

TWINNING PROJECT FICHE

Strengthening the Rule of Law

ANNEX VI - LIST OF ABBREVIATIONS

AP	Accession Partnership
AJPP	Academy of Judges and Public Prosecutors
BC	Beneficiary Country
BCPL	Beneficiary Country Project Leader
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CFCD	Central Financing and Contracting Department
CSOSC	Centre for suppression of organised and serious crime
CoE	Council of Europe
CJEU	Court of Justice of the European Union
DEU	Delegation of European Union
EC	European Community
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
EUROJUST	European Union's Judicial Cooperation Unit
GRECO	Group of States against Corruption
IPA	Instrument for Pre-accession Assistance
MF	Ministry of Finance
MoJ	Ministry of Justice
MoI	Ministry of Interior
MS PL	Member State Project Leader
NPAA	National Programme for the Adoption of the Acquis
OSCE	Organization for Security and Co-operation in Europe
PL	Project Leader
PSC	Project Steering Committee
RTA	Resident Twinning Advisor
SAA	Stabilization and Association Agreement

SEA	Secretariat for European Affairs
STE	Short term Expert
TAIB	Transition Assistance and Institution Building Component
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

1. Basic information

1.1 EuropeAid/ 137-086/IH/ACT/MK

1.2 Programme: Instrument for Pre-accession Assistance (IPA) - National Programme for 2011 under the IPA Transition Assistance and Institution Building Component (TAIB)

1.3 Twinning number: MK 11 IB JH 03

1.4. Title: Strengthening the Rule of Law

1.5. Sector 2: Justice and home affairs

1.6 Beneficiary country: The Beneficiary country¹

2. Overall Objective and Project Purpose

2.1 Overall Objective

The overall objective of the project is to support the justice sector institutions in consolidation of the rule of law by strengthening their capacities and by assisting in alignment of national law with EU *acquis* and key human rights instruments of the Council of Europe.

2.2 Project purpose

- Strengthen the capacities of the Ministry of Justice in the EU pre and post accession process and alignment with the EU *acquis* regarding negotiation chapters, particular in the area of Judiciary and Fundamental Rights and Justice Freedom and Security;
- Contribute towards strengthening the justice sector actors knowledge and capacities regarding the EU and ECHR law, as well as the case-law of the Court of Justice of the European Union and the European Court of Human Rights in order to foster convergence of its national legal system with the EU and ECHR law;

2.3 Contribution to National Development Plan/Cooperation agreement/Association Agreement/Action Plan

Link with AP

Judiciary is the key priority of the **Accession Partnership** (AP) and key strategic priority of the Government for 2012-2014 under the rule of law enforcement. The project is in line with the Accession Partnership which outlines a series of priorities to be addressed in the judicial reform, among the others including sustained track record on implementation of judiciary reforms, strengthening the independence of the judicial system, implementation of anti-corruption legislation and reforms of the prosecution. The Accession Partnership points towards ensuring proper and full execution of court rulings, which is also relevant with the

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As per Financing Agreement concerning the National Programme Transition Assistance and Institution Building – TAIB 2011 from the Instrument for Pre-Accession Assistance under the Transition Assistance and Institution Building Component – entered into force on 18 November 2012.

key priorities of the judicial system for further development of initial and continuous training in the Academy for judges and prosecutors and completing the setting-up of the new court structures and allocating appropriate resources to ensure that they are fully operational and efficient. The Project is in line with the Accession Partnership which outlines the priorities for full compliance with the European Convention on Human Rights and for ensuring proper and full execution of court rulings.

Link with NPAA

In the area **of Chapter 23 Judiciary and fundamental rights of** the National program for adoption of the *Acquis* 2015 foresees activities for further strengthening the independence and impartiality of the judiciary in 2015, will continue to monitor the application of the legal framework regarding the selection of Judges and Public prosecutors, monitoring and evaluation of judges, the applications of the new conditions, the system of career advancement judges, as well as also legislative amendments that refer to disciplinary proceedings.

Link with HLAD

High-level pre accession dialogue with Roadmap for its implementation was established in March 2012 introducing new dynamics in the reform process for accession in the EU by boosting the trust and increasing the European perspective of the country. One of the key challenges is **Rule of law**, which was determined as reform goal for the future period. The dialogue focuses on the new activities that shall be conducted in the framework of the new approach of the European commission by establishment of technical dialogue on the level of approximation in the framework of the Chapter 23 and Chapter 24.

Link with SAA

The project activities will contribute towards the implementation of the **Stabilisation and Association Agreement** (SSA) commitment on approximation of laws and law enforcement. Article 68 sets the importance of the approximation of the existing and future laws of the Beneficiary Country to those of the Community. The Beneficiary Country shall endeavour to ensure that its laws will be gradually made compatible with those of the Community. Article 74 on the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the machinery of justice in particular and on cooperation in the field of justice with focus on the independence of the judiciary, the improvement of its effectiveness and training of the legal professions. Article 75, on cooperation in the area of border control, Article 78, on fighting and preventing criminal and illegal activities, and Article 101, on cross-border, trans-national and interregional cooperation and Article 105 on financial assistance to the harmonisation of legislation and cooperation policies of SAA, including justice and home affairs.

Link with MIPD

The MIPD 2011-2013 also states that strengthening the rule of law is a strategic priority because it provides the basis for all other policy development. Democratic control and separation of powers are essential to sustain an independent judiciary and the rule of law which in turn are required for effective protection of human rights. Fulfilment of the judicial reforms is a key criterion for accession of the country to the EU. The global objective for the coming years is the consolidation of the rule of law in the country through judiciary reforms, as well as the improvement of the protection of human rights. Better rule of law will mean contributing to improved business environment, increasing growth and competitiveness.

The focus of EU support through IPA will be on further reforms support and will improve the overall functioning of the judiciary. With regard to the Human Rights, continuous support will be provided to the processes of implementing the regulatory and institutional framework related to international human rights; harmonisation and enforcement of the national legislation in line with the UN Conventions and the European Court of Human Rights.

3. Description

3.1 Background and justification

The European Commission granted a candidate country status to the country in December 2005. The European Commission on the basis on the fulfilment of the key priorities of the Accession Partnership (including the progress made in the judiciary), in October 2009 recommended opening of the accession negotiations with the European Union. As an EU candidate country, expecting commencement of membership negotiations, the country is in the process of undertaking reforms for establishment of impartial, effective and well functioning judicial system as one of the key priorities for fulfilling the political criteria in the process of European integration.

The Ministry of Justice (MoJ) is the leading executive body for policy making in the justice sector. Its competences include 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, international judicial cooperation. The Ministry of Justice enacted some strategic documents in the last years: Strategy for reform of penitentiary system; Strategy for reform of criminal justice system; IT Strategy for the Judiciary, in order to further enhance the ongoing activities in terms of the reform of the judiciary. With the support of of the EC project under preparation is the Justice Sector Reform Strategy and Action Plan for further reform of the judicial system in the country for the period 2015 - 2019. The strategy will be comprehensive document activities for establishing and implementation of policies of the judiciary in six thematic areas. The Strategy and Action Plan will define priority actions in the medium and long-term implementation, including: activities to increase the independence and transparency of the judiciary, action to increase the independence, competence of the Public Prosecutor, activities for strengthening and improving the legal system assistance; enhancing the capacity for strategic planning and enhancing the capacity to implement EU law, actions to increase the efficiency and effectiveness of the judiciary by using information systems.

LDBIS system consists of two instances: web application LDBIS Reader and windows application LDBIS. Web application LDBIS Reader is placed on the website of the Ministry of Justice since 2009 and contains Laws and regulations – hierarchy of applicable texts as published in the corresponding Official Gazette since 1944 until today, as well as International agreements and conventions ratified by the Beneficiary Country, also in the English version. Web application LDBIS Reader offers opportunities for search criteria and there is a possibility of entering the case law and literature.

