

## STANDARD TWINNING LIGHT PROJECT FICHE

### 1 Basic Information

1.1 Publication reference:: EuropeAid/137-525/ID/ACT//MK

1.2 Programme: TAIB National Programme for 2012

1.3 Twinning Number: MK 12 IB JH 01 TWL

1.4 Title: Strengthening the judicial cooperation in civil and criminal matters

1.5 Sector: Justice, Home Affairs and Fundamental Rights

1.6 Beneficiary Country: Beneficiary country<sup>1</sup>

### 2 Objectives

#### 2.1 Overall Objective(s):

The global objective of this fiche is the consolidation of the rule of law in the country through improved implementation of international and European Union standards and recommendations in the areas of freedom, security, justice and respect of human rights.

#### 2.2 Project purpose:

Strengthen the capacities of the Department for international legal assistance in MoJ, Public Prosecution Office, Courts and competent stakeholders involved in mutual legal assistance (MLA) regarding the implementation of the international and European Union standards.

#### 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 24 Judicial cooperation in civil and criminal matters** of the National program for adoption of the *Acquis* 2015 foresees activities for further strengthening

<sup>1</sup>As per Financing Agreement signed between the Government of the Beneficiary Country and the European Commission concerning National Programme for Component 1 for 2011 under the Instrument for Pre-accession Assistance, signed on 20 November 2012

the cooperation in civil and criminal matters in 2015, will continue with the implementation of training, seminars and workshops for judges organized by the Academy for Judges and Prosecutors (AJPP) and cooperation with Eurojust. The software will be established to keeping records of cases of mutual legal assistance in civil and criminal matter and to generate statistical reports.

#### **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.

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:**

##### **3.1.1 Institutional frame**

Strengthening the legal state and the rule of law and consistent respect of human rights is one of the key priorities of the country building on the policy to achieve full integration with the EU.

Accordingly, the **Work Program of the Government of the Beneficiary Country** for the period 2011–2015 is committed to “Uncompromising fight against corruption and crime and efficient law implementation by undertaking deep reforms in the judiciary and public administration”.

The Ministry of Justice in July 2007 adopted the **Strategy for Reform of the Criminal Legislation (2007-2011)**. The Strategy implementation included developments in substantive criminal law and, most importantly, adoption of a new Criminal Procedure Law (in force from 1 December 2013), which cemented a shift to a more *prosecutor-led investigation* and a more *adversarial system* of handling of evidence at trial.

According to the **Strategic Plan of the Ministry of Justice 2012-2014** the Ministry of Justice shall provide general prerequisites to achieve the primary function of the judicial system and its reform aiming to create independent, impartial, professional and efficient system for respect and protection of the human rights and freedoms. 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 the legal and institutional capacities related to the justice sector reforms, strengthening access to justice and legal aid system, international judicial cooperation in civil and criminal matters, anticorruption, criminal justice, civil justice, human rights, IT in the judiciary all in a view for approximation of sectorial legislation with EU and international law.

The *judicial cooperation in criminal and civil matters* are regulated in the Law on criminal procedure, the Private International law Act, Law on international cooperation in criminal matters as well as the ratified European Conventions with regard to this matter. Moreover, the cooperation agreement with EUROJUST was signed in November 2008 and the law to ratify the agreement was enacted in April 2009. In addition regarding the bilateral cooperation numbers of bilateral agreements on criminal and civil matters were signed on regional and international level. However, challenges remain with respect to the development of mutual legal assistance to wider possible extent; mutual sharing of information, best practices on simplified procedure on extradition, full application of the mutual recognition principle, and in strengthening the cooperation in prosecuting criminals. In this respect detailed assessment of the legal framework and the level of alignment with EU Law in this area is necessary, including MLA Request writing templates and samples. This project will facilitate the preparation of the MLA writing tools which will be upgraded and implemented with the ICT system LURIS in the ongoing regional project "International cooperation in criminal justice: the Prosecutor's network of the Western Balkans" to enhance the cooperation and communication between competent judicial authorities involved in mutual legal assistance (MLA).

