

ANNEX I

to Commission Implementing Decision on the financing of the annual action plan in favour of the Republic of North Macedonia for 2021

Action Document for “EU for Rule of Law and Anti-corruption”**1. SYNOPSIS****1.1. Action Summary Table**

Title	Action 01 - EU for Rule of Law and Anti-corruption Annual Action Plan in favour of North Macedonia for 2021			
CRIS/OPSYS number	043-662/1			
Basic Act	Financed under the Instrument for Pre-accession Assistance (IPA III)			
Team Europe Initiative	No			
Zone benefiting from the action/location	The Action shall be carried out in North Macedonia			
Programming document	IPA III Programming Framework			
PRIORITY AREAS AND SECTOR INFORMATION				
Window and thematic priority	Window 1: Rule of Law, Fundamental Rights and Democracy Thematic priority 1: Judiciary Thematic priority 2: Fight against corruption			
Sustainable Development Goals (SDGs)	Main SDG 16. Peace, Justice and Strong Institutions			
DAC code(s)	15130 – Legal and Judicial Development – 80% 15113 – Anti-corruption organisations and institutions – 20%			
Main Delivery Channel¹	12000 - Recipient Government			
Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Principal objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ <http://www.oecd.org/dac/stats/annex2.htm>.

	Gender equality and Women's and Girl's Empowerment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with disabilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Principal objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internal markers	Policy objectives	Not targeted	Significant objective	Principal objective
	Digitalisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Migration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	COVID-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUDGET INFORMATION				
Amounts concerned	Budget Line: 15.020101.01 Total estimated cost: EUR 9 600 000.00 ² EU Budget Contribution: EUR 8 500 000.00			
MANAGEMENT AND IMPLEMENTATION				
Type of financing and method(s) of implementation	Project Modality Direct management through: - Grants - Procurement			
Relevant priorities and flagships from	Priorities: "Digital Transition", "Governance, Rule of Law, PAR" Flagships: "VIII Digital Infrastructure"			

² This action is financed in parallel co-financing by North Macedonia for an amount of EUR 1 000 000.

This action is financed in joint co-financing by the grant beneficiaries for an amount of EUR 100 000.

Economic and Investment Plan for the Western Balkans	
Final date for conclusion of Financing Agreement	At the latest by 31 December 2022
Final date for concluding contribution / delegation agreements, procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation
Indicative operational implementation period	72 months following the conclusion of the Financing Agreement
Final date for implementing the Financing Agreement	12 years following the conclusion of the Financing Agreement

1.2. Summary of the Action

The Action will improve the efficiency of the judicial system and anti-corruption policy. It will advance the digitalisation of the justice sector, enhance collection and use of data for management and governance purposes, improve management and transparency of business processes and allow public's access to information on case law and general operation of key state institutions.

The Action will support the State Commission for Prevention of Corruption (SCPC) in improving the control of assets and potential conflicts of interests by ensuring inter-operability between the Commission's IT system and the databases and registers of various state bodies. As a result, the Commission will be able to analyse rich data while performing the control on assets declarations. The upgrade of the Anti-Corruption Statistic (AKstat) System will improve the collection and processing of statistical data on corruption and money laundering. The Action will also mobilise the civil society and business sector for building zero tolerance attitude towards corruption in the country.

The advisory support for the Constitutional Court will improve the assessment of the constitutionality and legality of adopted normative acts and will strengthen the protection of the fundamental rights in the country.

The Academy for judges, prosecutors and legal professionals will benefit from the EU funding through the draft design for the construction of modern new premises, which will allow in longer run to substantially improve the professional development opportunities.

2. RATIONALE

2.1. Context Analysis

Judiciary

North Macedonia has established a strategic framework for reforms in the **justice sector**. The *Judicial Sector Reform Strategy 2017-2022 and Action plan*³ addresses the Venice Commission's

³ Adopted in Nov 2017; https://www.pravda.gov.mk/Upload/Documents/Strategija%20i%20akciski%20plan_ANG-web.pdf. Other relevant strategies in the sector are: -National Strategy for the Development of the Penitentiary System 2020-2025; -Strategy for Development of the Probation Service 2018-2023; -Strategy for Information Communication Technology of Justice Sector 2019-2024; and -Open Government Partnership Action 2018-2022.

recommendations, and the Senior Experts' Group on systemic Rule of Law issues recommendations. The Strategy represents the roadmap to reform the judicial sector and the adequate protection of citizens' rights and freedoms, as per the recommendations made by the EU, other international bodies and independent experts.⁴

Necessary legislative measures have been adopted to strengthen the *independence and accountability* of the judiciary, including the *Law on the Public Prosecutor's Council*, *Law on Public Prosecution Office*, *Law on Judicial Council* and *Law on Courts*. Regarding *court cases management*, a new *Law on Court Case Management* was adopted by the Parliament in February 2020, which provides safeguards to ensure the system's smooth functioning.

The Academy for Judges and Public Prosecutors is the sole entry point into the judiciary. The Academy has a crucial role in the overall process of judicial reforms and the modernisation of the judiciary. Further improving and investing in the premises and capacities of the Academy will enhance the independence, accountability, impartiality and professionalism of the judiciary.

In parallel with the on-going judicial reform, authorities of North Macedonia have initiated digital transformation of the information and communication technology (ICT) in the judiciary to enable efficient delivery of justice by improving all court processes' management. North Macedonia has adopted the *Strategy for Information Communication Technology of Justice Sector 2019-2024*, followed by an annually adjusted *Action Plan*, aiming at increased efficiency, transparency and accountability of information systems in the judiciary, and increasing accessibility, timeliness and easy access to justice services for all users.

The Commission North Macedonia 2021 Report⁵ recognises that some progress was achieved in implementing the Judicial Sector Reform Strategy, thereby further addressing the recommendations from the Venice Commission and the Senior Experts' Group on systemic Rule of Law issues. It also outlines that the country should in particular 1) step up the consistent implementation of the judicial sector reform strategy and the updated action plan, with a specific focus on adopting a new law on civil procedure, in line with the European standards; 2) implement the human resources strategies for the judiciary and public prosecution network, use them as an indicator for projections on next recruitments; and 3) improve the automated court case management information system (ACCMIS) to ensure that it is fully functional and reliable.

Anti-Corruption

The North Macedonia 2021 Report noted that the country has some level of preparation/is moderately prepared in the prevention and fight against corruption. It recognises that some progress has been made as the country continued to consolidate the track record on investigation and prosecution of cases of corruption.

However, corruption is prevalent in many areas and remains an issue of concern. This requires a more proactive approach in preventing and fighting corruption by all actors. The authorities of North Macedonia have committed to increase the efforts to conduct investigations, prosecutions and final convictions on corruption related offences, including at a high level. The new Government appointed a Deputy Prime Minister with the tasks to coordinate all institutions with competences in the area of fight against corruption. In March 2021, the Government adopted new anti-corruption "Action 21" Plan.

