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**Thematic evaluation on IPA support to the fight  
against corruption**

# **Final Report**

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## Glossary of Acronyms

AAP	Annual Action Programme
AASCA	Agency for the Administration of Seized and Confiscated Assets
AC	Anti-corruption
ACA	Anti-corruption Agency
ACFA	Anti-corruption Framework in Albania
AD	Action Document
AF	Action Fiche
AML	Anti Money Laundering
AMSCA	Agency for Management of Sequestrated and Confiscated Assets
AP	Accession Partnership
BC	Beneficiary Country
BiH	Bosnia and Herzegovina
CARDS	Community Assistance for Reconstruction, Development, and Stabilisation
CMS	Corruption Monitoring System
CEC	Central Election Commission
CoE	Council of Europe
CPI	Corruption Perception Index (of Transparency International)
CSO	Civil Society Organisation
CSP	Country Strategy Paper
DAGI	Development, Aid and Governance Indicators (Brookings Institution)
DG ELARG	General Directorate Enlargement
DIACA	Department of Internal Administrative Control and Anti-corruption
EC	European Commission
EEAS	European External Action Service
EP	European Parliament
EU	European Union
EUD	European Union Delegation
EURALIUS	CoE Union Rule of Law Assistance
EULEX	European Union Rule of Law Mission in Kosovo
EUOK	European Union Office to Kosovo
EUR	The Euro Unit of Currency
FATF	Financial Action Task Force

FIU	Financial Intelligence Unit
FWA	Framework Agreement between EC and Beneficiary Country
FWC	Framework Contract
GDP	General Directorate of Police
GOfNGOs	Government Office for Cooperation with NGOs (Croatia)
GPO	General Prosecutor's Office
GRECO	Group of States against Corruption (of the Council of Europe)
HCJ	High Court of Justice
HIDAACI	High Inspectorate for Declaration/Audit of Assets and Conflict of Interest in Albania
IPA	Instrument for Pre-Accession Assistance
JIU	Joint Investigative Units in Albania
KA	Kosovo Assembly
KAA	Kosovo Anti-corruption Agency
KJC	Kosovo Judicial Council
KJI	Kosovo Judicial Institute
LEA	Law Enforcement Agencies
MCSP	Multi-Country Strategy Paper
MIPD	Multi-Annual Indicative Planning Document
MLA	Mutual Legal Assistance
MOES	Ministry of Education and Science of Albania
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
MoSLA	Ministry of State for Local Affairs (in charge of fight against corruption in Albania)
MS	Member State (of the EU)
NGO	Non-Governmental Organisation
NCAC	National Coordinator for Anti-corruption
NPIEU	National Programme for the Integration of the Republic of Croatia into the European Union
OECD-DAC	Organisation for Economic Cooperation and Development – Development Assistance Committee
OGG	Office for Good Governance at Prime Minister's Office
OO	Overall Objective
PACA	Project against Corruption in Albania

PAMECA	Consolidation of Law Enforcement Capacities in Albania
PECK	Project against Economic Crime in Kosovo
PFM SRC	Public Financial Management – Sector Reform Contract
PIK	Police Inspectorate of Kosovo
PMIB	Prime Ministry Inspection Board
PMO	Prime Minister's Office
PP	Project Purpose
PPF	Project Preparation Facility
RoL	Rule of Law
ROM	Result Oriented Monitoring
SAA	Stabilisation and Association Agreement
SACIK	Support to the Anti-Corruption Institutions Project in Kosovo
SAML & FCIS	Support to Anti-Money Laundering and Financial Crime Investigations Structures Project in Albania
SC	Supreme Court
SCICAOCC	Strengthening criminal investigation capacities against organized crime and corruption Project in Kosovo
SCPC	State Commission for the Prevention of Corruption
SEIO	Serbian European Integration Office
SELDI	Southeast Europe Leadership for Development and Integrity
SIGMA	Support for Improvement in Governance and Management
SIPA	State Investigation and Protection Agency (of BiH)
SKJPC	Support to the Kosovo Judicial/Prosecutorial Council Project
SMART	Specific, Measurable, Assignable, Realistic, Time-related
SME	Small and Medium-sized Enterprise(s)
SPD	Sector Planning Document
SToR	Specific Terms of Reference
TA	Technical Assistance
TACSO	Technical Assistance for Civil Society Organisations
TI	Transparency International
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime
USKOK	Office for Combating Corruption and Organised Crime
WB	Western Balkans

WBG	World Bank Group
WG	Working Group
WGI	Worldwide Governance Indicators (of World Bank)

## **Executive Summary**

### **Introduction**

### **Background**

The EU Instrument for Pre-Accession Assistance (IPA) was created to provide assistance to candidate and potential candidate countries in their preparation for accession. IPA I applied to the 2007-2013 programming period and IPA II, which is designed to deliver financial assistance under a longer-term sector approach, is being programmed for the period 2014-2020.

The Rule of Law is now one of the key priorities of the enlargement process and beneficiary countries need to tackle issues such as judicial reform and the fight against organised crime and corruption in the early period of their preparation for accession.

### **Purpose of the Assignment**

The aim of this thematic evaluation is to provide a judgment on the performance of IPA I assistance in the fight against corruption in Turkey and the countries of the Western Balkans and to provide relevant operational recommendations, addressed to the European Commission, for strengthening the programming and implementation of IPA II assistance.

### **Methodological Approach**

The evaluation methodology for judgment on the performance of IPA I was based on the five evaluation criteria of relevance, efficiency, effectiveness, impact and sustainability, and in addition the evaluation covered the two EC policy evaluation criteria of coherence, and Community added value.

The evaluation kick-off meeting took place in Brussels in November 2014. In cooperation with the respective EU Delegations and National IPA Coordinators, the evaluators undertook field missions to each of the 8 beneficiary countries during March and April 2015 in order to hold interviews with a broad range of both public and private sector stakeholders. Additionally an online questionnaire was sent to Civil Society Organisations dealing particularly with the sub-sector of anti-corruption.

**This Thematic Evaluation reflects the situation as at 28/04/2015 – the ‘cut-off-date’ of the report.**

### **Evaluation Findings**

Most of the IPA assistance to the sub-sector of anti-corruption is provided for strengthening of institutions involved in the prevention and repression of corruption; development of capacities by training and the creation of training methodologies and tools to strengthen technical and operational capacities; systems and tools including the preparation of a public procurement database, integrity plans, codes of conduct, risks analysis; public awareness raising to improve citizens’ capacities for participation in the fight against corruption, or capacities of civil society and media to investigate and report corruption.

The EU accession process has been the major driver of anti-corruption efforts in EU enlargement countries, and the governments of these countries have made efforts to curb corruption. While some progress has been made in adopting anti-corruption laws and establishing/strengthening of the institutional framework, these efforts have not yet produced the desired results and impact.

### **IPA I Performance Judgement**

### **Relevance and Coherence**



While corruption ratings have improved somewhat in some of the countries, Turkey and the Western Balkan as a whole remain among those with the poorest ratings in Europe. In most countries, corruption is seen as deeply embedded in the national and local politics. It is pervasive and touches on core interests of important parts of the political elite. Programming of anti-corruption work will therefore have to be based on the mobilization of a broad range of stakeholders who may have somewhat different interests in this issue.

Overall, relevance of the anti-corruption interventions and the translating of the priorities and needs into sectoral programming documents is good, though better attention could be paid to the ordering of priorities, and the providing of clear reasons for the selection of projects. The technical aspects of programming at the project level could be strengthened by paying more attention to conditionality and sequencing. For example, major obstacles for anti-corruption projects were the complex, fragmented political environment (BiH) and a lack of political will and absorption capacities. This emphasises the need for reinforcing high-level political and policy dialogue. Demonstrated political commitment before launching the project has a crucial role on impacts and sustainability.

### **Efficiency**

Efficiency of IPA assistance is generally rated “good”. The use of Twinning has been appropriate to the needs and capacities of the beneficiaries. It has the advantage of direct contacts with peer organisations of EU member states, and access to best practices. In terms of money and financial management the projects delivered results within the originally planned budgets. With a few exceptions, planned outputs were normally delivered within the foreseen time span. On occasions weak donor coordination resulted in unnecessary duplication of project activities.

### **Effectiveness**

While the situation and dynamics in the seven Western Balkan states and Turkey are quite different, in all of them the IPA support has contributed to major improvements to the fundamental institutional and organisational frameworks for the fight against corruption. The relevant laws and formal structures that have been put in place are increasingly in line with EU standards and practices. Anti-corruption training infrastructures have been established to train civil servants, judges and other stakeholders on integrity or ethics within the public administration. In some countries law enforcement systems are performing better by tackling more and more high-level corruption. The role of CSOs as “bureaucratic watchdog” is considered crucial.

Overall, IPA support on anti-corruption is perceived as positive. Still, there are examples where IPA support to anti-corruption did not succeed in achieving planned results due either to weaknesses in the government response or to inadequate planning/overambitious target results.

Due to this issue, it is questionable how effective projects are and what changes (impacts) they will have in the long term. In many cases, there is a lack of local ownership over projects, marking challenges for sustainability.

### **Impact and Sustainability**

Prospects for the sustainability of results are mixed. The changes to formal frameworks such as laws, institutional mandates and responsibilities, tend to be quite sustainable since they have passed through the appropriate political process of being debated and approved. However, building e.g. a credible Anti-Corruption Agency, and effective Law Enforcement Agencies, is a very different matter. One key problem is adequate staffing and retention of skilled staff in the beneficiary institutions since many institutions experience a constant outflow of qualified staff, often trained with EU assistance. Another sustainability challenge is the level of financial allocations from the state budget to ensure funding for staff and

operations and maintenance of infrastructure and equipment required for the anti-corruption institutions to carry out their tasks.

These concerns should normally be reflected by conditionalities included in project fiches, but especially when it comes to staffing and infrastructural issues, the answers found so far have not been sufficient for addressing the sustainable challenge.

### **Cornerstones for Addressing Corruption Effectively**

To address corruption effectively it is necessary to pay attention to the following cornerstones of the prevention and repression of corruption: values and norms; leading by example; accountability, transparency; and enforcement.

The main concern is about “leading by example”. Given that corruption is pervasive and touches on core interests of important parts of the political elite, which is detrimental in supporting the effects of the other above-mentioned cornerstones. The political and administrative management needs to set a good example by stressing that ethics is an important issue, both in word and deed; in word by regularly emphasizing the importance of ethics; in deed by developing, formally adopting and implementing the organisation’s ethics policy

Successive EU Progress reports and other corruption monitoring reports over the period 2007-2014 do not indicate substantial progress, despite IPA project support. To fight corruption effectively the EU should do more at the political level. As long as this cornerstone is not adequately addressed, no significant progress can be expected.

### **Horizontal Issues**

The issues that came up most frequently during interviews and which could be considered horizontal issues are:

- More attention to prevention of corruption in the private sector is needed, e.g. integrity plans, code of conduct. Main issue with procurement is monitoring of implementation of services/works (e.g. annexes to contracts, changes in specification, etc.).
- Focus IPA more on local government administrations, not only on the state institutions;
- Anti-Corruption Strategies should pay more attention to a limited number of sectors, instead of the current general approach. Indicate clearly what one would like to achieve within two or three years.
- Beneficiaries do not have enough insight in the project budget (e.g. balance TA and equipment), too little transparency.
- Limited administrative capacity in terms of absorption capacities for the implementation of IPA funds, needs more specific projects on specific targets
- The general public, which does not receive information about the anti-corruption agency of the country concerned, has higher expectations than can be realised. Therefore much effort is needed in providing information on the mandate and the activities of the anti-corruption agency where the focus is only on the prevention of corruption.
- A number of stakeholders noted the need for an effective anti-corruption inter-ministerial planning and review cycle. Ministries have contact persons for anti-corruption issue, but these persons do not have the necessary powers or support to provide inputs for anti-corruption plans and policies.
- There is a lack of comprehensive analysis of corruption prone sectors. Health and education are those who are closest to citizens, but others have not been thoroughly analysed (e.g. spatial planning/land reform, property registration system).

- Improve anti-corruption inspections and introduce or strengthen Inspectorates in public administrative structures. These inspections should not be confused with the financial audits generally carried out by financial auditors/inspectors. The recommended Inspectorates may be incorporated in the Anti-corruption Agency or established as an independent body, with a representative functionally placed in each ministry, but subordinated to the Anti-corruption Agency or Inspectorate. The inspectorates are charged not only with dealing with corruption signals/integrity violations and advice on disciplinary or penal sanctions, but *also* with preventive tasks to develop prevention policies, integrity plans, monitoring of corruption risks, and conducting integrity audits.

## IPA II Intervention Logic Assessment

IPA II aims to have a stronger strategic focus and Country Strategy Papers will be the specific documents made for each beneficiary for the 7-year period 2014-2020. These should engender a stronger ownership of planning and programming by the beneficiaries through integrating their own reform and development agendas using Sector Planning Documents. A Multi-Country Strategy Paper will address priorities for regional cooperation or territorial cooperation.

IPA II targets reforms within the framework of pre-defined sectors. These sectors cover areas closely linked to the enlargement strategy, such as democracy and governance, rule of law or growth and competitiveness. This sector approach promotes structural reform that will help transform a given sector and bring it up to EU standards. It allows a move towards a more targeted assistance, ensuring efficiency, sustainability and focus on results.

IPA II also allows for a more systematic use of sector budget support, and the use of performance measurement indicators. These will be used to determine to what extent the expected results have been achieved and thus provide the basis for qualifying the beneficiary to receive the next tranche of assistance.

At the time of the evaluation Sector Planning Documents for Chapters 23 and 24, and therefore of relevance to the evaluation, could not be assessed for IPA II intervention logic because they were still under preparation. Indicative Country Strategy Papers were available but they are rather general and do not provide the detailed information upon which to assess intervention logic. Nonetheless sufficient information was available to be able to build up a picture of the planning and programming mechanism.

In **Albania** fight against corruption is linked to good governance and law enforcement sectors, which are part of the IPA 2015 and 2016 programming. At this stage of the IPA II Programme the Sector Planning Document for the Judiciary sector, which should provide a clear definition of Objectives, Activities and cost estimations for anticorruption measures, is not prepared (only the Action Programme 2014 is defined) therefore it is not possible to assess the adequacy of the financial package for the whole IPA II Actions related to the fight against corruption. The indicative budget allocation for Rule of Law and Fundamental Rights in the CSP is 14.9% of the total for the country but this also includes other areas as well as anti-corruption.

Projects for Public Financial Management reform and Public Administration Reform, which include anti-corruption components, are planned to be implemented under the EU Sector Budget Support programme. This modality will be unfamiliar to most stakeholders and the requirements for planning and managing it are matters of interest. Guidance was being prepared and given at the time of the evaluation.

As **Bosnia and Herzegovina** is still far from applying for the official status of a Member State in the Union, the chapter 23 discussions have been so far rather general and no concrete action plans were developed. The Country Strategy Paper takes note of these challenges. IPA II will focus on enhancing the effectiveness, accountability and the efficiency of the judiciary, enhancing justice for citizens, fighting against organised crime and corruption, prosecuting war crimes, and on the enforcement of fundamental rights. However, Chapter 23 is not directly mentioned, even though the document mentions the progress

made towards meeting accession criteria as one of the indicators to measure performance of IPA II in this field.

The Government of the **former Yugoslav Republic of Macedonia**, through the Secretariat for European Affairs, prepared the National Programme for adoption of the *acquis communautaire* 2015-2017 in December 2014. This programme foresees numerous actions relevant to the fight against corruption including preparation of a Strategy and Action Plan for further development of the judiciary (2015-2019) (foreseen by May 2015); Preparation of an assessment report on the performance and responsibilities of the Council of public prosecutors; Analysis of the current procedure for the assessment of the performance, promotion and the disciplinary procedure for public prosecutors (foreseen by May 2015). The 2014 Progress Report identified areas for reform including public procurement, political corruption and high-level corruption, enforcement of anti-corruption legislation, strengthening the internal control system in central and local administration, setting up whistle-blowing mechanisms in public and private sectors, more proactive relevant anti-corruption bodies and greater independence of the judiciary and media freedom.

Assistance will be provided to improving the track record of investigations, prosecutions and convictions, as well as the effectiveness of penalties imposed; further developing the integrity concept within the public and private sector and supporting the implementation of mechanisms for whistle-blower protection. Assistance will help to strengthen the transparency and accountability mechanisms within the public and private sector, as well as political parties; strengthen the checks and balances within the judiciary and law enforcement agencies; improve cooperation between the various bodies involved in the fight against and prevention of corruption and involve the non-governmental sector and citizens in the implementation of anti-corruption policy, improving policy-making, monitoring and evaluation capacities of relevant state and non-state institutions.

The **Kosovo** IPA II Action Programme (AP) 2014 addresses the political criteria requirements related chapter 23 and 24 for “establishment of an independent and efficient judiciary” through “a solid legal framework and reliable institutions” and “respect for fundamental rights” set as priority two in the National Strategy for European Integration 2013–2020. Actions related to the fight against corruption are focussed on increasing the efficiency of Judiciary and Prosecutorial system by improving the legal framework and bringing it closer to EU standards, and strengthening staff capacities for the implementation and enforcement of laws.

For the fight against corruption in **Montenegro** the Indicative Country Strategy paper emphasizes the need to further improve and strengthen its legal and institutional framework for the prevention and repression of corruption and enhance its overall capacity to effectively implement and monitor all measures foreseen in the pertinent strategic documents and action plans.

A priority reform in this respect is the establishment of a new Anti-Corruption Agency and of a Special Prosecutor's Office for the fight against corruption and organised crime. The new Anti-Corruption Agency is scheduled to be established in 2016 as indicated in the Country Strategy Paper, and the overall related performance indicators are sufficiently elaborated.

The Indicative Country Strategy Paper for **Serbia** (2014-2020) sets out objectives (and relevant indicators) for assistance to fight against corruption. However, Serbia has not yet adopted the Sector Planning documents for fight against corruption, so it is not possible to establish the link between the Indicative Strategy Paper and these documents. The Indicative Country Strategy Paper provides a good overview of the state of play and needs in the rule of law sector in Serbia, particularly in the field of fight against corruption. The document lays out a comprehensive set of objectives and related indicators. Indicators are set on the impact level and may be useful to measure overall achievements in the area of fight against corruption in Serbia. In terms of financing, the IPA II envisages different types of support to the sector, including, but not limited to twinning, technical assistance, supplies of equipment and possibly also through calls for proposals and direct grants to relevant national authorities. Sector budget support can be

considered from 2015 onwards especially to support the public administration (PAR) and/or public financial management reform, provided that Serbia meets the four pre-conditions for sector budget support. This is important as such an approach will provide a good basis for further capacity building in the sectors of importance to fight against corruption (PAR, public financial management reform, etc.).

Specifically, the Indicative Country Strategy Paper states “implementation of the Government’s anti-corruption strategy and eventually the future action plan to be devised under Chapter 23 will receive IPA II assistance. A specific focus will be on a cross-sector approach, the principle of participation, knowledge transfer and “zero tolerance” to corruption. Protection of whistle-blowers will be supported as well.

Review of the available IPA II strategic documents shows that the main areas of support have been tackled and appropriate overall actions are envisaged. It will be important that these are translated appropriately in the Sector Planning documents.

In **Turkey** anti-corruption doesn’t fit with Justice, PAR or Home Affairs, so it is treated as a separate sub-sector but nothing is likely in the current perspective. The structure of Turkish institutions does not favour the new sector approach.

Turkey has ratified major anti-corruption conventions over the last years and has worked to implement its 2010-2014 national strategy and action plan in this area. The current circumstances in the country mean that anti-corruption is a very sensitive matter and a new national strategy and action plan is unlikely to be issued prior to the June national election.

Various institutions are involved in the democracy and governance sector and there is neither one specific sector lead institution nor a comprehensive strategy covering public administration reform, *acquis* alignment and regulatory reforms. The main institutions in the anti-corruption field are the Prime Ministry Inspection Board and the Council of Ethics. Once adopted, the updated national anti-corruption strategy and action plan will be the key strategic documents.

As part of the new sector approach to the programming and delivery of IPA assistance, the EU is concerned that large volumes of funding such as the 620 MEUR being provided annually to Turkey are too big to manage on a project-by-project approach and would be better managed using a sector budget support (SBS) mechanism. In discussions with the EUD Ankara the Turkish authorities have expressed reservations about the SBS mechanism, influenced by previous experience of a similar mechanism with an IMF loan when the conditions were rigorously enforced.

After the elections a transparency package could be one of the pillars of relevance to the Chapter 23 working group.

## **Conclusions (Lessons Learned)**

### **IPA I Performance Judgement Conclusions**

#### **Relevance and Coherence**

1. Relevance of the IPA anti-corruption interventions is good, as well as the quality of the programming documents. However, better attention could be paid to ordering the list of priorities e.g. “high”, “medium”, “low” or according to timeframe, and making the reasons for the selection of projects more clear.
2. Sometimes the conditions agreed to by the beneficiaries in the beginning of a project are not met, or are gradually becoming void as implementation advances.
3. The length of the interval between programming and the actual start of the implementation of projects is inefficient and can result in the relevance being “dated” and, if not addressed, can affect effectiveness of projects.

4. The business sector (e.g. Association of Employers, Chambers of Commerce) has not been sufficiently represented in IPA support to the prevention of corruption so far.

#### **Effectiveness**

5. Although overall EU funding has supported important improvements in the institutional frameworks for fighting corruption: better laws, establishment of anti-corruption agencies and strategies, action plans for prevention and repression of corruption, addressing conflict of interest issues in public administration, etc., genuine implementation and results is still the big challenge for the beneficiary countries.
6. Virtually all beneficiary institutions have laid down a foundation for their anti-corruption strategy and policies, integrity plans, regulations, etc., but that is not enough.
7. Systematic and in-depth corruption risk analyses covering all corruption prone sectors were rarely found apart from developed models for the implementation of risks analysis. There is usually no specific *intra*-ministerial monitoring of compliance with integrity plans. Public information campaigns organized by individual ministries are not always embedded in a government wide overall anti-corruption communication strategy, which clearly indicates the timing, priority sectors, target groups, message, communication instruments and budget, with the risk of uncoordinated, badly prepared public information activities with insufficient impact.

#### **Efficiency and Added Value**

8. The assessed projects largely produced their planned outputs within the foreseen timeframe but in a few cases suffered from inadequate attention to context (e.g. absorption capacity) and sequencing) and conditionalities (e.g. that a body be established and adequately staffed prior to the implementation of assistance).
9. Efficiency of IPA assistance in the area of anti-corruption is generally rated “good”. Particularly, the use of Twinning has been appropriate to the needs and capacities of the beneficiaries and has the advantage of direct contacts with EU member states.
10. There are instances of overlaps/duplication in anti-corruption project implementation activities by bilateral and multi-lateral donor organisations.
11. On occasions some resident project leaders and international experts were not fully familiar with the subject matter and the country context, limiting their ability and readiness to discuss matters of substance with the beneficiary institutions.

#### **Impact and Sustainability**

12. The observed lack of political will or even obstruction in a few cases is detrimental to the expected results of IPA support, undermining the credibility of the assistance.
13. Results had mixed prospects for sustainability where this depends on adequate financial resource, staff and infrastructure from the national authorities.
14. Longer, more flexible projects are seen as producing more impact, in particular where various inter-related anti-corruption institutions and experts are involved.
15. The performance of assistance was sometimes compromised by unsatisfactory impact and sustainability due to low-level follow-up of recommendations of preceding projects.

#### **IPA II Intervention Logic Assessment Conclusions**

1. IPA II programming is at an early stage and at the time of the evaluation the IPA beneficiary institutions were unclear about implementation of the IPA II (Regulation (EU) No 231/2014 and

Regulation (EU) No 236/2014) related to the principles and quality of preparation for the IPA II Programming process (Programming Documents – Country Strategy Papers, Sector Planning Documents and Action Documents). Building capacity in the beneficiary institutions through training and information sessions takes time, and the EU Delegations are leading the process using programming instructions that have been developed.

2. The restricted availability of Sector Planning Documents for Chapters 23 and 24, which were still under preparation at the time of the evaluation, limited the assessment of the intervention logic of IPA II assistance to the fight against corruption.
3. Overall Indicative Country Strategy Papers focus on priorities/objectives for each of five priority areas identified in the IPA II Regulation.
4. The objectives of Action Documents adequately address the Chapter 23 and 24 priorities set out in the most recent Strategic Documents but a lack of Sector Strategies prevents identification of the links between Sector Strategies and Action Documents.
5. Different approaches are to be used in the various countries to implement actions to fight against corruption because anti-corruption is not a stand-alone sector. For example Albania is to address it as a crosscutting issue, whereas Kosovo is to address it through direct interventions.
6. A mix of modalities is planned for implementation of IPA II Action Programmes where service and Twinning contracts prevail. Sector budget support is an additional modality that will be available, if the country is considered sufficiently developed and meets eligibility criteria. An anti-corruption component of a project for Public Financial Management reform in Albania is expected to be the first anti-corruption action to be implemented under the EU Sector Budget Support Programme.

## **Recommendations**

IPA beneficiary countries are at quite different stages regarding their levels of progress on anti-corruption and efforts are quite differently structured, thus the actual relevance of recommendations may vary from one to another. Therefore the following recommendations are proposed, subdivided into: a) key elements for IPA anti-corruption support, b) technical issues on IPA II programming.

### **A. Recommendations of key elements for IPA anti-corruption support**

#### **Relevance and Coherence**

##### **Recommendation 1.**

The presence of conditionalities in programming documents, in terms of political support and goals to be fulfilled, staffing and other resources that are to be guaranteed throughout the life of a project, can be seen as a useful way of applying appropriate pressure on beneficiaries to be well-prepared for the start of project implementation to ensure that it proceeds to plan. The Commission should make clear that careful attention should be paid to how and when to use conditionalities, because including them indiscriminately in programming documents can be risky. If conditions are not right at the time of programming, it is better to not programme the action being proposed.

##### **Recommendation 2.**

Recognising the value of adapting projects to needs due to a changing situation, the Commission should encourage the building-in of the maximum amount of flexibility allowed in programming documents, according to procedures, in order to avoid making an implementation “straightjacket” for project actions.

**Recommendation 3.**

The Commission should continue to take responsibility for organising regular consultation and coordination meetings among donors, especially before and during the programming phase, to achieve coherence and to avoid duplications.

**Recommendation 4.**

The Commission should give more attention to the prevention of corruption in the (semi-) private sector, e.g. ethics, code of conduct, internal controls. It should be more proactive in achieving the participation of relevant private sector representatives among beneficiary partners in anti-corruption actions. A starting point might be collaboration with organisations such as the Organisation for Economic Co-operation and Development, Eurochambres and the European Training Foundation.

**Effectiveness**

**Recommendation 5.**

The Commission should focus attention on assisting anti-corruption bodies of national governments with the practical implementation of the anti-corruption strategies and policies they have developed. It is important that these implementation actions are their own and have coherent objectives, are appropriate to the context of the respective countries, and that they accord with international anti-corruption standards and best practices.

**Efficiency and Added Value**

**Recommendation 6.**

The Commission should always take into consideration the quantity of staff available to participate in project implementation and the probability of their turnover when planning projects.

**Recommendation 7.**

The Commission should ensure that resident project leaders and international experts are fully familiar with the subject matter and the local situation, and are ready and able to discuss matters of substance with beneficiary institutions.

**Impact and Sustainability**

**Recommendation 8.**

In order to beneficially influence the political will of beneficiaries, the Commission should take every opportunity to link policy dialogue and financial assistance.

**Recommendation 9.**

Recognising that longer-term projects (circa three years) can produce good results in dealing with reforms associated with anti-corruption, the Commission should continue to allow their programming but with annually designed and approved activity plans. A good approach can be for a small group of experts to implement a project over the longer-term as demonstrated by the series of EURALIUS projects. In the case of Twinning projects the benefits of counterpart public bodies working together might be consolidated by follow-up of the assistance being provided by the same Member State counterpart, if they have the capacity and experience.

**Recommendation 10.**



The Commission should ensure that stakeholders undertake ex-post monitoring of the utilisation of project deliverables. In the case of Twinning projects, ex-post visits of Resident Twinning Advisors to review progress, might be formally adopted as standard practice.

**B. Recommendations of technical issues for IPA II programming**

To improve the programming, design and implementation of IPA anti-corruption projects the European Commission should consider implementing the following recommendations:

**Recommendation 1.**

The European Commission should continue to assist beneficiaries strengthen their capacities to develop sound Sector Planning and Action Documents in compliance with IPA II Regulations.

**Recommendation 2.**

The European Commission should continue to take steps to ensure EU Delegations, NIPACs and leading institutions include indicators that are SMART and context specific at all levels of IPA support. Indicators (and logframes) should be carefully reviewed on a regular basis and they should be open to change. The lower the level, the greater is the need for flexibility and adjustment based on continuous monitoring (Country Strategy Papers are at the higher level, Action Documents, being detailed, are at the lower level).

**Recommendation 3.**

The European Commission should continue to assist beneficiaries of anti-corruption actions to select implementation approaches and related activities, which are most likely to produce the optimum impact in the fight against corruption for the beneficiary country.

**Recommendation 4.**

Where anti-corruption actions are planned to be programmed under Sector Budget Support by a beneficiary, in addition to providing guidance and instructions for its implementation, the European Commission should encourage similar beneficiaries that are already implementing anti-corruption actions under Sector Budget Support in other IPA countries, to record and share their experiences and lessons learned with that beneficiary.

## Main Report

### 1. Introduction

#### 1.1 Rationale and purpose of the assignment

The EU Instrument for Pre-Accession Assistance (IPA) was created to provide assistance to candidate and potential candidate countries in their preparation for accession through a strategic multi-annual planning. This single instrument replaced several pre-accession funds (PHARE, ISPA, CARDS, financial instrument for Turkey) and is addressed to Western Balkan countries, Turkey and Iceland with the main aim of supporting institution-building, cross-border cooperation, regional development, human resources development and rural development. Following the initial period 2007-2013, IPA II is being programmed for the period 2014-2020 and strong efforts are being made to highlight the key findings to have emerged from IPA I and to set the basis for the improvement of the pre-accession assistance.

The IPA II instrument is designed to deliver financial assistance under a more strategic and longer-term approach focusing on priority sectors. The Country Strategy Papers (CSP) and the Multi-Country Strategy Paper (MCSP) are the overarching strategic planning documents from which priorities and objectives of individual programmes derive.

In the framework of IPA component I – Transition Assistance and Institution Building – the Rule of Law is now at the heart of the enlargement process. The “new approach”, which the European Council adopted in 2011 means that countries need to tackle issues such as judicial reform and the fight against organised crime and corruption early in the period of accession negotiations. The importance of strengthening democratic institutions and countering corruption in justice and public administration is defined as a priority in enlargement countries, closely linked with the improvement of governance at large spectrum.

During the 2007-2013 period EU assistance has been allocated to improve the justice sector and the fight against corruption and organized crime, with an average of 3.13% of the total EU pre-accession funds allocated to justice and only 0.52% to the fight against corruption<sup>1</sup>.

The analysis of a number of indicators and benchmarks (such as the need to take further measures to prevent and fight corruption, in particular at the borders and within local government) for the enlargement countries underlines that the need to support anti-corruption initiatives must remain high on the agenda. In this context evaluation of EU assistance can support the reform process and the development of the Rule of Law, in particular in the sub-sector fight against corruption in the countries concerned. The evaluation results can contribute to fostering effective anti-corruption initiatives in the period 2014-2020.

This evaluation will not cover the status of the Rule of Law *per se* – for which the pre-accession countries are responsible in accordance with the Partnership Agreements – but the effectiveness of EU support in the area and the possible improvement that can be made to this support through the IPA II programme.

The fight against corruption under IPA II is conceived as a sub-sector mainly within the sector Rule of Law and Fundamental Rights with links to the Public Administration Reform and Civil Society sub-sectors within the sector Democracy and Governance. Implementation is envisaged through different types of financing (including sector budget support in some countries) and types of programmes options.

Some recent evaluations of the performance of EU assistance in the justice, rule of law and fight against corruption and organised crime (partially covering IPA I assistance) in the Western Balkans and Turkey, which were commissioned by DG Enlargement, were finalised in 2012 and 2013. The current assignment

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<sup>1</sup> Source: European Parliament report on budgetary management of EU pre-accession funds in the areas of judicial systems and the fight against corruption in the candidate and potential candidate countries, doc ref (2011/2033(INI)), 04.10.2013.

follows-up the previous thematic assessments, which concluded that EU assistance was effective; acting as the most prominent support in the enlargement countries and yielding the most sustainable results.

The evaluation was performed by Richard Pringle, Silvana Rusi, John Heck and Zehra Kacapor-Dzihic during the period November 2014-May 2015. The kick-off meeting was held on 3 November 2014 and at the end of the desk phase there was an interim meeting in Brussels on 24 February 2015. Field missions to the 8 beneficiary countries<sup>2</sup> were conducted in the months of March and April 2015, followed by a debriefing in Brussels on 28 April 2015 with the IPA country desk officers.

The local stakeholders had an indispensable share in the evaluation, not only during the interviews but also in providing information such as the role of the stakeholder's organisation in the fight against corruption.

## **1.2 Objectives of the evaluation**

### **1.2.1 Aims**

The aim of this thematic evaluation is to generate comprehensive and updated knowledge about the performance of IPA I in the chosen thematic area and improve the quality of the budget expenditures and the policy dialogue under the IPA II framework.

### **1.2.2 Global and Specific Objectives**

The global objective of this thematic evaluation as specified in the Terms of Reference is to provide recommendations to improve the quality of IPA II framework in the field of combating corruption, based on the findings and lessons learned from the performance assessment of IPA 2007-2013 in the enlargement countries.

The **specific objectives**<sup>3</sup> are:

- 1) To provide a judgment on the performance (either actual or expected) of the relevance, efficiency, effectiveness, coherence, impact, sustainability and EU value added of IPA I assistance.
- 2) To provide an assessment of the intervention logic of IPA II assistance programming and planning documents (Sector Planning Documents and Actions programmes IPA II) in the sub-sector fight against corruption in the beneficiaries<sup>4</sup> and the multi-country programmes.
- 3) To provide relevant operational recommendations, addressed to the European Commission, for strengthening the programming and implementation of IPA II assistance and in ensuring its sustainability in the sub-sector fight against corruption, based on relevant findings, conclusions and lessons learned from the past and on-going experience.

The chosen thematic area for IPA I comprises the following countries: Albania, Bosnia and Herzegovina, Croatia, Kosovo<sup>5</sup>, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey.

The thematic area for IPA II comprises the above named countries with the exception of Croatia, which being a Member State of the EU since July 2013 is not eligible for IPA II assistance.

[This Thematic Evaluation reflects the situation as at 28/04/2015 – the ‘cut-off-date’ of the report.]

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<sup>2</sup> Albania, Bosnia and Herzegovina, Croatia, Kosovo, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, and Turkey, though full evaluation of Serbia is excluded because a Rule of Law evaluation was recently recently in the country.

<sup>3</sup> The detailed objectives are set out in the Terms of Reference in Annex 1.

<sup>4</sup> By beneficiaries, it is referred to those, specified in the Annex I of the Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II)

<sup>5</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

### 1.3 Methodology

#### 1.3.1 Evaluation framework

The development of a sound evaluation framework is one of the essential tasks of the evaluation assignment. In general the evaluation was undertaken in accordance with the methodology of the Evaluation Guide<sup>6</sup> of DG ELARG; the guidelines of the Secretariat General on good practices concerning conducting an evaluation<sup>7</sup>, the concept of theory-based impact evaluations of EVALSED<sup>8</sup> and, where appropriate, on other methods to measure the impact and the effect of interventions. The team also took into account evaluation methodologies of other international organisations active in the Western Balkans, particularly elements of GRECO analytic assessment framework, as GRECO assessments are being carried out on the basis of clear benchmarks and process indicators on anti-corruption and countries need to report compliance with the GRECO recommendations.<sup>9</sup> (see also 2.3.2 ii Data analysis).

#### 1.3.2 Main methodological stages

The evaluation exercise included four phases: inception, evaluation of IPA I performance, assessment of IPA II programming documents (also in light of evaluation results) and provision of operational recommendations.

Each of the phases was conducted ensuring full independence, impartiality and confidentiality of the team of experts, the contractor, the back-stopper and the quality controller. These principles have guided the evaluation along with the professionalism and commitment that the team of experts and the contractor put in each project they undertake.

The evaluation methodology was based on the five evaluation criteria: relevance, efficiency, effectiveness, impact and sustainability, and therefore consistent with common practices of evaluation and reflect the elements and concepts of intervention logic that analyses a project along its inputs, outputs and outcomes. In addition the evaluation covered the two EC policy evaluation criteria:

Thematic “Coherence/Complementarity” between EU Member State and other donor interventions (including EU-funded Twinning, TAIEX, Budget Support, Classical Technical Assistance, etc.);

“Community Added Value” in terms of design and implementation quality and funding (e.g. IPA assistance leverage effect to establish appropriate structures for the implementation of the *acquis* etc.)

#### 1.3.3 Data collection

The successful evaluation of any project/programme is closely linked with the availability of data on its implementation. A number of issues have been considered when identifying data sources for this exercise:

- Can the data source be accessed in a practical fashion?
- Can the data source provide quantitative/qualitative data?
- Can the data source be accessed on a regular and timely basis?
- Is primary data collection from the information source feasible and cost effective?

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<sup>6</sup> [http://ec.europa.eu/enlargement/news\\_corner/key-documents/index\\_en.htm](http://ec.europa.eu/enlargement/news_corner/key-documents/index_en.htm)

<sup>7</sup> [http://ec.europa.eu/dgs/secretariat\\_general/evaluation/documents\\_en.htm](http://ec.europa.eu/dgs/secretariat_general/evaluation/documents_en.htm)

<sup>8</sup> [http://ec.europa.eu/regional\\_policy/information/evaluations/guidance\\_en.cfm#2](http://ec.europa.eu/regional_policy/information/evaluations/guidance_en.cfm#2)

<sup>9</sup> [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3\\_en.asp](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp)

The evaluation relied on data gathered through both primary and secondary sources. The efficient implementation of the evaluation required the use of secondary sources such as recent evaluation reports, monitoring reports of projects, technical publications such as the Global Corruption Barometer and other EU publications.

A (non-exhaustive) list of the main sources is presented in Annex 4.

The **sampling method** was a two-step one:

1<sup>st</sup> level: Division of projects based on their scope – PREVENTIVE vs REPRESSIVE and the nature of the projects where the fight against corruption is a “stand-alone action” and those where the anticorruption is part of a more comprehensive/broader approach

2<sup>nd</sup> level: Identify a set of variables that allow sampling of projects, while maintaining a balance of projects evaluated per country (plus regional projects). Some anticipated variables include:

- Intervention logic (operational support, strategic/legal support, institution building);
- Availability of previous evaluation reports covering the specific project (to allow use as counterfactual);
- Project value;
- Relevance in programming for IPA II context.

The preliminary selection of the sample of projects to be consulted for the evaluation was made during the inception period. The non-exhaustive list of projects relevant to anti-corruption actions provided with the ToR was used for reference. The list included both Preventive projects and Repressive projects.

The first stage in identifying projects was made during the bilateral meetings held with IPA country desk officers in Brussels in November 2014.

The second stage was done by e-mail with the relevant officers of IPA EU Delegations. They were first asked to review the initial list, to confirm its validity and to add new projects as appropriate. They were asked to identify projects according to the variables above.

The resulting list included a mix of both Preventive and Repressive projects, and projects which are either Stand Alone (dedicated) anti-corruption projects or comprehensive (holistic) projects which have an anti-corruption component. Although many had finished implementation, several projects are currently being implemented.

The country summaries (Annex 2) provide information relevant to the projects per country and a full list of the projects consulted for the evaluation is presented in Annex 8.

#### **1.3.4 Data analysis**

The function of data analysis is to determine whether the effects of an intervention are, or are expected to be, proportionate to the objectives initially stated and the financial resources allocated. As the evaluation was undertaken for interventions, which included on-going projects, it was not possible to make definitive and comprehensive assessments for impact and sustainability of those projects under implementation. For them analysis therefore focused on using objective data to make a judgement on whether the initial intervention logic was valid and therefore whether the expected outcomes are likely to be achieved. A range of different analytical concepts or judgement criteria were used in the evaluation to identify cause and effect relationships:

- The progress compared to similar projects elsewhere;

- A comparison between what actually happened and what would have happened in the absence of the intervention (counterfactual analysis);
- Additionality;
- The effects of synergies, catalysts and complementarity.

An important part of data analysis is fact verification and elaboration undertaken by interview (face-to-face and remotely e.g. by telephone). Empirical data from fieldwork not only complements the documentary study but also informs the final and intrinsic insight into particular programme features, thus going well beyond basic information.

Evaluators gained access to a wide range of stakeholders and contractors and face-to-face interviews using semi-structured interview techniques on an individual or group basis proved most effective.

Interviews started in Brussels with the IPA country desk officers in November 2014 and again in February 2015.

In cooperation with the respective EU Delegations and National IPA Coordinators, timetables were designed for the field missions with the beneficiary organisations in the 8 beneficiary countries, and interviews took place during field missions to the countries in March and April 2015.

A list of people interviewed is presented in Annex 3 on a country-by-country basis.

Another important part of the data analysis is the rating of the results of the evaluations. The team developed a rating system for assessing the results of the IPA I interventions and the terminological definition of ratings of the different evaluation findings presented in the report it is provided below.

**Table 1: Description of Ratings**

Rating Grade	Explanation for the Grade
Very good	The situation is considered highly satisfactory, largely above average and potentially a reference for good practice. Recommendations focus on the need to adopt these good practices in other operations.
Good	The situation is considered satisfactory, but there is room for improvements. Recommendations are useful, but not vital for the operation.
Adequate	The programmes/projects achieved acceptable progress toward the majority of the intended objectives but faced major constraints/delays; improvements would have been necessary
Deficiencies	There are issues, which need to be addressed; otherwise the global performance of the operation may be negatively affected. Necessary improvements however do not require major revisions of the operations' strategy.
Serious deficiencies	There are deficiencies, which are so serious that, if not addressed, they can lead to failure of the operation. Major adjustments and revision of the strategy are necessary.

A useful checklist of parameters for assessing the extent to which anti-corruption measures are in place in each country was largely derived from the UNCAC Convention<sup>10</sup>.

<sup>10</sup> These include Legal instruments, strategy and action plans, Monitoring and evaluation of anti-corruption policy, Internal and external Control of Public Administration, Corruption risk audits and/or public integrity, Corruption risk audits and/or public integrity, Political party funding, Recruitment and promotion, Codes of conduct/ethics, Job rotation, Whistle blowing /Reporting, E-Governance/ Public Services, Public information and awareness raising, International cooperation, Participation of civil society, Public procurement, Free media/access to information.

### 1.3.5 Evaluation questions and judgement criteria

Overall, the evaluation took account of the European Commission's current evaluation guidelines and applies the following **evaluation criteria** to underpin the evaluation's objectives: relevance, efficiency, effectiveness, impact and sustainability:

*Coherence concerns the extent to which a development initiative and its intended outputs or outcomes are consistent with national and local policies and priorities and the needs of the intended beneficiaries including whether there is any overlap between the intervention considered and other interventions.*

*Relevance concerns the extent to which a development initiative and its intended outputs or outcomes are consistent with national and local policies and priorities and the needs of the intended beneficiaries. Relevance also considers the extent to which the initiative is responsive to strategic plans and priorities. It also incorporates the concept of responsiveness – the extent to which the intervention was able to adapt to changing and emerging development needs and priorities in a responsive manner.*

*Effectiveness is a measure of the extent to which the initiative's intended results have been achieved or the extent to which progress toward outputs and outcomes has been achieved.*

*Efficiency measures how, economically, resources or inputs are converted into results. An initiative is efficient when it uses resources appropriately and economically to produce the desired outputs.*

*Value added is the value resulting from an intervention, which is additional to the value that would have been otherwise created.*

*Impact measures the changes in political, social, economic and human development and the wellbeing of people, brought about by development initiatives, directly or indirectly, intended or unintended.*

*Sustainability measures the extent to which benefits of initiatives continue after the external development assistance has come to an end. Assessing sustainability involves evaluating the extent to which relevant social, economic, political, institutional and other conditions are present and, based on that assessment, making projections about the national capacity to maintain, manage and guarantee the development results in the future.*

The evaluation questions derived from the content and guidance contained in the ToR, are presented in Table 2 below and the following section describes the approach to answering them.

**Table 2: Evaluation questions**

#### **Coherence and Relevance**

To which extent do the objectives, defined in the IPA programmes correspond to the needs and capacities of the beneficiary countries? To what extent have the IPA I interventions proved relevant to those needs?

To what extent are the IPA interventions coherent in achieving the strategic objectives//priorities linked to accession preparation?

What was the level of transparency and the stakeholders' active participation in the process of prioritisation and selection of projects in the programming phase?

To what extent are needs assessments and conditionalities applied in the programming? How do they ensure effectiveness in improving programming?

#### **Effectiveness**

To what extent do the outputs and results correspond to the objectives? To what extent have the objectives been met? Where expectations have not been met, what factors have hindered their achievement?

#### **Efficiency and Added Value**

Were the outputs and effects achieved at a reasonable cost? Why was this possible? Could the same results have been achieved with less funding? Could the use of other type of financing or mechanisms have provided better cost-effectiveness?

What is the additional value resulting from the IPA interventions in the area of the fight against corruption, compared to what could be achieved by the beneficiary countries at national and/or regional levels?

What is the comparative efficiency and value added of the different type of financing provided or that could have been provided complementarily?

#### **Impact**

Are the outputs and immediate results delivered by IPA translated into the desired/expected impacts; namely in terms of achieving the strategic objectives/priorities linked to accession preparation? Are impacts sufficiently identified/quantified? Are there any additional impacts (both positive and negative)?

#### **Sustainability**

Are the identified impacts sustainable (or likely to be sustainable)? Are there any elements, which (could) hamper the impact and/or sustainability of assistance? What are the risks to the sustainability of corruption related projects (including the usefulness of project outputs in the medium and long term)?

## **Approach to answering the evaluation questions for judgement of performance of IPA I**

The methodology for assessment of IPA I is the result of integrating DG ELARG evaluation methodology with elements of the GRECO analytical assessment framework.

The 5+2 criteria of OEDC/DAC methodology used for grouping the above evaluation questions was the basis for implementation of the evaluation.

With the focus of the evaluation on a thematic aspect of IPA, the objective was to review how this particular sector in the enlargement countries has evolved over time and assess the influence that the IPA has had on the changes that have been observed in the area of the fight against corruption.

### **1.4 Structure of the Evaluation Report**

The main text of the Evaluation Report presents a synthesis report.

- Section 1 outlines the scope and objectives of the evaluation, and methodology.
- Section 2 provides background information on the IPA assistance programmes covered by the evaluation.
- Section 3 presents the evaluation findings in respect to (1) judgement on the performance of the implementation of IPA I financial assistance at both the programming and the implementation level, (2) assessment of the intervention logic of the IPA II assistance programming and planning documents for the fight against corruption.
- Section 4 presents the main conclusions and identifies lessons learned with relevance to strengthening the programming and implementation of IPA II.
- Section 5 provides a series of recommendations to the Commission derived from the lessons learned.

The main text is backed by a series of Annexes, including providing additional background information, analysis and findings.

- Annex 1 provides background information and the description of the assignment from the Terms of Reference for this evaluation.
- Annex 2 provides a summary overview of EU assistance to each of the countries covered by this evaluation with reference to a sample of projects programmed under IPA I including completed projects and projects currently being implemented, and with reference to the programming of EU assistance under IPA II.
- Annex 3 provides a list of the stakeholders and beneficiaries interviewed during the fieldwork on a country-by-country basis.
- Annex 4 provides a list of documents consulted in the course of this evaluation on a country-by-country basis.
- Annex 5 provides a brief description of cooperation of states within the region.
- Annex 6 provides a description of the influential organisations in the fight against corruption.
- Annex 7 provides the results of the survey of Civil Society Organisations.
- Annex 8 provides a list of projects referred to during the evaluation.
- Annex 9 provides detailed recommendations for practical implementation of anti-corruption policies
- Annex 10 provides a table of conclusions and recommendations.



## 2. Instrument for Pre-accession

### 2.1 Introduction

The Instrument for Pre-Accession Assistance (IPA) is the financial instrument for the European Union (EU) pre-accession process for the period 2007-2013. It replaced several European Union programmes and financial instruments (PHARE, PHARE CBC, ISPA, SAPARD, CARDS and the financial instrument for Turkey) with one single instrument and legal framework.

Assistance is provided on the basis of the European Partnerships of the potential candidates and the Accession Partnerships of the candidate countries, which means the Western Balkan countries and Turkey. The IPA is intended as a flexible instrument and therefore provides assistance, which depends on the progress made by the beneficiary countries and their needs as shown in the Commission's evaluations and strategy papers.

The legal framework for IPA was established under Council Regulation (EC) 1085/2006 of 17 July 2006 and its implementation provisions in Commission Regulation (EC) 718/2007, as amended by Commission Regulation (EC) 80/2010 and Commission Regulation (EC) 1292/2011. Financing under this single umbrella is provided through five "components":

I) Transition Assistance and Institution Building: managed by the European Commission's Directorate General for Enlargement

II) Cross-Border Co-operation (with EU Member states and other countries eligible for IPA)

III) Regional Development (providing support to transport, environment infrastructure and enhancing competitiveness and reducing regional disparities);

IV) Human Resources Development (strengthening human capital and combating exclusion): managed by the European Commission's Directorate General for Employment and Social Affairs

V) Rural Development: managed by the European Commission's Directorate General for Agriculture.

IPA components III-V are designed to mirror closely structural, cohesion and rural development funds, in preparation for the management of such funds upon accession. It allows beneficiary countries to prepare themselves for successful participation in EU cohesion policy after accession. This should help them to absorb EU cohesion funding more effectively once it becomes available.

The European Commission's Directorate General for Regional Policy is responsible for the implementation of the Regional Development Component (so-called Component III) and Component II in the part concerning Member States.

Components I and II are open to all beneficiary countries whereas Components III, IV and V are open to the Candidate Countries only (current Candidate Countries are: Turkey and the former Yugoslav Republic of Macedonia).

Candidate Country status was awarded in 2010 to Iceland<sup>11</sup> and Montenegro. However, these two countries currently remain outside the scope of intervention of IPA Component III.

Current potential Candidate Countries eligible for IPA funding are: Albania, Bosnia and Herzegovina, Serbia and Kosovo under UNSC Resolution 1244/99.

**Framework Agreements** are signed between the Commission and the beneficiary countries (Turkey, former Yugoslav Republic of Macedonia) aiming at setting and agreeing the rules for co-operation concerning EC financial assistance to the beneficiary country.

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<sup>11</sup> Accession negotiations started in July 2010 but were put on hold by Iceland in May 2013.

**Financing Agreements** are signed between the Commission and the beneficiary countries (Turkey, former Yugoslav Republic of Macedonia) for each programme, they complete the technical, legal and administrative framework and include detailed and specific provisions for the management, monitoring, evaluation and control of each Operational Programme.

## **2.2 IPA framework documents**

The policy and programming framework for delivering pre-accession assistance under IPA consists of:

Multi-Annual Indicative Financial Framework (MIFF) is included as part of the pre-accession strategy package presented annually by the Commission to Council and Parliament;

Multi-Annual Indicative Planning Documents (MIPDs) are per country or per groups of countries (regional and horizontal programmes).

The IPA Regulation for the period 2007-2013 expired on 31 December 2013 though implementation of projects contracted within the period of the IPA Regulation continues.

The IPA Regulation covering the period 2007-2013 (IPA I) was replaced in March 2014 by a new regulation (IPA II) covering the period 2014-2020. The overall budget allocation for IPA II is EUR 11.7bn. The new regulation streamlined the rules governing access to IPA funds for candidate countries and potential candidates.

### **2.2.1 Instrument for Pre-accession Assistance**

The Instrument for Pre-accession Assistance (IPA) is the means by which the EU supports reforms in the 'enlargement countries' with financial and technical help. The IPA funds build up the capacities of the countries throughout the accession process, resulting in progressive, positive developments in the region. For the period 2007-2013 IPA had a budget of some € 11.5 billion; its successor, IPA II, will build on the results already achieved by dedicating € 11.7 billion for the period 2014-2020.

Current beneficiaries are: **Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia, and Turkey.**

### **2.2.2 Purpose**

EU pre-accession funds are a sound investment into the future of both the enlargement countries and the EU itself. They help the beneficiaries make political and economic reforms, preparing them for the rights and obligations that come with EU membership. Those reforms should provide their citizens with better opportunities and allow for development of standards equal to the ones we enjoy as citizens of the EU. The pre-accession funds also help the EU reach its own objectives regarding a sustainable economic recovery, energy supply, transport, the environment and climate change, etc.

**Pre-accession assistance** provides an investment in:

- Public administration reform
- Rule of law
- Sustainable economy
- People
- Agriculture and rural development

## **2.3 IPA II (2014-2020)**

Prepared in partnership with the beneficiaries, IPA II sets a new framework for providing pre-accession assistance for the period 2014-2020.

The most important novelty of IPA II is its strategic focus. Country Strategy Papers are the specific strategic planning documents made for each beneficiary for the 7-year period. These will provide for a stronger ownership by the beneficiaries through integrating their own reform and development agendas. A Multi-Country Strategy Paper will address priorities for regional cooperation or territorial cooperation.

IPA II targets reforms within the framework of pre-defined sectors. These sectors cover areas closely linked to the enlargement strategy, such as democracy and governance, rule of law or growth and competitiveness. This sector approach promotes structural reform that will help transform a given sector and bring it up to EU standards. It allows a move towards a more targeted assistance, ensuring efficiency, sustainability and focus on results.

IPA II also allows for a more systematic use of sector budget support. Finally, it gives more weight to performance measurement: indicators agreed with the beneficiaries will help assess to what extent the expected results have been achieved.

### 2.3.1 Legal basis

The IPA II regulation came into force on 16 March 2014 and is applicable retroactively from 1<sup>st</sup> January 2014. The IPA II regulation is complemented by the Common Implementing Regulation (CIR), which is a set of simplified and harmonised implementing rules and procedures for all external action instruments, as well as the IPA II Implementing Regulation adopted by the Commission on 2 May 2014.

### 2.3.2 Aid Transparency

The European Union and its Member States are committed to implementing by 2015 a common, open standard for electronic publication of timely, comprehensive and forward looking information on financial assistance to third countries. This commitment was one of the outcomes of the 4th High Level Forum on Aid Effectiveness in Busan in 2011. The standard should take into account the statistical reporting of the OECD DAC, as well as the complementary efforts of the **International Aid Transparency Initiative (IATI)** and others. DG Enlargement is committed to improving its standards on aid transparency for pre accession assistance, and to that end has put together an **implementation schedule**, which is published on this site.

DG Enlargement/NEAR is publishing its data into the IATI Registry since September 2013. Relevant information regarding activity and organisation is updated monthly and can be found on the corresponding **Registry website**.

### 3. Evaluation Findings

#### 3.1 Fighting Corruption in the Western Balkans and Turkey

Successive national governments of the Western Balkan and Turkey have committed themselves to fighting corruption and key steps have been taken to address the issue. All the countries are party to the United Nations Convention Against Corruption (UNCAC). Both the Council of Europe Civil Law and Criminal Law Conventions on Corruption have also been ratified. On a national level, anti-corruption strategies and action plans have been established throughout the region, relevant legislation has been adopted and measures implemented to strengthen the prevention and repression of corruption. In Croatia, for example, the legal framework of national legislation for combating corruption has been incorporated into the existing criminal legislation. Administrative capacity for investigating and prosecuting corruption has also been strengthened with the establishment of the Office for combating Corruption and Organized Crime (USKOK). In Serbia, the Law on Protection of Whistleblowers will be in force in June 2015. Montenegro has further strengthened its anti-corruption legal framework, with a view to ensuring alignment with the relevant European and international standards and a new Anti-Corruption Agency will be established in 2016. In Bosnia and Herzegovina the Law on the Agency for prevention of corruption and coordination of the fight against corruption has been adopted.

Yet the European Commission finds that corruption is still prevalent in the Western Balkans and Turkey and continues to be of serious concern in many areas in both the public and private sector. The upgraded legal and administrative structures are still to be fully tested in practice. In order to make progress in the prevention of corruption, greater transparency in public administration is required and specific anti-corruption strategies need to be developed targeting vulnerable areas of the public sector.

The EU accession process has been the major driver of anti-corruption efforts in EU enlargement countries, and the governments of the Western Balkans and Turkey have made efforts to curb corruption. While some progress has been made in adopting anti-corruption laws and establishing/strengthening the institutional framework, these efforts have not yet led to the desired results and impact.

Most of the IPA assistance to the sub-sector of anti-corruption in the Western Balkans and Turkey, and where the evaluation is looking at, is provided for:

**strengthening of institutions** involved in the prevention and repression of corruption through the improvement of the legal and institutional framework for efficient and systematic combating corruption, the support to the drafting and implementation of the national anti-corruption strategy, or introducing new processes and procedures with regard to detection and prosecution of corruption;

**development of capacities** by training and the creation of training methodologies and tools to strengthen technical and operational capacities;

**systems and tools** including the preparation of a public procurement database, integrity plans, codes of conduct, risks analysis;

**public awareness raising** to improve citizens' capacities participation in the fight against corruption, or capacities of civil society and media to investigate and report corruption.

#### 3.2 IPA I Performance Judgement

##### 3.2.1 Assistance to Albania

IPA assistance deployed in the fight against corruption has been considerable in terms of funding and addressing the obligations of Albania related to political criteria set out in the European Partnership, SAA and Progress Reports. The results produced have been generally satisfactory and impact of IPA assistance in Albania is visible related to establishment of the legal framework for fighting against corruption in line

with GRECO and MONEYVAL recommendations (Albania accomplishment GRECO 3rd round recommendations related incrimination of corruptive proceedings and political parties financing is largely attributed to the PACA project; the ACFA and EURALIUS IV recommendations are core to the upcoming Judicial Reform) and very good progress (recognised by PR 2012, 2013) on establishment of AC inter-agency structures supported by EU Projects and results achieved by them i.e. HIDAACI, FIU in the areas related to declaration of assets and AML. Nevertheless the results achieved have not yet provided visible results related to establishment of an efficient track record of investigations and convictions of high level officials/politicians and judges. During 2014, the number of high officials such as judges, MPs and mayors referred for investigations increased but only 2 judges were sentenced by the Court with only one being convicted so far (the other is undergoing an appeal process); lack of willingness facilitated by lack of independence of the key investigation institutions/Police, General Prosecutor Office (GPO), FIU (operational independence) and Judiciary - HCJ/political pressure /interference is perceived as the main issue affecting achievement of the results. The satisfactory sustainability of assistance in terms of ex-post follow-up of project recommendations (a number of legal initiatives were proposed by projects) is threatened by significant staff turnover in key beneficiary institutions e.g. there has been 40% staff turnover of the police.