The project will build and enhance capacities of the relevant authorities Department for international legal assistance, Public Prosecution Office and Courts with assessment and assistance in harmonization of legislation according the EU and international standards and best practises (working groups consist of judges and prosecutors for amending the Private International law Act and Law on international cooperation in criminal matters including foreign experts in the area of MLA). Provided comprehensive recommendations on adopting new By-laws of the abovementioned laws will aim at giving more concrete conclusions on formulation of appropriate request of mutual legal assistance in criminal and civil matters for the judges and prosecutors. The Manuals/Handbooks with templates for writing and formulation of appropriate request of mutual legal assistance in criminal and civil matters will facilitate and improve the judicial cooperation in MLA cases. The trainings for the above mentioned relevant authorities will enhance their experience for concise understanding of the EU acquis and alignment with relevant international standards and best practices. The purpose of such alignment is to establish successful judicial cooperation that will enable effective and efficient detection, providing evidence and processing of criminal cases – particularly in the area of transnational organized crime. Judicial cooperation in criminal matters is especially contingent on mutual recognition of court decisions, harmonization of legislation and fulfilment of institutional pre-requisites for successful cooperation.

The recommendations arising from this project will provide support for assessment and assistance in harmonization of legislation framework on judicial cooperation in criminal and civil matters in line with EU acquis and international standards and will also strengthen the capacities of the Department for international legal assistance in MoJ, Public Prosecution Office and Courts for faster performance.

### *3.1.2 Current state of play*

The Department for International legal assistance within the Ministry of Justice has 10 staff members as follows: Head of Department, Head of Unit, and the rest are deployed in two Units within the Department. The strategy and methodology of work of the Department is within the Work Program of the Government of the Beneficiary Country 2011-2015.

The main scope of work of the Department for International legal assistance is in the field of the international legal assistance in civil and criminal matters which includes: handing of writs, requests for examinations, taking statements of heirs, acting upon cases for alimentations requests, legalization of documents – authentication, transfer of criminal proceedings of foreign citizens before the competent authorities in the respective state and vice versa, extraditions, transfer of sentenced persons, exchange of judicial records, notifications for detentions, giving opinions related to reciprocity, recognition and execution of foreign verdicts, giving opinions regarding bilateral and multilateral cooperation, monitoring and implementation of multilateral agreements and other.

International legal assistance is conducted under the provisions of national legislation (Law on Civil Procedure, the Private International Law Act, Law on ownership and other real rights, family law, inheritance law, Law of Obligations Act, the court procedure, Law enforcement and other legislation in this area, etc.). In addition to the national legislation in the international legal assistance apply the bilateral agreements that the Beneficiary Country has signed with various countries (Bulgaria, Turkey, Ukraine, Romania, Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro and Republic of Kosovo).

Given the complexity of the cases with an international element and various legal relations from which the need for efficient and quality providing of legal aid arises and acquires a good knowledge of international - legal regulations and the need for a good legal framework for regulation, i.e. resolving contentious relations in which a foreign element is present for whose solution is necessary to have a cooperation between the domestic and foreign judicial and other authorities, which highlights the need to build mechanisms that will enable the protection of our citizens when they are abroad or overseas threatened their rights and interests and back protection rights and interests of foreign nationals in the Beneficiary Country.

Statistical data of the Department for International legal assistance for 2014 as follows: in the period from 01.01.2014 -31.12.2014 are registered 5108 new cases for which there are 11.005 activities upon the cases and 3400 of them are in criminal matters and 7605 in civil matters. In respect to this issue the Department for International legal assistance need to share best practices from EU MS in conducting statistical collection data as well as enhancing the cooperation and communication between competent judicial authorities involved in mutual legal assistance (MLA) as one of the most important issues.

The **Unit for mutual legal assistance requests in civil and criminal matters** is consisting of 5 staff members and a Head of the Unit. The International legal assistance in civil cases relates mostly to the submission of judicial and extra judicial acts, letters rogatory requiring

taking certain legal actions, (presentation of evidence, hearing, delivery of writs and documents), and the cases referring the status of persons, family, labour, pecuniary and other civil relationships having an international character, giving opinion on reciprocity, giving notice of the provisions of national legislation and other issues in the civil matters. International legal assistance in civil matters is conducted under the provisions of national legislation (Law on Civil Procedure, the Private International Law Act, Law on ownership and other real rights, family law, inheritance law, Law of Obligations Act, Law on extrajudicial procedure, Law on enforcement and other legislation in this area, etc.).

The **Unit for transfer and extradition** has 3 staff members and its main task is the international cooperation in criminal matters in accordance with the Law on International cooperation in criminal matters. This Law is *lex specialis* in the field of mutual legal assistance in criminal matters thus for the procedural provisions which are not provided with this law, the provisions of the Law on Criminal Procedure, Law on misdemeanours, Law on Courts, Law on Public Prosecution Office and other relevant laws are applied. The Law on International cooperation in criminal matters is a codification of all the Conventions of the Council of EU in the field of the mutual legal assistance in criminal matters that are in force in The Beneficiary Country. Adoption of the Law is with accordance with the commitment of the Beneficiary Country to integrate into the European mainstream, especially in the process of European integration and ensure adequate level of international cooperation in criminal matters, setting conditions for an effective fight against crime. Mutual Legal assistance in criminal matters refers mostly on delivering summons, decisions, evidence material, hearings, procedure for transfer of sentenced persons, extraditions and others requests.

