



TWINNING LIGHT FICHE

Project title: Strengthening the capacities of the authorized bodies for fight against crime

Beneficiary administration: Ministry of justice/ Public Prosecutor's office of the Beneficiary country¹

Twinning Reference: MK 14 JH 03 18 TWL

Publication notice reference: EuropeAid/160496/ID/ACT/MK

EU funded project

TWINNING INSTRUMENT

¹ As per Financing Agreement concerning the IPA II 2014 Annual Action Programme - entered into force on 23 December 2015

1. Basic information

1.1. Programme: Justice sector programme, - Indirect management with ex-ante control, Financing decision number: IPA2014 /037-701 (EC) -IPA Country Action Programme for year 2014 –Action 3

For British applicants: Please be aware that eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 12.2 of the General Conditions to the grant agreement.

1.2 Twinning Sector: Rule of Law and fundamental rights ("Support for Justice Sector",)

1.3 EU funded budget: 250, 000 EUR

2. Objectives

2.1. Overall Objective(s):

Support the BC efforts to further improve the criminal justice system in collecting evidence to combat against crime, in particular for collecting evidence against organized crime and corruption by using special investigative measures in relation to the standards and recommendations of the European Union for respecting fundamental human rights and freedoms.

2.2. Specific objective:

Strengthening the capacities of the Public Prosecutor's Office, Ministry of Interior, Financial Police office, Customs Administration, authorized institutions which are responsible for the implementation of the special investigative measures.

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

Link with AP

Justice, freedom and security 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 the importance of continuation with implementation of the set of action-oriented measures for the fight against organized crime. The Accession Partnership points towards through provide adequate funding and training for implementation of the police reform, strengthen coordination and cooperation both among police bodies and between the police and other law enforcement agencies and strengthen cooperation between the criminal police and the public prosecutors.

Link with NPAA

In the area of **Chapter 23** of the National program for adoption of the *Acquis* 2017 foresees further activities. In the part of the judiciary, the preparation of a new legal framework will begin with the aim of improving the system of disciplinary responsibility and dismissal of judges, amendments to the Law on Public Prosecution will be made, as well as amendments and modifications to the Law on Criminal procedure. In the direction of strengthening the judiciary in relation to other branches of government, strengthening of strategic planning, financial and the communication capacities of the system of management of justice institutions, promotion of independence, efficiency, competence and transparency of the overall justice system will be revised in the Strategy for Reform of the Judiciary Sector in line with the recommendations of the European Commission. Allocation of equipment and human resources will be made for the full operational functionality of the Judicial Police and Investigation centres.

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.

Strategy for Reform of the judicial sector and Action plan for the period 2017-2022

Strategy for Reform of the judicial sector for the period 2017-2022 has specific emphasis on improving the reforms in criminal procedure code.

In 2010, a new Criminal Procedure Code was adopted which came into force in December 2013. It significantly changed and increased the powers of the public prosecutor's office, especially in preliminary proceedings, but also during the other stages of criminal proceedings. However, a new Law on the Public Prosecutor's Office has not been adopted. It may be concluded that the Public Prosecutor's Office operates on the basis of non-compliant material and organisational regulations. In addition, no quality staffing of the Public Prosecutor's Office has been carried out.

A serious issue that has been identified is the failure to establish investigative centres within the public prosecutor's office, which should be a tool of the public prosecutor in undertaking the necessary actions in the preliminary proceedings and provide a way of institutionalising the cooperation between the prosecutors and the police. For the proper functioning of the Public Prosecutor's Office it is necessary to establish operational cooperation among institutions and synchronization with the law enforcement authorities, the courts, the penitentiary institutions and the Bar Association.

The focus of EU support through IPA will be on further reforms support and will improve the overall functioning of the judiciary.

3. Description

3.1. Background and justification:

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 Public Prosecutor's Office performs its functions on the basis of and within the frames provided by the Constitution, the laws and the International Treaties ratified in accordance with the Constitution of the beneficiary country. Law on Public Prosecution sets out the organizational structure of the Public Prosecution: State Public Prosecutor's Office, 4 (four) High Public Prosecutor's Office, the Public Prosecutor's Office for Organized Crime and corruption and 22 Basic public prosecutor's office.

The State Public Prosecutor is proceeding in front of the Supreme Court. The State Public Prosecutor Office is established on the territory of the whole country, and it is based in the capital city of Skopje. The Higher Public Prosecutor is proceeding in front of the Appellate Court. The Basic Public Prosecutor's Office for organized crime and corruption is based in Skopje, has competence on the entire territory of the beneficiary country and is proceeding before the Basic Court Skopje 1. The Basic Public Prosecutor is proceeding in front of the Basic Court.

The 22 Basic Public Prosecutor's Offices according to the effective jurisdiction are divided to Public Prosecutor's offices with basic competence and Public Prosecutor's offices with extended competence. Basic Public Prosecutor's offices with basic competence are located in: Berovo, Gevgelija, Debar, Delcevo, Kavadarci, Kicevo, Kriva Palanka, Radovis, Resen and Sveti Nikole. The Basic public prosecutor's offices with extended competence are located in Bitola, Veles, Gostivar, Kocani, Kumanovo, Prilep, Ohrid, Tetovo, Skopje, Struga, Strumica and Stip.