### **3.2.2 Assistance to Bosnia and Herzegovina**

IPA support to the fight against corruption provided unsatisfactory results. The evaluators rate both projects as with “(serious) deficiencies”. The implementation of the two evaluated projects has faced a number of difficulties in delivering satisfactory outputs, largely, but not only, caused by the complex and highly politicised and fragmented institutional structure of BiH, that constrained collaboration between beneficiaries in the various administrative units. Lack of involvement of beneficiaries in project design, weakness in the conditionality, expected outputs where the consequences were not thoroughly thought through and poor donor coordination, have been other obstacles.

### **3.2.3 Assistance to Croatia**

The three projects, which were reviewed and discussed with the direct beneficiaries (2007 “Strengthening the capacities of USKOK”; 2008 “Enhancing the participation of the CSO’s in monitoring the implementation of the EU *acquis* in the field of fight against corruption”; 2008 “Strengthening of the tax administration”), show a high degree of relevance, in the sense that they are well aligned with the multiple needs of accession and the strategic objective (e.g. SAA, EP, Communication of EC on Civil Society Dialogue, National Programme for the Integration of the Republic of Croatia into the European Union (NPUEU), Accession Partnership (AP). The assistance specifically addressed accession negotiations requirements for specific *acquis* Chapters i.e. opening and closing ‘benchmarks’ for Chapter 23 and 24.

All outputs of the three evaluated projects have been delivered.

### **3.2.4 Assistance to The former Yugoslav Republic of Macedonia**

The three projects selected for evaluation closely match the priority needs of the authorities of the former Yugoslav Republic of Macedonia to accomplish the commitments deriving from the EC Enlargement Strategy papers for the periods 2007 – 2012 and government priorities set out in the State Programme for Prevention and Repression of Corruption 2007-2011. Although implementation activities of the two current projects are generally likely to be satisfactorily completed, the level of effectiveness of the projects is weakened by the intervention logic not being robust regarding the use of SMART intervention objectives. The effectiveness of the “Corruption Trial Monitoring Programme” has been demonstrated by the valuable recorded information concerning the corruption trial court proceedings, which reveals the level of efficiency and effectiveness of the courts dealing with corruption cases as well as providing feedback to the Academy of Judges and Public Prosecutors in monitoring standards of performance of corruption court proceedings and identification of areas of further assistance. The effectiveness of two ongoing projects

“Support in the Implementation of the Reform of the Criminal Justice System” is likely to be achieved in case the law enforcement agencies develop much stronger, active cooperation while at “Support to Efficient Prevention and Fight against Corruption” the effectiveness depends on government overcoming factors such as the lack of independence and budgetary constraints of the SCPC and overall lack of administrative capacity of project beneficiaries e.g. Agency of Management of Confiscated Assets has 52 staff when there should be 113. Despite the progress achieved in terms of low-level corruption, the number of cases of high level officials referred and prosecuted is low. The SCPC initiated misdemeanour proceedings against 36 public officials in 2013 for failure to submit legally required asset declarations and 9 officials were subsequently fined by the courts. . However, enforcement of anti-corruption legislation and its results remain largely invisible to the public because of a lack of independence of and pro-active approach by anticorruption bodies, as well as weak media freedom (and hence low reporting of corruption) and lack of political will to treat anticorruption as a top priority

Overall the impact of IPA assistance is hampered by a lack of a pro-active approach of the relevant bodies tasked with the fight against corruption; there is weak cooperation between the relevant law enforcement agencies; there is a lack of information flow (lack of data from MoI); there is an inefficient and dysfunctional system of data collection and processing for measuring the extent and nature of corruption, the effectiveness of anti-corruption measures, and there is a lack of a systematic approach to the preventing and combating of corruption. Weak inter-institutional relations, separation of power, and erosion of constitutional powers and democracy threaten achievement of the longer-term results and impact.

The key investigation institutions lack independence from political pressure and interference. The SCPC lacks independence as being appointed by parliament i.e. the ruling party, and such appointments are not likely to yield valid results. DS is passive and SCPC is more a post-box. Their initiatives for process are nearly always not followed up by the PPO.

There have been severe delays in setting up of Investigative centres within the Prosecution Office, there is a lack of a Criminal Intelligence Database, and a lack of electronic interconnection between relevant anticorruption bodies.

### **3.2.5 Assistance to Kosovo**

The IPA assistance deployed in areas related to fight against corruption has been highly responsive to the Kosovo priority needs in accomplishment of the commitments deriving from the EC Enlargement Strategy 2007 – 2012, Visa Liberalization conditionalities as well as Kosovo Government priorities. The overall performance of assistance related to efficiency and effectiveness has been satisfactory. Out of two completed projects, the PECK /CoE project results has been instrumental in assessing the Kosovo status regarding GRECO and FATF standards in the fight against corruption and addressing them. Some improvements are evident in the legal framework for anti money laundering, political parties financing and declaration of assets, which are attributed to EU projects. The KP is a good example of effectiveness and results of EU assistance (SCICAOCC project) and commitment of the beneficiary was evident in the reinforcement of human capacity of the relevant police disciplinary and internal investigation bodies, and maintaining a reliable track record of disciplinary measures regarding police officers. Nevertheless, the overall assistance performance is compromised by unsatisfactory impact and sustainability at the SACIK project dedicated to low-level follow-up of the projects recommendations i.e. out of 35 proposals made on the Law on Anticorruption Agency and KAA restructuring, the Kosovo authorities accepted only 14. The concept of KAA restructuring based on an intelligence led model (National Cooperation and Coordination model) previously agreed with beneficiaries was not implemented but replaced later by a new information exchange mechanism between Kosovo law enforcement bodies the efficiency of which is questionable.

The most important threats to achievement of the long-term results included: a lack of independence of the key investigation institutions such as the General Prosecution Office (GPO), FIU (operational

independence) and Judiciary – HCJ; a lack of authority of institutions such as KAA and the Central Electoral Commission, and a lack of ownership among key institutions such as KAA and the High Secretariat on Anticorruption; ineffective cooperation between KAA and GPO related to the investigation of asset declaration .

### **3.2.6 Assistance to Montenegro**

The field mission and subsequent meetings with the stakeholders of the five selected projects show that the assistance has contributed to the fight against corruption, but to varying degrees.

Progress has especially been made in developing new laws related to anti-corruption. There has been clear capacity building in the Rule of Law sector, which is still going on, particularly through the IPA 2012 project “EU support to the Rule of Law”, which started early 2014. However, the project “Support to the implementation of the anti-corruption strategy and action plan (IPA 2010)” suffered from a number of weaknesses, mainly due to the lack of political commitment and limited absorption capacities. Outputs of the two ongoing projects under IPA 2012 and 2013 are expected to be delivered. The TAIEX assistance in particular through the 2014 and 2015 TAIEX Training Maps contribute significantly to the implementation of the Action Plan for Chapter 23.

### **3.2.7 Assistance to Serbia**

Serbia is excluded from the scope of the assessment, due to a recently completed thematic evaluation on the Rule of Law sector<sup>12</sup> in 2012 and the Performance audit<sup>13</sup>, conducted in 2013 by the European Court of Auditors on the same subject. In addition, the evaluators were invited to take on board the findings and conclusions from the sector evaluation and to integrate them as part of the common findings and lessons learned from past experience. The evaluators also took note of the findings of the Serbia Judicial Functional Review conducted by the World Bank<sup>14</sup>.

### **3.2.8 Assistance to Turkey**

The assistance provided under the three projects was complementary, aiming to successively build on outputs and outcomes of preceding projects and strengthen the ethical culture and capacity in anti-corruption matters throughout the public administration of Turkey. Weaknesses of project management by the contractor adversely influenced the efficiency of implementation of the two 2009 projects “Strengthening the Coordination of Anti-corruption Policies and Practices”, and “Consolidating Ethics in the Public Sector (TYEC 2)”. Despite this the level of effectiveness has largely been adequate except for the most recent project “Strengthening the coordination of anti-corruption policies and practices” which had deficiencies due to a failure of procurement. Although the beneficiaries have strong commitment and are well qualified technically, impact of assistance is limited because the leading institutions are lacking in independence from political influence and this has the effect of suppressing individual initiative. There is also a lack of transparency in decision-making. A sustainable effective ethical environment has been established at the General Directorate of Land Registry and Cadastre, which was among the beneficiaries of the two ethics projects. The body has been able to measure the benefits of this (they include improved relationships with the public, and greater job satisfaction and efficiency of staff) and it is a model to be replicated.

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<sup>12</sup> Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in western Balkans-Lot 3, Service contract Ref. No. 2011/256638, Final main report, February 2013.

<sup>13</sup> Special Report – EU Pre-accession Assistance to Serbia, European Court of Auditors, 2014.

<sup>14</sup> Serbia Judicial Functional Review, Multi-Donor Trust fund for Justice sector report in Serbia, October 2014

Overall the fight against corruption is not a high priority of the current government and therefore the environment is not conducive to achieving good progress, though many individuals within the administration are committed to improving matters. The elections could result in changed circumstances.

### **3.2.9 Multi-country Assistance**

The two projects are in the early stages of implementation. Both are well designed and the project teams are making good preparations, undergoing training and establishing relationships for joint working both in the respective project headquarters and in the beneficiary countries. The experts are well qualified and very experienced and have the respect of their beneficiary counterparts. The project “International Cooperation in Criminal Justice” builds on a previous project and there are elements of continuity for project teams and beneficiaries including some previously established working relationships.

## **3.3 Main Findings**

### **3.3.1 Relevance and Coherence**

**Funding decisions were derived from a relevant and coherent set of strategic documents.**

The evaluators examined whether the strategic documents related to the IPA anti-corruption interventions were consistent with each other and contained clear priorities and performance indicators. It was also examined whether IPA assistance on anti-corruption adequately involved civil society organisations (CSO's) and whether donor coordination was functioning. Overall, relevance of the anti-corruption interventions is good. Content-wise, the quality of the programming documents (e.g. Enlargement strategy papers, MIFF's and MIPDs, Screening reports, national anti-corruption strategies, EU Progress reports) is high. The evaluation has no critical observation with regard to translating the priorities and needs into the Country Indicative Strategy Papers and related sector programming documents and action plans (as far as available at the time of the evaluation). Alignment between national strategies and the IPA goals has become even more coherent by virtue of the sector based approach since 2012, as project-based programming frequently lacked strategic focus and that because of this, the prospects for achieving planned impacts were weakened<sup>15</sup>. The technical aspects of programming per project level, however, can be strengthened. In many instances, more attention should have been given to setting conditionalities. For example, two major obstacles for anti-corruption projects were a complex political and institutional structure and a lack of absorption capacities (lack of staff). Both these problems issues could have been better controlled by sufficiently taking into account structural limitations of the project outcomes before launching the projects.

**Strategic documents contained relevant priorities but without ranking their importance to the fight against corruption and performance indicators are sometimes too broad or weak.**

The multiannual indicative planning documents (MIPDs), screening reports, EC progress reports and other programming documents defined a number of objectives, activities and performance indicators, but these were sometimes very broad and not always consistent. For example, in the MIPD for Montenegro 2011-2013, to see whether the objectives are achieved, the execution of an awareness raising campaign is used as a qualitative indicator to measure results. The impact of anti-corruption awareness raising campaigns is usually better if framed in an overall anti-corruption communication strategy, which clearly indicates the target groups of the communication, the message, selection of communication instruments (TV, internet, etc.). The screening report on Montenegro (chapter 23) indicates that awareness raisings campaign have been conducted with little impact. Also in the Government Action Plan of Chapter 23 (June 27, 2013), no

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<sup>15</sup> Ref. Ares (2013) 65573- 18/01/2013 and Support to Sector Programmes Covering the three financing modalities: Sector Budget Support, Pool Funding and EC project procedures  
[http://ec.europa.eu/development/icenter/repository/Support-to--Sector-Programmes\\_27072007\\_en.pdf](http://ec.europa.eu/development/icenter/repository/Support-to--Sector-Programmes_27072007_en.pdf)



reference could be found which clearly links incidental public information activities, such as campaigns, with the basic indicator for result and impact on awareness raising efforts: a multiannual anti-corruption strategy. Without such a reference framework, progress is difficult to assess. The quality of sector and project indicators used in the evaluated projects was good.

### **Conditionality and sequencing of the assistance overall was good, but with exceptions**

The evaluators assessed whether the projects included conditionality and sequencing. Inadequate attention to conditionality and sequencing of project activities often threatened smooth and timely implementation of projects. The evaluated projects related to anti-corruption, with a few exceptions, have been well designed to address the main objectives of the accession process and relevant national and sector anti-corruption strategies. The few projects, which failed due to insufficient conditionality and sequencing in the project design lacked absorption capacity, clear institutional and beneficiaries' ownership before the projects started.

#### **Box No. 1. Examples of good conditionality and sequencing in projects**

- Project no. 8. *“Strengthening the capacities of USKOK”*.

In Croatia the CARDS 2002 Twinning project<sup>16</sup> on capacity building for USKOK (Office for the Suppression of Corruption and Organized Crime) was the ideal starting ground for the evaluated IPA 2007 Twinning project to further strengthen the capacities of USKOK, with a budget of 1.000.000 EUR. The aim of the IPA 2007 project, which started early 2010 and lasted 27 months, was to strengthen the institutional capacity and to further improve cooperation of USKOK with other LEAs actively involved in the fight against corruption and organized crime.

- Project no. 2. *“Project against Corruption in Albania”*

In Albania the IPA 2008 “Project against Corruption in Albania” was used as a bridge between the completed PAMECA III and the start of PAMECA IV by assuring enforcement of results and preparing for the new delivery. The IPA 2012 “Overall assessment of the anti-corruption framework in Albania (ACFA)” project was deployed only after sufficient assistance had been implemented in the fight against corruption to allow assessment of 10 priority areas and provide valuable recommendations for the upcoming Judicial Reform in Albania and guide the IPA II assistance.

#### **Box No. 2. Example of poor conditionality and sequencing in projects**

Project no. 6. In Bosnia and Herzegovina the IPA 2009 *“To strengthen the capacities of BiH institutions to enforce accountability and to effectively fight and prevent corruption”* was developed without consultation with the direct beneficiaries, according to informants. The parties involved initially could not pay adequate attention to precise definition of the (realistic) project objectives, specific needs assessment and conditionality. The first staff of the Agency (Director and two Deputies) arrived in August 2012, with insufficient funding and no other staff, meaning the Project could not implement its activities. The project largely failed to build capacities of staff (as majority of them were not in their positions at the time of the project).

### **The interval between programming and implementation can “date” relevance.**

In countries where negotiations are proceeding quite quickly, the long gap between IPA programming and the actual start of the implementation of projects is an issue, which should be considered while designing the projects because the gap affects the relevance and effectiveness of projects. The evaluators did not find

<sup>16</sup> Thematic Evaluation of Rule of Law-lot 3, final Report, February 2013, p. 171

adjustments of objectives and expected deliverables as a result of this time span of generally two years. In Serbia, the audit conducted by the European Court of Auditors covered the 2007-2013 period and addressed the EC's effectiveness in managing IPA projects and non-financial assistance. The audit found that programming of the IPA financial assistance is based on a coherent strategic framework and the approach to selecting projects relevant to preparing Serbia for accession is gradually improving<sup>17</sup>.

### 3.3.2 Effectiveness

#### **IPA projects generally produced the planned outputs, but sometimes produced results beyond and below the outputs**

Apart from the ongoing projects at the time of the evaluation, the projects have delivered most of the outputs initially planned. Overall, the evaluated projects generally achieved good results, sometimes even beyond the outputs. Project results were delivered at an appropriate quality level and were generally accepted and implemented by the beneficiaries.

However, shortcomings in terms of results of project outputs have been identified in Bosnia and Herzegovina, and Montenegro. Examples of projects, which produced results beyond and below the outputs are shown in Boxes 5 and 6.

#### **Box No. 3. Example of results achieved beyond the outputs.**

Project no. 19. The use of Twinning in “*Strengthening the capacity of the Police administration*” (IPA 2009) in Montenegro has been appropriate to the needs and capacities of the beneficiaries. This applied particularly to the component on forensics. After the accomplishment of the project exchange of information with the Twinning partner in Germany in the area of forensics still exist.

Very good progress by results has been achieved in a number of anti corruption institutions in Albania as a result of EU support through the Project no. 2, IPA 2008 “*Project against Corruption in Albania*” and Project no. 3, the IPA 2009 “*Support to Anti-Money Laundering and Financial Crime Investigations Structures*” e.g. the number of declarations administered by the High Inspectorate of Declaration of Assets (HIDAACI) in 2014 reached 6,859, of which 1,496 were fully audited, as compared with an average of 450 in the previous 10 years; in 2014 the number of referrals from HIDAACI for investigation of law infringement reached 114 compared with 55 during 2013; results achieved by FIU in the areas related to AML are strongly recognised by FATF.

#### **Box no. 4. Example of results achieved below the outputs.**

Project no.6. “*To strengthen the capacities of BiH institutions to enforce accountability and to effectively fight and prevent corruption*” did not deliver upon its set mission and is weak in terms of performance and powers to get things done. The Anti-corruption Agency was established as a state level body (with coordination of lower levels of governance), but its actual performance and power is limited to the State level only, without competencies for lower levels of government. As a result the Agency does not have the authority to coordinate or enforce measures in the Action Plans related to the State anti-corruption strategy as far as they apply to the Entities.

In Kosovo the effectiveness, impact and sustainability of Project no. 14, IPA 2007 Project “*Support to the Anti-Corruption Institutions*” was not assured due to lack of ownership and follow up by the beneficiary (KAA) and higher level decision-making bodies e.g. out of 35 proposals made on the Law on Anticorruption Agency only 14 were accepted by the Kosovo authorities while the KAA restructuring

<sup>17</sup> Special Report - EU Pre-accession assistance to Serbia, European Court of Auditors, 2014, p. 5.

based on an intelligence led model (National Cooperation and Coordination model) previously agreed with the beneficiaries was not accepted by the Kosovo authorities and was replaced with a new information exchange mechanism between Kosovo law enforcement bodies, which is not functional and therefore has not provided any result so far.

### 3.3.3 Efficiency and Added Value

#### **The projects have mixed efficiency and added value.**

Efficiency of IPA assistance in the area of anti-corruption in Croatia is rated “good”. The use of Twinning has been appropriate to the needs and capacities of the beneficiaries and has the advantage of direct contacts with EU Member States. The use of European peer organisations as service providers (exemplified by Twinning), which has been very useful in promoting the transfer of EU best practices, has been cost efficient. In terms of money and financial management the projects delivered results within the originally planned budgets.

Efficiency of IPA assistance in the area of anti-corruption in Montenegro is rated “good”, as the projects have been implemented in a timely manner<sup>18</sup> except for the IPA 2010 project “*Support to the implementation of the anti-corruption strategy and action plan*”, which is rated with “serious deficiencies”. The highly politicized institutional structure and lack of flexibility to adapt projects to needs, during changes to the project context (environment), constrained the quality of the outputs produced. An amount of 100,000 EUR was returned to the EU. Efficiency of IPA assistance in the area of anti-corruption in Bosnia and Herzegovina is rated “(serious) deficiencies”. For implementation of the anti-corruption strategy – one of the components of the IPA 2010 project – the budget was diverted to CSO projects. While some CSO project delivered good results (e.g. Transparency and CIN project for monitoring of public procurement), it is not clear why TA to CSOs was attached to it, as it did not bring any value added.

#### **Coordination with international donors was only partly efficient**

Donor coordination with a view to ensuring complementarity and avoiding overlaps, is difficult to achieve because: (a) beneficiaries may consider that better coordination may lead to increased control/ influence of the donor community; b) donors are often under pressure to deliver and spend their budget and increased coordination may lead to slower disbursement and less visibility<sup>19</sup>.

Despite efforts in some countries such as Kosovo to carry out programming based on donor coordination, the functionality of an established donor coordination platform is questioned by a lack of authority and proper staffing. A good example of donor coordination systems and operations is the donor coordination system in Albania, which operates effectively through regular consultation and coordination meetings among donors through Sector Donor Coordination Working Groups which are co-chaired by the respective lead institution and lead donor. In the programming phase they define the contribution to specific sectors of interest.

On the area of anti-corruption, there are a number of important international actors involved in addition to the EC, both on the policy, monitoring and funding sides (e.g. UN, CoE, OSCE, USAID, UNDP). The management of this assistance has been variable, where members of the international community have at times worked at cross-purposes and with considerable duplication of activity funding. Cooperation between

<sup>18</sup> According to the initial agreement the 2008 project Strengthening Local Self-government (Phase II). Promoting transparency. should have been completed by 28 February 2011. Following consultations with the EUD, it was decided to grant the Project a new extension of four months, until 30 June 2011. With minor exceptions all key Expected Results had been achieved by end June 2011.

<sup>19</sup> Thematic evaluation on the Rule of Law in the Western Balkans and Turkey, Final report, 2013, p. 228

international donors generated also positive results<sup>20</sup>. For example the CoE has contribution agreements with the EU (IPA I and II) and thus has a specific status and conditions for projects, which provides good results as it brings CoE expertise, as observed after the implemented and evaluated IPA 2008 project in Montenegro “*Strengthening Local Self-government (Phase II). Promoting transparency*”. In this project the OSCE drafted a model Code of Conduct for local governments.

The CoE managed ACFA project in Albania has been instrumental in the assessment of gaps in the legal and institutional framework related to anticorruption, and its recommendations form the core of the upcoming Judicial Reform. In Kosovo the PECK Project has been instrumental in assessing the current status of affairs in the fight against corruption using the standards of GRECO and FATF, by providing recommendations and monitoring their achievement (even though Kosovo is not a member of the Council of Europe) in anticipation of the recognition of Kosovo by the international community and official adoption of the EU accession agenda.

CoE projects do not always guarantee good results. There have been instances where the appointed international experts/consultants did not match the requirements for the assistance in terms of either relevant knowledge or experience of the norms and systems of the beneficiary country, thus reducing effectiveness of assistance.

**Box no. 5. Example of international donor coordination gap:**

Project No. 710 in BiH on “*EU Support to the Area of Law Enforcement*” is a clear example of poor coordination after the signing of an *Agreement between the representatives of the prosecutor's offices and police authorities in Bosnia and Herzegovina and the High Judicial and Prosecutorial Council (HJPC) of Bosnia and Herzegovina, resulting in the project Support to judiciary in Bosnia and Herzegovina-Strengthening prosecutors in the criminal justice system*”, with the same approach, implemented by the HJPC " which is supported by the Government of Switzerland through the Swiss Agency for Development and Cooperation (SDC).

### 3.3.4 Impact and Sustainability

#### The prospects for impact and sustainability of the evaluated projects are partly satisfactory

Evaluation of the impact of the involved implemented projects on anti-corruption encounters some practical difficulties as many activities are relatively recent, so a sustainable longer-term impact can only be expected sometime into the future. But the prospects for sustainable impact and after Croatia entered the EU in 2013, are already there and positive since the institutions charged with the implementation of the project results are in place, producing good results. This also applies to the relevant anti-corruption legal frameworks and the division of institutional mandates and responsibilities. Nevertheless, a report of Transparency International, Croatia notes “Croatian citizens are paying a very high price for the fight against corruption. A lot of money was embezzled in various corruption affairs during the past year and now, with their honest payment of taxes, each citizen is financing lengthy investigations and court trials”<sup>21</sup>

Positive impacts of the IPA support and related results can be found in increased institutional capacities of relevant government bodies to investigate and process corruption cases. Good example of that is arrest of former prime minister of Croatia.

Montenegro's corruption ratings have improved in recent years, although some informants believe that such improvements exist only on paper, but do not reflect reality. It would seem rather improbable though

<sup>20</sup> One of the informants indicated that in Serbia a working group on anti-corruption was lead by UNDP/EU/CoE and they provided a letter to the recently elected Serbian prime minister.

<sup>21</sup> Transparency international Hrvatska, Corruption Perceptions Index 2014, Ured TI Hrvatska, Zagreb

to attribute these improvements to the relatively modest IPA support in this area. Positive impact is expected to be achieved in the development of institutional structures through legislation, coordination and capacity building. Commitment from beneficiaries has been variable and gaps remain to be addressed in key areas. The continued cooperation between former Twinning partners and the Police Department is a good example of achieved results by IPA translated into sustainable impact. However, civil society faces a bad situation in Montenegro. Continued IPA support to the development of civil society (service delivery and watchdog function) and the cooperation with government is needed<sup>22</sup>.

A lack of human resources, insufficient budget for investments and ineffective co-ordination between the involved institutions could negatively influence impact. Montenegro's anti-corruption strategy expired at the end of 2014. The main reforms in the area of anti-corruption are outlined in the Action Plan for Chapter 23., where strategic plans have still to be fully been adopted outlining agreed coordination structures and adequate coordination tools. The quality of operations of the new Special Prosecutor's Office (to be established in June) and the planned Anti-Corruption Agency, merging the current Directorate for Anti-Corruption and the Commission for the Conflict of Interest in Montenegro, will serve as an indicator in this respect. Impact and sustainability in the fight against corruption in Bosnia and Herzegovina must so far be seen as quite disappointing, with an overall rating of with "deficiencies". The anti-corruption framework lacks a unified vision of what good performance should look like, or a performance framework around which stakeholders at State and Entity level unite to set goals and targets. As a result, it is very difficult for the anti-corruption stakeholders to manage for results. Because corruption is so pervasive and touches on core interests of important parts of political elite, any programming of serious anti-corruption work is going to have to be based on the mobilization of a broad range of stakeholders who may have somewhat different interests in the issue. This will require time, resources and considerable political will to succeed.

**IPA funding for anti-corruption involved civil society organisations (CSO's)** The EU enlargement strategy underlined the "importance of civil society being able to play its role in a participatory democracy" since 2008 when the European Commission (EC) set up the 'Civil Society Facility' (CSF) to financially support the development of civil society. Gaps and deficiencies in the legal framework influence both the development of the sector and the prospects for success of interventions. For example in Serbia a coalition of CSO's has been formed to monitor the implementation of policies related to the Accession negotiations between Serbia and the EU, with emphasis on Chapter 23 and 24<sup>23</sup>, which include anti-corruption policies.

Under this evaluation two IPA projects related to the support of CSO's were evaluated. The IPA 2008 project (1,000.000 EUR), in Croatia, financed under the Civil Society Facility coordination and implemented between May 2011 and August 2013, to support CSO's in monitoring the implementation of the *acquis* in the field of fight against corruption, delivered the planned outputs. See for example the results of project no. 9<sup>24</sup>. As the EU assistance through this project to support NGO's resulted in service provisions outcomes rather than political or political related advocacy, the IPA 2013 project in Montenegro "Zero tolerance to corruption-anti-corruption non-governmental action delivering European result" clearly aims at increasing the capacities of NGO's to influence anti-corruption policies of the government on investigations and reporting corruption.

**Box no. 6. Example of good results from non-governance-related IPA projects**

Project no. 9. IPA 2008 project in Croatia, *"Enhancing the participation of the CSOs in monitoring the implementation of the EU Acquis in the field of fight against corruption and the overall transparency, openness and accountability of public administration bodies"*,

The collaboration between the Government Office for Cooperation and the participating NGO's has achieved the expected results. CSOs' participation in information-based shaping, monitoring and evaluation of anti-corruption policy implementation has been improved, as well as public awareness raising on the anti-corruption policy of Croatia, with a special focus on conflict of interest prevention.

### Summary of survey of Civil Society Organisations engaged in anti-corruption activities

The survey was distributed to a total of 272 contacts of CSOs dealing with the Rule of Law sector and particularly the sub-sector of anti-corruption. The contact lists of CSOs were kindly provided by CSOs contacted during field visits, by the TACSO Project and by Delegations of the EU in target countries. A total of 30 invited CSOs have responded to the survey, which means that results are largely non-representative and only illustrative for some problems and dilemmas in this field. The majority of respondents come from the former Yugoslav Republic of Macedonia (33%), followed by Montenegro (16.7%), Bosnia and Herzegovina (13.3) and Albania and Croatia (10% each)). Serbia and Kosovo respondents each represented 7.7%, and there was a single respondent from Turkey. Areas of focus of respondent organisations are anti-corruption monitoring or advocacy, while almost half of them are also engaged in policy making or protection of human rights and 72.4% of them have received EU funds before.

Around 22% of respondents believe that the government in their country is creating barriers to the establishment of new anti-corruption and good governance in their countries; 48% state that there are some barriers but not too many. As regards the activities of CSOs and their perceived influence on developments in the field, 53% of CSOs believe that their influence is high, while 30% believe it is somewhat possible to influence developments in their countries. 20% of respondents state that CSO activists were threatened by government, 10% state that CSO activists were physically harmed, while only two respondents state that CSO activists were imprisoned. When it comes to involvement of CSOs in initiatives for reforming anti-corruption policies, 65% see partial involvement of CSOs, while 28% see limited involvement in reforming anti-corruption policies. The contribution of the EU to the strengthening of CSOs in monitoring and reporting on corruption is positively viewed by 36% of respondents, while half of the total sample sees it as a moderate contribution. Support is viewed as effective in the area of monitoring capacities of CSOs for the fight against corruption.

Organisations are generally aware of EU support to the fight against corruption and of possibilities for EU funding to CSOs. CSOs see only a moderate and slight contribution (73%) of EU financial assistance to the achievement of the EU, national and civil society objectives and priorities as regards the **prevention** of corruption, while 51% of CSOs see slightly good achievement of the EU, and 14% do not see any contribution at all to the **repression** of corruption.

The impact of EU assistance overall is seen as being limited to the raising of capacities and the creation of networks of the CSOs dealing with corruption, and the placing of the issue higher on the public agenda. Organisations believe that the main improvement of EU support to anti-corruption is to be achieved by the EU being more transparent and inclusive in programming and contracting funds, and by being more persistent in exercising pressure on public authorities. Some CSOs state that further support to CSOs remains very important.

#### 3.3.5 Overall considerations

### Summary of IPA I performance judgement findings

EU funding has supported important improvements in the institutional frameworks for fighting corruption: better laws, establishment of anti-corruption agencies and special prosecutor's offices, development of strategies, action plans for prevention and repression of corruption, addressing conflict of interest issues in public administration, etc. The big challenge across the region is genuine implementation and results<sup>25</sup>.

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<sup>25</sup> Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans – Lot 3, Berenschot and Imagos Consortium, December 2012.

While corruption ratings have improved somewhat in some of the countries <sup>26</sup>, the Western Balkan states as a whole remain among those with the poorest ratings in Europe. In most countries, corruption is seen as deeply embedded in the national and local politics. In most countries, corruption is pervasive and touches on core interests of important parts of the political elite. Programming of anti-corruption work will therefore have to be based on the mobilization of a broad range of stakeholders who may have somewhat different interests in the issue.<sup>27</sup> The evaluation team endorses these observations.

Overall, **relevance** of the anti-corruption interventions is good, as well as the quality of the programming documents (see list of documents Annex 4) The evaluation has no critical observations with regard to translating the priorities and needs into sectoral programming documents related to the fight against corruption, though better attention could be paid to “prioritization” of priorities, and making the reasons for the selection of projects more clear. The technical aspects of programming at the project level can be strengthened by paying more attention to conditionality and sequencing. For example, major obstacles for anti-corruption projects were the complex, fragmented political environment (BiH) and a lack of political will and absorption capacities as with one evaluated project in Montenegro. Both these problem issues could only be addressed by placing conditionalities before launching the projects. In this perspective technical matters in programming have a crucial role on impacts and sustainability.

**Efficiency** of IPA assistance in the area of anti-corruption is generally rated “good”. The use of Twinning has been appropriate to the needs and capacities of the beneficiaries and has the advantage of direct contacts with EU member states. The use of European peer organisations (exemplified by Twinning), very useful to benefit from EU best practices, as service providers has been cost efficient. In terms of money and financial management the projects delivered results within the originally planned budgets. With a few exceptions in Bosnia and Herzegovina, and Montenegro, planned outputs were normally delivered and within the foreseen time span. In two cases observed weak donor coordination resulted in unnecessary duplication of project activities.

Prospects for the **sustainability** of results are mixed. The changes to formal frameworks such as laws, institutional mandates and responsibilities – these tend to be quite sustainable since they have passed through the appropriate political process of being debated and approved. However – building e.g. a credible Anti-Corruption Agency, and effective Law Enforcement Agencies, is a very different matter. One key problem is adequate staffing and retention of skilled staff in the beneficiary institutions since many institutions experience a constant outflow of qualified staff, often trained with EU assistance. Another sustainability challenge is the level of financial allocations from the state budget to ensure funding for staff and operations and maintenance of infrastructure and equipment required for the anti-corruption institutions to carry out their tasks. These concerns should normally be reflected by conditionalities included in project fiches, but especially when it comes to staffing and infrastructural issues, as for example in the ACA of Bosnia and Herzegovina the answers found so far have not been sufficient for addressing the sustainable challenge.

The field visits to the eight countries in March and April 2015 included meetings not only with public sector representatives but also with representatives from the private (business) sector (e.g. Associations of Employers and Chambers of Commerce). The meetings led to a long list of issues being raised by anti-corruption stakeholders in the eight countries. These issues are detailed in the enclosed Country Summaries

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<sup>26</sup> Based on Transparency’s International Corruption Perception Index 2014 Croatia and Kosovo have remained on the same number of points with Croatia on 48 and Kosovo on 33 points. Albania recorded an increase of 2 points from 31 to 33. Montenegro recorded a fall from 44 to 42 points. Serbia has recorded a fall of one point from 42 to 41 points. Bosnia and Herzegovina had the biggest fall of 3 points from 42 to 39.

<sup>27</sup> Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans – Lot 3, Berenschot and Imagos Consortium, December 2012.



(Annex 2). While different stakeholders were concerned with different matters, across the countries there were issues that frequently came up and which could be considered horizontal issues.

- More attention to prevention of corruption in the private sector is needed, e.g. integrity plans, code of conduct. Main issue with procurement is monitoring of implementation of services/works (e.g. annexes to contracts, changes in specification, etc.).
- Focus IPA more on local government administrations, not only on the state institutions;
- Anti-Corruption strategies had better pay more attention to a limited number of sectors, instead of the current general approach. Indicate clearly what one would like to achieve within two or three years.
- Beneficiaries do not have enough insight into the project budget (e.g. the balance of TA and equipment), there is too little transparency.
- Limited administration in terms of absorption capacities for the implementation of IPA funds, needs more specific projects on specific targets.
- The general public does not receive information about the ACA, and its expectations are higher than can be realised.<sup>28</sup> Therefore, much effort needs to be put into informing them about its mandate (focus on prevention, not on repression).
- A number of stakeholders noted the need for an effective anti-corruption inter-ministerial planning and review cycle<sup>29</sup>. Ministries have contact persons for anti-corruption issue, but these persons do not have the necessary powers or support to provide inputs for anti-corruption plans and policies.
- There is a lack of comprehensive analysis of corruption prone sectors. Health and education are those who are closest to citizens, but others have not been thoroughly analysed (e.g. spatial planning/land reform, property registration system)<sup>30</sup>

Overall, IPA support on anti-corruption is perceived as positive. Still, there are examples where IPA support to anti-corruption did not succeed to achieve planned results (Montenegro, Bosnia) due to weaknesses in the government response but also inadequate planning/overambitious set of results of the projects supported by EU. Due to this issue, it is questionable how effective projects are and what changes (impacts) they will have in the long term. In many cases, there is a lack of local ownership over projects, marking challenges for sustainability. To address corruption effectively it is necessary to pay attention to the following cornerstones of the prevention and repression of corruption:

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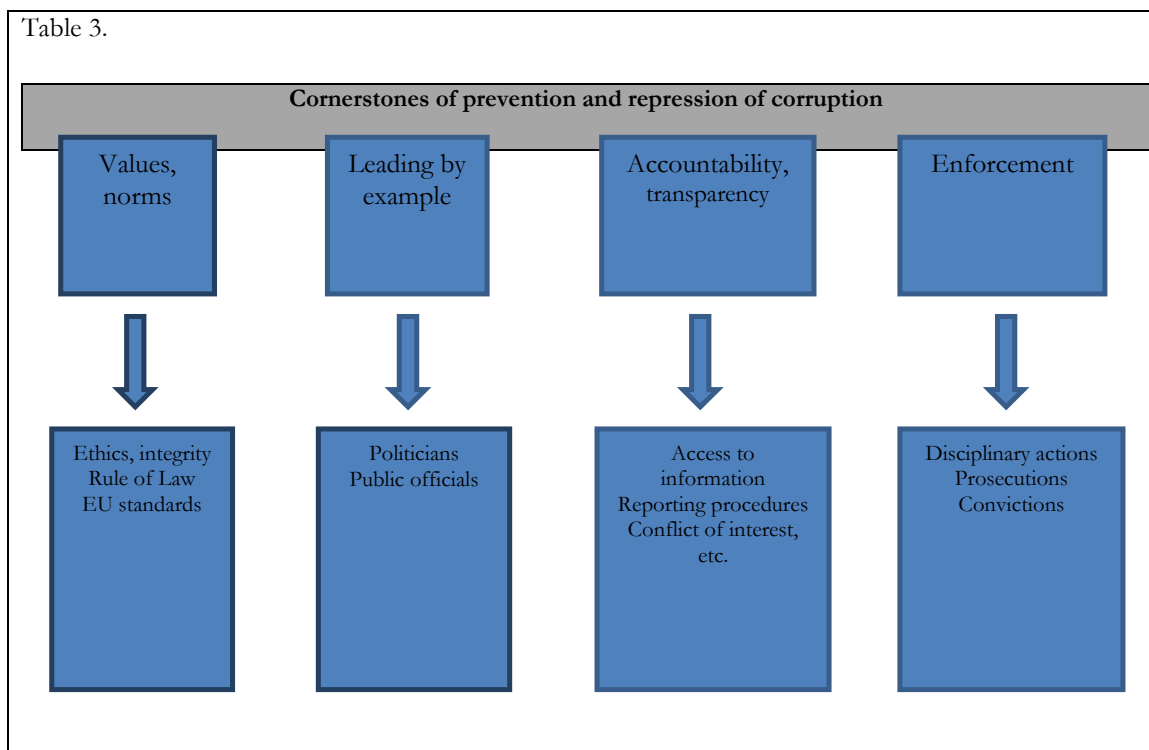
<sup>28</sup> The wording “Anti-Corruption Agency” could give rise to confusion in case the Agency has only preventive tasks as in Serbia and Montenegro. These ACA’s are not involved in investigations, where the general public has the impression that they do. The future agency in Montenegro has the power of administrative investigation; it also launches misdemeanour proceedings, requests from institutions to initiate disciplinary and dismissal proceedings, and it is obliged to cooperate with law enforcement authorities in cases of suspicion of criminal offenses. For this reason ACA’s with only preventive tasks (e.g. training, expertise on risks analysis, reporting on corruption) are sometimes called “integrity bureaux” as in The Netherlands.

<sup>29</sup> This refers to a monitoring and evaluation system of anti-corruption measures, provided that the scope of the monitoring is defined, which is very often not the case.

<sup>30</sup> The Judicial Functional Review in Serbia conducted by the World Bank presents a comprehensive assessment of the current functioning of Serbia’s judicial system, along with options and recommendations to inform Serbia’s justice reform initiatives in view of the requirements of Chapter 23 of the *Acquis Communautaire*. The Functional Review provides the basis for the Serbian authorities to develop their Chapter 23 Accession Action Plan and to update the existing Action Plan for the implementation of the National Judicial Reform Strategy 2013-2018 (NJRS). In doing so, the Functional Review also presents an objective baseline of current sector performance, which enables Serbia to assess the impact of future justice reform initiatives. A similar review is recommended by the evaluators.



Table 3.



While the situation and dynamics in the seven Western Balkan states and Turkey are quite different, in all of them the IPA support has contributed to major improvements to the fundamental institutional and organisational frameworks for the fight against corruption. The relevant laws and formal structures that have been put in place are increasingly in line with EU standards and practices. Anti-corruption training infrastructures have been established to train civil servants, judges and other stakeholders on integrity or ethics within the public administration. In some countries law enforcement systems are performing better by tackling more and more high-level corruption. The role of CSOs as “bureaucratic watchdog” is considered crucial.

However, the evaluators’ main concern is about “leading by example”. In most countries, corruption is pervasive and touches on core interests of important parts of the political elite<sup>31</sup>, which is detrimental in supporting the effects of the other above-mentioned cornerstones, in particular Enforcement. Interviewees referred to experiences with current practices of e.g. public procurement and access to information, being affected by politics. The hold of politicians on institutions and the selection and recruitment of staff was also mentioned, where officials are appointed by politicians and not based on merits. The political and administrative management needs to set a good example by stressing that ethics is an important issue, both in word and deed; in word by regularly emphasizing the importance of ethics; in deed by developing, formally adopting and implementing the organisation’s ethics policy. Most of the IPA projects are relevant to the stated project objectives, but that does not necessarily mean that projects are relevant to influence the level of corruption in a country. Successive EU Progress reports and other corruption monitoring reports over the period 2007-2014 do not indicate substantial progress, despite IPA project support. To fight corruption effectively the EU should do more at the political level, but this goes beyond the scope of the evaluation. But as long as this cornerstone is not adequately addressed, no significant progress is expected.

<sup>31</sup> Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans – Lot 3, Berenschot and Imagos Consortium, December 2012

### 3.4 IPA II Intervention Logic Assessment

The evaluators have based their assessment of the intervention logic of IPA II on the evaluation questions mentioned in the ToR as presented in Annex 1 and on the documents available at the time of the evaluation. At that time Sector Planning Documents for Chapters 23 and 24, and therefore of relevance to the evaluation, could not be assessed for IPA II intervention logic because they were still under preparation. Indicative Country Strategy Papers were available but they are rather general and do not provide the detailed information upon which to assess intervention logic. Nonetheless sufficient information was available to be able to build up a picture of the planning and programming mechanism.

From this, a limited number of what the evaluators consider to be the most strategic issues for the IPA II programming, are presented below.

#### 3.4.1 Albania

The IPA II assistance in Albania is based on IPA II Regulation and Country Strategy Paper 2014-2020 where the priorities have a strong emphasis on the areas where the reforms to meet accession criteria are most needed by translating thus the five criteria set out in the February 2015 High Level Dialogue meeting between EU and Albania authorities. These include *public administration and judicial reform (with a focus on professionalism and de-politicisation)*, *fight against corruption and organised crime and reinforcement of protection of human rights, including property rights*.

The Intervention logic of IPA II in Albania is fully coherent with the Multi-Country Strategy Paper 2014 - 2020, which requires the addressing of the prevention of and fight against corruption as a crosscutting issue that requires action across a number of sectors. The 2014 AP has two Actions, respectively Action 1. - Sector Reform, and Public Finance Management; and Action 4. - Public Administration Reform. Both Actions fit the Objective “a” of IPA II “Support for political reforms” addressing respectively: strengthened fiscal cash registration; strengthened public procurement review function; effective internal control system including functional anti-fraud and anti-corruption mechanisms; strengthened oversight of the budget by the parliament and the external audit institution; greater transparency of the budgetary process vis-à-vis civil society organizations and public opinion (Action 1); and enhanced oversight mechanisms guaranteeing citizens' rights and access to information enhanced (better collection and procession of data; increased capacity by the Commissioner of Civil Service Supervision, State Audit Institution, Ombudsman and Administrative Courts to supervise the public administration); enhanced efficiency of public services through digitalized and integrated delivery (Action 4).

The fight against corruption is linked to good governance and law enforcement sectors, which are part of the IPA 2015 and 2016 programming. At this stage of the IPA II Programme the SPD for the Judiciary sector, which should provide a clear definition of Objectives, Activities and cost estimations for anticorruption measures, is not prepared (only the Action Programme 2014 is defined) therefore it is not possible to assess the adequacy of the financial package for the whole IPA II Actions related to the fight against corruption. The indicative budget allocation for Rule of Law and Fundamental Rights in the CSP is 14.9% of the total for the country but this also includes other areas as well as anti-corruption. A TA project for fight against corruption is being planned under IPA 2016 combined with sector budget support.

#### 3.4.2 Bosnia and Herzegovina

Due to difficult administrative and political context in Bosnia and Herzegovina, majority of strategies for different sectors relevant to EU accession were adopted at state level but have already expired (e.g. the PAR strategy, Anti-corruption strategy, etc.) and there is no country-wide support to their renewal or update. The Indicative Country Strategy paper refers to these strategies. However, as most strategies in Bosnia and Herzegovina are not harmonised and do not provide for a countrywide implementation of the EU acquis, some of the strategies will need to be updated for IPA II (e.g. the anti-corruption strategy). Also, former

EU assistance delivered a number of draft strategies (e.g. the country development strategy, the SME development strategy); however there is no political agreement to adopt and implement them. Specifically, the lack of a nation-wide agreed state strategy and action plan on anti-corruption or sector planning documents makes it difficult to further elaborate the areas of assistance, and this is the main weakness on the Bosnian side. In line with the Structural Dialogue agenda, the EC “reminds that all the previous sets of recommendations that still require implementation remain valid, and must be followed-up, without further delay”.<sup>32</sup>

As Bosnia and Herzegovina is still far from the application for the official status of a member state in the Union, the chapter 23 discussions have been so far rather general and no concrete action plans were developed. As the IPA II generally puts a strong emphasis on the segment of Rule of law and fundamental rights, also Bosnia and Herzegovina has to ensure that its judiciary is independent, impartial, efficient and accountable, and that its law enforcement agencies have the capacity and support to fight corruption and organised crime. The country strategy paper takes note of these challenges. IPA II will focus on enhancing the effectiveness, accountability and the efficiency of the judiciary, enhancing justice for citizens, fighting against organised crime and corruption, prosecuting war crimes, and on the enforcement of fundamental rights. However, the Chapter 23 is not directly mentioned, even though among the indicators the document mentions the progress made towards meeting accession criteria as one of the indicators to measure performance of IPA II in this field.

#### **3.4.3 The Former Yugoslav Republic of Macedonia**

One of the country’s five strategic objectives is to fight corruption and crime, and implement laws efficiently, which coincides with the sector objective for IPA II assistance to improve rule of law and good governance. With regard to corruption the objective is specifically to improve the effectiveness of the fight against corruption and organised crime, with results to be achieved including a notable decrease in corruption, demonstrated by a solid track record of prevention and suppression, and a solid track record in the fight against organised crime.

The Government of the former Yugoslav Republic of Macedonia, through the Secretariat for European Affairs, prepared the National Program for adoption of the *acquis communautaire* 2015-2017 in December 2014. This program foresees the following: preparation of a Strategy and Action Plan for further development of the judiciary (2015-2019) (foreseen by May 2015); Preparation of an assessment report on the performance and responsibilities of the Council of public prosecutors; Analysis of the current procedure for the assessment of the performance, promotion and the disciplinary procedure for public prosecutors (foreseen by May 2015).

Assistance will be provided to improving the all-important track record of investigations, prosecutions and convictions, as well as the effectiveness of penalties imposed necessary for providing tangible evidence of solid progress to the EU; further developing the integrity concept within the public and private sector and supporting the implementation of mechanisms for whistle-blower protection. Assistance will help to strengthen the transparency and accountability mechanisms within the public and private sector, as well as political parties; strengthen the checks and balances within the judiciary and law enforcement agencies; improve cooperation between the various bodies involved in the fight against and prevention of corruption and involve the non-governmental sector and citizens in the implementation of anti-corruption policy, improving policy-making, monitoring and evaluation capacities of relevant state and non-state institutions.

The identified risks are lack of sufficient human and material resources, independence of institutions, separation of powers, freedom of expression and media, as well as respect for the rule of law in general can

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<sup>32</sup> Plenary meeting of the “Structured Dialogue on Justice and Additional Rule of Law Matters between the EU and Bosnia and Herzegovina, Sarajevo, 13-14 May 2014, Recommendations by the European Commission.

be mitigated through continuing to put these issues high on the EU agenda, e.g. in the context of the HLAD. A lack of sector cooperation and coherence in the reform process can be addressed by assisting the government in the formulation and implementation of comprehensive sector strategies and through the use of the sector approach.

The indicative EU assistance budget for rule of law and fundamental rights for the period 2014-2020 is EUR 83.0 million. The mode of implementation will be a mix of Twinning, service, supply, works and grant contracts, implemented under direct and/or indirect management, plus additionally TAIEX for ad hoc and short-term technical assistance. Budget support may be considered once the necessary conditions have been met. IPA multi-country programmes will complement reforms in all areas.

Importantly there will be a greater use of indicators such as the Composite indicator Global Corruption (TI) and Control of Corruption (WB) with a stated baseline of 47.83, and the progress made towards meeting accession criteria provided by the annual Progress Report of DG NEAR.

The beneficiary considers the new system is better for planning. IPA II allows different modalities to be used and thus EU assistance resources can be more efficient/effective. It decided to establish a DIS system using a national structure that is already in place. The workload (planning/programming) is probably the same but it allows better organisation and use of resources.

The challenge for the EU will be to convincingly “market” the notion that accession remains desirable and possible within the immediate future. This is probably the greatest factor influencing political will, which is crucial.

#### **3.4.4 Kosovo**

The Kosovo IPA II Action Programme (AP) 2014 addresses the political criteria requirements related chapter 23 and 24 for “establishment of an independent and efficient judiciary” through “a solid legal framework and reliable institutions” and “respect for fundamental rights” set as priority two in the National Strategy for European Integration 2013–2020. Actions related to the fight against corruption are focussed on increasing the efficiency of Judiciary and Prosecutorial system by improving the Legal framework and bringing it closer to EU standards; strengthening staff capacities for implementation /enforcement of Laws, which is identified as a priority in several strategic documents. The prevention and fight against corruption has been addressed through two direct Actions, respectively Action 6 “PACA Phase 2” and Action 7 “Strengthening the capacities of the Judicial System in Kosovo” (total 6.4 million Euro) to be implemented over a relatively long time frame of 2-3 years. Action 6 is an assessment type project, therefore it is not subject to analysis by the Beneficiary, while Action 7 is a CB type project and as such it takes into consideration the capacity gaps of the Beneficiary in terms of staff numbers and skills in the various sectors where the assistance is targeted.

The two Actions are highly relevant to achievement of the objectives to develop the Legal Framework of the Judiciary sector in accordance with EU standards by assuring efficient security and justice in Kosovo. Project design is very good regarding the intervention logic, with activities, results/outputs and outcomes. Being clearly defined. There is a lack of cost analysis details in the AD, and the prospects for effectiveness very much depend on the political will of the government to commit adequate resources and push the reform process. However, the efficiency of the donor coordination system and the likely timely approval/adoption of legislation by the Kosovo Assembly are favourable to the programme environment.

#### **3.4.5 Montenegro**

In Montenegro the priorities identified for the implementation of the "new approach" to the area of rule of law, in line with the Negotiating Framework for Montenegro will be addressed. It includes the anti-corruption and police cooperation and areas which are also covered by Chapter 23 (Judiciary and fundamental rights). As regards the fight against corruption, the Indicative Country Strategy paper

emphasizes the need to further improve and strengthen its legal and institutional framework for the prevention and repression of corruption and enhance its overall capacity to effectively implement and monitor all measures foreseen in the pertinent strategic documents and action plans. Reforms in the area of prevention of corruption should aim at putting in place effective systems for preventing conflicts of interest as well as for controlling asset declarations of public officials and political party financing. A priority reform in this respect is the establishment of a new Anti-Corruption Agency and of a Special Prosecutor's Office for the fight against corruption and organised crime. These priorities are well covered by the above-mentioned ongoing IPA 2012 EU RoL project and the Action Plan for Chapter 23. The new Anti-Corruption Agency is scheduled to be established in 2016 as indicated in the Country Strategy Paper the overall related performance indicators are sufficiently elaborated.

#### **3.4.6 Serbia**

The Indicative Country Strategy Paper for Serbia (2014-2020) sets out objectives (and relevant indicators) for assistance to fight against corruption. However, Serbia has not yet adopted the Sector Planning documents for fight against corruption, so it is not possible to establish the link between the Indicative Strategy Paper and these documents. Still, comparative analysis of the results framework set out in the Indicative Country Strategy Paper and the Needs Assessment Document for Republic of Serbia (NAD) shows that the IPA II paper follows the needs as defined in the NAD.

The Indicative Country Strategy Paper provides a good overview of the state of play and needs in the rule of law sector, and particularly in the field of fight against corruption. The document lays out a comprehensive set of objectives and related indicators. Indicators are set on the impact level and may be useful to measure overall achievements in the area of fight against corruption in Serbia.

In terms of financing, the IPA II envisages different types of support to the sector, including, but not limited to twinning, technical assistance, supplies of equipment and possibly also through calls for proposals and direct grants to relevant national authorities. Sector budget support can be considered from 2015 onwards especially to support the public administration (PAR) and/or public financial management reform, provided that Serbia meets the four pre-conditions for sector budget support. This is important, as such approach will provide good floor for further capacity building in the sectors of importance to fight against corruption (PAR, public financial management reform, etc.). The Document also puts possibility of financing Serbia's contribution for its participation in the following EU programmes: Hercule III (promoting activities against fraud, corruption and any other illegal activities affecting the financial interests of the Union), Pericles 2020 (protection of the euro against counterfeiting), Fiscalis 2020 (contributing to the fight against tax fraud and revenue collection) and Customs 2020.<sup>33</sup>

Specifically, the Indicative Country Strategy Paper states "implementation of the Government's anti-corruption strategy and eventually the future action plan to be devised under Chapter 23 will receive IPA II assistance. A specific focus will be on a cross-sector approach, the principle of participation, knowledge transfer and "zero tolerance" to corruption. Protection of whistle-blowers will be supported as well."<sup>34</sup>

Review of the available IPA II strategic documents shows that main areas of support have been tackled and appropriate overall actions are envisaged. It will be important that these are translated appropriately in the Sector Planning documents. At the time of the evaluation (March 2015) Serbia was in the process of opening negotiations for Chapter 23, preparing a third version of the Action Plan for Chapter 23 (Judiciary and Fundamental Rights). The Serbian European Integration Office (SEIO) acts as the focal point with regards to EU funding. The Director of SEIO is the National IPA Coordinator (NIPAC).

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<sup>33</sup> European Commission (2014); Indicative Strategy Paper For Serbia (2014-2020), Brussels, p. 17

<sup>34</sup> Ibid, p. 21

The IPA 2013 - Support to implementation of the Anti-corruption Strategy 2013-2018 has not started yet and is in the procurement phase. The project will have two components, one Twinning Project directed to Anti-Corruption Agency, and a service contract. The project is broad and system based, it includes working with a variety of actors, from justice sector but also health, education, CSOs, etc. Besides TA, the project will also include surveys and research on a number of areas. Its broad results framework also allows for adjustments and further inputs once the project is underway, which is allowing also for flexibility of intervention under changing context for anti-corruption in the country. So far there are no plans for any projects after IPA 2013. The experiences and lessons learned/priorities from the implementation of this project will have to be assessed first.

#### **3.4.7 Turkey**

In Turkey anti-corruption doesn't fit with Justice, PAR or Home Affairs, so it is treated as a separate sub-sector. The structure of Turkish institutions does not favour the new sector approach.

Areas identified as requiring further activities include following-up the 2010-2014 national strategy and action plan and those areas identified by SIGMA and GRECO.

Turkey needs to step up its anti-corruption efforts and measures, strengthening both preventive and repressive standards as part of improving its anti-corruption policy development and implementation. It needs to extend the code of conduct to cover the legislature and the military. Turkey should also follow up recommendations issued by the working groups set up as part of the national anti-corruption strategy, such as conducting annual country-wide corruption perception surveys and establishing comprehensive tracking of data on corruption. Action is being taken regarding the tracking of data on corruption, and in 2015 the Council of Ethics has started publishing the ethical violation decisions of senior public officials on its website in order to raise public awareness of some of the unethical practices in public agencies of the Turkish authorities.

Civil society can play an important role as a watchdog, helping to promote transparency in this area. A component under the TYEC2 project held workshops to discuss the possible cooperation areas and modalities between the Council of Ethics and civil society organisations that are active in the field of ethics. Currently a multi-country project, Strengthening National Integrity Systems in the Western Balkans and Turkey, aims to include 15 civil society organisations per country among stakeholders. Under IPA II the Council of Ethics for Public Officials is to implement a project "Prevention of Corruption and Promotion of Ethics in Turkey", which has a specific focus on increasing the capacities of civil society to combat corruption in Turkey. Much work has to be done. Among the 30 respondents to the questionnaire survey of civil society organization conducted by the project, there was just a single respondent from Turkey.

Turkey has ratified major anti-corruption conventions over the last years and has worked to implement its 2010-2014 national strategy and action plan in this area. The circumstances in the country mean that anti-corruption is a very sensitive matter at present and a new national strategy and action plan is unlikely to be issued prior to the June national election. Once adopted, they will be the key strategic documents.

Various institutions are involved in the democracy and governance sector and there is neither one specific sector lead institution nor a comprehensive strategy covering public administration reform, *acquis* alignment and regulatory reforms. The main institutions in the anti-corruption field are the Prime Ministry Inspection Board and the Council of Ethics.

As part of the new sector approach to the programming and delivery of IPA assistance, the EU is concerned that large volumes of funding such as the 620 MEUR being provided annually to Turkey are too big to manage on a project-by-project approach and would be better managed using a sector budget support (SBS) mechanism. In discussions with the EUD Ankara the Turkish authorities have expressed reservations about the SBS mechanism, influenced by previous experience of a similar mechanism with an IMF loan when the conditions were rigorously enforced.