Though challenges remain with respect to the development of mutual legal assistance to wider possible extent; mutual sharing of information, simplified procedure for extradition, and in strengthening the cooperation in prosecuting criminals. In this respect detailed assessment of the legal framework and the level of alignment with EU Law in this area is necessary, including MLA Request writing templates and samples.

### **3.2 Linked activities:**

**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 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:** EU - IPA 2010

**Value:** 3. 525 000 EUR

**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:** 2016 - 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.

### 3.3 Results:

The project is structured into two components:

#### **Component 1: Assessment and assistance in harmonization of legislation framework on judicial cooperation in criminal and civil matters in line with EU acquis and international standards**

Results to be achieved:

1. Private International law Act, Law on international cooperation in criminal matters and relevant justice procedures assessed for compliance with the EU law and international best practices and standards concerning the judicial cooperation in civil and criminal matters;
2. Prepared internal acts for writing and formulation of appropriate request of mutual legal assistance in criminal and civil matters that are in line with applicable international standards and Hague Conventions (Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters and Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters developed;
3. Existing legislation and bylaws of the Law on international cooperation in criminal matters and the Private International Law Act reviewed;
4. Established and enhanced institutional framework and coordination mechanisms between relevant institutions and implementation of the legal framework in the international cooperation in criminal and civil matters.

#### **Measurable indicators Component 1:**

1. Assessment report of the level of compliance of the Private International law Act and Law on international cooperation in criminal matters with the EU law and international best practices and standards concerning the judicial cooperation in civil and criminal matters prepared and roadmap/further steps recommended;
2. Number of Manuals/Handbooks with templates for writing and formulation of appropriate request of mutual legal assistance in criminal and civil matters that are in line with applicable international standards and Hague Conventions (Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters and Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters prepared and adopted;
3. Comprehensive recommendations for new by-laws and/or amendment for existing bylaws of

the Law on international cooperation in criminal matters and the Private International Law Act prepared;

4. Number of recommendations for improving implementation of institutional framework and coordination mechanisms between relevant institutions and implementation of the legal framework in the international cooperation in criminal and civil matters prepared.

**Component 2: Strengthened capacities of the Department for international legal assistance in MoJ, Public Prosecution Office and Courts for faster performance**

Results to be achieved:

1. Strengthened administrative and management capacities of the officials from the Department for international legal assistance, Courts and Public Prosecution office related to legislation drafting and establishment of the mutual legal assistance framework;
2. Provided comparative study on the system for statistical data collection and performance management in the area of MLA;
3. Established system for statistical data collection and performance management in the area of MLA;
4. Provided practical advice and mentoring on judicial cooperation matters;
5. Enhance the internal communication between relevant institutions to international judicial cooperation;
6. Enhanced capacities of the MoJ officials, Public Prosecution Office and Courts and other relevant stakeholders on the basis of manuals and legal institutional framework amendments and coordination mechanisms developed under the Project, as well as on the EU and international standards in the area of MLA.

**Measurable indicators Component 2:**

1. Training needs assessment conducted, development and implementation of a tailor-made training programme and training curricula on judicial cooperation developed for capacity building of officials from the Department for international legal assistance, Courts and Public Prosecution office;
2. Number of staff trained, including trainers on all aspects of mutual legal assistance to wider possible extent for mutual sharing of information, simplified procedure for extradition, full application of the mutual recognition principle for employees of the Department for international legal assistance in MoJ, Public Prosecution Office and Courts;
3. Comparative study on the system for statistical data collection and performance management in the area of MLA and recommendations provided;
4. Number of recommendations on the best solution for statistical data collection and performance management in the area of MLA prepared;
5. Number of MoJ officials, Public Prosecution Office, Courts and other relevant stakeholders trained on the basis of manuals and legal amendments developed under Project, as well as on the EU and international standards in the area of MLA organized;
6. Written recommendations provided and applicable solutions for internal communication between relevant institutions to international judicial cooperation delivered;
7. Written recommendations for improvement of the web tools related to the international judicial cooperation.