Higher Public Prosecutor's Offices (HPPO) are located in Bitola, Skopje, Stip and Gostivar within the areas of Appellate courts.

With the new Law on Criminal Procedure ("Official gazette No.150/10", from 01.12.2013) which modified the criminal justice from an inquisitorial to an adversarial system, the PPO's powers were significantly expanded. The reform introduced radical novelties raising inter-institutional cooperation between investigative, prosecutorial, defense and judiciary actors, and requiring adjustment of the entire system.

The public prosecution in the new system became the dominus litis of the proceedings.

According to the Code of Criminal Procedure, the right and duty of the Public Prosecutor is to prosecute perpetrators of criminal offences for whom prosecution is undertaken ex officio.

With cases of crime for which prosecution is undertaken ex officio, the public prosecutor has the right and duty to perform the following:

- to direct the actions of the entities that are competent for detection and reporting of crimes and their perpetrators;
- to propose or issue orders for the application of special investigation measures, under conditions and in a manner as determined in this Law;
- to enact decisions and to conduct investigation procedure;
- to locate, propose and secure evidence, under conditions and in a manner as determined in this Law;
- to propose temporary measures for safeguarding property or objects that are crime proceeds or due to the execution of the measure confiscation;
- to decide on postponement of criminal prosecution under the conditions and in a manner as determined in this Law;
- to propose the issuance of a penal warrant under the conditions as determined in this Law;
- to negotiate and bargain with the defendant on a guilty plea, under the conditions and in a manner as determined in this Law;
- to file and represent indictments before the competent court;
- to appeal against judicial decisions that are not valid and final and apply extraordinary legal remedies against valid and final decisions;
- to rule upon appeals by injured parties in circumstances as provided for in this Law; and
- to undertake other activities provided by the law.

However, the implementation of the new legal powers raised the need to make improvement of the overall capacity of the Public Prosecutor office, Ministry of Interior, Financial Police office, Customs Administration, and other authorized institutions which are responsible for the implementation of the special investigative measures.

Further challenges remain with respect of the use of special investigative measures which are quite common in organized crime cases, but criminal investigations need to be separated from interception for security purposes. The law enforcement and prosecution bodies need more expertise and greater capacity and authority to conduct serious financial investigations.

3.2. Ongoing reforms

The revision of the legal and technical framework on intercepting communications and increasing the effectiveness of special investigative measures is an urgent reform priority for strengthening capacities to combat crime, in particular to combat organized crime and corruption, in order to meet the criteria for entry into European Union.

The Public Prosecutor's Office, as the sole and independent body that prosecutes perpetrators of criminal acts, has received increased authorizations with the initiation of the application of the new the Code of Criminal Procedure (Official Gazette No. 150/10), in the direction of more effective and efficient dealing with crime, especially with organized crime and corruption.

Also, it is predicted that for the purpose of fulfilling the function of criminal prosecution, the public prosecutor shall manage the preliminary investigation procedure and dispose of the judicial police, as well as the public prosecutor alone may undertake any action deemed necessary to detect a crime and detect and prosecute its perpetrator, for crimes for which, according to the law the authority belongs to the Ministry of Interior, the Financial Police and the Customs Administration.

From these legal norms it follows that in the hands of the public prosecutors not only is the pre-trial procedure, but also the investigative procedure is transferred, the implementation of which directly depends on the outcome of the procedure. The use of special investigative measures is a common measure especially when collecting evidence of cases is related to organized crime and corruption.

Contrary to the previous inquisition system, when the public prosecutors had the power to independently give orders for conducting special investigative measures only in cases when there was no knowledge of the identity of the perpetrator of the crime, now in the accusatory system the powers of the public prosecutors have significantly increased.

Namely, according to the The Code of Criminal Procedure (Official Gazette No. 150/10), the following types of special investigative measures are foreseen;

- 1) Monitoring and recording of the telephone and other electronic communications under a procedure as stipulated with a separate law;
- 2) Surveillance and recording in homes, closed up or fenced space that belongs to the home or office space designated as private or in a vehicle and the entrance of such facilities in order to create the required conditions for monitoring of communications;
- 3) Secret monitoring and recording of conversations with technical devices outside the residence or the office space designated as private;
- 4) Secret access and search of computer systems;
- 5) Automatic or in other way searching and comparing personal data of citizens;
- 6) Inspection of telephone or other electronic communications;
- 7) Simulated purchase of items;
- 8) Simulated offering and receiving bribes;
- 9) Controlled delivery and transport of persons and objects;
- 10) Use of undercover agents for surveillance and gathering information or data;
- 11) Opening a simulated bank account; and
- 12) Simulated incorporation of legal persons or using existing legal persons for the purpose of collecting data.

The measures referred in items 1, 2, 3, 4 and 5 of this law upon a reasoned request by the public prosecutor shall be determined by the judge of the previous procedure with a written order, and the measures from items 6, 7, 8, 9, 10, 11 and 12 of this Law shall be determined by the public prosecutor with a written order, regardless of whether it is a measure directed against a person or against a subject of a criminal act.

Also, a novelty in the Law on Criminal Procedure (Official Gazette No. 150/10) is Article 258, which stipulates that the authorized entity responsible for conducting special investigative measures is the public prosecutor or the judicial police under the control of the public prosecutor.