⁴ Justice Strategy integrates measures to address the recommendations formulated in the Commission Reports, the recommendations from the Senior Expert' Group on Systematic Rule of Law issues; the GRECO Evaluation Report-fourth round, December 2013; the GRECO Compliance Report-fourth round, July 2016; the European Commission for the Efficiency of Justice (CEPEJ)-Evaluation Report of the European Judicial Systems and Efficiency and Quality of Justice-last edition 2016 (data from 2014); the Opinion of the Venice Commission on the Laws on Disciplinary Liability and Evaluation of Judges, December 2015; as well as the ECtHR case-law reflected in the judgments against the Beneficiary country.

⁵ SWD(2021) 294 final

The Parliament adopted a new National Strategy for Prevention of Corruption and Conflict of Interest with Action Plan 2021-2025. The Strategy covers corruption-vulnerable areas such as: public procurements, employments in public sector, political system, judiciary, law enforcement agencies, health, education, labour and social policy, urban planning and physical planning, environment, agriculture, sport, economics and business, public enterprises, media and civil society.

In March 2021⁶, the State Commission for Prevention of Corruption (SCPC) of North Macedonia, the Ministry of Justice of Serbia and the Ministry of Justice of Montenegro signed an International Data Exchange Agreement with aim to provide basis for administrative exchange between anti-corruption bodies of movable and immovable property data, bank accounts and data on the interests of officials and their family members outside their home state. Analysis are being performed on the implementation of the Law on Whistle-blower Protection and on its compliance with the EU Directive 2019/1937.

The 2019 *Law on Prevention of Corruption and Conflict of Interest* strengthened the role and mandate of the SCPC, which is a central, autonomous and independent institution. The SCPC checks the assets and conflict of interest of high-level officials. Article 25 of the law on Prevention of Corruption and Conflict of Interest foresees that the SCPC have access to data from banks and other financial institutions, and to databases and registers held by 17 authorities and institutions, to carry out its competences in a faster and more efficient manner, in particular to allow access to information to verify the assets' declarations and potential conflicts of interests. The SCPC reports to the Parliament and informs the President, the Government and the media on its actions.

The North Macedonia 2021 Report highlights the role played by the SCPC in preventing corruption including by tackling allegations of nepotism. The report also mentions the progress made at the prosecutorial level through further consolidating the track record on investigation, prosecuting and trying corruption cases, including at high-level. The main recommendations included in the report for the coming year are: 1) continue the efforts to fight corruption by increasing the support for the relevant bodies, implementing the National Strategy for the Prevention of Corruption and Conflict of Interests and providing clear policy guidance to state institutions; 2) ensure that proper resources are allocated to the Office of the Basic Public Prosecutor for Organised Crime and Corruption in order to ensure the efficient accountability for the crimes arising from and related to the wiretaps as well as for new high-profile corruption cases; and 3) continue to increase the track record of convictions in high-level corruption cases, followed by confiscation of criminal assets, building upon last years' positive results.

2.2.Problem analysis by areas of support

Area of support #1: Modernisation of ICT in the judiciary and anti-corruption areas

Digitalisation of key stakeholders in the judiciary sector is continuously developing. North Macedonia has adopted the *Strategy for Information Communication Technology of Justice Sector 2019-2024*, followed by an annually adjusted *Action Plan*. The strategy's objective is to introduce a centralised data system that will lead to increased efficiency, transparency and accountability of information systems in the judiciary. By implementing ICT solutions and procedures in accordance with European and international standards, the aim is to increase timely access to justice services for all users, to improve data quality, protection and security, and to cooperate with other justice systems, the institutions of the European Union, its Member States and other International Organisations.

⁶ Within the Regional Anti-Corruption Initiative (RAI) Project, funded by the EU and Council of Europe

The main challenges regarding the IT infrastructure for the rule of law sector include:

- High level of fragmentation and numerous individual applications without proper integration; this leads to data gaps and duplication. The upgrade of the main IT applications must be based on latest technologies and integration between the various systems to ensure "enter once, use multiple times" principle.
- No single centralised data storage, which could ensure integration of all data sources. The introduction of a business intelligence tool can enable standardised reporting with a high level of data quality.
- The hardware systems and platforms for data storage are insufficient, outdated, without proper support; there is a need to ensure standardised equipment in all involved institutions.
- There is a big diversion between the networking and communication capacities among the different institutions. There is a need for analysis, consolidation and upgrading of the LAN / WAN network - which should enable stability and high availability of systems coupled with a satisfactory level of capacity and speed of network connections.
- Not enough unified security policy (fragmented across segments).
- Not enough safeguards in case of disasters such as force majeure, fire, earthquake, etc.

The digitalisation-related challenges will be addressed through a phased approach and various ICT projects, guided by the Strategy. The Norwegian Cooperation, which has allocated resources for the new court case management system, will provide key input in this process (Automated Court Case Management Information System-ACCMIS).

In 2016, **the Public Prosecutor Office** implemented the Case Management System. The system allows keeping files electronically, so there is an electronic folder containing all relevant documents for the case. The electronic case file is updated based on the stage in which the case is. In addition to the electronic registration of cases, this system allows to search the unique database for natural persons and legal entities that are relevant for the case. However, **the system is missing several functionalities** that would improve the transparency of the system. The functionalities to be included would make possible inter alia: (1) the complete workflow of the cases, (2) the interconnection with the new case management system of the courts (under preparation with the support of the Norwegian Cooperation), (3) the possibility to extract detailed statistical data including number of cases per accused persons, per number of cases, per number of crimes committed, per prosecutor competent, (4) finally an enhanced connection with the different databases and interoperability platform would address inefficiencies associated to the investigations and prosecutions on organised crime and corruption. In addition, the current system is not used at full extent in the Public Prosecution Office, due mainly to: the low awareness of the employees how this system can help them in their daily work, the low training of the end users on how to use the system, and the poor user documentation for the system.

The **State Attorney's Office (SAO)** is missing a case management system (CMS), even if the SAO plays a crucial role in the administrative justice system. A case management system reduces the risk of corruptive practices in the implemented activities. A CMS would record all the actions that the SAO undertakes in litigation and administrative proceedings. According to the State Attorney's Office's competencies, the development of a CMS would reduce potential human influence, improve security and protection in the filing and deployment of cases, enhance safety in the filing and deployment of cases and electronic transmission of the files. The archives of the State Attorney's Office in relation to keeping the register, creating of cases, handing over of cases, redistribution of cases, execution and collection of cases would be radically improved and

therefore the SAO would be more efficient. Few templates and a database of cases would speed up the preparation of each report. The CMS will allow for the preparation of reports and increase the transparency of the SAO, for accountability purposes.