The LDBIS system provides:

- The system possess an intuitive and easy for orientation interface
- The system provides user friendly document view including the tables and the structure of the text both on screen and export to MS Office documents;

- Information and Navigation Structure;
- The system support following basic structures:
 - kind/type of document;
 - year of enactment;
 - legal science branches;
 - authorities that have issued the Acts;
 - Official Gazette issue that contains publication of the Acts;
 - The LDBIS supports links between separate documents e.g. at article and Paragraph level providing end-users with simple orientation. The same links is presented in a single document. Backward links are also supported e. g. backward reference from one document to another;
 - The LDBIS supports a documentary map describing the particular document structure;
 - Sophisticated pattern recognition techniques in order to enable computers to understand information in context, expanding functionality and result quality standard keywords and metadata matching so that concepts are identified within text itself;
- Provides a search engine mechanism with the following characteristics:
 - Concept-based information representation and retrieval by extracting concepts in a query, relate them to concepts in stored documents, and then returning an accurate list of automatically categorised results, making it easy for users to locate the exact piece of information searched for;
 - Provides full relevance ranking of retrieval results by document similarity with regards to a user query. Documents with higher similarities should appear earlier in the query result. The user gets a list of relevant documents even when the query words may not occur in the documents;
 - Manages large quantities of textual data provides relevant information in response to users' queries in a computationally efficient and accurate manner

The current Ministry of Justice website exists for 9 years and is created by Dotnet platform and ASP code. The data base part consists of Microsoft Access and Microsoft SQL databases. It is hosted on Windows Server 2003 R2 SP2 operating system; it uses Internet Information Services 6.0 (IIS). The website is translated into three languages: *македонски*, Albanian and English and contains resources and regulations, Register of experts, Register for Authorised Court translators, Register of lawyers and NGOs for providing free legal aid.

The twinning project will be linked and implemented in parallel with the supply contract (IPA 2011-“Supply of IT hardware, software and other equipment/items for the IT Department in the MoJ”) that should provide written recommendation and advice on the content and user-friendliness of MoJ web services and the LDBIS legislation database, and delivered IT standard operating procedures for system administrators of the MoJ IT Department. Also, this supply contract will enable more efficient delivery of information for the citizens and possibility for on-line services by replacing the current web page with new one. The new web page of the Ministry of justice will be in *македонски* language and Cyrillic alphabet, but it should also have language support for English and Albanian. It should be provided for the supplier to be able modularly to create its own version of the web page in other foreign languages. Also, the supply will provide improvement of two existing versions of LDBIS application– Base of laws, by laws and other regulations as well as preparation of mobile application of the web application of the LDBIS Reader. Improving the processor power and increasing the working memory (CPU и RAM),and at the same time

improving the hardware condition, increased capacity for storage of data (HDD), faster communication and appropriate software for management (Virtualization: VMware or Hyper-V), intended for hosting the web page and the LDBIS application, which will provide easier and faster access to all functionalities and information that will be offered by the new version of the web page and the application for laws, legal regulations and acts of the national legislation of the beneficiary country.

The success of the reforms in major part depends on the administrative capacities of the Ministry of Justice to monitor the results of the reforms, carry out impact assessments and develop strategic planning. The activities for the alignment of national laws often pose a difficult task for the civil servants and there is an imperative need for qualified experts and competent civil servants, as well as elevating the levels of necessary expertise and EU knowledge.

The project will build and enhance capacities and enrich experience to the justice sector actors for concise understanding of the EU acquis and alignment with relevant international standards and best practices in the field of Judiciary, Anticorruption, Fundamental Rights, EU citizen's rights, judicial cooperation and civil and criminal matters and other areas in its competence, through training and comparative experiences with the twinning partner, in order to contribute to better policy making, higher quality legal drafting and legal harmonisation in the pre-accession and post-accession and therefore better functioning of the justice system in general. Also it is expected to support and strengthen the capacities of the Ministry of Justice officials, judges, prosecutors and other justice sector stakeholders in conducting assessment and compliance of national legislation, to develop general and specific knowledge to work professionally both in a national and European context, effective communication and cooperation with the EU institutions. It will prepare the relevant justice sector actors for the decision-making process within the EU institutions' and address remaining and outstanding issues before accession to the EU.

Enhancing the knowledge on EU legislation will also include the national judges and prosecutors, with respect to the case-law in criminal matters. The project will improve the understanding within the judiciary on case-law of the Court of Justice of the European Union. Experience with the previous enlargements shows that, prior and post accession, the judiciary in new Member States often faces difficulties in understanding and implementing case-law of Court of Justice of the European Union (CJEU). There is an identified weakness with regards to the lack of experience and good practise among the national judges in applying the ratified international and European instruments. Academy for judges and prosecutors continue to implement Program for continuing education of judges and public prosecutors on different related topics in the area of: civil law, criminal law, international law, EU law, commercial and administrative law. Having in mind that national courts are responsible to ensure the effective and uniform application of EU legislation the project should provide support to the judges and prosecutors for increasing the knowledge on the requirements for effective implementation and interpretation of the CJEU case law for coping with the tasks for initiating procedures for preliminary rulings of CJEU and effective system for identifying the relevant rulings of the CJEU and dissemination of the information to the judges.

The project will support to improve the efficiency of the mechanisms for strengthening the monitoring of application of ECHR in the country, state representation in the ECtHR, enforcement of ECtHR judgements, cooperation and coordination of the country's relevant institutions with the Court. Capacity building of the judiciary on the European Convention on Human Rights (ECHR) and strengthening the system for execution of the European Court of

Human Rights judgments will contribute to extend the knowledge of the judiciary of the ECHR and the interpretation of the ECHR through the ECtHR case law. Significant reforms are undertaken, further efforts for strengthening the system for execution of the ECtHR's judgments are still needed as well as to support the Bureau for assisting the initiatives for further harmonisation of domestic legislation with the standards of the Convention and the Court's practice and improvement of the established system for execution of ECtHR's judgments

3.2 Linked activities

Activity 1: Support to the Ministry of Justice

Title: "Assessment of the implementation of the strategy for the reform of the judicial system"

Donor: IPA 2007

Duration: November 2009 - May 2010

Description: The specific objective of this assignment was to carry out an assessment of the state of play of implementation of the 2004 Strategy for the reform of the judicial system, thus identifying the concrete results the reform reached so far and the particular areas in which further steps are needed.

Title: "Support for efficient, effective and modern operation of the Administrative Court"

Donor: IPA 2007

Duration: December 2009 – April 2012

Description: The purpose of the project is to support the implementation of the Judicial Reform Strategy at operational level by the establishment of a sustainable administrative justice, implementing and consolidating the new legislative framework on administrative litigations which transfers the first instance competence for administrative disputes from the Supreme Court to the newly established Administrative Court.

Title: "Further strengthening of the institutional capacities of the Academy for Training of Judges and Prosecutors"

Donor: IPA 2008

Duration: April 2010 – April 2012

Description: The purpose of this project is to further strengthen the institutional capacity of the Academy for Judges and Public Prosecutors, notably as regards the improvement of the training needs system and of the training programming system, the setting up of an e-learning system, the development of a decentralised training mechanism, as well as the strengthening of the Academy's capacity by further modernising its library facilities and its website.

Title: "Implementation of Juvenile Justice Reforms"

Donor: IPA 2008

Duration: April 2010 – April 2012

Description: The project contributes to the setting up of a juvenile justice system based on the principles of restorative justice and supports the completion of the juvenile justice reform by assisting the introduction of a more effective administration to deal with juvenile offenders with a long-term view to ensure their reintegration in society. Specialised training programmes for judges and public prosecutors are also included in the project.

Title: "Support in the implementation of the reform of the Criminal justice system"

Donor: IPA 2009

Duration: September 2013 – September 2015

Description: The project is aimed to promote the capacities of public prosecutors, related law enforcement agents and other actors involved in the implementation of the reformed criminal legal framework through technical assistance support and supply of ICT equipment for the Public Prosecution.

Title: “Further support to independent, accountable, professional and efficient judiciary and promotion of probation service and alternative sanction”

Donor: IPA 2010

Duration: December 2014 – December 2016

Description: The project overall objective is to strengthen the independence, accountability, transparency, professionalism and efficiency of the judiciary and to improve the system for execution of alternative measures through establishment of probation service.

Title: “Support to efficient prevention and fight against corruption”

Donor: IPA 2010

Duration: September 2014 – September 2016

Description: The project contributes to improve the implementation of the national legal framework for fight against corruption, to strengthen the national mechanisms for prevention and fight against corruption, to further promote the cooperation between the State Commission for Prevention of Corruption (SCPC), the judiciary, law enforcement agencies and other relevant institutions in the prevention, detection, prosecution, and sanctioning of the criminal acts of corruption.