Based on the Plan for Implementation of the Recommendations of the Group of Senior experts on Systemic Rule of law issues, regarding the interception of communications, the Inter-institutional working group has been established. The Inter-institutional working group prepared new legal solutions, primarily to the Law on Interception of Communications, but also aims at establishing a new operational body, as an additional link in the process of conducting the interception of communications. The new legal solution will contribute to strengthen the controlling mechanisms of the public prosecutors.

In order to implement the recommendations of the Group of Senior experts, it is necessary to increase the competencies of public prosecutors during the implementation itself, but also in the creation of tools for control mechanisms.

In fact, in the recommendations of the European Commission in their latest Progress report for 2016, it is noted that urgent legal and technical framework for interception of communications and application of special investigative measures should be revised in two directions.

The first direction is separation of the special investigative measures which are used in the criminal procedure, from the procedure for interception of the communications for security reasons.

The second direction is the decentralization of the special investigative measures currently used exclusively by the police, actually their division into all entities that have jurisdiction over this field, the public prosecutor's office, the financial police and the customs administration.

The decentralization of the implementation of the special investigative measures, that is, their actual transfer to the hands of the public prosecutor will lead to greater control in their implementation and greater effect in their application. This is because the public prosecutor's office, in accordance with its Constitutional position – as an independent and unified state body, is completely separated from the three pillars of power in the country, which means that the security and control over the implementation of these measures directly affecting human rights and freedoms will be on higher level.

In this respect detailed assessment of the legal framework and the level of alignment with EU law in this area is necessary. The project will build and enhanced capacities of the relevant authorities Public Prosecutor's Office, Ministry of Interior, Financial Police and Customs Administration for more efficient and effective implementation of special investigative measures with assessment and assistance in harmonization of legislation according the EU and international standards and best practises.

3.3. Linked activities:

Public Administration reform is one of the key strategic priorities of the Government stipulated in the Government Program (2014-2018). Ministry of Information Society and Administration was supported in drafting PAR Strategy by the Framework Contract, financed by the EU: „Support in the preparation of Public Administration Reform 2017-2022“. The experts worked with working group members and drafted an Assessment Report on the PAR

Strategy 2010-2015, PAR Strategy 2017-2022, Action Plan for PAR Strategy 2017-2022 and set of tools for monitoring the successful implementation of the first three years of PAR Strategy 2017-2022 Action Plan.

In the period 2017 – 2022 a large number of legal, organizational, structural, budgetary, human resources and institutional reforms must be undertaken, which at the end will result in substantial improvement of public administration conditions. The process of policy creation shall be improved, with overall inclusion of all stakeholders, in the adoption process, but also in the monitoring process of implementation.

Other related projects:

Title: “Assessment of the implementation of the strategy for the reform of the judicial system”

Donor: EU - IPA 2007

Value: 166,741 EUR

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: EU - IPA 2007

Value: 1,100,000 EUR

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: EU - IPA 2008

Value: 900, 000 EUR

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: EU - IPA 2008

Value: 800, 000 EUR

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: EU - IPA 2009

Value: 1,628,166 EUR

Duration: September 2013 – September 2015

Description: The project 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: EU - IPA 2010

Value: 3,525,000EUR

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: EU - IPA 2010

Value: 1,420,000 EUR

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: “Strengthening the rule of law”

Donor: EU - IPA 2011

Value: 1, 150,000 EUR

Duration: 2015 - 2017

Description: The overall objective of the project is to support the efforts of the institutions to consolidate 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.

Title: “Strengthening the national capacities for fight against organized crime and corruption”

Donor: EU - IPA 2012

Value: 1, 200,000 EUR

Duration: 2016 - 2018

Description: The overall objective of the project of which this contract will be a part is further strengthening of the national capacities in the fight against organized crime and corruption. The main purpose of this contract is to increase the operational efficiency of the law enforcement agencies for suppression of serious and organized crime and improving the mechanisms and inter-institutional cooperation in prevention and repression of corruption.

3.4 List of applicable Union acquis/standards/norms:

When appropriate, indicate the correspondence with domestic legislation

1. Recommendation Rec(2000)19 of the Committee of Ministers to member states on the role of public prosecution in the criminal justice system;
2. European Guidelines on ethic and conduct for public prosecutors “Budapest Guidelines” adopted on the Europe Public prosecutors conference 31/5/2005;
3. Convention for the Protection of Human Rights (ETS N° 50).

3.5. Results per component

The project is structured into two components:

Component 1:

Mandatory result 1: Assessment of the legal framework for special investigative measures and assistance in their harmonization with the legal framework of the European Union at the level of international standards

In the context of Mandatory Result 1 the following indicative sub-results will be achieved:

1. Prepared assessment of the Law on Criminal Procedure and the Law on Classified Information related to the classification of special investigative measures and use of evidence obtained with special investigative measures in the criminal procedure in accordance with the best practices and standards of the European Union ;
2. Prepared assessment of the Criminal Code with regard to criminal acts (Disclosing a state secret - Article 317) and (Disclosing a military secret - Article 349), as well as the disclosure of a secret from the procedure, and in relation to the evidence arising from the special investigative measures and their unauthorized disclosure as incriminating action in accordance with the best practices and standards of the European Union;
3. Developed and prepared recommendations for legal solutions related to the obligatory declassification of the evidence obtained by the special investigative measures after the opening of the investigative procedure.
4. Drafted and established legal solutions for the adoption of bylaws in the area of protection of classified information in the field of criminal justice.