After the elections a transparency package could be one of the pillars of relevance to the Chapter 23 working group.

## 4. Overall Conclusions (Lessons Learned)

### 4.1 IPA I Performance Judgement

#### Relevance and Coherence

1. Relevance of the IPA anti-corruption interventions is good, as well as the quality of the programming documents. However, better attention could be paid to ordering the list of priorities e.g. “high”, “medium”, “low” or according to timeframe, and making the reasons for the selection of projects more clear.
2. Sometimes the conditions agreed to by the beneficiaries in the beginning of a project are not met, or are gradually becoming void as implementation advances.
3. The length of the interval between programming and the actual start of the implementation of projects is inefficient and can result in the relevance being “dated” and, if not addressed, can affect effectiveness of projects.
4. The business sector (e.g. Association of Employers, Chambers of Commerce) has not been sufficiently represented in IPA support to the prevention of corruption so far.

#### Effectiveness

5. Although overall EU funding has supported important improvements in the institutional frameworks for fighting corruption: better laws, establishment of anti-corruption agencies and strategies, action plans for prevention and repression of corruption, addressing conflict of interest issues in public administration, etc., genuine implementation and results is still the big challenge for the beneficiary countries.
6. Virtually all beneficiary institutions have laid down a foundation for their anti-corruption strategy and policies, integrity plans, regulations, etc., but that is not enough.
7. Systematic and in-depth corruption risk analyses covering all corruption prone sectors were rarely found apart from developed models for the implementation of risks analysis. There is usually no specific *intra*-ministerial monitoring of compliance with integrity plans. Public information campaigns organized by individual ministries are not always embedded in a government wide overall anti-corruption communication strategy, which clearly indicates the timing, priority sectors, target groups, message, communication instruments and budget, with the risk of uncoordinated, badly prepared public information activities with insufficient impact.

#### Efficiency

8. The assessed projects largely produced their planned outputs within the foreseen timeframe but in a few cases suffered from inadequate attention to context (e.g. absorption capacity) and sequencing) and conditionalities (e.g. that a body be established and adequately staffed prior to the implementation of assistance).
9. Efficiency of IPA assistance in the area of anti-corruption is generally rated “good”. Particularly, the use of Twinning has been appropriate to the needs and capacities of the beneficiaries and has the advantage of direct contacts with EU member states.
10. There are instances of overlaps/duplication in anti-corruption project implementation activities by bilateral and multi-lateral donor organisations.
11. On occasions some resident project leaders and international experts were not fully familiar with the subject matter and the country context, limiting their ability and readiness to discuss matters of substance with the beneficiary institutions.



### **Impact and Sustainability**

12. The observed lack of political will or even obstruction in a few cases is detrimental to the expected results of IPA support, undermining the credibility of the assistance.
13. Results had mixed prospects for sustainability where this depends on adequate financial resource, staff and infrastructure from the national authorities.
14. Longer, more flexible projects are seen as producing more impact, in particular where various inter-related anti-corruption institutions and experts are involved.
15. The performance of assistance was sometimes compromised by unsatisfactory impact and sustainability due to low-level follow-up of recommendations of preceding projects.

### **IPA II Intervention Logic Assessment Conclusions**

1. IPA II programming is at an early stage and at the time of the evaluation the IPA beneficiary institutions were unclear about implementation of the IPA II (Regulation (EU) No 231/2014 and Regulation (EU) No 236/2014) related to the principles and quality of preparation for the IPA II Programming process (Programming Documents – Country Strategy Papers, Sector Planning Documents and Action Documents). Building capacity in the beneficiary institutions through training and information sessions takes time, and the EU Delegations are leading the process using programming instructions that have been developed.
2. The restricted availability of Sector Planning Documents for Chapters 23 and 24, which were still under preparation at the time of the evaluation, limited the assessment of the intervention logic of IPA II assistance to the fight against corruption.
3. Overall Indicative Country Strategy Papers focus on priorities/objectives for each of five priority areas identified in the IPA II Regulation.
4. The objectives of Action Documents adequately address the Chapter 23 and 24 priorities set out in the most recent Strategic Documents but a lack of Sector Strategies prevents identification of the links between Sector Strategies and Action Documents.
5. Different approaches are to be used in the various countries to implement actions to fight against corruption because anti-corruption is not a stand-alone sector. For example Albania is to address it as a crosscutting issue, whereas Kosovo is to address it through direct interventions.
6. A mix of modalities is planned for implementation of IPA II Action Programmes where service and Twinning contracts prevail. Sector budget support is an additional modality that will be available to each country, if it is considered sufficiently developed and meets eligibility criteria. An anti-corruption component of a project for Public Financial Management reform in Albania is expected to be the first anti-corruption action to be implemented under the EU Sector Budget Support Programme.

## **5. Recommendations**

The IPA beneficiary countries are at quite different stages of their Rule of Law development and accession dialogue with the EU and their levels of progress on anti-corruption efforts are quite different, thus the actual relevance of recommendations may vary from one state to another. Therefore, recommendations in this report are subdivided in the following way:

- a) key elements for IPA anti-corruption support.
- b) technical issues on IPA II programming.

### **A. Recommendations of key elements for IPA anti-corruption support**

#### **Relevance and Coherence**

##### **Recommendation 1.**

The presence of conditionalities in programming documents, in terms of political support and goals to be fulfilled, staffing and other resources that are to be guaranteed throughout the life of a project, can be seen as a useful way of applying appropriate pressure on beneficiaries to be well-prepared for the start of project implementation to ensure that it proceeds to plan. The Commission should make clear that careful attention should be paid to how and when to use conditionalities, because including them indiscriminately in programming documents can be risky. If conditions are not right at the time of programming, it is better to not programme the action being proposed.

##### **Recommendation 2.**

Recognising the value of adapting projects to needs due to a changing situation, the Commission should encourage the building-in of the maximum amount of flexibility allowed in programming documents, according to procedures, in order to avoid making an implementation “straightjacket” for project actions.

##### **Recommendation 3.**

The Commission should continue to take responsibility for organising regular consultation and coordination meetings among donors, especially before and during the programming phase, to achieve coherence and to avoid duplications.

##### **Recommendation 4.**

The Commission should give more attention to the prevention of corruption in the (semi-) private sector, e.g. ethics, code of conduct, internal controls. It should be more proactive in achieving the participation of relevant private sector representatives among beneficiary partners in anti-corruption actions. A starting point might be collaboration with organisations such as the Organisation for Economic Co-operation and Development, Eurochambres and the European Training Foundation.

#### **Effectiveness**

##### **Recommendation 5.**

The Commission should focus attention on assisting anti-corruption bodies of national governments with the practical implementation of the anti-corruption strategies and policies they have developed. It is important that these implementation actions are their own and have coherent objectives, are appropriate to the context of the respective countries, and that they accord with international anti-corruption standards and best practices.

*In relation to this recommendation, the evaluators developed a more detailed sub-set of recommendations and they are listed in Annex 9.*

## **Efficiency**

### **Recommendation 6.**

The Commission should always take into consideration the quantity of staff available to participate in project implementation and the probability of their turnover when planning projects.

### **Recommendation 7.**

The Commission should ensure that resident project leaders and international experts are fully familiar with the subject matter and the local situation, and are ready and able to discuss matters of substance with beneficiary institutions.

## **Impact and Sustainability**

### **Recommendation 8.**

In order to beneficially influence the political will of beneficiaries, the Commission should take every opportunity to link policy dialogue and financial assistance.

### **Recommendation 9.**

Recognising that longer-term projects (circa three years) can produce good results in dealing with reforms associated with anti-corruption, the Commission should continue to allow their programming but with annually designed and approved activity plans. A good approach can be for a small group of experts to implement a project over the longer-term as demonstrated by the series of EURALIUS projects. In the case of Twinning projects the benefits of counterpart public bodies working together might be consolidated by follow-up of the assistance being provided by the same Member State counterpart, if they have the capacity and experience.

### **Recommendation 10.**

The Commission should ensure that stakeholders undertake ex-post monitoring of the utilisation of project deliverables. In the case of Twinning projects, ex-post visits of Resident Twinning Advisors to review progress, might be formally adopted as standard practice.

## **B. Recommendations of technical issues for IPA II programming**

To improve the programming, design and implementation of IPA anti-corruption projects the European Commission should consider implementing the following recommendations:

### **Recommendation 1.**

The European Commission should continue to assist beneficiaries strengthen their capacities to develop sound Sector Planning and Action Documents in compliance with IPA II Regulations.

**Recommendation 2.** The European Commission should continue to take steps to ensure EU Delegations, NIPACs and leading institutions include indicators that are SMART and context specific at all levels of IPA support. Indicators (and logframes) should be carefully reviewed on a regular basis and they should be open to change. The lower the level, the greater is the need for flexibility and adjustment based on continuous monitoring (Country Strategy Papers are at the higher level, Action Documents, being detailed, are at the lower level).

**Recommendation 3.**

The European Commission should continue to assist beneficiaries of anti-corruption actions to select implementation approaches and related activities, which are most likely to produce the optimum impact in the fight against corruption for the beneficiary country.

**Recommendation 4.**

Where anti-corruption actions are planned to be programmed under Sector Budget Support by a beneficiary, in addition to providing guidance and instructions for its implementation, the European Commission should encourage similar beneficiaries that are already implementing anti-corruption actions under Sector Budget Support in other IPA countries, to record and share their experiences and lessons learned with that beneficiary.



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Annex 6. Organisations of influence in the fight against corruption

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Financial Action Task Force (FATF)

Group of States against Corruption (GRECO)

Transparency International (TI)

United Nations Office on Drugs and Crime/ United Nations Convention against Corruption

The World Bank - Worldwide Governance Indicators

Annex 7 Results of the Survey of Civil Society Organisations Engaged in Anti-corruption Activities

Annex 8 List of Projects Referred to During the Evaluation

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## 1. Terms of Reference



**SPECIFIC TERMS OF REFERENCE**

**Thematic evaluation on IPA support to the fight against corruption FWC COM 2011**

**LOT 1 –**

**REQUEST FOR OFFER N 2014/348-486 Version 2**

**1. CONTEXT AND BACKGROUND**

**1.1 Context**

The Rule of Law is the backbone of democracy and a main principle founded on the common constitutional traditions of all Member States. It has progressively become a dominant issue of fundamental importance for the EU. The sector is at the heart of DG Enlargement policy and assistance in 2014-2020<sup>1</sup>, where clear emphasis is placed on the "fundamentals first". Fighting corruption is fundamental to countering erosion of the political, legal and economic systems. In most enlargement countries there is a need for inclusive,

transparent and ambitious judicial reforms with the aim of ensuring independent, impartial, efficient and accountable judicial systems. There is also a need to establish stronger frameworks for tackling corruption, which remains a serious concern in many enlargement countries.

The "new approach", endorsed by the Council in December 2011, requires that countries tackle judicial reform and the fight against organised crime and corruption at an early stage of the integration process/ accession negotiations. This maximises the time to develop a solid track record of reform implementation. The implementation of the new approach in the accession negotiations in Chapter 23 Judiciary and Fundamental Rights and Chapter 24 Justice, Freedom and Security is a challenge in all Western Balkan (WB) countries and Turkey. It is applied in Montenegro and Serbia and continues with other enlargement countries to prioritise the rule of law through targeted dialogues. The Commission's High Level Accession Dialogue with the former Yugoslav Republic of Macedonia continues to address rule of law issues. A number of the key priorities of the Commission's 2010 Opinion setting out the conditions for the opening of accession negotiations with Albania concern the rule of law; also discussed in the framework of a High Level Dialogue. The Commission supports judicial reform through its Structured Dialogue on Justice with Bosnia and Herzegovina and holds a Structured Dialogue on the Rule of Law with Kosovo\*, focusing on the fight against organised crime and corruption and reform of the judiciary. The rule of law is also a priority under the positive agenda with Turkey. Efforts are needed to ensure a sustained track record of substantial results in this field based on efficient, effective and unbiased investigation, prosecution and court rulings at all levels, including high level corruption.

The implementation of the enlargement policy is supported by the Instrument for Pre-Accession Assistance (IPA). Under IPA I more than EUR 80 million were provided in the sub-sector anti-corruption and fight against corruption in the enlargement region.

Under IPA II (the successor of IPA I), the rule of law and the fight against corruption will be a key priority in all countries. The reforms supported through IPA II both at national and regional level will be focused on developing independent, efficient and professional judiciaries; supporting the development of a strong network at national and regional level, and establishing a track record of implementation in the fight against organised crime and corruption. This includes prevention measures and providing law enforcement bodies with effective legal and investigative tools; specifically the capacity to conduct financial investigations.

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<sup>1</sup> Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2013-2014, COM(2013) 700 16.10.2013

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

IPA II instrument is designed to deliver financial assistance under a more strategic and longer term approach focusing on priority sectors. The Country Strategy Papers (CSP) and the Multi-Country Strategy Paper (MCSP) are the overarching strategic planning documents from which priorities and objectives of individual programmes derive.

CSPs set the frame for financial assistance over the period 2014-2020, to prepare the ground for Action Programmes; to identify priorities and sequencing for the reforms and investments and to ensure a coherent and consistent approach in line with the enlargement agenda. Similarly, a Multi-Country Strategy Paper defines priorities and conditions for achievement at regional level for multi-beneficiary programmes and for territorial cooperation programmes.

Proposals for financial assistance are, in the first instance, itemised in Action Documents both for Country and Multi-Country Programmes. Country Action Programmes are the main vehicles for addressing specific country needs in priority sectors, as identified in the multiannual Country Strategy Papers. Therefore, the bulk of the assistance to IPA beneficiaries is channelled through the Country Action Programmes, which must be consistent with the overarching priorities set out in the CSPs/MCSP. Multi-Country Action Programmes are designed to complement the Country Action Programmes. Areas of assistance will only be addressed through the Multi-Country Action Programmes where there is a clear need for regional cooperation or horizontal action, e.g. tackling cross-border problems, achieving efficiency by establishing harmonised approaches or facilitating networks of experts. Where appropriate, Action Documents will summarise planned interventions (either fully or in part) highlighted in the existing sector specific documents, i.e. Country Sector Programmes owned by the Beneficiaries (in the case of fully-fledged Sector Support) or Sector Planning Documents specifically designed in the context of IPA. The intervention logic will be the backbone of a robust action aiming to fulfil strategic results and therefore building a solid intervention logic should be the primary objective of programming IPA II actions (in the context of a sector support action, an exercise to be already carried out as part of the Sector Planning Document).

The fight against corruption under IPA II is conceived as a sub-sector mainly within the sector Rule of law and fundamental rights with links to the Public Administration Reform, Civil Society sub-sectors within the sector Democracy and Governance. Implementation is envisaged through different types of financing (including a sector budget support in some countries) and types of programmes options (annual, combined annual).

In the light of the above-mentioned changes and challenges, **DG Enlargement undertakes a thematic evaluation on IPA support to fight against corruption** in the enlargement countries. It addresses the need to generate comprehensive and updated knowledge about the performance of IPA I in the chosen thematic area and improve the quality of the budget expenditures under IPA II framework.

Some recent evaluations of the performance of EU assistance in the justice, rule of law and fight against corruption and organised crime<sup>2</sup> (partially covering IPA I assistance) in the Western Balkans and Turkey, commissioned by DG Enlargement, were finalised in 2012 and 2013. The current assignment follows-up the previous thematic assessments which concluded that EU assistance was effective; acting as the most prominent support in the enlargement countries and yielding the most sustainable results.

In addition, it is a response to the European Parliament's strong interest on the budgetary management of European Union pre-accession funds in the areas of judicial system and the fight against corruption. It follows the recommendations, expressed in the European Parliament Report<sup>3</sup> that the rule of law needs to be a priority sector; entailing significant financial resources and measures; bringing a higher degree of ownership for the beneficiaries.

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<sup>2</sup> Thematic evaluation of EU's support to strengthening Governance, Rule of Law, Judiciary Reform and Fight against Corruption and Organised Crime in the Western Balkans  
[http://ec.europa.eu/enlargement/pdf/financial\\_assistance/phare/evaluation/2013\\_final\\_main\\_report\\_lot\\_3.pdf](http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2013_final_main_report_lot_3.pdf)

<sup>3</sup> Report on budgetary management of European Union pre-accession funds in the areas of judicial systems and the fight against corruption in the candidate and potential candidate countries (2011/2033(INI)) Committee on Budgetary Control, Rapporteur: Monica Luisa Macovei

The evaluation is necessary also from the perspective of the "evaluation first principle"<sup>4</sup>, requiring a comprehensive evaluation on the performance of policy, instruments, and programmes in the context of planning new interventions/amendments to the current framework.

## 1.2 Background

### Background information in the region and main issues at stake Albania

Corruption is prevalent in many areas of public life and constitutes one of the major challenges Albania is facing. The high level of corruption results in a low level of public trust in the judiciary. Deficiencies in the legal and normative framework are conducive to corruption. The track record shows that convictions and proactive investigations in the area of corruption remain low at all levels. A holistic approach requires establishing a robust institutional framework that prevents corruption, by improving the inter-agency co-operation and co-ordination, strengthening internal control mechanisms, verification of asset declarations, and control over political party financing. Particular attention needs to be put to tackle corruption in vulnerable areas, such as public procurement, health, taxation, education, police, customs and the local administration. The institutional setup needs to be substantially strengthened; both in terms of staff and in terms of respecting the full independence of law enforcement and judicial bodies dealing with investigations into corruption cases.

IPA I assistance focused on key institutional reforms and capacity building of the various judiciary actors, primarily through assistance to the modernization of the justice system (EURALIUS projects) and assistance to the development and monitoring of anti-corruption policies, strategies and tools (joint EU-Council of Europe project on the fight against corruption, twinning on the fight against money laundering, assistance through the EU police assistance project PAMECA to the High Inspectorate for the Declaration and Audit of assets). Furthermore, a number of infrastructure projects have considerably increased the capacity of the penitentiary system to comply with international standards and support civil society organisation active in the field of transparency. The overall institutional and legal framework for the fight against corruption in the country is currently assessed (through a framework contract). Two IPA 2013 twinings in the sectors are also in the pipeline.

Under IPA II, the fight against corruption is predominately addressed in the 'Justice and fundamental rights' sector, though a lot of emphasis is given in the Governance and Democracy sector (Public administration reform). The assistance to justice reforms and fight against corruption will possibly be tackled through **sector budget support** whenever the conditions for its implementation are met. Before eligibility is established, service contracts, twinning and other<sup>5</sup> will be used to deliver the assistance. With respect to the conditions for sector support, there is an approved justice sector strategy for 2010-2015, which will be revised, while an action plan for the period after 2014 still needs to be drafted. The updated strategies are going to be part of the National Strategy for Development and Integration 2014-2020. Similarly, it is expected that there will be a strategy for the prevention and the fight against corruption; meanwhile, an anti-corruption strategy and an action plan are under draft and should be approved in summer/autumn 2014).

The lead Ministry in the justice sector is the Ministry of Justice. The lead Ministry for the fight against corruption is the Ministry of State on Local Issues and National Coordinator on Anti-corruption

### Bosnia and Herzegovina

As a potential candidate, Bosnia and Herzegovina has to ensure that its judiciary is independent, impartial, efficient and accountable, and that its law enforcement agencies have the capacity and support to fight corruption and organised crime. While there have been improvements in judicial efficiency, a large backlog of civil and criminal cases remain. Moreover, non-harmonised criminal and civil court practice and weaknesses in enforcement impair the judiciary. The fractured budgetary organisation and interferences by

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<sup>4</sup> COM (2013) 686, 2.10.2013

<sup>5</sup> For instance from multi-beneficiary assistance or TAIEX

other branches of government undermine its independence. Similarly, there are concerns on the efficiency and independence of the law enforcement due to undue political influence on operational policing, patronage and corruption. The insufficient cooperation between law enforcement agencies and prosecution services impairs their ability to fight corruption, economic and organised crime.

A lesson learned from the programming and implementation of IPA I is that political commitment and ownership of the reform process is an indispensable precondition for success. In view of this lesson, and in accordance with the Paris declaration on aid effectiveness, support will be based on Bosnia and Herzegovina's own sector reform strategies. Where such strategies do not exist, IPA II will support the development, the adoption and the implementation of the strategies.

Corruption remains a serious problem in Bosnia and Herzegovina's public sector and to justice and home affairs. Therefore with IPA II the fight against corruption will be targeted both in the sector of Democracy and Governance and the sector Rule of law and Fundamental rights. In the public sector, it is planned that the assistance will stimulate and enforce integrity and prevent corruption. In the rule of law sector, IPA II will support strengthening the fight against organised crime and corruption through a better preparation of law-enforcement institutions to address economic and financial crime.

The most significant strategy in the sector of Rule of Law is the Justice Sector Reform Strategy and its accompanying action plan, which expired in December 2013. A revision of the strategy is ongoing.

A coordination mechanism chaired by the Ministry of Justice of Bosnia and Herzegovina follows the progress in the implementation of the Justice Sector Reform Strategy.

The Bosnia and Herzegovina Anti-corruption Strategy and Action Plan 2009-2014 is currently in the process of being updated. Anti-corruption policy documents are also adopted at different levels of government.

Key institutions for the fight against corruption are the Agency for Prevention of Corruption and Coordination of the Fight against Corruption; the entity level coordination bodies mandated to fight corruption; the High Judicial and Prosecutorial Council; Ministry of Security and Ministries of Internal Affairs; Law enforcement agencies and Prosecutor offices at all levels.

### **the former Yugoslav Republic of Macedonia**

The country needs to further reduce corruption and establish a modern and transparent public administration. The independence, efficiency and the professionalism of the justice system also have to be strengthened.

Substantial IPA I assistance has been provided for important structural reforms, notably of the judiciary and the police. The country's achievements in this respect include the establishment of an Academy for Judges and Prosecutors; the development of a system of administrative justice; the reform of the criminal justice system and implementation of the Police Reform Strategy. Sector-specific assistance and equipment has been provided on corruption, organised crime, witness protection and border control capacity.

On corruption, IPA II assistance will be provided overwhelmingly in the sector "Rule of law and fundamental rights", aimed at improving the track-record of investigations, prosecutions and convictions, as well as the effectiveness of penalties imposed; further developing the integrity concept within the public and private sector and supporting the implementation of mechanisms for whistle-blower protection. Assistance will help to strengthen the transparency and accountability mechanisms within the public and private sector, as well as political parties; strengthen the checks and balances within the judiciary and law enforcement agencies; improve cooperation between the various bodies involved in the fight against and prevention of corruption and involve the non-governmental sector and citizens in the implementation of anti-corruption policy; improving policy-making, monitoring and evaluation capacities of relevant state and non-state institutions. Reforms will be supported through twinning, service, supply, works and grant contracts, implemented under direct and/or indirect management. TAIEX can be employed for ad hoc and short-term technical assistance. The use of budget support can be considered once the necessary conditions have been met.

IPA II assistance will be based on the Government's key sector strategies, including the Strategy for Fight against Corruption. The Government has a four-year Programme (2014-2018), which sets out five strategic objectives; among which are fighting corruption and crime and implementing laws efficiently.

The relevant institutions, ensuring effective suppression and prevention of corruption in the sector are the Ministry of Interior, Public Prosecution Offices, State Commission for the Prevention of Corruption, Agency for the management of Confiscated Assets, State Audit Office and other law enforcement and supervisory bodies.

### **Kosovo**

The fight against organised crime and corruption remains a significant challenge. Although the legislative framework on anti-corruption is largely in place, the institutional set-up is complex. Kosovo needs to implement its anti-corruption legislation and establish an effective mechanism for the prevention of corruption; including successful investigations and prosecutions of appointed and elected officials sentenced for corruption. The European Commission monitors Kosovo's progress in its fight against organised crime and corruption. The high-level Structured Dialogue on the Rule of Law was launched in October 2011 within which the fight against corruption is discussed and reported.

IPA I assistance supported the development and enforcement of policies and a legal framework in line with EU standards to combat organised crime; including financial and economic crime. It also enabled usage of internationally recognised methodologies (GRECO) in assessing Kosovo institutions in the area of the fight against corruption. This included support to the Agency for Management of Sequestered and Confiscated Assets (AMSCA) and Kosovo Customs, the Anti-Corruption Agency, Kosovo Police, the Financial Intelligence Unit, Kosovo Judicial Council and Kosovo Prosecutorial Council.

Under IPA II, given their importance for the EU integration process, judicial reform and the fight against corruption and organized crime and drugs trafficking will continue to be considered strategic priorities. For comprehensive support and monitoring of the sector, the use of simultaneous twinning projects in the key rule of law institutions is envisaged. In addition to technical assistance, infrastructure support and supplies may be provided for key rule of law actors. Support through IPA will be provided to civil society to monitor progress on human rights, anti-discrimination.

Kosovo has developed a large number of strategies and action plans for the rule of law sector, including the Strategy and Action Plan for the Fight against Corruption 2013-2017, the National Strategy against Organised Crime, National Strategy and Action Plan on Prevention of and Fight Against Informal Economy, Money Laundering, Terrorist Financing and Financial Crime 2014-2018 and a number of other relevant policy documents that directly or indirectly tackle the area of fight against corruption.

Key institutions are the Ministry of Justice, the Judicial Council, the Prosecutorial Council, the Pristina court, the Kosovo Special Prosecutor Office (SPRK), the Assembly, the Anti-Corruption Agency, the Financial Intelligence Unit, etc.

### **Montenegro**

In line with the new approach to accession negotiations, which puts the rule of law chapters at the heart of the enlargement process, reforms in the rule of law and fundamental rights sector will be a key priority for Montenegro.

In June 2013, the Montenegrin government adopted comprehensive Action Plans for Chapters 23 and 24, which addressed the recommendations made in the Screening Reports and constituted the benchmarks for opening negotiations on these chapters. The Action Plans will guide the country's reform process on the rule of law and cover all the areas included under this sector.

Reforms in the area of prevention of corruption should aim at putting in place effective systems for preventing conflicts of interest as well as for controlling asset declarations of public officials and political party financing. A priority reform in this respect is the establishment of a new Anti-Corruption Agency. Montenegro also needs to step up anti-corruption measures at the local level and, in particular, in sensitive areas such as public procurement. Key reforms in the area of repression of corruption are the establishment of a new Special Prosecutor's Office for the fight against corruption and organised crime; the improvement

of inter-agency cooperation in the pre-trial phase; enhancing capacity to carry out financial investigations as well as strengthening the mechanisms for seizure and confiscation of assets.

The focus of past and ongoing IPA financial assistance has been on strengthening the policy, legal, regulatory and administrative framework to counter organised crime and corruption.

IPA II will be used to assist the efforts of Montenegro in the fight against corruption. Potential action may be to support the functioning of a strong and independent new Anti-Corruption Agency in the area of prevention of corruption as well as of the new Special Prosecutor's Office for the fight against corruption and organised crime.

The reforms will be supported through short-term technical assistance – TAIEX, twinning, service, supply, work, and grant contracts implemented under direct and/or indirect management. If the preconditions are met, sector budget support may be used to support the implementation of key national strategies and the Action Plans for Chapters 23 and 24, complementing technical assistance for activities for which EU expertise is needed.

As regards the administrative framework, the Ministry of Justice is in the lead for the overall coordination of anti-corruption measures; while the Ministry of Interior also has its role with regard to implementation of reforms relating to suppression of corruption and the fight against organised crime.

### **Serbia**

The reforms in the Rule of law and fundamental rights sector are a key priority for Serbia, in line with the accession negotiation framework, which incorporates the new approach to the accession negotiations and puts the Rule of Law chapters at the heart of the enlargement process. The action plans to be devised under Chapters 23 and 24 will therefore become the core of EU assistance in this sector. In the judiciary and fundamental rights sub-sector, assistance will focus on supporting the creation of an accountable, independent and efficient judicial system, the prevention and fight against corruption.

IPA I in the area of rule of law concluded that assistance was effective and efficient, albeit not sufficiently effective in delivering and sustaining a long-term impact<sup>6</sup>. The success of the implementation and consolidation of anti-corruption policies presupposes that illegal or unethical practices are no longer accepted by the large majority of the society.

Under IPA II, the fight against corruption will be mainly addressed in the judiciary and fundamental rights sub-sector; assistance will focus on supporting the creation of an accountable, independent and efficient judicial system, the prevention of and fight against corruption. The institutional set-up should be substantially strengthened; both in terms of staff and in terms of respecting the full independence of law enforcement and judicial bodies dealing with investigations into especially high-level corruption. Track records of investigations, prosecutions and final convictions in corruption cases need to be developed. Assistance will be provided through twinning, technical assistance, supplies of equipment, calls for proposals and minor investments. Subject to Serbia meeting the budget support pre-conditions, sector budget support can be considered especially for supporting the implementation of the Chapter 23 and 24-related action plans from 2015 onwards.

The new strategy for the prevention and fight against corruption for the period 2013-2018 and its action plan both have a structural approach. Implementation of the Government's anti-corruption strategy and eventually the future action plan to be devised under Chapter 23, will receive IPA II assistance.

Key institutions are the Ministry of Justice and Public Administration, Ministry of Interior, High Judicial and Prosecutorial Councils, the Anti-Corruption Agency's, special prosecutor for corruption and organised crime.

### **Turkey**

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<sup>6</sup> Technical Assistance for Evaluation of Rule of Law sector implemented and financed by IPA Programme and other Donors in the Republic of Serbia, 2013/313178

Fighting organised crime and corruption is fundamental to countering the criminal infiltration of the political, legal and economic systems and as regards the political criteria; the democratic transformation of the country needs to continue.

An evaluation on the performance of IPA I in judiciary and fundamental rights in Turkey<sup>7</sup> revealed that the assistance was considered supportive, adding value in enhancing human rights reforms to meet the political criteria for EU accession, strengthening the effectiveness of the court system to take into account European human rights standards and demonstrating an adequate level of delivery of results in view of the available resources.

It is envisaged that IPA II will provide support for the implementation of Turkey's national anti-corruption strategy.. The anti-corruption action will be predominately part of the sector "Democracy and Governance", though they will also be addressed in the sub-sector "Civil Society" and partially in the sub-sector "Home affairs". Regarding the political reforms, Turkey needs to step-up the efforts and measures related to anti-corruption; strengthening both preventive and repressive standards in the context of improved anti-corruption policy development and implementation. Reform on Rule of law, anti-corruption and targeted public administration reform, as highlighted in the Commission's fundamentals first enlargement strategy 2013-2014, are necessary for a more stable business and trade environment that will help to increase both domestic and foreign investment. Actions covered by this sector will be mainly addressed through stand-alone actions in the context of annual programming; although a longer-term programming approach will be encouraged in the medium term.

In recent years Turkey has ratified major anti-corruption conventions and continued implementation of its National Strategy 2010-2014 and Action Plan. Once adopted, the updated National Anti-Corruption Strategy and Action Plan will be core strategic documents.

In the field of anti-corruption the main institutions are the Prime Ministry Inspection Board and the Council of Ethics.

### **Croatia**

IPA I assistance is considered effective in the area of judiciary and home affairs; delivering satisfactory impact and sustainability of the reforms<sup>8</sup>. The anti-corruption sector has been strengthened. An adequate legal and institutional framework remains in place for the fight against corruption and organised crime and a track record of implementation continues to be developed. Various trainings took place on the fight against organised crime; including on strengthening criminal intelligence analysis and on anti-money-laundering. A

monitoring system to fight corruption in border management is in place. The capacities of the national police office for the suppression of corruption and organised crime have been strengthened through ad-hoc staff trainings. A number of interventions have responded adequately on the accession priorities and latest recommendations made in progress reports; though the efficiency of the projects is considered a challenging area.

### **Multi-beneficiary programmes**

Under IPA I, Multi-beneficiary programmes were designed to complement the national programmes, addressing areas with a clear need for regional cooperation and horizontal action; e.g. fight against corruption. More than EUR 20 million was provided for regional actions to combat corruption in the enlargement region.

The fight against corruption will continue to be a key priority in IPA II, which will be deployed within the sector Democracy and governance. The priority will be given to the Regional School of Public Administration and its extensive networks and training programme. This includes networks preparing regional comparative studies which identify best practices and proposals for how to address issues such as making asset declarations systems more effective and thus be able to fight corruption at national level.

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<sup>7</sup> Thematic evaluation on judiciary and fundamental rights in Turkey  
[http://ec.europa.eu/enlargement/pdf/financial\\_assistance/phare/evaluation/2012\\_turkey\\_jhr\\_final\\_report.pdf](http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2012_turkey_jhr_final_report.pdf)

<sup>8</sup> Country Programme Interim Evaluation, Croatia, Contract number 2008-0404-011701

The existence of institutions such as HIDAA in Albania (High inspectorate for the declaration and audit of assets and conflict of interest) is specific to the Western Balkans, but might be viable as a lesson learned on best practice in the Western Balkan region to strengthen the efficiency and effectiveness of these institutions at national level, also networking for investigations needed at regional level.

The new facility with the Council of Europe would also target the fight against corruption and strengthen implementation of GRECO and MONEVAL recommendations in the region.

## 2. DESCRIPTION OF THE ASSIGNMENT

### 2.1. Beneficiaries and stakeholders

The beneficiary of the evaluation is the European Commission, DG Enlargement. The stakeholders for this evaluation include:

National stakeholders include (non-exhaustive list):

- National IPA Coordinators (NIPAC), relevant structures, responsible for programming, implementation, monitoring of IPA I and IPA II assistance, representatives of a judiciary system and home affairs; who have responsibilities in policy making; implementation, monitoring of anti-corruption measures eg. Anti-Corruption Commissions, State Audit Offices, Asset Recovery agencies, Ministries of Justice, relevant parliamentary commissions, etc;
- Representatives of the CSOs in the beneficiary countries, business associations, academic institutions, and final beneficiaries of IPA assistance.

EU stakeholders include (non-exhaustive list):

- DG ELARG Directorate A, B, C and D, namely A1, A4, B1, B2, B3, C1, C2, C3, C4, D2, and D3;
- DG HOME, DG JUST;
- Council of Europe (GRECO), Transparency International, World Bank, UNODC etc.
- EU Delegations in beneficiary countries, European Union Office in Kosovo. Other

international stakeholders:

- International donors, playing a role in the area of fight against corruption.

### 2.2. Global objective

This is a thematic evaluation on IPA support to fight corruption in the enlargement countries.

The primary objective of the evaluation is to provide recommendations to improve the quality of IPA II framework in the field of combatting corruption, based on the findings and lessons learned from the performance assessment of IPA 2007-2013 in the enlargement countries.

The evaluation will cover financial assistance to fight against corruption provided under IPA 2007-2013. During the period of the evaluation, it is expected that the implementation of the programmes 2007-2011 will have been finalised and the related results and impacts delivered will be available. As for 2012 and 2013 programmes, the assistance will be mainly under implementation.

### 2.3. Specific objectives are as follows:

1) To provide a judgement on the performance (either actual or expected) of the relevance, efficiency, effectiveness, coherence, impact, sustainability and EU value added of IPA I assistance. The judgement for each evaluation criteria should differentiate two levels of sources of evidence and analysis:

- At programming level, based on the assessment of IPA assistance 2012-2013. This is particularly relevant for recent assistance where implementation to date may be more limited.



- At implementing level, based mainly (but not exclusively) on the assessment of IPA assistance 2007-2011. As far as possible, the evaluator will measure achievements against indicators set up in programming documents. However, adequate programme level objectives and SMART indicators may not always be available. Therefore, some limitations in the use of indicators may appear during the evaluation. In such cases, the evaluators are invited to use generally accepted indicators in the given area where EU assistance was provided.

2) To provide an assessment of the intervention logic of IPA II assistance programming and planning documents (Sector Planning Documents and Actions programmes IPA II) in the sub-sector fight against corruption in the beneficiaries and the multi-country programmes<sup>9</sup>. The evaluators will assess to what extent programming documents take into account lessons learned from IPA I and to what extent they provide:

- linkages and coherence between the intervention logics of the Country/Multi-Country Strategy Paper (M/CSP)/ other key reference documents and that of the Sector Planning Documents/ Sector document and Action programmes;
- adequate assessment of the needs and capacities in the sub-sector of fight against corruption and how they are met in terms of the financial envelopes and types of financing (with a particular focus on the applicability and relevance of a sector budget support);
- harmonisation with the beneficiaries' policies/national strategies in the field of anti-corruption and how they are translated into IPA actions;
- adequate and relevant account of the donor coordination, where applicable;
- assessment of the robustness of the intervention logic in terms of depicting causal relationships between inputs, results, outcome;
- assessment of the relevance of the monitoring and evaluation framework and the performance indicators;
- delivery of the financial assistance, based on more ownership and simplification.

3) To provide relevant operational recommendations, addressed to the European Commission, for strengthening the programming and implementation of IPA II assistance and in ensuring its sustainability in the sub-sector fight against corruption, based on relevant findings, conclusions and lessons learned from the past and on-going experience.

The results of the evaluation will be used to:

- contribute to the preparation and adjustment of action programmes for IPA II assistance 2014- 2020 in the area of the fight against corruption;
- demonstrate whether IPA I interventions in the area of the fight against corruption have met the objectives they were aimed at and actually achieved the expected results/impacts;
- provide accountability, transparency, visibility of IPA assistance in this area, enabling dissemination of achieved results to the general public, stakeholders and civil society.

## **2.4. Requested services, evaluation questions, methodology and quality control**

### **2.4.1. Requested services**

With regard to specific objective 1, the evaluation should cover IPA I beneficiary countries at that time – Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Turkey. Serbia is excluded from the scope of the assessment, due to a recently completed

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<sup>9</sup> By beneficiaries, it is referred to those, specified in the Annex I of the Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II)

thematic evaluation on the Rule of law sector<sup>10</sup> and the Performance audit, conducted in 2013 by the European Court of Auditors<sup>11</sup> on the same subject. Nevertheless, the evaluator is invited to take on board the findings; conclusions from the country sector evaluation and to integrate them as part of the common findings, and lessons learned from past experience. In this regard, the evaluator should take into account other relevant evaluation reports, done on the project, programme, country, thematic, EU level, where applicable. A non-exhaustive list of relevant evaluations is specified in p. 2.4.5 of the current ToR.

The assessment needs to be carried out in respect of each IPA country and in respect of the multi-beneficiary programme, while providing general findings and conclusions valid at the programme level.

Regarding the judgement of the IPA I performance at the programming level, the evaluation shall assess the intervention logic in IPA 2012-2013 national programs and regional programmes component I TAIB.

As for the assessment of the IPA I performance at implementation level, the evaluation should cover mainly, but not only, IPA assistance 2007-2011 and other IPA projects/programmes which have been finalised and where the related results and impacts delivered are available.

The evaluation will be focused on IPA programmes/projects to fight against corruption from two perspectives:

- "Stand-alone" anti-corruption, fight against corruption projects/programmes;
- Integrated programmes/projects, tackling the fight against corruption in a broader sense: financing of political parties, corruption in judiciary, law enforcement agencies, customs, public sector and public procurement, civil society organisations (CSOs). Considering the seriousness of the issue for the region and the willingness to have more concrete and specific findings and recommendations, it will inevitably look at the possible interaction that corruption has with other topics; like working modalities and institutional setting of the judicial system and the functioning of public procurement.

This will include twinning projects, twinning light projects or TAIEX assistance; regional multi-beneficiary IPA projects aimed at strengthening the fight against corruption, as well as SIGMA related interventions. This may also include anti-corruption components in projects covering specific areas.

A list of relevant projects, encompassing both aspects is enclosed in [Annex 1](#) and should be assessed by the evaluators. The list is not exhaustive and some projects may be additionally included during the inception phase.

The evaluator should undertake the assessment on the performance of IPA I assistance, following the OECD-DAC<sup>12</sup> criteria on relevance, efficiency, effectiveness, coherence, impact, sustainability and EU value added of IPA I assistance.

With regard to the specific objective 2, the evaluation has to scope all IPA II beneficiaries, except Iceland<sup>13</sup>. The evaluator has to review IPA II main programmes - Country and Multi-Country Strategic Papers, Sector Planning Documents/Country Sector Programmes, Action Programmes and Action Documents (Country and Multi-Country) in the sub-sector fight against corruption. All IPA II strategic documents, including the annual 2014 Country Action Programmes and the 2014 Multi-Country Action Programmes are expected to be adopted by the end of 2014.

With regard to the objective 3, the evaluator will provide relevant findings, conclusions and lessons learned, outlining good and bad practices in programming and implementation of IPA assistance in the area of fight

<sup>10</sup> Technical Assistance for Evaluation of Rule of Law sector implemented and financed by IPA Programme and other Donors in the Republic of Serbia, Letter of Contract No. 2013/313178

<sup>11</sup> The Performance audit ECA report will be made available by the end of 2014.

<sup>12</sup> Development Assistance Committee of the Organisation for Economic Co-operation and Development

<sup>13</sup> The Icelandic government has decided to put the EU accession negotiations on hold. In this context, the European Commission, in agreement with the Icelandic government, has suspended preparatory work on IPA for the period 2014-2020.

against corruption, as well as operational recommendations for improving the programming and performance of future IPA II assistance in beneficiaries.

### 2.4.2. Evaluation questions

As regards the evaluation questions, the evaluation will be mainly based on the criteria endorsed by the OECD-DAC: relevance, efficiency, effectiveness, coherence, impact, sustainability and value added of EU assistance. When answering the evaluation questions, due account should be taken of the specific context for enlargement assistance mentioned under section 1 above. Possible questions are the following:

#### Judgement on the performance of IPA I

- To which extent do the objectives, defined in the IPA programmes correspond to the needs and capacities of the beneficiary countries? To what extent have the IPA I interventions proved relevant to those needs?
- To what extent are the IPA interventions coherent in achieving the strategic objectives//priorities linked to accession preparation?
- What was the level of transparency and the stakeholders' active participation in the process of prioritisation and selection of projects in the programming phase?
- To what extent are needs assessments and conditionalities applied in the programming? How do they ensure effectiveness in improving programming?
- To what extent do the outputs and results correspond to the objectives? To what extent have the objectives been met? Where expectations have not been met, what factors have hindered their achievement?
- Were the outputs and effects achieved at a reasonable cost? Why was this possible? Could the same results have been achieved with less funding? Could the use of other type of financing or mechanisms have provided better cost-effectiveness?
- Are the outputs and immediate results delivered by IPA translated into the desired/expected impacts; namely in terms of achieving the strategic objectives/priorities linked to accession preparation? Are impacts be sufficiently identified/quantified? Are there any additional impacts (both positive and negative)?
- Are the identified impacts sustainable (or likely to be sustainable)? Are there any elements which (could) hamper the impact and/or sustainability of assistance? What are the risks to the sustainability of corruption related projects (including the usefulness of project outputs in the medium and long term)?
- What is the additional value resulting from the IPA interventions in the area of the fight against corruption, compared to what could be achieved by the beneficiary countries at national and/or regional levels?
- What is the comparative efficiency and value added of the different type of financing provided or that could have been provided complementarily?

#### Assessment of intervention logic IPA II

- To what extent are the priorities in the area of the fight against corruption identified in the Country Strategy Papers and the Multi-Country Strategy Paper (and where appropriate other key reference documents) translated into appropriate actions into the Sector Planning Documents/Action Programmes/Action Documents? How coherent and consistent are they?

- To what extent do the planning and programming of such assistance adequately meet the needs and capacities in the sub-sector of the fight against corruption, both in terms of financial envelopes and types of financing?
- To what extent has the IPA II assistance been designed to fit to the policy objectives and national strategies and how have they been translated into IPA II actions?
- To what extent does programming of this assistance provide for linkages between IPA 2007-2013 national and regional programmes and assistance from other donors?
- To what extent does the intervention logic facilitate the quality of the programme? How robust is the intervention logic in terms of depicting causal relationships between inputs, results, and outcomes?
- To what extent has the IPA II intervention logic been coherent/ consistent with the priorities of the accession process related to chapter 23/ the related chapter 23 action plans, as applicable?
- How adequate and relevant are monitoring and evaluation framework and the performance indicators to measure the results, outcomes and impacts?
- To what extent has IPA II assistance been designed based on the lessons learned from the past and on-going experience of IPA I?
- What are the main gaps/weaknesses of the programming in the field?

### Lessons learned and recommendations

- What lessons learned can be drawn from the IPA I assistance in the fight against corruption area in aforementioned countries?
- How can programming of IPA II assistance be enhanced to achieve strategic objectives more effectively and efficiently; also from the perspective of using of a sector budget support?
- How can programming of such assistance be enhanced to improve the impact and sustainability of financial assistance?
- How can programming of such assistance be improved in order to generate stronger focus on the Sector Support Actions?

The evaluation questions may be further defined during the inception phase.

### 2.4.3. Methodology

The methodology should be based on DG ELARG's Evaluation guide<sup>14</sup>; the SG's guidelines on good practices concerning conducting an evaluation<sup>15</sup>, the concept of the theory-based impact evaluations on EVALSED<sup>16</sup> and, if appropriate, on other methods to measure the impact and the effect of interventions.

The Contractors are invited to include an outline of their proposed methodology to undertake this assignment as part of their offer; including comments on the scope of the service, the proposed methodology, the evaluation questions and an elaboration on judgement criteria to answer the evaluation questions. The final evaluation questions and methodology for this assignment will be elaborated and agreed upon during the inception phase.

### 1) Inception phase

- Collection and analysis of relevant documentation; Desk Review of the documents that will be

<sup>14</sup> DG ELARG's Evaluation guide is available at [http://ec.europa.eu/enlargement/news\\_corner/key-documents/index\\_en.htm](http://ec.europa.eu/enlargement/news_corner/key-documents/index_en.htm)

<sup>15</sup> SG's evaluation guidelines are available at: [http://ec.europa.eu/dgs/secretariat\\_general/evaluation/documents\\_en.htm](http://ec.europa.eu/dgs/secretariat_general/evaluation/documents_en.htm) <sup>16</sup> [http://ec.europa.eu/regional\\_policy/information/evaluations/guidance\\_en.cfm#2](http://ec.europa.eu/regional_policy/information/evaluations/guidance_en.cfm#2)

subject to evaluation;

- Defining the sample of the projects for each country which will be covered in the evaluation;
- Completion of the assessment approach and methodology; the evaluation questions, judgement criteria and indicators;
- Identification of the needs for interviews;
- Drafting and submitting of the inception report, which
  - summarises the objectives, scope and outputs of the evaluation,
  - provides the population and the sample of the projects;
  - provides/fine-tunes the final evaluation questions, methodological approach, including the judgement criteria to be used and sources of information, samples of the questionnaires, etc;
  - presents a work plan for the field and reporting phases;
  - presents the outline and an indicative table of contents of the final report.

A meeting in Brussels will take place at the beginning of the desk phase. The draft inception report will be sent to key stakeholders for comments before final endorsement by ELARG A3 Unit.

## 2) Desk Phase

- Complete the collection of relevant documentation;
- Update the level of information by means of interviews, e-mail questionnaires or any other relevant tools with relevant actors (EC officials, Government officials, other stakeholders);
- Analyse the documentation in compliance with the evaluation questions;
- Elaboration of preliminary findings, conclusions, according to the scope and the requirements of the ToR.

## 3) Field Phase

The field phase will include personal interviews in Brussels and in the beneficiary countries with relevant stakeholders. The field phase will also include analysis of relevant information. Phone interviews, online questionnaires and other tools may complement personal interviews and analysis of information, e.g. confidential surveys and structured interviews with relevant local and international stakeholders to collect data on anti-corruption reforms supported by IPA assistance.

At the end of the field work a workshop will be organized in Brussels to present preliminary findings, conclusions and recommendations stemming from the field and desk phase.

## 4) Synthesis Phase

This phase is mainly devoted to the preparation of the evaluation report based on the work done during the desk and field phases and taking into consideration the outcomes of the briefing meetings.

The evaluator will make sure that his/her assessment is objective, balanced and substantiated. The evaluator will present findings, conclusions and recommendations following a logical cause-effect linkage. When formulating findings and conclusions, the evaluator should describe the facts assessed, the judgement criteria applied and how this led to findings and conclusions. The final judgment criteria will be fine-tuned and agreed during the inception phase.

Recommendations should address the weaknesses identified and reported. Recommendations should be operational and realistic in the sense of providing clear, feasible and relevant input for decision making. They should not be general but should address the specific weaknesses identified, clearly indicating the

measures to be undertaken. Recommendations for action will be addressed to the Commission. However, where appropriate, the evaluator should specify the role of any actor other than the Commission, including beneficiary institutions, in implementing the recommendations.

#### 2.4.4. Quality control

##### *Quality control by the evaluator*

The evaluator should ensure an internal quality control during the implementing and reporting phase of the evaluation. The quality control should ensure that the draft reports comply with the above requirements and meet adequate quality standards before sending them to stakeholders for comments. The quality control should ensure consistency and coherence between findings, conclusions and recommendations. It should also ensure that findings reported are duly substantiated and that conclusions are supported by relevant judgement criteria.

##### *Quality control by the Commission*

The launching and the implementation of the evaluation will be supported by an advisory Reference Group that will ensure the quality of the evaluation and will have responsibilities, as follows:

- Guiding the planning and implementation of the evaluation to comply with the quality standards and pre-determined criteria (it will be consulted on the evaluation mandate, draft terms of reference and all draft report);
- Assisting the evaluation manager (DG ELARG A3 Unit) in implementation of activities;
- Providing an assessment of the quality of the work of the consultant; including endorsement of the inception report, interim report and the final report.
- Ensure proper follow-up action plan after completion of the evaluation

The Reference Group will include representatives from DIR A, B, C and D of DG Enlargement and other EC's services, DGs (DG HOME).

The reports shall undergo two external reviews: the first drafts shall be reviewed in parallel by all Commission stakeholders involved, more particularly the relevant Union Delegations and units at DG ELARG, DG HOME, etc.

The final (second) drafts shall be reviewed by the Inter-Institutional, Planning, Reporting and Evaluation Unit (A3), taking account of the comments made by the different stakeholders and how the evaluators have handled these comments. Once this process is completed, the Unit A3 will decide on the endorsement of the reports for distribution to stakeholders and later presentation by the evaluator.

The quality control will be performed using an evaluation grid for assessing the overall quality of the final evaluation report. The Contractor is invited to verify the quality of the final report using the above mentioned evaluation grid<sup>17</sup>.

#### 2.4.5. Sources of information

Sources of information to be used by the evaluators include:

- IPA I and II programming and planning documents – Annual Enlargement strategy papers, Progress reports, MIFFs, MIPDs, Financing Agreements, Country and Multi-Country Strategic Papers, Sector Planning Documents/Country Sector Programmes, Action Programmes (Country and Multi- Country), etc.
- IPA I and II programming guidelines;
- IPA annual reports, monitoring reports, ROM reports,
- Monitoring reports and other evaluation reports, most notably: Thematic evaluation of Rule of Law, Judicial reform and Fight against corruption and organised crime in the WB (contract 2010/256638)

<sup>17</sup> The evaluation grind is part of the DG ELARG's Evaluation guide and is available at [http://ec.europa.eu/enlargement/news\\_corner/key\\_documents/index\\_en.htm](http://ec.europa.eu/enlargement/news_corner/key_documents/index_en.htm)

which assessed the performance of IPA assistance 2007-2011 in all WB countries; Technical Assistance for Evaluation of Rule of Law sector implemented and financed by IPA Programme and other Donors in the Republic of Serbia (2013/313178); Prevention and Fight against Corruption (Serbia 2013/325-924); Overall Assessment of the Anti-Corruption Framework in Albania (Albania 2014/ 338008); Thematic Evaluation on judiciary and fundamental rights in Turkey (2011/277332 ); Business, corruption and crime in the WB: impact of bribery and other crime on private enterprise (UNODC, 2013), etc.

- Available publications, surveys and reviews, reports from stakeholders, etc.
- Official statistics and data from the beneficiary countries;
- ECAs performance audit, carried out in Serbia in 2013 in the areas of anti-corruption and public financial management;
- Interviews and other survey methods;
- Any other source of information the evaluators consider relevant;

Programming and strategic documentation as well as project fiches can be found on DG ELARG internet site. Monitoring, evaluation reports, etc. are to be collected from the Commission and beneficiaries.

#### **2.4.6. Risk and assumptions**

Risks and assumptions cannot be listed exhaustively. It is assumed that services within both the Commission and the implementing authorities of the beneficiaries accept evaluation as an integral part of the project management cycle and are committed to provide the necessary information, and will subsequently act on recommendations and findings, as well as provide the follow-up information to the Commission.

The following are additional relevant assumptions for the above evaluations:

- Monitoring data is available on time and provides sufficient and adequate information;
- Access to requested documentation and information on the programmes is ensured by the Commission and the beneficiaries;
- All staff of EU Delegation, beneficiaries and implementing parties are regularly informed on objectives and methods of this evaluation, in order to ensure their full cooperation.

In the event that one or several of the above assumptions prove to be untrue, the evaluator should immediately inform the Contracting Authority. The evaluators will also report any limitations to the evaluations due to insufficient collaboration from key stakeholders.

#### **2.5. Required outputs**

The output of this evaluation is represented by an Inception and a Final Report. There will also be Progress Reports to be prepared at the period of invoicing to the European Commission.

The Inception report will detail the final methodology, evaluation questions and judgement criteria, sources of information, timetable of the assignment and documents required and a tentative list of contacts to be met.

The Final Report should include the points below:

- Assessment of IPA 2007-2013 performance, as per specific objective 1;
- Assessment of the intervention logic IPA II in place, as per specific objective 2;
- Lessons learned and recommendation, as per specific objective 3;

The Final Report shall include: an overview, an executive summary, main section, conclusions and recommendations and annexes. The final report should specifically answer each of the evaluation questions and address the defined scope. The content and the format of the final report shall be elaborated and approved in the inception phase. The main part of the report, containing the analysis, the conclusions and the recommendations should be not more than 80 pages (without annexes). The Contractor should provide an abstract of no more than 200 words and, as a separate document, an executive summary of maximum 6



pages; both in English and French. The purpose of the abstract is to act as a reference tool helping the reader to quickly ascertain the evaluation's subject. An executive summary is an overview, which shall provide information on the (i) purpose of the assignment, (ii) methodology / procedure / approach, (iii) results

/findings and (iv) conclusion and recommendations. The Final report should be usable for publication.

The final report will be presented in Brussels and if needed in the identified beneficiary country. The reports shall be presented in the English language.

### 3. EXPERT PROFILE

#### 3.1. Profile and expertise required

It is assumed that the contract requires the following experts: a Team Leader (senior expert), one senior evaluator and a pool of maximum two junior evaluators.

The minimum qualifications of the Team Leader (Senior Expert) include:

- At least a Master degree Academic level (preferably in social sciences) or equivalent professional experience of 10 years.
- Minimum 3 years relevant professional experience in evaluation, monitoring of programmes, policies, instruments;
- Minimum of 3 years in team leadership;
- Minimum 2 evaluations of policies, programmes, where the expert performed role as a team leader;
- It would be considered as an asset if the expert has minimum 3 years of experience in programmes, policies, instruments in the area of fight against corruption.

The minimum qualifications of senior evaluator include:

- At least a Master degree Academic level (preferably in social sciences) or equivalent professional experience of 10 years.
- Minimum 3 years of experience in programmes/projects design and/or implementation, policy setting, academic research in the area of fight against corruption;
- It would be considered as an asset if the expert has minimum 2 years of experience in evaluation, monitoring of programmes, instruments, policies;

The minimum qualifications of junior evaluator include:

- At least a Master degree Academic level (preferably in social sciences) or equivalent professional experience of 5 years.
- Minimum of 3 years professional experience in design, implementation, monitoring, evaluation in programmes, instruments, projects;

It would be considered as an asset if the experts have minimum 2 years of experience in programmes,/projects design and implementation policy setting, in the area of fight against corruption.

#### The minimum requirement for the team as a whole are:

- Excellent oral and writing skills in English (all experts);

It would be considered as an asset if at least one member has at least 3 years of experience in the enlargement region and good knowledge and experience in functioning of the IPA instrument.

CVs must be provided as part of the tender bid for all experts. The technical proposal should include a table showing how the proposed key experts, both as a whole and for each individual expert, meet the above requirements. The technical proposals which do not meet the minimum requirements for key experts will be rejected.

CV(s) of the Quality control and backstopping team members should be presented as part of the offer.

## Interview

In compliance with point 2.2.3.9 of the FWC COM 2011 Guidelines, the Contracting Authority may request to undertake interviews with the senior experts. The most likely date of the interview is the last week of September 2014 (probable date foreseen for the interview 30/09/2014). The Contractor is invited to include in the offer the phone number and other relevant information for contacting the experts.

### 3.2. Number of requested experts per category and number of man-days per expert

The evaluation experts will be expected to be available for the whole duration of the assignment. It is expected that the assignment will require 220 working days.

Expert	Working days
Team leader	70
Senior expert	60
Junior experts (a pool of max 2 experts)	90

**3.3. Working language:** The main working language of the assignment is English.

### 3.4 Conflict of interest

The contractor is responsible for carrying out an independent evaluation. Evaluators must be strictly neutral. Conflicts of interests must be avoided. The experts carrying out the evaluation shall have no involvement with the projects involved in this exercise. More specifically, the experts must fulfil the following criteria:

- No previous involvement in programming and/or implementation of assistance which will be evaluated as part of evaluation;

The offers including one or more experts not meeting the above independence criteria will be rejected. The Contracting Authority requests the signed objectivity confidentiality and conflict of interest declaration to be submitted before the evaluation is launched.

## 4. LOCATION AND DURATION

**4.1. Starting period:** The evaluation is expected to start in October 2014

**4.2. Foreseen finishing period or duration:** The expected duration of the assignment is 9 months. The Assignment should be finalised by June 2015.

**4.3. Planning** (indicative: to be confirmed in the inception report)

Phase/Activity	Month
Kick off meeting in Brussels	October 2014
<b>Inception report</b>	By the end of October 2014
<b>Desk Phase</b>	November 2014 – January 2015
<b>Field Phase</b>	February – March 2015
Briefing in Brussels, preliminary findings and conclusions of the field phase	April 2015
<b>Final Report:</b> Elaboration and submission of the Draft Final Report to EC	May 2015
Incorporating EC's comments and submission of the Final Report	June 2015
Debriefing of the Final Report in Brussels	June 2015

### 4.4. Location of assignment

The desk research will be performed at the consultant's offices. The field research is expected to take place in Brussels, Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Turkey, Serbia, and if necessary in Croatia.

