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Action Fiche for ENPI East Regional Action Programme 2010 Part II

1. IDENTIFICATION

Title/Number	Council of Europe Facility (CRIS: 2010/22192)		
Total cost	EUR 4 million		
Aid method / Method of implementation	Project approach - Joint management with an international organisation – the Council of Europe		
DAC-code	15130	Sector	Legal and judicial development

2. RATIONALE

2.1. Sector context:

The Eastern Partnership was launched by the EU at a Summit meeting with the Eastern European partners on 7 May 2009 in Prague. It sets out an ambitious path for deeper relations with Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, through both bilateral and multilateral dimensions. It is based on mutual commitments to the rule of law, good governance, respect for human rights, and respect for the rights of minorities, the principles of market economy and sustainable development. The level of ambition of the EU's relationship with the Eastern European partners will take into account the extent to which these values are reflected in national practices and policy implementation.¹

The new Council of Europe Facility responds to the need to further enhance co-operation with Eastern European partner countries facing similar challenges in complying with commitments originating from their Council of Europe membership. It will contribute to supporting the reform processes in the six partner countries through a multilateral approach and to facilitating approximation to the Council of Europe and EU standards in core areas covered by the Eastern Partnership. The Facility aims at strengthening the follow-up to the findings of Council of Europe monitoring and advisory bodies in selected priority areas. It will allow for the mobilisation of Council of Europe expertise, peer to peer advice and the exchange of best practices among participating countries. It will also serve as a framework for multilateral activities (e.g. capacity-building, training) implemented by the Council of Europe and co-financed by the European Union in view of responding to the priorities mentioned in the Joint Declaration of the Prague Eastern Partnership Summit and identified in the work programmes of notably Platform 1 ("*Democracy, good governance and stability*" - such as improved functioning of the judiciary, public administration reform and fight against corruption) and, to a lesser extent, Platform 4 ("*Contacts between people*").

The Council of Europe has specific expertise in most of the areas to be addressed by Platforms 1 and 4 of the Eastern Partnership, and has been invited as a permanent participant in these Platforms. Bilaterally, full co-operation with the Council of Europe is a precondition for starting negotiations of an Association Agreement between the EU and partner countries

¹ Communication on the Eastern Partnership, COM (2008) 823

and for deepening relations thereafter. The countries of the region are characterised by different degrees of democratic consolidation and respect for human rights while facing similar challenges in complying with commitments stemming from their Council of Europe membership². Therefore, through the present action, it is envisaged to organise multilateral activities (e.g. capacity-building, trainings), involving several or all Eastern partners, to address issues of concern in the area of democracy, human rights and rule of law.

The current state of implementation of commitments undertaken upon accession to the Council of Europe by each of the Eastern Partnership countries, and of the situation in Belarus can be summarised as follows:

- **Ukraine**

Since Ukraine's accession in November 1995, the main objective of Council of Europe co-operation activities has been to support the country in fulfilling its accession commitments and statutory obligations as a Member State. In its last Resolution 1549 (2007) on the functioning of democratic institutions in Ukraine, the Parliamentary Assembly of the Council of Europe (PACE) recognised a number of achievements of the country and at the same time underlined major structural challenges (such as reforms in the constitutional, electoral and judiciary fields). The complex political situation in the country has had, to some extent, a slowing effect on the pace of reforms. The EU Delegation in Kiev is currently working on an action "Support to the Justice Sector Policy Reforms in Ukraine" in the ENPI Annual Action Programme (AAP) 2010, and this Council of Europe Facility will actively link with activities under ENPI bilateral programmes.