The measurable indicators in relation with Mandatory result 1 are:

1. Assessment report of the Law on Criminal Procedure and the Law on Classified Information related to the classification of special investigative measures and use of

- evidence obtained with special investigative measures in the criminal procedure prepared and roadmap/further steps prepared;
2. Assessment report of the Criminal Code with regard to criminal acts (Disclosing a state secret - Article 317) and (Disclosing a military secret - Article 349), as well as the disclosure of a secret from the procedure, and in relation to the evidence arising from the special investigative measures and their unauthorized disclosure as incriminating action prepared and recommendations provided;
 3. Number of recommendations for legal solutions related to the obligatory declassification of the evidence obtained by the special investigative measures after the opening of the investigative procedure developed and prepared;
 4. Number of comprehensive legal solutions for the adoption of bylaws in the area of protection of classified information in the field of criminal justice established.

Component 2:

Mandatory Result 2: Strengthening capacities of the Public Prosecutor's Office, Ministry of Interior, Financial Police and Customs Administration for more efficient and effective implementation of special investigative measures

In the context of Mandatory Result 2 the following indicative sub-results will be achieved:

1. Strengthened the administrative and management capacities of the officers in the Public Prosecutor's Office, for control and supervisory mechanisms on the implementation of special investigative measures, through monitoring of results;
2. Strengthened the administrative and managerial capacities of the Ministry of Interior, the Financial Police and the Customs Administration for the implementation of the special investigative measures under the control of the Public Prosecutor;
3. Improved statistical data system and monitoring of special investigative measures;
4. Enhanced the internal communication between relevant institutions on more efficient and effective implementation of special investigative measures.

The measurable indicators in relation with Mandatory result 2 are:

1. Training needs assessment conducted for the officers from PPO's, for control and supervisory mechanisms on the implementation of special investigative measures, through monitoring of results;
2. Number of staff trained, including training of trainers for the administrative and managerial staff of the Public Prosecutor's Office, Ministry of Interior, the Financial Police and the Custom Administration for the implementation of the special investigative measures under the control of the Public Prosecutor to wider possible extent;
3. Number of expert advice and written recommendations of the system for control and supervisory mechanisms on the implementation of special investigative measures, through monitoring of results provided;
4. Written recommendations on the possible system for statistical data collection and performance management in the area of special investigative measures prepared;
5. At least 10 specialized trainings, practical tailor-made workshops and on-the-job support for the Public Prosecution Office, Ministry of Interior, Financial Police and Customs Administration on the basis of the legal amendments prepared under the project, as well

as on the EU and international standards in the area on implementation of special investigative measures organised;

6. Written recommendations with practical advices provided and applicable solutions for internal communication between relevant authorities on more efficient and effective implementation of special investigative measures delivered.

3.6.Expected activities

The Twinning assistance will be provided in a flexible manner, particularly in the form of experience sharing and know-how transfer through advice and written recommendations, tailored on-the-job training, experts' participation in roundtables, as well as study visits to the EU MS for strengthening the capacities of the Public prosecutor office and relevant authorities. Throughout the implementation period, the Project shall aim at flexibility, cooperative and tailor-made approach, complementarily with other EU and international projects and high publicity.

The activities that will be developed under this project shall be primarily focused on:

Component 1:

Mandatory result 1: Assessment of the legal framework for special investigative measures and assistance in their harmonization with the legal framework of the European Union at the level of international standards

1. Assessment of the Law on Criminal Procedure and the Law on Classified Information related to the classification of special investigative measures and use of evidence obtained with special investigative measures in the criminal procedure in accordance with the best practices and standards of the European Union ;
2. Assessment of the Criminal Code with regard to criminal acts (Disclosing a state secret - Article 317) and (Disclosing a military secret - Article 349), as well as the disclosure of a secret from the procedure, and in relation to the evidence arising from the special investigative measures and their unauthorized disclosure as incriminating action in accordance with the best practices and standards of the European Union;
3. Assistance in developing and preparation of the legal solutions related to the obligatory declassification of the evidence obtained by the special investigative measures after the opening of the investigative procedure;
4. Preparation and establishment of the legal solutions for the adoption of bylaws in the area of protection of classified information in the field of criminal justice.

Component 2:

Mandatory Result 2: Strengthening capacities of the Public Prosecutor's Office, Ministry of Interior, Financial Police and Customs Administration for more efficient and effective implementation of special investigative measures

1. Conduct training needs assessment for the officers from PPO's, for control and supervisory mechanisms on the implementation of special investigative measures, through monitoring of results, development and implementation of a tailor-made

- training programme and training curricula;
2. Organization of training events, practical tailor-made workshops and training of trainers for the administrative and managerial staff of the Ministry of Interior, the Financial Police and the Custom Administration for the implementation of the special investigative measures under the control of the Public Prosecutor to wider possible extent;
 3. Organization of study visit/s for the officers in the PPO's for exchanging knowledge to inclusive and evidence based approach for more efficient and effective implementation of special investigative measures in line with Union acquis, comparative experience and best practice with the peers in EU Member States;
 4. Provide expert advice and written recommendations of the system for control and supervisory mechanisms on the implementation of special investigative measures, through monitoring of results;
 5. Provide expert advice on the possible system for statistical data collection and performance management in the area of special investigative measures;
 6. Organization of at least 10 specialized trainings, practical tailor-made workshops and on-the-job support for the Public Prosecution Office, Ministry of Interior, Financial Police and Customs Administration on the basis of the legal amendments prepared under the project, as well as on the EU and international standards in the area on implementation of special investigative measures;
 7. Provide advice and applicable solutions for internal communication between relevant authorities on more efficient and effective implementation of special investigative measures.