Title: “Supply of IT hardware, software and other equipment/items for the IT Department in the MoJ”

Donor: IPA 2011

Duration: 2016 - 2017

Description: Development of comprehensive **IT hardware, software and other equipment/items has to be provided in order to enhance the access to legislation in the area of justice.** The general aim is to establish and develop modern information centre in the Beneficiary Country, in the direction of increasing the full efficacy of the system, based on ICT solutions and systems in line with European and international standards.

3.3 Results:

I. Support to the Ministry of Justice

The project assisting the Ministry of Justice is structured into three components:

1. Enhancing the capacities of the MoJ to professionally execute its functions in the pre-and-post EU accession process and development of comprehensive IT solutions for access to legislation;
2. Improving the knowledge and capacities of relevant justice sector actors on the EU acquis and other international justice standards in view of fostering their transposition into the national law;

3. Improving the knowledge and capacities of relevant justice sector actors on the ECHR law and strengthening the system for execution of the European Court of Human Rights judgments.

Component 1: Enhancing the capacities of the MoJ to professionally execute its functions in the pre-and-post EU accession process

To achieve the aforementioned result the following intermediary results will be achieved:

1. Enhanced capacities of the MoJ departments and other relevant actors for establishing contacts and networks, as well as on practical issues in implementation of the EU Acquis and the sharing of information between national and international judicial and administrative authorities and the legal profession (EUROJUST, European Union network in civil, commercial and criminal matters, Justice forum, associations for legal professions);
2. Delivered support to the MoJ in the organizational and structural setting of the working group for Chapter 23 and provided assistance in legislative drafting for alignment with/transposition of EU legislation and establishment of institutional structure within the MoJ to ensure systematic monitoring of EU law falling within the competence of MoJ and its effective transposition in the national law;
3. Provided assistance in the assessment of the level of compliance of the national legislation with the EU law concerning legal fields in the competence of the MoJ;
4. Support in the implementation of the parts of the Justice Sector Reform Strategy falling within the competence of the MoJ;
5. Increased and improved administrative capacity in the Ministry of Justice with modern working methods, procedures for cooperation, effective policy- and law-making, implementation and supervision, human resource management, public relations;
6. Improved mechanisms and standards for human resource management, policy development and strategic planning of the MoJ in line with the EU and international best practices/standards;
7. Provided written recommendations and advice on the content and user-friendliness of MoJ web services and the LDBIS legislation database, and delivered IT standard operating procedures for system administrators of the MoJ IT Department;
8. Raised awareness of the citizens on the importance and content of EU-related justice sector reforms and EU law approximation.

Measurable indicators regarding Component 1:

- Training needs assessment conducted for determined target groups in the MoJ;
- Training programme and training curricula prepared concerning planning and management of pre-accession negotiations, modern MoJ working methods, procedures for cooperation, effective policy- and law-making, and other related issues;
- Number of persons trained for enhanced general and specific knowledge of the MoJ services and other relevant actors on specific areas of EU law related to the ongoing reforms;
- Recommendations prepared for the organizational and structural setting of the working group for Chapter 23 implemented and institutional structure within the MoJ to ensure systematic monitoring of EU law falling within the competence of MoJ and its effective transposition in the national law established;
- Identified areas of the EU Acquis, standards and policies concerning legal fields in the competence of the MoJ in the process of alignment and assessment of the level of

- compliance of the national legislation with the EU law provided;
- Provided the necessary technical advice and support in the implementation for the relevant justice sector actors in the implementation of the parts of the Justice Sector Reform Strategy;
 - Recommendations for legislation and amendments of legislation in line with EU acquis prepared;
 - Methodology and guidelines for assessment of compliance of the national legislation with EU law developed;
 - Manuals for human resource management, policy development and strategic planning of the MoJ in line with the EU and international best practices/standards; - Recommendations on the content and user-friendliness of MoJ web services and the LDBIS legislation database prepared, mechanisms and IT standard operating procedures for system administrators of the MoJ IT Department delivered;
 - Number of raising awareness events, roundtables organized, number of participants, number of leaflets published and media campaigns launched, and data on the level of public awareness of the citizens on the importance and content of EU-related justice sector reforms and EU law approximation.

Component 2: Improving the knowledge and capacities of relevant justice sector actors on the EU acquis and other international justice standards in view of fostering their transposition into the national law

To achieve the aforementioned result the following intermediary results will be achieved:

1. Conducting training needs assessment on EU law and CJEU case law, prepared EU law training materials and conducted EU law trainings and train on trainers programmes to the MoJ, PPOs, lawyers and other relevant legal practitioners.
2. Strengthened capacities of legal practitioners to search, analyse and apply EU law and the case law of the CJEU;
3. Prepared practical guidelines for national legal practitioners on the relevant fields of EU Law, on the leading reference case law of the CJEU and on the participation in proceedings before the CJEU; (references for preliminary rulings, infringement procedures) in domestic language and placed on the websites of relevant justice sector actors for open access;
4. Prepared Methodology and mechanisms for monitoring and dissemination of information on CJEU case-law and introduction of the mechanisms in practice;
5. Provided support in preparing the necessary legal and institutional frameworks setting up a national system for representation before the CJEU.

Measurable indicators regarding Component 2:

- Number of legal practitioners trained on the job in the application of the EU law and enforcement of CJEU jurisdiction delivered;
- Training needs assessment report on EU and CJEU case prepared, training program and training materials approved and disbursed, as well as number of training events (including training of trainers) organized;
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Number of guidelines/manuals/handbook prepared for national legal practitioners on the relevant fields of EU Law, on the leading reference case law of the CJEU and on the participation in proceedings before the ECJ (references for preliminary rulings,

infringement procedures) in domestic language and placed on the websites of relevant justice sector actors for open access;

- Methodology and mechanisms for monitoring and dissemination of information on CJEU case-law and introduction of the mechanisms in practice;
- Analyses of the MS's existing procedures for representation before CJEU developed and put in place, and recommendations for establishment of efficient system for representation before CJEU implemented.

Component 3: Improving the knowledge and capacities of relevant justice sector actors on the ECHR law and strengthening the system for execution of the European Court of Human Rights judgments.

To achieve the aforementioned result the following intermediary results will be achieved:

1. Needs assessment of the entire justice sector (MoJ officials, judges, prosecutors, attorneys at law, legal clerks, etc.) on their needs regarding the implementation of the ECHR and other relevant human-rights focused Council of Europe Conventions applied in the country;
2. Prepared comprehensive and tailored training programme on all aspects of the ECHR and other relevant human-rights focused Council of Europe Conventions applied in the country for better interpretation and application of these international legal acts;
- 3.Preparation of practical, thematically structured and tailored Handbooks/Manuals/Guidebooks in domestic language on the human rights norms and principles enshrined in the ECHR and developed by the ECtHR (and possibly some other most relevant Council of Europe conventions on human rights);
4. Preparation and support in implementation of Action plans for enforcement of ECtHR judgments;
5. Strengthened mechanisms for proper application of the ECHR and the enforcement of the ECtHR decisions, and introducing them in practice, as well as improving the operation of state representation in the ECtHR and cooperation with relevant national and Council of Europe bodies in this area;
6. Assistance provided in the harmonisation of the domestic legislation and institutional practices with the standards of the ECHR and the case law of the ECtHR;

Measurable indicators regarding Component 3:

- Needs Assessment report with recommendations of the entire justice sector (MoJ officials, judges, prosecutors, attorneys at law, legal clerks,etc.) on their needs as regards ECHR and other relevant human-rights focused Council of Europe Conventions applied in the country delivered;
- Comprehensive and tailored training manuals on all aspects of the ECHR and other relevant human-rights focused Council of Europe Conventions applied in the country for better interpretation and application of these international legal acts developed;
- Number of staff trained for relevant justice sectors based on the preparation materials delivered;
- Handbooks/Manuals/Guidebooks in domestic language on the human rights norms and principles enshrined in the ECHR and developed by the ECtHR (and possibly some other most relevant Council of Europe conventions on human rights) developed and placed on the websites for open access;

- Percentage of preparation and practical implementation of Action plans for enforcement of ECHR judgements;
- Mechanism for proper application of the ECHR and the enforcement of the ECtHR decisions, and introducing them in practice, as well as improving the operation of state representation in the ECtHR and cooperation with relevant national and Council of Europe bodies in this area developed and put in place;
- Number of harmonisation of the domestic legislation and institutional practices with the standards of the ECHR and the case law of the ECtHR;
- Number of cases/actions processed in case of established violation of the Convention;
- Training needs assessment, training programme and curricula on enforcement of ECtHR decisions for the Governmental agent and its department's staff prepared and trainings delivered.