## 5. REPORTING

The **Inception report** will detail the final methodology, timetable of the assignment and documents required and tentative contacts to be met. The draft Inception Report has to be submitted no later than 5 weeks from the Briefing meeting in Brussels. The feedback will be provided by the Contracting Authority in maximum 2 weeks and the revised version of the report should be submitted in 1 week by the Contractor to the European Commission.

The **Final Evaluation Report** will be submitted in electronic form by e-mail. The Contracting Authority will take maximum 2 weeks to provide feedback to the Contractor. The revision to the report and resubmission to the Contracting Authority should be done in not longer than 1 week. Upon acceptance of the report 6 hard copies of the final report will be delivered to the EC.

The **Progress Report** (in 3 hard copies and in electronic version) should bear record about the assignment and to be submitted at invoice intervals to the European Commission. It should describe in a concise and structured way how the above described “required services” have been fulfilled (max 8 pages). In annex, it will include all requested information and analysis as necessary.

All draft reports will be submitted to the EC project manager in electronic form by e-mail. No hard copies will be required.

All the reports and expected outputs shall be produced in excellent English, using the appropriate style and structuring the text in a clear and concise way. The Final evaluation report should be usable for publication.

All electronic versions have to be submitted in format compatible with MS Office software.

The EC reserves the right to request the necessary additional revisions of the reports in order to reach an appropriate outcome and quality control requirements.

## 6. ADMINISTRATIVE INFORMATION

The contract will be based on global price.

### 6.1. Items to foresee under ‘Reimbursable’

The following items may be included in the reimbursable costs if justified by the methodology:

- International travel to Brussels (for experts based outside of Belgium): max 8 return trips;
- International Travel to Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Turkey, Serbia and Croatia: max 16 return trips;
- Travel within the region: max 10 return trips ;
- Per diems in Brussels: max 16 (in case the expert is based outside of Belgium);
- Per diems in the respective countries: max 100
- The framework contractor will make sure that the experts are covered by an appropriate travel insurance (i.e. that covers medical repatriation).
- Translation costs for an abstract of no more than 200 words and an executive summary of max 6 pages in French.

In the event that the totals for a particular line in the budget will/could be impacted as a result of any circumstances not foreseen in these terms of reference (inter alia implementing modalities agreed with the EC task manager), the contractor must alert the EC task manager. In any case, should any modification be

required to the budget agreed at contract signature, these will have to be properly justified and will be subject to the ex-ante written approval in line with the general conditions (Art.20).

## Others

The contract will be **GLOBAL PRICE**. IMPORTANT

### REMARKS:

- During all contacts with stakeholders, the consultant will clearly identify him/herself as an independent consultant and not as an official representative of the European Commission. All reports shall clearly indicate the number of the contract on the front page and on each of the pages and carry the following disclaimer: "This report has been prepared with the financial assistance of the European Commission. The information and views set out in this [report] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein". The report shall apply EC Visual Identity.
- In accordance with Article 14 of the General Conditions of the Contract, whereby the Contracting Authority acquires ownership of all results as part of the current assignment, these results may be used for any of the following purposes:
  - (a) use for its own purposes: making available to the staff of the contracting authority, making available to the persons and entities working for the contracting authority or cooperating with it, including contractors, subcontractors whether legal or natural persons, Union institutions, agencies and bodies, Member States' institutions, installing, uploading, processing, arranging, compiling, combining, retrieving, copying, reproducing in whole or in part and in unlimited number of copies,
  - (b) distribution to the public: publishing in hard copies, publishing in electronic or digital format, publishing on the internet as a downloadable/non-downloadable file, broadcasting by any kind of technique of transmission, public presentation or display, communication through press information services, inclusion in widely accessible databases or indexes, otherwise in any form and by any method;
  - (c) modifications by the contracting authority or by a third party in the name of the contracting authority: shortening, summarizing, modifying of the content, making technical changes to the content necessary correction of technical errors, adding new parts, providing third parties with additional information concerning the result with a view of making modifications, addition of new elements, paragraphs titles, leads, bolds, legend, table of content, summary, graphics, subtitles, sound, etc, preparation slide-show, public presentation etc, extracting a part or dividing into parts, use of a concept or preparation of a derivative work, digitisation or converting the format for storage or usage purposes, modifying dimensions, translating, inserting subtitles, dubbing in different language versions;
  - (d) rights to authorise, license, or sub-license in case of licensed pre-existing rights the modes of exploitation set out in any of the points (a) to (c) to third parties.

Where the contracting authority becomes aware that the scope of modifications exceeds that envisaged in the contract or order form, the contracting authority shall consult the contractor. Where necessary, the contractor shall in turn seek the agreement of any creator or other right holder. The contractor shall reply to the contracting authority within one month and shall provide its agreement, including any suggestions of modifications, free of charge. The creator may refuse the intended modification only when it may harm his honour, reputation or distort integrity of the work. All pre-existing rights shall be licensed to the Contracting Authority. The contractor shall provide to the contracting authority a list of pre-existing rights and third parties' rights including its personnel, creators or other right holders.
- The evaluation questions and methodology for this assignment may need to be further elaborated by the evaluator in the inception report.

- Attention is drawn to the fact that the European Commission reserves the right to have the reports redrafted as many times as necessary, and that financial penalties will be applied if deadlines indicated for the submission of reports (drafts and final, in hard and electronic copy) are not strictly adhered to.

## Annex I

A non-exhaustive list of programs/projects to fight against corruption, funded by IPA 2007-2013 in enlargement countries, to be covered in the evaluation

Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector (select topic using the filter)	Project Title	EU funding EUR  (do not insert trailing zeros)	(Co)- Fundi ng from EUMS or IOs	(Co)- Fundi ng from EUMS or IOs	Fundin g from other donors (IOs)E	Mode of Implementat ion Type of support	Start date  GG/MM/Y YYY	End date  GG/MM/YY YY	Status  (select Planned - Ongoing - Closed)
Albania	IPA	2008	Anti-corruption	Project against Corruption in Albania	2,000,000				Contribution Agreement	10/07/2009	31/12/2012	Closed
Albania	IPA	2007	Justice reform	EURALIUS (components related to the fight against corruption in the	4,000,000				Grant agreement	2008	2012	closed
Albania	IPA	2007	Police reform	PAMECA (one small component of support to HIDAA)	7,000,000				Grant agreement	2008	2012	closed
Albania	IPA	2009	Anti-corruption	Support to Anti- Money Laundering and Financial Crime Investigations	1,500,000.00				twinning	2009	2010	closed
Albania	IPA	2009	Anti-corruption	Advocacy and Legal Advice enter in Albania	124,954				Grant to International Transparen	2011	2012/2013	closed
Albania	IPA	2012	Anti-corruption	Overall assessment of the anti-corruption framework in Albania (ACEA)	240,000				FWC	01/04/2014	01/02/2015	ongoing
Albania	IPA	2012	Anti-corruption	2012 Civil Society Facility – call for proposals	500,000				Grant (the applications received were not	2012	2013	closed

Albania	IPA	2013	Anti-money laundering	Pilot Sector Programme for Justice and Home Affairs and Fundamental Rights (component on anti-corruption and anti-	3,000,000				Twinning	Twining fiche expected to be circulated 4 quarter 2014	Expected to be completed by 4 quarter 2017	Planned
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Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector (select topic using the filter)	Project Title	EU funding EUR  (do not insert text)	(Co)- Fundi ng from EUMS or IOs	(Co)- Fundi ng from EUMS or IOs	Fundin g from other donors (IOs)E	Mode of Implementat ion Type of support	Start date  GG/MM/Y YYY	End date  GG/MM/YY	Status  (select Planned - Ongoing - Completed)
Albania	IPA	2013	Anti-corruption	Fight against corruption	800.00 0				Twinning	Twining fiche expected to be	Expected to be completed by 4	Planned
Albania	IPA	2007- 2013	Anti-corruption	TAIEX events	110.70 1				TAIEX			Completed
Bosnia and Herzegovina	IPA	2008	Anti-corruption	Combat corruption in education	137.80 8				Grant contract	14/02/20 11	16/04/20 13	Closed
Bosnia and Herzegovina	IPA	2008	Anti-corruption	Less corruption more jobs	105.00 0				Grant contract	14/02/20 11	13/10/20 12	Closed
Bosnia and Herzegovina	IPA	2008	Anti-corruption	Strengthening the first watch dog function related to corruption in public procurement	108.84 8				Grant contract	20/12/20 10	21/08/20 12	Closed
Bosnia and Herzegovina	IPA	2008	Anti-corruption	Introducing anti- corruption measures at universities in BiH	126.00 0				Grant contract	14/02/20 11	13/10/20 12	Closed
Bosnia and Herzegovina	IPA	2008	Fight against organised crime and corruption	Support to the State Court and Prosecutor's Office of BiH to fight War Crimes and Organised Crime	3.000.00 0				Grant contract	15/02/20 10	31/12/20 12	Closed
Bosnia and Herzegovina	IPA	2009	Anti-corruption	TA to successful NGOs from the anti-corruption	248.45 0				Service contract	8/03/20 11	08/03/201 3	Closed
Bosnia and Herzegovina	IPA	2009	Anti-corruption	National Integrity System Assessment in Bosnia and	121.58 7				Grant contract	7/01/20 11	16/03/20 13	Closed
Bosnia and Herzegovina	IPA	2009	Anti-corruption	Monitoring corruption and protecting integrity	178.55 1				Grant contract	14/02/20 11	13/02/20 13	Closed

Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector (select topic using the filter)	Project Title	EU funding EUR  (do not insert trailing zeros)	(Co)- Fundi ng from EUMS or IOs	(Co)- Fundi ng from EUMS or IOs	Fundin g from other donors (IOs)E	Mode of Implementat ion Type of support	Start date  GG/MM/YYYY	End date  GG/MM/YY	Status  (select Planned - Ongoing - Closed)
Bosnia and Herzegovina	IPA	2009	Anti-corruption	Empowering civil society in Bosnia and Herzegovina to fight corruption; new tools and regional knowledge	195.610				Grant contract	29/12/2010	28/06/2012	Closed
Bosnia and Herzegovina	IPA	2009	Anti-corruption	Responsible journalism's watching eye: Anti-corruption and the	173.871				Grant contract	14/02/2011	13/02/2013	Ongoing
Bosnia and Herzegovina	IPA	2009	Anti-corruption	Strengthening the capacities of BiH institutions to combat	500.000				Service contract	16/02/2012	16/09/2013	Closed
Bosnia and Herzegovina	IPA	2010	Anti-corruption	Strengthening anti-corruption capacities and CSO networks	444.480				Service contract	20/01/2014	19/01/2016	Ongoing
Bosnia and Herzegovina	IPA	2010	Anti-corruption	Curriculum for transparency, curriculum for	445.253				Grant contract	7/01/2014	6/07/2016	Ongoing
Bosnia and Herzegovina	IPA	2010	Anti-corruption	Introduction of a transparent mechanism of NGO financing by local authorities	149.746				Grant contract	28/01/2014	27/01/2016	Ongoing
Bosnia and	IPA	2010	Anti-corruption	Education against corruption	174.659				Grant contract	06/02/103	5/10/2015	Ongoing
Bosnia and	IPA	2010	Anti-corruption	Mapping corruption risks in the security	144.914				Grant contract	11/12/2013	10/08/2015	Ongoing
Bosnia and Herzegovina	IPA	2010	Anti-corruption	Open Public Procurement	424.130				Grant contract	19/12/2013	18/06/2016	Ongoing

Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector (select topic using the filter)	Project Title	EU funding EUR  (do not insert text)	(Co)- Fundi ng from EUMS or IOs	(Co)- Fundi ng from EUMS or IOs	Fundin g from other donors (IOs)E	Mode of Implementat ion Type of support	Start date  GG/MM/Y YYY	End date  GG/MM/YY	Status  (select Planned - Ongoing - Completed)
Bosnia and Herzegovina	IPA	2010	Anti-corruption	Strengthening integrity and good governance for better implementation of the Anti- Corruption Strategy from local to national level	160.74 1				Grant contract	20/12/20 13	19/12/20 15	Ongoing
Bosnia and Herzegovina	IPA	2010	Anti-corruption	EU Support to law enforcement project – fight against corruption component	6,999,99 8				Grant	02/05/20 12	1/09/20 14	On-going
Bosnia and Herzegovina	IPA	2011	Anti-corruption	Corruption risk assessment in the education and health sectors in Bosnia and Herzegovina	93.990				Framework Contract	26/05/20 14	25/09/20 14	Ongoing
Bosnia and Herzegovina	IPA	2012	Fight against organised crime and corruption	Police support	517.00 0				Supply contract	4th quarter 2014		Planned
Bosnia and Herzegovina	IPA	2007- 2013	Anti-corruption	TAIEX events	70.107				TAIEX			Completed
Croatia	IPA	2007	Anti-corruption	Strengthening Capacities of USKOK	1.000.00 0				Twinning	1/02/20 10	Last quarter 2012	Closed
Croatia	IPA	2007	Anti-corruption	Strengthening Capacities of USKOK	200.00 0				Service contract	First quarter	Last quarter 2010	Closed

<b>Croatia</b>	IPA	2007	Anti-corruption	Strengthening Capacities of USKOK	70.000				Supply contract	07/09 and 2010	Mid 2010	Closed
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Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector (select topic using the filter)	Project Title	EU funding EUR  (do not insert text)	(Co)- Fundi ng from EUMS or IOs	(Co)- Fundi ng from EUMS or IOs	Fundin g from other donors (IOs)E	Mode of Implementat ion Type of support	Start date  GG/MM/Y YYY	End date  GG/MM/YY	Status  (select Planned - Ongoing)
Croatia	IPA	2007	Anti-corruption	Strengthening Anti-corruption inter-agency cooperation	742.285				Twinning	1/02/2010	third quarter 2012	Closed
Croatia	IPA	2007	Anti-corruption	Strengthening Anti-corruption inter-agency cooperation (awareness raising)	895.000				Service contract	12/03/2009	12/03/2011	Closed
Croatia	IPA	2007	Anti-corruption	Improving Anti-corruption inter-agency cooperation/Development	461.600				Service contract	2/01/2010	first quarter 2011	Closed
Croatia	IPA	2007	Anti-corruption	Strengthening Anti-corruption inter-agency cooperation	136.000				Supply contract		End 2010	Closed
Croatia	IPA	2008	Anti-corruption	Strengthening anti-corruption activities of the Customs	230.000				Twinning Light			Closed
Croatia	IPA	2008	Anti-corruption	Strengthening of Tax Administration in the fight against	230.000				Twinning Light			Closed
Croatia	IPA	2008	Anti-corruption	Enhancing the participation of the CSOs in monitoring of the implementation of the EU Acquis, in the field of fight against corruption and the overall transparency,	1.192.055				Grant contract			Ongoing
Croatia	IPA	2008	Anti-corruption	Anti corruption response to implementation of the	255.981				Grant contract	14/04/2011	13/10/2012	Ongoing
Croatia	IPA	2008	Anti-corruption	Active civil society - guarantee of the real reforms	199.940				Grant contract	5/05/2011	4/05/2013	Ongoing

Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector (select topic using the filter)	Project Title	EU funding EUR  (do not insert text)	(Co)- Fundi ng from EUMS or IOs	(Co)- Fundi ng from EUMS or IOs	Fundin g from other donors (IOs)E	Mode of Implementat ion Type of support	Start date  GG/MM/YYYY	End date  GG/MM/YY	Status  (select Planned - Ongoing - Closed)
Croatia	IPA	2008	Anti-corruption	CAT against corruption (Cooperation, ...)	213.597				Grant contract	4/05/2011	3/05/2013	Ongoing
Croatia	IPA	2008	Anti-corruption	Improving the Capacity of the University System to Create a Framework for battling Discrimination and ...	279.378				Grant contract	19/05/2011	18/05/2013	Ongoing
Croatia	IPA	2008	Anti-corruption	Civil Society and Public Institutions - Partners in increasing Transparency through the Elaboration and Implementation of ...	243.159				Grant contract	5/05/2011	4/07/2012	Closed
Croatia	IPA	2009	Anti-corruption	Strengthening the Capacities of the Government Office for Cooperation with NGOs for Building Effective Partnership with Civil Society ...	46.890				Framework Contract			Closed
Croatia	IPA	2010	Anti-corruption	Assisting Civil Society Organisations in developing, implementing and monitoring public and Acquis related policies (under Civil Society Facility)	2.400.000				Grant contract			Ongoing

Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector (select topic using the filter)	Project Title	EU funding EUR  (do not insert trailing zeros)	(Co)- Fundi ng from EUMS or IOs	(Co)- Fundi ng from EUMS or IOs	Fundin g from other donors (IOs)E	Mode of Implementat ion Type of support	Start date  GG/MM/Y YYY	End date  GG/MM/YY	Status  (select Planned - Ongoing - Completed)
Croatia	IPA	2010	Anti-corruption	Supporting the efforts of CSOs for monitoring and promoting transparency, effectiveness,	560.00 0				Grant contract			Ongoing
Croatia	IPA	2011	Anti-corruption	Reinforcing Support for the Civil Society in Building Transparency and Open Governance and in Sustainable Use of Protected Areas	2.860.00 0							
Croatia	IPA	2011	Fight against organised crime and corruption	Strengthening capacities of the Ministry of the	665.00 0				Twinning			Planned
Croatia	IPA	2012	Anti-corruption	Strengthening the Capacity and Efficiency of SAO/USKOK	3.300.00 0				Service + Supply contract			Planned
Croatia	IPA	2007-2013	Anti-corruption	TAIEX events	488.34 1				TAIEX			Completed
Kosovo*	IPA	2007	Anti-corruption	Support to the Anti-Corruption Institutions in Kosovo	1.000.00 0				Service contract	12/01/2009	27/02/2011	Closed
Kosovo*	IPA	2010	Anti-corruption and anti- money laundering	Project against Economic Crime in Kosovo	100000 0			200000	Contribution Agreement with Council of Europe	01/02/2012	31/03/2015	Ongoing

<b>Kosovo*</b>	IPA	2013	Support to the judiciary	Support to the Kosovo Judicial/Prosecutorial Council	1898200				Service Contract	13/10/2011	12/10/2014	Ongoing
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Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector (select topic using the filter)	Project Title	EU funding EUR  (do not insert text)	(Co)- Fundi ng from EUMS or IOs	(Co)- Fundi ng from EUMS or IOs	Fundin g from other donors (IOs)E	Mode of Implementat ion Type of support	Start date  GG/MM/Y YYY	End date  GG/MM/YY	Status  (select Planned - Ongoing - Completed)
Kosovo*	IPA	2011	Fight against financial crime	Support to Kosovo institutions in combating financial and economic crime	99900 0				Service contract	17/06/20 13	16/06/20 15	Ongoing
Kosovo*	IPA	2012	Fight against organised crime and corruption	Strengthening criminal investigation capacities against organised crime and corruption	1.800.00 0				Twinning	18/02/20 14	17/08/20 16	Ongoing
Kosovo*	IPA	2012	Fight against organised crime and corruption	Strengthening criminal investigation capacities against organised crime and corruption	200.00 0				Supply Contract	17/02/20 14		To start asap
Kosovo*	IPA	2007- 2013	Anti-corruption	TAIEX events	7.359				TAIEX			Complete d
Montenegro	IPA	2007- 2013	Anti-corruption	TAIEX events	31.434				TAIEX			Complete d
Montenegro	IPA	2010	Anti-corruption	Support the implementation of the anti-corruption strategy	700.00 0				Twinning	1/09/20 12	31/04/20 14	Closed
Montenegro	IPA	2012	Fight against organised crime and corruption	EU Support to the Rule of Law (EU ROL)	3.000.00 0				Grant contract	Jan. 2014	30 months	Ongoing
Multi- Beneficia ry	IPA	2008	Fight against organised crime and corruption	Police cooperation: fight against organised crime, in particular illicit drug trafficking, and the prevention of	2.500.00 0		0		Grant contract	1/02/20 10	31/01/20 13	Closed
Multi- Beneficia ry	IPA	2010	Fight against organised crime and corruption	Regional cooperation in criminal justice: strengthening capacities in the fight against cybercrime	2.500.00 0	CoE		10%	Contributi on Agreemen t	1/11/20 10	30/04/20 13	Closed

Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector (select topic using the filter)	Project Title	EU funding EUR  (do not insert trailing zeros)	(Co)- Fundi ng from EUMS or IOs	(Co)- Fundi ng from EUMS or IOs	Fundin g from other donors (IOs)E	Mode of Implementat ion Type of support	Start date  GG/MM/YYYY	End date  GG/MM/YY	Status  (select Planned - Ongoing - Completed)
Multi-Beneficiary	IPA	2011	Anti-corruption	Assessment of Corruption and Crime affecting the Business Sector in the	450.000	UNODC		10%	Contribution Agreement	13/01/2012	12/08/2013	Closed
Multi-Beneficiary	IPA	2013	Anti-corruption	Strengthening National Integrity Systems through regional support	1.700.000		0	10%	Grant contract			Ongoing
Multi-Beneficiary	IPA	2013	Fight against organised crime and corruption	Fight against organised crime: International Cooperation in	7.000.000		0		Indirect Centralised Management	Q2 2014	36 months	Planned
Multi-Beneficiary	IPA	2013	Fight against organised crime and corruption	International Cooperation in Criminal Justice:	5.000.000		5		Grant contract	Q4 2014	36 months	Planned
Multi-Beneficiary	IPA	2007-2013	Anti-corruption	TAIEX events	558.589		5		TAIEX			Completed
Multi-Beneficiary	IPA	2010	Public Administration Reform	SIGMA - Support for Improvement in Governance and	NA	OECD		2%	Contribution Agreement	21/12/2010	31/12/2013	Closed
The former Yugoslav Republic of Macedonia	IPA	2008	Anti-corruption	Corruption trial Monitoring Programme	55.278				Grant contract	23/02/2011	23/02/2012	Closed
The former Yugoslav Republic of Macedonia	IPA	2008	Anti-corruption	Support for the drafting of the follow-up strategic documents and corresponding action plans for the prevention and repression of	165.968				Framework Contract	20/12/2010	20/06/2011	Closed
The former Yugoslav Republic of Macedonia	IPA	2010	Anti-corruption	Support to efficient prevention and fight against corruption	1.349.000				Twinning	1/07/2014	Q3 2015	Ongoing

Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector (select topic using the filter)	Project Title	EU funding EUR  (do not insert thousands)	(Co)- Fundi ng from EUMS or IOs	(Co)- Fundi ng from EUMS or IOs	Fundin g from other donors (IOs)E	Mode of Implementat ion Type of support	Start date  GG/MM/Y YYY	End date  GG/MM/YY	Status  (select Planned - Ongoing - Completed)
The former Yugoslav Republic	IPA	2010	Fight against organised crime and corruption	Supply of the specialized equipment for the fight against	1.250.000				Supply contract	Q2 2014	Q3 2014	Planned
The former Yugoslav Republic of Macedonia	IPA	2011	Fight against organised crime and corruption	Developing an advanced intelligence gathering and analysis system in the fight against organised crime	1.600.000				Twinning + Supply Contract	Q2 2013 Q2 2013 Q2 2013	Q2 2015 Q2 2014 Q2 2014	Planned
The former Yugoslav Republic	IPA	2007-2013	Anti-corruption	TAIEX events	149.369				TAIEX			Completed
Turkey	IPA	2008	Fight against organised crime and corruption	Strengthening the Investigation Capacity of Turkish National Police and Gendarmerie Against Organized Crime	6.300.000				Twinning + Supply Contract	Twinning finished on 26 July 2012. Suppl	Twinning = 18 months +3 months extension	Ongoing
Turkey	IPA	2009	Anti-corruption	Strengthening Coordination of Anti-corruption policies and practices	1.600.000				Contribution Agreement + Supply Contract	Started in December 2012.	Direct grant is for 24 months.	Ongoing
Turkey	IPA	2009	Anti-corruption	Consolidating Ethics in the Public Sector	1.500.000				Contribution Agreement	Started on 29 March 2012	End on 29 June 2014.	Ongoing
Turkey	IPA	2009	Fight against organised crime and corruption	Strengthening Capacity against Cybercrime	1.400.000				Twinning	Started on 15 Novemb	18 months of duration.	Ongoing

Country/ Beneficiaries / Multi Beneficiaries	EU Instrument	Year	Sub-Sector <i>(select topic using the code)</i>	Project Title	EU funding EUR  <i>(do not insert dot / )</i>	(Co)- Fundin g from EUMS or IOs	(Co)- Fundin g from EUMS EUR	Funding from other donors (IOs)EUR	Mode of Implementati on Type of support	Start date  <i>GG/MM/YY YY</i>	End date  <i>GG/MM/YY YY</i>	Status  <i>(select Planned - Ongoing)</i>
Turkey	IPA (ESEI)	2011	Fight against organised crime	Improving the Crime Analysis Efficiency	1.940.000				Twinning	Not started yet	24 months	Planned
Turkey	IPA	2012	Anti-corruption	Prevention of corruption and promotion	2.500.000				Service + Grant contract	not started yet	24 months	Planned
Turkey	IPA	2007 - 2013	Anti-corruption	TAIEX events	66.680				TAIEX			Completed

## **2. Country Summaries**

Annex 2.1	Albania
Annex 2.2	Bosnia and Herzegovina
Annex 2.3	Croatia
Annex 2.4	The former Yugoslav Republic of Macedonia
Annex 2.5	Kosovo
Annex 2.6	Montenegro
Annex 2.7	Serbia
Annex 2.8	Turkey
Annex 2.9	Multi-country Programmes
Annex 2.10	Tables of Ratings of Projects per Country

## 2.1 Albania – Country Summary

### Background

The Transparency International Report 2014 ranks Albania in the 110th position with a Corruption Perception Index of 33% (31% in 2013 and 33% in 2012), which is evidence of significant corruption. The services perceived to be most susceptible to bribes<sup>35</sup>, were judiciary (81%), health (80%), education (70%), police (58%) and civil services (52%).

Given the critical situation related to corruption at high levels of the political and justice systems, the European Commission set the fight against corruption as key priority three out of five priorities<sup>36</sup> for the opening of accession negotiations of Albania with the EU. Emphasis has been put on enhancement of the capacity of law enforcement agencies for investigation and risk assessments, development of a convincing track record of investigations, prosecutions and convictions at all levels by improvement of the quality of corruption statistics; improvement in the functioning of the National General Inspectorate i.e. strengthening of internal control mechanisms, verification of asset declarations, and control over political party financing; strengthening the institutional setup both in terms of staff and in terms of respecting the full independence of law enforcement; strengthening the inter-institutional cooperation on AC and producing a track record of adjudications and convictions of high level corruption cases.

The Government, which took office in 2013, has declared firmly committed to prevent and combat corruption. A number of reforms and anti corruption policies have been launched, legal framework of good quality is in place, a number of mechanisms established including National Coordinator for Fight against Corruption (NCAC), establishment of the anticorruption Network within the Government Institutions and new Strategy Against Corruption 2015 -2020 and Action Plan adopted (April 2015).

Even though the number of high level officials and judges referred by the police and investigated by prosecutors increased by 33% in 2014 compared to 2013 e.g. a member of High Council of Justice and a number of second court judges, the mayor of Vlora and a number of mayors of smaller municipalities (Pogradeci, Gjirokastra, Kamza mini municipality etc.), the number of convictions is insignificant with only two judges in 2014 (one is still under the appeal process). Emphasis is being put on enforcement of the performance of all LEAs while the Government is strongly engaged in the reform of the judiciary, drawing considerably on the recommendations of EU projects (ACFA, EURALIUS).

A Road Map on fulfilment of the criteria related to the fight against corruption, containing detailed activities, timeframes and responsible institutions, has been developed by NCAC as the National Leading Institution in cooperation with the EC High Level Dialogue Commission, and the Ministry of European Integration (MEI) and EUD having a monitoring role.

Transparency International, Corruption Perception Index (CPI) ranking 2007-2014: ALB

2007	2008	2009	2010	2011	2012	2013	2014
105	85	95	87	95	113	116	110

### IPA I - Projects of assistance selected for the evaluation

<sup>35</sup> Transparency International's 2013 Global Corruption Barometer

<sup>36</sup> The five priorities are: 1 Public Administration; 2 Judiciary; 3 Fight against corruption; 4 Fight against organised crime; 5 Human Rights.

Year	Project Title	Total (M€)	EC Grant (M€)	Other (M€)	Co-financing (M€)
2008	Project against Corruption in Albania (PACA)	2.130	2.000	0.130	0
2009	EURALIUS "Assistance to the Justice System"- (components related to the fight against corruption in the judiciary)	2.300	2.300	0	0
2009	Support to Anti-Money Laundering and Financial Crime Investigations Structures	1.500	1.500	0	0
2012	Overall assessment of the anti-corruption framework in Albania (ACFA)				
2012	Consolidation of the Law Enforcement capacities in Albania (PAMECA IV)	3.333	3.000		0.333

The overall objective (OO) of the IPA 2008 Project against Corruption in Albania (PACA) is “to contribute to democracy and the rule of law through the prevention and control of corruption”. The project purpose (PP) was defined through two Specific Objectives: To enhance the implementation of anti-corruption policies and strategies (Anti-corruption Strategy and Action Plan 2007-2013) in line with the Group of States against Corruption (GRECO) and the Select Expert Committee on Money-laundering and Terrorism Financing (MONEYVAL) recommendations and European Partnership commitments; and contribute to the prevention of corruption in the education sector by improving transparency, accountability and social participation in the education system.

The project addressed the gaps and deficiencies of the existing anticorruption legislation and policies, enabled improvements of the legal, regulatory and administrative set-up of the key beneficiaries, implemented tailor-made professional training, raised public awareness of corruption and the policies to fight it, and contributed to the prevention of corruption in the education sector. The project achieved constitutional amendments aiming abolishment of the immunity of MPs, judges and other high level officials and bringing the immunities of the elected officials in line with Council of Europe (CoE) standards and best practice.

The IPA 2009 project “EURALIUS -Assistance to the Justice System"- (components related to the fight against corruption in the judiciary OO is “to bring the Albanian Justice System closer to EU standards through technical assistance drawn from EU Member States by supporting the *reform of the judicial system in Albania* in accordance with the priorities of the EU *acquis* in Judiciary and Fundamental Rights and European best practices and standards in the area”. TA was delivered in three key directions: assistance for drafting and implementing structural and sustainable reforms of the justice’s framework; assistance to enhance the efficiency and transparency within main institutions; building capacities amongst the justice system stakeholders. PP related fight against corruption in the judiciary is “to create a probation information system enabling political and management decisions to be made on the basis of accurate information, informs developments and targeting and can demonstrate the efficiency and effectiveness of probation work”.

The project provided significant contribution in strategic legislative reform of the justice system including a number of Laws such as *Law on National Judicial Conference*, the *Law legislative constitutional reform on immunity*, *reform of the high court*, *reform of the inspectorate of the judiciary*, *implementation of the law on judicial police* etc. Project elaborated anticorruption elements in the justice reform strategy and its action plan. The strategy’s measures were widely implemented but some crucial points i.e. remained pending; a number of anticorruption measures have been implemented such as reform of the High Council of Justice (HCJ) and Constitutional Court related the review of the legal frame of the High Court and the Constitutional Court. The distribution of competences between the two Courts is clarified. The reviewing competences of both

courts have been defined in order to manage their workflow under rational basis. The independence of both courts is better guaranteed and the procedure for election of their members reviewed”; re. Enhancement transparency in Court decisions and Courts a number of new orders have been issued regarding the protection of data in judicial procedures; new orders drafted aiming to improve access to justice.

The OO of the IPA 2009 Support to Anti-Money Laundering and Financial Crime Investigations Structures project was “to assist the relevant Albanian institutions in strengthening effectiveness, coordination and legality of the overall system tasked with the prevention, detection, investigation and prosecution of money laundering (ML)”. The PP was to build long-term capacity at the strategic and operational levels within the General Prosecutor's Office (GPO) and its territorial branches, Joint Investigative Units (JIUs) at district level; the General Directorate of the Ministry of Finance for the Prevention of Money Laundering - Financial Intelligence Unit (FIU); the Albanian State Police (ASP) – Directorate for Economic Crime and Corruption and its branches; and the Agency for the Administration of Seized and Confiscated Assets (AASCA); in view of implementation of the Albanian legal framework in the field of anti-ML, financial investigations, tracing and recovery of criminal proceeds and illegal assets and administration and destination of seized and confiscated assets; strengthening inter-institutional coordination between concerned bodies as well as inter-agency information sharing and common operational procedures.

The project developed capacities of AML institutions (GPO, FIU, AASCA) by providing manuals and guidelines and enabling staff utilisation with many practices in the field related to procedures and investigative techniques for money laundering in line with the EU models for fighting organised crime, and investigative protocols on financial investigations. Although it was originally not foreseen that the judges and School of Magistrates would be among the target groups of this project, it was later assessed that their participation was key in activities related to some aspects of AML and Anti-Mafia Law. The investment in both human and technical resources combined with the support to internal and international cooperation led to an increased number of investigations/cases and seized assets, which contributed to strengthening the prevention and control of economic crime.

The OO of the IPA 2012 project Overall assessment of the anti-corruption framework in Albania (ACFA) is to provide an assessment of the over-all set-up of the institutions involved in the prevention and fight against corruption in Albania, including the role, operation and impact of the relevant institutions and mechanisms of inter-agency cooperation and coordination through analysis of the legal context regarding anti-corruption, including conflict of interest, asset declarations, criminal procedure code as well as complaints mechanisms; statistical reporting capacities and procedures of law enforcement bodies; Management of public finances of the respective bodies, internal and external audit as well as administrative transparency and accountability.

The project carried out 10 assessments of the legislation in the fight against corruption areas i.e. access to information (draft law); political party/election campaign finance (implementation/oversight; whistleblower protection (draft law); conflict of interest regulation and asset declarations (legal frameworks and implementation); investigation/prosecution/adjudication of corruption-related offences; corruption prevention in judiciary; immunities. Particular attention was given to the capacity and functioning of internal control mechanisms across the public administration as well as law enforcement bodies, such as the General Prosecutor's Office, District and Appeal courts, the High Council of Justice and the Albanian State Police, among others, as well as the High Inspectorate of Declaration and Audit of Assets (HIDAACI), and the Central Election Commission. ACFA recommendations are proving guidance to the upcoming Judiciary Reform in Albania.

The OO of the IPA 2012 Consolidation of the Law Enforcement capacities in Albania (PAMECA IV) project is “to bring the Albanian State Police closer to EU standards in the field of policing and to provide



trust, safety and a secure environment to the Albanian citizens”. The PP is “to improve the performance of the Albanian State Police structures and the coordination with general prosecutor office & other relevant agencies”.

One of the key priorities is further enhancement of the quality of investigations and prosecutions on organised crimes and corruption, with an accent on their transnational aspects related tracing, seizure and confiscation of criminal assets and of their use within the society through correct asset management. Activities envisaged under this component aiming to enhance the investigative capacities and cooperation between ASP and GPO, including other relevant agencies, in the fight against organised and serious crimes and corruption such as support to enhance the investigative and prosecution capacities of the ASP and GPO in the fight against organised crime and corruption, illicit trafficking, money laundering and confiscation of proceeds of crime, improving the cooperation among all relevant agencies, improving legal framework.

### **Relevance and Coherence**

The projects closely match the priority needs of the Albanian authorities to accomplish the commitments deriving from the EC Enlargement Strategy 2007 – 2012 and Government priorities set out in the Anti Corruption Strategy and AP for 2007 – 2013 and for 2013 – 2020. The two IPA 2012 Projects EURALIUS IV and PAMECA IV are in full accordance with the Policy Dialogue on Visa Liberalization and accession Negotiations.

Objectives of each of the projects strongly address the strengthening of capacities of the beneficiary institutions related to the respective AC topic based on identified needs and gaps. All projects (except ACFA) have a capacity building component and interventions have been designed to strongly link the policy, legislative and institutional changes with strengthening the capacities of beneficiary institutions; gaps in the capacity of beneficiaries (in terms of staff number and expertise, including staff turnover) have been stated as a significant risk in all project fiches but never used as a conditionality for starting a project.

There is good coherence and continuity. Projects have built on the outputs/results of previous EU projects and are well coordinated with the ongoing projects of the EU and other donors. During project design overlaps are avoided by the participation of the EUD in a coordination mechanism led by the Department of Strategy and Donor Coordination / Sector Donor Coordination (AC matters under AC Sector). Potential overlapping during implementation is avoided by very good cooperation between each of the projects under the close attention of EUD task managers.

Projects have been very well sequenced e.g. PACA, which built on the outputs/results of the CARDS 2006 project “Tackling Money Laundering and Financial Crime” (2007 -2009), was implemented during 2009 – 2011 and extended to December 2012 in order to bridge the gap between the ending of EURALIUS III and the starting of EURALIUS IV. The ACFA project was designed and implemented during 2014 after sufficient delivery of TA in the area of AC provided identification of sector gaps to be addressed in the next programming phase, thus ACFA has contributed to forming a sector approach platform for IPA II Programming in AC. Drafting of the project fiches has been the responsibility of the EUD and beneficiary needs set out in project identification documents have been taken into consideration. The beneficiary was substantially involved in adjusting/improving the Project Implementation Plan during the Inception Phase and during the Interim Phases through SCM mechanism.

Conditionalities were not applied for launching the projects and sequencing the operations.

### **Effectiveness**

Overall, the evaluated projects have tackled all AC aspects i.e. money laundering (PACA, AML & SCI), conflict of interest (PACA); declaration of assets (PACA); financing of political parties (PACA), integrity and ethics in public services (PAMECA IV, PACA), accountability and transparency of the judiciary

(EURALIUS III). They have been addressing them through interventions aiming to improve the legal, regulatory and administrative set-up of the key beneficiaries (Department of Internal Administrative Control and Anti-corruption [DIACA] - actually National Coordinator for Anti-corruption [NCAC], FIU, ACSAA, HIDAACI, GPO, GDP, JIUs, HCJ, MoJ, MES) and of secondary institutions and stakeholders with operational links to the primary beneficiaries.

The topic of integrity and ethical norms in Public Services AC has an insignificant share /funding compared to other AC topics. It is addressed as a specific component in PAMECA IV (Investigation/Police) and PACA (Education sector); the same education on AC, addressed in only 1 Project component;

PAMECA IV is the single project (of 5) to include TA and supply components to support infrastructure needs. The lack of such a combination may have compromised the achievement of results of some of the other projects.

Three out five TA projects were implemented through grant agreements with a MS (Twinning) providing ongoing TA, strategic and operational advice, which was highly valued by beneficiaries. The two other projects, which were implemented through direct agreements by CoE had very good quality outputs, which were highly valued by the beneficiary but lacked a component for know-how transfer, which is very important for capacity building.

The outputs have been instrumental in achievement of project objectives including proposals to amendments to the existing legislation, drafting new legislation, byelaws and legal instructions; production of operational guidelines and manuals; functional review of AC bodies/institutions and proposals for adequate structures e.g. DIACA, FIU, GPO; techniques and tools e.g. risk assessment methodology, analysis, surveys; establishment of MoUs between AC institutions and LEAs on information exchange; development of information systems, AC awareness raising etc.

The outputs delivered have generally produced expected results including most notably: Improved anti-corruption legislation in line with international standards, particularly Constitutional amendments on immunities (approved by Parliament in 2013) proposed by PACA; political party financing; amendments to “Anti-mafia package” on incorporation of 21 criminal offenses related to corruption in the Criminal Code to be investigated by the Prosecution and Court of Serious Crimes (2014) proposed by ACFA; Laws on conflict of interest and asset declaration (PACA), Civil Service Law; legislative amendments on Anti-money Laundering/Combating Terrorism Financing (approved in 2012) proposed by PACA and a large number of bylaws and Government Decisions;

The operational capacities of AC institutions have improved due to utilisation of project outputs. These include most notably the standardization of documents for each of the line ministries; a standard format for reporting concrete actions related to progress of investigations on corruption cases; a manual on regulations and procedures for the law enforcement agencies; a Guidebook on the Investigation of Corruption and Financial Crimes; an addendum to the Legal Drafting Manual related to ‘corruption proofing’ methodology; a Protocol of Administration of Assets at AASCA (operational guidelines), and a Manual on Education against Corruption for teaching children enrolled in primary and secondary schools in academic year 2012 - 2013 etc.

The knowledge and skills of staff of the judiciary and AML supervisory institutions for prevention, detection and investigation are improved as a result of extensive participation in large training programmes.

Institutional cooperation, which has been established amongst AC institutions and LEAs, was facilitated by establishment of MoUs for information exchange but efficiency of functionality of MoUs needs to strengthen in practice. More often the efficiency of projects has been adversely affected by a lack of proper infrastructure. For example cooperation between the HIDAACI and other key agencies to ensure the exchange of information on the assets of public officials is hindered by the lack of a modern (electronic)

system of information exchange (collection of information by hand paper delays the process and may compromise the secrecy of investigations). The same can be said for investigations at the Prosecutor's Office and Agency of Administration of Sequestered and Confiscated Assets (AASCA).

EU financial support deployed through IPA 2007, 2008 and 2009 projects was implemented in a destructive political environment. Even though AC related issues such as declaration of assets by politicians, conflict of interest, concessions, building permits and official's immunity have been the core of a violent campaign of mutual accusation between government and opposition, lack of a policy dialogue disabled addressing them to appropriate policy decisions and measures while the non functioning of Parliament negatively influenced implementation of projects and achievement of some of the expected results within the timelines e.g. in the case of PACA the political climate impeded the passing of AC legislation in Parliament and relevant outputs could not progress, while in the case of EURALIUS III development of the Justice Reform Strategy was delayed.

Lack of willingness of beneficiaries to accept/follow the recommendations of projects e.g. mechanisms established with project support (PACA) such as the Technical Secretariat established by prime ministerial order did not function as intended, instead functioning as an *ad hoc* gathering of officials from various institutions meeting occasionally; lack of willingness by HCJ to conduct surveys of the public on corruption because of fears about publicising the survey results before elections; high level political polarisation on any judicial reform exposed the projects to the risk of staff turnover (even at the technical level) are some of reasons that affected not achievement of expected effectiveness.

### **Efficiency and EU Value Added**

There was an adequate composition of project teams in both Twinning and TA projects having a full-time RTA or TL. The ACFA project (implemented by CoE) is an exception. It had a part-time LTA, ST TAIEX experts and a local expert. In addition to technical responsibilities the part-time LTA was in charge of project management including financial management and coordination. This model of project management used by CoE is definitely not efficient and the flexibility shown by EUD and counterpart MSs in adapting to the needs of the project by providing additional MS experts.

All projects had a timely start except the ACFA project due to long CoE procedures. There has been timely deployment of project teams and implementation of projects has been in accordance with the schedules agreed at SC meetings with the participation of EUD and Beneficiaries. Inputs were as planned and any additional ones were provided according to the schedule and within budgets.

The monitoring mechanism functions efficiently. Steering Committee meetings are held regularly, and they adequately complement the monitoring, overseeing, support and orientation of projects.

Stakeholders assessed the cooperation and communication between project teams and beneficiary institutions as excellent.

NGOs are involved in discussions of corruption and anti-corruption issues e.g. legal drafting, the Strategy and AP process, and they are invited to project presentations and awareness raising events.

Projects delivered all planned outputs within the planned timeframe with some exceptions related to mandatory results, while additional outputs were delivered by Beneficiaries request. The main factors for the non-delivery of outputs have been lack of Beneficiary commitment (e.g. PACA proposals on "Anti Mafia Law" including draft organic Law/regulation on AASCA; survey on the public on corruption on Judiciary System not supported by HCJ –fear that results of survey may have been used politically and affect 2013 elections; DIACA website not established due to lack of DIACA commitment); unrealistic objective e.g. conditions for establishment of the NGO network on AC were not adequately assessed etc.

The delivered outputs have been drafted to a high quality and in accordance with the GRECO and MONEYVAL recommendations, and have adopted the best practices of experts. Beneficiaries are generally highly satisfied with the quality of approach and deliverables.

### **Impact**

Albania's legal framework and inter-agency structures for fighting corruption are largely in place (Progress Report 2012, 2013). The Albanian AC legislation is improved and is in line with GRECO and MONEYVAL recommendations. Accomplishment of the recommendations of the 3rd round of GRECO, related to incrimination of corruptive proceedings and financing of political parties, is largely attributed to PACA.

The impact produced by implementation of amended and new legislation, such as the constitutional amendments on immunities has narrowed the scope of immunities of elected officials. Amendments to the regulations on the financing of political parties have improved the transparency of financing and are preventing illegal financing. Public transparency has improved and access to information is faster. Progress has been made to consolidate statistics but needs further improvement. There is improved reporting – the annual Reports of NCAC and LEAs in Albanian and English are freely accessible on the websites of the respective institutions. The number of preventive measures has increased; number of investigation, prosecution and adjudication of corruption has increased; punishment measures for a number of penal acts have increased; the number of financial sanctions for non-compliance with ML measures has increased; the number of orders for the freezing of assets and seizure of funds has increased.

Very good progress and results have been achieved in a number of AC institutions supported by EU assistance e.g. HIDAACI, FIU, in the areas related to Public Officials Assets Declaration and AML. The overall impact is modest compare to the scale of corruption (TI Report, SELDI assessment). There is no track record of convictions of high-level officials and politicians (for the first time in 2014, two judges were referred to prosecutors for investigation and were sentenced by the courts. One was convicted and one is undergoing an appeal court process.

There has been a lack of results related to corruption in land transfer and public procurement and generally the level of punishment is low compared to the damage done.

Achievement of impact is restricted by a lack of independence, limitations of laws, a lack of technical capacities and a lack of human resources, and overall by ineffective cooperation between the AC and LEAs.

The lack of independence of the key investigation institutions such as the police, the General Prosecution Office (GPO), the FIU (operational independence) and the judiciary (the HCJ is lacking in independence from political pressure and interference) is a fundamental matter.

There are limitations of laws such as the Anti-Mafia Law, which provides a good framework for the management of seized and confiscated property under the non-conviction based system of confiscation, but it cannot be fully effective without the implementation of detailed secondary legislation, which should also ensure that the system is transparent and is providing value for money.

There is a lack of technical resources, including technical equipment, which limits the ability to conduct investigations and proactive approaches to detections. In particular there is a need for effective data exchange systems, such as interconnectivity of databases of the Tax, Customs, Land Registry etc. bodies.

Despite improvements the human resources capacities are still not at the required standards to produce expected results due to turnover of staff with specialist expertise who have also been subject of political turnover together with senior level experts. Significant turnover has been evidenced throughout the Public Administration in form of dismissals or transfers to lower positions. According to PAMECA the turnover at Police PAMECA reached 40%, after the new Government came into power.

Another reason for lack of results is a lack motivation amongst staff of Law Enforcement Agencies caused by inadequate employment benefits compared to risks, such as personal protection and remuneration (especially among prosecutors, police and judges).

### **Sustainability**

Positive factors that lead to sustainability:

A number of legal initiatives proposed by projects carried out after projects end i.e. a number of legal acts, bye laws and regulations on AML/CFT adopted by the Government after project completion (during 2013 -2014) such as: Law no. 157/2013 dt. 10.10.2013 “On the measures against terrorism financing”; approval by the Minister of Finance of instruction no.1, dated 16.01.2014 “On establishing the rules and procedures for allowable expenses on the funds and other seized assets of designated persons”; adoption of guideline nr.22 date 19.11.2014 on “Supervision of NGOs”; Several amendments to DCM on persons and entities designated pursuant to UNSCR 1267 and successor resolutions;

A number of AC structures have been established following project recommendations. DIACA was transformed to NCAC, taking a leading role for developing, coordinating and supervising the anti-corruption policy/limited staff; FIU was transformed into GDPML, a new properly resourced organisation (adequate budgetary allocations, human and technical resources); the Sector for Corruption and Money Laundering Investigation at GPO was transformed into a Directorate with increased authority. However, it was not provided with sufficient additional staff necessary to cover the multiplication in the number of cases to be investigated, which adversely influenced the quality and efficiency of investigations; the sector for Economic Crime at GPO transformed to Directorate for Serious Crimes of the Department of Criminal Investigations.

The analytical processes of GPO and FIU were improved resulting in higher quality financial intelligence (however the legal framework needs to be strengthened with regard to institutions operational independence).

Good domestic and international cooperation has been established and there are a number of domestic and international cooperation mechanisms that facilitate cooperation between competent authorities and foreign counterparts (however, cooperation mechanisms between supervisory agencies, both domestic and international, are underutilized).

Expertise has been developed in the Joint Investigative Unit to Fight Economic Crime and Corruption (JIU) in Tirana and in the 6 JIUs in districts in relation to the investigation and prosecution of financial crimes and corruption cases, although the effectiveness of these units needs to be strengthened.

The commitment of the new government to fight corruption and to ongoing AC reform is an assurance that outcomes/progress achieved will turn into tangible results. And the close monitoring of the AC Road Map by the NCAC and EU (EUD, High Level Dialogue Committee) reinforces this.

Negative factors undermining sustainability:

Sustainability is undermined by all factors limiting achievement of impact (above).

Sustainability is compromised by a) the significant staff turnover in some key institutions e.g. 40% turnover in Police reported by PAMECA IV; none of the DIACA staff trained by PACA is working with the new established NCAC; key projects counterparts at the Ministry of Education, HIDAACI, MoJ, FIU, GDP have been dismissed; b) an inadequate level of human resources in key institutions e.g. the number of staff at the General Prosecutor Office remains limited while the volume of investigations has increased; at the Agency of Administration of Sequestered and Confiscated Assets (AASCA) there are 8 staff when 25 are needed; the budget to cover administration costs is limited; c) lack of IT infrastructure at GPO, GSP and AASCA for case management and investigation.

There are an unsatisfactory number of proactive investigations due to a lack of IT infrastructure at many institutions including the GPO, GSP and AASCA. Information about properties is not readily accessible from the Tax, Land Registry database and this necessitates the issue and transfer by hand of documents, thereby compromising the secrecy of investigations. The efficiency and quality of investigations into assets and property, and any subsequent sequestration or confiscation is low. There is a lack of an electronic Case Management System designed to streamline the process of investigation of assets and management of cases from start to finish.

The **PAMECA** series of projects started in 2002 and operate in the framework of EU assistance to Albania in the area of law enforcement, and security and public order.

**PAMECA I** was implemented in the framework of the PHARE programme from December 2002 until December 2004. Its objective was to assist the Albanian State Police (ASP) in the framework of the Stabilization and Association process and compliance with EU standards.

**PAMECA II** was implemented in the framework of the CARDS programme from December 2004 until December 2007 (total funding € 6.54 million).

Its objectives were: i) Improvement of institutional and operational capacities of the ASP in the fight against crime and in ensuring public order; ii) Strengthening cooperation between the police and the prosecution – judicial; iii) Assistance to the police in its efforts to enhance public trust.

**PAMECA III** was implemented in the framework of IPA from May 2008 until May 2011 with an extension until May 2012. The initial funding of € 5.5 million was increased to € 6.8 million to fund activities during the 12 months extension.

The overall objective of the project was to improve the work of the ASP structures in order to ensure trust, security and a safe environment for the Albanian citizens through the EU standards and the technical assistance by the EU member states.

**PAMECA IV** is being implemented in the framework of IPA from June 2013 until October 2016 for “Consolidation of Law Enforcement Capacities in Albania” (total funding € 4.0 million).

## IPA II programme

The IPA II assistance in Albania is based on IPA II Regulation and Country Strategy Paper 2014 -2020 where the priorities related to fight against corruption are addressed as part of Objective “a” - Support for political reforms; policy area “a” Reforms in preparation for Union membership/ Rule of law and fundamental rights focusing on two pillars: democracy and governance by further strengthening democratic institutions, Public Administration Reform, reforming the Public Finance management, strengthening Civil society; and Rule of law and fundamental rights through strengthening the Fundamental rights of minorities and vulnerable social groups, establish a clear framework for property rights and enforcement legislation. Five out eight CSP IPA II Objective “a “ sub -objectives address: i) - independent and efficient judiciary, and of the rule of law institutions; sub-objective; ii)- human rights and fundamental freedoms; sub-objective v - Fight against corruption and organised crime; sub-objective vi - strengthening of public administration and good governance”; sub – objective Viii - Development of civil society. The IPA II priorities have a strong emphasis on the areas where the reforms to meet accession criteria are most needed by translating thus the five criteria set at the February 2015 High Level Dialogue meeting between EU and Albania authorities amongst which key priorities are *public administration and judicial reform (with a focus on professionalism and de-politicisation), fight against corruption and organised crime and reinforcement of protection of human rights, including property rights.*

Following the Multi-Country Strategy Paper 2014 -2020 requirements for the prevention of and fight against corruption to be addressed as a cross-cutting theme, the 2014 Action Programme includes the fight against corruption through two crosscutting actions, respectively Action 1. Sector Reform Contract, Public Financial Management Contract (PFM) and Action 4. Public Administration Reform (PAR). Both actions fit objective “a” of IPA II “Support for political reforms” addressing respectively Action 1 strengthened fiscal cash registration; strengthened public procurement review function; effective internal control system including functional anti-fraud and anti-corruption mechanisms; strengthened oversight of the budget by the parliament and the external audit institution; greater transparency of the budgetary process *vis-à-vis* civil society organizations and the public opinion and Action 4. “enhance oversight mechanisms guaranteeing citizens' rights and access to information enhanced (better collection and processing of data; increased capacity by the Commissioner of Civil Service Supervision, State Audit Institution, Ombudsman and Administrative Courts to supervise the public administration); enhance efficiency of public services through digitalized and integrated delivery”; Both Actions take into account a realistic implementation time frame of 2-3 years allowing implementation and assuring effective knowledge /processes transfer after the action is completed.

The fight against corruption is linked to the good governance and law enforcement sectors, which are part of the IPA 2015 and 2016 programmes, which include plans for EURALIUS and PAMECA V. At this stage of the IPA II Programme the SPD for the Judiciary sector, which should provide a clear definition of Objectives, Activities and cost estimations for anticorruption measures, is not prepared (only the Action Programme 2014 is defined) therefore it is not possible to assess the adequacy of the financial package for all IPA II Actions related to the fight against corruption. The indicative budget allocation for Rule of Law and Fundamental Rights in the CSP is 14.9% of the total for the country but this also includes other areas as well as anti-corruption.

The IPA II programming process has been carried out through a structured and systematic consultation process with the national authorities responsible for policy, reform & strategic planning in the related sectors led by the EUD in close cooperation with the Ministry of Finance (PFM) and Ministry of Innovation and Science (PAR). The programming has been adequately based on detailed SWOT analysis (SPD requirement identifying needs/gaps and linking them with the expected results and activities to fill these gaps (output, outcome, and result). Prioritisation and sequencing of interventions is based on a coherent medium-term financial framework (medium term budget planning- MTBP). Taking into consideration the pilot nature of sector budget support (SBS) in IPA II in Albania (level of maturity of all programming documents, systems and national capacities), the programming will cover a biannual period 2014 -2016 and involve 6 selected Actions. The Six Actions included in the AP 2014 are selected on the basis of sector/area priority, sequencing and coherence. Quality has not been a selection criterion for inclusion in the AP 2014 as the Quality Control process has assured that Actions comply with standard requirements before approval. Corrective rounds have been carried out amongst lead institutions, MEI and EUD.

At High level the Reforms, Strategies and Action Plan implementation in accordance with the IPA II Regulation is assured by establishment of monitoring mechanisms at sector Lead Institution and MEI (IPA monitoring unit) assuring the link between inputs, results, and outcomes. At Strategy level (as part of the Strategic Development process) the Decision of CoM defines specific arrangements for each of the Sector strategies defining whole process requirements). The AP 2014 objectives and allocation of resources has been adequately planned based on (i) level of priority, (ii) sequencing of needs, (iii) timeframe for implementation and (iv) stakeholder absorption capacity (Workload Analysis and HR assessment is completed for PFM while for PAR it is in process).

The IPA II process in Albania has not followed a regular process in terms of development/approval of Sector Planning Documents (SPD) and after preparation of Action Documents (AD), which reflects the level of readiness of Albania in meeting the respective requirements i.e. Sector Strategies and Action Plans

standards with clear OVIs linked to Sector Reform Objectives, Monitoring Framework and well-defined Cost Estimations. Nevertheless, the SPD and ADs have been developed in parallel and it is easily evidenced that the OO of each of the Actions addresses the SO of the draft SPD (actually the five ADs are being approved while SPDs are still at a draft stage). At this stage, only the PAR Strategy 2015 – 2020 approved recently (April 20, 2015) other strategies are in process with PFM being in a more advanced stage.

IPA II implementation modalities include a mix of service contracts, Twinning (grants) and sector budget support (SBS), which is to be applied first in the Public Financial Management Sector Reform Contract (PFM SRC) in AP 2014. Other sectors may be included after a 2016 review of the CSP. IPA II brings an improvement in management of assistance in AP 2014 when 3 out of 6 Actions are to be managed through Decentralised Management by CFCU, which demonstrates an increased level of maturity and ownership of national capacities.

SBS is an innovative mechanism to improve the effectiveness and the impact of interventions. Qualifying for implementation of the PFM SRC by SBS required accomplishment of four eligibility criteria:

- 1) Macroeconomic stability by requiring a credible and relevant programme, including Albania's participation in multilateral fiscal surveillance with the EU;
- 2) Public financial management by developing the current draft PFM reform policy towards a credible strategy and action plan to improve PFM;
- 3) Budget transparency by implementing an agreed road map, focusing on the quality and exhaustiveness of the budgetary documentation published by the government of Albania;
- 4) Relevant public policy by designing a PFM sector policy, consistent with the EU accession strategy and in line with the objectives of smart, sustainable and inclusive growth and democratic governance.

The transfer of SBS payments by the EU to GoA budget is to be made in tranches. Their disbursement will be "triggered" by achievement of agreed results. These are to be measured using a performance assessment framework composed of general criteria and triggers/indicators related to key PFM measures and reforms. The triggers/indicators will be based on baseline and target data, and weights allowing measurement of achievement of targets. For PFM SRC disbursement is planned in fixed tranches and variable tranches.