The **Constitutional Court (CC)** has to store its case-law and make decisions and opinions available to the public. At present, this function is carried out through an outdated software that was installed in the late 1990s. The Legal IT System of the CC does not contain the computerised database of the CC's Case Law as a public database, accessible to and searchable by all users of legal information. North Macedonia would benefit from a CC granted with a Management Information System able to store electronically all relevant data like the archive of cases, the movement of the cases, the scheduling of sessions, the electronic delivery of materials for the session, the database of court decisions, the internal electronic communication and to make public all final decisions on a website. A proper website is an indispensable tool for transparency and accountability of the CC.

ICT to fight against corruption requires statistical data. Two previous IPA projects⁷ contributed to the realisation of a pilot project named **AKstat** aiming at collecting and share statistical data about corruption and money laundering. 49 organisations in North Macedonia are part of a memorandum of understanding under which they benefit from the reports prepared under the mentioned pilot project. However, the present structure of the used software presents a number of deficiencies: (1) Functional deficiencies and unverified compliance of the entered data and the generation of statistical reports; (2) Obsolescence: Certain modules need to undergo changes due to changed regulations in the area; (3) Necessity to reintroduce data and connect with existing databases of the user institutions through services for automated data entry. It is therefore necessary to prepare a web based AKstat 2.0 with a friendly interface to improve the capacity of the AKstat users to share information and reports. A similar problem is to be tackled by the **State Commission for Prevention of Corruption (SCPC)**. Taking into consideration the importance of the inter-institutional cooperation as a condition for the effective fight against corruption, the new Law on Prevention of Corruption and Conflict of Interest establishes that the SCPC must have access to databases and registers held by other authorities and institutions. This is not yet the case and only ten out of seventeen institutions specified in the Law are part of the interoperability platform, which facilitates data exchange. The remaining seven institutions are not connected to the interoperability platform. Only 30% of the required information with consistent data is available through realised web services. Of the others, 30% can be accessed through a web application, or through a web service that returns incomplete or inconsistent data. It is therefore necessary to support the SCPC to operate according to the legal requirements and to have fast and appropriate access to information and data exchange to improve its efficiency in the fight against corruption.

In addition, there is a need to ensure **interoperability between new ICT to be developed and old ICT already in function**. The exchange of information must happen in a **highly secure ICT environment** to avoid problems of interference as well as hacking of sensitive data. There is a need for a consistent, standards-based, systematic deployment of various data protection systems and procedures because modern ICT systems are frequently exposed to all kinds of security-related attacks, which is especially important in the justice system, considering the importance of information used.

Finally, there is a lack of regular as well as tailored **ICT training**, using both the professional courses for keeping ICT staff up-to-date with latest technology advances, and ICT training for

⁷ The IPA 2010 Twinning project "Support for effective prevention and fight against corruption" and the EU-funded project IPA 2012 "Strengthening National Capacities in the Fight against Organised Crime and Corruption"

justice system process participants. Training of all relevant judicial staff on the judicial digitalisation and developing their skills to be prepared for the new systems is essentially important.

Area of support #2: Capacity of the Constitutional Court

The role of the Constitutional Court is central to safeguard the rule of law and the adequate protection of fundamental rights. The Constitutional Court is an independent body, guarantor of the Constitution and one of the key actors ensuring compliance with the norms and values enshrined in the constitutional text and safeguarding the right of individual appeal for human rights protection. The competences of the Constitutional Court are defined in Article 110 of the Constitution.

The Constitutional Court has authority to decide on complaints related to the protection of the freedoms and rights of individuals and citizens with respect to a limited number of constitutional rights, specifically freedom of conviction, conscience, thought and public expression of thought; political association and activity; and prohibition of discrimination on the ground of sex, race, religion or national, social or political affiliation. The Constitutional Court is willing to improve the individual protection of human rights in line with the Constitution.

Taking into account the need to advance in the protection and guarantee of fundamental rights, it is necessary to respond to the need to strengthen the capacity and efficiency of the **Constitutional Court** to assess the constitutionality and legality of the adopted normative acts and ensure the protection of fundamental rights. The know-how of judges and employees of the Constitutional Court and the organisational structure and working methods require improvements, which will increase their efficiency.

Areas of support #3: Academy of Judges and Public Prosecutors

The Academy has a crucial role to play in the overall process of judicial reforms and the judiciary's modernisation. The Academy is and must remain the sole entry point into the judiciary, in line with the recommendations of the Senior Experts' Group on systemic Rule of Law issues. The Academy of Judges and Public Prosecutors is playing a pivotal role in modernising the courts towards EU standards and in improving the independence, impartiality and professionalism of judiciary. The training of the judges and public prosecutors is also a fundamental tool to ensure alignment with the EU *acquis* and best practices. Investing in the professional formation of judges, prosecutors and other judicial practitioners would improve the judicial processes. Improving the system for continuous training and strengthening the capacities of the Academy for Judges and Prosecutors to propose modern training programmes is supported under the IPA 2020 programme.

As far as the Academy facilities are concerned, there is a need for a more suitable workspace for the Academy. Better-equipped conference rooms and premises are also needed for organising workshops; specially equipped venues – courtrooms where the participants can practice; adequately equipped facilities to deliver eLearning activities and on the job training; larger and modern equipped library; and more offices for the Academy staff.

Areas of support #4: Public awareness against corruption

Civil society associations and citizens in general can and must play a fundamental role in fighting against corruption. The legislative framework and institutions for the fight against corruption are in place and efforts need to continue as regards the daily practice of institutions and to reduce the acceptability by citizens of this phenomenon. The Action aims to tackle this issue by increasing the private sector' awareness and actions, and increasing citizens' knowledge and awareness about the phenomenon of corruption in all aspect of public life and how to combat it.