3.4 Activities

The Twinning project should not be a one-way technical assistance from a Member State to a Beneficiary Country. The Twinning project shall be implemented as a joint project in which each partner takes on responsibilities. The selected MS shall transfer the requested hands-on public sector expertise to a Beneficiary Country, support into introducing and sharing EU wide best practices in connection with Community legislation and specific needs of the Beneficiary Country to consolidate Rule of law by strengthening the capacities in the field of justice and home affairs, aimed to achieving the Results specified in the present Twinning Fiche.

The proposal made by the MS should include the activities they propose to achieve the results listed in the fiche. Without listing necessarily all the possible activities, the proposal should be detailed enough to respond adequately to the twinning project fiche.

The set of proposed set of activities will be further developed with the MS twinning partner when drafting the twinning work plan, keeping in mind that the final list of activities will be decided among the twinning partners.

The Twinning assistance will be provided in the form of know-how transfer. The eligible activities under this Twining Fiche are:

- Advice and coaching sessions: Coaching and advice activities will be the predominant type of activity. They will help for the fine tuning of the whole process of strengthening the functioning of the administrative capacities of the MoJ for performing of execution of functions in the pre-and-post EU accession process and establishment of institutional structure within the MoJ to ensure systematic monitoring of EU law falling within the competence of MoJ and its effective transposition in the national law. Analysis and advices will support further alignment and compatibility of the national law in line with EU best practices and MS's existing procedures for representation before CJEU in place, with a view of a possible establishment of system for representation before CJEU. Further assistance in whole process will be the initiatives for harmonisation of the domestic legislation with the standards of the European Convention on Human Rights (ECHR) and the Court's practice and in the establishment of the system of monitoring the enforcement of the decisions;
- Facilitation of inter-agency and inter-sectoral coordination and cooperation: The Project will provide assistance in setting up/upgrading sustainable cooperation, coordination and will promote and strengthen contacts, networks and the sharing of information between judicial and administrative authorities and the legal profession so

as to improve mutual knowledge and understanding. Also, the Project will provide assistance in development of mechanisms for strengthening the monitoring for application of ECHR in the country, state representation in the ECtHR, enforcement of ECtHR judgements, cooperation and coordination of the state institutions with the Court.

- Tailor made training programme: This project will include the development and implementation of a tailor-made training programme. The programme will take into account the lessons learnt from the previous trainings and will be based on a training needs assessment of the target group. The training programme will focus on all aspects pertaining for alignment with EU best practices, learning new working methods to perform their ongoing reform in the pre-and-post EU accession process, transposition of EU acquis, procedures for cooperation, human resource management, implementation and supervision, effective policy and law making standards directly relevant to the MoJ, the courts, prosecutors offices and other justice and public administration sector, promoting the process of European integration, presentation on the ECJ case law and protect its benefits as a prerequisite for equal rights in CJEU jurisdiction as well as implementation of ECtHR judgments and training programme for the judiciary and other state administration bodies for enforcement of ECtHR judgements.

Seminars, workshops and conferences: The training programme will involve the organisation of seminars, workshops, conferences etc.

- Manuals, procedures and check-lists: The Twinning partner should prepare introduction and advanced manuals on EU law for tailor-made groups of justice sector, as well as to provide advice on the existing procedures with respect to preparation of guidelines with comparative analyses concerning legal fields in the competence of the MoJ to perform their ongoing legal reforms for compliance of national laws with EU legislation and database for the alignment of EU law, standards and procedures. The project will provide written recommendations and advice on the content and user-friendliness of MoJ web services and the LDBIS legislation database, and delivered IT standard operating procedures for system administrators of the MoJ IT Department;The project will prepare Handbook/Guidelines/Manuals for references of preliminary rulings, procedural matters and other most common type of cases before of CJEU and methodology for monitoring and dissemination of information on CJEU case-law developed and put in place. The Twinning partner should provide support in the preparation for enforcement of ECtHR judgments.
- Study visits: Study visit/s will be aimed at introducing the relevant beneficiary institutions to the organization and functioning of the justice sector, to monitoring, transposition and implementation of ECHR and other Council of Europe human rights instruments.
- Assessment: Every activity within the training programme will be assessed through practical tools. Target group will be identified and training needs assessment of the officials in relevant sectors in the MoJ, preparation of training programmes, training curricula and delivery of trainings to the officials in MoJ for alignment with EU best practices in the pre-and-post EU accession process, transposition of EU acquis, exchanging knowledge and comparative experience. The project will support the implementation of the Justice Sector Reform Strategy through delivery of the comparative experience to the relevant justice sector actors. Training needs assessment for judges, prosecutors and legal associates on EU law and jurisdiction of the CJEU in particular and delivery of trainings for all actors with an active role in the judiciary involved in the application and enforcement of CJEU jurisdiction. Training programme, training curricula and training needs assessment, of the entire sector (MoJ officials, judges, prosecutors, attorneys at law, legal clerks, etc.) on their needs as regards of application of ECHR in the

country, state representation in the ECtHR, enforcement of ECtHR judgments and delivery of training.

- *Awareness raising:* The Project, in cooperation with beneficiary institutions and other stakeholders, will organize wide public outreach on the importance and content of EU-related justice sector reforms and EU law approximation.

3.5 Means/ Input from the MS Partner Administration:

The project will be implemented in the form of a Twinning contract between the Beneficiary country and an EU Member State. The details of implementation of the Twinning Project will be agreed during the preparation of the work plan.

The implementation of the project requires one Project Leader, responsible for the overall coordination of project activities, one Resident Twinning Adviser, responsible for management and implementation of project activities foreseen and a pool of Short-Term Experts within the limits of the budget. It is essential that the team has sufficiently broad expertise to cover all the areas included in the project description.

The interested Member State institution shall include in its proposal the CVs of the designated Project Leader, Resident Twinning Adviser.

3.5.1 Profile and tasks of the Project Leader

The Project Leader from the Member State must be a high-ranking public servant or equivalent staff of a Member State administration dealing with strategic management of justice sector reforms and/or EU pre- or post-accession cooperation, and/or in the EU MS services in charge of EU law monitoring/transposition and/or implementation of ECHR, within the relevant institution with relevant working experience of minimum of 5 years.

The MS Project Leader will continue to work at his/her Member State administration but will devote some of his/her time to conceive, supervise and co-ordinate the overall thrust of the Twinning project, and ensure the attainment of the projected outputs. The Project Leader is fully responsible for co-ordination of the work of the experts.

The MS Project Leader will manage the implementation of the project with the Project Leader from the Beneficiary Country and is expected to devote a minimum of 3 days per month to the project in his/her home administration with an on-site visit at least every 3 months. The Project Leader's seniority will ensure his/her ability to mobilise the necessary staff in support of the efficient implementation of the project. In addition, he/she should coordinate, on the Member State side, the Project Steering Committee (PSC), which will meet in Skopje at least every three months.

He/she will be supported by his/her Member State administration for logistic, accounting and administrative affairs.

Qualifications and skills:

- At least a University degree² in the area of law or other areas relevant to the project;

² For reference on equivalent qualification see: EPSO website-Annex 1 (http://europa.eu.int/epso/online-applications/pdf/guide-1242-171104_en.doc)

- At least 5 years of relevant experience in the EU MS' MoJ or equivalent services dealing with strategic management of justice sector reforms and/or EU pre –or post-accession cooperation, and/or in the EU MS services in charge of EU law monitoring/transposition and/or implementation of ECHR,
- Experience in implementing at least one international or EU funded project with similar nature, will be considered as asset;
- Fluent written and spoken English.

Tasks:

- Conceive, supervise and coordinate the overall preparation of the project;
- To provide strategic advice on high level regarding reforms supported by the Twinning;
- Coordinate and monitor the overall implementation of the project including coordination and direction of the MS TW partner
- Co-ordinate MS experts' work and availability;
- Communicate with the beneficiary, CFCD and EUD;
- Ensure the backstopping functions and financial management;
- Guarantee from the MS administration side, the successful implementation of the project.
- Co-chair the Project Steering Committee Meetings with the BC PL;
- Preparation and drafting of interim, quarterly and final report.