Given the ongoing reforms, some above-mentioned activities might need to be reviewed at the start of the project

3.7. Means/ Input from the Member State Partner Administration:

The project will be implemented in a form of a Twinning Light contract envisaged to provide exchange of experience and know-how with a MS Institution with good practice in the stated project activities. The Twinning Partner shall provide an adequate team of experts– one MS Project Leader, responsible for overall coordination of project activities, Component Leader 1, Component Leader 2 and a pool of Short Term Experts (STEs) with suitable knowledge to carry out the activities described.

The interested MS Partner Institution shall include in its proposal the CV's of the designated Project Leader and the proposed Component Leaders as well as their specific tasks to which they will be assigned to.

The MS Partner Administration should demonstrate experience in delivery of services in the relevant project fields mentioned above. This experience should be described in the proposal. Experience in providing assistance in similar EU projects would be considered as an advantage.

3.7.1. Profile and tasks of the Project Leader

The Project Leader from the EU Member State should be a senior civil servant or equivalent staff who works in the field relevant to this project and have been at least three years in a management position within the institution.

The Project Leader will be responsible for achievement of project results, ensuring the

activities for the co-operation and information exchange between EU Member states side and Beneficiary side and ensuring that all the required support of the management and staff of the EU side are available. S/he will coordinate the Project Steering Committee meetings on the EU Member State side.

Qualifications and skills:

- Proven contractual relation to a public administration or mandated body
- At least a University degree² preferably in the field of law or equivalent professional experience of 8 years in Public Prosecutor's Office;
- At least 3 years of specific experience in interception of communications and implementation of special investigative measures as legal practitioner, such as a public prosecutor;
- Previous experience in project management will be considered as an asset;
- Fluent written and spoken English.

Tasks:

- Conceive, supervise and coordinate the overall Twinning light project;
- To provide strategic advice on high level regarding reforms supported by the Twinning;
- Coordinate and monitor the overall implementation of the project including, if applicable, coordination and direction of the MS Junior 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;
- Participate in quarterly meetings of the Project Steering Committee with the BC PL;
- Participate in preparation of the side letters;
- Participate in preparation of both interim and final reports.

3.7.2. Profile and tasks of the Component Leaders

In order to ensure better component coordination and delivery of the activities in a timely and efficient manner, the MS administrations are encouraged to assign Component Leaders. They should report to the Project Leader and liaise with the Project Leader counterpart.

Component Leader 1 and Component Leader 2:

- be a public prosecutor or equivalent staff employed in authorized bodies for fight against crime in EU MS services in charge of management and implementation of special investigative measures and assistance in their harmonization with the legal framework of the European Union at the level of international standards

⁵ For reference on equivalent qualification see: EPSO website-Annex 1 (http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104_en.doc)

- have at least Bachelor degree preferably in law and/or social science relevant to the area or equivalent professional experience of 8 years in authorized bodies for fight against crime;
- have at least of 3 years of relevant professional experience in the EU MS dealing with management and operation in authorized bodies for fight against crime in accordance with international standards;
- be fluent in written and spoken English.

3.7.3. Profile and tasks of the Short-Term Experts:

Other specialist staff will be made available by the Twinning Light Partner to support the implementation of activities. The proposed pool of short-term experts is expected to cover all relevant areas targeted under this project in order to achieve the mandatory results.

Qualifications and skills:

- University degree³ preferably in law or another relevant discipline or equivalent professional experience of 8 years in authorized bodies for fight against crime;
- At least 3 years of working experience in the field of implementation of special investigative measures;
- be fluent in written and spoken English.

A pool of short term experts is required to implement the project activities covering the following indicative subjects:

- 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 and transfer knowledge to relevant staff for execution of all activities related to the results and objective required within the project;
- Provision of practical support, advice, recommendations and reports as foreseen under the Project in close cooperation and coordination with the relevant institution;
- Address cross-cutting issues.

4. Budget

Maximum Budget available for the Grant

Twinning Contract	Total (EUR)	IPA Community contribution		National Public contribution	
		EUR	%	EUR	%
	250,000	250,000	100	/	/

5. Implementation Arrangements

³For reference on equivalent qualification see: EPSO website-Annex 1 (http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104_en.doc)

5.1 Implementing Agency

Implementing Agency responsible for tendering, contracting and accounting is the Central Financing and Contracting Department (CFCD) within the Ministry of Finance.

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5.2. Institutional framework

Key beneficiary - Public Prosecutor Office

The Public Prosecutor's Office is responsible for the implementation of the special investigative measures provided for in the Law on Criminal Procedure (Official Gazette No. 150/10), actually controls their implementation when the same are carried out by the judicial police. The judicial police in accordance with the Law on Criminal Procedure (Official Gazette No. 150/10) are composed of police officers from the Ministry of Interior and the Financial Police and with law authorized persons of the Customs Administration who work on detecting of the crime under the competencies of the PPO.