Main stakeholders

- The **Ministry of Justice (MoJ)** is the leading policy-maker in the justice sector, responsible preparation, implementation and monitoring of justice sector reforms, strengthening access to justice and legal aid system, approximation of sectorial legislation with EU and international law, and international judicial cooperation. The MoJ shall assume a key role under the Action as the main coordinator of the stakeholders and organiser of the sector policy dialogue.
- The **State Commission for Prevention of Corruption (SCPC)** is an independent body with extended powers to prevent and fight against corruption, including registration and monitoring of assets declarations of the elected and appointed public officials; registration, monitoring and checking of conflict of interest; initiation of procedures for dismissal, removal, misdemeanour proceedings, criminal prosecution of public officials and other measures for determining the responsibility of public officials; initiation of control of the financing of the political parties and associations of citizens; supervision of lobbying activities; maintaining of gift register; conducting anti-corruption research and risk analysis.
- The **Constitutional Court** is protecting the constitutionality and legality. It will benefit from the Action through the capacity-building programme for improving its efficiency and effectiveness and activities related to the efficient protection of the human rights.
- The **Judicial Council (JC)** is the leading judiciary governance body aiming at ensuring independence of the judiciary. Its competences include appointment, appraisal, disciplinary responsibility and dismissal of judges, monitoring of courts' performance, as well as handling complaints against courts and distribution of judges across the country.
- The **Council of Public Prosecutors (CPP)** is the institution that aims to guarantee the autonomy of the public prosecutors in performance of their functions. It is competent to decide on the status of public prosecutors, selection and dismissal, termination or suspension of office, and disciplinary procedures.
- The **Public Prosecutor's Office (PPO)** is in charge of prosecuting perpetrators in criminal and other punishable acts determined by law. The PPO's powers include criminal investigations conducted by the Judicial Police, which is composed of criminal police, financial police and investigative service of the Customs Administration.
- The **State Attorney Office** is the state body that undertakes legal measures in order to protect the property rights and interests of the State. It represents North Macedonia in the courts, other organs and legal entities, as well as in foreign courts and foreign organs in the legal cases with foreign legal or physical entities.
- The **Supreme Court** of North Macedonia is the highest court in the State and is responsible for ensuring a unified implementation of laws by courts. In line with Article 99 of the Law on the Courts, the Supreme Court established an IT center responsible for the IT systems of the Supreme Court, as well as for certain centralised databases, functionalities, and data exchange procedures supporting the functioning of the whole judiciary system.
- The **Academy for Judges and Public Prosecutors (AJPP)** is the public institution responsible for the selection, organisation and implementation of initial training for the candidates for judges and public prosecutors in the basic courts and basic prosecution offices and for the continuous advanced training of the judges and public prosecutors and the judicial and prosecutorial clerks.
- **Civil society organisations** are one of the stakeholders/beneficiaries of this Action, as they will participate, with their own ideas and projects, in raising the intolerance of the society towards corruption.

2.3.Relevance and complementarity with strategies supported by key national stakeholders

The Action will improve the efficiency of the justice system and will directly contribute towards achieving the objectives set in the *Strategy for Reform of the Judicial Sector 2017-2022*, which reflects the needs of the country and the recommendations and conclusions of the key partners, including the European Commission, the European Parliament, the Council of Europe, the Venice Commission and the Senior Experts' Group on systemic Rule of Law issues.

The Action will also improve the efficiency of the prevention and the fight against corruption and will support the implementation of the *National Strategy for Prevention of Corruption and Conflict of Interest and Action Plan for 2021-2025*, which was prepared in a participatory approach, adopted by the SCPC in 2020 and approved by the Parliament in April 2021.

The Action also corresponds to the *Public Administration Reform Strategy 2018-2022*. The Strategy establishes certain number of specific objectives related with the Action:

- enhance integrity and ethics at political and professional level;
- and enhance transparency of institutions and communication improvement between institutions, citizens and the business community.

An adequate monitoring mechanism was set with the establishment of the Council for Monitoring the Implementation of the Judicial Reform Strategy in 2018. The first report on the implementation of the Reform Strategy was adopted in January 2019, and the second one – in December 2020. Concerning the National Strategy for Prevention of Corruption and Conflict of Interest, following the adoption of the Strategy by the Parliament, a single monitoring mechanism will be established at intra-institutional level. To support the monitoring process, as of 2020, the country put in place a **Performance Assessment Framework (PAF)**, streamlining the policy objectives through indicators and targets. The Action will contribute to meeting different impact and outcome targets included in the established PAF.

The Action falls mainly under the Sector *Justice and Fundamental Rights* (although some aspects correspond to the Home Affairs and Public Administration Reform sectors). The Sector has all the main elements of the Sector Approach. The sector benefits of **well-established policy dialogue** channelled through the Sector Working Group (SWG), which is chaired by the Minister of Justice and includes Donors and CSOs.

As regard the judiciary, the **institutional set-up** is supportive to the on-going and planned sector reforms and the responsibilities allocated to the relevant national authorities are well defined in the legislative framework. However, the national administrative capacity needs to be reinforced to ensure the full implementation of the adopted strategies and legislations. This action will address this need as well. In the fight against corruption, the Action will contribute to improving the capacity of the administration to fight against corruption, which needs to be enhanced.

The sector **policy budgeting** needs improvement. North Macedonia needs a robust medium-term expenditure framework to anchor the costs for the major reforms. The ongoing PFM reform programme is expected to address this issue through the adoption of the new organic budget law, which will allow programme-based budgeting and more stable mid-term expenditure framework. However, this process will require an upgrade of the sector capacity to budget sector reforms and finance structural priorities.

2.4.Relevance and complementarity with EU policy and EU and other donors' assistance

The Action is in line with the IPA III Programming Framework, Window 1: Rule of Law, Fundamental Rights and Democracy. More specifically, it responds to (1) Thematic Priority 1:

Judiciary, which aims to improve the independence, accountability, efficiency and quality of the judicial systems and to improve the professionalisation of judges and of the justice system as a whole, including the skills and capacities of officers concerned in the administration of justice; and (2) Thematic priority 2: Fight against corruption, which aims to establish, and strengthen when existing, track record of investigations, prosecution and conviction of high-level corruption cases.

The Action will also support the priorities as defined in the Commission Communication ‘A credible enlargement perspective for and enhanced EU engagement with the Western Balkans’⁸. The Communication considers that the independence, quality and efficiency of judicial system must be ensured. The independence of the judiciary and of individual judges is essential to ensure fairness and to hold the executive and legislative branches of government to account. Regarding corruption, the strategic purpose of the Communication is related to rooting out corruption and supporting the existence of strong and independent institutions to prevent and combat corruption.

The Action also addresses the Stabilisation and Association Agreement (SAA) and the conclusions of the Justice, Liberty and Security Subcommittees of the Stabilisation and Association Agreement (SAA), related with the Judicial reforms and Anti-Corruption Policy. It will contribute for achieving the Recommendations of the GRECO Compliance Report.

The Action will contribute to achieving the objectives of the priority 16: Peace, Justice and Strong Institutions⁹ of the United Nation’s 2030 Agenda for Sustainable Development.

The action is in line with the **Economic and Investment Plan** for the Western Balkans¹⁰, which indicates an opportunity to accelerate digitalisation of governments, in a manner consistent with the EU’s values and legal framework, to contribute to better governance and public services to citizens. The Economic and Investment Plan also indicates that the rule of law is a crucial aspect of democratic transformation and the key benchmark against which progress towards membership is assessed by the EU.

2.5. Lessons learned and links with previous financial assistance

This Action will complement the 2020 Action EU for Rule of Law, which invests in the capacities of institutions in the rule of law, judiciary and anti-corruption areas to perform their activities. Under IPA II bilateral programme, the EU support for judiciary and fight against corruption reached EUR 25 800 000. The implementation of the EU projects provides for the following conclusions:

- Strong political commitment and involvement is the ultimate condition for the reform in the whole Rule of Law Sector.
- Sector policy dialogue must be maintained. The sector working groups are the appropriate platform to host the sector dialogue and should be used by all institutions as a platform for donor coordination. Participation of private actors involved in the sector should be considered.
- Technology leapfrog may dramatically improve the way institutions operate and communicate with the public, improve performance and reduce costs and delays. Performance-based accountability and transparency is important pillar in every reform effort. However, improvement and modernisation of ICT tools must be accompanied by intensive capacity building on these tools to all actors involved to ensure that they will be properly used in daily work and reach their objectives.