BC Project Leader

The BC Project Leader will act as the counterpart of the Member State PL and will ensure close cooperation in the overall steering and co-ordination of the project. The PL's seniority will ensure his/her ability to mobilize the necessary staff in support of the efficient implementation of the project. He/she will also coordinate the Project Steering Committee (PSC) on behalf of the BC. The role of the BC Project Leader and the MS PL counterpart are complementary.

3.5.2 Profile and tasks of the RTA

One Resident Twinning Advisor (RTA) will be appointed, and he/she will be located in the premises of the Ministry of Justice in the Beneficiary country.

The secondment of the Resident Twinning Adviser will last 21 months, during which he/she will be responsible for the direct implementation of the project.

He/she will come from an EU Member State to work on a full time and day-to-day basis with the beneficiary administration. The Resident Twinning Adviser will have a key role in the coordination of the inputs required for the successful implementation of the project activities. He/she shall be supported by a pool of short – term experts.

Qualifications and skills of the Resident Twinning Adviser

- be a national of a Member State of the European Union;
-

- be a civil servant or equivalent staff employed at a EU MS MoJ or equivalent services or in EU MS services in charge of EU law monitoring/transposition and/or implementation of ECHR. ;
- have at least Bachelor degree in law (Master would be an asset)³;
- have at least of 3 years of relevant experience in the EU MS MoJ or equivalent services dealing with strategic management of justice sector reforms and/or EU pre – or post-accession cooperation, and/or in the EU MS services in charge of EU law monitoring/transposition and/or implementation of ECHR;
- experience in developing and/or delivering training programmes to build capacity of the justice institutions to consolidate rule of law according to the EU Acquis and standards will be considered as asset;
- be fluent in written and spoken English;

Tasks of the Resident Twinning Adviser

As to the general responsibility of the day-to-day implementation of the Twinning project in the Beneficiary Country, the Resident Twinning Adviser (RTA) tasks will include:

- Coordination of all project activities and experts' inputs in the country;
- Provision of technical advice and assistance to the administration or other public sector bodies in the BC in the context of a predetermined work-plan.
- Ensuring day-to-day implementation of the Twinning project in the BC.
- Ensuring smooth correlation between the activities, deadlines and the envisaged results in the Work Plan;
- Provision of advisory services and capacity building/trainings to BC in areas of RTA's expertise;
- To coordinate and organize training activities;
- To provide advice and assistance in drafting legal, application acts, instructions, manuals etc. for implementation of the new legislation and supporting documents;
- Preparation of the materials and documentation for regular monitoring and reporting;
- Preparation of operative side letters;
- Taking corrective actions, if necessary, inside the terms of the signed contract.

RTA Counterpart

An RTA Counterpart will be assigned by the Ministry of Justice.

3.5.3 Profile and tasks of the short-term experts

Other specialist staff will be made available by the Twinning Partner to support the implementation of activities. Specific and technical matters not directly covered by the Resident Twinning Adviser can be taken over by a pool of short-term experts within the limits of the budget. The detailed expert input shall be established when drawing up the twinning work-plan.

Qualifications and skills:

Short-Term Experts will:

³

EPSO website – Annex 1 (http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104_en.doc)

- have a University-level degree⁴ in a discipline relevant to the implementation of the Twinning project;
- have at least 3 years of relevant experience in areas targeted by the Twinning Project;
- be fluent in English, both oral and written.

Tasks of the Short term Experts

More specifically, the Short-Term experts will:

- Prepare and implement specific tasks based mainly on practical cases and experience in compliance with their mission description and in accordance with Project activities;
- Provide practical expertise/advices to relevant staff for execution of different tasks related to the project
- Assist in key tasks, Judiciary, Anticorruption, Fundamental Rights, EU citizen's rights, judicial cooperation and civil and criminal matters, and other areas in capacity building of the justice institutions to consolidate rule of law according to the EU Acquis and standards
- contribute to the project reporting, contribute to the draft notes and other documents and report on their missions;
- Address cross-cutting issues.

3.5.4. Profile and tasks of the RTA assistants

3.5.4.1 RTA Assistant:

The RTA will be provided with a full-time RTA assistant acting as an assistant for technical and organisational support. The assistant will be contracted according to Twinning rules and paid from the Twinning budget. The assistant will be selected through an open call. The role of RTA Assistant is to support the RTA in the project management. In addition, the assistant will be responsible for organisation of meetings, seminars etc. and their logistics. The RTA assistant will also act as translator/interpreter, when necessary.

3.5.4.2 Full-time translator / interpreter:

A full-time translator / interpreter will be selected through an open call will be contracted according to the Twinning rules and paid from the Twinning budget. The full-time translator / interpreter will be involved in all necessary project activities (training sessions, translation of project documents/reports and materials, organizational activities, etc.). The role of the translator / interpreter will be to provide translation and editing as well as interpretation services to the Twinning project in general.

4. Institutional Framework

The Contracting Authority for this Twinning project is the Central Financing and Contracting Department (CFCD) within the Ministry of Finance.

4.1. Beneficiary Institution(s)

⁴

EPSO website – Annex 1 (http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104_en.doc)

Key Beneficiary: MINISTRY OF JUSTICE

Ministry of Justice is competent to provide general conditions for achieving the basic function of the judicial system, its reform and to create an efficient system for realization of the human rights and freedoms and their protection. The relevant MoJ departments (EU Department, Judiciary Department, Department for International Relations, Department for Mutual Legal Assistance, Department for Notaries, Bailiffs and Mediators, Department for Human Resources and strategic planning performs functions related to improve: the judiciary, public prosecutor's office; bailiffs, notaries, bar; strengthening anti-corruption framework, ICT in the judicial system and activities related to the alignment of the EU acquis in the process of integration.

Bureau for representation of the Beneficiary Country before the ECtHR performs works concerning the representation of the state before the European Court of Human Rights, the enforcement of judgments and decisions of the European Court of Human Rights, preparation defence in respect of lawsuits filed against it before the European Court of Human Rights, as well as monitoring and analysis of the ECtHR practice. With respect to the execution of the ECtHR's judgements, the Bureau is only responsible for delivering technical support to the Inter-institutional Commission for enforcement of ECtHR's judgment (Commission), including monitoring of the implementation of Commission's conclusions as to the execution of a particular judgment of the ECtHR, and preparation of action plans and/or reports. The primary responsibility for defining the measures to be taken for the purposes of execution of a particular ECtHR's judgment, time limits for their implementation, and the identification of a competent authority for implementation of a particular measure, is within the Commission.

Other non-key beneficiaries of this project will be:

- **Courts**

The judicial power is exercised by the courts in the Beneficiary Country which are autonomous and independent state bodies. In a procedure specified by law the courts decide upon human and citizen rights and legal interests; disputes between citizens and other legal entities; criminal acts and misdemeanours and other matters within the competence of the court as provided by law. According to the law on courts (Official gazette 58/2006) the judicial power are exercised by basic courts (established for one or more municipalities), the Administrative Court (established and it exercising the judicial power over the entire territory of the country), the appellate courts (established for the territory of several first degree courts) and the Supreme Court of the Beneficiary Country (exercising the judicial power over the entire territory of the country). For the enforcement of judgments of the ECtHR against the Beneficiary Country regarding the trial within a reasonable time, pursuant to the amendments to the Law on Courts, at the Supreme Court, a Department for acting upon cases for trial within a reasonable time was established. The Basic Court 1 is a criminal court with a specialised department with competence for proceeding cases of organised crime and corruption for the entire territory of the country.

- **Academy for judges and public prosecutors**

Academy for Judges and Public Prosecutors was created in 2006 to provide initial and continuing training for the judiciary, and was subsequently reformed in 2010. The Academy is an autonomous institution, with its own budget, premises, modern teaching equipment and human resources. The Academy designs and conducts all courses in close coordination with Judicial Council. The Academy is integrated into the judiciary governance system, as the JC

President is member of the AJP Management Board. The fundamental function of the Academy is to ensure competent, professional, independent, impartial and efficient execution of the judicial and prosecution function through selection, organisation and implementation of initial training for candidates of future judges and prosecutors, and through provision of continuous professional training of sitting magistrates and other members of the judiciary.