Fixed tranches will be disbursed on the basis of the following *general criteria*:

- 1) maintenance of a credible and relevant stability-oriented macroeconomic policy or progress made towards restoring key balances;
- 2) satisfactory progress with regard to the public availability of accessible, timely, comprehensive and sound budgetary information;
- 3) satisfactory progress in the implementation of the Public Finance Management Strategy 2014-2020 and continued credibility and relevance of that or any successor strategy.

Variable tranches will be disbursed on the basis of general criteria and proportional to the attainment of reform policy targets of key importance for the reshaping of the PFM system, which shall be monitored using the performance assessment framework.

The IPA Programming Department of the MEI, and the EUD have carried out the quality control procedures on Actions through a structured process. However, because of the turnover at MEI of trained staff from previous EU projects, the capacity of the MEI to provide the level of monitoring required for the SBS process is uncertain.

IPA II Assistance	2014	2015	2016	2017	2018-2020	Total
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	MEUR	MEUR	MEUR
Democracy and Rule of Law	226.2	94.8	320.5
Democracy and Governance	157.2	66.3	223.5
Rule of Law and Fundamental Rights	69.0	28.0	97.0

## 2.2 Bosnia Herzegovina – Country summary

### Background

Bosnia and Herzegovina is a "potential candidate country" for EU accession since the decision of the European Council in Thessaloniki in 2003. The Stabilisation and Association process (SAA) is anticipated to come into force on June 1, 2015. The existing power structures in BiH are complex and remain fragmented. The governance is split between administrative units: 143 municipalities, two entities, one separate district and in the case of the FBiH – ten cantons, as well as federal state structures. These specifics of the BiH power structures do not foster responsibility, but obstruct transparency and accountability, and provide a fertile breeding ground for corruption and organised crime to flourish and prosper.

Corruption is one of the main challenges faced by Bosnia and Herzegovina. The country ranked 80 (72 in 2013) out of 175 countries assessed in Transparency International's 2014 Corruption Perceptions Index<sup>37</sup>. With a score of 39 out of 100, its performance is the third worst among the Balkan countries, only better than Albania and Kosovo (Transparency International 2013a). This ranking confirms the data received through the UN Conflict Analysis Survey, where nearly 3 in 4 respondents (73%) stated that corruption tops the list of problems in BiH, followed by the economy (59%), and politics (50%).<sup>38</sup> The survey also showed that citizens mostly blamed politicians (86%), governments (79%) and the international community (33%) for these problems. Further research conducted by UNODC revealed the extent of corruption: in the 12 months prior to this survey, 20.1% of citizens of BiH had experienced - either directly or through a household member - some form of bribery or related activity through a public official<sup>39</sup>

Institutional framework for fighting the corruption consists of the Agency of the Prevention of Corruption and Coordination of the Fight against Corruption, the State Investigation and Protection Agency (SIPA), the Office of the Prosecutor, the Supreme Audit Institutions, and other law enforcement agencies (police), a public procurement agency and the Ombudsman, as well as the judiciary.<sup>40</sup>

With regards to the strategic framework, main strategic document for this area is the 2009-2014 Strategy for the Fight against Corruption. At Entity level, Republika Srpska adopted a new strategy for the fight against corruption and an action plan for the period 2013-17. However, main criticism of anti-corruption efforts in Bosnia are that, while, an anti-corruption legal and institutional framework has been put into place in recent years - mainly as a result of international pressure - there are neither signs of progress, nor of a firm political commitment against corruption. This is confirmed by the consecutive EU Progress reports, which state almost the same sentence all over again for the area of anti-corruption: There was little progress in advancing reforms to reduce corruption, which continues to affect the entire public sector and remains most acute in the areas of service delivery and access to employment (EU Progress reports for 2011, 2012, 2013, 2014). The reports also recognize the fact that, while legal framework is in place, the political will to tackle the issue and to improve institutional capacity remains weak and inconsistent. (EU Progress reports

<sup>37</sup> At the global level, 69% of the 175 countries have a score below 50 points with the global average being 43 points

<sup>38</sup> UN Conflict Analysis Survey, May 2013, p. 18.

<sup>39</sup> UNODC reports "Corruption in Bosnia and Herzegovina, Bribery experienced by the population" published in 2013

<sup>40</sup> Beside the institutions mentioned here in the Republic of Srpska exist:

- Commission for monitoring the implementation of the Strategy for the fight against corruption
- Anticorruption team.
- Agency for managing of confiscated assets.
- Special prosecutor's office and specialized departments of District Court for the jurisdiction for processing corruption cases.
- Within the RS Ministry of interior exists specialized department for the fight against organized crime and corruption.
- the Commission for prevention of conflict of interest in governmental bodies.

2012, 2013 and 2014). Adoption by the Council of Ministers of a new Anti-corruption Strategy and Action Plan 2015-2019 is foreseen in May 2015.

**The Council of Europe/GRECO** assessments repeatedly underline that Bosnia and Herzegovina needs to step up the fight against corruption, a key precondition for its accession to the European Union. However, the Transparency International states that the track record of the Bosnia and Herzegovina institutions on the issue of corruption, including political corruption remains rather poor. Most worryingly, recent reforms appear in some cases to have weakened existing anti-corruption legislation, thus undermining previously obtained achievements (Transparency International, Overview of Political Corruption, 2014).

The EU IPA II Country Strategy Paper 2014-2017 for Bosnia states that regarding the fight against organised crime and corruption, insufficient cooperation and coordination between law enforcement agencies and the prosecutions services significantly undermine the process. Similarly, cooperation and coordination on the exchange of criminal information and intelligence within the country are insufficient. In addition, the infrastructure and staff capacities in the execution of criminal sanctions are unsatisfactory.

### Projects of IPA I assistance selected for the evaluation

For the evaluation the following IPA I projects have been selected.

Year	Project Title	Total (M€)	EC Grant (M€)	Other (M€)	Co-financing (M€)
2009	Strengthening the capacities of BiH institutions to combat and prevent corruption.	0.500	0.500		
2010	EU support to law enforcement.	7.000	7.000		

### IPA 2009, Strengthening the capacities of BiH institutions to combat and prevent corruption<sup>41</sup>

Objective of the Project is **“To strengthen the capacities of BiH institutions to enforce accountability and to effectively fight and prevent corruption”**

The project purpose is to:

1. Strengthen the institutional and administrative capacities of the Anti-corruption body in order to enable it to fulfil its mandate and objectives
2. Improve the anti-corruption capacities and cooperation mechanisms of institutions mandated to combat and prevent corruption on different administrative levels
3. Reinforce corruption prevention capacities of public institutions and law enforcement agencies through extensive training and the creation of sustainable training capacities

This project is focused on the establishment of an Anti-corruption body and follows the decision by the Council of Ministers of Bosnia and Herzegovina in 2009 “on (the) establishment of (an) interdepartmental working group for (the) preparation of the proposal of the strategy to fight against corruption and the

<sup>41</sup> Data for the project found in the Project Fiche.

related action plan; and for the preparation of (a) proposal of the law on (the) establishment of (an) anti-corruption body chaired by the Ministry of Security”

The project will contribute to establish a specialised anti-corruption body with clear responsibilities and competences with regard to monitoring and preventing corruption and thus provide the Council of Ministers for the first time with the means to get an overview of the situation of corruption in different sectors; the anti-corruption body will be able – through its monitoring and information *competencies* – *to pressure for the enforcement of already existing regulations; furthermore through coordination* and cooperation mechanisms with relevant institutions it will overcome existing institutional obstacles linked to the multi-layered administration and law enforcement structure.<sup>42</sup>

The lack of a specialised service in BiH dealing exclusively with corruption and having clear coordination competency with regard to public institutions at different administrative levels that are dealing with fighting corruption was at time identified as one of the obstacles to the implementation of the anti-corruption strategy 2006-2009.

The beneficiaries are: Ministry of Security, State Investigation and Protection Agency (SIPA), Ministries of Interior, Federation, Ministry of Interior, Republika Srpska, Prosecutors' Office (state and entities level), Ministries of Justice (state and entities level), Public Administration Reform Coordinator's Office (PARCO) and other public institutions mandated to fight corruption.

**IPA 2010**, EU support to law enforcement (project finished in April 2014, duration of 2 years).<sup>43</sup>

The **overall objective** of the project “EU Support to the Area of Law Enforcement” is **to contribute to bringing Bosnia and Herzegovina (BiH) law enforcement institutions up to the level required for EU accession.**

**Specific objectives** of the Project are:

- To assist in improving legislation, capacities and capabilities of police bodies, institutions and agencies to strengthen cooperation and coordination in the area of Law Enforcement,
- To further implement police reform in accordance with the respective laws,
- To contribute in reducing corruption and organised crime and thereby diminishing a threat for society and economy, and
- To strengthen cooperation and coordination between police and justice, especially police and prosecutor to make the fight against crime more effective.

The project aims to improve the capacity and capability of the law enforcement agencies in Bosnia and Herzegovina (BA). It follows on from a ten year EU Police Mission (EUPM) and aims to create a strong and solid foundation for ongoing and long-term improvements in the institutional structures for law enforcement in the country. The project promotes coordination and cooperation between and across the multifaceted law enforcement sector in BA and will pursue a principle of local ownership. Law enforcement institutions are expected to take full responsibility for their part in implementation and to maintain it through the entire duration of the project and beyond. The approach is to influence operational adjustments through cooperation, engagement and dialogue that will strengthen local and individual ownership and improve cooperation between individuals and institutions.

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<sup>42</sup> IPA National Programme 2009 part II – Bosnia and Herzegovina, Fiche 6 "Anti-Corruption", p.6, 7.

<sup>43</sup> Data for the project found in the Project Synopsis and annual Interim Report, 10 July 2013.

The project follows a thematic as well as an institutional approach for the six activity components (Component III Fight against corruption).

Results to be achieved:

- The legal basis and conditions for better coordination and cooperation of key security sector institutions created to consolidate and strengthen their functions.
- Education on organised crime and a diminished threat on society and economy.
- Significant reduction of corruption to strengthen trust of citizens in government institutions at all levels.
- Structures in place for the effective management of seized and confiscated assets and the Office for Drugs functional.
- State Investigation and Protection Agency institutional capacities improved.
- Performance and effectiveness of the Border Police improved.
- Improved performance of police bodies on the entity, cantonal and Brčko District level.
- Police restructuring is implemented in accordance with the respective laws.
- Better cooperation and coordination between police and justice, especially police and prosecutor to make the fight against crime more efficient.
- Enhanced information exchange by more efficient usage of existing and new communication and IT systems and procedures.

The main beneficiaries are: anti-corruption institutions at state, entity, cantonal and Brčko District level (Ministry of Security BiH, Ministry of Interior of the Federation BiH and Federal Police Administration, Ministry of Interior of Republic of Srpska, cantonal Ministries of Interior and Brčko District Police; Agency for Forensic and Expert Examinations, Agency for Police Support, Agency for Education and Professional Training, Independent and Supervisory Bodies of Police Structures; Anti-Corruption Agency; State Investigation and Protection Agency; Border Police; Service for Foreigners Affairs; Prosecutor's Office (state and entities level and Brčko District), Ministry of Justice (state and entities level), High Judicial and Prosecutorial Council; Directorate for Coordination of Police Bodies).

The following evaluation criteria will be covered: relevance and coherence, efficiency and added value, effectiveness, impact, and sustainability.

### **Overall conclusion**

IPA support to the fight against corruption in BiH provided unsatisfactory results. The evaluators rate both projects as with "serious deficiencies". The implementation of the two evaluated projects has faced a number of difficulties in delivering satisfactory outputs, largely, but not only, caused by the complex and highly politicised institutional structure of BiH, that constrained collaboration between beneficiaries in the various administrative units. Lack of involvement of beneficiaries in project design, weakness in the conditionality, expected outputs where the consequences are not thoroughly thought through and poor donor coordination have been other obstacles.

Nevertheless, in a situation where external factors play a key role in BiH, the EU managed to follow up on pressure to establish the Anti-Corruption Agency and strengthened (internal) capacities of other relevant institutions, e.g. the State Investigation and Protection Agency (SIPA) and NGO's.

### **Relevance and coherence**

The evaluators examined whether the underlying documents were consistent with each other and contained clear priorities and performance indicators and whether the EC and the authorities in Bosnia and Herzegovina had developed a process to select the most relevant anti-corruption projects for IPA funding.

The IPA 2009 project to establish the Anti-corruption Agency is in accordance with the programming documents at that time: AP/NPAA/EP/SA/MIPS and the National Development Strategy 2008-2013.

To initiate the IPA 2009 project to establish the Anti-corruption Agency is in accordance with best practices at European and international levels, particularly Article 5 of the UNCAC.<sup>44</sup> However, the establishment is not considered so much the result of an initiative by the country, but rather after pressure from the EU to comply with the requirement/benchmarks for visa liberalization. As a result, the IPA 2009 project was developed without consultation with the direct beneficiaries, according to informants. The parties involved initially could not pay adequate attention to precise definition of the (realistic) project objectives, specific needs assessment and conditionality. The first staff of the Agency (Director and two Deputies) arrived in August 2012, with insufficient funding and no other staff, meaning that project activities could not be implemented because there was not a target audience. This demonstrates inadequate/inappropriate planning of project (unrealistic framework) and inadequate attention to conditionality and sequencing in the project design. The project largely failed to build capacities of staff (as majority of them were not in their positions at the time of the project). Also, due to overall lack of ownership over the Agency (and lack of its power), the Agency does not deliver upon its set mission and is weak in terms of performance and powers to get things done. Another issue is that the Agency was established as a state level body (with coordination of lower levels of governance), its actual performance and power is limited to the State level only, without competencies for lower levels of government.

As noted in the ROM-report<sup>45</sup>, the IPA 2010 project is complex in nature and includes a multi-level, multi-stakeholder approach, advising both national and entity-specific actors with moving along the reform process. The project purpose supports the countrywide framework related to European standards. The project is for the most part supported by the countrywide and sector-specific policies.

### **Efficiency and added value**

Efficiency of IPA assistance in the area of anti-corruption in Bosnia and Herzegovina is rated with “deficiencies”. For implementation of the anti-corruption strategy – one of the components of the IPA 2010 project – the budget was diverted to CSO projects. While some CSO project delivered good results (e.g. Transparency and CIN project for monitoring of public procurement), it is not clear why TA to CSOs was attached to it, as it did not bring any value added as per informants. Moreover, *overlaps* were created in 2013 due to a project with the same approach as the IPA 2010 project EU Support to law enforcement, after the signing of the *Agreement between the representatives of the prosecutor's offices and police authorities in Bosnia and Herzegovina and the High Judicial and Prosecutorial Council (HJPC) of Bosnia and Herzegovina*. The aim of this agreement was to improve the mechanisms of cooperation and coordination between prosecutor's offices and police during criminal investigations. The signing was the result of a project implemented by HJPC "Support to judiciary in Bosnia and Herzegovina-Strengthening prosecutors in the criminal justice system ", which is supported by the Government of Switzerland through the Swiss Agency for Development and Cooperation (SDC).

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<sup>44</sup> Article 5: Preventive anti-corruption policies and practices: Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

<sup>45</sup> ROM Background Conclusion Sheet, MR144814.02, September 2013.

Despite preparations to draft an anti-corruption strategy 2009-2014 under IPA 2010 (2 million EUR)<sup>46</sup>, the Entities drafted their own strategies and action plans, without consulting the State Agency of the Prevention of Corruption and Coordination of the Fight against Corruption. This coordinating role is not accepted in all respects by the Entities.

### Effectiveness

Based on information from interviewees the projects selected for the evaluation produced little results. Direct reporting available to the public on corruption is largely generated by CSOs (e.g. the Center for Investigating Reporting, Transparency International). The factors, which hindered their achievements, have been indicated above. The State Anti-corruption Strategy, which expired in 2014 has not yet been followed up with a new strategy. In April 2014 the drafting of a new Anti-corruption strategy (2014-2019) has started. First concept has been submitted in January 2015 to the Council of Ministers.

### Impact and sustainability

Impact and Sustainability in the fight against corruption must so far be seen as quite disappointing, with an overall rating of with **“deficiencies”**. Because corruption is so pervasive and touches on core interests of important parts of political elite, any programming of serious anti-corruption work is going to have to be based on the mobilization of a broad range of stakeholders who may have somewhat different interests in the issue. This will require time, resources and considerable political will to succeed.

### Information from local stakeholders

The current situation in BiH in the area of IPA support to fight corruption has been discussed with a number of key stakeholders, as listed in Annex3, resulted in the following overview on observations.

- The new strategy envisages integrity plans. So far, 200 institutions were contacted and 60% adopted integrity plans.
- Coordination of police bodies – there was a project IPA 2008 (Establishment of database for police and prosecutor’s office) to implement a database but **the database is not in use**. Project included signing MoU between these institutions.
- Audit authority for IPA funds was not established thus far.
- Law on ACA was a compromise – that is why its position and power is limited.
- ACA should be well placed for donor coordination. However, there are not strong capacities for donor coordination.
- There is a lack of comprehensive analysis of corruption prone sectors. Health and education are those who are closest to citizens.
- RS strategy was funded by UK and also F BiH Action Plan – this is an example of lack of donor coordination.
- TA provides some training activities that are too basic and no added value of this is seen.
- Prosecutor’s office has led some important cases for anti-corruption (e.g. Head Judge of Appeals court of BiH was arrested for corruption). Still, there are a lot of acquittals of cases by courts and this is a problem. Courts need to be improved and judges should be braver.
- Databases of institutions are not shared and there is no real coordination and cooperation.
- No IPA instruments are focusing on assisting the business sector.

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<sup>46</sup> Project title: Implementation of the anti-corruption strategy and action plan. The purpose was to implement the anti-corruption strategy and action plan in collaboration with civil society and business, improve the “ethic infrastructure” in the public sector and business through training. Six results are defined with a considerable number of quite specific (and ambitious) indicators listed.

- Business environment in Bosnia is not favourable – long procedures, bad conditions, unfair competition
- Main issue with procurement is monitoring of implementation of services/works (e.g. annexes to contracts, changes in specification, etc.). The new law is even worse than the old one.
- Law on whistleblowers is adopted but there is no anonymity and protection. This is a huge problem as it does not empower people to report crime.
- The general public does not receive information about the ACA, and its expectation is higher than can be realised. Therefore, much effort needs to be put on info about its mandate (focus on prevention, not on repression).
- Activities related to the implementation of the Law on the prevention of Conflict of Interest will be transferred from the Central Election Commission to the ACA, as well as the implementation of the Law on Whistleblowers and the monitoring of the financing of political parties. Extension of staff foreseen from 23 to 29. To find suitable office space is a general problem, as rental prices are very high, caused by politicians who bought office space.
- Focus on local government administrations, not only on the 75 state institutions;
- Performance of SIPA is internationally recognised on areas to combat tax evasion, smuggling, and indirect taxation.
- Property related records are insufficient: a single central register at State level does not exist for political reasons. In the RS an adequate property registration exists, but in the Federation the situation on this is complicated due to the many administrative levels.
- The Anti-Corruption Strategy had better pay more attention to a limited number of sectors, instead of the current general approach. Indicate clearly what you would like to achieve within two or three years.
- Do not pay too much attention to the strengthening of the capacity of the Anti-Corruption Agency, which is only a coordinating body. The Entities deserve more attention.
- The State Prosecutor's Office should be strengthened.
- The EUD must take a firm stance on amendments of legislation, which have a negative effect on democratic rights of citizens. Example: Law on access to information. The amendments restricted the operations of this law by releasing info of public interest only.
- The 2009 project on the State ACA was designed without involvement of the RS.
- The guidelines for integrity plans as developed by the ACA are of a poor quality. The same for the implementation of these plans. They do not provide risks analysis. The RS developed their plans by themselves without assistance of the ACA.
- Public procurement is a problem, due to frequent changes of the Law. Too little transparency. Losers of tenders very often compensated by the winner, under the existing culture.
- The Labour Law needs to be revised and harmonised with other legislation on e.g. occupational safety, health, pensions and the ILO regulations. However, the trade unions work against proposals to make redundancy rights more flexible or to put an end to long continued payment. Trade unions in the RS are related to public sector workers and thus more linked to the Government.
- At State level only SIPA and Border control have nationwide competences/jurisdiction). This has caused big problems on the division of responsibilities between the State and Entity police in a few cases (examples: terrorist attack on US embassy and demonstrations against the President's building).
- It is not clear who in BiH is overseeing and coordinates bilateral projects. The EUD is doing too little to prevent overlaps and provides little added value. EUD organises donor coordination meetings twice a year to exchange information on what has been implemented, not what is in the planning.
- International experts/consultants and very often not prepared for their assignments. Their information was not tailored to the specific situation in BiH with presentation material copy paste from



presentations in other countries. It is recommended to the EUD to check the quality of the foreign experts in EU funded projects.

- Beneficiaries do not have insight in the project budget (e.g. balance TA and equipment), too little transparency.

## IPA II programme

The EU IPA II Country Strategy Paper 2014-2017 for Bosnia and Herzegovina states that: “The rule of law will remain at the heart of the enlargement process. The new approach, endorsed by the Council in December 2011, means that countries need to tackle issues such as judicial reform and the fight against organised crime and corruption early in the accession negotiations. Bosnia and Herzegovina will have to sustain the momentum of reforms over time in the key areas of the rule of law, particularly judicial reform and anti-corruption policy, independence of key institutions [...]. The full and timely implementation of the relevant strategies and the action plans in the area of rule of law and fundamental rights will be essential in this regard.

### Resource Allocations for IPA II 2014-2017

	2014-2017	Total 2014-2017
Democracy and governance	31	31
Rule of law and fundamental rights	33	33

The EU IPA II Country Strategy Paper 2014-2020 outlines the following expected **results**:

- The judicial efficiency will noticeably improve, in particular through the elimination of the backlog of civil and criminal cases.
- The independence of the judiciary will be assured and accountability improved.
- Every citizen will have access to justice, and, in particular for the vulnerable, the access will be free.
- The capacity and the quality of the execution of criminal sanctions will improve.
- Transparency, accountability and proactive intelligence-led policing on organised crime and corruption cases will be strengthened and the recovery of public funds will improve.
- The efficiency and co-operation between the law enforcement agencies and prosecution services will increase.
- The track record of investigations, prosecutions and final convictions in organised crime and corruption cases will be developed.

## 2.3 Croatia – Country Summary

### Background

Croatia applied for EU membership in 2003 and was in negotiations from 2005 until 2011. On 9 December 2011 the Accession Treaty was signed. The country became an EU member on 1 July 2013.

In Croatia, the fight against organised crime and corruption is led by USKOK, the Office for the Suppression of Corruption and Organised Crime. USKOK is part of the State Attorney's Office which falls under the political responsibility of the Ministry of Justice. USKOK cooperates with the National Police Office for the Fight against Corruption and Organised Crime (PNUSKOK), established within the General Police Directorate of the Ministry of Interior.

The annual EC Progress Reports 2009-2011 indicate continuous progress in the field of anti-corruption, as also in the 2012 EC staff-working document on Croatia's state of preparedness for EU membership.

The findings are generally in alignment in the Programme of the Government of Croatia for the adoption and implementation of the *acquis*, regarding “suppression of corruption”: *With a view to strengthening the institutional framework, enhancing all forms of prevention of corruption, strengthening repression and improving international co-operation, the measures and goals of the anti-corruption policy will continue in 2012 with the adoption of the new Action Plan accompanying the Anti-Corruption Strategy.*<sup>47</sup>

The Council of Europe/Group of States against Corruption (GRECO) has also valued the achievements made by Croatia in the anticorruption arena with a compliance rate to 2014 of about 95% (36 out of 38 of the recommendations issued by GRECO in its First, Second and Third Evaluation Rounds (2000-2014) have been implemented satisfactorily or dealt with in a satisfactory manner). Despite all these encouraging efforts, according to GRECO corruption is still considered to be prevalent in some vulnerable sectors, particularly at local level, and has reportedly occurred in major public companies, universities, public procurement processes and land registry offices. Public perception of corruption in Croatia is also not so positive.<sup>48</sup>

Croatia ranks 61 out 175 countries in the Transparency International Report 2014 with a Corruption Perception Index score of 48<sup>49</sup>.

For the evaluation the following IPA I projects have been selected.

Year	Project Title	Total (M€)	EC Grant (M€)	Other (M€)	Co-financing (M€)
2007	Strengthening the capacities of USKOK.	1.270	1.253		0.0175
2008	Enhancing the participation of the CSOs in monitoring the implementation of the EU Acquis in the field of fight against corruption and the overall transparency, openness and accountability of public administration bodies.	3.509	3.000	0.175	0.333
2008	Strengthening of the tax administration in the fight against corruption.	0.230	0.0207		0.023

<sup>47</sup> Programme of the Government of Croatia for the adoption and implementation of the *acquis* for 2012, Zagreb 2012, p. 9.

<sup>48</sup> Council of Europe/Group of States against Corruption, Fourth Evaluation Round, Evaluation Report Croatia, 25 June 2014, p.7.

<sup>49</sup> At the global level, 69% of the 175 countries have a score below 50 points with the global average being 43 points.

### **2007, Strengthening the capacities of USKOK (project finished)**

The overall objective of this project was to strengthen the rule of law in Croatia, through an increased investigation and prosecution capacity towards criminal activity, especially in the fight against the corruption (high level corruption) and organised crime. In addition, the aim of the project was to contribute to the on-going capacity building process of the USKOK in order to improve its institutional capacity as well as the efficiency of its functions and to support the implementation of the National Anti-Corruption Strategy in the most efficient way.

The *main beneficiary* of the project was USKOK (the Office for the Suppression of Corruption and Organised Crime) with involvement of other law enforcement agencies: Ministry of Interior – The National Police Office for the Fight against Corruption and Organised Crime (PNUSKOK), Police Academy, Ministry of Finance - Tax Administration, Customs Administration, Foreign Exchange Inspectorate, Ministry of Economy etc.

The project implementation was based on Twinning and Service contracts. The Twinning contract (with Germany) was signed on 19<sup>th</sup> February 2009. Service contract was signed on 29 April 2010 with Teched Consultation Services Ltd. in consortium with Judge's Web. Implementation of project activities ended on 4<sup>th</sup> June 2012.<sup>50</sup>

### **2008, Enhancing the participation of the CSOs in monitoring the implementation of the EU Acquis in the field of fight against corruption and the overall transparency, openness and accountability of public administration bodies. (project finished)<sup>51</sup>.**

The *overall objective* of the project was to foster structured dialogue and formalized consultation between Croatian civil society organizations (CSOs) and Croatian state administration/EU institutions within the process of shaping, monitoring and evaluation of public policies at the national and EU level. The *purpose of the project* was to increase the effectiveness of the Croatian CSOs, acting as independent monitoring agents and advocates, in the policy fields where civil society dialogue is particularly valuable for Croatia's successful accession to the EU: transparency and accountability of public administration and fight against corruption, comprehensive anti-discrimination strategy and sustainable development

The beneficiaries of the 2008 project were Croatian NGOs. On their behalf, the nominal beneficiary was the Government Office for Cooperation with NGOs (GOfNGOs). The role of the office was to appoint a senior programme officer.

### **Component: Anti-Corruption Response to Implementation of the Procurement Policies – ACRIP**

The *specific objective* of the project is to improve the efficiency of the anti-corruption/pro-integrity policies and to build capacities in the public procurement sector at local governance level through comprehensive multi-sector approach to strengthening of technical capacities of the CSO's and relevant public administration bodies, and through increasing transparency, integrity and accountability of local governments in the Republic of Croatia.

Main stakeholders: Partnership for Social Development and the Association of Municipalities of the Republic of Croatia.

Duration: 24 month (April 2011- April 2013)

Total cost: 255.981,45€, IPA: 234.990,97€

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<sup>50</sup> Internal Monitoring Report no. 2012/No 8, 13/03/2012

<sup>51</sup> Internal Monitoring Report 2014/No 10, 1/10/2014

### **Component: Cooperation, Accountability and Transparency against Corruption**

*Specific objectives:* Increasing the transparency of public bodies on all levels of government; Strengthening the role and collaboration of CSOs in fight against corruption and in monitoring and reporting on the anti-corruption legal framework and anti-corruption policy in Croatia; Raising public awareness on corruption, anti-corruption policy and mechanisms, and its stakeholders.

Main stakeholders: Government Office for Cooperation with NGOs (GOfNGs) and Association of Cities of Republic of Croatia – AOC.

Duration: 24 months (May 2011 - May 2013)

Total cost: 213.597,70€; IPA: 196.616,68€

#### **2008, FPP RAC-Strengthening of the tax administration in the fight against corruption (project finished)**

*Project aim* is to improve legal and institutional framework for efficient and systematic combating corruption, to contribute to the rise of public awareness on harmfulness of corruption and to create conditions for preventing corruption in Croatian Tax Administration.

Project purpose is strengthening accountability and transparency of work in the Croatian Tax Administration and raising the efficiency with regard to detection and prosecution of corruptive offences.

Main stakeholders: Ministry of Finance/Tax administration

Duration: Contract was approved on April 5, 2011. On April 8, 2011 it was signed by BC. MS partner signed the Contract on April 14, 2011. Project implementation ended on 2 February 2012.

Total cost: 230.000€; IPA: 207.000€

### **Relevance and coherence**

The three projects, which were reviewed and discussed with the direct beneficiaries, show a high degree of *relevance*, in the sense that they are well aligned with the multiple needs of accession and the strategic objective (e.g. SAA, EP, Communication of EC on Civil Society Dialogue, National Programme for the Integration of the Republic of Croatia into the European Union (NPIEU), Accession Partnership (AP). The assistance specifically addressed accession negotiations requirements for specific *acquis* Chapters i.e. opening and closing 'benchmarks' for the Chapter 23 and 24.

For the Ministry of Regional Development and EU funds and the Ministry of Justice, other interviewed agencies involved in the fight against corruption, IPA support has been very important to strengthen the Rule of Law in Croatia. The fight against corruption is seen as a priority and appropriately addressed in all relevant MIPDs (financial allocations), EC Progress Reports and the national anti-corruption strategy and action plans. Interviewees consider IPA support highly relevant as the evaluated projects are well aligned with the needs of accession and the main factor for the many improvements in the fight against corruption.

### **Efficiency and added value**

Compared to the overall EU financial support to Croatia the IPA I assistance with regard to the fight against corruption has not been substantial. The projects provided in the ToR list over the period 2007-2013 show a total of nearly € 11 million worth of support for anticorruption activities, of which half was support to the USKOK and other public prosecutors' offices, and the other half for the civil society. The University of Zagreb, Transparency International Croatia, Partnership for Social Development, Association for the Promotion of Human Rights, media freedom Censorship Plus have been supported with € 1 million in all. The biggest amount of € 5.5 million dedicated to NGO anticorruption projects have been managed by the Government Office for Cooperation with NGOs, which appointed a senior programme officer for its implementation.

Efficiency of IPA assistance in the area of anti-corruption in Croatia is rated “good”. The use of Twinning has been appropriate to the needs and capacities of the beneficiaries and has the advantage of direct contacts with EU member states. The use of European peer organisations as service providers has been cost efficient. In terms of money and financial management the projects delivered results within the originally planned budgets.

The main issue with efficiency of IPA assistance to fight against corruption may be found in the long gap between programming and actual start of implementation of projects. In countries where negotiations are happening quite fast, this is a major issue as the gap affects projects’ relevance and effectiveness.

### **Effectiveness**

Outputs of the evaluated three projects (2007 *Strengthening the capacities of USKOK*; 2008 *Enhancing the participation of the CSO’s in monitoring the implementation of the EU Acquis in the field of fight against corruption*; 2008 *Strengthening of the tax administration*) have been delivered. These projects related to anti-corruption have been well designed to address the main objectives of the accession process and relevant national and sectoral anti-corruption strategies. The effectiveness of IPA programming on anti-corruption support has overall been very good with prioritization and sequencing.

The CARDS 2002 Twinning project<sup>52</sup> on capacity building for USKOK (Office for the Suppression of Corruption and Organized Crime), which also provided supplies/equipment for the Office, was the ideal starting ground for the IPA 2007 Twinning project to further strengthen the capacities of USKOK, with a budget of 1.000.000 EUR. The aim of the IPA 2007 project, which started early 2010 and lasted 27 months, was to strengthen the institutional capacity and to further improve cooperation of USKOK with other that LEAs are actively involved in the fight against corruption and organized crime.

The expected results of the project have been successfully accomplished. The direct beneficiaries indicated that the Rule of Law in Croatia was strengthened by increasing investigation and prosecution capacities in criminal proceedings, especially in the fight against corruption and organised crime. The project stimulated a multi-disciplinary inter-agency approach, as Memorandums of Understanding (MOU’s) were signed with other law enforcement agencies, e.g. the Tax Administration, Financial Inspectorates, Customs Administration, to provide USKOK with information. As a result of the project, the Criminal Procedure Act was amended to include provisions on investigations by and in cooperation with USKOK. A Manual on Joint Investigations has been drafted, international cooperation on information exchange and legal assistance improved. Plea-bargaining was introduced, which helped to avoid overloading of the Courts and the confiscation of proceeds of crime has been authorized.

These positive outcomes are reflected in successive EC Progress Reports. The last EC monitoring report 2012<sup>53</sup>, before Croatia entered the EU in July 2013, states that the law enforcement bodies remain proactive, especially on higher-level cases.

The IPA 2008 project (1,000.000 EUR), financed under the Civil Society Facility coordination and implemented between May 2011 and August 2013, to support CSO’s in monitoring the implementation of the *acquis* in the field of fight against corruption, delivered the planned outputs. The collaboration of the Government Office for Cooperation with the participating NGOs resulted in the establishment of integrity audit mechanisms in various local governments, a public procurement database to assist applicants/bidders. Participation of CSO in information-based shaping, monitoring and evaluation of anti-corruption policy implementation has been improved, as well as public awareness raising on the anti-corruption policy of Croatia, with a special focus on conflict of interest prevention. Beneficiaries were able to share best practices on experiences at local level in EU countries. The beneficiaries conclude that the infrastructure for

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<sup>52</sup> Thematic Evaluation of Rule of Law-lot 3, final Report, February 2013, p. 171

<sup>53</sup> Communication from the Commission to the European Parliament and the Council, 10.10.12, Com(2012) 601 final.

NGO's in Croatia has generally been improved through IPA Component I (Technical Assistance and Institution Building). However, some interviewees expressed concern on corruption at local levels due to insufficient oversight, capacities for initiating and managing anti-corruption projects. Only a minority of local governments have a Code of Conduct and Integrity Plans and clientism is still widely present.

The Twinning Light IPA 2008 assistance (220.000 EUR) to the Croatian Tax Administration, implemented in the period June 2011-February 2012, made an important contribution to the improvement of the legal and institutional framework in the area of fight against corruption and created better conditions for the prevention of corruption in the CTA. The project delivered all its outputs.<sup>54</sup> During its implementation an anti-corruption strategy was developed, linked to the National Anti-Corruption Strategy. Benefits of this project have been revealed in significantly improved administrative and operational capacity of the CTA in the field of suppression of corruption. Support to train-the-trainers has been stressed to ensure sustainable impact. However, frequent staff turnover and changed management had an impact on the sustainability of the assistance. Recommendations to improve IT-systems could not be implemented due to a lack of financial resources.

Overall, we may conclude that effectiveness of IPA support to fight against corruption in Croatia was high. Main priorities for EU accession in this area have been met and positive results have been achieved, directly contributing to closing the chapters 23 and 24, and Croatia's further accession to EU in 2013.

### **Impact**

An assessment of the impact of the evaluated projects on anti-corruption encounters some practical difficulties as many activities are relatively recent, so a sustainable longer-term impact can only be expected sometime into the future. Nevertheless the CARDS 2002 project provided the basis for a sustainable impact of the evaluated project on USKOK. In general, after Croatia entered the EU in 2013, the prospects for sustainable impact are already there and positive since the institutions charged with the implementation of the project results are in place, producing good results. This also applies to the relevant anti-corruption legal frameworks and the division of institutional mandates and responsibilities. Nevertheless, Transparency International Croatia notes that *"Croatian citizens are paying a very high price for the fight against corruption. A lot of money was embezzled in various corruption affairs during the past year and now, with their honest payment of taxes, each citizen is financing lengthy investigations and court trials"*<sup>55</sup> Positive impacts of the IPA support and related results can be found in increased institutional capacities of relevant government bodies to investigate and process corruption cases. Good example of that is arrest of former prime minister of Croatia.

IPA and EC support is perceived as positive, made major contributions and specifically contributed to the way the anti-corruption institutions are performing. Twinning assistance was largely preferred due to the close and continuous cooperation between international experts and national staff appointed to work on specific projects, where the training aspect has been stressed in order to ensure sustainable impact, e.g. in the Tax Administration.

### **Sustainability**

The level of sustainability of project results is always dependent on conditions to ensure financial resources and staffing, which are outside the direct control of the beneficiaries. Overall, the prospects for sustainability related to the evaluated projects are good. Capacities have been increased not just of CSOs (including partners' organizations) but also journalists and local and regional self-government in fight against corruption. A credible Tax Administration has been established, despite some noted weakness, inter-agency cooperation improved, based on appropriate legislation.

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<sup>54</sup> Internal Monitoring Report No 12/5, 21/3/12.

<sup>55</sup> Transparency international Hrvatska, Corruption Perceptions Index 2014, Ured TI Hrvatska, Zagreb

Overall, substantial progress could be noted regarding the fight against corruption as the law enforcement bodies are actively addressing the issue. Mid and high- level corruption have been tackled, leading to a substantial number of convictions. For example, USKOK (with its network of prosecutor's offices) is institutionalized and has its financial and bureaucratic procedures in place ensuring effective and efficient work of corruption. However, corruption at local level is still an area of concern.

### **Information from local stakeholders**

The current situation in Croatia in the area of IPA support to fight corruption has been discussed with key stakeholders, as listed in Annex 3, resulted in the following overview on observations.

Croatia has a high number of judges per capita, but also a high number of unresolved cases. Backlogs of cases are tackled by random distribution of cases among different courts, which helps independence and impartiality in solving cases.

Introducing special courts for fast tracking cases of corruption was an important measure that contributed to strengthen the system for anti-corruption (reference to IPA 2007 USKOK project).

Twinning is popular as it provides space for direct cooperation with EU countries and is considered the best instrument for transferring knowledge and sharing experience on anti-corruption.

The long period between programming and implementation of assistance affects the relevance and many times resulted in adjustments before the implementation of projects.

More attention to prevention of corruption in the private sector is needed.

There is no legal obligation to have integrity plans and risk analysis in the public sector<sup>56</sup>.

The contributions of other IPA projects resulted in membership of the Commission for Conflict of Interest including distinguished public persons in addition to representatives of the Croatian Parliament.

### **IPA II**

Since Croatia is an EU member state since July 2013, IPA II is not applicable on the (sub) sector anti-corruption.

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<sup>56</sup> In some EU member states, e.g. The Netherlands, Estonia, all public administrations are obliged to have integrity plans, elaborating the objectives and activities of the internal anti-corruption policy. Risks analysis try to enhance the resistance capability of an organization against corruption or integrity breaches, by identifying the corruption prone positions, activities, processes in the organization, while assessing if or to what extent these risks are covered by adequate internal regulations.

## 2.4 The former Yugoslav Republic of Macedonia – Country Summary

### Background

The former Yugoslav Republic of Macedonia declared independence in September 1991 and has been a beneficiary of EU assistance since 1996. The country began the preliminary process of integration with the EU in 2000 and has been a candidate country since 2005 but has yet to start accession negotiations due to a name dispute with Greece.

The country was seriously destabilised by the Kosovo War in 1999 and between February and August 2001 an armed conflict took place between the government and ethnic Albanian insurgents, mostly in the north and west of the country. It ended on 13 August 2001 with the government and ethnic Albanian representatives signing the Ohrid Framework Agreement, which set the groundwork for improving the rights of ethnic Albanians. However, a lack of trust prevails between the communities and tensions can be easily sparked by events or incidents.

The high-level accession dialogue (HLAD) of the EU was a good innovation announced in 2011 and the first meeting was held in 2012. At the end of that year there was a political crisis when physical force was used within parliament to eject elected members of the minority Albanian opposition.

The current government has been in power since 2006 and the prime minister is serving his third consecutive term in office. Most of the legislative reform achieved to date was made under the IPA predecessor CARDS programme. During the last four years there has been barely any tangible progress and some legislation is being adopted (and some previously adopted legislation is being amended) without consulting the EU. There has been abuse of executive powers and erosion of constitutional powers and a weakening of democracy. For example the OSCE/ODIHR Election Observation Mission Final Report on the 13 and 27 April 2014 presidential and 27 April early parliamentary elections stated elements of the campaign indicated an inadequate separation between party and state activities, and that allegations of voter intimidation persisted throughout the campaign. Subsequently the minority Albanian opposition members of parliament have boycotted parliament, thus the ruling party is governing autonomously. Allegations were made public during mid-February 2015 of wire-tapping implicating the prime minister, the minister of interior and the chief of the intelligence service.

Public sector staffing is politicised favouring the ruling party and is not merit based, which results in turnover, and a lack of institutional memory and capacity. There is a brain drain of disenchanted talented people leaving for careers in other countries. Inter-institutional relations are poor, institutions are passive and because there is no separation of power, there is no independent institution. The State Commission for the Prevention of Corruption (SCPC) is appointed by parliament (effectively the ruling party) and therefore lacks independence. Appointments are not likely to yield valid results and the SCPC is more a post-box. Their initiatives for process are nearly always not followed up by Public Prosecutors Office (PPO). The Ombudsman Office is perhaps the only independent institution.

The poor overall situation is adversely affecting all EU projects. The drive for reforms in public administration has diminished and there is growing incompetence due to politicisation, brain drain, internal ethos and lack of political will.

The overall EC Progress assessments for the period 2009-2014 are listed below:

2009: Good progress was made on implementing anti-corruption policy. The electoral code, the law on financing of political parties and the law on conflict of interest were amended to strengthen transparency and new provisions on illicit enrichment were adopted. There were further indictments and convictions in high-level cases and cooperation between law enforcement agencies improved. Nevertheless, corruption remains prevalent and continues to be a serious problem in many areas. Continued efforts are needed, in particular as regards implementation of the legal framework.



2010: Some progress was made in the field of anti-corruption policy. Further steps were taken to set up the National Intelligence Database. Large-scale police operations making use of special investigative measures were carried out. However, the track record of enforcement on corruption cases is inconsistent. Existing provisions on asset declarations, conflict of interest and financing of political parties are not implemented effectively. Corruption remains prevalent in many areas and continues to be a serious problem.

2011: Further amendments were made to the legal framework for anti-corruption policy, which is a key priority of the accession partnership. GRECO recommendations were addressed and the legal framework is well advanced. Limited progress was made in implementation. A track record in handling high-level corruption cases has yet to be established. The verification of declarations of assets and conflicts of interest needs to be systematised and institutionalised. Transparency of public expenditure and of the funding of political parties remains insufficient. More pro-active inter-institutional cooperation is necessary. Corruption remains prevalent in many areas and continues to be a serious problem.

2012: The legislative framework is in place and capacity has been strengthened slightly, but greater efforts are needed as regards implementation of existing laws. Steps have been taken to improve verification capacities and enforcement powers of the authorities. However, there has been little visible progress in terms of end-results. A track record of handling high-level corruption cases has yet to be established. A more proactive and coordinated approach by supervisory bodies and enforcement agencies is needed. Collection and analysis of statistical data should be improved to focus efforts where they are most needed. Corruption remains prevalent in many areas and continues to be a serious problem.

2013: Corruption remains prevalent in many areas and continues to be a serious problem, indicating that the implementation of existing legislation has yet to make a concrete impact and the effectiveness of existing measures has to be improved. At present, too many prosecutions fail to reach the judgment and sentencing stage, or take too long to do so due to repeated re-trials. Penalties intended to prevent corruption are not used to their full, deterrent effect. The general capacity of courts and law enforcement to deal with corruption cases, in particular high-level cases, must be improved and concerns about selective justice must be dealt with. Enforcement agencies and supervisory bodies need to become more visible and proactive, and to improve cooperation with each other. Problem areas such as corruption in public procurement and transparency of political party funding need to be given special attention. The country needs to demonstrate tangible results in the reduction and deterrence of corruption in practice.

2014: There is currently little strategic planning in this area, and future policies should be better targeted towards the real problem areas, including public procurement, political corruption and high-level corruption. The enforcement of anti-corruption legislation and its results remain largely invisible to the public. The internal control system in central and local administration remains weak and whistle-blowing mechanisms in public and private sectors have yet to be set up. The relevant anti-corruption bodies need to be more proactive and to focus on the systemic problems. Public trust in their effectiveness and independence needs to be improved to encourage citizens to resist and expose corruption, and greater independence of the judiciary and media freedom would reinforce anti-corruption efforts.

The country has come a long way in adopting EU-related reforms and alignment and it is the only current EU candidate country in the region to have concluded a Cooperation Agreement with EUROJUST. It has an active approach to reforming its judiciary and is a front-runner in the area. Progress has been achieved in the legislative framework for judiciary reform and there are positive changes in terms of efficiency and impartiality made by the installation of the Automated Court Case Management Information System. However, there has been some backsliding on some reforms previously achieved e.g. media reforms, political dialogue is not constructive, the role of state institutions in procurement. Regarding the latter there is still no institution assigned to ensure effective and timely control and supervision of public procurements, concessions, public-private partnerships and the execution of contracts. Greater

independence of the judiciary and media freedom would reinforce anti-corruption efforts. Awareness-raising measures and greater political commitment are urgently needed.

The GRECO report of 17 March 2014 expressed concern about the insufficient effectiveness of the implementation and enforcement of the legal framework governing the prevention of corruption among members of Parliament, judges and prosecutors. There are rules in place for all three professional categories regarding conflicts of interest, asset declarations and gifts. Nevertheless, GRECO considers that arrangements for compliance with these rules and their monitoring need to be improved. A culture of integrity has yet to be developed among members of parliament. GRECO calls upon the Parliament to resume work on a code of conduct, which needs to be accompanied by a credible mechanism of supervision and sanction for misconduct. Lots of efforts have been devoted to ensuring that the selection, appraisal and disciplinary liability of judges are decided according to objective criteria. Undue interference nevertheless still occurs in practice. GRECO also found that productivity criteria are given too much weight in the appraisal of judges and that the decisions of the Judicial Council need to be made more transparent.

The State Commission for the Prevention of Corruption plays an important role in the anti-corruption policy, but its action is hampered by budgetary and staff constraints and by a certain lack of pro-activity.

GRECO will assess the implementation of the 19 recommendations addressed to “the former Yugoslav Republic of Macedonia” in the second half of 2015 through its compliance procedure.

Overall there is currently little strategic planning in the area of anti-corruption, and future policies should be better targeted towards the real problem areas, including public procurement, political corruption and high-level corruption. The enforcement of anti-corruption legislation and its results remain largely invisible to the public. The internal control system in central and local administration remains weak and whistle-blowing mechanisms in public and private sectors have yet to be set up. The relevant anti-corruption bodies need to be more proactive and to focus on the systemic problems. Public trust in their effectiveness and independence needs to be improved to encourage citizens to resist and expose corruption, and greater independence of the judiciary and media freedom would reinforce anti-corruption efforts.

The European Parliament is concerned that no reporting is available on the effectiveness of IPA projects on anti-corruption. A high level of alignment has been achieved in chapters 23, 24 but the accession perspective is unclear due mainly to the name issue with Greece. There have been delays in the contracting of projects, because there is not enough administrative capacity, causing delay of the overall programme.

The current Minister of Justice is a member of the Albanian minority coalition party and seems to value the use of TAIEX.. The non-Albanian Deputy Minister of Justice is active in matters related to legislation.

Transparency International, Corruption Perception Index (CPI) ranking 2007-2014: former Yugoslav Republic of Macedonia

2007	2008	2009	2010	2011	2012	2013	2014
84	72	71	62	69	67	67	64

#### **IPA I - Projects of assistance selected for the evaluation**

A total of 9 IPA projects with total budgets of nearly € 12.5 million address various dimensions of the corruption threat, though a number of these have their central attention on larger judicial reform issues (independent, accountable and efficient judiciary, etc.). The assistance thus covers a wide range of issues, such as corruption prevention measures; reducing corruption within the border police; support to CSOs, etc. The following three projects were selected for the evaluation.

Programme	Project Title	Leading Beneficiary	Total (M€)	EC Grant (M€)	Other (M€)	Co-financing (M€)
2008	Corruption Trial Monitoring Programme	Department of Internal Administrative Control and Anti-corruption	0.062	0.055	0.007	0
2009	Support in the Implementation of the Reform of the Criminal Justice System	Ministry of Justice (Public Prosecutor's Offices for Anticorruption component)	1.628	1.270	0	0.358
2010	Support to Efficient Prevention and Fight against Corruption	State Commission for Prevention of Corruption	1.420	1.349	0	0.071

Note: "Other" denotes financing provided either by the beneficiary or from another source.

"Co-financing" denotes financing provided by the beneficiary country.

### Objectives and Activities

Corruption Trial Monitoring Programme – the project focused on the monitoring of complex corruption cases in the courts. The overall objective of the project is to strengthen the independence, efficiency and impartiality of the judiciary in the fight against corruption and organized crime. The project aims at assessing the judicial efficiency to fighting corruption and organized crime through monitoring of trials. It also aims at raising professional standards of the judiciary and increasing public trust in it.

Implementation started in February 2011 following contracting, which was concluded after the September 2010 deadline for submission of applications, and ended in February 2012.

Support in the Implementation of the Reform of the Criminal Justice System – the project purpose is to promote the capacities of public prosecutors, related law enforcement agents and other actors involved in the implementation of the reformed criminal legal framework so as to effectively fight against crime, with a focus on organized crime, corruption, financial crime and human trafficking, and to enhance the protection of human rights in the criminal procedures in accordance with the European standards.

Implementation started in September 2013 following contracting, with the start of implementation being postponed several times, and is due to end in September 2015.

Support to Efficient Prevention and Fight against Corruption – the twinning project aims to improve the implementation of the national legal framework for fight against corruption, to strengthen the national mechanisms for prevention and fight against corruption, to further promote the cooperation between the State Commission for Prevention of Corruption (SCPC), the judiciary, law enforcement agencies and other relevant institutions in the prevention, detection, prosecution, and sanctioning of the criminal acts of corruption.

Implementation started in July 2014 following contracting, and is due to end in September 2015.

## **Relevance and Coherence**

The projects closely match the priority needs of the authorities of the former Yugoslav Republic of Macedonia to accomplish the commitments deriving from the EC Enlargement Strategy papers for the periods 2007 – 2012 and government priorities set out in the State Programme for Prevention and Repression of Corruption 2007-2011.

The MIPD 2009-2011 called for specific action instruments for good governance, with particular attention to the fight against corruption to be incorporated on a horizontal basis, and also that particular attention should be put in the prevention of corrupt practices, mainly through the promotion of the active involvement of civil society as well as raising political and public awareness. The IPA 2008 Corruption Trial Monitoring Programme project contributed to this with its aim of fighting against corruption and organised crime by involving the civil society organisations in the process of enhancing the transparency and prevention of corruption and organised crime.

The objectives of each of the projects, with the exception of the “Corruption Trial Monitoring Programme”, consistently address the strengthening of capacities of the beneficiaries. Thus those projects have a capacity building component and interventions have been designed to strongly link the policy, legislative and institutional changes with the strengthening of capacities of beneficiary institutions.

The conditions that were set for starting projects were mostly based on the level of preparedness of institutions and relevant legislation.

The “Support in the Implementation of the Reform of the Criminal Justice System” project focuses on repression of crime in general and corruption is one of the components together with organised crime, financial crime and trafficking of humans. It also has an equipment supply component for provision of a case management system, a network and security system, and an audio-video recording system.

The “Support to Efficient Prevention and Fight against Corruption” project, which focuses on prevention of corruption, has a good design though it is quite complex, consisting of 8 components. The objective of component 8 was amended from “ensure effective management of confiscated property” to “ensure more effective management of confiscated property” following an assessment of the agency for Management of Confiscated Assets revealed significant deficiencies including insufficient human resources (38 actual instead of 130 needed), inadequate funding and significant gaps in the legal framework.

The intervention logic of the projects is coherent and consistent with the identified needs and priorities of the accession process but intervention objectives are not sufficiently SMART. Although there is some reference to measurable indicators of results, which are potentially quantifiable (using terms such as “increased”), there is no indication of there being any baseline against which they are measured. And nor are the indicators based on any timeframe for achievement, which would provide a target deadline. Due note is taken that the drafting of the fiches of the sample of projects (2008, 2009 and 2010) took place some time ago and that there is every likelihood that the quality of more recent fiches is considerably improved.

## **Efficiency and Added Value**

In 2011 during the early days of the “Corruption Trial Monitoring Programme” there was a reasonable level of cooperation between the team of CSOs and the Academy of Judges and Public Prosecutors. However, there was not a balanced exchange of opinions and the regularity of round table meetings has declined.

The project “Support in the Implementation of the Reform of the Criminal Justice System” made a high priority of cooperation and coordination with other ongoing projects and programmes providing assistance to the institutions in criminal justice system reform, in particular with the ongoing OSCE missions, and the US Embassy OPDAT programme.

The “Support to Efficient Prevention and Fight against Corruption” project has very good organisational arrangements and the project activities are in general proceeding to plan. The exception is Component 7, which aims to improve the monitoring and auditing of the financing of political parties and electoral campaigns, and has experienced poor cooperation by political parties regarding their participation in the online Survey Questionnaire on the subject.

A leader has been appointed for each of the 8 components from the relevant Beneficiary organisation to be in charge of the management of the respective project processes, thus facilitating the building of ownership of inputs and outputs. However, because they are political appointees and not technical experts, and their term in office can end abruptly, the sustainability of project results are vulnerable to changes of the political landscape.

### **Effectiveness**

Although implementation activities of the two current projects are generally likely to be satisfactorily completed, the level of effectiveness of the projects is weakened by the intervention logic not being robust regarding the use of SMART indicators.

The effectiveness of the “Corruption Trial Monitoring Programme” has been the value of the information recorded concerning corruption trial court proceedings, which reveals the efficiency and effectiveness of the courts dealing with corruption cases (the project data revealed that there has been a negative trend during the period 2009-2011)<sup>57</sup>. As well as providing feedback to the Academy of Judges and Public Prosecutors, the information is of value to the donor community both in monitoring standards of performance of corruption court proceedings and identification of areas of further assistance.

The “Support in the Implementation of the Reform of the Criminal Justice System” project, which is ongoing, is likely to be effective in the delivery of activities. These are mainly training modules for beneficiaries and completion of a supply component, which, at € 1,166,566 and in two lots, is four times bigger by allocation. The original project design was for a larger service component (IPA €977,500) and a smaller supply component (IPA €292,500). Redesign of the project has resulted in a delay of implementation of 24 months, added to which were procurement delays. The IT equipment of the supply component is likely to become available for use in autumn 2015. This should provide connection of PPO and Investigative Centre(s) and lead to a strengthening of the capability of the public prosecutors, the judiciary police and others with active roles in criminal proceedings, for implementing the new legislation in practice. The substantial delay postpones the potential effectiveness of the project though the much-increased allocation of the supply component has the potential to increase the overall effectiveness and impact of the project.

The main challenge for achievement of the project purpose is that the various law enforcement agencies develop much stronger, active cooperation.

The twinning project “Support to Efficient Prevention and Fight against Corruption” is ongoing. If assessment of its likely effectiveness is based on prevailing factors such as the lack of independence and budgetary constraints of the SCPC, and overall lack of administrative capacity throughout the public sector, such as at the Agency of Management of Confiscated Assets, which has 52 staff when there should be 113, effectiveness is likely to be “deficient”.

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<sup>57</sup> The monitoring of judicial procedures and trials has revealed problems as regards the length of trials. By 2011, the European Court of Human Rights had brought 49 judgements finding Macedonia had violated the length of procedure and committed 19 violations of other rights to a fair trial.

## Impact

Overall the impact of IPA assistance is hampered by a lack of a pro-active approach of the relevant bodies tasked with the fight against corruption; there is weak cooperation between the relevant law enforcement agencies; there is a lack of information flow (lack of data from MoI); there is an inefficient and dysfunctional system of data collection and processing for measuring the extent and nature of corruption, the effectiveness of anti-corruption measures, and there is a lack of a systematic approach to the preventing and combating of corruption.

Progress has been achieved in terms of low-level corruption, but the number of cases of high level officials referred and prosecuted is low. The SCPC initiated misdemeanour proceedings against 36 public officials in 2013 for failure to submit legally required asset declarations and 9 officials were subsequently fined by the courts. However, enforcement of anti-corruption legislation and its results remain largely invisible to the public because of a lack of independence of and pro-active approach by anticorruption bodies, as well as weak media freedom (and hence low reporting of corruption) and lack of political will to treat anticorruption as a top priority.

In 2011 during the early days of the Corruption Trial Monitoring Programme there was a reasonable level of cooperation between the team of CSOs and the Academy of Judges and Public Prosecutors but because there was not a balanced exchange of opinions, the NGO became very selective in attending the round table meetings and thus their regularity of attendance has declined.

According to the “Corruption Assessment Report for Macedonia” published by the Macedonian Centre for International Cooperation “Macedonia has a comprehensive and relatively strong legal framework to combat corruption (including specialized law).

However, as noted above the EC 2014 progress Report 2014 stated “There is currently little strategic planning in this area, and future policies should be better targeted towards the real problem areas, including public procurement, political corruption and high-level corruption. The enforcement of anti-corruption legislation and its results remain largely invisible to the public. The internal control system in central and local administration remains weak and whistle-blowing mechanisms in public and private sectors have yet to be set up. The relevant anti-corruption bodies need to be more proactive and to focus on the systemic problems. Public trust in their effectiveness and independence needs to be improved to encourage citizens to resist and expose corruption, and greater independence of the judiciary and media freedom would reinforce anti-corruption efforts.”

The State Program for Prevention and Repression of Corruption (2011-2015), as a key document in this area, has been developed through a participatory process and contains 156 activities to address the 51 identified problems/ risk factors. However, some of these measures/actions do not correspond to real needs, and in some areas significant improvements are possible (i.e. in the section “Media and Civil Society”, none of the 14 planned activities are fully completed). As in other areas, a key challenge is to improve the implementation of anticorruption policies in practice.”