⁸ COM (2018) 65 final

⁹ The monitored indicators are regularly updated by the National Statistical Institute and are available under <http://www.stat.gov.mk/publikacii/2019/Odrzhliv-Sustainable.pdf>.

¹⁰ COM(2020) 641 final

- Sustainability needs to be addressed at the earliest design stage also through the establishment of binding conditions for implementation.

3. DESCRIPTION OF THE ACTION

3.1. Planned results and intervention logic

This Action will contribute to strengthening the rule of law in North Macedonia. This will be translated into enhanced compliance with the EU *acquis* and European standards on the functioning of the judiciary, focusing on the quality and efficiency of the justice system, a revert in the declining trend, reflected in the 2020 Rule of Law Index, ranking North Macedonia at place 58 out of 128 countries with a total score of 0.53, and a better positioning in the Corruption Perception Index.

The Action will focus on improving the efficiency and quality of the justice system. It aims to contribute to an average 30% decrease in the disposition time for dealing with a case and will have an impact on public trust in courts and judiciary, which is expected to raise by 30% in 2026 compared to 2019. These outcomes will be achieved through improvement of the ICT management in the judiciary sector, improvement of the security policy, digitalisation of the business operations of the Public Prosecutor Office, one of the key judiciary body, and of the State Attorney Office. The upgraded case management system for the prosecution will allow automated workflow of the cases; secure access to external information and exchange of data, reports and accurate statistics, while ensuring data security. The State Attorney Office will also benefit of a new case management system covering their business operations, which will be linked to the public website allowing for monitoring of their decisions and actions. Particular attention will be made on the interoperability of the IT systems and the exchange of information and data among the various judicial institutions and with the law enforcement institutions, to increase the efficiency and speed of the justice system. The new case management system of the Constitutional Court will also improve significantly the functioning of the Court. The planned improvements will allow the public and legal professionals to access the Court case law and check data on various cases. Along with the ICT support, the Constitutional Court will benefit of advisory support to strengthen its efficiency as well as to improve the protection of fundamental rights in the country. The Action envisages as well delivering design and technical documentation for the new premises of the Academy of judges and prosecutors. This will enable the Academy to start construction of the new building fit for modern and adequate teaching and will support in long term the strengthening of the professionalism in the judiciary system.

In addition, the Action will focus on improving the efficiency of the fight against corruption. The Action will invest in the upgrade of the AKstat system collecting data from 49 institutions engaged in fighting corruption and money laundering¹¹. This data will serve the sector reforms and the decision-making and governance process in the rule of law area. The upgrade of the IT system of at least five public institutions will allow the State Commission for Prevention of Corruption to use their electronic registers in a more effective and efficient way while checking the declaration of assets and potential conflicts of interest. The Action is expected to stimulate at least 10 new prosecution cases based on the SCPC verification of assets declaration and conflict of interests. This will provide a new impetus in the operation of the Commission and in the fight against corruption.

¹¹ This number does not include the number of (23) first and (4) second instance public prosecution offices (represented by the Public prosecution Office), the (8) regional offices-sectors of the Ministry of Interior (Represented by the Ministry) and the (11) penitentiary institutions and (2) penitentiary units (represented by the DES).

Along with investing in the state bodies and judiciary system engaged in fighting corruption, the Action aims at mobilising the civil society and private sector in creating an environment intolerant to all forms of corruption. EU funds will be channelled, on competitive basis, to coalitions proposing effective and modern ways to prevent and fight corruption. These activities are expected to result in a better social control of corruption.

3.2. Indicative type of activities

Output 1: Enhanced digitalisation of state institutions in the judiciary and anti-corruption areas

This Output will be achieved through the following technical assistance and software development activities:

1. Improvement of the ICT management in judiciary sector towards complete justice sector digital transformation and operational organisation set up.
2. Improvement of the digital interconnections and interoperability across institutions and improvement of ICT security measures in the Justice sector in line with the international standards.
3. Upgrading of the Public Prosecutor Case Management System. This involves new functionalities and automatised collection of statistical data upon queries; secure and online access to all and required external information, fully flexible statistical report creation and interconnection with the new court case management system, and any other relevant and required digital interoperability with other institutions.
4. Development of the Integrated Information Management System for the Constitutional Court, which will involve the management of cases and the general functioning of the Court, including electronic archive, movement of cases, scheduling sessions, database of court decisions, accounting, etc. This activity also includes improving the Court's website allowing the Court to make available to the public the Court' decisions to increase the Court's transparency.
5. Development of the Case Management System and web site for the State Attorney Office, which will improve the efficiency and the transparency of the State Attorney. Specifically, the CMS will contribute to avoid potential human influence, improve security and protection in the filling and deployment of cases. The CMS will include automated workflow, secure and online access to all and required statistical information, and interconnection with the new court case management system for administrative justice.
6. Upgrade of the AKstat functionalities, a web-based solution system for collection and processing of statistical data for prevention and repression of corruption and money laundering. This activity will involve a previous thorough needs analysis taking into consideration, among other aspects, the manual for management and use of AKstat; rules of procedure of the Working Group for review and updating of the methodology for the relevant statistical system for monitoring the anti-corruption policy.
7. Upgrade of the IT systems in public bodies keeping registries with information relevant for the fight against corruption. This upgrade will create interfaces, which will allow the State Commission for Prevention of Corruption to use electronically data from state registers and

databases while exercising the controls on the assets declarations and analysing potential conflicts of interests.¹²

Output 2: Strengthened capacities of the Constitutional Court to assess the constitutionality and legality of the adopted normative acts and protect fundamental rights

- Capacity building activities involving advisory services, coaching and training for strengthening of the managerial, professional and administrative capacities, administrative autonomy, independence and efficiency of the Constitutional Court, as well as for Capacity building activities to improve the strategic and budgetary planning, and the performance management on the Constitutional Court;
- Improvement of the individual protection of the freedoms and rights of the individuals and the citizens in front the Constitutional Court, with amendments to the Court Rules of Procedure, preparation of internal acts and procedures for these complaints, as well as outreach to legal professionals and citizens on the protection of freedoms and rights in front of the Constitutional Court.

Output 3: Technical documentation for the construction of new premises for the Academy for Judges and Public Prosecutors

- This output involves the preparation of the full technical file for the construction of new premises of the Academy for Judges and Public Prosecutors. The file must reflect the EU standards for constructions of buildings with training purposes, to ensure the use of the premises and adjustment infrastructure by people with disabilities, and to reflect the EU standards for environmental output and climate resilience.