- **Public Prosecutor's Offices**

The Public Prosecutor's Office – is sole and autonomous state authority which prosecutes the perpetrators of criminal and other punishable acts as determined by law. The prosecutor power is exercised by the Council of Public prosecutors, 22 basic public prosecutor's offices, 4 high prosecutor's offices and Public Prosecutor's Office of the Republic of The Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption has jurisdiction on the entire territory of the country. According to the new Law on criminal procedure, on 14.12.2012, the Public Prosecutor of the Beneficiary Country took a Decision on the Creation of an Investigating Centre within the Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption in Skopje, which pursuant to the Law on Public Prosecutor's Office is established for the entire territory of the Beneficiary Country, with a seat in Skopje. Furthermore a Judicial police shall be established composed of representatives from the Ministry of interior, Financial police office and Customs office under the competencies of the PPO.

- **Bar Association**

Pursuant to the Constitution, the Law on Advocacy, the Bar Association Statute, the Code of bar ethics as well as other regulations, the Bar Association of the Beneficiary Country is an autonomous and independent organization with public authorisations, whose scope of work includes the following competences: Represents the bar; Represent the interests of the Bar; Provides requirements for the smooth execution of a lawyer within the independence, sovereignty and public profession of law; Decide on the acquisition and termination of the right to perform legal activities and enrolment and deletion in the Directory of Lawyers; Directory of lawyers' clerks and legal interns of the Directory; Performs registration and deletion in the Directory of lawyers associations; Issue and revoke licenses; Decide on the responsibility for violation of law duty and reputation of the Bar; Decide on the temporary ban on practicing law activities; Adopt Tariff reward and compensation costs of lawyers; Adopt regulations of the Chamber; Adopt a code of ethics law; Take care of training and development of associates lawyers and legal trainees; Decide on reciprocity; Cooperate with all legal authorities in the country, as well as those that directly or indirectly can help in achieving the goals and objectives of the Bar; Provides requirements for liability insurance for lawyers and lawyers associations from damage; Provides requirements and way of passing the law examination; Develop ethics law; Establish and develop cooperation with other bar associations and lawyers' associations and international; Performs other duties as are within the competence of the bar as independent public service.

4.2. Co-ordination mechanisms between institutions

A project Steering Committee (SC) will be established at the beginning of the project comprising senior representatives of the Beneficiary Institution, other relevant institutions, the Delegation of the European Union, the Secretariat for European affairs and the Central Financing and Contracting Department within the Ministry of Finance.

The SC will monitor, supervise and co-ordinate the overall progress and implementation of the project. The SC will provide guidance for the different components of the project, will define priorities, approve and monitor budgets and approve the results.

4.3. Reporting requirements as per Art 6.4 of the Twinning Manual

Reports will follow the templates of Annex C4 of the Common Twinning Manual. In addition to these formal reporting stages, the twinning partners are obliged to inform in writing the Contracting Authority of any critical aspects or conditions of project implementation, or any amendments/modifications necessary within the budget.

All reports must be produced in the English in electronic and hard copy. These reports shall be signed by both project leaders. Each report must be presented in electronic format one week prior to the Steering Committee meetings and in two hard copies to the following addresses:

Central Financing and Contracting Department
Ministry of Finance
Dame Gruev 12, 1000 Skopje

The final versions should incorporate any comments and discussions during the Steering Committee meetings.

5. Budget

The project will be implemented through a Twinning Contract estimated at a maximum of 1.000.000 EUR out of which IPA contribution will amount to 950.000 EUR, while national contribution will amount to 50.00 EUR.

Twinning Contract	Total (EUR)	IPA Community contribution		National Public contribution	
		EUR	%	EUR	%
	1.000.000	950.000	95	50.000	5

The co-financing requirement foreseen under IPA will be considered fulfilled according to the provision of the relevant Financing Agreement.

In addition to the IPA and National co-financing as part of the Twinning Contract amount, as a rule, all twinning contracts must provide additional co-financing on the side of the Beneficiary Institution (Ministry of Justice), for the purpose of covering costs not covered under the project budget as per Twinning manual, point 5.13, as follows:

- Direct and indirect cost of the Beneficiary administration, civil servants and national private experts working for the project;
- Travel by the beneficiary officials from their capitals to a MS or between MS;
- Organisation of seminars/ workshops/ trainings (incl. hall rental, printing seminar materials and other logistical support).
- Facilities for the Member State experts: adequately equipped office space; telephone; e-mail services; fax; photocopiers; computer; internet access; secretarial support; access to information;

The following expenses are also to be covered with the project funds:

- Visibility Cost; and
- Audit certificate cost.

The project will be located in the premises of the Ministry of Justice. The Ministry of Justice will ensure appropriate facilities and basic equipment for the work of the experts.

6. Implementation Arrangements

6.1 Implementing Agency responsible for tendering, contracting and accounting

The Central Financing and Contracting Department (CFCD) of the Ministry of Finance will be responsible for tendering, contracting, payments, accounting and overall supervision of the implementation of the project, upon conferral of management. The Head of CFCD will act as the Programme Authorising Officer (PAO) of the project:

Ms. Radica Koceva (PAO)
Central Financing and Contracting Department
Ministry of Finance
Dame Gruev 12, 1000 Skopje
Fax: +389-2- 3255723
E-mail: radica.koceva@finance.gov.mk

6.2 Main counterpart in the BC

Ministry of Justice

The following persons will be counterparts of the key personnel of the MS Partner Administration:

BC PL:

Ms.Frosina Tasevska
Head of EU Department/Senior Programme Officer
Ministry of Justice
E-mail:

RTA Counterpart:

Ms.Bojana Bosilkova
Unit for negation and integration
EU Department
Ministry of Justice

6.3 Contracts

One (1) Twinning contract is foreseen for the implementation of the above mentioned activities.

7. Implementation Schedule (indicative)

7.1 Launching of the call for proposals (Date)

The estimated date for the launching of the call for proposals is: May 2015.

7.2 Start of project activities (Date)

The estimated date for start of project activities is: November 2015.

7.3 Project completion (Date)

The project implementation period (duration of the work plan) is 21 months after the commencement date of the Project.

7.4 Duration of the execution period (number of months)

The overall execution period of the Twinning project is 24 months with an implementation period of 21 months. (The duration of the Twinning work plan is increased by 3 months, to cover the initial setting in of the RTA and the proper wrapping up of the Twinning Project).

8. Sustainability

The Beneficiary administration is fully committed to ensuring a long term impact of the activities of this Twinning Project. The expected combined impact of this project will bring about significant improvement in the rule of law by strengthen the capacities of the justice system, promoting integrity of the law enforcement agencies in the fight against organised and serious crime, to align with the EU Acquis and standards. The project will have impact on improving the systems (strategic planning documents, strategic management), skills, practices, mechanisms, rules, by laws and strategies of the relevant institutions. An ongoing review of key issues impacting on sustainability will start from the beginning of project implementation, based on the results and outcomes that should be achieved over time. The objective of this review is to facilitate the sustainable impact of outcomes beyond the end of the project.

The Member State Twinning partners shall transfer their best practices and know-how necessary to achieve the mandatory results to the Beneficiary administration. Staff benefiting from trainings shall transfer knowledge through subsequent training to their colleagues. Moreover and at the end of the implementation period a lesson learnt seminar will be held to disseminate the results and the best practices acquired and to foresee future relevant activities.

9. Crosscutting issues

Cross cutting issues have to be systematically addressed during the project lifetime.

The mainstreaming of the cross cutting issues is regarded on two different levels:

- Ensuring that the internal policies, structure or operating procedures of the beneficiary agency will conform to and promote the relevant principles outlined per section below.
- Ensuring that the products, outputs produced by the beneficiaries (e.g. laws, regulations, policies, and strategies) will conform to and promote the relevant principles outlined per section below.

9.1 Civil Society development and dialogue

N/A

9.2 Environmental considerations

Any ecological friendly initiative which can be taken will have to be implemented.

9.3 Equal Opportunity and non-discrimination

The training activities will include a specific component to train beneficiary staff in the implementation of the Government Gender Strategy, while reference will be made to the EC Programme of Action for the mainstreaming of gender equality in community development cooperation (2001-06). In view of the specific sector, it is not expected that the gender aspects will be of prime relevance for the outputs of this project.