The implementation of the new legal powers raised the need to make improvement of the overall capacity of the Public Prosecutor office, Ministry of Interior, Financial Police office, Customs Administration, and other authorized institutions responsible for the implementation of the special investigative measures.

Other non-key beneficiaries of this project will be:

1. Ministry of internal affairs

The Ministry of Internal Affairs is part of the state administration which, among other powers, has competencies for preventing of criminal offenses and misdemeanors, detecting

and apprehending their perpetrators and undertaking other measures prescribed by law for prosecuting the perpetrators of those crimes. Within the Ministry of Internal Affairs as organs within the structure are functioning the Office for Security and Counter-Intelligence and the Bureau of Public Security. In accordance to the Law on Interception of Communications, the Ministry of the Interior is an authorized body for interception of communications. The monitoring of communications, as well as the implementation of other special investigative measures in practice, is carried out by the Ministry of Internal Affairs, although this authorization is also utilized by the public prosecutor, the Financial Police and Customs Administration.

The Ministry of the Interior, in accordance with the Law on Criminal Procedure, is part of the judicial police, whose work is supervised and directed by the public prosecutor.

2. Financial Police and Customs Administration

The Financial Police and Customs Administration are bodies within the Ministry of Finance that have the status as a legal entity.

The Financial Police is a body with special authorizations in accordance with the Law on Criminal Procedure, which ensures consistent implementation of the regulations, especially in the field of financial, tax and customs operations. The law precisely regulates the competencies and powers of the Financial Police in the detection and prosecution of complex forms of organized financial crime in the country.

The Customs Administration is also a body with special authorizations in accordance with the Law on Criminal Procedure

Co-ordination mechanisms between institutions

The Public Prosecutor's Office will be directly responsible for co-ordination and management of the project and will support the Twinning Light project team in organizational and technical matters.

In line with the relevant provisions of the Twinning Manual (Revision 2017) A Project Steering Committee (PSC) will be established at the beginning of the project to monitor the implementation of the project comprising of senior representatives the Beneficiary Country Project Leader, the Member State Project Leader, other representatives from MS and Beneficiary County, representatives from the Contracting Authority and EUD. The final and exact composition of the PSC will be agreed with the Contracting Authority at the start up of the project. Any observer to the PSC should be approved by the Contracting Authority.

MS and BC Twinning Light Partners will arrange regular and ad-hoc coordination and information exchange meetings with other stakeholders as necessary.

5.3 Counterpart in the Beneficiary administration

The PL counterpart will be a public servant of the Beneficiary administration and will be actively involved in the management and coordination of the project.

5.3.1 Contact person:

Ms. Dragica Pavlovik Nedelkova
Head of the penal department

Basic Public Prosecutor's Office for organized crime and corruption
Dimitar Vlahov
1000 Skopje

5.3.2 PL counterpart

Ms. Gordana Smakoska
Public prosecutor
Public prosecutor office
Dimitar Vlahov
1000 Skopje

5.3.3. Component Leaders

Component 1

Ms. Vilma Ruskovska

Public prosecutor

Basic Public Prosecutor's Office for organized crime and corruption

Dimitar Vlahov

1000 Skopje

Component 2

Mr.Bojan Dukovski

Senior expert public prosecutor

Basic Public Prosecutor's Office for organized crime and corruption

Dimitar Vlahov

1000 Skopje

6. Duration of the project

The implementation period of the Twinning project is 8 months. The execution period of the contract shall enter into force upon the date of notification by the Contracting Authority of the contract signed by all parties, whereas it shall end 3 months after the implementation period of the Action.

7. Sustainability

The beneficiary administration is fully committed to ensuring long term impact of the Twinning Light project. The MS Twinning partners shall transfer the know-how necessary to achieve the mandatory results to the Beneficiary administration. During the project, the twinning partners should develop documents/handouts, guidelines that will be easily accessible for later use by the beneficiary administration. Staff benefiting from trainings/study visit shall transfer knowledge through subsequent training to their colleagues. Moreover, the proposed Evaluation/Lessons Learnt Seminar at the end of the implementation which capitalises and presents the concrete results with practical implications for further follow up will add to the sustainability of results.

The mandatory results are fully in line with and contribute to the general Public Administration Reform Strategy (2017-2022), which envisages a set of steps, which should lead to more effective, efficient and improved management of institutions, human resources and processes, resulting with more efficient creation of policies, improved functionality and organization, merit-based human resources management, more efficient and cost effective

public services, as well as bigger responsibility, reporting and transparency of institutions, servants and managing structures.

8. Crosscutting issues

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

8.1. Civil Society development and dialogue

Effective cooperation with the civil society organizations is an important element in penitentiary and probation reforms, which is also recognized in the respective national strategies and action plan. Relevant civil society organizations will be included in twinning activities.

8.2 Environmental considerations

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

8.3 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.

8.4 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.

8.5 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.

8.6 Communication and publicity

All requirements to ensure the visibility of EU financing will be fulfilled in accordance with Regulation (EC). N. 718/2007⁴.