### 3.4 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 Strengthening the capacities of the Department for international legal assistance in MoJ. 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:

#### Activities - Component 1:

1. Assessments about the level of compliance of the Private International Law Act and Law on international cooperation in criminal matters with the EU law and international best practices and standards concerning the judicial cooperation in civil and criminal matters;
2. Assistance and advice in harmonization of legislation framework and recommendations for improving its implementation;
3. Assistance in preparation and adoption of advanced Manuals/Handbooks with templates for writing and formulation of appropriate request of mutual legal assistance in criminal and civil matters that are in line with applicable international standards and Hague Conventions (Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters and Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters;
4. Assistance in preparation of comprehensive recommendations for new by-laws and/or amendment for existing bylaws of the Law on international cooperation in criminal matters and the Private International Law Act put in practice and tested;
5. Assistance in setting up/upgrading sustainable cooperation, enhanced cooperation, promote and strengthen contacts, networks and provide exchange of information between relevant institutions involved in the international cooperation in criminal and civil matters, put in practice and tested;
6. Advice on improving implementation of institutional framework and coordination mechanisms between relevant institutions and implementation of the legal framework in the international cooperation in criminal and civil matters.

#### Activities - Component 2:

1. Training needs assessment conducted for the beneficiaries of the project, development and implementation of a tailor-made training programme and training curricula on judicial cooperation;
2. Organization of training events, practical tailor-made workshops and training of trainers with focus on all aspects of mutual legal assistance to wider possible extent for mutual sharing of information, simplification of the procedure for extradition, full application of the mutual recognition principle;
3. Organization of study visit/s for the civil servants in the Department for international legal assistance for exchanging knowledge, comparative experience and best practice with the peers

in EU Member States, and study visit/s for judges and prosecutors on the EU and international standards in the area of MLA;

4. Trainings and on-the-job support for officials from the Department for international legal assistance, Courts and Public Prosecution office related to legislation drafting and implementation of the mutual legal assistance framework;

5. Preparation of comparative study on the system for statistical data collection and performance management in the area of MLA;

6. Expert advice on the possible system for statistical data collection and performance management in the area of MLA;

7. Organization of at least 10 specialized trainings, practical tailor-made workshops and on-the-job support for the MoJ officials, Public Prosecution Office, Courts and other relevant stakeholders on the basis of manuals and legal amendments developed under Project, as well as on the EU and international standards in the area of MLA;

8. Advice and applicable solutions for internal communication between relevant institutions to international judicial cooperation delivered;

9. Advice for improvement of the web tools related to the international judicial cooperation.

### **3.5 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 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 Short-term Experts 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.

#### **3.5.1 Profile and tasks of the Project Leader**

The Project Leader from the Member State must be a high-ranking public servant of a Member State administration or equivalent staff, but preferable the Head of a body responsible for judicial cooperation in criminal and/or civil matters of the Member State, with relevant working experience of at least 5 years. The MS Project Leader will manage the implementation of the project with the Project Leader from the Beneficiary Country. The Project Leader's 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).

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.

As a minimum, the project Leader should be able to dedicate to the project at least 3 days per month, with at least 3 on-site visits. He/she will be supported by his/her Member State administration for logistic, accounting and administrative affairs.

### **Profile of Expert 1 (Project Leader) - Requirements:**

- At least a University degree<sup>2</sup> in the area of law or other areas relevant to the project;
- Be a high-ranking public servant of a Member State administration or equivalent staff;
- At least 5 years of relevant experience in the judicial cooperation in criminal and/or civil matters, as legal practitioner, such as a judge, prosecutor, attorney, and/or legal advisor in justice sector;
- Fluent written and spoken English.

### **Tasks of the Project Leader**

- Conceive, supervise and coordinate the overall thrust of the project;
- Ensure the attainment of the projected outputs;
- Co-manage the implementation of the project with the Beneficiary Country Project Leader;
- Co-ordinate MS experts' work and availability;
- Communicate with the beneficiary, CFCD and EUD;
- Ensure the backstopping functions and financial management;
- Co-chair the Project Steering Committee Meetings;
- Organise study visits for relevant institutions for exchanging knowledge, comparative experience and best practice with the peers in EU Member States;
- Preparation and drafting of interim, quarterly and final report in accordance with the Twinning Manual;
- Where necessary, provide technical assistance and advice under the Project.

#### **3.5.2 Profile and tasks of the RTA**

N/A

#### **3.5.3 Profile and tasks of the Short-Term Experts (STEs)**

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.