Output 4: Raised public intolerance to corruption

- This activity involves the implementation of a grant scheme for civil society or business organisations for raising the public intolerance to all forms of corruption, sensitising the society of the risks and damage created by corruption.

3.3.Risks and assumptions

Risks	Risk level (H/M/L)	Mitigating measures
Risk 1: Limited administrative and ICT capacity and insufficient coordination among the institutions	M	The Action will address this risk by investing in administrative and ICT capacities in the judiciary sector. The capacity building measures such as training, advising, will accompany the development of new IT solutions for the project stakeholders.
Risk 2: Insufficient cooperation regarding data collection and exchange of information between the SCPC and institutions involved in the fight against corruption	M	The activity and intervention to be designed in close consultation with the relevant institutions to ensure cooperation. The cooperation is already established, but should be further strengthened to achieve a bigger impact. The Action will address this risk by fostering

¹² The Terms of Reference for this activity will be prepared in Quarter 4 of 2021 following an assessment of the exact nature of the required upgrades of the registries and databases of the state bodies. This assessment will be conducted in 2021 under a project, funded by the state budget, developing tailor made software applications for the control over property status and conflict of interest, the assets and property declarations of the elected and appointed officials, and to increase the interconnection of the SCPC with the required institutions.

		discussions and cooperation at technical and high level, and by involving direct beneficiaries early on during the project implementation. Communication to all stakeholders will be key to minimise this risk.
Risk 3: Insufficient cooperation regarding exchange of information between the Judicial institutions and between the Public Prosecution Office and the law enforcement institutions	M	The cooperation is already established and should be further strengthened to achieve a bigger impact. The Action will address this risk by fostering discussions and cooperation at technical and high level, and by involving direct beneficiaries early on during the project implementation. Communication to all stakeholders will be key to minimise this risk.
Risk 4: Delay in the procurement of hardware in the justice sector	H	The government is committed to procure the hardware in the timeframe of the Action to ensure a successful implementation of the Action.
Risk 5: Lack of interest of the private sector and CSOs on activities against corruption	L	Preparatory meetings organised with the CSOs actives in the field to inform about the project and main objectives, as well as consultation prior to the publication of the Guidelines for Applicants

Assumptions (to be reflected in the Logical Framework Matrix above) – grouped by outputs and outcomes

Assumptions underlying the Outcomes

The government of North Macedonia is committed and ready to implement the reforms needed to achieve the required standards in justice and home affairs area.

Assumptions underlying the Outputs

There is a strong support for the sector reforms as well as public interest in the progress of reforms.

The country allocated timely the necessary human, operational and budgetary resources.

Key state institutions take responsibility for timely implementation of all necessary legal, procedural and organisational changes necessary for implementation of the new ICT systems.

Ownership and object of the potential construction site for the future Academy for judges and prosecutors defined and cleared.

3.4.Mainstreaming

How does this Action contribute to Gender Equality and Women’s and Girls’ Empowerment (in line with the EU gender equality strategy 2020-2025)?

The Action will strengthen the rule of law in North Macedonia, which will have a positive impact on the implementation of the legal provisions on girls’ and women rights.

In addition, the Action will address gender equality directly through gender sensitive analysis, training, standards review, skills development and information, generated and streamlined during the implementation. The expected improvements in the data collection and overall case

management system will encompass the introduction of gender aspects in the judiciary statistics. Gender balance will be ensured in all capacity building activities. The training programmes provided will consider proportionate enrolment and participation of women. The project related statistics (i.e. on beneficiaries) will be gender segregated when possible.

In addition, the government is committed to take into account as a crosscutting element in all its policies, the European Union Gender Strategy 2020-2025.

How does this Action address Environment and Climate change?

The Action will strengthen the rule of law in North Macedonia, which will have a positive impact on the implementation of the laws on protection of the environment and fighting environmental crime. Moreover, it will raise the public intolerance towards corruption and enhance the civil society power in prevention and combating corruption, including the environmental one, which increases globally on the background on increased demand for natural resources.

In addition, the Action promotes the digitalisation of the Justice sector, which will bring to savings on some natural resources. It will also prepare the construction of the new building of the Academy for Judges and Public Prosecutors integrating the principles of renewable energy, energy efficiency and climate change resilience.

How does this Action address the Rights Based Approach?

This Action takes into consideration the country's commitment to advance the human rights agenda in practice. It will support North Macedonia in enforcing the right of the citizens to have access to a fair justice for all, through improving the efficiency of the justice system and the efficiency of the prevention and the fight against corruption and improve the transparency of the Constitutional Court. The capacities of the Constitutional Court will be enhanced to protect constitutionally guaranteed fundamental rights of citizens.

How does this Action promote the systematic engagement with Civil Society?

The civil society organisations have been involved in the discussions of the national sector priorities, primarily during the preparation of the relevant strategic documents. The Sector Working Group (SWG) represents one of the main forum for the engagement of the CSOs. The SWG was involved in the programming of this Action and will be involved in its implementation.

Within this Action specific attention will be paid to ensure that civil society and other non-state stakeholders are consulted in the right time and that the decision-makers are informed about the outcomes of the consultations, in line with the Strategy for Cooperation with the Civil Society Sector 2018-2020 approved by the government in March 2018. More specifically, the CSOs will play a relevant role in one of the outputs of this Action related to the increase of public intolerance to corruption, where it is expected to organise training and public awareness activities for corruption prevention with the support and collaboration of the selected CSOs.

Others (such as Resilience and Conflict Sensitivity, Roma, people with disabilities and other vulnerable groups)

Minorities and vulnerable groups are among the first to suffer from corruption and poverty. A reduction of corruption is expected to lead to a general improvement in the socio-economic environment in North Macedonia, which will be particularly beneficial for such groups. Good governance will be strengthened through the implementation of the anti-corruption measures. Public awareness campaigns will help to empower minorities and vulnerable groups to participate in and contribute to anti-corruption efforts. This will in turn enhance civic responsibility among

these groups that are marginalised and socially excluded. In addition, the needs of people with disability will be taken into account in the development of the software and websites, to ensure accessible formats to persons with disability. The envisaged tender documentation for the construction of the premises for the Academy for Judges and Public Prosecutors will take into consideration the needs of people with disability.

3.5. Conditions for implementation

The following conditions apply to this Action:

- Sufficient qualified IT staff in all justice and anti-corruption sectors institutions must be ensured to support adequately the end-users of the IT systems.
- The ownership and object of the potential construction site for the future Academy for judges and prosecutors defined and cleared.

Failure to comply with the requirements set out above may lead to a cancellation of the Action.