- **Republic of Moldova**

Since the accession of the Republic of Moldova in July 1995, the main objective of Council of Europe co-operation activities has been to support the country in fulfilling its accession commitments and statutory obligations as a Council of Europe Member State. The country faces major challenges as regards the functioning of its democratic institutions, particularly in terms of overcoming, in the long term, the consequences of the political crisis and events of April 2009. Key priority areas that still need to be addressed by the new government coalition ('Alliance for European Integration'), as identified by Council of Europe monitoring mechanisms, are: proper follow-up to the recommendations of the Venice Commission concerning the Moldovan electoral legislation and, in general, follow-up to the Council of Europe experts' recommendations; reinforcement of efforts leading to the improved functioning of the judicial system, the fight against corruption and the development of local and regional democracy; attention to be paid to increased transparency and neutrality in the functioning of the Audiovisual Co-ordinating Council. The Facility will actively coordinate with a new 'Democracy Support Package' (EUR 4 million from the Instrument for Stability) that was signed with the Council of Europe in December 2009.

- **Belarus**

At the Warsaw Summit in 2005 Council of Europe heads of state and government declared that they were looking forward to the day when Belarus would be ready to join the Council of Europe. The PACE at its June 2009 session took a decision to unfreeze the special guest

² Belarus is not a member of the Council of Europe but has vocation to join the Organisation as soon as it fulfils the required conditions

status³ of the Belarusian Parliament once a moratorium on the death penalty had been introduced in the country. Over recent years successive Council of Europe Committee of Ministers' Chairmanships have made substantial efforts to promote dialogue with Belarus on core issues. This has led to some specific results. One of the achievements is the opening of the Council of Europe Information Point in Minsk, in June 2009, which is pursuing work on Council of Europe campaigns (in favour of the abolition of the death penalty, and the children's rights campaign), and on the organisation of open lectures on the Council of Europe and related awareness-raising activities. It is foreseen that other actions related to encouraging the abolition of the death penalty (seminars, open lectures, book publications) will be organised in 2010. The Committee of Ministers is considering the formal request by the Belarusian authorities to be invited to accede to the Convention on Action against Trafficking in Human Beings⁴. Support continues to be provided, through study visits and the organisation of meetings, to Belarusian civil society and journalists of both state and independent media.

However, PACE decided on 29 April 2010 to suspend its activities involving high-level contacts with the Belarusian Parliament and/or governmental authorities, having noted a "lack of progress towards Council of Europe standards" and a "lack of political will" on the part of the authorities to adhere to Council of Europe's values. The Assembly recalled that it was still prepared to engage in a progressive dialogue with the Belarusian authorities "in response to positive developments", while reiterating its conviction that "dialogue can be sustained only through Belarus' continuous progress towards Council of Europe standards

- **Armenia**

Since Armenia's accession in January 2001, the main objective of Council of Europe co-operation activities has been to support the country in fulfilling its accession commitments and statutory obligations as a member state. In spite of some progress achieved, the country faces challenges as regards the functioning of its democratic institutions, particularly in terms of overcoming, in the long term, the consequences of the political crisis and events of March 2008 following the presidential elections. Key priority areas that still need to be addressed, as identified by Council of Europe monitoring mechanisms, are: the functioning of the judiciary, freedom of expression and of the media, electoral legislation and practice, the fight against ill-treatment of detainees and persons in police custody, impunity, penitentiary reform, the fight against corruption, as well as follow-up to constitutional reform through legal co-operation between Armenia, the Council of Europe and the EU. Council of Europe co-operation actions are highly relevant for the implementation of the EU-Armenia Action Plan, adopted under the European Neighbourhood Policy (ENP) in November 2006. The Facility will actively coordinate and build upon activities under the EUR 18 million-Sector Policy Support Programme 'Support to Justice Reform' financed from the ENPI Annual Action Programme (AAP) 2008 for Armenia.

Where appropriate, the activities under the facility will seek synergies with the work of the EU Advisory Group to Armenia.