9.4 Minority and vulnerable groups

Whereas the main reference in the country in relation to minority groups is the Ohrid Framework Agreement, in an EU context, reference is made to the “Race directive” of 2000 (2000/43/EC of 29 June), which has an important impact on employment (including vocational training, working conditions, social protection etc.) and is also a crucial aspect of the acquis. The beneficiary will be assisted to implement an ‘internal minority and vulnerable group assessment’ to identify areas where it could improve its internal performance vis-à-vis minorities or other vulnerable groups. In view of the specific sector, it is not expected that the minority aspects will be of prime relevance for the outputs of this project.

9.5 Good governance, with particular attention to fight against corruption

Specific action instruments for the *good governance*, with particular attention to *fight against corruption*, will be incorporated on a horizontal basis, as part of the training activities. To this aim, particular attention will be put in the prevention of corrupt practices, mainly through the raising political and public awareness.

9.6 Communication and publicity

All requirements to ensure the visibility of EU financing will be fulfilled in accordance with Regulation (EC). N. 718/2007⁵.

10. Conditionality and sequencing

10.1 Conditionality

The project includes the following conditionality:

- Appointment of counterpart personnel by the beneficiary before the launch of the call of proposal and guaranteeing the continuity of the appointed and trained staff;
- Allocation of working space and facilities by the beneficiary for technical assistance before the launch of call of proposal;
- Participation by the beneficiary in the selection process as per EU regulations;
- Timely organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary;
- Appointment and availability of the relevant staff of the beneficiaries to participate in project implementing activities (especially training activities) as per the work plan.

10.2 Sequencing

Key milestones will be:

- 1) Approval of the Twinning project fiche;
- 2) Circulation of the Twinning Project Fiche to Member State National Contact Points;
- 3) Completion of the selection of the twinning partner;
- 4) Signature of the Twinning contract, including the Twinning Work Plan;

⁵ See Article 62 and 63 of Regulation(EC) N. 718/2007

- 5) Commencement of the implementation of the twinning (inter alia, the arrival in the country of the Resident Twinning Adviser);
- 6) End of the implementation period;
- 7) Submission of the final report.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format
2. List of relevant Laws and Regulations
3. Reference to relevant Government Strategic plans

ANNEX I - Log frame in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Programme name and number:	
Strengthening the Rule of Law		Contracting period expires: Two years after the date of the signature of the Financing Agreement.	Disbursement period expires: One year from the final date for execution of contracts.
		Total budget: 1.000.000 EUR	IPA budget: 950.000 EUR
Overall objective	Objectively verifiable indicators	Sources of Verification	
The overall objective of the project is to support the justice sector institutions in consolidation of the rule of law by strengthening their capacities and by assisting in alignment of national law and key human rights instruments of the Council of Europe.	<ul style="list-style-type: none"> - Upgraded capacities of the national officials of MoJ in line with EU standards; - Efficient and practical implementation of the EU <i>acquis</i> in the judiciary; - Increased public trust in judiciary and legal protection of human rights; - increased number of solved cases; - Implementation of the European standards in the police daily working. 	<ul style="list-style-type: none"> - EC Progress report; - Statistics; - CJEU decisions; - Public surveys; - Reports of the EC, ECtHR and the Ministry of Justice; - Government Reports. 	- No major (political) upheaval in the region
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
<ul style="list-style-type: none"> - Strengthen the capacities of the Ministry of Justice in the EU pre and post accession process and alignment with the EU <i>acquis</i> regarding negotiation chapters particular in the area of Freedom, Justice and Security; - Contribute towards strengthening the justice sector actors knowledge and capacities regarding the EU and ECHR law, as well as the case-law of the Court of Justice of the European Union and the European Court of Human Rights in order to 	<ul style="list-style-type: none"> - Number of qualified and well equipped officials in the MoJ to operate in accordance with EU requirements; - Number of ECtHR judgments enforced; 	<ul style="list-style-type: none"> - Statistics; - Reports of the Ministry of Justice; - Training evaluations; - Reports of the EC, ECtHR; - SPO monitoring reports. - Reports of the EU representatives and the EU expert; - Project Steering Committee Report. 	<ul style="list-style-type: none"> - Continued support from the EU insured; - Commitment of the Government to the EU integration process; - Commitment of the Government and Minister of Justice towards independence of the judiciary; - There is strong political will and commitment among the stake holders for this project; - Counterpart personnel is appointed; - Appropriate working space is provided;

convergence of its national legal system with the EU and ECHR law;			- National co -financing provided.
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>Component 1: Enhancing the capacities of the MoJ to professionally execute its functions in the pre-and-post EU accession process</p> <p>To achieve the aforementioned result the following intermediary results will be achieved:</p> <p>1. Enhanced capacities of the MoJ departments and other relevant actors for establishing contacts and networks, as well as on practical issues in implementation of the EU Acquis and the sharing of information between national and international judicial and administrative authorities and the legal profession (EUROJUST, European Union network in civil, commercial and criminal matters, Justice forum, associations for legal professions);</p> <p>2. Delivered support to the MoJ in the organizational and structural setting of the working group for Chapter 23 in provided assistance in legislative drafting for alignment</p>	<p>Measurable indicators regarding Component 1:</p> <ul style="list-style-type: none"> - Training needs assessment conducted for determined target groups in the MoJ; - Training programme and training curricula prepared concerning planning and management of pre-accession negotiations, modern MoJ working methods, procedures for cooperation, effective policy- and law-making, and other related issues; - Number of persons trained for enhanced general and specific knowledge of the MoJ services and other relevant actors on specific areas of EU law related to the ongoing reforms; - Recommendations prepared for the organizational and structural setting of the working group for Chapter 23 implemented and institutional structure within the MoJ to ensure systematic monitoring of EU law falling within the competence of MoJ and its effective transposition in the national law established; - Identified areas of the EU Acquis, standards 	<ul style="list-style-type: none"> - Reports on seminars, work shops, experts meetings, round tables, debates, conferences; - Training plan; - Assessment reports; - Special curricula for the training of the officials from different levels in the MoJ; - Prepared recommendations for the overall objective of the project; - EC peer reviews and reports; - Know-how methodology and database for the approximation of EU law, standards and procedures. - Training strategy for developing the mechanism for monitoring EU law for the JLS area and related fields; - Project reports; - Recommendations; - Training Curricula; - Action plans; - Recommendations; - Training Curricula; - System for efficient enforcement ECtHR rulings; - Statistical report of relevant service; - Regular reports from the MoJ Legal department; - Timetables for staff training; 	<ul style="list-style-type: none"> - Willingness among trainees involved in the process of approximation of the EU acquis, through practical and theoretical training to upgrade their knowledge for undertaking their new responsibilities in the accession process; - Provision of optimal material and financial resources for successful fulfilment of knowledge gaps and specific skills to the staff of MoJ to performing the issues under Chapter 23; - Availability of appropriate staff for training exercises; - Stimulating environment to apply lessons learned in practice; - Improved protection of human rights is recognised by the public; - Professional and political commitment; - National budget resources available; - Presence of qualified personnel; - Sufficient financing of the activities from the state budget.