3.6.Logical Framework for PROJECT MODALITY

Results	Results chain:	Indicators	Baselines (year)	Targets (year)	Sources of data	Assumptions
Impact	To strengthen the rule of law	Alignment with the EU <i>acquis</i> and European standards for the judiciary (chapter 23)	Some level of preparation/moderately prepared (2020)	A higher level of alignment (2027)	Commission Reports ¹³	The methodology of the enlargement package remains unchanged.
		Corruption perceptions Index	35 (2019)	≥ 51(2027)	Transparency International ¹⁴	
		Rule of Law Index	0.53 (2020)	≥ 0.57 (2027)	World Justice Project ¹⁵	
Outcome 1	Improved efficiency of the justice system and fight against corruption	Trust in courts and judiciary	Distrust: 51% (totally or tend to) Trust: 42% (totally/ tend to) (2019)	Distrust: ≤ 45% (totally or tend to) Trust: ≥ 55% (totally / tend to) (2026)	Balkan Public Barometer of Regional Cooperation Council ¹⁶	Government of North Macedonia is committed and ready to implement the reforms needed to achieve the required standards in justice and home affairs area.
		Disposition time (average of 1 st instance for	235 days (2018)	≤ 165 days (2027)	Judicial Council Statistical Report ¹⁷ CEPEJ Report	

¹³ Source: https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/strategy-and-reports_en

¹⁴ Source: <https://www.transparency.org/en/cpi>

¹⁵ Source: <https://worldjusticeproject.org/our-work/publications/rule-law-index-reports> (Open: WJP Rule of Law Index 2019; Page 23)

¹⁶ Source: <https://www.rcc.int/balkanbarometer/results/2/>

¹⁷ Source: <https://rm.coe.int/rapport-avec-couv-18-09-2018-en/16808def9c>

Results	Results chain:	Indicators	Baselines (year)	Targets (year)	Sources of data	Assumptions
		Administrative and Criminal Justice)				
		Number of cases initiated based on the verification of assets declaration and conflict of interests by SCPC	0 (2018)	≥ 10 (2025)	Annual Report of SCPC	
Output 1	Enhanced digitalisation of state institutions in the judiciary and anti-corruption areas	Number of State Attorney Offices connected to a new CMS	0 (2020)	All the SAO (2025)	Project report	Strong support for the sector reforms as well as public interest in the progress of reforms. The country allocated timely the necessary human, operational and budgetary resources. Key state institutions take responsibility for timely implementation of all necessary legal, procedural and organisational
		Number of Judges and professional staff of the Constitutional Court using the new Management Information System	0 (2020)	≥ 30 (2025)	Project Report	
		Number of institutions and authorities exchanging relevant information with the SCPC	10 (2019)	≥ 15 (2025)	SCPC Report	
		Number of Public Prosecutor Offices	0 (2020)	All the Public Prosecutor Offices (2025)	Project report	

Results	Results chain:	Indicators	Baselines (year)	Targets (year)	Sources of data	Assumptions
		connected with the improved CMS				changes necessary for implementation of the new ICT systems. Ownership and object of the potential construction site for the future Academy for judges and prosecutors defined and cleared.
		Number of Institutions connected to the new AKStat	0 (2020)	≥ 49 (2025)	Project report	
		Number of Prosecutors and State Attorneys and professional staff trained to use the new software	0 (2020)	≥ 1000 (2025)	Public Prosecutor Council report Project report	
		Number of logs/people using the Constitutional Court website	0 (2020)	≥ 300 (2025)	Constitutional Court website/Project report	
Output 2	Strengthened capacities of the Constitutional Court to assess the constitutionality and legality of adopted normative acts and protect fundamental rights	Rules of procedure of the Constitutional Court amended after internal organisation improved	0 (2020)	1 (2025)	Project reports	
		Number of judges and professional staff trained	0 (2020)	≥ 30 (2025)	Project reports	
Output 3	Technical documentation for the construction of new premises for the	Number of works tender dossier for the construction of the Academy ready	0 (2020)	1 (2023)	Project reports	

Results	Results chain:	Indicators	Baselines (year)	Targets (year)	Sources of data	Assumptions
	Academy for Judges and Public Prosecutors					
Output 4	Raised public intolerance to corruption	Number of trained people from private sector (gender disaggregated) on how to detect, prevent and fight corruption	0 (2020)	≥ 150 (2024)	Project reports	
		Number of people covered by public awareness activities for corruption prevention	0 (2020)	≥ 10,000 (2024)	Project reports	

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing agreement

In order to implement this action, it is foreseen to conclude a financing agreement with North Macedonia.

4.2. For budget support only - NA

4.3. Implementation modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹⁸.

4.3.1. Direct Management (Grants)

Grant scheme “Zero tolerance to Corruption”

- (a) Purpose of the grant(s): To ensure achieving Output 4: Raised public intolerance to corruption.
- (b) Type of applicants targeted: Applicants must be legal entities, civil society and/or business organisations, established in North Macedonia, potentially acting with public sector operators and/or local authorities, and/or acting in partnership with EU organisations with experience and solid track-record in fighting corruption.

4.3.2. Direct Management (Prizes) - NA

4.3.3. Direct Management (Procurement)

Procurement will be used for achieving the following outputs:

- Output 1: Enhanced digitalisation of state institutions in the judiciary and anti-corruption areas;
- Output 2: Strengthened capacities of the Constitutional Court to assess the constitutionality and legality of adopted normative acts and protect fundamental rights;
- Output 3: Technical documentation for construction of new premises for the Academy for Judges and Public Prosecutors.

Subject	Indicative type (works, supplies, services)	Indicative trimester of launch of the procedure
Output 1: Enhanced digitalisation of state institutions in the judiciary and anti-corruption areas	Service/Supplies	Q1 2022

¹⁸ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

Output 2: Strengthened capacities of the Constitutional Court to assess the constitutionality and legality of adopted normative acts and protect fundamental rights	Service	Q2 2022
Output 3: Technical documentation prepared for construction of the new premises for the Academy for Judges and Public Prosecutors	Service	Q1 2022

4.3.4 Indirect management with [an] entrusted entity[ies] (i.e. Member State Organisation, third donor country, EU specialised (traditional/regulatory) agency, international organisation) - NA

4.3.5 Indirect management with an IPA III beneficiary - NA

4.3.6 Contribution to a relevant Regional Blending Facility/Platform - NA

4.3.7 EFSD+ operations covered by budgetary guarantees - NA

4.3.8 Changes from indirect to direct management mode (and vice versa) due to exceptional circumstances (one alternative second option - NA

4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

4.5. Indicative budget

	EU contribution (amount in EUR)	Indicative third party contribution in EUR
Output 1: Enhanced digitalisation of state institutions in the judiciary and anti-corruption areas, composed of	6 000 000	1 000 000
Direct management (Procurement) – cf. section 4.3.3	N.A.	
Output 2: Strengthened capacities of the Constitutional Court to assess the constitutionality and legality of adopted normative acts and protect fundamental rights, composed of	1 000 000	0
Direct management (Procurement) – cf. section 4.3.3	N.A.	
Output 3: Technical documentation for construction of the new premises for the Academy for Judges and Public Prosecutors, composed of	500 000	0
Direct management (Procurement) – cf. section 4.3.3	N.A.	