³ "The Bureau may grant special guest status to national parliaments of European non-member states which have signed the Helsinki Final Act of 1 August 1975 and the Charter of Paris for a New Europe of 21 November 1990; accepted the other instruments adopted at the OSCE conferences; and signed and ratified the two United Nations Covenants of 16 December 1966 on Civil and Political Rights and on Economic, Social and Cultural Rights." (**Rule 58 § 58.1 of the Rules of procedure of the Parliamentary Assembly of the Council of Europe**)

⁴ CETS No. 197. CETS stands for Council of Europe Treaty Series

- **Azerbaijan**

Since Azerbaijan's accession in January 2001, the focus of Council of Europe assistance has been on supporting the country's efforts to fulfil its accession commitments and statutory obligations as a member state. A number of projects have been designed to support domestic efforts in implementing the National Action Plan on Protection of Human Rights 2007-2010, adopted in December 2006. Ongoing and proposed Council of Europe assistance is also highly relevant for the implementation of the EU-Azerbaijan Action Plan, adopted under the ENP in November 2006. A number of projects are or will be implemented as part of the EU/Council of Europe regional or multilateral Joint Programmes. Thus, the scope of the co-operation programme with Azerbaijan during the period 2009-2010 will encompass virtually all the Council of Europe's areas of competence; co-operation and assistance aimed at the reform of the justice system is, however, of particular priority, along with fighting corruption and impunity. Outstanding unfulfilled commitments include the adoption of laws on minorities and on alternatives to military service, and the ratification of the European Charter for Regional or Minority Languages. The ENPI AAP 2008 sector policy support programme on 'Justice Reform Support Programme Azerbaijan' will be taken into account in the implementation of the Facility.

- **Georgia**

Upon its accession to the Council of Europe in April 1999, Georgia accepted the incumbent obligations and entered into a number of specific commitments which it agreed to honour. In recent years the country has made noticeable progress in meeting a number of its commitments, in particular in areas such as the judiciary, law enforcement, the fight against corruption and the functioning of democratic institutions. Signature and ratification of the European Charter for Regional or Minority Languages remains an outstanding commitment. Furthermore, a number of other issues have to be closely followed and addressed by the authorities, such as policy towards national minorities; promotion of constructive political dialogue between the government and opposition; on-going reform of the judiciary and in particular the implementation of the newly-adopted Code of Criminal Procedure, as well as the adoption and implementation of the new Imprisonment Code; electoral and constitutional reforms; combating impunity and ill-treatment of detainees and persons in police custody; prison reform; and the issue of allegedly politically-motivated targeted judicial proceedings against members of the opposition and/or members of their families. The local elections, due to take place on 30 May 2010, will be an important test for the maturity of the functioning of democratic institutions in the country. In addition, the country has to face the economic and political consequences of the August 2008 conflict. The country benefits from a sector policy support programme from ENPI AAP 2008 on 'Support to the reform of the criminal justice system in Georgia' (EUR 16 million).

2.2. Lessons learnt

Since their accession to the Council of Europe, Eastern Partnership countries have been monitored in their efforts to implement European standards and have received extensive support to implement the recommendations resulting from the Council of Europe monitoring mechanisms. This work contributed to facilitating their relations with the EU, making them better aware of the requirements for co-operation with it. New EU member States and applicant states have worked with the Council of Europe to fulfil criteria for accession to the EU, notably in the fields of democracy, human rights and rule of law.

Relations between Belarus and the Council of Europe are currently being extended with a view to preparing Belarus to adopt European standards and possibly accede – beyond the European Cultural Convention – to other conventions open to non-member states. Belarus can greatly benefit from multilateral activities with neighbouring countries which have undertaken greater commitments to human rights, democracy and rule of law.

The European Union is regularly supporting joint management programmes with the Council of Europe, within the framework of a strategic partnership which has been recalled in the Memorandum of Understanding between the EU and the Council of Europe, signed in 2007. This co-operation has led to positive experiences in a number of areas, such as in awareness-raising with regard to the culture of human rights and in capacity-building of the judicial system. A horizontal evaluation of the joint projects between the EU and the Council of Europe will be undertaken in 2010.

This action builds on the results of previous European Instrument for Democracy and Human Rights (EIDHR)-funded projects that also targeted Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine. Despite varying degrees of progress, a significant amount of work remains to be done in all five countries to guarantee free and fair elections, freedom of expression, freedom of information and freedom of the media, the independence of the judiciary, the effective fight against crime, cybercrime and corruption. As the problems and challenges are not the same throughout the region, the assistance and co-operation have to be tailored to the needs of each country.