The matter of access to data and data exchange is not yet satisfactory. SCPC has its own database for assets declarations, it cooperates with the Public Revenue Office through a VPN connection in the examination of property and it has also access to the database of the Central Register. It is currently establishing access to the database of the Cadastre Office and recognizes that further compatible interconnections are needed with MoI, CDS, ORC and FID.

The impact of IPA support in the fight against corruption is intrinsically linked to the commitment, independence and resources of the respective institutions.

The absence of open data creates great difficulties in analyzing the efficiency of the institutions in the fight against corruption.

The State Commission for Prevention of Corruption (SCPC) is a specialized institution to combat corruption. Insufficient exposure in the public and a significantly reduced number of corruption reports (not counting from the election period) submitted to the SCPC in the past four years creates a perception of lower confidence in this institution, confirmed by numerous opinion surveys conducted in the last years – including also by IPA 2010 Anticorruption twinning.

Other state institutions have their roles and responsibilities in terms of corruption. The Ministry of Interior (MoI) is crucial in detecting cases, but significant responsibilities in the prevention and repression lie in the hands of the State Audit Office (SAO), the Financial Intelligence Unit (FIU), the Financial Police (FP), the Public Revenue Office (PRO), etc. The EC 2013 Regular Report noted: At present, too many prosecutions fail to reach the judgment and sentencing stage, or take too long to do so due to repeated re-trials. The overall capacity of the courts to deal with corruption cases remains weak, in particular as regards high-level cases, where proceedings are lengthy and inefficient. It is obvious that expectations for results in the fight against corruption are targeted too much towards the SCPC compared with other institutions. In particular, this refers to the FP, the FIU, the PRO, etc., which although their budgets and human resources are relatively higher, remain under-resourced and weak, and their powers, status, independence and visibility need to be strengthened in order to engage in effective operations.

The key investigation institutions of the MoI Anticorruption sector lack independence from political pressure and interference, and are poorly resourced. The SCPC lacks independence, being appointed by parliament i.e. the ruling party, and such appointments are not likely to yield valid results. DS is passive and SCPC is more a post-box. Their initiatives for process are nearly always not followed up by the PPO. There have been severe delays in setting up of Investigative centres within the Prosecution Office, there is a lack of a Criminal Intelligence Database, and a lack of electronic interconnection between relevant anticorruption bodies.

As previously stated public sector staffing is not merit based, which leads to politicization of an institution and reduces its independence/autonomy/pro-activeness when acting against ruling party/government officials.

### **Sustainability**

There has been continuity of funding of project implementation of the “Corruption Trial Monitoring Programme”. At the start the EU provided it, then the Netherlands Embassy, USAID, Soros etc. It has allowed monitoring from the start of a case until the verdict is decided, which can be a long time. Every year a donor has to be found, thus there is a constant funding application process. After the expiry of EU funding, the successor project has continued to share results of working with each of the other donors.

The above-mentioned mix of donors provide support to the NGO anti-corruption sector and currently there is a coalition of 19 NGOs forming a platform of anti-corruption organisations, which provide monitoring and research, advocacy and consultation for policy development, and skills development.

Problems limiting sustainability include weak inter-institutional relations, separation of power, erosion of constitutional powers and democracy. Additionally there is abuse of executive powers, intimidation, favouring the ruling party, and passive institutions. The Ombudsman Office is perhaps the only independent institution. This is affecting all projects. The drive for reforms in PA has diminished.

The sustainability of results of the project “Support to Efficient Prevention and Fight against Corruption” could be weakened. As previously stated public sector staffing is not merit based, which leads to politicization of an institution and reduces its independence/autonomy/pro-activeness when acting against ruling party/government officials.

One of the country's five strategic objectives is to fight corruption and crime, and implement laws efficiently, which coincides with the sector objective for IPA II assistance to improve rule of law and good governance. With regard to corruption the objective is specifically to improve the effectiveness of the fight against corruption and organised crime, with results to be achieved including a notable decrease in corruption, demonstrated by a solid track record of prevention and suppression, and a solid track record in the fight against organised crime.

The Government of the former Yugoslav Republic of Macedonia, through the Secretariat for European Affairs, prepared the National Program for adoption of the *acquis communautaire* 2015-2017 in December 2014. This program foresees the following: preparation of a Strategy and Action Plan for further development of the judiciary (2015-2019) (foreseen by May 2015); Preparation of an assessment report on the performance and responsibilities of the Council of public prosecutors; Analysis of the current procedure for the assessment of the performance, promotion and the disciplinary procedure for public prosecutors (foreseen by May 2015); Enactment of a national strategy against terrorism and an action plan to implement the strategy (2015-2020) – (foreseen by September 2015); Amendments of the criminal law; Amendments of the Law on public prosecution, and enactment of a new Law on the public prosecution service (foreseen by October 2015); Amendment of the Law on MLA in criminal matters (foreseen end of 2015); Elaboration of a Government decision (of March 2014) for establishment of a National Coordination Centre for fighting organised crime (within the Ministry of Interior) came into force 1st January 2015; Preparation of a national and regional (former Yugoslav Republic of Macedonia, Montenegro, Serbia) assessment report on serious and organised crime modelled on the EU Serious and Organised Crime Threat Assessment (SOCTA) within the auspice of police cooperation (foreseen by September 2015); Adaption of the bilateral agreement on MLA between the former Yugoslav Republic of Macedonia and USA with regard to ICC and EU legal requirements (foreseen by end of 2015).

With the Department for international legal assistance of the Ministry of Justice, a software development for case management of MLA requests and generating statistical reports is foreseen for the end of 2015. Also through training the capacities of the relevant Ministry of Justice staff responsible for international judicial cooperation in civil and criminal matters has to be enhanced.

In the field of the legal framework for international legal cooperation, the following developments are to be expected: ratification of MLA and extradition agreements with Montenegro (foreseen by May 2015); conclusion of additional agreement with Italy for MLA and extradition (foreseen by end of 2015); signing the 4th additional protocol to the Council of Europe convention on extradition (foreseen by July 2015).

Assistance will be provided to improving the track record of investigations, prosecutions and convictions, as well as the effectiveness of penalties imposed; further developing the integrity concept within the public and private sector and supporting the implementation of mechanisms for whistle-blower protection. Assistance will help to strengthen the transparency and accountability mechanisms within the public and private sector, as well as political parties; strengthen the checks and balances within the judiciary and law enforcement agencies; improve cooperation between the various bodies involved in the fight against and prevention of corruption and involve the non-governmental sector and citizens in the implementation of anti-corruption policy, improving policy-making, monitoring and evaluation capacities of relevant state and non-state institutions.

The identified risks are lack of sufficient human and material resources, independence of institutions, separation of powers, freedom of expression and media, as well as respect for the rule of law in general can be mitigated through continuing to put these issues high on the EU agenda, e.g. in the context of the HLAD. A lack of sector cooperation and coherence in the reform process can be addressed by assisting the government in the formulation and implementation of comprehensive sector strategies and through the use of the sector approach.



The indicative EU assistance budget for rule of law and fundamental rights for the period 2014-2020 is EUR 83.0 million. The mode of implementation will be a mix of Twinning, service, supply, works and grant contracts, implemented under direct and/or indirect management, plus additionally TAIEX for ad hoc and short-term technical assistance. Budget support may be considered once the necessary conditions have been met. IPA multi-country programmes will complement reforms in all areas.

Importantly there will be a greater use of indicators such as the Composite indicator Global Corruption (II) and Control of Corruption (WB) with a stated baseline of 47.83, and the progress made towards meeting accession criteria provided by the annual Progress Report of DG NEAR.

The beneficiary considers the new system is better for planning. IPA II allows different modalities to be used and thus EU assistance resources can be more efficient/effective. It decided to establish a DIS system using a national structure that is already in place.

The workload (planning/programming) is probably the same but it allows better organisation and use of resources.

## 2.5 Kosovo<sup>58</sup> – Country Summary

### Background

Kosovo is a potential candidate for membership of the EU. Since Kosovo's independence in 2008, the fight against corruption has been among the priorities of the international community and more recently of the Government of Kosovo. In particular, corruption within the political and electoral process is seen as one of the greatest challenges as it has pervasive consequences for the country's social and economic development. Political corruption has been defined as the manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision-makers.

2013 was a year of several reforms as well as achievements. The first uniform municipal elections were conducted without major drawbacks, an amendment to the Law on Political Party Financing was promulgated, and amendments to the Law on Conflicts of Interest and Asset Declarations were also approved in the first readings. However, there were no developments with regard to the electoral reform process initiated in 2011 or with regard to the code of conduct for members of the government.

In spite of this progress, the implementation and enforcement of the current rules remain overall a serious problem, and the low track record of punishment of high-level senior officials involved in corruption or failing to comply with the law supports the culture of impunity permeating the country. Corruption perception is particularly high in the judiciary and public services such as health sector and education. Law enforcement institutions are yet fragile to carry out efficiently their tasks in fight against corruption. Lack of independence and authority make them vulnerable to political influence.

The Kosovo Government declared commitment to fight corruption has not yet translated into consolidated mechanisms to effectively coordinate and monitor fight against corruption. The new anti-corruption set, although apparently complete, does not provide clarity and legal certainty. Anti-corruption strategy for the period 2011-2013 had a limited implementation score (about 40%) and therefore low impact. Coordination on anti-corruption and related issues remains ambiguous and unclear with a number of Institutions and Bodies such as Anti-corruption Council at Prime Minister Office and KAA but not defined roles.

Transparency International, Corruption Perception Index (CPI) ranking 2007-2014: KOS

2007	2008	2009	2010	2011	2012	2013	2014
n/a	n/a	n/a	110	112	105	111	110

### IPA I - Projects of assistance selected for the evaluation

Programme	Project Title	Leading Beneficiary	Total (M€)	EC Grant (M€)	Other (M€)	Co-financing (M€)
2007	Support to the Anti-Corruption Institutions in Kosovo (SACIK)	Kosovo Anti-Corruption Agency	0.997	0.997	0	0
2010	Project against Economic Crime in Kosovo (PECK)	Kosovo Anti-Corruption Agency	1.200	1.000	0.200	0

<sup>58</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

Programme	Project Title	Leading Beneficiary	Total (M€)	EC Grant (M€)	Other (M€)	Co-financing (M€)
2010	Strengthening criminal investigation capacities against organized crime and corruption (SCICAOCC)	State Prosecutor and Kosovo Police,	1.800	1.800	0	0
2010	Support to the Kosovo Judicial Council and the Kosovo Prosecutorial Council (SKJPC)	Kosovo Judicial Council, Kosovo Prosecutorial Council	1.898	1.898	0	0

Note: “Other” denotes financing provided by the Council of Europe

“Co-financing” denotes financing provided by the beneficiary country

IPA 2007 Support to the Anti-Corruption Institutions in Kosovo (SACIK) Overall Objective is “Strengthening the rule of law in Kosovo by fighting corruption”. The PP is “to provide an *objective assessment of the current legislative framework on corruption in Kosovo* to identify gaps and address recommendations for its further improvement; strengthening the institutional and *operational capacities of the Kosovo Anti-Corruption Agency* (KAA) to enhance functioning and produce results in fight against corruption; support development of AC policies and measures to systematically tackle corruption.

Project provided an objective review of the relevant corruption legislation including Law on Conflict of Interest, Law on Declaration of Assets, Law on Suppression Corruption, Law on Anticorruption Agency by providing 35 proposals/recommendations for improvement out of which only 14 was accepted by the Kosovo authorities. Project contributed also in drafting of the new laws on Political Party Financing Law and Criminal Code; Project delivered quality outputs aiming to restructure the KAA ie. an organizational review was carried out and a intelligence led model (National Cooperation and Coordination model) was developed in cooperation with Beneficiary but the model was not implemented as agreed but replaced by a new information exchange mechanism between Kosovo law enforcement bodies. An important Project output with significant contribution to fight against corruption is development of Kosovo Anti Corruption Strategy 2009 – 2011 and National Plan for implementation addressing 7 priority corruption areas through well defined baselines, Performance Monitoring Matrix and respective Guidelines for implementation which was approved by Assembly within the Project mandate; Project delivered a study on the causes of corruption in Kosovo by identification the critical vulnerabilities which was used by KAA in their reporting; developed operational and structural analysis and proposed a model for restructuring the KAA based on intelligence led model which although agreed was not implemented; and supported KAA by providing an outline for implementation a comprehensive and wide reaching public awareness campaign on citizens perception, education and participation in fight against corruption in Kosovo which was not sustained after project completion due lack of KAA understanding and willingness on subject.

IPA 2010 Project against Economic Crime in Kosovo (PECK) OO is “To contribute to democracy and the rule of law through the prevention and control of corruption, money laundering and the financing of terrorism in Kosovo” and PP “To strengthen *institutional capacities to counter corruption, money laundering* and the financing of terrorism in Kosovo in accordance with European standards through thorough assessments and recommendations for improving and streamlining reforms against economic crime”.

The 1st Kosovo assessment aimed to check the compliance of Kosovo’s *AML/CFT relevant legal framework with the 2012 FATF Standards*. The assessment went through a structured process based on the Council of

Europe's (CoE) mechanisms and GRECO methodology specifically tailored for Kosovo. The Assessment Report (AR) provided 62 recommendations to the Kosovo authorities in three focus areas: Fundamental safeguards and corruption prevention in respect of the judiciary (judges and prosecutors), police, public administration, members of Parliament, financing of political parties and election campaigns and public procurement; Enforcement of Criminal law and criminal procedure: offences and sanctions, investigation and criminal procedure, confiscation and other deprivation of instrumentalities and proceeds of crime, immunities from investigation, prosecution or adjudication of corruption offences; and International cooperation. As direct follow up of the 1<sup>st</sup> AR, the project delivered a Technical Paper on Interactive Statistics on Economic Crime in Kosovo which provided a practical guidance to the relevant institutions on production of reliable and integrated statistics for tracking and tracing economic crime cases.

IPA 2010 - Strengthening criminal investigation capacities against organized crime and corruption (SCICAOCC) Overall Objective is “to support the Kosovo institutions in the prevention and combating the organised crime and corruption”. The Project Purpose is “to strengthen *criminal investigation capacities on central and local level* in order to effectively fight organised crime and corruption”.

Project is focused in four main directions aiming to achieve the results as following: 1) Increased coordination and cooperation between law enforcement agencies, in particular between the police and the prosecutors, to enhance the prevention, detection, investigation and prosecution of serious crimes, 2. Improved capacities of the Kosovo Police and (special) prosecutors to investigate and prosecute organised crime, cybercrime, fighting economic and financial crime and corruption; 3) Achieve concrete results on successful investigations and prosecution of serious crimes through development of track record mechanisms; 4) Strengthened the Kosovo Police internal oversight mechanism to reduce the corruptive behaviour and misconduct practices; 5. Strengthening the Regional and international cooperation, including joint investigation teams and joint operations. The delivery of the main outputs such as drafts of a Joint Manual that describes and defines the cooperation between State Prosecutor and Kosovo Police, unified Investigation Plans, special instructions on application of covert measures to be used by Prosecutors and Police, introduction of quality management of investigations are well in process.

IPA 2010 Support to the Kosovo Judicial Council and the Kosovo Prosecutorial Council (SKJC & KPC) Overall Objective is “to continue supporting the efforts to develop the Kosovo Judiciary in line with the EU Standards by increasing its independence and improving the performance. The Project Purpose is to develop and strengthen the independence, performance, professionalism and efficiency of the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC) to the level expected in view of increasing standards up to a European level. Further on to provide strategic support to the said Councils to develop their organisational capacities and professional capabilities to execute their mandates according the new relevant legislation. Project focused to four main areas expected to achieve the following Results (ER): I) Organisational Support to the Kosovo Judicial Council/Kosovo Prosecutorial Council aiming to strengthening the structure and the efficiency of the KJC/KPC to effectively perform their tasks; II) Support to the enhancement of an appointment, evaluation and disciplinary system of judges aiming to enhance independence and efficiency of KJC/KPC; III) Support to the enhancement of an appointment, evaluation and disciplinary system of prosecutors IV) Improving access to legal documents aiming to enhance the efficiency of KJC/KPC work on AC policy drafting and measures based on international documents and best international practices. The project delivered all planned outputs and achieved the main expected results such as: ER I & II -The efficiency of the KJC/KPC strengthened due to establishment of the organizational structure and functions of KJC and KPC Councils and definition of criteria for judges and prosecutor's appointment and evaluation enabling them to effectively perform their tasks according the mandates. Relevant statutes, secondary legislation, by-laws, instructions required to regulate and support their work have been enacted. (An immediate follow up the process of recruitment, selection and nomination of new candidates to be appointed as prosecutors in basic Prosecution Offices was based on the new procedures/21 new candidates proposed to the President of Kosovo; ER III- A

Legal Opinion regarding the status of KJC's /KPC's/ODC's/ courts'/prosecution offices' administrative staff drafted; Regulation on the KJC's Court Performance Review Unit elaborated and a Note on the appointment, transfer and promotion of judges drafted; Disciplinary system for judges with clear-cut criteria and disciplinary measures (including dismissal) created and in place; The communication between both Councils is improved; The review and definition of the annual/multi annual budget procedures and its implementation through an in depth analysis, comparative study followed by recommendations, is in place; Equivalent structures and legislative framework referring specifically to ODC and CPEU/CPRU are in place; Capacities for drafting/updating and implementing strategic planning (short, mid and long term) by both Councils developed and strengthened; ER IV- The work efficiency of staff of Councils and the Ministry of Justice enhanced in elaboration of policies and justice reforms in line with International Standards and best practices due easier access to information and establishment and use of a new Reference book containing 22 international documents with the relevant international and European standards including an Index of more than 200 key words; Additional outputs contributing to ER IV are production and use by the Beneficiaries of the "Legal framework of the National Centralized Criminal Record system" and the Public Communication for KJC.

The second phase of the project (October 2014 – December 2016) builds on and aims to consolidate the achievements of the first phase respectively related further enhancement of capacity and accountability of members of KJC/KPC to effectively perform their obligations; enhancement of the efficiency of implementation the Project's recommendations regarding appointment, evaluation and disciplinary procedures for judges and prosecutors; strengthening capacity of the KJC, KPC, the Committees and supporting staff in charge of appointment, evaluation and disciplinary procedures against judges; support implementation of the National Criminal Record System through development of relevant policy and co-ordination mechanism; improve access to justice through the publication of all relevant decision of both Councils and other relevant legal acts and a co-operation mechanism with relevant justice sector stakeholders.

### **Relevance and Coherence**

Projects closely match the priority needs of the EU Enlargement Strategy 2007–2012, conditions for EU visa liberalisation, and government priorities set out in the Kosovo Anti-Corruption Strategies and APs 2007–2013, 2013–2017 and the Strategic Plan for Inter-institutional Cooperation in the Fight against Organized Crime and Corruption 2013-2015.

The objectives of projects place emphasis on strengthening the functional capacity of the key institutions involved in fight against corruption based on assessments of needs and identification of gaps. All projects (except PECK) have a CB component tailored to legislative, policy and institutional adjustments aiming to strengthen capacities of the beneficiary institutions. The lack of capacity of beneficiaries (in terms of staff number and expertise, including staff turnover) has been included under Risk Assumptions in project fiches but has never been applied as a condition to start projects. In general conditionalities have not been used to control either the launching or sequencing of project operations.

Coherence and continuity of EU assistance has been good, with new projects building on the outputs/results of their predecessors in a well-sequenced way. Coordination of current EU projects and those of other donors (notably SCICAOCC and SACIC) is very efficient. Potential overlapping is avoided by excellent cooperation between project teams through ad hoc communication and mutual participation in respective project SC meeting with the guidance of EUOK Task Managers.

Although the prioritization and selection of projects has been governed by the rules and requirements of the IPA regulation, a certain amount of flexibility has been adopted in the programming of assistance by substantially extending project duration of ongoing projects when justified by the benefits of continuing to draw on the established know-how of the project team and their effective working relationship with the project beneficiary. An example is the 36 months duration SKJPC project, which has been extended by 18

months to address numerous additional requirements of the beneficiary identified as priorities during project implementation. The project identified a total of 142 main recommendations of which more than 66% at least partially depend on amendments to either the Constitution or the justice laws.

There are complementarities within ongoing projects and exit strategies are taken into consideration.

EUOK has taken responsibility for drafting project fiches. Beneficiary needs as set out in project identification documents have been taken into consideration. Beneficiaries are substantially involved in making any adjustments to project implementation plans during the respective inception and subsequent phases through the mechanism of SC meetings.

### **Efficiency and Added Value**

Whereas the composition of project teams is generally adequate it has become apparent that the composition of the Twinning team of the SCICAOCC project is insufficient for the complexity of the project, which has 5 components, two key institutions (Kosovo Police and Kosovo Prosecutor Office) and numerous beneficiary counterparts. Even though local component leaders have been appointed to facilitate implementation of respective component activities, the responsibility for management and coordination at component level falls on the respective external MS experts. There is a single RTA and MS short-term experts provide inputs on a mission-by-mission basis. In order to coordinate tasks efficiently with the two key Institutions, it would be better for there to be two RTAs or for a deputy RTA supporting the RTA.

Mechanisms for monitoring project Implementation are efficient, with SC meetings being held regularly and projects are also subject to monitoring under the ROM programme.

The record of cooperation and communication between project teams and beneficiary institutions is very good, and excellent in the case of SCICAOCC.

Ineffective efforts have been made by government institutions to involve CSOs in discussions on corruption and anti-corruption matters in relation to the drafting of legislation, policies and strategies. IPA projects such as PECK have included civil society representatives in the consultation phase of the drafting and presenting of assessment reports, and the private sector was also included during the assessment in relation to the relevant legal and procedural anti-corruption and anti-money laundering framework.

Delivery of all planned outputs has been according to schedule for closed projects (SACIK, PECK) and implementation of ongoing projects is on schedule. Beneficiaries are satisfied that the qualities of implementation and outputs are very good.

### **Effectiveness**

The evaluated projects have tackled money laundering (PECK, SCICAOCC), conflict of interest, and declaration of assets (PECK, SCICAOCC); financing of political parties (PECK), integrity and ethics in public services (PECK, SKJPC, SCICAOCC), accountability and transparency in the judiciary (SKJPC) through interventions aiming to improve the legal, regulatory and administrative performance of the key beneficiaries (KAA, FIU, AMSCA, KPO, KP, HCJ, MoJ and PMO) and also secondary institutions directly related to them and influenced by inter Institutional coordination.

There is no evidence of activities or interventions aiming to build an anti-corruption culture among children and students in the Kosovo Education System, which in combination with awareness raising, could have contributed to more efficient public response to corruption in Kosovo.

The SACIK project contributed to the drafting of the new laws on Political Party Financing Law and Criminal Code, and the development of the Kosovo Anti Corruption Strategy 2009 – 2011 and National Plan. It delivered a study on the causes of corruption in Kosovo and the identification of critical vulnerabilities, which was the basis to develop and implement a comprehensive and wide reaching public awareness campaign on citizens perception, education and participation in the fight against corruption in

Kosovo. A partial review and clarification was made on the legal framework for the prevention of conflicts of interest (in progress); amendments were made to the Law on Conflicts of Interest and Declaration of Asset, and improvements were made to the Law on the Financing of Political Parties. However, the proposal for restructuring the Kosovo Anti-corruption Agency (KAA) was not implemented as agreed (of 35 proposals made for the Law on Anticorruption Agency, only 14 were accepted by the Kosovo authorities) but replaced by a new information exchange mechanism between Kosovo law enforcement bodies, which has not provided results so far, and due to the respective competences of the Kosovo Anti-corruption Agency and the Kosovo Prosecutors Office not being clear-cut for investigation of Declaration of Assets, their poor relationship deteriorated further, reducing cooperation and thus the effectiveness of the project.

The PECK project, implemented through Direct Agreement with the CoE, delivered very good quality outputs and was highly regarded by the beneficiary. The project assessed the compliance of Kosovo's measures on anti-corruption (AC), anti-money laundering and combating the financing of terrorism (AML/CFT) with 2012 FATF Standards and provided valuable recommendations to the Kosovo authorities aiming to achieve legislative and organisational reforms compliant with international standards. The Assessment Reports also provided a solid basis for streamlining international technical assistance to Kosovo in the area of economic crime. The majority of CoE second Assessment Reports in Not Compliant areas address the Seizure and Confiscation of assets related to legislation, institutional settings and authority. Even though of an assessment nature, the transfer of knowledge was included within the PECK assessment process, which in both cycles was coordinated by Kosovo institutions such as the Anti-corruption Agency and the Financial Intelligence Unit. This enabled the relevant institutions to be exposed to GRECO and MONEYVAL assessment methodology and use it practically. This was more evident during the second cycle when more active and intensive engagement by the Kosovo institutions was noted.

The SCICAOCC Twinning project, which is providing strategic and operational advice on a continuing basis, is highly regarded by beneficiaries for the quality of outputs. These include good HR capacity building of the Kosovo Police, adopting best MS experiences and bringing Kosovo and MS institutions closer together. The following outcomes are assessed very satisfactory: the introduction of objective and transparent criteria for the appointment and dismissal of senior level management and officials of the Kosovo Police; the reinforcing of human capacity of the relevant police bodies for disciplinary and internal investigation, and the maintaining of reliable records of disciplinary and other actions taken with regard to police officers.

The current level of achievement of the (ongoing) SKJPC project is satisfactory.

Overall the outcomes are moderately satisfactory including the progress achieved in developing the operational capacity of the AC institutions. Some of the key recommendations for institutional restructuring have either not been implemented or only partly implemented.

Institutional cooperation on information exchange amongst institutions involved in fight against corruption and LEAs based on MoUs developed by projects is in progress and not yet effective. Assistance ongoing from two projects – SCICAOCC, SKJPC and a new project is to start 2015. A formal relationship between the ODC and the State Prosecutor is needed in order to enhance disciplinary and criminal investigation of judges and prosecutors and make mutual co-operation transparent.

### **Impact**

Deficiencies in anti-corruption legislation reported in the second Assessment Report regarding the degree of compliance with GRECO and FATF standards, as stated above, have negatively influenced the achievement of the tangible results in the area of anti-corruption.

The results achieved so far in components of some specific projects such as SACIK and SKJPC, are rather isolated and better impact could be achieved by linking them to other projects/sectors.

Overall, the impact is unsatisfactory because there is no track record of successful corruption-related convictions matching in any way the level of corruption (TI Report, SELDI assessment). This refers also to the lack of high-level officials/politicians convicted (to date only 2 officials have been convicted by EULEX). There is a lack of results related to corruption in land ownership and procurement. Where there have been convictions, they have been for low-level corruption.

Achievement of impact is restricted by a lack of separation of powers (thus lack of independence), a lack of ownership and a lack of technical capacities by the key investigation institutions. The General Prosecution Office (GPO) lacks operational independence while the Judiciary (crucially the High Court of Justice) is vulnerable to political pressure and interference. Some other related institutions such as the Central Electoral Commission, Kosovo Anti-corruption Agency and FIU have formal independence but lack authority e.g. the lack of authority of the FIU is most evident in ML supervision, investigation and prosecution powers.

The lack of ownership is demonstrated by the KAA failing to be the leading body. Due to a lack of vision and capacity it has not been playing its role efficiently with the result that cooperation between the KAA and the law enforcement agencies is poor and ineffective. There is an overlap with the High Secretariat on AC at PM Office.

There is a lack of technical capacities both in terms of human resources and equipment.

The lack of technical human resources capacities is widespread with the exception of the KP. In particular specialist expertise is in short supply. There is not yet a law on PA and recruitment of civil service staff is not done on merit or with transparent criteria. Furthermore the limited financial resources are insufficient to allow the recruitment and remuneration of enough specialised staff to effectively and proactively perform key roles in bodies such as the Central Electoral Commission, Kosovo Anti-corruption Agency FIU. The situation is better, however, for junior roles, which include among their recruits the participants of the EU Young Cell Scheme<sup>59</sup> who join key EU bodies such as the Ministry of European Integration and law enforcement agencies such as MoJ, MoI, Judiciary, HCJ. However, because of the low levels of rewards, they tend to move to better-paid positions including those with international organisations, after they have honoured their obligations.

The lack of technical equipment is limiting the number of proactive investigations and thus detections. There is a lack of effective data exchange systems, and inter-connectivity of databases in bodies such as Tax, Customs, Land Registry, Business Registry, therefore the generation of manual requests is necessary, which delays responses and compromises the secrecy of investigations. Some of the above equipment deficiencies are in the process of being addressed by ongoing projects such as SCICAOCC and SKJPC or are to be addressed by other projects in the current pipeline, therefore there is scope for the impact of outputs to improve.

The approach of prosecutors, police and judges is not as motivated as it could be because the absence of an impartial mechanism for career progression and low salaries undermine their status and self-esteem.

EULEX has not succeeded in establishing an efficient model for anti-corruption activities. Its underwhelming performance has negatively affected the institutional environment and public trust.

Overall the level of international cooperation is unsatisfactory due to the lack of official recognition of the Republic of Kosovo by the UN and the Council of Europe. Accordingly Kosovo is not a member of a number of European Rule of Law institutions such as Europol, Eurojust and Frontex, which results in an unbalanced relationship with such EU institutions involved in fight against corruption. While the respective

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<sup>59</sup> The Young Cell Scheme aims to improve the professional capacity and expertise of civil servants in key sectors of the Kosovo public administration by offering the opportunity to Kosovan graduates to undertake postgraduate masters programmes in EU Universities with the condition that upon return they work as civil servants for a minimum fixed period of time.



institutions of Kosovo respond to the requests of counterpart EU institutions by providing data and information, the EU institutions do not reciprocate in sharing data and information requested by Kosovo institutions involved in fight against corruption.

### **Sustainability**

The declared commitment of the Government of Kosovo to fight corruption has not yet been translated into consolidated mechanisms to effectively coordinate and monitor fight against corruption initiatives to assure tangible results<sup>60</sup>. Added to this is the pressing need to make amendments to the Constitution or the justice laws in order make it possible to respond to recommendations of projects such as SKJCKPC. The Strategy on fight against corruption and AP 2013 – 2017 is not in accordance with international standards, the fight against corruption policies and measures are not based on risk and integrity assessments, there is a lack of measurable indicators thus evidence-based results cannot be measured. The overlapping competences of the KAA and the High Level Council on Anti-corruption at PMo is confusing, undermining their effectiveness and the overall sustainability of assistance for fight against corruption.

### **IPA II Assessment**

The Kosovo IPA II Action Programme (AP) 2014 addresses the political criteria requirements related chapter 23 and 24 for “establishment of an independent and efficient judiciary” through “a solid legal framework and reliable institutions” and “respect for fundamental rights” set as priority two in the National Strategy for European Integration 2013 – 2020. Actions related to fight against corruption are focussed on increasing the efficiency of Judiciary and Prosecutorial system by improving the Legal framework and bringing it closer to EU standards; strengthening staff capacities for implementation /enforcement of Laws, which is identified as a priority in several strategic documents. The prevention and fight against corruption has been addressed through two direct Actions, respectively Action 6 and Action 7. Action 6, PECK II, has two main components: assessment and capacity building, which mainly target institutions involved in the prevention and repression of corruption in Kosovo and identified under PECK I. Action 7, Strengthening the capacities of the Judicial System in Kosovo, (total 6.4 million Euro) is to be implemented to a relatively longer (than before) time frame of 2-3 years. Both Actions take into consideration the Beneficiary capacity gaps in terms of number staff and skills in the various sectors where the assistance is targeted.

The two Actions are highly relevant to supporting achievement of the political criteria objectives of Kosovo aiming to develop the Legal Framework of Judiciary sector closer to EU standards by assuring efficient security and justice in Kosovo. The project design incorporates very good efficiency regarding the translation of specific objectives into outputs – outcomes and definition of activity - tasks to produce them, and the number of contracts identified by modality and budget, plus also budget estimation defined at component level. There is a lack of cost analysis details in the AD. The prospects for effectiveness depend on the political will of the Government to commit adequate resources and push reform processes, the efficiency of the Donor Coordination system, and the functioning of the Kosovo Assembly (timely approval/adoption of Legislation).

The Actions match the Objectives and priorities of the MoJ Strategic Development Plan 2012 – 2016 where “the improvement and more efficient Judiciary system” is the first of five main objectives. Lack of a Judiciary Sector Strategy is an impediment to the efficient programming of fight against corruption Actions due lack of vision, targets and actions to achieve them. The “Strategy on Assistance to the Sector of Rule of Law in Kosovo 2016-2019 (Justice and Home Affairs) which was supposed to define the Strategic Objectives of the EU and assistance of others donors during the period 2014 -2018 provides evidence only on the EU assistance and not of any other donor, and therefore it cannot be used as a guiding document.

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<sup>60</sup> The 2012 Report of European Court of Auditors stated “Questionable local political will, weak financial capacity and the limited influence of civil society impair the prospects for sustainability of EU interventions”

There is no evidence that the development of SPDs is systematically followed by preparation of Action Documents to ensure that Objectives of SPDs are linked with Action Objectives. The Action Programme 2014 includes 18 ADs with reference to SPD. The evaluators were informed by EUOK that SPDs in terms of the IPA 2015 programming cycle were developed following the timelines agreed with relevant services in Brussels and Kosovo government institutions. In a related anti-corruption field, a SPD for the Rule of Law and Human Rights sector and the relevant ADs have also been developed.

Actions related to fight against corruption has been developed based on problem/needs analysis and have adequately taken into consideration the previous IPA I Project's recommendations. Actions have well addressed the needs of beneficiaries, target groups and stakeholders. The process has assured involvement of stakeholders in a structured and systematic way under EUOK guidance in cooperation with MEI and respective lead institutions such as MoJ, KJC, KPC, Kosovo Trainings Institute but efficiency needs to be enhanced related to strategic thinking – most difficulties identified were related to translation of objectives into activities and results.

The efforts to involve civil society have not been sufficiently achieved due to limited efforts by MoJ (the lead institution) to assure a broad sample of CSOs.

The quality control procedures are carried out by EUOK while there is evidence that the beneficiary institutions lack internal capacities for efficient quality control.

The AP 2014 relation between the objectives and allocation of resources is based on (i) level of priority (ii) sequencing of needs and (iii) timeframe for implementation but no evidence exists on analysis of the absorption capacity of beneficiaries (Workload Analysis and HR Assessment). A threat to achievement of planned results is lack of resources at some Beneficiary institutions. Actions contain appropriate and up to date references to the Kosovo national policies /strategies /reforms e.g. National Strategy for European Integration 2013 – 2020, Strategies and Action Plans for combating Organized Crime, corruption, trafficking of Human beings and Crime Prevention. Lack of a Judiciary Sector strategy is an impediment to results oriented Action Document by not taking into account the lessons learned and recommendations from IPA I implementation process, recommendations of Final Reports of completed projects and ROM reports.

The two AP 2014 Actions related to fight against corruption do not make any reference to synergies with other donor's interventions in the respective areas, which reflects the maturity of donor coordination in Kosovo. Even though a system for donor coordination is established composed of several platforms such as the High Level Forum (responsible for external aid flow within Kosovo) and the Aid Management Platform (AMP) aiming to collect and share information on donor support, the efficiency of the system is not yet assured in terms of guiding the EU and other donor assistance. Donor coordination is the responsibility of the Ministry of European Integration (Directorate of Development Assistance - DDA), which is seriously understaffed (only 3 staff) and lacks authority to carry out its tasks effectively. There have been allegations that some ministers consider donor projects as their own and "promise" them to specific contractors (International Government Organisations).

Actions included in the AP 2014 are selected on the basis of sector/area priority, sequencing and coherence; Quality has not been a selection criteria for inclusion in the AP 2014 as the Quality Control process has assured that Actions comply with the standard's requirements before approval. Several corrective rounds carried out amongst Lead Institutions, MEI and ECLO.

The monitoring framework at Action Document level has been based on OVIs in the Logframe matrix and Indicator Measurement table allowing evaluation of performance by comparison of Indicators at baseline year with Milestones and Targets. Indicators are Output related and not Result oriented. It will be difficult to measure achievement of the Overall Objective (efficiency of Judiciary system). The administrative & organisational structure in charge of the monitoring and evaluation framework at local level is the DDA at

the MIE, which is seriously understaffed – only 1 staff on M&E; it is hard to believe that M&E will be effective.

The IPA II implementation modalities include a mix Service Contracts and Twinning (Grants). The management of assistance in AP 2014 will still be mainly managed through Centralised Management (16 Actions) by EUK and Decentralised agreement with IOM and COE for two Actions.

**IPA II Kosovo Indicative Budget estimation**

IPA II Assistance	2014	2015	2016	2017	2018-2020	Total
	MEUR				MEUR	MEUR
Democracy and Rule of Law				137.5	99.1	236.6
Democracy and Governance				64.4	46.0	110.4
Rule of Law and Fundamental Rights				73.1	53.1	126.2

## 2.6 Montenegro - Country Summary

### Background

Montenegro declared its independence in 2006. Although it is a young state it has been progressing well towards accession with the Stabilisation and Association Agreement (SAA) signed in October 2007 and entering into force in May 2010. In December 2010 the European Council granted Montenegro candidate country status. In 2010, the Commission issued a favourable opinion on Montenegro's application, identifying key priorities that would need to be addressed for negotiations to begin, including on anti-corruption: *"Improve the anti-corruption legal framework and implement the government's anticorruption strategy and action plan; establish a solid track record of proactive investigations, prosecutions and convictions in corruption cases at all levels"*<sup>61</sup>.

The Strategy for the Fight against Corruption and Organised Crime and its Action Plan were adopted in July 2010. The Strategy covers the period 2010-2014, while the Action Plan covers the period 2010-2012. A revised action plan 2010-2012 was adopted in July 2011 and contains 109 objectives and 372 measures for 66 institutions/reporting bodies. The action plan for 2013-2014 was adopted in May 2013. However, some 100 measures (almost one third) of the previous action plan had not been implemented and were included in the new action plan<sup>62</sup>. Also, the action plan for Chapter 23 outlines a comprehensive reform agenda in the area of anti-corruption. It contains comprehensive and detailed reform measures in the areas of prevention and repression of corruption that are broken-down into sequenced sub-measures and linked to concrete deadlines. Also needs for assistance to support the implementation of specific measures are indicated. in the area of anti-corruption. Based on action plans adopted by Montenegro, the EU established a comprehensive set of 84 interim benchmarks for chapters 23 and 24. These benchmarks provide clear guidance for future reforms.<sup>63</sup>

The accession negotiations were opened in June 2012 and the screening of several chapters has started. At the time of this evaluation 18 Chapters were opened. The Chapter 23 on Judiciary and Fundamental Rights, including anti-corruption, was opened in December 2013, after the screening of this Chapter in 2012<sup>64</sup>.

As regards the main institutions involved in the fight against corruption: the National Commission for monitoring the implementation of the Strategy for the fight against corruption and organised crime is the principal authority in charge of interagency coordination in the fight against corruption and organized crime. Its main tasks are to manage, organise, coordinate and monitor the activities of state bodies, public administration bodies and other institutions responsible for the implementation of the Strategy. However, this high-level body met very rarely and in practice did not play a significant role. The Directorate for Anti-Corruption Initiatives (DACI) has mainly a consultative role focusing on soft prevention measures such as education and awareness-raising, and it also serves as Secretariat to the National Commission on Anti-Corruption. The Commission for the prevention of conflict of interest is also active in the field of prevention of corruption. It is in particular in charge of prevention of conflict of interest, verifying asset declarations of public officials, and incompatibility of functions. Control of political party financing and electoral campaigns is performed by the State Electoral Commission and the State Audit Institution. The Agency for the protection of personal data and free access to information plays an important role in implementing the Law on free access to information. The Division for the suppression of organised crime, corruption, terrorism and war crimes, established within the Supreme State Prosecutor's Office, is the

<sup>61</sup> SEC(2010) 1334 Commission Staff Working Document *Analytical Report Accompanying The Communication from the Commission to the European Parliament and the Council Commission Opinion on Montenegro's application for membership of the European Union* {COM(2010) 670.

<sup>62</sup> EC Progress report 2013, page 38, Brussels, 16.10.2013 SWD (2013) 411 final.

<sup>63</sup> Communication 'Enlargement Strategy and Main Challenges 2014-15', COM (2014)700 final of 8.10.2014.

<sup>64</sup> WP Enlargement + Countries Negotiating Accession to EU MD 281/12 12.11.12.

central body in the suppression of corruption.<sup>65</sup> The institutional framework will undergo radical changes with the establishment of the new Anti-Corruption Agency, scheduled to be operational in January 2016.

The EU Screening report notes (p.23, 24) that DACI, due to the absence of investigative powers or influence on the follow up given by other authorities, has limited added value. DACI's competencies would need to be strengthened in order for it to take a central role in the fight against corruption. The Conflict of Interest Commission has no investigative powers and access to relevant databases and lacks adequate administrative and professional capacity. Operational and investigative capacities of the law enforcement authorities have been strengthened, but overall remain insufficient. There are serious gaps in coordination between law enforcement agencies, reaching from the initial phases of investigations to the trial phases. The capacity of the judiciary to fight corruption, in particular high level corruption, needs to be further reinforced, in particular by improving the capacity of prosecutors to conduct financial investigations, trace criminal assets and present related evidence before the courts.

Whereas the Enlargement Strategy and Main Challenges 2014-15 still indicates that delays have been noted on a number of measures, especially on legislative reforms, notably as regards anti-corruption, a comprehensive package of laws in the area of anti-corruption has been adopted in December 2014, completing the process of legislative reforms (primary legislation), and in February 2015 the Law on Special Prosecutor's Office was adopted. A credible track record of investigations, prosecutions and final convictions in corruption cases, including high-level corruption, needs to be developed. The systematic use of the instruments of seizure and confiscation of assets should be ensured.<sup>66</sup>

Pending the establishment of a new anti-corruption agency, the capacity of existing institutions in the area of prevention of corruption needs to be improved and they need to take a more proactive approach. The system of checks for conflicts of interest and asset declarations is not effective. Increased efforts are needed with regard to the development of a solid track record of investigation, prosecution and final conviction in corruption cases, including high-level cases, and the systematic use of the power to seize and confiscate assets. The prosecution is in the lead of criminal investigations (already since several years) but cooperation with the police in pre-trial investigation remains to be improved in practice. In October 2014 a new Supreme State Prosecutor has been appointed. The impact of anti-corruption measures so far has been limited. Corruption remains prevalent in many areas and continues to be a serious problem, requiring effective implementation of deep and lasting reforms.

Montenegro ranks 76 out 175 countries in the Transparency International (TI) Report 2014 and scores 42 points on a scale from 0 (highly corrupt) to 100 (very clean) in the Corruption Perception Index.

The following projects have been selected for the evaluation:

Year	Project Title	Total (M€)	EC Grant (M€)	Other (M€)	Co-financing (M€)	Status of implementation
2008	Strengthening Local Self-government (Phase II) - Promoting Transparency	0.250	0.200	0.050		Closed
2009	Strengthening the capacity of police administration	2.400	2.000		0.400	Closed
2010	Support to the implementation of the	0.737	0.70067		0.037	Closed

<sup>65</sup> Screening Report Chapter 23, p. 8

<sup>66</sup> Enlargement Strategy and Main Challenges 2014-15, Brussels, 8.10.2014 COM (2014) 700 final, p. 21.

<sup>67</sup> Project did not deliver all outputs, as a result the amount of 100,000 EUR was returned to the EC.

Year	Project Title	Total (M€)	EC Grant (M€)	Other (M€)	Co-financing (M€)	Status of implementation
	anti-corruption strategy and action plan					
2012	EU support to the Rule of Law		3.000			Ongoing, since January 2014.
2013	Civil Society Facility: Zero tolerance to corruption-anti-corruption non-governmental action delivering European result	0.219	0.192	N/A	0.027	Ongoing, since November 2014.

### Projects of IPA I assistance selected for the evaluation

#### 2008 Strengthening Local Self-government (Phase II) - Promoting Transparency

##### Overall objective

The overall objective of the Programme was to contribute to the development of a sound legal framework addressing local self-governments in Montenegro, promoting good governance and more effective provision of services to citizens.

The Programme aimed to support the Montenegrin authorities at central and local level in the implementation of institutional and legal reforms in the field of local self-government.

##### Project purpose

To improve the legal framework for local self-governments in Montenegro through the strengthening of government capacity to draft legislation consistent with European standards and strengthen public ethics at local level and support local authorities to improve their regulations and practice on corruption prevention.

For the evaluation the component Strengthening public ethics at local level was reviewed.

Beneficiaries: Ministry of Interior and participating municipalities.

Status: closed.

#### 2009 Strengthening the capacity of police administration

##### Overall objective:

Strengthening the consolidation of the rule of law through the reinforcement of the institutional capacity in accordance with the Stabilization and Association process.

##### Specific objective:

Strengthening the police administration capacities to combat organized crime and corruption, as well as implementing the Strategy for Integrated Border Management (IBM).

Beneficiaries: Police Directorate/Units for fight against organized crime and corruption and IT/Ministry of Interior.

Status: Closed

#### 2010 Support to the implementation of the anti-corruption strategy and action plan

##### Overall Objective:

To reduce corruption and conflict of interest levels in Montenegro

##### Specific objective:

Support the implementation of the anti-corruption strategy and action plan, focusing on the preventing measures (e.g. the law on the conflict of interest, measures to improve integrity and ethics), resulting in a reduced level of corruption and increased public trust in the institutions.

Components:

- Improving the legal framework on anti-corruption preventive measures;
- Enhancing the institutional and administrative capacity of the DACI and the Commission for the Prevention of the CoI;
- Establishing of fully operational anti-corruption co-ordination, prevention and monitoring measures/ systems;
- Preparing and implementing Corruption risk analysis and integrity plans for most corruption vulnerable ministries and agencies;
- Increasing public awareness (in the public sector, private sector and among the citizens) on integrity and anti-corruption measures.

Beneficiaries:

Directorate for AC Initiative (DACI), Commission for the Prevention of Conflict of Interest, in particular those related to monitoring of the implementation of anticorruption strategy and action plan, strengthening integrity, ethics and prevention of conflict of interest in the public sector.

Status: closed.

### **2012 EU support to the Rule of Law**

The global objective of this project, as outlined by the Contracting Authority, is to support the reform of rule of law in line with EU standards and best practices. The specific objective is strengthening the independence, efficiency and accountability of the Judiciary, and the fight against corruption and organised crime. The project is split into 2 key Components; the first dealing with the independence, efficiency and accountability of the Judiciary, and the second focused on strengthening administrative, technical and operational capacities of the Police Directorate, Administration for Prevention of Money Laundering and Financing of Terrorism (APMLTF), and the Public Property Agency. The project will meet the objectives by working closely with these key stakeholder groups, namely the Ministry of Justice, Police Directorate, APMLTF and the Public Property Agency. These objectives are in line with the requirements for reform and modernization of the criminal justice system as detailed in the 2012 EC Progress Report.

**Beneficiaries:**

Ministry of Justice, Supreme Court of Montenegro, Supreme State Prosecution Office, the Ministry of Interior, the Police Administration, the Administration for the Prevention of Money Laundering and Terrorist Financing, State Property Agency

*Status:* Ongoing. The project actually started in April 2014, after the inception period. The experts indicated the importance of a step-by-step approach during the implementation period of three years. The main project activities so far were:

- Police surveillance, under cover (street) training, trainings in the UK. Furthermore on intelligence led policing, mapping crime trends and setting priorities, which should contribute to strategic plans for police districts. Statistical basis for crime assessments.
- One focus of the project in 2014 was to improve collection of judicial statistics and preparation of statistical reports in line with CEPEJ standards. Courts will as of 2016 be in charge of managing their own budget. The project focused on court management and preparation of court presidents for their new tasks. There are too many judges in relation to

the size of the population. Recruitment is still influenced by nepotism. In February 2015 a new nation-wide system of recruitment of judges and prosecutors has been introduced, which is transparent, merit-based and seeks to apply objective criteria.]

- The Fiscal Investigation Unit (FIU) has been provided with hard- and software to improve electronic reporting (on unusual bank transactions). The report of CoE Moneyval is expected to be released in May 2015.
- Main project key focus areas in 2015: Prosecution Service and development case management system.

### **2013 Civil Society Facility: Zero tolerance to corruption-anti-corruption non-governmental action delivering European result**

**Overall objective:** To contribute to democratic development of Montenegro by supporting active participation of citizens, CSOs and media in the fight against corruption and by increasing accountability and responsiveness of public institutions.

#### **Specific objectives:**

- Improve citizens' participation in fight against corruption;
- Improve capacities of CSO's (civil society and media) to successfully investigate and report corruption;
- Improve track record in investigations, accountability and responsiveness of institutions in processing high-level corruption.

#### **Target groups:**

Citizens, CSOs, journalists, Police Directorate and the Supreme State Prosecutor, the Directorate for Inspections, Agency for protection of privacy and access to information, Administrative and Supreme Courts, the Prosecutorial Council and the Ministry of Interior and Media.

Status: Preparations have started with the implementation of the component that ensures more close interaction with stakeholders, namely journalists and CSO's representatives. So far activities were focused at preparing the environment for implementations of the major phases of the project: capacity building of journalists and CSO's for conducting investigations.

#### **Overall conclusion**

IPA support to the fight against corruption provided mixed results. The field mission and subsequent meetings with the stakeholders of the five selected projects show that the assistance has contributed to the fight against corruption, but to varying degrees.

Progress has especially been made in developing new laws related to anti-corruption. There has been clear capacity building in the Rule of Law sector, which is still going on. However, the project Support to the implementation of the anti-corruption strategy and action plan (IPA 2010) suffered from a number of weaknesses, mainly, according to informants, due to the lack of political commitment or procedural changes in the Directorate for Anti-Corruption Initiative (DACI) whereby the project spending was lagging behind. Outputs of the two ongoing projects under IPA 2012 and 2013 can be expected to be delivered. During the field mission disagreement was noted between the EUD and the local stakeholders on the IPA 2014 project, as regards the relevance of this project. The following evaluation criteria will be covered: relevance and coherence, efficiency and added value, effectiveness, impact, and sustainability.



### Relevance and coherence

The five projects, which were reviewed and discussed with the direct beneficiaries, show a good degree of relevance, in the sense that they are well aligned with the multiple needs of accession and the strategic objectives, as mentioned in the strategic programming documents (AP/NPAA/EP/SAA, MIPDs, Screening Report and EU Progress Reports).

The assistance specifically addressed accession negotiations requirements for specific *acquis* Chapters i.e. opening and closing 'benchmarks' for the Chapter 23 and 24 (for the ongoing projects only).

For the NIPAC, the Ministry of Justice, other interviewed agencies involved in the fight against corruption, IPA support has been very important to strengthen the Rule of Law in Montenegro. The fight against corruption is seen as a priority and appropriately addressed in all relevant MIPDs (financial allocations), EC Progress Reports and the national anti-corruption strategy and action plans. Interviewees consider IPA support highly relevant as the evaluated projects are well aligned with the needs of accession and the main factor for the many improvements in the fight against corruption.

Disagreement has been noted between the EUD and the local beneficiaries, namely the Ministry of Justice, DACI and the Commission for the Prevention of Conflict of Interest, on the IPA II 2014 funding request to enhance the capacities of staff with a view on the establishment of the new Anti-corruption Agency which establishment is foreseen to be operational in January 2016. The EUD gives priority to the drafting and improvements of integrity plans.

### Efficiency and added value

Efficiency of IPA assistance in the area of anti-corruption in Montenegro is rated "good", as the projects have been implemented in a timely manner<sup>68</sup> except for the IPA 2010 project Support to the Implementation of the Anti-corruption Strategy and Action Plan, which is rated "serious deficiencies". The highly politicized institutional structure and limited staffing capacity constrained the quality of the outputs produced. The amount of 100,000 EUR was returned to the EU.

The use of Twinning in strengthening the capacity of the Police administration (IPA 2009) has been appropriate to the needs and capacities of the beneficiaries. This applied particularly to the component on forensics. The use of European peer organisations as service providers has been cost efficient. In terms of money and financial management the project delivered results within the originally planned budgets. The ongoing IPA 2012 EU support to the Rule of Law project is based on a grant contract of three years, taking into account the need for a step-by-step approach in this sector and the large number of experts needed to address adequately the many activities and beneficiaries. This timeframe is an advantage over Twinning, which normally covers a shorter period of two years.

### Effectiveness

This evaluation question directed at effectiveness looks first of all at the extent to which the outputs and objectives of the assistance have been successfully achieved (or are likely to be achieved). All outputs have been delivered and approved by the respective beneficiaries, with the exception of the above-mentioned IPA 2010 project.

### Impact

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<sup>68</sup> According to the initial agreement however, the project 2008 Strengthening Local Self-government (Phase II) - Promoting Transparency, should have been completed by 28 February 2011. Following consultations with the EU delegation, it was decided to grant the project a new extension of four months, until 30 June 2011. The extension was intended to give it more time to complete some of the pending activities. As described in the final report, nearly all of the key Expected Results, with minor exceptions, initially envisaged have been achieved by the end of June 2011.

As indicated in the final report of the thematic RoL evaluation<sup>69</sup>, little can be said about the impact of EU assistance in the area of corruption. Montenegro's corruption ratings have improved in recent years, although some informants believe that such improvements exist only on paper, but don't reflect reality. It would seem rather improbable though to attribute these improvements to the relatively modest IPA support in this area.

Positive impact will be achieved in the development of institutional structures through legislation, coordination and capacity building. Commitment from beneficiaries has been variable and gaps remain to be addressed in key areas. The continued cooperation between former Twinning partners and the Police Department is a good example of achieved results by IPA translated into sustainable impact.

### **Sustainability**

The sustainability of EU interventions can be rated "deficiencies". Obstacles to the sustainable change of work habits in the rule-of-law organisations in Montenegro have been on one hand the short project cycles and the reportedly high staff fluctuation. The deliberate choice of a three years implementation period of the RoL project will be instrumental in increasing sustainability and expected long-term results.

### **IPA II programme**

Indicative strategy paper 2014-2020:

Pre-accession assistance will support the implementation of the Action Plans for Chapters 23 and 24. Particular attention will be paid to reforms improving the independence, accountability and professionalism of the judiciary, strengthening the fight against corruption and against organised crime

As regards the fight against corruption, Montenegro needs to further improve and strengthen its legal and institutional framework for the prevention and repression of corruption and enhance its overall capacity to effectively implement and monitor all measures foreseen in the pertinent strategic documents and action plans. Reforms in the area of prevention of corruption should aim at putting in place effective systems for preventing conflicts of interest as well as for controlling asset declarations of public officials and political party financing. A priority reform in this respect is the establishment of a new Anti-Corruption Agency and of a Special Prosecutor's Office for the fight against corruption and organised crime. Montenegro needs to effectively implement the rules on free access to information and strengthen the protection of whistle-blowers. Montenegro also needs to step up anti-corruption measures at the local level and, in particular, in sensitive areas such as public procurement. Montenegro needs to develop a track record of substantial results based on efficient, effective and unbiased investigation, prosecution and court rulings in corruption cases at all levels, including high-level corruption and in vulnerable sectors such as public procurement. All investigation and judicial authorities need to be provided with adequate resources, and inter-agency cooperation needs to be improved. Capacities and expertise need to be strengthened, in particular for financial investigations and in the area of seizure, confiscation, and management of proceeds of crime.

**Strategic objectives for IPA 2014-2020 in Montenegro are the following:**

- Sustained pre-accession assistance in two most strategic sectors:
- Rule of Law and Fundamental Rights
- Democracy and Governance

### **IPA II indicative allocation for Montenegro (€ million)**

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<sup>69</sup> Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans-Lot 3, Service Contract, Ref. No. 2011/256638, February 2013. P. 270.

	2014	2015	2016	2017	2018-2020	Total
						m €
<b>Democracy and Rule of Law</b>	18.8	15.8	12.8	13.3	38.5	99.2
Democracy and Governance	29.1				17.8	46.9
Rule of Law and Fundamental Rights	31.6				20.7	52.3

The Financing Agreements are due to be signed in the beginning of 2015.

## 2.7 Serbia – Country Summary

### Background

Corruption is still a serious problem in Serbia, affecting the everyday lives of its citizens and hampering economic development. Serbia ranks 78 out of 175 countries in the Transparency International (TI) Report 2014 and scores 41 points on a scale from 0 (highly corrupt) to 100 (very clean) in the Corruption Perception Index. Serbia tops the Balkan states (and ranks 16th out of 143 countries) for illegal financial flows with an estimated US\$5 billion disappearing every year through illicit flows, including the proceeds of crime, corruption and tax evasion<sup>70</sup>. According to Transparency International's Global Corruption Barometer 2013, 82 % of respondents felt the judiciary was corrupt or extremely corrupt. Corruption is ranked as the most important problem identified by businesses in making a decision for starting economic activities in the country in the period of 2013-2014, according to the findings of the Global Competitiveness Report (WEF 2013)<sup>71</sup>.

According to a study published by UNODC, people rank corruption as the most important problem facing their country after unemployment and poverty/low standard of living.<sup>72</sup> More than half the population believes that corrupt practices occur often or very often in important public institutions, including political parties, local government, public hospitals, the police, the judiciary and customs office. A significant percentage of businesses pay bribes to public officials repeatedly over the course of a year.<sup>73</sup>

In March 2012, the European Council granted the status of candidate country to Serbia. In April 2013<sup>74</sup>, finding that Serbia had met the key priority of taking steps towards visible and sustainable improvement of relations with Kosovo - as set out in its 2011 Opinion on Serbia's membership application<sup>75</sup> - the Commission recommended to the Council that accession negotiations be opened. In line with the decision of the European Council to open accession negotiations with Serbia, in December 2013, the Council adopted a negotiating framework and agreed to hold the first Intergovernmental Conference with Serbia in January 2014. This was a formal start of Serbia's accession negotiations. Since then, activities to satisfy EU criteria for opening chapters of the EU *acquis* have been undertaken by Serbia. The new Government of the Republic of Serbia, formed on 27 April 2014, stated corruption would be one of the major themes, calling for stringent measures within his economic reform policy.

The EC noted in May 2014 in its screening report<sup>76</sup> on Chapter 23 Judiciary and Fundamental Rights, that in July 2013 a new Strategy on the Fight against Corruption for the period 2013-2018 was adopted with its accompanying action plan. The strategy aims at both a structural approach dealing with issues such as good governance, independent institutions, internal and external audit and control, and protection of whistle-blowers, together with a sector approach addressing corruption in most sensitive sectors such as public procurement, urbanism and spatial planning, the judiciary, police, education and health. The action plan also contains indicators for measuring the successful implementation of measures as well as some indications as to the required financial resources.