	EU contribution (amount in EUR)	Indicative third party contribution in EUR
Output 4: Raised public intolerance to corruption, composed of	1 000 000	100 000
Direct management (Grants) – cf, section 4.3.1	N.A.	
Evaluation (cf. section 5.3)	will be covered by another decision	N.A.
Audit/Expenditure verification (cf. section 6)	will be covered by another decision	N.A.
Communication and visibility (cf. section 7)	N.A.	N.A.
Contingencies	N.A.	
TOTAL	8 500 000	1 100 000
of which Direct management	8 500 000	1 100 000
Grants - total envelope under section 4.3.1	1 000 000	100 000
Procurement – total envelope under section 4.3.3	7 500 000	1 000 000

4.6. Organisational set-up and responsibilities

The Delegation of the European Union to North Macedonia will be in charge for the implementation of the action and will act in partnership with the Ministry of Justice and the other beneficiaries, the Secretariat for European Affairs.

At policy level the implementing partners will be accountable to the relevant Sector Working Group for Rule of Law, chaired by the Minister of Justice, as well as the IPA Monitoring Committee.

5. PERFORMANCE/RESULTS MONITORING AND REPORTING

5.1. Internal monitoring

The ongoing monitoring of the specific contracts will be a responsibility of the EU Delegation, the NIPAC office, the Ministry of Justice, as well as of the body playing the role of the Steering Committees. The monitoring will be based on the action activities, results (outputs, outcomes and impact), indicators and targets.

5.2. Roles & responsibilities for data collection, analysis & reporting

The progress in the implementation of the Action will be monitored at sector level through the established in 2020 Performance Assessment Framework (PAF), which includes outcome and impact indicators, targets and baseline data. PAF has been established as a web-based application (to be backed up by a Government decision on responsibilities and deadlines) allowing regular electronic input of data, data processing and data analytics.

The PAF data will be used and discussed in the Sector Working Groups on Justice and Fundamental Rights, which is also the inclusive platform of all stakeholders to monitor the implementation of the sector priorities. This set up implies that the Ministry of Justice shall assume a key role in supervision of the implementation of the Action, and in the organisation of policy dialogue to discuss challenges and results.

At output level, data about the implementation of each project and contract will be collected in OPSYS, and will be based on the data from official documents such as reports, acceptance certificates or equivalent documents.

The project itself is a tool to improve the capacities of the national and transnational institutions to monitor the sector developments. The competent actors (Ministry of Justice, Constitutional court, Judicial Council, Academy for judges and prosecutors, State attorney, Secretariat for European Affairs) are expected to produce timely and meaningful data for the monitoring of results and impact of the Action.

5.3. Evaluation

Having regard to the importance of the Action, a final evaluation will be carried out for this Action or its areas of support via independent consultants. It will be carried out for accountability and learning purposes at various levels (including for policy revision).

The Commission shall inform the implementing partner at least 2 months in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing Decision.

6. AUDIT

Without prejudice to the obligations applicable to contracts concluded for the implementation of this Action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing Decision.

7. COMMUNICATION AND VISIBILITY

Visibility of EU funding and communication about objectives and impact of Actions are a legal obligation for all Actions funded by the EU, as set out in the EU communication and visibility requirements in force.

In particular, the recipients of EU funding shall acknowledge the origin of the EU funding and ensure its proper visibility by:

- providing a statement highlighting the support received from the EU in a visible manner on all documents and communication material relating to the implementation of the funds, including on an official website and social media accounts, where these exist; and
- promoting the actions and their results by providing coherent, effective and proportionate targeted information to multiple audiences, including the media.

Visibility and communication measures shall be implemented, as relevant, by the public administrations (for instance, concerning the reforms linked to EU budget support), entrusted entities, contractors and grant beneficiaries. Appropriate contractual obligations shall be included, respectively, in financing agreements, delegation agreements, and procurement and grant contracts.

The measures shall be based on a specific Communication and Visibility Plan, established and implemented in line with the EU communication and visibility requirements in force. The plan shall include, inter alia, a communication narrative and master messages for the Action, customised for the various target audiences (stakeholders, civil society, general public, etc.)

Visibility and communication measures specific to this Action shall be complementary to the broader communication activities implemented directly by the European Commission services and/or the EU Delegation. The European Commission and the EU Delegation should be fully informed of the planning and implementation of the specific visibility and communication activities.

At the level of the action, the communication policy will be based on few activities with high communication potential. Cooperation with the Ministry of Justice, NIPAC office and the other beneficiaries will be very important to ensure one-voice communication to citizens on the EU values in the respective sector and policy area.

At contract level, all contractors and grantees shall respect the EU communication and visibility requirements in force. The communication and visibility plans will be approved by the EU Delegation. All contractors are expected to show a good communication reflex and the ability to exploit unexpected opportunities to promote the activities and the EU support. Focus should be put on "out-of-the-box" communication solution having the potential to attract the attention of media and citizens and allow passing important messages. The opportunities provided by the digital communication and social media shall be used at large. It is the responsibility of the contractors and beneficiaries to keep the EU Delegation and the Commission fully informed of the planning and implementation of the specific visibility and communication activities. The implementation of the communication activities shall be funded from the budgets of the separate contracts.

Visibility and communication shall focus on results and changes achieved and shall demonstrate how the EU support brings the country closer to the EU standards. The objective is to improve the awareness on the EU funding of the general public and not only of target specific audiences. The communication policy applied must ensure that the added value and impact of the EU's interventions are understood by the citizens and that EU funds are managed and used in a transparent, efficient and effective way for the benefit of the country as a whole.

8. SUSTAINABILITY

The sustainability potential of the Action is high. In the ICT for the Judiciary sector, the Action couples improvement of the ICT management, capacity building of the stakeholders with the provision of new software and hardware to increase their efficiency and quality of work. These instruments will improve their work process and results, as well as their impact on the Rule of Law in the country. At financial level, the sustainability is acceptable, though the investments in the ICT will need to be ensured with standard maintenance practices regularly carried out by the beneficiaries. These investments are in line with the National Strategy for the ICT of the Justice Sector. The Ministry of Justice is committed to support the digitalisation of the Judiciary, it is therefore expected that the results of the Action will be followed by further phases in this continuous process.

For activities related to preparation of investment like the Academy, the intention to finance the investment by the government will be carefully considered before financing the preparation of the design.

The government of North Macedonia has undertaken important reform and committed financial resource for the fight against corruption; it is expected that this commitment will continue after the end of this Action.

Another vector of sustainability is provided by the inclusive policy dialogue in these sectors, which is expected (1) to support the implementation of the coherent sector policies, underlying this Action, and (2) to trigger a shift in the society towards the intolerance to corruption, while state institutions increase their capacities to fight corruption.