9. Conditionality and sequencing

⁴ See Article 62 and 63 of Regulation(EC) N. 718/2007

9.1. 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;
- Participation by the beneficiary in the selection process as per EU regulations;
- Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiaries.

9.2. Sequencing

Key milestones will be:

- 1) Approval of the Twinning light project fiche;
- 2) Circulation of the Twinning light Project Fiche to Member State National Contact Points;
- 3) Completion of the selection of the twinning partner;
- 4) Signature of the Twinning contract;
- 5) Commencement of the implementation of the twinning;
- 6) End of the implementation period;
- 7) Submission of the final report.
- 8) Twinning review mission (6 to 12 months after end of the project)

10. Indicators for performance measurement

See section 3.5

11. Facilities available

The project will be located in the premises of the Public Prosecutor's Office. The Beneficiary commits itself to make available free of any charge for the project:

- Office facilities for the component leaders and short term experts to perform their work while on mission to the Beneficiaries for the entire duration of the implementation, hard and software with a level of equipment at least comparable to that in use in the Beneficiary administration;
- Meeting, training, seminars and conference venues, catering if appropriate and presentation and interpretation equipment.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format

ANNEX 1

LOGFRAME PLANNING MATRIX	Justice and home affairs		
Strengthening of the capacities to the authorized bodies for fight against crime		Total budget: € 250.000	IPA budget: € 250.000

Overall objective	Objectively verifiable indicators	Sources of Verification
Support the BC efforts to further improve the criminal justice system in collecting evidence to combat against crime, in particular for collecting evidence against organized crime and corruption by using special investigative measures in relation to the standards and recommendations of the European Union for respecting fundamental human rights and freedoms.	- JHA area is aligned with the EU legislation and best practices	European Commission Progress Reports Minutes from Committee for Stabilization and Association Minutes from Subcommittee for Justice Freedom and security

Specific objective:	Objectively verifiable indicators	Sources of Verification	Assumptions
Strengthening the capacities of the Public Prosecutor's Office, Ministry of Interior, Financial Police office, Customs Administration, authorized institutions which are responsible for the implementation of the special investigative measures.	- EU standards and recommendations are adopted by law enforcement and other institutions in the JHA area - Number of qualified and well equipped national officials by using special investigative measures to operate in accordance with EU requirements;	European Commission Progress Report Reports from PEER Missions in the area of JHA	- Continued support from the EU insured; - Professional and political commitment; - Presence of qualified personnel; - Counterpart personnel is appointed; - Appropriate working space is provided.

	- Implementation of the European standards in the police daily working.		
Results	Indicators	Sources of Verification	Assumptions
<p>Component 1: Assessment of the legal framework for implementation of the other special investigative measures and assistance in their harmonization with the legal framework of the European Union at the level of international standards</p> <p>Results to be achieved:</p> <p>1. Assessment of the Law on Criminal Procedure and the Law on Classified Information related to the classification of special investigative measures and use of evidence obtained with special investigative measures in the criminal procedure in accordance with the best practices and standards of the European Union ;</p> <p>2. Assessment of the Criminal Code with regard to criminal acts (Disclosing a state secret - Article 317) and (Disclosing a military secret - Article 349), as well as the disclosure of a secret from the procedure, and in relation to the evidence arising from the special investigative measures and their unauthorized disclosure as incriminating action in accordance with the best practices and standards of the European Union;</p> <p>3. Assistance in developing and preparation of the</p>	<p>Measurable indicators under Component 1:</p> <p>1. Assessment report of the Law on Criminal Procedure and the Law on Classified Information related to the classification of special investigative measures and use of evidence obtained with special investigative measures in the criminal procedure prepared and roadmap/further steps prepared;</p> <p>2. Assessment report of the Criminal Code with regard to criminal acts (Disclosing a state secret - Article 317) and (Disclosing a military secret – Article 349), as well as the disclosure of a secret from the procedure, and in relation to the evidence arising from the special</p>	<p>- Reports on seminars, work shops, experts meetings, round tables, debates, conferences;</p> <p>- Training plan;</p> <p>- Assessment reports;</p> <p>- Prepared recommendations for the overall objective of the project;</p> <p>- EC peer reviews and reports;</p> <p>- Project reports;</p> <p>- Recommendation Report;</p> <p>- Training Curricula;</p> <p>- Action plans;</p> <p>- European Commission Progress Report.</p>	<p>- Availability of appropriate staff for training exercises;</p> <p>- Stimulating environment to apply lessons learned in practice;</p> <p>- Professional and political commitment;</p> <p>- National budget resources available;</p> <p>- Presence of qualified personnel.</p>