<p>with/transposition of EU legislation and establishment of institutional structure within the MoJ to ensure systematic monitoring of EU law falling within the competence of MoJ and its effective transposition in the national law;</p> <p>3. Provided assistance in the assessment of the level of compliance of the national legislation with the EU law concerning legal fields in the competence of the MoJ;</p> <p>4. Support in the implementation of the parts of the Justice Sector Reform Strategy falling within the competence of the MoJ;</p> <p>5. Increased and improved administrative capacity in the Ministry of Justice with modern working methods, procedures for cooperation, effective policy-and law-making, implementation and supervision, human resource management, public relations;</p> <p>6. Improved mechanisms and standards for human resource management, policy development and strategic planning of the MoJ in line with the EU and international best practices/standards;</p> <p>7. Provided written recommendation and advice on the content and user-friendliness of MoJ web services and</p>	<p>and policies concerning legal fields in the competence of the MoJ in the process of alignment and assessment of the level of compliance of the national legislation with the EU law provided;</p> <ul style="list-style-type: none"> - Provided the necessary technical advice and support in the implementation for the relevant justice sector actors in the implementation of the parts of the Justice Sector Reform Strategy; - Recommendations for legislation and amendments of legislation in line with EU acquis prepared; - Methodology and guidelines for assessment of compliance of the national legislation with EU law developed; - Manuals for human resource management policy development and strategic planning of the MoJ in line with the EU and international best practices/standards; - Recommendations on the content and user-friendliness of MoJ web services and the LDBIS legislation database prepared, mechanisms and IT standard operating procedures for system administrators of the MoJ IT Department delivered; - Number of raising awareness events, roundtables organized, number of participants, number of leaflets published and media campaigns launched and data on the level of public awareness of the citizens on the importance and content of EU-related justice sector reforms and EU law approximation. 	<ul style="list-style-type: none"> - Reports of provided staff training. 	
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<p>the LDBIS legislation database, and delivered IT standard operating procedures for system administrators of the MoJ IT Department;</p> <p>8. Raised awareness of the citizens on the importance and content of EU-related justice sector reforms and EU law approximation.</p> <p>Component 2: Improving the knowledge and capacities of relevant justice sector actors on the EU acquis and other international justice standards in view of fostering their transposition into the national law</p> <p>To achieve the aforementioned result the following intermediary results will be achieved:</p> <p>1. Strengthened capacities of legal practitioners to search, analyse and apply EU law and the case law of the CJEU;</p> <p>2. Conducting training needs assessment on EU law and CJEU case law, prepared EU law training materials and conducted EU law trainings and train on trainers programmes to the MoJ, PPOs, lawyers and other relevant legal practitioners.</p> <p>3. Prepared practical guidelines for national legal practitioners on the relevant fields of EU Law, on the leading reference case law of the</p>	<p>Measurable indicators regarding Component 2:</p> <p>- Number of legal practitioners trained on the job in the application of the EU law and enforcement of CJEU jurisdiction delivered;</p> <p>- Training needs assessment report on EU and CJEU case prepared, training program and training materials approved and disbursed, as well as number of training events (including training of trainers) organized;</p> <p>- Number of legal practitioners trained in the application of the EU law and enforcement of CJEU jurisdiction delivered;</p> <p>- Number of guidelines/manuals/handbook prepared for national legal practitioners on the relevant fields of EU Law, on the leading reference case law of the CJEU and on the</p>		
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<p>CJEU and on the participation in proceedings before the CJEU; (references for preliminary rulings, infringement procedures) in domestic language and placed on the websites of relevant justice sector actors for open access;</p> <p>4. Prepared Methodology and mechanisms for monitoring and dissemination of information on CJEU case-law and introduction of the mechanisms in practice;</p> <p>5. Provided support in preparing the necessary legal and institutional frameworks setting up a national system for representation before the CJEU.</p> <p>Component 3: Improving the knowledge and capacities of relevant justice sector actors on the ECHR law and strengthening the system for execution of the European Court of Human Rights judgments.</p> <p>To achieve the aforementioned result the following intermediary results will be achieved:</p> <p>1. Needs assessment of the entire justice sector (MoJ officials, judges prosecutors, attorneys at law, legal clerks, etc.) on their needs regarding the implementation of the ECHR and other relevant human-rights focused Council of Europe Conventions applied in the</p>	<p>participation in proceedings before the ECJ (references for preliminary rulings, infringement procedures) in domestic language and placed on the websites of relevant justice sector actors for open access;</p> <p>- Methodology and mechanisms for monitoring and dissemination of information on CJEU case-law and introduction of the mechanisms in practice;</p> <p>- Analyses of the MS's existing procedures for representation before CJEU developed and put in place, and recommendations for establishment of efficient system for representation before CJEU implemented.</p> <p>Measurable indicators regarding Component 3:</p> <p>- Needs Assessment report with recommendations of the entire justice sector (MoJ officials, judges, prosecutors, attorneys at law, legal clerks, etc.) on their needs as regards ECHR and other relevant human-rights focused Council of Europe Conventions applied in the country delivered;</p> <p>- Comprehensive and tailored training manuals on all aspects of the ECHR and other relevant human-rights focused Council of Europe Conventions applied in the country for better interpretation and application of these international legal acts developed;</p> <p>- Number of staff trained for relevant</p>		
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<p>country;</p> <p>2. Prepared comprehensive and tailored training programme on all aspects of the ECHR and other relevant human rights focused Council of Europe Conventions applied in the country for better interpretation and application of these international legal acts;</p> <p>3.Preparation of practical, thematically structured and tailored Handbooks/Manuals/Guidebooks in domestic language on the human rights norms and principles enshrined in the ECHR and developed by the ECtHR (and possibly some other most relevant Council of Europe conventions on human rights);</p> <p>4. Preparation and support in implementation of Action plans for enforcement of ECtHR judgments;</p> <p>5. Strengthened mechanisms for proper application of the ECHR and the enforcement of the ECtHR decisions and introducing them in practice, as well as improving the operation of state representation in the ECtHR and cooperation with relevant national and Council of Europe bodies in this area;</p> <p>6. Assistance provided in the harmonisation of the domestic legislation and institutional practices with the standards of the ECHR and the case law of the ECtHR.</p>	<p>justice sectors based on the preparation materials delivered;</p> <ul style="list-style-type: none"> - Handbooks/Manuals/Guidebooks in domestic language on the human rights norms and principles enshrined in the ECHR and developed by the ECtHR (and possibly some other most relevant Council of Europe conventions on human rights) developed and placed on the websites for open access; - Percentage of preparation and practical implementation of Action plans for enforcement of ECHR judgements; - Mechanism for proper application of the ECHR and the enforcement of the ECtHR decisions, and introducing them in practice, as well as improving the operation of state representation in the ECtHR and cooperation with relevant national and Council of Europe bodies in this area developed and put in place; - Number of harmonisation of the domestic legislation and institutional practices with the standards of the ECHR and the case law of the ECtHR; - Number of cases/actions processed in case of established violation of the Convention; - Training needs assessment, training programme and curricula on enforcement of ECtHR decisions for the Governmental agent and its department's staff prepared and trainings delivered. 		
Activities	Means	Costs	Assumptions
<p>The eligible activities under this Twinning Fiche are:</p> <ul style="list-style-type: none"> - <i>Advice and coaching sessions:</i> 	<p>1 Twinning arrangement</p>	<p>Twinning arrangement: 1.000.000 EUR IPA funds: 950.000 EUR National contribution: 50.000 EUR</p>	<ul style="list-style-type: none"> - Smooth implementation of reforms related to EU accession; - Both the Ministry of Justice and the Academy for judges and

<ul style="list-style-type: none"> - <u>Facilitation of inter-agency and inter sectoral coordination and cooperation:</u> - <u>Tailor made training programme:</u> - <u>Seminars, workshops and conferences:</u> - <u>Manuals, procedures and check-lists:</u> - <u>Study visits:</u> - <u>Assessment:</u> - <u>Awareness raising.</u> 			<p>prosecutors are sufficient staffed and have sufficient budget;</p> <ul style="list-style-type: none"> - Full commitment of the involved authorities; - Experts recruited will be of sufficient quality; - Effective monitoring of project implementation; - Timely availability of adequate resources; - Staff available for training.
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ANNEX II - List of relevant Laws and Regulations

- Law on organisation and the work of the state administrative bodies (Official gazette No.58/2000);
- Law on Representation of the Beneficiary Country before the European Court of Human Rights (Official Gazette No.67/2009);
- Law on Execution of Decisions of the European Court for human rights (Official Gazette No.67/2009);
- Law on Academy of Judges and Public Prosecutors (Official Gazette No.88/2010);
- Law on Courts, (Official Gazette No. 58/2006).
- Law on international cooperation in criminal matters, (Official Gazette No. 124/2010)

ANNEX III- Reference to relevant Government Strategic plans and studies

The project directly links to the following key strategies and action plans in the sector:

- Programme of the Government of the Beneficiary Country for the period 2011 - 2015 year in Justice and Home affairs;
- Strategy for the reform of the Judiciary 2004-2007;

- Strategy for ICT in Judiciary 2007-2010;
- Strategy for Reform of the Criminal Legislation 2007- 2011 and Action Plan;
- Strategic plan of the Ministry of Justice 2012-2014:
- Action Programme of the Beneficiary Country for implementation of the Penitentiary system reforms 2009-2014;
- Strategic plan of the Directorate for execution of sanctions 2012-2014;
- Strategy for reconciliation and social adoption of convicts serving imprisonment 2010-2012 with action Plan for implementation;
- Strategy for development of probation services in the Beneficiary Country 2013-2016;
- State Programme for prevention and repression of corruption and State programme for prevention and reduction of conflict of interest with Action plans for the period 2011-2015.