### **Profile of the short-term experts-Requirements:**

- University degree<sup>3</sup> in law or another relevant discipline ;
- At least 3 years of working experience in the field of the judicial cooperation in criminal and/or civil matters;

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<sup>2</sup> For reference on equivalent qualification see: EPSO website-Annex 1 ([http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104\\_en.doc](http://europa.eu.int/epso/on-line-applications/pdf/guide-1242-171104_en.doc))

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

- Be civil servants or equivalent staff seconded to work within departments/units related to the judicial cooperation in criminal and/or civil matters, as legal practitioner, such as a judge, prosecutor, attorney, and/or legal advisor in justice sector;
- Experience in preparation of analysis, researches and Manuals/Handbooks of mutual legal assistance in criminal and civil matters in accordance with EU and international standards in the area of MLA;
- Fluency in English;

#### **Tasks of the short-term experts**

- 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/advice 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 Institutional Framework**

### **4.1 Beneficiary Institutions**

#### **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 **Department for international legal assistance** within the Ministry of Justice of the Beneficiary Country has competencies concerning the conclusion of bilateral agreements on international legal assistance, extradition and transfer of sentenced persons, and international legal assistance in dealing with foreign State requests in criminal and civil matters. Matters within the scope of the Department are carried out on the basis of the ratified International and European legal instruments on legal assistance in civil and criminal matters and the national legislation thereto through the Department for extradition and transfer and the Department for handling foreign State requests in criminal and civil matters.

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.

- **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.

#### **4.2 Co-ordination mechanisms between institutions and departments**

The *Department for mutual legal assistance in MoJ* 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. Activities will be conducted in close cooperation with the respective Department and the CFCD.

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 Country and the representatives from the Delegation of the European Union and CFCD as Contracting Authority will also attend meetings of the PSC. 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.

It should be noted that the participation of the Member State Project Leader in Steering Committees meetings has to be combined with expert mission in case the MS Project Leader is also a short-term expert in the twinning light project. If the MS Project Leader is not a short-term expert in the twinning light project then his/her visits to the Beneficiary country, (one visit every three months) as part of his/her overall task to ensure coordination and political steering of the project should be organised at the same time as the two Steering Committee meetings of the project and the Kick-off Meeting. As a minimum, the project Leader should be able to dedicate to the project at least 3 days per month, with at least 3 on-site visits.

The Steering Committee meetings are called and chaired by the Project leaders. The PSC will monitor, supervise and co-ordinate the overall progress and implementation of the project. The PSC will provide guidance for the different activities of the project, will define priorities, approve and monitor budgets and approve the results.

The following Steering Committee meetings shall be held during the project implementation:

- Kick-off Meeting at the project's start.
- Steering Committee meeting during the 3<sup>rd</sup> month of implementation, to discuss and approve the start-up report
- Final Steering Committee meeting, to discuss and approve the Final Report within the last month of the project's legal duration.

## 5 Budget

The project will be implemented through a Twinning Light Contract estimated at a maximum of EUR 250,000.00 (out of which 95% IPA funds and 5% National co-financing).

Twinning Light Contract	Total (EUR)	IPA Community contribution		National Public Contribution	
		EUR	%	EUR	%
	250,000	237,500	95	12,500	5

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

Its maximum duration (time spent for Twinning activities) is limited to **8 months**. This duration is supplemented by the standard 3 months execution period foreseen for inception and reporting (see Article 2 of the general Conditions for Grants, Annex A2 to the Twinning contract).

The financial rules applicable to 'Twinning Light' are the same as those for standard Twinning, except that:

- a) Equipment and private sector services (other than translation and interpretation where necessary) are not eligible for funding;
- b) Preparatory costs are not eligible for funding;
- c) Project assistants are not eligible for funding;

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, 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 working for the project;
- Travel by the beneficiary officials from their capitals to a MS or between MS;
- Organisation of seminars/workshops/trainings (incl. venue, printing seminar materials and other logistical support.)

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

- Visibility cost;
- Audit certificate cost
- per diems and incidental costs for the study visit.

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. This includes administrative support, office space, computers, telephone and fax and other necessary facilities. This contribution should also include logistical support for various training activities, including selection of trainees (in consultation with the MS/Mandatory body experts), as well as providing the MS/Mandatory body experts with the documents and information necessary for project implementation.

The twinning partner (project beneficiary) shall provide all available assistance to solve unforeseen problems that the MS/Mandatory body twinning partner(s) might face.

## **6 Implementation Arrangements**

### **6.1 Implementing Agency responsible for tendering, contracting and accounting**

The Central Financing and Contracting Department (CFCD) will act as a Contracting Authority for the project, which will be responsible for all aspects for the project's tendering, contracting and payments.