2.3. Complementary actions

The Council of Europe Facility will seek complementarities with the ongoing as well as planned initiatives from the EU and the Council of Europe and bilateral ENP assistance in the partner countries including the Comprehensive Institution-Building programme. Consistency with EU-Council of Europe Joint Programmes, particularly in relation to institution-building and legal approximation measures (such as "Setting an active network of independent non-judicial human rights structures", "Freedom of expression and information and freedom of the media", "Project against Money Laundering and Terrorist Financing", "Support to Free and Fair Elections"), will also be ensured through prior consultation between the Council of Europe and the European Commission, both at respective headquarters and in-country, via EU Delegations and Council of Europe field offices. During the design and implementation of the projects, the Council of Europe will have to ensure avoidance of overlaps and double-financing with other bilateral and multilateral projects, as well as initiatives of other donors.

2.4. Donor coordination

When designing the various possible activities, the Council of Europe has taken into account other donors' interventions in the areas covered by the Council of Europe Facility. Further donors' co-ordination will be ensured both in the field through Council of Europe field offices and from headquarters. The Council of Europe has field offices in the five Eastern Partnership countries that are Council of Europe Member States. One of their main tasks is to ensure overall co-ordination with other international organisations and Council of Europe Member States present and active in the field in the same areas of competence as the Council of Europe. For Belarus, and for international organisations and Council of Europe Member States which do not have a presence in Eastern Partnership countries, co-ordination is ensured via the respective headquarters through regular meetings organised for mutual information and co-operation. The Committee of Ministers of the Council of Europe, and in particular its

group on democracy, allows for exchanges with other Member States, as well as on co-ordination issues.

3. DESCRIPTION

3.1. Objectives

The overall objective of the Council of Europe Facility is to **enhance the reform processes** in the six partner countries through a multilateral approach and to bring them closer to Council of Europe and EU standards in core areas covered by the Eastern Partnership Platform 1 (such as improved functioning of the judiciary, public administration reform and fight against corruption, and human rights protection), and, to a lesser extent, by Platform 4. The Council of Europe Facility will strengthen the follow-up to findings of Council of Europe- monitoring and advisory bodies in selected priority areas by providing the necessary resources to mobilise expertise and peer advice, as well as exchange of best practices among participants.

The specific objectives are (i) the mobilisation of Council of Europe expertise, peer to peer advice and the exchange of best practices among participating countries and (ii) to serve as a framework for multilateral activities such as capacity-building and training in order to improve the functioning of the judiciary, public administration reform and the fight against corruption.

3.2 Expected results and main activities

The overall expected result is better compliance with European standards concerning democracy, human rights and rule of law, both in legislation and practices in the different proposed areas. Eastern Partnership countries willing to overcome deficiencies identified by Council of Europe monitoring bodies in the implementation of its key conventions relevant for Platform 1⁵ and, to a lesser extent, Platform 4⁶, will have access to targeted special advice and co-operation.

Activities to be financed will include training and seminars led by Council of Europe experts, expert meetings, networking activities or other kinds of capacity-building activities – such as activities requested by one or more of the countries concerned and considered as valuable or identified during the implementation of the Facility. In general, the activities will take place on a multilateral level, i.e. including participants from as many partner countries as possible, various publications and distribution of training material. In principle, “one-off” events will be avoided. Most of the events will gather participants from the 6 Eastern Partnership countries to foster as much as possible networking and capacity-building at regional level but stand-alone events responding to specific needs of a country cannot be excluded. The refusal to participate by one or more of the six countries should not prevent the others from working together.

