seminars materials	X				
Total activity 4					73.040,00
5. ToT training sessions					
2 MS Experts		X	250	12	3.000,00
Project management costs		X	3.000,00	150%	4.500,00
Per diems		X	228	12	2.736,00
Air tickets		X	600	2	1.200,00
BC Experts	X				
Accommodation participants	X				
Transport participants	X				
Coffee breaks	X				
Translation	X				
Costs related to training venue	X				
Seminars materials	X				
Total activity 5					11.436,00

6. Establish a working group and drafting a guideline on methodology and working procedures for conducting investigations on computer related crimes, including best practices at EU level and relevant pieces of jurisprudence						
3 MS Experts						
Project management costs		X	250	45		11.250,00
Per diems		X	11.250,00	150%		16.875,00
Air tickets		X	228	48		10.944,00
BC Experts		X	600	6		3.600,00
Coffee breaks	X					
Total activity 6 costs	X					
Project Leader for the Member State						42.669,00
Fees						
Travel		X	250	6		1.500,00
Per diems		X	600	3		1.800,00
Project management costs		X	228	6		1.368,00
Project leader costs		X	2250	150%		3.375,00
Operational Costs						8.043,00
Kick off meeting costs						
Final meeting costs		X	1500	1		1.500,00
Visibility costs[1]		X	1500	1		1.500,00
Audit certificate costs[2]		X	3000	1		3.000,00
Interpretation costs		X	3000	1		3.000,00
Printing materials		X		lump sum		3.000,00
Translation of documents		X		lump sum		2.000,00
Travel within the country		X		lump sum		2.000,00
Total operational costs		X		lump sum		1.500,00
Provision for changes in prices (at maximum 2,5% of sub-total)						17.500,00
Total twinning light						2.296,00
Supply						210.000,00

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	TF funds	Co-financing	Total
Software „Core Impact” or equivalent – 2 kits	8.000,00	4.000,00	12.000,00
Software „Access data ultimate toolkit” or equivalent – 2 kits	2.666,00	1.334,00	4.000,00
Software „GFI Language N.S.S.” or equivalent – 2 kits	667	333	1.000,00
Software „MOBILedit forensic” or equivalent – 2 kits	667	333	1.000,00
Software „Google Mini” or equivalent – 2 kits	2.666,00	1.334,00	4.000,00
Software „Perfect Keylogger full version” or equivalent – 2 kits	667	333	1.000,00
Software „VisualRoute server 2007 business” or equivalent – 2 kits	3.333,00	1.667,00	5.000,00
Software „Hide IP Platinum” or equivalent – 2 kits	667	333	1.000,00
Software „Tripwire enterprise” or equivalent – 2 kits	667	333	1.000,00
Total supply	20.000,00	10.000,00	30.000,00

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	TF funds	Co-financing	Total
Total	210.000,00	50.000,00	260.000,00
TWL			
Supply	20.000,00	10.000,00	30.000,00
			290.000,00

Annex 7 - Additional information

The present project fiche was designed by the Project Implementation Unit within the Public Ministry (PIU). No external expertise was used in the formulation process.

The tender documentation will also be prepared by the PIU team in the Public Ministry, namely:

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