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<sup>70</sup> Serbia, overview of political corruption, Transparency International, 26 March 2014.

<sup>71</sup> The *Global Competitiveness Report 2013-2014* (World Economic Forum) assesses the competitiveness landscape of 144 economies, providing insight into the drivers of their productivity and prosperity.

<sup>72</sup> UNODC (2013); Bribery As Experienced By The Population; [http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Serbia\\_corruption\\_report\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Serbia_corruption_report_web.pdf)

<sup>73</sup> UNODC (2013); Business, Corruption And Crime In Serbia; [http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Serbia\\_Business\\_corruption\\_report\\_ENG.pdf](http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Serbia_Business_corruption_report_ENG.pdf)

<sup>74</sup> The Commission and the High Representative of the Union for Foreign Affairs and Security Policy issued an *ad hoc* joint report on specific issues on which the Council had, in December 2012, requested additional information, JOIN (2013) 7 final of 22.04.2013.

<sup>75</sup> COM (2011) 668 final

<sup>76</sup> WP Enlargement + Countries negotiating accession to EU, MD 45/14, 15.05.14.

Serbia has an Anti-Corruption Agency since 2010. According to its legal basis, the Agency is an autonomous public authority, with preventive competences in several fields. These include dealing with conflicts of interest and asset declarations of public officials, controlling the funding of political parties and electoral campaigns, corruption prevention, whistle-blowers protection, monitoring the implementation of the National Anti-Corruption Strategy/action plan and sector action plans, monitoring compliance with international obligations, providing guidelines on integrity plans and establishing cooperation with all public and non-governmental organisations in Serbia. The Anti-Corruption Agency reports to the National Assembly. According to Serbia, it currently has 76 permanent staff members and 10 temporary agents out of the 123 permanent positions that are foreseen. Its annual budget is approximately EUR 1, 3 million. For funding its activities, the Agency still mostly relies on donor support.

Another important anti-corruption body in Serbia is the Anti-Corruption Council, which was established in 2001 as a governmental advisory body pursuant to the Law on the Government.

Serbia signed the United Nations Convention against Corruption on 11 December 2003 and ratified it on 20 December 2005. The Convention has become an integral part of Serbia's legal system following its ratification by the Serbian National Assembly. Other legislation contributes to a rather strong framework for fighting corruption: the Constitution, the Criminal Code, and the Criminal Procedure Code, Law on Public Enterprises from 2012<sup>77</sup>, Law on Public Procurements (2006), Law on Prevention of Conflict of Interests in performing Public Functions (2004), the Law on Corporate Liability for Criminal Acts (2008), Law on the Agency for the Fight against Corruption (2010). Legislation regulating specific sectors (e.g. health, education, police, etc.) also contains measures to prevent or fight corruption.

Consecutive EU Progress reports show signs of improvements of the anti-corruption measures taken by the government in recent years. The EU Serbia Progress Report 2014 recognised the political impetus set forth by the Serbian Prime minister but highlights that the implementation of the national strategy on the fight against corruption for the period 2013-2018 and its related action plan have yet to mirror the strong political impetus to fight corruption.

## **Findings**

Serbia is excluded from the scope of the assessment, due to a recently completed thematic evaluation on the Rule of Law sector<sup>78</sup> in 2012 and the Performance audit<sup>79</sup>, conducted in 2013 by the European Court of Auditors on the same subject. In addition, the evaluators were invited to take on board the findings and conclusions from the sector evaluation and to integrate them as part of the common findings and lessons learned from past experience.

The thematic evaluation on the Rule of Law sector concluded that overall the relevance of the evaluated IPA 2007-2012 anti-corruption projects in Serbia is very good (p.283). The overall programming improved considerably, moving from annual revisions of MIPDs that kept a rigid "Copenhagen criteria" structure and with little change to policy objectives, to a sector-structured MIPD, with National Programs added in to provide more contents to project selection.

The audit conducted by the European Court of Auditors covered the 2007-2013 period and addressed the EC's effectiveness in managing IPA projects and non-financial assistance. Among others, the Court reviewed a sample of 10 projects from 2010, 2011, 2012 annual programmes to check whether governance and the fight against corruption were cross-cutting issues in projects where good governance was not a primary objective. Despite the explicit reference to anti-corruption in the project design, it was concluded

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<sup>77</sup> Official Gazette of the RS, No. 119/12

<sup>78</sup> Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in western Balkans-Lot 3, Service contract Ref. No. 2011/256638, Final main report, February 2013.

<sup>79</sup> Special Report – EU Pre-accession Assistance to Serbia, European Court of Auditors, 2014.

that most of the projects examined have indirectly contributed to the fight against corruption (p.31). The audit found that programming of the IPA financial assistance is based on a coherent strategic framework and the approach to selecting projects relevant to preparing Serbia for accession is gradually improving (p.5). On the whole, the audited projects produced their planned outputs. According to the auditors the IPA 2008 project “Fight against corruption- support to establish the Anti-corruption Agency” (ACA), successfully supported the strengthening of the administrative capacity of the ACA, notably by providing IT solutions. It also improved the legal and institutional framework for the fight against corruption by contributing to the drafting of a revised anti-corruption strategy and action plan (p.20).

### **Information from local stakeholders**

The current situation in Serbia in the area of IPA support to fight corruption has been discussed with key stakeholders, resulting in the following overview on observations.

- Main issues within the Justice sector are the Court backlog of cases and general inefficiencies with it. A Case Management system should be implemented. Reform of the judiciary is a pre-requisite for a successful fight against corruption.
- In general, it is difficult for judges and prosecutors to get good insight in the complex area of corruption.
- The implementation of the Criminal Procedure Act is problematic. Compared to the number of arrests, the number of convictions is too low.
- The Court system lacks IT capacity to be connected with other Courts. As a result, basic Courts in Serbia cannot consult a database on jurisprudence, including on European Law (provided that they have been translated).
- More transparent cooperation between law enforcement agencies is needed (information exchange, access to databases).
- An important intervention is the Multi-Donor-Trust- Fund lead by World Bank. So far they did a functional review of Judiciary system and they support the Action Plan for justice.
- The Ministry of Justice is in charge of the drafting of the anti-corruption strategy and measures within the Action Plan. Serbia managed to put in place the mechanisms for implementation of the Strategy: the Prime Minister is in charge of the coordination for the implementation of the anti-corruption Action Plan. This division of responsibilities and tasks (and in relation to the oversight tasks of the Anti-corruption Agency) could create confusion without making clear what this means for the coordination within the executive power.
- Collaboration between the Anti-corruption Agency and the Anti-Corruption Council is very limited, despite the similarities of some aspects of their work. The Anti-Corruption Council is considered to have good expertise.
- A number of stakeholders noted the need for an effective anti-corruption inter-ministerial planning and review cycle. Ministries have contact persons for anti-corruption issue, but these persons do not have the necessary powers or support to provide inputs for anti-corruption plans and policies.
- Strengthening the capacities of the Anti-corruption Agency needs continuous attention. The absorption capacity of the ACA is questionable, taking into account its wide mandate.
- Integrity plans lack risk assessments or a serious overview on corruption risks.
- There is a lack of relevant (objective) indicators of achievement to measure progress on outcomes.

- There is a need for smaller projects for institutional reforms to establish new departments and or reform existing ones.
- Inter-agency cooperation and coordination between anti-corruption institutions should be improved.
- EU assistance needs to be turned towards the private sector (show practical examples and best practices for the business sector and work with small companies to raise awareness and knowledge on anti-corruption).
- Stronger budgetary inspections and a stronger inspection mandate are needed. For public procurement there are no verdicts (there are misdemeanour, but no criminal ones).
- A number of projects had overlaps and thus have not always been coordinated between international donors.
- The Law on Protection of Whistle-blowers will come into force in June 2015. Each public institution should adapt its internal structure to facilitate reporting on corruption.
- Regarding CSO's on the monitoring of the implementation of policies related to the Accession Negotiations, with emphasis on Chapter 23:
  - It is necessary to cease with the practice of adopting laws in urgent procedure. Most of the laws were adopted in urgent procedures, even in these cases where circumstances did not warrant this approach. As a result, lawmakers excluded civil society, from the legislation process, while adopting laws of dubious quality that are presented as 'European'.
  - CSOs need to be effectively included in the process of drafting the Action Plans for Chapters 23 and 24. Comments by CSO's on Action Plans were not submitted directly to the Ministry of Justice, but rather to the Office for Cooperation with the Civil Society, which preselects them based on an unclear set of criteria. It is necessary that state institutions adopt the practice of submitting explanations regarding comments on draft regulations submitted by CSO's. The guidelines for Including CSO's in the process of adapting regulations, still waiting to be adequately implemented after its adoption by the Government's decision from August 26, 2014.
  - Poor progress has been made in the fight against corruption by the police. The integrity of the police is mostly influenced by inadequate human resources management and poor internal control. A new Law on the Police is under discussion.
  - More transparency on documents on IPA project proposals, implementation and monitoring is needed, as it is impossible to check the impacts and to give recommendations. The EUD website-info should be improved in this respect.

## IPA II Programme

The Indicative Strategy Paper 2014-2020 for Serbia states that: "The rule of law will remain at the heart of the enlargement process. Serbia will have to sustain the momentum of reforms over time in the key areas of the rule of law, particularly judicial reform and anti-corruption policy [...]. The full and timely implementation of the relevant strategies and the action plans in the area of rule of law and fundamental rights will be essential in this regard.

	2014-2017	2018-2020	Total 2014-2020
Democracy and governance	177.8	100.2	278.0
Rule of law and fundamental rights	135.0	130.0	265.0

The Strategy Paper outlines the following expected results in the area of rule of law (relating to corruption):

- Judicial independence, impartiality and efficiency is improved, including improved

constitutional and legal framework, technical and administrative capacities of the judicial network and substantial reduction of backlog of cases;

- Professionalism is strengthened through merit-based and transparent criteria for appointments of judges, prosecutors and court administrators as well as through evaluations of performance, merit based promotions and court inspections;
- The duration of proceedings is substantially reduced;
- The consistency of jurisprudence improved and timely and correct enforcement of judicial rulings is ensured;
- An integrated approach to the prevention and fight against corruption is implemented, including an effective system for protection of whistle-blowers, strengthening capacities and efficiency of the relevant bodies, in particular the Anti-Corruption Agency;
- There is an improved track record of inter-agency cooperation, investigation, processing, prosecution and final convictions in corruption cases.

The evaluation of performance of IPA interventions combating corruption during the 2007- 2013 period has informed the strategic assessment to be conducted by the evaluation team on the programming documents of IPA II for the same sub-sector. The key element to be taken into consideration is the movement from a project approach to the overarching sector approach, which must be taken into careful consideration in the assessment of programming documents and in the production of recommendations for their improvement.

## Current situation

- The sector planning for Justice (initiative to have it for all sectors) 2015-2017 – aims to capture all priorities and needs of national actors – the sector planning document has been prepared at the same time as the Action Plan. It envisages support for Chapter 23. The sector approach comprises a clear strategic document and the development of detailed and comprehensive action plans. Based on this document, projects will be developed.
- At the time of the evaluation (March 2015) Serbia was in the process of opening negotiations for Chapter 23, preparing a third version of the Action Plan for Chapter 23 (Judiciary and Fundamental Rights). The Serbian European Integration Office (SEIO) acts as the focal point with regards to EU funding. The Director of SEIO is the National IPA Coordinator (NIPAC). In SEIO – there is an M&E department that leads the monitoring process for IPA.
- The IPA 2013 - Support to implementation of the Anti-corruption Strategy 2013-2018 has not started yet and is in the procurement phase. The project will have two components, one Twinning Project directed to Anti-Corruption Agency, and a service contract. The project is broad and system based, it includes working with a variety of actors, from justice sector but also health, education, CSOs, etc. Besides TA, the project will also include surveys and research on a number of areas. Its broad results framework also allows for adjustments and further inputs once the project is underway, which is allowing also for flexibility of intervention under changing context for anti-corruption in the country. So far there are no plans for any projects after IPA 2013. The experiences and lessons learned/priorities from the implementation of this project will have to be seen first.



## 2.8 Turkey – Country Summary

### Background

Turkey has been a candidate for full EU membership status since 1999 and has made progress in terms of democratisation and economic liberalisation. However, the situation of human rights and political freedoms remains an issue of great concern. Moreover, based on the January 2012 assessment of Transparency International the country faces high levels of corruption. Accordingly, the government has taken steps to reduce corruption in the country, including the adoption of an anti-corruption action plan in 2010 and a series of commitments in June 2012 to cover incrimination and presidential candidate funding. However, despite this progress, the country continues to be confronted with challenges of rampant corruption and existing anti-corruption measures are put into question. One of the main criticisms has been the lack of a coordinated and strategic approach to anti-corruption. There is also an absence of transparency and accountability in the political system, as embodied in the immunity regulations for high-ranking officials. Moreover, civil society has a limited role to play in policymaking and there is no mechanism enabling citizens to monitor government commitments. The need for greater civic participation in public life was reflected in the 2013 Gezi Park protests.

EU financial assistance in the area of the fight against corruption started quite recently with the 2006 Ethics for the Prevention of Corruption in Turkey project; no EU funds could be programmed prior to the establishment of an independent single anti-corruption body and the adoption of a National Anti-Corruption Strategy.

Since 2001 EU pre-accession assistance to Turkey in the area of the fight against corruption has amounted to EUR 6,160,000 for 5 projects, of which EUR 1,661,732 was paid out as of 31 December 2012; at present one project has been completed, two are ongoing and two are to be started.

According to the 2011-2013 MIPD the first priority of Turkey was to make progress in critical areas of rule of law in order to tackle key reforms of the judiciary and fundamental rights.

The first objective of the sector priority Justice, Home Affairs and Fundamental Rights was to implement the necessary reforms to build an independent, impartial and efficient judiciary. The second objective was effective law enforcement, successful fight against crime and corruption, and improved integrated border management and prevention of illegal migration.

Various institutions are involved in the democracy and governance sector and there is neither one specific sector lead institution nor a comprehensive strategy covering public administration reform, *acquis* alignment and regulatory reforms. The main institutions in the anti-corruption field are the Prime Ministry Inspection Board and the Council of Ethics. The 2010-2014 national anti-corruption strategy and action plan remains the current key strategic document. A national anti-corruption strategy and action plan for the next programming period, 2014-2020, is yet to be prepared and approved for adoption.

Under the 2010-14 national anti-corruption strategy, numerous working groups, set up to consider various corruption-related issues, reported to an inter-ministerial committee overseeing implementation. Reports were not made public and there were very limited opportunities for contributions from civil society organisations. The working groups made some practical policy suggestions, such as conducting annual countrywide corruption perception surveys and establishing comprehensive tracking of data on corruption. These have not been implemented. The legal mandate, institutional capacity and functional independence of the Prime Ministry Inspection Board remained unclear. It is currently entitled only to oversee work related to the strategy and has a mandate for coordination via byelaw alone. Turkey has not responded to the compliance report regarding the recommendations of the third evaluation round of GRECO.

During the last two years corruption has become an important public issue in Turkey, notably with allegations of politicians being involved in big scandals and a lack of government transparency regarding

public financial management of such things as high cost investments. The media is widely politicized and the government has too much control of it. Media owners who are close (sometimes through family relations) to senior members of government or other influential groups of people and who support government policies can expect their revenues from advertising etc. to be healthy. Media owners who promote views opposing government policy are likely to struggle to generate revenues from advertising etc.

The inadequate transparency of government includes the weakness of parliamentary control/reporting mechanisms on public financial management. In 2014 information published by some ministries was insufficient to allow judgement of their performance in the use of Public Funds. Although the Court of Accountants publishes periodic reports, the reports do not have sufficient rigorous information.

Turkey, as an emerging economy, has been responsive to the increasing anti-corruption efforts being made throughout the world. While it has an adequate legal framework in place, recent studies published by the OECD and Transparency International's Corruption Perception Index (CPI) showed that Turkey's ranking dropped during 2014. In the CPI results Turkey lost 5 points (50 points in 2013 and 45 in the 2014 results) and moved from the 53rd least corrupt country to the 64th. On the global front, the OECD's Foreign Bribery Report published in December 2014 shows no evidence of Turkey having enforced the foreign anti-bribery legislation and concluded a foreign bribery case. Similarly, the OECD Phase 3 Report on Implementing the OECD Anti-Bribery Convention in Turkey demonstrated that the OECD was concerned about Turkey's level of detection and investigation of foreign bribery offences.

A general election will be held in Turkey on 7th June 2015 to elect the 550 members of the Grand National Assembly.

Transparency International, Corruption Perception Index (CPI) ranking 2007-2014:

2007	2008	2009	2010	2011	2012	2013	2014
64	58	61	56	61	54	53	64

#### IPA I - Projects of assistance selected for the evaluation

Programme	Project Title	Leading Beneficiary	Total (M€)	EC Grant (M€)	Other (M€)	Co-financing (M€)
2006	Ethics for the Prevention of Corruption in Turkey (TYEC 1)	Council of Ethics for the Public Service	1.500	1.350	0.150	0
2009	Strengthening the coordination of anti-corruption policies and practices	Prime Ministry Inspection Board	1.600	1.360	0.070	0.170
2009	Consolidating Ethics in the Public Sector (TYEC 2)	Council of Ethics for the Public Service	1.500	1.200	0.150	0.150

Note: "Other" denotes financing provided by the Council of Europe or in the case of the "Strengthening the coordination of anti-corruption policies and practices" project by a private donor

"Co-financing" denotes financing provided by the beneficiary country

#### Objectives and Activities

Ethics for the Prevention of Corruption in Turkey (TYEC 1) – the project purpose was to ensure the effective implementation of the Code of Ethics for public officials and the adoption of such codes by other categories of officials.

Implementation started in December 2007 and ended in November 2009. This was the first joint project of the EU and the CoE in the field of good governance and consolidation of ethical standards to prevent corruption in Turkey.

Strengthening the coordination of anti-corruption policies and practices – the project purpose is to ensure the efficient and effective fight against corruption through enhancing expertise of inspectors, auditors and controllers of different institutions.

Implementation started in December 2012 and the planned 24 months duration was extended by four months to allow completion of the supply component to enable sharing of data by 9 ministries.

Consolidating Ethics in the Public Sector (TYEC 2) – the project purpose is to ensure the effective dissemination and implementation of the Code of Ethics across the public sector and support the work of the Council of Ethics for Public Service (CoEPS) and ethics commissions of line ministries in developing ethical frameworks within ministries.

Implementation started in March 2012 and ended in June 2014.

### **Relevance and Coherence**

The projects are in accordance with the priorities first set out in the 2006 Accession Partnership, and confirmed by the 9th development plan of Turkey (2007-2013).

Turkey ratified the Council of Europe's Civil and Criminal Law Conventions against Corruption in 2003 and 2004 respectively and joined the Council's Group of States against Corruption (GRECO) in January 2004. The CoEPS was established in June 2004 and in 2005 the Regulation on the Principles of Ethical Behaviour for Public Officials (the Code of Ethics) was adopted. The participation of Turkey in the UNCAC was ratified in 2006.

Project TYEC 2 took into account the institutional needs resulting from the recommendations of the TYEC 1 project, with which it was highly coherent, and it built on the outputs and outcomes produced by TYEC 1. It seeks to achieve further improvements in the field of ethics and anti-corruption in Turkey taking into account relevant GRECO recommendations.

It was highly relevant in developing the capacities of the CoEPS and ethics commissions. The key aims were to implement the Regulation on the Principles of Ethics Behaviour of the Public Officials and Application Procedures, strengthening capacities of related officials on these procedures through training and ToT, enhancing public sector awareness on the implementation of ethical standards, and strengthening cooperation between Public Institutions and CSOs to expand addressing ethics violation.

The 2009 project “Strengthening the coordination of anti-corruption policies and practices” is a complementary project with the aim to develop and implement more independent anti-corruption strategies under the leadership of the Prime Ministry Inspection Board, though the private sector and NGOs did not participate.

### **Efficiency and Added Value**

In summary the experience in Turkey was that two of the three CoE-implemented projects were not efficiently implemented due to staffing and management problems and slow decision-making to resolve them.

Project implementation of TYEC 2 was unsatisfactory due to poor management of CoE. The beneficiary was not involved in approving the CVs of the team of experts and project implementation started with 5

months delay because of difficulties for CoE in recruiting the long-term expert (LTE). After the appointed LTE had worked for four months (Inception Report and Implementation Plan approved), CoE withdrew him without giving any notice to the beneficiary. Although the LTE continued to provide some outputs working as a short-term expert from home, the project implementation was completed without a LTE. This meant that much of the project workload passed to the CoEPS beneficiary who showed a high level of commitment in following the planned activities, despite having limited expertise.

There was a similar story with the “Strengthening the coordination of anti-corruption policies and practices” project where the CoE working style was not cooperative including a lack of communication and unclear procedures. There should have been a long-term advisor (LTA) from the start of the project but it didn’t happen. After 12 months they were ready to hire a person but by then the bulk of work had been done. A lot of the input had been done by the beneficiary, resulting in exhaustion and a lack of interest in the beneficiary doing any further EU work.

The majority of the planned outputs were delivered but the focus of implementation was more on activities than on achievement of results. Despite his early departure the feedback on the quality of the ex-LTE is very good and a number of working tools and procedures have been established and become operational for the CoEPS to manage, oversee and measure the ethics violation in the PA. Reporting based on separate Output Reports. Final Report was an assembly of separate Output Reports.

### **Effectiveness**

As a result of TYEC 1 the CoEPS developed a training strategy, which was improved by the assistance of TYEC 2 and it also developed an action plan for implementation. Some 130 staff of the CoEPS and public institutions (Land Registry, Ministry of Interior, National Education, and Ministry of Finance) were trained to be trainers and provide training to staff in the central and local administration.

The code of conduct for state universities, academics and professional associations was developed.

A failure to procure the supply component threatens achievement of results of the Strengthening the coordination of anti-corruption policies and practices project.

The full effectiveness of the project “Strengthening the coordination of anti-corruption policies and practices”, which in many ways has been a success because of the strong commitment of the beneficiary, is compromised by the failure of the supply component.

### **Impact**

Ethics committees have been established within the government agencies including all ministries and other public organizations. They operate efficiently in tracking, addressing ethics violation and the investigative capacity of the PMIB has improved.

The PMIB, which is competent and committed, is technically qualified to be the leading AC body but lacks independence from political influence; lack of transparency in decision-making of key public institutions; NGOs are not substantially involved in legal drafting; political influence in awarding Public Funds to NGOs/ only NGOs linked or related to government or non-critical NGOs; likewise the distribution of EU funds managed by CFCU;

Dissemination and sharing of data by the inspection boards cannot be achieved until the problems of the supply component of the Strengthening the coordination of anti-corruption policies and practices project. Therefore current impact is limited.

### **Sustainability**

A sustainable effective ethical environment has been established at the General Directorate of Land Registry and Cadastre, which was among the beneficiaries of the two TYEC projects. The body has been

able to measure the benefits of this (they include improved relationships with the public, and greater job satisfaction and efficiency of staff) and it is a model to be replicated.

The sustainability of TYEC 2 is satisfactory in the immediate future because of the dedicated commitment of the beneficiary to build on the knowledge gained and follow up on the outputs/outcomes produced. Although the CoEPS has insufficient staff numbers, their capacity was increased by the projects but in the longer term their reliance on EU funds makes their sustainability uncertain.

Ant-corruption boards are already well qualified but there is a problem of dissemination and sharing of data, which is dependent on the system to be procured under the supply component to increase capacity. The project expired without any related results - statistics have not been collected and shared.

Under IPA 2012 a new project is agreed to encourage cooperation of NGOs and the private sector with the formation of an ethics platform bringing all stakeholders together to decide on activities (NGOs etc.).

Overall the fight against corruption is not a high priority of the current government and therefore the environment is not conducive to achieving good progress. The elections could result in changed circumstances.

## **IPA II Assessment**

As part of the new sector approach to the programming and delivery of IPA assistance, the EU is concerned that large volumes of funding such as the 620 MEUR being provided annually to Turkey are too big to manage on a project-by-project approach and would be better managed using a sector budget support (SBS) mechanism. In discussions with the EUD Ankara the Turkish authorities have expressed reservations about the SBS mechanism, influenced by previous experience of a similar mechanism with an IMF loan when the conditions were rigorously enforced.

The structure of Turkish institutions does not favour the new sector approach. The circumstances in the country mean that anti-corruption is a very sensitive matter at present and a new national strategy and action plan is unlikely to be issued prior to the June national election.

Areas identified as requiring further activities include following-up the 2010-2014 national strategy and action plan and areas identified by SIGMA and GRECO.

Turkey needs to step up its anti-corruption efforts and measures, strengthening both preventive and repressive standards as part of improving its anti-corruption policy development and implementation. It needs to extend the code of conduct to cover the legislature and the military. Turkey should also follow up recommendations issued by the working groups set up as part of the national anti-corruption strategy, such as conducting annual country-wide corruption perception surveys and establishing comprehensive tracking of data on corruption. Civil society can play an important role as a watchdog, helping to promote transparency in this area.

Turkey has ratified major anti-corruption conventions over the last years and has worked to implement its 2010-2014 national strategy and action plan in this area. The current circumstances in the country mean that anti-corruption is a very sensitive matter at present and a new national strategy and action plan is unlikely to be issued prior to the June national election.

Various institutions are involved in the democracy and governance sector and there is neither one specific sector lead institution nor a comprehensive strategy covering public administration reform, *acquis* alignment and regulatory reforms. The main institutions in the anti-corruption field are the Prime Ministry Inspection Board and the Council of Ethics. Once adopted, the updated national anti-corruption strategy and action plan will be the key strategic documents.

After the elections a transparency package could be one of the pillars of relevance to the Chapter 23 working group.

## 2.9 Multi-Country - Programme Summary

### IPA I - Projects of assistance selected for the evaluation

Programme	Project Title	Leading Beneficiary	Total (M€)	EC Grant (M€)	Other (M€)	Co-financing (M€)
2013	Strengthening National Integrity Systems in the Western Balkans and Turkey and tracking developments of anti-corruption efforts	Countries of Western Balkans and Turkey	1.900	1.700	0.200	0
2013	International Cooperation in Criminal Justice: Prosecutors' Network	Law Enforcement Agencies	1.900	1.700	0.200	0

Note: "Other" denotes financing provided by the Council of Europe or in the case of the "Strengthening the coordination of anti-corruption policies and practices" project by a private donor  
 "Co-financing" denotes financing provided by the beneficiary country

### Objectives and Activities

Strengthening National Integrity Systems in the Western Balkans and Turkey and tracking developments of anti-corruption efforts – the project will build upon previous Tl S led regional projects in the enlargement countries, namely the regional projects "CIMAP - Establishing Comparative Indicator-based Monitoring of Anti-corruption Progress in EU candidate, potential candidate countries and Kosovo", which was supported by the European Commission from 01 January 2010 - 30 June 2011. Under that project, a monitoring methodology was developed to assess anti-corruption progress in the judiciary, public administration and political institutions, which was tested in the four countries: Albania, Kosovo, the former Yugoslav Republic of Macedonia and Turkey.

The implementation period is 1 May 2014 - 30 April 2017 (36 months).

International Cooperation in Criminal Justice: Prosecutors' Network – The project aims to prevent and combat trans-border organised crime and linked corruption cases with cross-border implications, and dismantle criminal organisations involved in illicit trafficking destined to the EU; and improve international law enforcement strategic and operational cooperation among Beneficiaries as well as between Beneficiaries, EU Member States and EU/regional/international law enforcement organisations, through the support of international investigations and prosecutions, the promotion of secured exchange of information and intelligence, the use of modern communication technology and data protection mechanisms aligned to EU standards.

The implementation period is 1 May 2014 - 30 April 2017 (36 months).

### Relevance and Coherence

International Cooperation in Criminal Justice: Prosecutors' Network - the IPA Multi-Beneficiary (MB) MIPD 2011-20134 identifies as a priority for IPA assistance the support for regional cooperation between law enforcement agencies and judicial authorities to fight organised crime and terrorism, complementing efforts at a national level. The project takes into account the objectives and priorities set out in the European and Accession Partnerships with the IPA Beneficiaries, and recent Progress Reports, which contain relevant provisions on justice, freedom and security and provide the long-term basis for continued cooperation in the field. Regarding regional issues and international obligations, IPA Beneficiaries still need

to enhance cooperation with their neighbours, notably on cross-border cooperation, the fight against organised crime, trafficking and smuggling.

The two projects are in the early stages of implementation. Both are well designed and the project teams are making good preparations, undergoing training and establishing relationships for joint working both in the respective project headquarters and in the beneficiary countries. The experts are well qualified and very experienced and have the respect of their beneficiary counterparts. The project “International Cooperation in Criminal Justice” builds on a previous project and there are elements of continuity for project teams and beneficiaries including some previously established working relationships.



## 2.10 Tables of Ratings of Projects per Country

### Grading Scale

Rating Grade		Explanation for the Grade
Very good	VG	The situation is considered highly satisfactory, largely above average and potentially a reference for good practice. Recommendations focus on the need to adopt these good practices in other operations.
Good	G	The situation is considered satisfactory, but there is room for improvements. Recommendations are useful, but not vital for the operation.
Adequate	A	The programmes/projects achieved acceptable progress toward the majority of the intended objectives but faced major constraints/delays; improvements would have been necessary
Deficiencies	D	There are issues, which need to be addressed; otherwise the global performance of the operation may be negatively affected. Necessary improvements however do not require major revisions of the operations' strategy.
Serious deficiencies	SD	There are deficiencies, which are so serious that, if not addressed, they can lead to failure of the operation. Major adjustments and revision of the strategy are necessary.

Evaluation criteria	Croatia			Montenegro			Bosnia and Herzegovina	
	3 projects			5 projects			2 projects	
	USKOK 2007	Tax Administration 2008	Gov. Office NGO's 2008	Locl Self-government 2008	Police administration 2009	EU Rule of Law 2012	NGO anti-corruption action 2013	Capacities institutions 2009 Support to Law enforcement 2010
Relevance	V G	G	VG	VG	VG	Ongoing	Ongoing	SD D
Coherence	V G	VG	VG	VG	VG			SD D
Efficiency	V G	G	VG	G	VG			SD D
EU added value	V G	VG	VG	VG	G			D D
Effectiveness	V G	G	VG	VG	G			D D
Impact	V G	G	G	VG	G			D D
Sustainability	V	A	G	G	A			D D

	G								
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Evaluation criteria	Turkey			FYROM			Kosovo				Albania				
	3 Projects			3 Projects			4 Projects				5 Projects				
	Ethics for the Prevention of Corruption in Turkey	Strengthening Coordination of Anti-	Consolidating Ethics in the Public Sector	Corruption Trial Monitoring	Support Reform of the Criminal Justice System	Support to Efficient Prevention and Fight	Support to judicial & prosecutorial councils	Support to Anti-corruption Institutions	Project against Economic Crime in Kosovo	Strengthening criminal investigation capacities against organised crime	2008 PACA	2009 EURALIUS III	2009 Anti Money Laundering	2012 ACFA	2012 PAMECA IV
Relevance	VG	VG	VG	VG	VG	VG	VG	VG	VG	VG	VG	G	VG	VG	VG
Coherence	V	VG	VG	G	G	G	VG	VG	VG	VG	VG	G	VG	VG	VG
Efficiency	D	D	A	G	A	G	G	G	VG	VG	G	G	VG	G	VG
EU Value added	A	D	D	G	Ongoing	Ongoing	G	G	VG	VG	VG	G	VG	VG	VG
Effectiveness	A	D	D	G			G	D	VG	VG	G	G	VG	VG	A
Impact	G	D	D	A			A	D	VG	G	G	D	G	VG	G
Sustainability	G	D	D	A			A	SD	VG	G	G	D	G	VG	G
<b>OVERALL</b>	<b>G</b>	<b>D</b>	<b>D</b>	<b>G</b>			<b>G</b>	<b>A</b>	<b>VG</b>	<b>VG</b>	<b>G</b>	<b>A</b>	VG	VG	<b>G</b>

Evaluation criteria	Multi-country	
	2 Projects	
	International Cooperation in Criminal Justice	Strengthening National Integrity Systems in the Western Balkans and Turkey
Relevance	VG	VG
Coherence	VG	VG
Efficiency	G	G
EU Value added	Ongoing	Ongoing
Effectiveness		
Impact		
Sustainability		
<b>OVERALL</b>		

### 3. List of Interviewees / Stakeholders consulted

#### 3.1 Albania

Institution/Project	Interviewee
<b>The Republic of Albania</b>	
DG NEAR Unit D.4	Cindy Van Den Boogert Policy Officer Leonetta Pajer IPA Desk Officer
EU Delegation to Albania	Lora Ujkaj Programme Manager Justice and Home Affairs Marcello Repici Programme Manager Justice, Security and Home Affairs Edina Lapi Expert IPA II Programming
Ministry of European Integration	Gentian Elezi Deputy Minister Ana Xhilaga Director, IPA Programming; Arjan Polena Expert, IPA Programming Redi Lleshi Director of Monitoring and Evaluation Redina Lula Head of Monitoring and Evaluation, IPA I Sector Eduart Qatja Expert of Monitoring and Evaluation, IPA I Sector Anila Dolani Expert and Focal Point Justice, Freedom and Security
Ministry of Justice	Ermonela Xhafa Director of Priorities, Foreign Juridical Relations and Integration Bledar Dervishaj Advisor
Transparency International Albania	Inesa Hila Country Coordinator
ACFA Project	Gent Ibrahimi Key Expert
High Council of Justice	Marsida Xhafellari Chief Inspector
General Prosecutor's Office	Rovena Gashi Prosecutor/Director Head of International Relations

Institution/Project	Interviewee
	Jonad Bara Judicial Police Officer Department of Foreign Jurisdictional Relations Manuela Imeraj Judicial Police Officer Department of Foreign Jurisdictional Relations
Organisation for Security and Cooperation in Europe (OSCE) Presence in Albania	Manoela Lussi Acting Director, Governance in Economic and Environmental Issues Department Ermelinda Xhaja National Programme Officer, Governance in Economic and Environmental Issues Department
Council of Ministers Minister of State on Local Affairs	Eridana Çano Chief of Cabinet to the Minister of State on Local Affairs
High Council of Justice	Marsida Xhafellari Head of inspectorate
High Inspectorate of Declaration and Audit of Assets (HIDAACI),	Helena Papa Chief Cabinet of High Inspector
Ministry of Finance	Gelardina Prodanj, Secretary General Vanina KALEMI JAKUPI, Head of European Integration Unit; Keshjana HALILI, General Director, General Regulatory and Controlling Department Migena KALTHI KARAJ Specialist, National Authorising Officer (NAO)
Ministry of Innovation and Science	Ada Bedini, Head of Programming Unit Department of Public Administration
General Directorate for the Prevention of Money Laundering (FIU)	Genti Gazheli Head of FIU; Agim Muslia Director, of Analyses and IT Department; Adela Zaza Legal Directorate; Artan Shiqerukaj Specialist, Strategic Analyses Sector
PAMECA Project	Francesco Ciardi Deputy Team Leader and Prosecutor/Expert on Organised Crime, Serious Crimes and Anti-Corruption Investigations) Ilir Bicja Legal Expert
General Directorate of State Police Directorate for Economic Crime and Corruption	Haki Çako Deputy General Director, Directorate for

Institution/Project	Interviewee
	Economic Crime and Corruption Andrin Cenaj Expert, Statistics
Ministry of Interior	Silda Anagnosti Head of Cabinet Ms. Elira Zaka General Director of the Development Policies, Strategic Planning and Integration PAMECA Mr. Erlis Hereni Advisor to Minister for Corruption Denouncements PAMECA
General Prosecutor's Office (GPO) Sector of Economic Crime and Corruption	Arben Kraja Prosecutor
Agency for the Administration of Seized and Confiscated Assets (AASCA)	Artur Kala Director Ergys Dino Expert



## 3.2 Bosnia and Herzegovina

Bosnia and Herzegovina	
DG NEAR Unit D.5	Mr Giulio Venneri Policy Officer BiH
EU Delegation to BiH	Ms Brigitte KUCHAR Task Manager Ms Normela Hodzic-ZIjadic
Director of the Anticorruption Agency BiH	Mr Sead Lisak
Unit for European Integrations Republic of Srpska	Ms Sanja Dragicevic Head of Unit
Ministry of Security	Mr Edin Jahic Section Head for OC and Corruption Mr Samir Rizvo Assistant Minister for International Cooperation and European Integration
Ministry of Interior of Republic of Srpska	Mr Dmtar Vracar Mr Borislav Saric
Border Police	Mr Enver Hadziahmetovic
Ministry of Interior of the Federation of BiH Federal Police Administration	Mr Elvedin Hodzic Ms Vera Zovko Mr Mladen Milosavljevic
Prosecutor's Office of Bosnia and Herzegovina	Mr Ismet Šuškić
Directorate for Coordination of Police Bodies of BiH	Mr Midhat Hasanspahic
State Investigation and Protection Agency	Mr Marko Dominković Mr Dragan Mumović
Regional Cooperation Council	Mr Goran Svilanovic,
High Inspectorate of Declaration and Audit of Assets (HIDAACI),	Helena Papa Chief Cabinet of High Inspector
IPA 2009 Project Strengthening the capacities of BiH institutions to combat and prevent corruption.	Mr Roman Prah Project Team Leader
EU Support to Law Enforcement	Mr Karl Lesjak Team Leader
Transparency International	Ms Lejla Ibranovic Executive Director
Centre for Civic initiatives	Mr Zlatan Ohranovic
Centre for Investigative reporting	Ms Leila Bicakcic Director

## 3.3 Croatia

Republic of Croatia	
EU House in Croatia	Mr Branko Baricevic Head of the Representation Office
Ministry of Regional Development	Ms Tihana Suzanic Deputy Ms Iva Novoselac-Miholjic Senior Expert Adviser Mr Zoran Ivankovic Senior Expert Adviser
CFCA	Ms Ana-Marija Perovic Assistant Director – contracting directorate Mr Mislav Sovulj Assistant Director – Directorate for Implementation of IPA TAIB and Transition Facility Programmes Mr Denis Matas Head of Department - Directorate for Implementation of IPA TAIB and Transition Facility Programmes Ms Ivana Ferk Head of Service Contracting Directorate Mr Dragan Kovacevic Project Manager, Directorate for Implementation of IPA TAIB and Transition Facility Programmes Ms Sanja Vranic Project Manager, Directorate for Implementation of IPA TAIB and Transition Facility Ms Marija Cakaric-Bjelobrk Senior Project Manager, Directorate for Implementation of IPA TAIB and Transition Facility Programmes
Heinrich Boel Stiftung	Mr Vedran Horvat Director
USKOK	Mr Dinko Cvitan State Attorney General Ms Natasa Djurovic Deputy Director Ms Nikolina Pavcic Interpreter
Ministry of Justice	Ms Adrijana Bago PNUSKOK, Police Advisor Mr Tomislav Matoc Matija Pticek
Office for Cooperation with NGOs	Ms Ana Ugrina Ms Andrea Vidovic Senior Expert Advisor

Association of Municipalities	Ms Vesna Fabris Communications Mr Mladen Ivanovic Legal Advisor
Tax Administration	Ms Ljiljana Jagetic Head of Internal Oversight section Mr Igor Piplovic Expert Advisor Ms Branka Jelenkovic Senior Inspector Ms Lidija Karacic Leader of the M&E Section
Transparency International	Ms Davorka Budimir President Ms Livia Kardum Professor of Political Science Mr Don Markusic Deputy President

## 3.4 The former Yugoslav Republic of Macedonia

The former Yugoslav Republic of Macedonia	
DG NEAR Unit D.3	Nicolas Nachtigall –Marten IPA Coordinator Marie-Sofie Sveidqvist International Relations Officer
EU Delegation Skopje	Manfredas Limantas Programme Manager Justice and Home Affairs
Secretariat for European Affairs	Biljana Stojanoska NIPAC and Coordinator Ch 23; Evgenija Serafimovska Kirkovski, Head of Unit for Monitoring and Evaluation, Sector for Coordination of EU funds and Other Foreign Assistance;
Public Prosecutor Office	Bisera Lazarova Chief of Cabinet of the Public Prosecutor
Transparency International Macedonia	Slagjana Taseva President Metodi Zajkov Secretary General
State Commission for Prevention of Corruption (SCPC)	Mirjana Dimovska, Member of SCPC (Beneficiary Country Project Leader) Vladimir Georgiev State Adviser for Anti-Corruption Policies (RTA Counterpart)
Twinning Project “Support to Efficient Prevention and Fight against corruption”	Joachim Schwanke RTA
Ministry of Justice Department for International Legal Cooperation – Unit for Coordination of Anti-corruption Activities	Elena Dimovska
Ministry of Justice Unit for Integration and Negotiation Unit for IPA Programming	Frosina Tasevska Head of EU Department Saimir Rakipi Head of IPA Programming Unit
Agency for Management of Confiscated Assets	Bashkim Ameti, Director Adela Zenjilovska, Leader Component 8
Customs Administration	Julija Nikolovska Head of Integrity Department;
International Cooperation in Criminal Justice: Prosecutors’ Network	Gabriele Walentich RTA
Macedonian Centre for International Cooperation (CSO)	Borijan Gjuzelov Advisor
Center for Civil Communications (CSO)	Mr German Filkov Head of EU Department

European Policy Institute, Skopje	Aleksandar Jovanoski Programme Coordinator for Democracy and Rule of Law Leposava Ognjanoska Stagier Angel Mijsovski Stagier

## 3.5 The Republic of Kosovo

The Republic of Kosovo	
DG NEAR Unit D.6	Cindy Van Den Boogert Policy Officer Leonetta Pajer IPA Desk Officer
EU Office Kosovo	Yvonne Gogoll Team Leader – Rule of Law Team Edis Agani Task manager- Rule of Law Team
Ministry of European Integration	Florim Cenolli , Director Development Assistance; Kastriot Halili Head of Division for Public Administration and Rule of Law; Altina Besimi, Senior Officer for Judiciary and Anti Corruption Policies, Department of Political Criteria
Kosovo Anti-Corruption Agency	Hasan Preteni Director
Public Prosecution Office (PPO) Project “Strengthening criminal investigation capacities against organised crime and corruption”; Project “Support to the Kosovo Judicial /Prosecutorial Council”	Ehat Miftari Head of Secretariat
Ministry of Justice	Lulzim Beqiri Director of Department for European Integration and Policy Coordination
Council of Europe Project against Economic Crime in Kosovo (PECK)	Edmond Dunga Project Leader
Agency for Administration of Sequestered or Confiscated Assets	Rrahim Rama, Chief Executive
Financial Intelligence Unit	Behar Xhema, Deputy Director
Project “Support to the Kosovo Judicial /Prosecutorial Council”	Anita Mihailova Team Leader Andrea Bigazzi Senior Expert Anduena Morina Project Coordinator
Secretariat of the Kosovo Judicial Council Project “Support to the Kosovo Judicial /Prosecutorial Council”	Astrit Hoti Director, Legal Department
Kosovo Judicial Institute /Legal Resources Centre	Besim Morina Programme Coordinator Valon Jupa Head of Continuing Training

Project “Strengthening criminal investigation capacities against organized crime and corruption”	Niels Stransky Resident Twinning Adviser
Project “Strengthening criminal investigation capacities against organized crime and corruption”	Riza Shillova Kosovo Police
RIINVEST - Institute for Development Research	Lumir Abdixhiku Executive Director Alban Hashani Research Director
Office for Good Governance at the Office of the Prime Minister (OPM))	Habit Hajredini Director Trëndelire Dreshy Senior Officer for Good Governance
Transparency International Kosovo Project “Strengthening National Integrity Systems in the Western Balkans and Turkey and tracking developments of anti-corruption efforts”	Artan Canhasi
Kosovo’s Democratic Institute	Visar Sutaj Adviser

## 3.6 The Republic of Montenegro

The Republic of Montenegro	
DG NEAR Unit D.1	Celine Faburel IPA Desk Officer
EU Delegation	Mr Alessandro Campo Programme manager for Justice and Home Affairs
	Mr. Romain Boitard Task Manager
Commission for suppression of conflict of interest	Mr Leković President of Commission
Directorate for Anti-Corruption Initiative IPA 2010 Project, Administration for Anti-corruption	Ms Aleksandra Vojinović RTA Counterpart Senior advisor
Unit for planning, programming and implementation of international and IPA funded projects	Ms Lidija Masanovic Senior Programme Officer Head of Unit
Ministry of Justice	Ms Svetlana Rajković Director general, Directorate for International Legal Cooperation and EU Affairs, Negotiator for Chapters 23 and 24 Ms Lidija Mašanović Head of Unit for planning, programming and implementation of international and IPA funded projects Ms Branka Lakočević Deputy Minister Directorate for Judiciary, Head of Working group for Chapter 23
Ministry of Foreign Affairs and European Integration Directorate General for Coordination of EU Assistance Programmes Directorate for Programming and Monitoring of EU Pre-accession Assistance Instruments NIPAC Office	Mr. Bojan Vujovic
Chamber of Economy	Mr Pavle D. Radovanovic
IPA 2012, EU support to the Rule of Law (EUROL)	Mr Derek McLoughlin Team Leader
The Network for the Affirmation of NGO Sector	Mr Dejan Milovac Deputy Executive Director Secretariat Transparency International Montenegro
Audit authority	Ms Mila Barjaktarovic Chief Auditor
Ministry of Interior and Public Administration	Ms Tanja Ostojic



<p>Directorate for International Cooperation and European Integration</p>	<p>Senior Programme Officer  Head, Section for Project Implementation  Ms Milica Milutinović  Section for Project Implementation  Mr Dalibor Medojević  Police Inspector  Section for Fight against Organized Crime and Corruption  Mr Dejan Katnić  Police Inspector  Section for Suppression of Economic Crime</p>
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## 3.7 The Republic of Serbia

The Republic of Serbia	
DG NEAR Unit D.2	Ms Fanny Marchal Policy Officer Mr Steffen Hudolin IPA Desk Officer
EU Delegation	Ms Mirjana Mitic Task Manager
Serbian European Integration Office	Mr Vladimir Lazovic
Anti-corruption Agency	Mr Vladan Joksimovic Deputy Director Ms Milica Bozanic Head of Sector for International Cooperation
Anti-corruption Council	Jelisaveta Vasilic
Ministry of Justice	Mr Radomir Ilic State Secretary for anti-corruption, Mr. Vladimir Bojicic Assistant
Ministry of Interior	Ms Ana Petrovic Ms Tatjana Sarcevic Ms Ivica Drobnjakovic,
High Court of Cassation	Ms Biljana Sinanovic Ms Jelisaveta Colanovic,
State audit institution	Ms Ivica Gavrilovic
Council of Europe	Mr Lado Lalicic,
OSCE	Ms Romana Schweiger,
Belgrade Centre for Security Policy	Mr Saša Đorđević
Transparency International	Mr Nemanja Nenadic

## 3.8 The Republic of Turkey

The Republic of Turkey	
DG NEAR Unit A.5	Jean-Marie Moreau IPA Desk Officer
Delegation of the European Union to Turkey	Simona Gatti Minister Counsellor Head of Cooperation
Delegation of the European Union to Turkey	Dr Michael A Rupp Head of Section Institution Building and Civil Society
Delegation of the European Union to Turkey	Gamze Kösekahya-Pazarci Justice, Freedom and Security
Delegation of the European Union to Turkey	Marcin Braunnhoff Sector Manager Civil Society and Democratisation
Delegation of the European Union to Turkey	Mustafa Akan Fazlioglu Sector Manager SMEs and Private Sector Development
Delegation of the European Union to Turkey	Huseyn Zengin Coordinator for Financial Cooperation Supervision and Audit Head of Operations Team
Delegation of the European Union to Turkey	Ömer Fazlioglu Political Officer – Public Administrative and Security Sector Reform Political Affairs, CFSP, Press and Information Section
Delegation of the European Union to Turkey	Umut Özdemir Senior Policy Analyst and Programme Manager- Public Sector Governance
Delegation of the European Union to Turkey	Ipek Seda Geçim Bakır Coordination Officer Head of Cooperation
Transparency International Turkey	Gül Okütücü
Republic of Turkey The Council of Ethics for the Public Service of the Prime Ministry of Turkey	Fuat Canan, Director Seda Kartal, Counsellor Alptug Calik, Expert Funda Isyapan, Expert
Republic of Turkey General Directorate of Land Registry & Cadastre	Gökhan Kanal Deputy General Director Yener Karatas Nevzat Kul
Republic of Turkey Prime Ministry Inspection Board	Mete Demirci Prime Minister's Inspector Sefa Çağliyan

	Prime Minister's Inspector
Council of Europe	Michael Ingledow Head of Office Pinar Baspinar Project Officer Ms Corrine Ilgun Project Officer
Association of Civil Society Development Centre	Tezcan Eralp Abay General Coordinator
Technical Assistance to Civil Society Organisations (TACSO)	Tugce Bahadir Advisor
Economic Policy Research Foundation of Turkey (TEPAV)	Emin Dedeoglu Governance Studies Director – Private Sector
Republic of Turkey Ministry for EU Affairs	Ege Erkoçak Director Directorate of Political Affairs Serdar Ozturk Coordinator Directorate of Political Affairs
Republic of Turkey Ministry of Justice	Canan Kaya Head of Department Directorate of EU Affairs
	İsmet Güvenç Kayaş Judge Directorate of EU Affairs
	Kubilay İnan Deputy Head of Department Strategy Development Unit
	Mustafa Burak Çil Judge DG for International Relations and Foreign Affairs
	A Melih Kutlu Judge DG for International Relations and Foreign Affairs
	Hatice Seval Arslan Head of Department DG for International Relations and Foreign Affairs
	Didem Yerli Karkınlı Assistant Judicial Expert DG for Legislation Affairs
	Ahmet Eker Judge DG for Legislation Affairs
	Orhan Cüni Judge DG for Penal Affairs
Republic of Turkey Ministry of Justice	Burak Cenk İlhan Judge

	Justice Academy of Turkey
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## 3.9 Multi-country Programmes / Horizontal IPA Functions

Multi-country Programmes	
DG NEAR Unit D.5	Liane Adler Programme Manager EU Policies Mr Hank Visser Programme Assistant
Transparency International Albania Project “Strengthening National Integrity Systems in the Western Balkans and Turkey and tracking developments of anti-corruption efforts”	Inesa Hila Country Coordinator
Transparency International BiH Project “Strengthening National Integrity Systems in the Western Balkans and Turkey and tracking developments of anti-corruption efforts”	Ms Lejla Ibranovic Executive Director
Transparency International Macedonia Project “Strengthening National Integrity Systems in the Western Balkans and Turkey and tracking developments of anti-corruption efforts”	Slagjana Taseva President Metodi Zajkov Secretary General
Project “International Cooperation in Criminal Justice: Prosecutors’ Network” (The former Yugoslav Republic of Macedonia)	Gabriele Walentich RTA
Transparency International Kosovo Project “Strengthening National Integrity Systems in the Western Balkans and Turkey and tracking developments of anti-corruption efforts”	Artan Canhasi
Transparency International Republic of Serbia Project “Strengthening National Integrity Systems in the Western Balkans and Turkey and tracking developments of anti-corruption efforts”	Mr Nemanja Nenadic
Transparency International Turkey Project “Strengthening National Integrity Systems in the Western Balkans and Turkey and tracking developments of anti-corruption efforts”	Gul Okütucu
Horizontal IPA Functions	
IPA Strategy and Quality	Pascal Henry Planning and Programming Officer
TAIEX	Jérôme Boniface Team Justice, Liberty and Security □ Institution Building Unit

#### 4. List of Documents

Author/Issuer	Document	Date/Year
<b>Generic IPA documents</b>		
The European Parliament and the Council of the European Union	Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II)	2014
European Commission	COMMISSION IMPLEMENTING REGULATION (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II)	2014
<b>Albania - IPA documents</b>		
European Commission	Annual Regular Progress Report on Albania	2009, 2010, 2011, 2012, 2013, 2014
European Commission	Indicative Strategy Paper for Albania, 2014-2020;	2014
European Commission	Commission Implementing Decision adopting a National Programme for Albania under the IPA -Transition Assistance and Institution Building Component	2013, 2012, 2011, 2010, 2009, 2008
European Commission	Multi-annual Indicative Planning Document (MIPD) for Albania	2011-2013, 2009-2011, 2008-2010
European Commission/ Republic of Albania	IPA TAIB Project Fiches 2012 Consolidation of the Law Enforcement capacities in Albania (PAMECA); IPA TAIB Project Fiches 2012 Overall assessment of the anti-corruption framework in Albania (ACFA)	2012
European Commission/ Republic of Albania	IPA TAIB 2009 Project Fiche "EURALIUS III"; IPA TAIB 2009 Project Fiche "Support to Anti-Money Laundering and Financial Crime Investigations Structures"	2009
European Commission/ Republic of Albania	IPA TAIB Project Fiches 2008 Project against Corruption in Albania (PACA)	2008

<b>Other</b>		
UNODC	Business, Corruption And Crime In Albania: The impact of bribery and other crime on private enterprise	2013
<b>Bosnia and Herzegovina - IPA documents</b>		
European Commission	Annual Regular Progress Reports on Bosnia and Herzegovina	2009, 2010, 2011, 2012, 2013, 2014
European Commission	Indicative Strategy Paper for Bosnia and Herzegovina, 2014-2020;	2014
European Commission	Commission Implementing Decision adopting a National Programme for Bosnia and Herzegovina under the IPA -Transition Assistance and Institution Building Component	2014, 2013, 2012, 2011, 2010, 2009, 2008
European Commission	Multi-annual Indicative Planning Document (MIPD) for Bosnia and Herzegovina	2011-2013, 2009-2011, 2008-2010
European Commission/Bosnia and Herzegovina	IPA National Programme 2009 part II – Bosnia and Herzegovina Fiche 6 "Anti-Corruption"	2009
European Commission/Bosnia and Herzegovina	Brief On Special Investigative Measures (Sims) – Legislation And Training	2013
European Commission	ROM Reports for selected Projects	2009-2013
<b>Other</b>		
European Commission	Second Interim Evaluation of EU IPA assistance in Bosnia and Herzegovina	2013
Transparency International	Bosnia and Herzegovina: Overview of Political corruption; National Integrity System Assessment BiH 2013	2014, 2013
UNODC	Business, Corruption and Crime in Bosnia and Herzegovina: The impact of bribery and other crime on private enterprise	2013
Centre for the Study of Democracy	Countering Corruption in Bosnia and Herzegovina: 2001-2011	2011
<b>Croatia - IPA documents</b>		
European Commission	Annual Regular Progress Reports on Croatia	2009, 2010, 2011,



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		2012
European Commission	Annual EU Monitoring Reports on Croatia	2013
European Commission	Financial Agreement between the Government of the Republic of Croatia and the Commission of the European Communities Concerning the National Programme for Croatia under the IPA TAIB	2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007
European Commission	Multi-annual Indicative Planning Document (MIPD) for Croatia	2011-2013, 2009-2011, 2008-2010
European Commission/Croatia	IPA 2007 Strengthening Capacities of USKOK – Twinning	2007
European Commission/Croatia	IPA 2008 Facility for Project Preparation and Reinforcement of Administrative Capacity – FPP RAC	2013
European Commission	ROM Reports for selected Projects	2012-2014
<b>Other</b>		
European Commission	Second Interim Evaluation of EU IPA assistance in Croatia	2013
Transparency International	Corruption Perceptions Index 2014	2014
Government of Croatia	Anti-corruption Action Plan	2008
Government of Croatia	Anti-Corruption Action Plan – revision	2010
Association of municipalities	Smanjenje percepcije korumpiranosti u lokalnoj samoupravi – SPEKULAS	2010
<b>The former Yugoslav Republic of Macedonia - IPA documents</b>		
European Commission	Annual Regular Progress Reports on the former Yugoslav Republic of Macedonia, including Commission Opinion on Montenegro's application for membership of the European Union	2009, 2010, 2011, 2012, 2013, 2014
European Commission	Indicative Strategy Paper for the former Yugoslav Republic of Macedonia, 2014-2020;	2014
European Commission	Multi-annual Indicative Planning Document (MIPD) for the former Yugoslav Republic of Macedonia	2011-2013, 2009-2011, 2007-2009
European Commission	Indicative Strategy Paper for the former Yugoslav Republic of Macedonia, 2014-2020;	2014
Government of the Republic of Macedonia	National Programme for Adoption of the Acquis (NPAA), Revision 2015	2015
European Commission	IPA 2009 Project Fiche Support in the implementation of the reform of the Criminal justice system - Final Modified Version	2012

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European Commission	IPA 2010 Twinning Project Fiche Support to efficient prevention and fight against corruption	2010
<b>Other</b>		
State Commission for Prevention of Corruption	State Programme for Prevention and Repression of Corruption; State Programme for Prevention and Reduction of Conflict of Interests with Action Plans for the period 2011 - 2015	2011
Coalition All for Fair Trials	Corruption Trial Monitoring Programme, Grant Application Form	2010
UNODC	Corruption in the former Yugoslav Republic of Macedonia: Bribery as Experienced by the Population	2011
Project: Corruption Trial Monitoring Programme	Judicial Efficiency in Fighting Corruption	2012
Council of Europe's Anti-Corruption Group (GRECO)	Report on the former Yugoslav Republic of Macedonia	2014
Macedonian Center for International Cooperation	Corruption Assessment Report for Macedonia	2014
Centre for Civil Communications	Monitoring Local Level Public Procurements	2014
<b>Kosovo - IPA documents</b>		
European Commission	Indicative Strategy Paper for Kosovo, 2014-2020;	2014
European Commission	Annual Action Programme for Kosovo* for the Year 2014	2014
European Commission	Multi-annual Indicative Planning Document (MIPD) for Kosovo	2011-2013, 2009-2011, 2007-2009
European Commission/Ecorys	IPA - interim evaluation and meta- evaluation of IPA assistance: Country report Kosovo	2013
European Commission/Kosovo under UNSCR 1244	IPA TAIB Project Fiches 2007 "Support to the Anti-Corruption Institutions in Kosovo".	2007
European Commission/Kosovo under UNSCR 1244	IPA TAIB 2010 Project Fiche "Project against Economic Crime in Kosovo"	2010
European Commission/Kosovo under UNSCR 1244	IPA TAIB Project Fiches 2012 "Strengthening criminal investigation capacities against organised crime and corruption";	2012
European Commission/Kosovo under UNSCR 1244	IPA TAIB Project Fiches 2013 "Support to the Kosovo Judicial/Prosecutorial Council";	2013