Activity area 1 –Electoral standards supported, especially in pre-electoral periods

The expected result is better compliance with electoral standards in the partner countries, which can be defined as follows: i) electoral legislation and its implementation is more in line with

⁵ CETS n° 5, 126, 157, 173, 174, 185, 197 and 198 covering human rights, prevention of torture, protection of minorities, criminal and civil law, fight against cybercrime, trafficking, money laundering and terrorism

⁶ CETS to be determined at a later stage depending on the priorities set by the Platform 4

European standards (notably, the Code of Good Practice in Electoral Matters), ii) complaints are handled more efficiently; iii) media freedom is better respected during electoral periods and the rights of all candidates with respect to access to media are better taken into consideration, iv) participation is increased and voters are better aware of their role in the electoral process.

Possible activities in this area can include: i) review of the electoral legislation and election related legislation with central electoral commissions, parliaments, competent ministries and, if necessary, representatives of political parties, mainly through expertise provided through the Venice Commission; ii) training activities for election administrators and observers organised on a needs specific basis; iii) production of training and information material in the local language(s) on elections; iv) actions with the media specific to election campaigns.

Activity area 2 – Support to the judiciary and respect for human rights in the delivery of criminal justice

2.1 – Support to the judiciary⁷

Expected results will include: i) awareness and knowledge of all partner countries of European quality standards and best practice as regards working methods in courts, decision-making processes, hearing management are increased; ii) the legal framework and practice in the partner countries is brought closer to European quality standards in the above-mentioned fields; iii) capacity-building of institutions involved in justice administration with a view to helping them to carry out their duties more effectively is ensured.

Possible activities in this area can include: i) increasing awareness and knowledge of European quality standards and best practice, in particular as regards working methods in courts and the good functioning of courts, decision-making processes, hearing management, and the working methods of bailiffs through, notably, peer to peer advice and exchange of best practice in the form of round tables and seminars led by the Council of Europe among the participating countries and other European countries, to discuss the legal and factual obstacles to the implementation of such standards in the partner countries and seek to identify possible remedies, including the development of specific tools; ii) enhancing quality standards and best practice as regards working methods in courts and the good functioning of courts through a series of multilateral round tables and seminars; iii) enhancing quality standards and best practice as regards decision-making processes and hearing management addressing the following issues: participation of the media in the process of delivery of justice, participation of the public in the process of delivery of justice, and the opportunity to introduce flexible and effective legal mechanisms to avoid delay in hearing cases.

The proposed action varies according to the level of knowledge and implementation of such standards in the partner countries concerned. It takes into consideration the availability of bilateral EU/Council of Europe Joint Programmes addressing the identified issues in selected partner countries and intends to build upon the achievements of those Programmes. With regard to Belarus, the action might be narrowed to a few specific objectives to be determined following consultations with the national authorities and in line with overall Council of Europe policy.

2.2 – Respect for human rights in the delivery of criminal justice and development of detention and prison reform strategies in line with European standards

⁷ Particular focus will be on follow up to activities of the European Commission on the Efficiency of Justice (CEPEJ)

The expected results will be the following: i) safeguards for protecting the rights of suspects and victims (including the right to a fair trial) in criminal proceedings are reinforced in line with Article 5 and 6 of the European Convention on Human Rights (ECHR); ii) ensure compliance with applicable European standards in the field of prisons, notably the revised European Prison Rules and the findings and recommendations of the Committee for the Prevention of Torture (CPT).

Possible activities in these areas include: i) a series of regional expert meetings to develop recommendations and a plan of action for all partner countries as regards improving the regulatory framework, as well as structures, procedures and mechanisms for the prevention of excessive detention periods and the increasing use of alternatives to pre-trial detention, the guarantees to protect the rights of the defence and victims in criminal proceedings; ii) creation of a regional forum for key decision-makers from all the partner countries to discuss the findings of experts vis-à-vis the regulatory framework, as well as structures, procedures and mechanisms for the above-mentioned areas during a series of regional workshops; iii) joint training seminars for judges, prosecutors and police with a view to reinforcing regional co-operation on the practical application in their daily work of the standards of Articles 5 and 6 of the ECHR; iv) publication and dissemination of training materials, including the translation of judgments of the European Court of Human Rights (ECtHR), Council of Europe Human Rights Committee opinions and conclusions, and other relevant European instruments related to criminal justice; v) two regional conferences on taking stock of the progress made and elaborating a further road-map for action on detention and prison reforms and to enhance European standards in penitentiary reforms through specific activities covering the following priority areas: enhancing European standards, reducing overcrowding, developing health care provisions.