<p>legal solutions related to the obligatory declassification of the evidence obtained by the special investigative measures after the opening of the investigative procedure;</p> <p>4.Preparation and establishment of the legal solutions for the adoption of bylaws in the area of protection of classified information in the field of criminal justice.</p> <p>Component 2: Strengthening capacities of the Public Prosecutor's Office, Ministry of Interior, Financial Police and Customs Administration for more efficient and effective implementation of special investigative measures</p> <p>Results to be achieved:</p> <p>1. Strengthened the administrative and management capacities of the officers in the Public Prosecutor's Office, for control and supervisory mechanisms on the implementation of special investigative measures, through monitoring of results;</p>	<p>investigative measures and their unauthorized disclosure as incriminating action prepared and recommendations provided;</p> <p>3.Number of recommendations for legal solutions related to the obligatory declassification of the evidence obtained by the special investigative measures after the opening of the investigative procedure developed and prepared;</p> <p>4. Number of comprehensive legal solutions for the adoption of bylaws in the area of protection of classified information in the field of criminal justice established.</p> <p>Measurable indicators under Component 2:</p> <p>1. Training needs assessment conducted for the officers from PPO's, for control and supervisory mechanisms on the implementation of special investigative measures, through monitoring of results;</p> <p>2. Number of staff trained, including training of trainers for the administrative and managerial staff of the Public Prosecutor's Office, Ministry of Interior, the Financial</p>		
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<p>2. Strengthened the administrative and managerial capacities of the Ministry of Interior, the Financial Police and the Customs Administration for the implementation of the special investigative measures under the control of the Public Prosecutor;</p> <p>3. Improved statistical data system and monitoring of special investigative measures;</p> <p>4. Enhanced the internal communication between relevant institutions on more efficient and effective implementation of special investigative measures.</p>	<p>Police and the Custom Administration for the implementation of the special investigative measures under the control of the Public Prosecutor to wider possible extent;</p> <p>3. Number of expert advice and written recommendations of the system for control and supervisory mechanisms on the implementation of special investigative measures, through monitoring of results provided;</p> <p>4. Written recommendations on the possible system for statistical data collection and performance management in the area of special investigative measures prepared;</p> <p>5. At least 10 specialized trainings, practical tailor-made workshops and on-the-job support for the Public Prosecution Office, Ministry of Interior, Financial Police and Customs Administration on the basis of the legal amendments prepared under the project, as well as on the EU and international standards in the area on implementation of special investigative measures organised;</p> <p>6. Written recommendations with practical advices provided and applicable solutions for internal</p>		
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	communication between relevant authorities on more efficient and effective implementation of special investigative measures delivered.		
Activities	Means	Specification of costs	Assumptions
<p>Component 1: Assessment of the legal framework for interception of communications and implementation of the other special investigative measures and assistance in their harmonization with the legal framework of the European Union at the level of international standards</p> <p>1. Assessment of the Law on Criminal Procedure and the Law on Classified Information related to the classification of special investigative measures and use of evidence obtained with special investigative measures in the criminal procedure in accordance with the best practices and standards of the European Union ;</p> <p>2. Assessment of the Criminal Code with regard to criminal acts (Disclosing a state secret - Article 317) and (Disclosing a military secret - Article 349), as well as the disclosure of a secret from the procedure, and in relation to the evidence arising from the special investigative measures and their unauthorized disclosure as incriminating action in accordance with the best practices and standards of the European Union;</p> <p>3. Assistance in developing and preparation of the legal solutions related to the obligatory declassification of the evidence obtained by the</p>	<p>MS twinning partner input:</p> <ul style="list-style-type: none"> - 1 MS Project Leader; - Component Leaders; - Pool of short-term experts. <p>BC partner input:</p> <ul style="list-style-type: none"> - 1 BC Project Leader; - BC contact person. 	<p>EURO 250.000</p>	<ul style="list-style-type: none"> - Smooth implementation of reforms related to interception of communications and implementation of the other special investigative measures; - Full commitment of the involved authorities; - Experts recruited will be of sufficient quality; - Effective monitoring of project implementation; - Timely availability of adequate resources; <ul style="list-style-type: none"> - Staff available for training.

<p>special investigative measures after the opening of the investigative procedure;</p> <p>4. Preparation and establishment of the legal solutions for the adoption of bylaws in the area of protection of classified information in the field of criminal justice.</p> <p>Component 2: Strengthening capacities of the Public Prosecutor's Office, Ministry of Interior, Financial Police and Customs Administration for more efficient and effective implementation of special investigative measures</p> <p>1. Conduct training needs assessment for the officers from PPO's, for control and supervisory mechanisms on the implementation of special investigative measures, through monitoring of results, development and implementation of a tailor-made training programme and training curricula;</p> <p>2. Organization of training events, practical tailor-made workshops and training of trainers for the administrative and managerial staff of the Ministry of Interior, the Financial Police and the Custom Administration for the implementation of the special investigative measures under the control of the Public Prosecutor to wider possible extent;</p> <p>3. Organization of study visit/s for the officers in the PPO's for exchanging knowledge to inclusive and evidence based approach for more efficient and effective implementation of special investigative measures in line with Union acquis, comparative experience and best practice with the peers in EU Member States;</p>			
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<p>4. Provide expert advice and written recommendations of the system for control and supervisory mechanisms on the implementation of special investigative measures, through monitoring of results;</p> <p>5. Provide expert advice on the possible system for statistical data collection and performance management in the area of special investigative measures;</p> <p>6. Organization of at least 10 specialized trainings, practical tailor-made workshops and on-the-job support for the Public Prosecution Office, Ministry of Interior, Financial Police and Customs Administration on the basis of the legal amendments prepared under the project, as well as on the EU and international standards in the area on implementation of special investigative measures;</p> <p>7. Provide advice and applicable solutions for internal communication between relevant authorities on more efficient and effective implementation of special investigative measures.</p>			
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