The contact person on behalf of the CFCD is:

**Ms. Radica Koceva, Head of Department**  
e-mail: radica.koceva@finance.gov.mk  
fax; +389 2 3255 723

### **6.2 Main counterpart in the BC**

#### **6.3**

*Ministry of Justice*

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

#### **BC Project Leader will be:**

Ms. Slavica Tomovska  
Department for international legal assistance  
Ministry of Justice  
Jurij Gagarin no. 15  
Skopje

#### **BC Contact person will be:**

Ms. Gordana Milevska  
Department for international legal assistance  
Ministry of Justice  
Jurij Gagarin no.15  
Skopje

#### **Senior Programme Officer will be:**

Mrs. Frosina Tasevska  
Head of EU Department/Senior Programme Officer  
Ministry of Justice

## 6.4 Contracts

One Twinning Light Contract is foreseen for the implementation of the above mentioned activities, with an amount of EUR 250 000.

## 6.5 Reporting

### **Reporting requirements as per Art 6.4 of the Twinning Manual**

Proper project reporting is essential to ensure adequate follow-up of project implementation and evaluation of the results. These reports shall consist of a content section and financial section.

Reports will follow the templates of Annex C4/Annex C5 of the Twinning Manual. In addition to these formal reporting stages, the twinning partners are obliged to inform in writing the Contracting Authority (CFCD) of any critical aspects or conditions of project implementation, or any amendments/modifications necessary within the budget.

- A jointly drafted **Start-up Report** covering the first two months of the contract and submitted during the third month, which should:
  - Clearly define the aims and purpose of the aid provided by the project;
  - Give detailed description of the content of particular parts of the project,
  - Work out in detail the activities conducted and the results achieved,
  - Work out in detail all modifications agreed with the beneficiary institution,
  - Review difficulties met during the implementation of the project and measures that were undertaken for their removal,
  - Provide all findings obtained in the meanwhile and preliminary conclusions, and
  - Contain a general plan of activities for the implementation of the remained duration of the project.
- A jointly drafted **Final Report** shall be submitted within three months upon the completion of the project activities and in any case within the legal duration of the project, and should contain the following:
  - Complete review of all activities conducted by MS experts during the implementation of the project
  - Achieved progress concerning each activity,
  - Summary of all project results, with particular emphasis on mandatory results,
  - Estimation of the project impact compared with the project aims and measures of the achieved progress,
  - Identification of all important problems met during the implementation of the contract and solutions that have been applied,
  - Lessons drawn from the project, and
  - Recommendations for further steps in future projects
  - All Project outputs (assessment reports, recommendations, draft methodologies, etc.) as attachment.

All reports must be produced in English in electronic and hard copy. **These reports shall be signed by both Member State and Beneficiary Country Project Leaders, and be submitted to the Contracting Authority.** Each report must be presented in electronic format and 4 hard copies two week prior to the Steering Committee meetings to the relevant participants (the Project Beneficiary, the Contracting Authority, the members of the Steering Committee and the EU Delegation). All reports should be written in English and translated into *македонски* language. The final versions should incorporate any comments and

discussions during the Steering Committee meetings. Failure to submit satisfactory reports in time may lead to the decision to suspend EU financing for the project.

## **7 Implementation Schedule (indicative)**

7.1 Launching of the call for proposals (Date) –September 2015

7.2 Start of project activities (Date) – January 2016

7.3 Project completion (Date) – September 2016

7.4 Duration of the execution period

The overall execution period of the Twinning light project is 8 months for implementation of the action. This duration is increased by the standard 3 months for starting up and closure of activities.

## **8 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.

## **9 Crosscutting issues**

### **9.1 Civil society**

In compliance with the provisions of the IPA Implementing Regulation, the civil society will be involved through the mainstreaming mechanism developed. Representatives from the civil society shall be invited to participate in the workshops.

### **9.2 Equal Opportunity**

Twinning partners will be expected to comply with EU Equal Opportunity and non-discrimination policies. 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.

### **9.3 Environmental considerations**

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

### **9.4 Communication and publicity**

All requirements to ensure the visibility of EU financing will be fulfilled in accordance with R. (EC). N. 718/2007<sup>4</sup>.

## **10 Conditionality and sequencing**

### **10.1 Conditionality**

- Appointment of appropriate number of counterpart personnel by the beneficiary before the projects start (high-ranking officials);
- Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiaries.

### **10.2 Sequencing**

N/A.