Activity area 3 – Measures against serious forms of international crime are supported

3.1 – Support measures against serious forms of cybercrime

Expected results are: i) criminal laws and other relevant legislation are brought fully in line with the Convention on Cybercrime (CETS 185), the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (CETS 189), Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201), Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS 108); ii) training is provided with regard to law enforcement, judges and prosecutors in line with the training concept adopted by the Council of Europe in November 2009; iii) public-private co-operation is strengthened through advice provided on co-operation between law enforcement and Internet service providers in line with the guidelines adopted by the Council of Europe Project on Cybercrime in 2008 (and now also reflected in the case law of the ECtHR); iv) crime proceeds – capacities are enhanced to follow criminal money through the internet based on the results of the typology exercise currently carried out by MONEYVAL⁸ and the Council of Europe Project on Cybercrime; v) a process of mutual assessments on progress made against cybercrime by Eastern Partnership countries is provided.

Possible activities in this area can include: i) Regional review of legislation against the relevant standards (CETS 185, 189, 108, 201 and 196); ii) provide advice to countries in the

⁸ MONEYVAL – Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism

strengthening of legislation and follow-up to recommendations from regional reviews; iii) carry out a regional law enforcement training needs assessment in co-operation with the European Cybercrime Training and Education Group coordinated by Europol (www.ecteg.eu) and, based on this, support Eastern Partnership countries in the development of a training strategy; iv) support the integration of cybercrime and electronic evidence training for judges and prosecutors, as well as law enforcement, in the curricula of judicial and law enforcement training institutions; v) carry out a review of the co-operation between law enforcement and internet service providers (ISP) in the investigation of cybercrime; vi) support the development of co-operation agreements based on the guidelines for cooperation between law enforcement agencies and internet service providers (LEA/ISP guidelines) in the investigation of cybercrime developed by the Council of Europe in 2008; vii) support multi-stakeholder agreements to prevent and to search, seize and confiscate criminal money on the Internet; ix) support regional meetings to assess progress made in terms of legislation, institutional capacities and international co-operation against cybercrime.

3.2 – Good governance and the fight against corruption

Expected results are: i) strengthened corruption prevention measures within public administration; ii) reinforced national institutions to provide policy advice, coordinate and monitor anti-corruption related reforms; iii) improved preventive and investigative capacities of the criminal justice system.

Possible activities in this area can include carrying out regional assessments and providing advice and training in a pragmatic manner on some of the following issues: i) preventive measures related to the conflict of interests; ii) anti-corruption policies; iii) legislation addressing the following issues: prosecutorial capacities to investigate and prosecute corruption while safeguarding human rights aspects when collecting evidence, case proceedings when acquiring evidence and information concerning white collar crimes financial data evidence, inspection and background check systems in the appointment, dismissal, transfers of judges and prosecutors, use of special investigative means especially when used for white collar defendants/ alleged corrupt public officials.

3.3 Risks and assumptions

Political instability in various forms, such as military or other conflicts and changes of government, may slow down or stop the implementation of activities under the Facility. This is the main risk in Eastern Partnership countries, as it can bring about changes in the authorities' approaches to reforms, their willingness to extend regional co-operation and adapt their standards in the fields of human rights and democracy, in line with EU and Council of Europe norms and standards. A lack of common goals and priorities in the identification of main issues to be addressed and covered under the Facility is an additional risk, as well as an inappropriate legal framework.

Economic instability can affect stakeholders' capacities to provide sufficient resources, both quantitatively and qualitatively, to implement the activities planned and ensure their follow-up. The lack of common goals or even contradictory interest among Eastern Partnership countries can also affect the implementation of the project, especially multilateral activities.