Kosovo under UNSCR 1244		
European Commission	ROM - Support to Anti-Corruption Institutions in Kosovo	2009, 2010
<b>Other</b>		
UNODC	Business, Corruption and Crime in Kosovo: The impact of bribery and other crime on private enterprise	2013
Transparency International	Kosovo: Overview of Political Corruption	2014
European Commission	Second Interim Evaluation of EU IPA assistance in Kosovo*	2013
European Court of Auditors	Special Report No 18/2012 on the European Union assistance to Kosovo related to the Rule of Law	2012
<b>Montenegro - IPA documents</b>		
European Commission	Annual Regular Progress Reports on Montenegro, including Commission Opinion on Montenegro's application for membership of the European Union	2009, 2010, 2011, 2012, 2013, 2014
European Commission	Indicative Strategy Paper for Montenegro, 2014-2020;	2014
European Commission	Commission Implementing Decision adopting a National Programme for Montenegro under the IPA – Transition Assistance and Institution Building Component	2014, 2013, 2012, 2011, 2010, 2009, 2008
European Commission	Multi-annual Indicative Planning Document (MIPD) for Montenegro	2011-2013, 2009- 2011, 2008-2010
European Commission/Montenegro	IPA Project Fiche – National Anti-corruption Strategy	2010
European Commission/Montenegro	Civil Society Facility 2011-2012, Country Fiche Montenegro	2011
European Commission/Montenegro	2008 Strengthening Local Self-government (Phase II). Promoting transparency	2008
European Commission/Montenegro	IPA 2009 Strengthening the capacity of police administration	2009
European Commission/Montenegro	IPA 2013 Civil Society Facility: Zero tolerance to corruption-anti-corruption non-governmental action delivering European result	2013
European Commission	ROM Reports for selected Projects	2009-2013
European Commission	Project reports for selected Projects	2012-2014

<b>Other</b>		
European Commission	Second Interim Evaluation of IPA Assistance to Montenegro	2013
Centre for Civic Education	Local Self-Governments in Montenegro in Fight against Corruption; Report on Implementation of Local Action Plans for Fight against Corruption in 14 Montenegrin Municipalities in the Period 2009-2012 And 2013-2014	2014
<b>Serbia IPA documents</b>		
European Commission	Annual Regular Progress Reports on Serbia	2009, 2010, 2011, 2012, 2013, 2014
European Commission	Indicative Strategy Paper for Serbia, 2014-2020;	2014
European Commission	Commission Implementing Decision adopting a National Programme for Serbia under the IPA –Transition Assistance and Institution Building Component	2014, 2013, 2012, 2011, 2010, 2009, 2008
European Commission	Multi-annual Indicative Planning Document (MIPD) for Serbia	2011-2013, 2009-2011, 2008-2010
European Commission	IPA Project Fiche: Prevention and Fight Against Corruption	2013
<b>Other</b>		
European Commission	Interim evaluation and meta-evaluation of IPA assistance: Country Report Serbia	2013
European Commission	Screening report Serbia: Chapter 23 – Judiciary and fundamental rights	2013
European Commission	Evaluation of Rule of Law sector implemented and financed by IPA Programme and other Donors in the Republic of Serbia	2013
European Court of Auditors	EU Pre-accession Assistance to Serbia, Special Report, 2014	2014
Multi-Donor Trust Fund for Justice Sector Support in Serbia	Serbia Judicial Functional Review	2014
UNODC	Bribery As Experienced By The Population In Serbia: Business, Corruption And Crime In Serbia	2013
Transparency International	Serbia: Overview Of Political Corruption	2014
Petrus C. Van Duyne, et. Al	Corruption policy in Serbia: From black box to transparent policy making	2012
<b>Turkey – IPA documents</b>		

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European Commission	Annual Regular Progress Report on Turkey	2014
European Commission	Indicative Strategy Paper for Turkey, 2014-2020	2014
European Commission	Multi-annual Indicative Planning Document (MIPD) for Turkey	2011-2013, 2009-2011
European Commission	IPA 2006 Project Fiche: Ethics for the Prevention of Corruption in Turkey	2006
European Commission	IPA 2009 Project Fiche: Consolidating Ethics in the Public Sector	2009
European Commission	IPA 2009 Project Fiche: Strengthening the coordination of anti-corruption policies and practices	2009
European Commission	Country Action Programme for Turkey for the Year 2014	2014
<b>Other</b>		
Government of the Republic of Turkey	Strategy for Increasing Transparency and Strengthening the Struggle against Corruption (2010-2014)	2010
Government of the Republic of Turkey	Action Plan for Increasing Transparency and Strengthening the Struggle against Corruption (2010-2014)	2010
European Commission	Peer Review Mission on the Fight against Corruption - Turkey	2011
Transparency International	Turkey: Overview of Corruption and Anti- Corruption	2014
Council of Europe's Anti-Corruption Group (GRECO)	Third Evaluation Round: Interim Compliance Report on Turkey "Incriminations (ETS 173 and 191, GPC 2)" "Transparency of Party Funding"	2015
<b>Multi-Country Programme – IPA documents</b>		
European Commission	Multi-annual Indicative Planning Document	2011-2013, 2009-2011
European Commission	Multi-country Indicative Strategy Paper, 2014-2020	2014
European Commission	IPA 2013 Project Fiche Fight against organised crime: International Cooperation in Criminal Justice	2013
European Commission	IPA 2013 Grant Contract Strengthening National Integrity Systems in the Western Balkans and Turkey, and tracking developments of anti-corruption efforts	2014
<b>Author/Issuer</b>	<b>Document</b>	<b>Date/Year</b>

Generic IPA documents		
The European Parliament and the Council of the European Union	Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II)	2014
European Commission	COMMISSION IMPLEMENTING REGULATION (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II)	2014
Albania - IPA documents		
European Commission	Annual Regular Progress Report on Albania	2009, 2010, 2011, 2012, 2013, 2014
European Commission	Indicative Strategy Paper for Albania, 2014-2020;	2014
European Commission	Commission Implementing Decision adopting a National Programme for Albania under the IPA - Transition Assistance and Institution Building Component	2013, 2012, 2011, 2010, 2009, 2008
European Commission	Multi-annual Indicative Planning Document (MIPD) for Albania	2011-2013, 2009-2011, 2008-2010
European Commission/ Republic of Albania	IPA TAIB Project Fiches 2012 Consolidation of the Law Enforcement capacities in Albania (PAMECA); IPA TAIB Project Fiches 2012 Overall assessment of the anti-corruption framework in Albania (ACFA)	2012
European Commission/ Republic of Albania	IPA TAIB 2009 Project Fiche "EURALIUS III"; IPA TAIB 2009 Project Fiche "Support to Anti-Money Laundering and Financial Crime Investigations Structures"	2009
European Commission/ Republic of Albania	IPA TAIB Project Fiches 2008 Project against Corruption in Albania (PACA)	2008
Bosnia and Herzegovina - IPA documents		
European Commission	Annual Regular Progress Reports on Bosnia and Herzegovina	2009, 2010, 2011, 2012, 2013, 2014
European Commission	Indicative Strategy Paper for Bosnia and Herzegovina, 2014-2020;	2014
European Commission	Commission Implementing Decision adopting a National Programme for Bosnia and Herzegovina under the IPA -Transition Assistance and Institution Building Component	2014, 2013, 2012, 2011, 2010, 2009,

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		2008
European Commission	Multi-annual Indicative Planning Document (MIPD) for Bosnia and Herzegovina	2011-2013, 2009-2011, 2008-2010
European Commission/Bosnia and Herzegovina	IPA National Programme 2009 part II – Bosnia and Herzegovina Fiche 6 "Anti-Corruption"	2009
European Commission/Bosnia and Herzegovina	Brief On Special Investigative Measures (Sims) – Legislation And Training	2013
European Commission	ROM Reports for selected Projects	2009-2013
<b>Other</b>		
European Commission	Second Interim Evaluation of EU IPA assistance in Bosnia and Herzegovina	2013
Transparency International	Bosnia and Herzegovina: Overview of Political corruption; National Integrity System Assessment BiH 2013	2014, 2013
UNODC	Business, Corruption and Crime in Bosnia and Herzegovina: The impact of bribery and other crime on private enterprise	2013
Centre for the Study of Democracy	Countering Corruption in Bosnia and Herzegovina: 2001-2011	2011
<b>Croatia - IPA documents</b>		
European Commission	Annual Regular Progress Reports on Croatia	2009, 2010, 2011, 2012
European Commission	Annual EU Monitoring Reports on Croatia	2013
European Commission	Financial Agreement between the Government of the Republic of Croatia and the Commission of the European Communities Concerning the National Programme for Croatia under the IPA TAIB	2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007
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European Commission/Croatia	IPA 2008 Facility for Project Preparation and Reinforcement of Administrative Capacity – FPP RAC	2013
European Commission	ROM Reports for selected Projects	2012-2014
<b>Other</b>		
European Commission	Second Interim Evaluation of EU IPA assistance in Croatia	2013

Transparency International	Corruption Perceptions Index 2014	2014
Government of Croatia	Anti-corruption Action Plan	2008
	Anti-Corruption Action Plan – revision	2010
Association of municipalities	Smanjenje percepcije korumpiranosti u lokalnoj samoupravi – SPEKULAS	2010
<b>The former Yugoslav Republic of Macedonia - IPA documents</b>		
European Commission	Annual Regular Progress Reports on the former Yugoslav Republic of Macedonia, including Commission Opinion on Montenegro's application for membership of the European Union	2009, 2010, 2011, 2012, 2013, 2014
European Commission	Indicative Strategy Paper for the former Yugoslav Republic of Macedonia, 2014-2020;	2014
European Commission	Multi-annual Indicative Planning Document (MIPD) for the former Yugoslav Republic of Macedonia	2011-2013, 2009-2011, 2007-2009
European Commission	Indicative Strategy Paper for the former Yugoslav Republic of Macedonia, 2014-2020;	2014
Government of the Republic of Macedonia	National Programme for Adoption of the Acquis (NPAA), Revision 2015	2015
<b>Kosovo - IPA documents</b>		
European Commission	Indicative Strategy Paper for Kosovo, 2014-2020;	2014
European Commission	Multi-annual Indicative Planning Document (MIPD) for Kosovo	2011-2013, 2009-2011, 2007-2009
Transparency International	Kosovo: Overview of Political Corruption	2014
<b>Montenegro - IPA documents</b>		
European Commission	Annual Regular Progress Reports on Montenegro, including Commission Opinion on Montenegro's application for membership of the European Union	2009, 2010, 2011, 2012, 2013, 2014
European Commission	Indicative Strategy Paper for Montenegro, 2014-2020;	2014
European Commission	Commission Implementing Decision adopting a National Programme for Montenegro under the IPA -Transition Assistance and Institution Building Component	2014, 2013, 2012, 2011, 2010, 2009, 2008
European Commission	Multi-annual Indicative Planning Document (MIPD) for Montenegro	2011-2013, 2009-2011, 2008-2010
European Commission/Montenegro	IPA Project Fiche – National Anti-corruption Strategy	2010
European Commission/Montenegro	Civil Society Facility 2011-2012, Country Fiche Montenegro	2011



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European Commission/Montenegro	2008 Strengthening Local Self-government (Phase II). Promoting transparency	2008
European Commission/Montenegro	IPA 2009 Strengthening the capacity of police administration	2009
European Commission/Montenegro	IPA 2013 Civil Society Facility: Zero tolerance to corruption-anti-corruption non-governmental action delivering European result	2013
European Commission	ROM Reports for selected Projects	2009-2013
European Commission	Project reports for selected Projects	2012-2014
<b>Other</b>		
European Commission	Second Interim Evaluation of IPA Assistance to Montenegro	2013
Centre for Civic Education	Local Self-Governments In Montenegro In Fight Against Corruption; Report On Implementation Of Local Action Plans For Fight Against Corruption In 14 Montenegrin Municipalities In The Period 2009-2012 And 2013-2014	2014
<b>Serbia IPA documents</b>		
European Commission	Annual Regular Progress Reports on Serbia	2009, 2010, 2011, 2012, 2013, 2014
European Commission	Indicative Strategy Paper for Serbia, 2014-2020;	2014
European Commission	Commission Implementing Decision adopting a National Programme for Serbia under the IPA - Transition Assistance and Institution Building Component	2014, 2013, 2012, 2011, 2010, 2009, 2008
European Commission	Multi-annual Indicative Planning Document (MIPD) for Serbia	2011-2013, 2009-2011, 2008-2010
European Commission	IPA Project Fiche: Prevention and Fight Against Corruption	2013
<b>Other</b>		
European Commission	Interim evaluation and meta-evaluation of IPA assistance: Country Report Serbia	2013
European Commission	Screening report Serbia: Chapter 23 – Judiciary and fundamental rights	2013
European Commission	Evaluation of Rule of Law sector implemented and financed by IPA Programme and other Donors in the Republic of Serbia	2013
Multi-Donor Trust Fund for Justice Sector Support in Serbia	Serbia Judicial Functional Review	2014
UNODC	Bribery As Experienced By The Population In Serbia Business, Corruption And Crime In Serbia	2013

Transparency International	Serbia: Overview Of Political Corruption	2014
Petrus C. van Duyne, et. al	Corruption policy in Serbia: From black box to transparent policy making	2012
<b>Turkey - IPA documents</b>		
European Commission	Annual Regular Progress Report on Turkey	2014
European Commission	Indicative Strategy Paper for Turkey, 2014-2020	2014
European Commission	Multi-annual Indicative Planning Document (MIPD) for Turkey	2011-2013, 2009-2011
Government of the Republic of Turkey	Strategy for Increasing Transparency and Strengthening the Struggle against Corruption (2010-2014)	2010
<b>Multi-Country Programme - IPA documents</b>		
European Commission	Multi-annual Indicative Planning Document	2011-2013, 2009-2011
European Commission	Multi-country Indicative Strategy Paper, 2014-2020;	2014

## 5. Regional Cooperation

### Annual report Regional Cooperation Council (RCC) – 2013-2014

The main barriers at regional level, which are currently being addressed, consist of varying national institutional capacities and uneven development of areas of cooperation. Police, law enforcement and judicial cooperation in criminal matters are still fragmented and compartmentalised into a number of different areas. The number of organisations, initiatives and other players is continually growing. Those regional cooperation structures are well known to the central authorities but very limited number of practitioners actually knows how to get the maximum from the tools that are available. On the other hand, we have growing number of regional players in the region, which often duplicate and overlap the work. This is overburdening for the experts in the region; therefore, synergies have to be found to raise the efficiency of the numerous activities. The RCC should streamline all the processes but would need more influence when dealing with independent organisations or donor state's agencies. These limitations are also one of the most important reasons that, while JHA cooperation generally records positive trends with occasional setbacks, some of the activities at the national and regional level still remain unconnected and uncoordinated.

The rule of law is a fundamental value on which the EU is founded. It remains a priority for the EU and is still at the heart of the EU enlargement process. It is a key pillar of the Copenhagen political criteria. Countries aspiring to join the EU need to establish and promote from an early stage the proper functioning of the core institutions necessary for securing the rule of law. Rule of law supports the business environment, providing legal certainty for economic operators and stimulating investment, jobs and growth. The RCC responded to the EU requirements in two ways. One is preparing the South-East European (SEE) 2020 Strategy and the Governance for Growth pillar. The Governance for Growth pillar is presented horizontally, as a crosscutting issue and a prerequisite for achievement of the Strategy objectives and for the efficient implementation of the Strategy policy measures and instruments across all pillars. The dimensions under the Governance for Growth pillar are Effective Public Services, dealing with the reform of public administration, Anti-corruption and Justice.

Fighting organised crime and corruption remains a fundamental issue to countering the criminal infiltration of political, legal and economic systems. In most RCC participants from the region there is a need for inclusive, transparent and ambitious judicial reforms with the aim of ensuring independent, impartial, efficient and accountable judicial systems. Particular attention is needed to the appointment, evaluation and disciplinary procedures for judges. There is also a need to put in place stronger frameworks for tackling corruption and organised crime, which remain a serious concern in many enlargement countries. Efforts are needed to ensure a sustained track record of substantial results in this field based on efficient, effective and unbiased investigation, prosecution and court rulings in cases at all levels, including high level corruption.

Under the auspices of the Romanian SEECF C-i-O, the Regional Conference on promoting best practices in fighting high-level corruption and on asset recovery took place in Bucharest on 8-9 April 2014. The event was also organised in the context of the RCC Strategy and Work Programme 2014-2016. The 2014 Regional Conference on promoting best practices in fighting high-level corruption and on asset recovery was held in Bucharest and brought together heads of the Anticorruption Agencies and Asset Recovery Offices, as well as experienced magistrates in dealing with high-profile corruption cases, from all SEECF<sup>80</sup> participating States. The event was important for raising awareness about the challenges and priorities in fighting high-level corruption, and disseminating best practices between the participating countries. As a result of the open and fruitful cooperation between the Regional Anti-Corruption Initiative (RAI) and

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<sup>80</sup> SEECF is the South-East European Cooperation Process, which is the major central forum of Southeast Europe, aimed at cooperating for peace, stability, security as well as for the economic, political and social development of all the countries of our region.

RCC, RAI was selected as the Dimension Coordinator of the SEE 2020 Strategy. Through joint work, a regional action plan has been prepared to address the challenges in the area of anti-corruption. Corruption undermines the rule of law, impacts negatively on the business environment, national budgets and affects citizens' everyday life. Therefore, fighting corruption is essential for economic growth and development. The main focus will be put on reducing corruption in public administration with coordinated regional measures. Public procurement is targeted as a priority area for anti-corruption activities because it is a key area where public funds are lost through corruption, and because a standardised procedure for public procurement would add to the region's appeal as a single market.

In the anti-corruption dimension, the main focus will be put on reducing corruption in public administration with coordinated regional measures. The headline target has a three-pronged set of objectives that seek to strike a balance between encouraging the implementation of concrete policy objectives and achieving broad progress in fighting corruption. One is achieving the reduction in the amount of bribes paid to public administration, the other is improving the average score of World Bank's WGI Control of Corruption Index and the third set is achieving certified excellence in public procurement procedure and implementation as public procurement is targeted as a priority area for anti-corruption activities because it is a key area where public funds are lost through corruption.

#### IPA I - Allocations

Country	2007	2008	2009	2010	2011	2012	2013
Albania	61.0	70.7	81.2	94.1	94.4	94.5	95.3
Bosnia & Herzegovina	62.1	74.8	89.1	105.3	107.4	107.8	63.6
Croatia	141.2	146.0	151.2	153.5	156.5	156.1	93.5
The former Yugoslav Republic of Macedonia	58.5	70.2	81.8	91.6	98.0	101.8	113.2
Iceland	-	-	-	-	12.0	12.0	5.8
Kosovo*	68.3	184.7	106.1	67.3	68.7	68.8	71.4
Montenegro	31.4	32.6	34.5	33.5	34.1	35.0	34.5
Serbia	189.7	190.9	194.8	197.9	201.8	202.0	208.3
Turkey	497.2	538.7	566.4	653.7	779.9	860.2	902.9
Multi-Beneficiary Programme	129.5	137.7	188.8	141.7	186.2	176.2	177.

#### IPA II 2014-2020 Indicative Allocations

Country	2014	2015	2016	2017	2018-2020	TOTAL 2014-2020
Albania	83.7	86.9	89.7	92.9	296.3	649.5
Bosnia & Herzegovina	39.7	39.7	42.7	43.7	*	165.8
The former Yugoslav Republic of Macedonia	85.7	88.9	91.6	94.9	303.1	664.2
Kosovo*	83.8	85.9	88.7	91.9	295.2	645.5
Montenegro	39.6	35.6	37.4	39.5	118.4	270.5
Serbia	195.1	201.4	207.9	215.4	688.2	1,508.0

Turkey	620.4	626.4	630.7	636.4	1,940.0	4,453.9
Multi-country	348.0	365.0	390.0	410.4	1,445.3	2,958.7

Source: webpage DG NEAR

## 6. Organisations of influence in the fight against corruption

### The Council of Europe (CoE)

The Council of Europe (CoE), which includes 47 member states, 28 of which are members of the European Union, exists to uphold and further pluralist democracy, human rights and the rule of law and has taken a lead in fighting corruption as it poses a threat to the very foundations of these core values.

The approach of the CoE in the fight against corruption has always been multidisciplinary and consists of three interrelated elements: the setting of European norms and standards; monitoring of compliance with the standards; and capacity building offered to individual countries and regions, through technical co-operation programmes.

The CoE has developed a number of multifaceted legal instruments dealing with matters such as the criminalisation of corruption in the public and private sectors, liability and compensation for damage caused by corruption, conduct of public officials and the financing of political parties. These instruments are aimed at improving the capacity of States to fight corruption domestically as well as at international level. The monitoring of compliance with these standards is entrusted to the Group of States against Corruption, GRECO.

**The Financial Action Task Force (FATF) was established by the G-7 Summit that was held in Paris in 1989.**

Scope of anti-corruption sector	Anti-corruption assessment with specific focus on combating money laundering and financing terrorism, by identifying risks and vulnerabilities with the aim to strengthen the resistance capability of a country against money laundering and financing terrorism.
Type of indicators used	<p>FATF Assessments are being carried out on the basis of 40 (anti-money laundering) + 9 (anti-terrorism) Recommendations. The (risk) assessment is divided in 2 components:</p> <p>A technical compliance assessment addressing the specific requirements of the FATF Recommendations, principally as they relate to the relevant legal and institutional framework of the country, and the powers and procedures of the competent authorities.</p> <p>An effectiveness assessment, which seeks to assess the adequacy of the implementation of the FATF Recommendations, and identifies the extent to which a country achieves a defined set of outcomes that are central to a robust anti-money laundering and counter-financing terrorism system. The focus of the effectiveness assessment is on the extent to which the legal and institutional framework is producing the expected results.</p> <p>For each Recommendation assessors should reach a conclusion about the extent to which a country complies (or not) with the standard. There are four possible levels of compliance: compliant, largely compliant, partially compliant, and non-compliant.</p>
Geographic coverage/regularity of assessments	<p>The FATF currently comprises 34 member jurisdictions and 2 regional organisations (including the European Commission) representing most major financial centres in all parts of the globe.</p> <p>WB-countries are not member. Assessments on anti-money laundering in these countries are being implemented by MONEYVAL (Committee of experts on the evaluation of anti-money laundering measures and the financing of terrorism) of the</p>

	Council of Europe
Overall	A very relevant tool, as it helps build awareness of the ways that criminals or terrorists misuse a specific sector or the financial system as a whole.
Link/contact	<a href="http://www.fatf-gafi.org">www.fatf-gafi.org</a> , <a href="http://www.coe.int/moneyval">www.coe.int/moneyval</a>

**The Group of States against Corruption (GRECO) was established in 1999 by the Council of Europe to monitor States' compliance with the organisation's anti-corruption standards<sup>81</sup>.**

Scope of anti-corruption sector	Anti-corruption assessment with specific focus such as "Incriminations" or "Transparency of party funding".
Type of indicators used	Assessments are being carried out on the basis of clear benchmarks and process indicators avoiding perception-based assessments. Assessments focus mostly on process indicator such as the existence of rules and regulations required for the implementation of Council of Europe anti-corruption standards. Performance aspects are revised to a much lesser extent.
Geographic coverage/regularity of assessments	Turkey and six out of the seven beneficiaries of the Western Balkans are covered (Kosovo is the exception) but not regularly: assessments are implemented every four years only with two consequent compliance reports after 18/36 months.
Overall	A very relevant tool but with limitations: assessment reports are very detailed but not always assessing performance. There is a lack of regularity since evaluations take place every 4 years on average. Assessments are partial in term of scope since GRECO works in cycles, which means that only specific themes are covered from time to time. However, interestingly, countries need to report compliance with the recommendations.
Link/contact	<a href="http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp">http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp</a>

### Transparency International (TI)

Transparency International (TI) is a non-governmental organization that monitors and publicizes corporate and political corruption in international development. Originally founded in Germany in May 1993 as a not-for-profit organization, TI is now an international non-governmental organization. It publishes an annual Global Corruption Barometer and Corruption Perceptions Index, a comparative listing of corruption worldwide. The headquarters are located in Berlin, Germany. According to the 2014 Global Index Report (Think Tanks and Civil Societies Program, University of Pennsylvania), TI is number 5 (of 100) in the "Top

<sup>81</sup> GRECO's objective is to improve the capacity of its members (Greco counts 49 member state including all the Balkan countries covered by this evaluation except Kosovo) to fight corruption by monitoring their compliance with Council of Europe anti-corruption standards through a dynamic process of mutual evaluation and peer pressure. (The GRECO currently monitors the following instruments: Twenty Guiding Principles in the Fight against Corruption (1997), Council of Europe Criminal Law Convention (1999), Additional Protocol to the Criminal Law Convention on Corruption, Council of Europe Civil Law Convention (1999), Recommendation on Codes of Conduct for Public Officials (2000), Recommendation on Common Rules against Corruption in the Funding of Political Parties). GRECO evaluation procedures involve the collection of information through questionnaire(s) and on-site country visits enabling evaluation teams to solicit further information during high-level discussions. The recommendations of each evaluation report are subsequently assessed by GRECO under a separate compliance procedure.

Think Tanks Worldwide (non-U.S.)" and number 13 (of 150) in the "Top Think Tanks Worldwide (U.S. and non-U.S.)".

The organization defines corruption as the abuse of entrusted power for private gain, which eventually hurts everyone who depends on the integrity of people in a position of authority.

Transparency International consists of chapters – locally established, independent organisations – that address corruption in their respective countries. From small bribes to large-scale looting, corruption differs from country to country. As chapters are staffed with local experts they are ideally placed to determine the priorities and approaches best suited to tackling corruption in their countries. This work ranges from visiting rural communities to provide free legal support to advising their government on policy reform. Corruption does not stop at national borders. The chapters play a crucial role in shaping its collective work and realising its regional and global goals, such as Strategy 2015. Transparency International's chapters drive its multi-country research and advocacy initiatives.

### **United Nations Office on Drugs and Crime**

UNODC was established to assist the UN in better addressing a coordinated, comprehensive response to the interrelated issues of illicit trafficking in and abuse of drugs, crime prevention and criminal justice, international terrorism, and political corruption. These goals are pursued through three primary functions: research, guidance and support to governments in the adoption and implementation of various crime-, drug-, terrorism-, and corruption-related conventions, treaties and protocols, as well as technical/financial assistance to said governments to face their respective situations and challenges in these fields.

The UNODC, which is the custodian of the United Nations Convention against Corruption (UNCAC), is also one of the main initiators of the establishment of the International Anti-Corruption Academy (IACA), whose main function is to, inter alia, facilitate more effective implementation of the UNCAC.

UNCAC is a multilateral convention negotiated by members of the United Nations, which requires that States Parties implement several anti-corruption measures, which may affect their laws, institutions and practices. These measures aim at preventing corruption, criminalizing certain conducts, strengthening international law enforcement and judicial cooperation, providing effective legal mechanisms for asset recovery, technical assistance and information exchange, and mechanisms for implementation of the Convention, including the Conference of the States Parties to the United Nations Convention against Corruption (CoSP).

### **The World Bank - Worldwide Governance Indicators**

The Worldwide Governance Indicators of the World Bank measure the quality of governance in over 200 countries. Assessment of the indicators is based on a research programme running since 1996, which covers six key dimensions of governance (Voice & Accountability, Political Stability and Lack of Violence, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption). The indicators are based on close to 40 data sources produced by over 30 organizations worldwide and are updated annually since 2002. There is growing recognition of a link between good governance and successful development, which has stimulated demand for monitoring the quality of governance across countries and within individual countries over time. Virtually all of the individual data sources underlying the aggregate indicators are, along with the aggregate indicators themselves, publicly available.

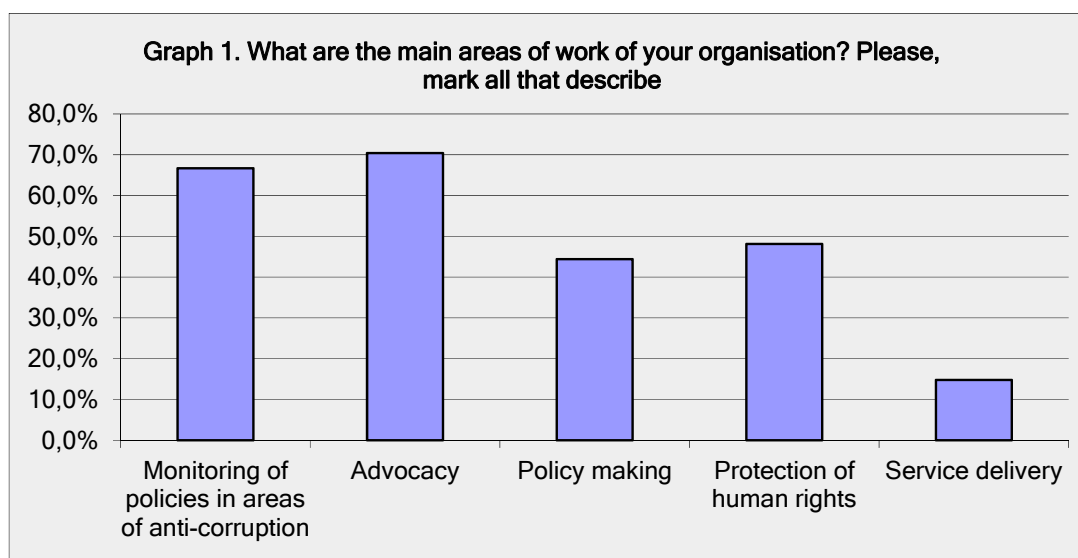


## 7. Results of the Survey of Civil Society Organisations Engaged in Anti-corruption Activities

The survey for CSOs in the Western Balkans and Turkey was developed as a part of the Thematic Evaluation on EU IPA support to the fight against corruption. The survey was distributed to CSOs dealing with the rule of law sector and particularly anti-corruption. The contact lists of CSOs were kindly provided by CSOs contacted during field visits, by the TACSO Project and by Delegations of the EU in target countries. The survey was distributed to a total of 272 contacts (some of which were overlapping from one list to another). A total of 30 invited CSOs have responded to the survey, which means that results are largely non-representative and only illustrative for some problems and dilemmas in this field.

The majority of respondents come from the former Yugoslav Republic of Macedonia (33%), followed by Montenegro (16.7%), Bosnia and Herzegovina (13.3) and Albania and Croatia (10% each). Serbia and Kosovo respondents each represented 7.7% and there was a single respondent from Turkey. The majority of respondents are directors of CSOs (60%) or managers and staff members (each 14.3%).

Organisations mainly deal with monitoring or advocacy for anti-corruption, while almost half of them are engaged also in policy making or protection of human rights (See Graph 1 below) and 72.4% of them have received EU funds before.



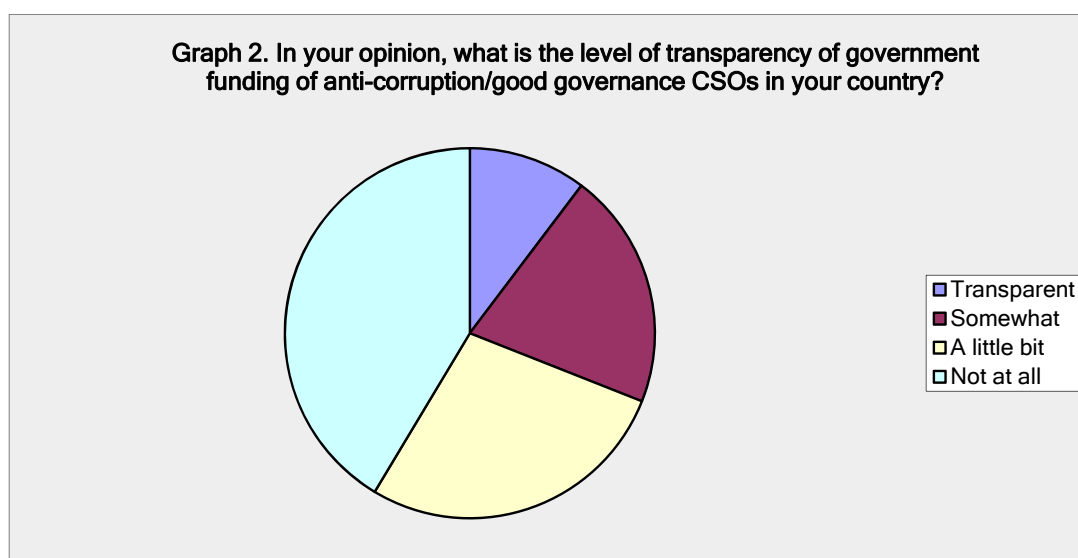
Organisations participating in the survey mainly focus their activities on a national level (80%).

Organisations are generally aware of EU support to the fight against corruption, and mention various types of support ranging from legislation development, institutional support to anti-corruption agencies and technical assistance. Organisations are aware of possibilities for EU funding to CSOs, and they gain information on funding through respective EU websites, information shared through CSO networks and through colleagues.

Almost all respondents claim that citizens have the right to form CSOs, and 80% of anti-corruption CSOs are free to accept funding from local or international sources (with only one respondent stating that CSOs are not free to receive funding). Almost 66% of CSOs are required to register and disclose their sources of funding.

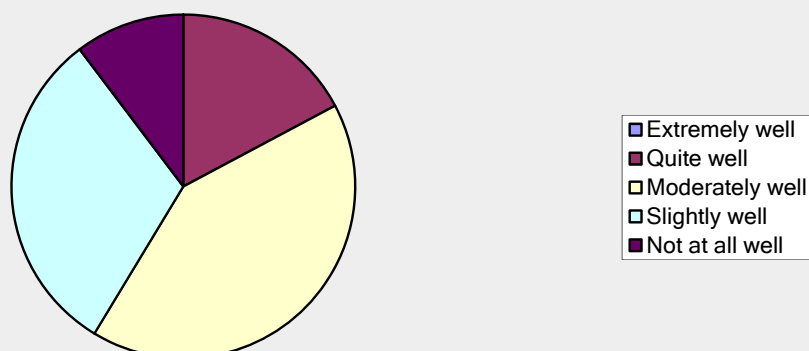
It is interesting that 22% of respondents believe that the government in their country is creating barriers to the establishment of new anti-corruption and good governance CSOs in their countries; 48% state that there are some barriers but not too many. As regards the activities of CSOs and their perceived influence on developments in the field, 53% of CSOs believe that their influence is high, while 30% believe it is somewhat possible to influence developments in their countries. Only two respondents state that CSO activists were imprisoned, 10% of respondents state that CSO activists were physically harmed while 20% state that CSO activists were threatened by government. When it comes to involvement of CSOs in initiatives for reforming anti-corruption policies, 65% see partial involvement of CSOs, while 28% see limited involvement in reforming anti-corruption policies.

The majority of CSOs state that the level of transparency of government funding of anti-corruption/good governance CSOs is low or non-existent (69%), while 31% believe it is transparent or somewhat transparent (See graph 2 below).



CSOs see EU funding distribution as significantly more transparent than that of government, with 64% of respondents stating it is transparent or somewhat transparent. As regards the contribution of EU financial assistance to the achievement of EU, national and civil society objectives and priorities as regards the PREVENTION of corruption in their countries, CSOs see only a moderate and slight contribution (73%) while 17% see good contribution or 10.3% see no contribution at all (See graph 3 below).

**Graph 3. In your opinion, what is the extent to which EU financial assistance has contributed to achievement of EU, national and civil society objectives and priorities as regards the PREVENTION of corruption in your country (and wider)?**



EU financial assistance has contributed to achievement of EU, national and civil society objectives and priorities as regards the repression of corruption, 51% CSOs see slightly good achievement of EU, 34% quite moderate, while 14% do not see any contribution at all.

The contribution of the EU to the strengthening of CSOs in monitoring and reporting on corruption is positively viewed by 36% of respondents, while half of the total sample sees it as a moderate contribution. 11 respondents have skipped the question regarding the impact of EU support, while only 19 answered. The main responses are that the impact is limited, but many agree that the support still provides a good base for development of a strong EU anti-corruption culture, even though there are still many challenges in the area of implementation. The support is viewed as effective in the area of monitoring capacities of CSOs for the fight against corruption.

One respondent stated “the biggest impact is visible in the raising of capacities of CSOs and institutions (relevant ministries, independent bodies, parliament) to deal with corruption. EU support also contributes to the creation of networks, formal and informal, dealing with this matter, as well as putting the issue higher on the public agenda. Unfortunately, Serbian people are still perceiving corruption as one of the main obstacles in society (see, for example, Transparency International Corruption Perception Index).”

Organisations believe that the main areas of improvement of EU support to anti-corruption is that the EU itself needs to be more transparent and inclusive in programming and contracting funds; that it should be more persistent in exercising pressure on public authorities; some CSOs state that further support to CSOs remains very important.

## 8. List of Projects Referred to During the Evaluation

Serial No	IPA	Project	Amount
<b>Albania</b>			
1	2007	EURALIUS (components related to the fight against corruption in the judiciary)	4,000,000
2	2008	Project against Corruption in Albania (PACA)	2,000,000
3	2009	Support to Anti-Money Laundering and Financial Crime Investigations Structures	1,500,000
4	2012	Consolidation of the Law Enforcement capacities in Albania (PAMECA IV)	
5	2012	Overall assessment of the anti-corruption framework in Albania (ACFA)	240,000
<b>Bosnia and Herzegovina</b>			
6	2009	To strengthen the capacities of BiH institutions to enforce accountability and to effectively fight and prevent corruption.	500,000
7	2010	EU support to the area of law enforcement.	7,000,000
<b>Croatia</b>			
8	2007	Strengthening the capacities of USKOK.	1,270,000
9	2008	Enhancing the participation of the CSOs in monitoring the implementation of the EU Acquis in the field of fight against corruption and the overall transparency, openness and accountability of public administration bodies.	1,000,000
10	2008	FPP RAC- Strengthening of the tax administration in the fight against corruption.	230,000
<b>Former Yugoslav Republic of Macedonia</b>			
11	2008	Corruption Trial Monitoring Programme	55,278
12	2009	Support in the Implementation of the Reform of the Criminal Justice System	1,270,000
13	2010	Support to Efficient Prevention and Fight against Corruption	1,349,000
<b>Kosovo</b>			
14	2007	Support to the Anti-Corruption Institutions in Kosovo	1,000,000
15	2010	Project against Economic Crime in Kosovo	1,000,000
16	2012	Strengthening criminal investigation capacities against organised crime and corruption	1,800,000
17	2013	Support to the Kosovo Judicial/Prosecutorial Council	1,898,200
<b>Montenegro</b>			
18	2008	Strengthening Local Self-government (Phase II) - Promoting Transparency	250,000
19	2009	Strengthening the capacity of police administration	1,250,000
20	2010	Support to the implementation of the anti-corruption strategy and action plan	737,000
21	2012	EU support to the Rule of Law	3,000,000
22	2013	Civil Society Facility: Zero tolerance to corruption-anti-corruption non-governmental action delivering European result	455,000
<b>Serbia</b>			
*No projects in the sample			

Serial No	IPA	Project	Amount
<b>Turkey</b>			
23	2006	Ethics for the Prevention of Corruption in Turkey	1,500,000
24	2009	Strengthening the coordination of anti-corruption policies and practices	1,600,000
25	2009	Consolidating Ethics in the Public Sector	1,500,000
<b>Multi-Beneficiary Programme</b>			
26	2013	Strengthening National Integrity Systems in the Western Balkans and Turkey and tracking developments of anti-corruption efforts	1,700,000
27	2013	International Cooperation in Criminal Justice: Prosecutors' Network	5,000,000

## 9. Detailed recommendations for practical implementation of anti-corruption strategies and policies in IPA countries

The evaluators included in their main recommendations (see chapter 5) recommendations addressing key elements for IPA anti-corruption support, and Recommendation 5 is “The Commission should focus attention on assisting anti-corruption bodies of national governments with the practical implementation of the anti-corruption strategies and policies they have developed. It is important that these implementation actions are their own and have coherent objectives, are appropriate to the context of the respective countries, and that they accord with international anti-corruption standards and best practices.”

The recommendation specifically refers to the provision of help to national governments with the practical implementation of their anti-corruption strategies and policies. In order to provide guidance on how Recommendation 5 might be implemented, a set of more detailed supplementary recommendations has been prepared, which are germane to strategy and policy matters.

The evaluators grouped the OECD/GRECO analytical framework<sup>82</sup> and the UNCAC provisions to the following *generic* themes directly derived from the priorities and goals of the anti-corruption policies in the evaluated countries. Recommendations are formulated for guiding the implementation of IPA II activities on anti-corruption, with a reference to comments from local stakeholders on:

- Anti-corruption policy definition in each public structure (e.g. a ministry, municipality)
- Development of an anti-corruption policy-related Integrated Planning System (monitoring)
- Clear definition of the scope of monitoring of anti-corruption monitoring
- Clear definition of the scope of anti-corruption monitoring of officials
- Strengthening the capacity of Anti-Corruption Agencies
- Anti-corruption measures at regional/local level
- Communication and public information
- Developing of tools (risk analysis, integrity audits)

From a methodological point of view, grouping these issues is considered to be necessary, as they are all interrelated. The recommendations contain activities of a similar nature, to encourage a coordinated and coherent (sector) approach.

Monitoring indicators are also presented.

### **Recommendation # 1: Define an anti-corruption policy in each (public) administrative structure**

Reference to the above horizontal findings:

*Ministries have contact persons for anti-corruption issues, but these persons do not have the necessary powers or support to provide inputs for anti-corruption plans and policies.*

*More attention to prevention of corruption in the private sector is needed, e.g. integrity plans, code of conduct. The main issue with procurement is monitoring of implementation of services/works (e.g. annexes to contracts, changes in specification, etc.).*

#### **Activities:**

- a. An anti-corruption policy needs to be developed in, principally, *each* administrative structure in the *public sector*: ministries, state agencies, state commissions, executive agencies, regional and local administrations. Legislative amendments such as a Law regulating the Civil Service or Public Administration are worth being considered to achieve this goal.

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<sup>82</sup> See Annex 6 for information on Council of Europe/GRECO

- b. An anti-corruption policy in each structure should be the result of a highly participatory process. In a ministry the top management is in the best position to guide this process. Staff, not only management, should be involved in policy drafting. *Conditionality:* the development of guidelines for anti-corruption policy-making in each structure (how to do) and training (programmes) based on the need to participate in the policy making process.
- c. At some stage the business sector, NGOs, media and the public should be involved, as a pre-condition of effective policy-making and (broad) acceptance of its implementation.
- d. An anti-corruption policy should be drafted in each public structure at central and regional/local level. This means that the division of responsibilities and tasks between the central and regional/local level should be clear, based on the condition that the regional/local levels have their own legally based responsibility (competence) for policy-making on anti-corruption and they not only play the role of implementer of the national anti-corruption strategy and action plan.

**Monitoring indicators:** Availability of anti-corruption policy plans in each administrative (public) structure. Legal and organisational basis established (*conditionality*).

**Recommendation # 2: Develop Integrated Planning System related to an anti-corruption policy**

Reference to the above horizontal findings:

*A number of stakeholders noted the need for an effective anti-corruption inter-ministerial planning and review cycle.*

***Activities:***

The monitoring of the implementation of the anti-corruption policy shall be based on an inter- and intra-ministerial/agency Planning and Review Cycle. This shall be focused on policy-making, and not limited to reporting of results only. The purpose of monitoring should be to identify existing problems in the anti-corruption framework, both in terms of laws, practice and vulnerable areas that need specific responses in the next anti-corruption strategy.

As this activity is closely connected with the Action # 1 as described above, its implementation will be highly dependent on development of generic guidelines for policy-making and subsequent reporting, to be prepared by the Anti-corruption Agency.

**Implementation resources:** Resources should be provided to ensure implementation of the measures in each administrative structure and concrete steps should be designed for (electronic) reporting and publication on-line.

**Monitoring indicators:** A reference document for an Integrated Planning System should be available and submitted to stakeholders. Ministries and regional/local public administrations should report regularly to the central anti-corruption coordination authority. Results should be published annually, showing the state of play in each ministry on the issues mentioned in the next recommendation.

**Recommendation # 3: Define clearly the scope of anti-corruption monitoring**

This is connected with Recommendations # 1 and # 2 described above. It follows the approach of anti-corruption policy formulation and monitoring in each (public) institution and is based on compliance with international frameworks for monitoring corruption in the public sector.

***Activities:***

The framework of the anti-corruption monitoring shall be defined by a number of issues closely linked to the organization's capacity to prevent corruption or to resist integrity breaches. The set of issues corresponds to the evaluations under GRECO and the provisions of UNCAC. Basic monitoring criteria are linked to e.g.: Legal Framework, Anticorruption Policy, Transparency, Control of public administration,

Recruitment, Rotation and Promotion, Training, Conflict of Interest, Codes of Conducts/Ethics, Whistleblowers' protection, Gifts, Reporting Corruption, Disciplinary Procedures, Proceeds of Corruption.

**Implementation resources:** The scope for anti-corruption monitoring should be defined using generic tools (guidelines) developed by the Anti-corruption Agency. The necessary sample forms and other tools, as well as correspondent training are welcome to support this measure.

**Monitoring indicators:**

Guidelines for the scope of monitoring are available.

**Recommendation # 4: Define clearly the scope of anti-corruption monitoring of public officials**

Reference to the above horizontal findings:

*Political interests interfere with selection and recruitment of (new) management and staff.*

This recommendation is connected with Recommendation # 3 described above. It follows the approach and policy starting point that a *preventive* strategy should be strictly linked to an *integrity policy*.

**Activities:**

a. A definition and interpretation, which is broader than “corruption as bribing” but specific enough to be limited to relevant violations of moral values, norms and rules, shall be used.

b. Monitoring of high and low ranking officials shall embrace the following issues:

- ❖ Bribing
- ❖ Nepotism, cronyism, patronage
- ❖ Fraud and theft
- ❖ Conflict of (private and public) interest
- ❖ Improper use of authority
- ❖ Misuse and manipulation of information
- ❖ Discrimination and sexual harassment
- ❖ Waste and abuse of resources
- ❖ Private time misconduct.

**Monitoring indicators**

A policy framework is available for the monitoring of officials in the public sector. Records on integrity breaches and follow-ups are available and published.

**Recommendation # 5: Strengthening the fight against corruption at regional and local level**

Reference to the above horizontal findings:

*Focus IPA more on local government administrations, not only on the state institutions;*

Information about the occurrence of corruption in various geographical areas in the country will be needed at central government level. For example a harbour city faces other (corruption) problems than a town or region where agriculture is dominant. To set nationwide priorities on anti-corruption, it is necessary to create a good and nationwide picture of the phenomena of corruption and how it develops.

**Activities:**



- a. Prepare guidelines with recommendations and instructions for regional and local authorities on how to interact with and to coordinate the anti-corruption activities of all the regional partners.
- b. The Regional/Local authorities themselves shall take the responsibility for curbing corruption and stimulating the ethics and integrity at their respective administrative level. They shall institutionalise effective integrity programmes of their own.
- c. The establishment of anti-corruption structures in the regional/local administrations shall also provide a basis for support to NGO's, in terms of advice and exchange of information. NGO's shall be involved in the definition and monitoring of a central and regional anti-corruption policy. This all will contribute to greater professionalism of the regional/local authorities involved and a coherent approach to integrity issues and preventive policies.

**Implementation resources:** Legislative amendments in the Regulations for Regional/Local Governments. Staff and budget for the activities “a” and “b”.

**Monitoring indicators:**

Number of legislative proposals produced to assign regional/local authorities with specific anti-corruption policy tasks. Regional/local anti-corruption plans available.

**Recommendation # 6: Develop a framework for anti-corruption communication and public information**

Reference to the above horizontal findings:

- The general public, which does not receive information about the anti-corruption agency of the providing information about its mandate and related activities where the focus is only on the prevention and not on the repression of corruption.

The fight against corruption requires a correspondent flow of two-way information, to and from the public. Effective prevention of corruption goes closely with public participation, which requires that more information is disclosed. Transparency itself is a measure to prevent corruption and it raises public confidence in the public administration. Communication and public information is considered a policy-supporting element and should be an integral part of an anti-corruption strategy.

**Activities:**

- a. Develop a multiannual Anti-Corruption Communication Strategy and Action Plan on anti-corruption. This will help to avoid uncoordinated media campaigns, public debates.
- b. The departments for public relations in the different administrative structures shall be involved in the process of drafting the overall strategy and action plan.
- c. Organise trainings on active communication, which is more than passive communication by issuing brochures only. Issues to be tackled: who is the messenger, the target group, what message, when, which instruments, etc. Conditionality: existence of an inter-ministerial infrastructure for the coordination of communication in ministries and other relevant (public) administrations.

**Monitoring indicators:**

An institutional infrastructure for communication on anti-corruption is available (capacity, budget). A communication strategy framework and Action Plan is developed for sector media campaigns in priority areas.

***Recommendation # 7: Prepare strategic tools for the systematic conduct of anti-corruption integrity audits at all levels within the central and regional structures of the Executive Power and the Judiciary.***

Reference to the above horizontal findings:

*There is a lack of comprehensive analysis of corruption prone sectors. Health and education are those who are closest to citizens, but others have not been thoroughly analysed (e.g. spatial planning/ land reform, property registration system)*

***Activities:***

Integrity audits (not to be confused with budgetary/financial audits) should be conducted regularly, preferably *annually*, in public administrative structures, to identify corruption prone activities and positions, and to make/evaluate plans to reduce the risks on integrity violations. *Conditionality*: legal basis for conduct of integrity audits.

***Monitoring indicators:***

A methodology to identify vulnerable, corruption prone activities, positions and processes is developed and implemented. Reports are available on anti-corruption surveys conducted in ministries, regional/local administrations. The state of play is monitored on an aggregate level.

## 10. Table of Conclusions and Recommendations

Conclusions	Recommendations	Time-limit
<b>A. Recommendations of key elements for IPA anti-corruption support</b>		
<b>Relevance and Coherence</b>		
Relevance of the IPA anti-corruption interventions is good, as well as the quality of the programming documents. However, better attention could be paid to ordering the list of priorities e.g. “high”, “medium”, “low” or according to timeframe, and making the reasons for the selection of projects more clear.		
Sometimes the conditions agreed to by the beneficiaries in the beginning of a project are not met, or are gradually becoming void as implementation advances.	1. The presence of conditionalities in programming documents, in terms of political support and goals to be fulfilled, staffing and other resources that are to be guaranteed throughout the life of a project, can be seen as a useful way of applying appropriate pressure on beneficiaries to be well-prepared for the start of project implementation to ensure that it proceeds to plan. The Commission should make clear that careful attention should be paid to how and when to use conditionalities, because including them indiscriminately in programming documents can be risky. If conditions are not right at the time of programming, it is better to not programme the action being proposed.	Ongoing during programming
The length of the interval between programming and the actual start of the implementation of projects is inefficient and can result in the relevance being “dated” and, if not addressed, can affect effectiveness of projects.	2. Recognising the value of adapting projects to needs due to a changing situation, the Commission should encourage the building-in of the maximum amount of flexibility allowed in programming documents, according to procedures, in order to avoid making an implementation “straightjacket” for project actions.	Ongoing during programming
There are instances of overlaps/duplication in anti-corruption project implementation activities by bilateral and multi-lateral	3. The Commission should continue to take responsibility for organising regular consultation and coordination meetings among	Ongoing

donor organisations.	donors, especially before and during the programming phase, to achieve coherence and to avoid duplications.	
The business sector (e.g. Association of Employers, Chambers of Commerce) has not been sufficiently represented in IPA support to the prevention of corruption so far.	4. The Commission should give more attention to the prevention of corruption in the (semi-) private sector, e.g. ethics, code of conduct, internal controls. It should be more proactive in achieving the participation of relevant private sector representatives among beneficiary partners in anti-corruption actions. A starting point might be collaboration with organisations such as the Organisation for Economic Co-operation and Development, Eurochambres and the European Training Foundation.	Ongoing
<b>Effectiveness</b>		
<p>Although overall EU funding has supported important improvements in the institutional frameworks for fighting corruption: better laws, establishment of anti-corruption agencies and strategies, action plans for prevention and repression of corruption, addressing conflict of interest issues in public administration, etc., genuine implementation and results is still the big challenge for the beneficiary countries.</p> <p>Virtually all beneficiary institutions have laid down a foundation for their anti-corruption strategy and policies, integrity plans, regulations, etc., but that is not enough.</p> <p>Systematic and in-depth corruption risk analyses covering all corruption prone sectors were rarely found apart from developed models for the implementation of risks analysis. There is usually no specific <i>intra</i>-ministerial monitoring of compliance with integrity plans. Public information campaigns organized by individual ministries are not always embedded in a government wide overall anti-corruption communication strategy, which clearly indicates the timing, priority sectors, target groups, message,</p>	5. The Commission should focus attention on assisting anti-corruption bodies of national governments with the practical implementation of the anti-corruption strategies and policies they have developed. It is important that these implementation actions are their own and have coherent objectives, are appropriate to the context of the respective countries, and that they accord with international anti-corruption standards and best practices.	Ongoing during programming

communication instruments and budget, with the risk of uncoordinated, badly prepared public information activities with insufficient impact.		
<b>Efficiency</b>		
The assessed projects largely produced their planned outputs within the foreseen timeframe but in a few cases suffered from inadequate attention to context (e.g. absorption capacity) and sequencing) and conditionalities (e.g. that a body be established and adequately staffed prior to the implementation of assistance).	6. The Commission should always take into consideration the quantity of staff available to participate in project implementation and the probability of their turnover when planning projects.	Ongoing
Efficiency of IPA assistance in the area of anti-corruption is generally rated “good”. Particularly, the use of Twinning has been appropriate to the needs and capacities of the beneficiaries and has the advantage of direct contacts with EU member states.		
On occasions some resident project leaders and international experts were not fully familiar with the subject matter and the country context, limiting their ability and readiness to discuss matters of substance with the beneficiary institutions.	7. The Commission should ensure that resident project leaders and international experts are fully familiar with the subject matter and the local situation, and are ready and able and to discuss matters of substance with beneficiary institutions.	Ongoing
<b>Impact and Sustainability</b>		
The observed lack of political will or even obstruction in a few cases is detrimental to the expected results of IPA support, undermining the credibility of the assistance.	8. In order to beneficially influence the political will of beneficiaries, the Commission should take every opportunity to link policy dialogue and financial assistance.	Ongoing
Results had mixed prospects for sustainability where this depends on adequate financial resources, staff and infrastructure from the national authorities.		
Longer, more flexible projects are seen as producing more impact,	9. Recognising that longer-term projects (circa three years) can	Ongoing

in particular where various inter-related anti-corruption institutions and experts are involved.	produce good results in dealing with reforms associated with anti-corruption, the Commission should continue to allow their programming but with annually designed and approved activity plans. A good approach can be for a small group of experts to implement a project over the longer-term as demonstrated by the series of EURALIUS projects. In the case of Twinning projects the benefits of counterpart public bodies working together might be consolidated by follow-up of the assistance being provided by the same Member State counterpart, if they have the capacity and experience.	
The performance of assistance was sometimes compromised by unsatisfactory impact and sustainability due to low-level follow-up of recommendations of preceding projects.	10. The Commission should ensure that stakeholders undertake ex-post monitoring of the utilisation of project deliverables. In the case of Twinning projects, ex-post visits of Resident Twinning Advisors to review progress, might be formally adopted as standard practice.	Ongoing
<b>B. Recommendations of technical issues for IPA II programming</b>		
IPA II programming is at an early stage and at the time of the evaluation the IPA beneficiary institutions were unclear about implementation of the IPA II (Regulation (EU) No 231/2014 and Regulation (EU) No 236/2014) related to the principles and quality of preparation for the IPA II Programming process (Programming Documents – Country Strategy Papers, Sector Planning Documents and Action Documents). Building capacity in the beneficiary institutions through training and information sessions takes time, and the EU Delegations are leading the process using programming instructions that have been developed.	1. The European Commission should continue to assist beneficiaries to strengthen their capacities to develop sound Sector Planning and Action Documents in compliance with IPA II Regulations.	Ongoing during programming
The restricted availability of Sector Planning Documents for Chapters 23 and 24, which were still under preparation at the time of the evaluation, limited the assessment of the intervention logic		

of IPA II assistance to the fight against corruption.		
Overall Indicative Country Strategy Papers focus on priorities/objectives for each of five priority areas identified in the IPA II Regulation.	2. The European Commission should continue to take steps to ensure EU Delegations, NIPACs and leading institutions include indicators that are SMART and context specific at all levels of IPA support. Indicators (and logframes) should be carefully reviewed on a regular basis and they should be open to change. The lower the level, the greater is the need for flexibility and adjustment based on continuous monitoring (Country Strategy Papers are at the higher level, Action Documents, being detailed, are at the lower level).	Ongoing during programming
The objectives of Action Documents adequately address the Chapter 23 and 24 priorities set out in the most recent Strategic Documents but a lack of Sector Strategies prevents identification of the links between Sector Strategies and Action Documents.	3. The European Commission should continue to assist beneficiaries of anti-corruption actions to select implementation approaches and related activities, which are most likely to produce the optimum impact in the fight against corruption for the beneficiary country.	Ongoing
A mix of modalities is planned for implementation of IPA II Action Programmes where service and Twinning contracts prevail. There will be an additional modality starting first in Albania, where a project for Public Financial Management reform, which includes an anti-corruption component, is to be the first implemented under the EU Sector Budget Support programme.	4. Where anti-corruption actions are planned to be programmed under Sector Budget Support by a beneficiary, in addition to providing guidance and instructions for its implementation, the European Commission should encourage similar beneficiaries in other IPA countries that are already implementing anti-corruption actions under Sector Budget Support, to record and share their experiences and lessons learned with that beneficiary.	Ongoing







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