## **ANNEXES TO PROJECT FICHE**

1. Logical framework matrix in standard format

# ANNEX 1

LOGFRAME PLANNING MATRIX		Justice, home affairs and fundamental rights	
		Total budget: € 250000	IPA budget: € 250000
<b>Overall objective</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	
The global objective of this fiche is the consolidation of the rule of law in the country through improved implementation of international and European Union standards and recommendations in the areas of freedom, security, justice and respect of human rights.	<ul style="list-style-type: none"> <li>- JHA area is aligned with the EU legislation and best practices</li> </ul>	European Commission Progress Reports Minutes from Committee for Stabilization and Association Minutes from Subcommittee for Justice Freedom and security	
<b>Project purpose</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
Strengthen the capacities of the Department for international legal assistance in MoJ, Public Prosecution Office, Courts and competent stakeholders involved in mutual legal assistance (MLA) regarding the implementation of the international and European Union standards.	<ul style="list-style-type: none"> <li>- EU standards and recommendations are adopted by law enforcement and other institutions in the JHA area</li> <li>- Number of qualified and well equipped national officials on judicial cooperation in civil and criminal matters to operate in accordance with EU requirements;</li> <li>- Implementation of the European standards in the police daily working.</li> </ul>	European Commission Progress Report Reports from PEER Missions in the area of JHA	<ul style="list-style-type: none"> <li>- Continued support from the EU insured;</li> <li>- Professional and political commitment;</li> <li>- National budget resources available;</li> <li>- Presence of qualified personnel;</li> <li>- Sufficient financing of the activities from the state budget.</li> <li>- Counterpart personnel is appointed;</li> <li>- Appropriate working space is provided.</li> </ul>

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p><b>Component 1: Assessment and assistance in harmonization of legislation framework on judicial cooperation in criminal and civil matters in line with EU acquis and international standards</b></p> <p>To achieve the aforementioned result the following intermediary results will be achieved:</p> <p>1. Private International law Act, Law on international cooperation in criminal matters and relevant justice procedures assessed for compliance with the EU law and international best practices and standards concerning the judicial cooperation in civil and criminal matters;</p> <p>2. Prepared internal acts for writing and formulation of appropriate request of mutual legal assistance in criminal and civil matters that are in line with applicable international standards and Hague Conventions (Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters and Enforcement of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters developed;</p> <p>3. Existing legislation and bylaws of the Law on international cooperation in criminal matters and the Private International Law Act reviewed;</p> <p>4. Established and enhanced institutional framework and coordination mechanisms between relevant institutions and implementation of the legal framework in the international cooperation in criminal and civil matters.</p>	<p><b>Measurable indicators Component 1:</b></p> <p>1. Assessment report of the level of compliance of the Private International law Act and Law on international cooperation in criminal matters with the EU law and international best practices and standards concerning the judicial cooperation in civil and criminal matters prepared and roadmap/further steps recommended;</p> <p>2. Number of Manuals/Handbooks with templates for writing and formulation of appropriate request of mutual legal assistance in criminal and civil matters that are in line with applicable international standards and Hague Conventions (Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters and Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters prepared and adopted;</p> <p>3. Comprehensive recommendations for new by-laws and/or amendment for existing bylaws of the Law on international cooperation in criminal matters and the Private International Law Act prepared;</p> <p>4. Number of recommendations for improving implementation of institutional framework and coordination mechanisms between relevant institutions and</p>	<ul style="list-style-type: none"> <li>- Reports on seminars, workshops, experts meetings, round tables, debates, conferences;</li> <li>- Training plan;</li> <li>- Assessment reports;</li> <li>- Special curricula for the training of the officials in the area of judicial cooperation in civil and criminal matters;</li> <li>- Prepared recommendations for the overall objective of the project;</li> <li>- EC peer reviews and reports;</li> <li>- Project reports;</li> <li>- Recommendations Report;</li> <li>- Training Curricula;</li> <li>- Action plans;</li> <li>- European Commission Progress Report.</li> </ul>	<ul style="list-style-type: none"> <li>- Appointment of appropriate number of counterpart personnel by the beneficiary before the projects start (high-ranking officials);</li> <li>- Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiaries.</li> </ul>