The Council of Europe has significant experience in such circumstances, and an adequate supply of expertise and staff availability to implement the Facility. This, coupled with commitment from partner countries to participate in all related activities organised under

Platform 1 and a reasonable degree of flexibility in the implementation of the Facility, should allow for effective risk management except in extreme situations.

The membership of five Eastern Partnership countries in the Council of Europe and the growing contacts that the Council of Europe has with Belarus will allow it to build the respective projects on a wider political basis and with closer political and technical contacts, thus minimising risks.

3.4 Crosscutting Issues

All the proposed areas of co-operation are central to the European Consensus on Development. In addition, they will have a direct positive influence on gender equality, the rights of the child and the rights of minorities which will be taken into consideration in the organisation of activities on for example justice, elections, functioning of public administration (see Framework Convention on Minority Languages Charter). The enhancement of reform processes in the Eastern partner countries will improve the overall governance and capacity building within these countries. The Facility is expected to be neutral on the environment.

3.5 Stakeholders

The overall beneficiaries of the project and main stakeholders will be: governmental bodies at all levels, notably ministries of justice, interior, ministries responsible for public administration; parliaments; public structures with specific responsibilities in the relevant areas, such as anti-corruption and anti-money laundering bodies central electoral commissions, ombudsmen; the judiciary, judicial professions and judiciary supervisory bodies; media professions; civil society.

4. IMPLEMENTATION ISSUES

4.1. Method of implementation

Joint management through the signature of an agreement with the Council of Europe.

A Framework Agreement between the European Commission and the Council of Europe was signed in 2004. The Commission has ensured, on the basis of prior audit conclusions as foreseen in Article 53 d) of Council Regulation (EC, Euratom) No 1605/2002, that the management system set up by the Council of Europe offers guarantees equivalent to internationally accepted standards in their accounting, audit, internal control and procurement procedures. Consequently, a joint management agreement with the Council of Europe can be envisaged.

The Facility will be implemented in close cooperation with Eastern Partnership Platform 1 "*Democracy, good governance and stability*" and, to a lesser extent, Platform 4 "*Contacts between people*" and has the necessary flexibility to react to emerging priorities/activities which may result from the Platforms discussions.

4.2. Procurement and grant award procedures

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the international organisation concerned.

4.3. Budget and calendar

The total budget for the Facility is EUR 4 million for an indicative duration of 48 months (2010-2013) as from signature of the Contribution Agreement with the Council of Europe.

Indicative breakdown of overall amount is the following, keeping in mind the possibility of financing emerging activities:

Activity area	(EUR)
1) Electoral standards especially in pre-electoral periods supported	800,000
2) Support to the judiciary and respect for human rights in the delivery of criminal justice ensured	1,650,000
3) Measures against serious forms of international crime supported	1,200,000
4) Monitoring, Audit and Evaluation, Communication/Visibility, Identification of follow-up action, Operating costs, Contingencies	350,000
Total	4,000,000

4.4. Performance monitoring

The actions will be monitored according to standard procedures. Project monitoring and evaluation will be based on periodic assessment of progress on delivery of specified projects results towards achievement of project objectives.

4.5. Evaluation and audit

Expenditure incurred will have to be certified, as part of the obligations of the contracted parties in the framework of the implementation of this project. Evaluation of the results achieved will be entrusted to independent consultants, as well as external audits (which will be carried out if necessary). These evaluations and audits will be funded from other sources than the project budget, since no commitment will be possible once the validity of this Decision has expired ("N+1" rule will apply).

4.6. Communication and visibility

The proposed Facility will follow the latest visibility guidelines concerning acknowledgement of EU financing.

Key results under the Facility will be communicated to all governmental, non-governmental and other stakeholders. All reports and publications produced in the framework of the Facility shall be widely disseminated. All activities will adhere to the European Union requirements for visibility on EU-funded activities, as described in the published "EU Visibility Guidelines"⁹. This shall include, but not be limited to, press releases and briefings, reports, seminars, workshops, events, publications, websites and any promotional items.

⁹ http://ec.europa.eu/europeaid/work/visibility/index_en.htm.