<p><b>Component 2: Strengthening the capacities of the Department for international legal assistance in MoJ, Public Prosecution Office and Courts for faster performance</b></p> <p>To achieve the aforementioned result the following intermediary results will be achieved:</p> <ol style="list-style-type: none"> <li>1. Strengthened administrative and management capacities of the officials from the Department for international legal assistance, Courts and Public Prosecution office related to legislation drafting and establishment of the mutual legal assistance framework;</li> <li>2. Provided comparative study on the system for statistical data collection and performance management in the area of MLA;</li> <li>3. Established system for statistical data collection and performance management in the area of MLA;</li> <li>4. Provided practical advice and mentoring on judicial cooperation matters;</li> <li>5. Enhance the internal communication between relevant institutions to international judicial cooperation;</li> <li>6. Enhanced capacities of the MoJ officials, Public Prosecution Office and Courts and other relevant stakeholders on the basis of manuals and legal institutional framework amendments and coordination mechanisms developed under the Project, as well as on the EU and international standards in the area of MLA.</li> </ol>		<p>implementation of the legal framework in the international cooperation in criminal and civil matters prepared.</p> <p><b>Measurable indicators Component 2:</b></p> <ol style="list-style-type: none"> <li>1. Training needs assessment conducted, development and implementation of a tailor-made training programme and training curricula on judicial cooperation developed for capacity building of officials from the Department for international legal assistance, Courts and Public Prosecution office;</li> <li>2. Number of staff trained, including trainers on all aspects of mutual legal assistance to wider possible extent for mutual sharing of information, simplified procedure for extradition, full application of the mutual recognition principle for employees of the Department for international legal assistance in MoJ, Public Prosecution Office and Courts;</li> <li>3. Comparative study on the system for statistical data collection and performance management in the area of MLA and recommendations provided;</li> <li>4. Number of recommendations on the best solution for statistical data collection and performance management in the area of MLA prepared;</li> <li>5. Number of MoJ officials, Public Prosecution Office, Courts and other relevant stakeholders trained on the basis of manuals and legal amendments developed</li> </ol>
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	under Project, as well as on the EU and international standards in the area of MLA organized; 6. Written recommendations provided and applicable solutions for internal communication between relevant institutions to international judicial cooperation delivered; 7. Written recommendations for improvement of the web tools related to the international judicial cooperation.		
Activities	Means	Specification of costs	Assumptions
<b>Activities - Component 1:</b>  1. Assessments about the level of compliance of the Private International Law Act and Law on international cooperation in criminal matters with the EU law and international best practices and standards concerning the judicial cooperation in civil and criminal matters; 2. Assistance and advice in harmonization of legislation framework and recommendations for improving its implementation; 3. Assistance in preparation and adoption of advanced Manuals/Handbooks with templates for writing and formulation of appropriate request of mutual legal assistance in criminal and civil matters that are in line with applicable international standards and Hague Conventions (Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters and Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters; 4. Assistance in preparation of comprehensive recommendations for new by-laws and/or amendment for existing by-laws of the Law on international cooperation in criminal matters and the Private International Law Act put in practice and tested; 5. Assistance in setting up/upgrading sustainable cooperation, enhanced cooperation, promote and strengthen contacts,	MS twinning partner input: - 1 MS Project Leader, - Pool of short-term experts.  BC partner input: - 1 BC Project Leader, - BC contact person, - MLA staff.	EURO 250.000	

<p>networks and provide exchange of information between relevant institutions involved in the international cooperation in criminal and civil matters, put in practice and tested;</p> <p>6. Advice on improving implementation of institutional framework and coordination mechanisms between relevant institutions and implementation of the legal framework in the international cooperation in criminal and civil matters.</p>			<p><b>Activities - Component 2:</b></p> <ol style="list-style-type: none"> <li>1. Training needs assessment conducted for the beneficiaries of the project, development and implementation of a tailor-made training programme and training curricula on judicial cooperation;</li> <li>2. Organization of training events, practical tailor-made workshops and training of trainers with focus on all aspects of mutual legal assistance to wider possible extent for mutual sharing of information, simplification of the procedure for extradition, full application of the mutual recognition principle;</li> <li>3. Organization of study visit/s for the civil servants in the Department for international legal assistance for exchanging knowledge, comparative experience and best practice with the peers in EU Member States, and study visit/s for judges and prosecutors on the EU and international standards in the area of MLA;</li> <li>4. Trainings and on-the-job support for officials from the Department for international legal assistance, Courts and Public Prosecution office related to legislation drafting and implementation of the mutual legal assistance framework;</li> <li>5. Preparation of comparative study on the system for statistical data collection and performance management in the area of MLA;</li> <li>6. Expert advice on the possible system for statistical data collection and performance management in the area of MLA;</li> <li>7. Organization of at least 10 specialized trainings, practical tailor-made workshops and on-the-job support for the MoJ officials, Public Prosecution Office, Courts and other relevant stakeholders on the basis of manuals and legal amendments</li> </ol>
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<p>developed under Project, as well as on the EU and international standards in the area of MLA;</p> <p>8. Advice and applicable solutions for internal communication between relevant institutions to international judicial cooperation delivered;</p> <p>9. Advice for improvement of the web tools related to the international judicial cooperation.</p>			
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