

EVALUATION ROADMAP

Roadmaps aim to inform citizens and stakeholders about the Commission's work to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to share any relevant information that they may have.

TITLE OF THE EVALUATION	Thematic Evaluation of EU support for Rule of Law in neighbourhood countries and candidates and potential candidates for accession (2010-2017)
LEAD DG – RESPONSIBLE UNIT	DG NEAR A4
INDICATIVE PLANNING (PLANNED START DATE AND COMPLETION DATE)	Q2 – 2018 Q2 - 2019
ADDITIONAL INFORMATION	https://ec.europa.eu/neighbourhood-enlargement/policy/policy-highlights/rule-of-law_en

The Roadmap is provided for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the document, including its timing, are subject to change.

A. Context, purpose and scope of the evaluation

Context

This evaluation is part of the DG NEAR multiannual Evaluation plan and it will be launched in 2017.

The accession process today is more rigorous and comprehensive than in the past, reflecting the evolution of EU policies as well as lessons learned from previous enlargements. The Copenhagen criteria¹ – which each candidate and potential candidate for accession aspiring to join the Union needs to respect - continue to reflect the core values on which the EU is founded: democracy, the rule of law (RoL), respect for fundamental rights. Learning lessons from previous enlargements, RoL has been put at the heart of the enlargement process. However, also the ENP, since its inception, strongly promotes a functioning democracy, respect for human rights and the RoL as fundamental pillars of the EU partnership with its neighbours. After 2011, the ENP reaffirmed the RoL as a key priority, following a new approach based on mutual accountability and a shared commitment to the universal values of human rights, democracy and the RoL. The 2015 ENP Review reaffirmed good governance, democracy, RoL and human rights as key priorities of the EU and essential requirements to achieve long-term stability in the Neighbourhood region.

The EU support for RoL in IPA/ENI beneficiaries² is provided through political and policy dialogue and financial assistance. The RoL is also supported through other EU instruments under projects that support democracy and human rights at country-specific, multi-country / regional, or with a global coverage³.

Purpose and scope

The purpose of this evaluation is to provide an assessment and evidence on the scope and performance of the implemented and on-going EU support for RoL in beneficiaries of the IPA and ENPI/ENI instruments. It aims at providing recommendations for the improvement of the programming and implementation of EU support to RoL in line with the principles laid down in the Communication COM(2014) 158 final/2 "A new EU Framework to strengthen the RoL"⁴. This Communication underlines that the RoL is the backbone of any modern constitutional

¹ http://eur-lex.europa.eu/summary/glossary/accesion_criteria_copenhagen.html?locale=en

² IPA II beneficiaries –Albania, Bosnia and Herzegovina, Montenegro, Kosovo*, the former Yugoslav Republic of Macedonia, Serbia and Turkey. * This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence. The Icelandic government has decided to put the EU accession negotiations on hold. In this context, the European Commission, in agreement with the Icelandic government, has suspended preparatory work on IPA for the period 2014-2020. As a consequence Iceland will not be covered by this evaluation. ENI partner countries – Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, Palestine*, Syria, Tunisia and Ukraine. *This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

³ These instruments are: the Instrument Contributing to Peace and Stability, the European Instrument for Democracy and Human Rights and thematic programmes of the Development Co-operation Instrument.

⁴ http://ec.europa.eu/justice/effective-justice/files/com_2014_158_en.pdf

democracy. It is one of the main values upon which the Union is based. The Communication lists a number of key principles that define the core of what the RoL is and refers to the Venice Commission⁵ which detailed these principles. In essence, the RoL is a multi-dimensional concept that ensures that all public powers act within the constraints set out by law, in accordance with the values of democracy and fundamental rights, and under the control of an independent, efficient and professional judicial system.

This evaluation will thus focus on projects in areas such as the judiciary, fundamental rights and democracy that aim(ed) at strengthening the RoL. Criminal justice will not be covered by this evaluation as it is covered by the ongoing evaluation of Support for Security Sector Reform in Enlargement and Neighbourhood countries 2010-2017. The evaluation will assess to what extent the EU support leads to strengthening of the RoL in the respective beneficiaries and in particular whether the principles of legality (supremacy of the law), legal certainty, prohibition of arbitrariness, access to justice before independent and impartial courts, the respect for human rights and the principle of non-discrimination and equality before the law are applied in practice.

In accordance with the Better Regulation, the following evaluation criteria will be used: relevance, effectiveness, efficiency, coherence and added value, complemented with impact, sustainability and complementarity.

The results of the evaluation will be used to feed into the reflection on the revision of policies/programmes in view of the recent adoption of the 2030 Agenda for Sustainable Development and new/present policy framework; and to provide recommendations for the European Commission on the best way to approach and improve its support to RoL both in terms of the use of policy dialogue and financial support.

B. Better regulation

Consultation of citizens and stakeholders

An on-line open public consultation (OPC⁶) in accordance with the Better Regulation guidelines⁷ will be organised. The 12-week OPC is expected to take place at the beginning of the Desk phase, i.e. around mid-2018. The questionnaire can be accessed via the Commission's central [public consultations page](#). The main objective of the OPC will be to gather inputs/views from different stakeholders which can enrich the desk and field work.

Targeted consultation of stakeholders represents a crucial element of the evaluation methodology. During the inception and desk phases, the EU and national/regional stakeholders will be consulted via phone/email/face to face discussions. During the field phase the evaluators will visit up to 8 countries.

Stakeholders for this evaluation include (to be further defined during Inception phase):

- National/regional stakeholders include: National IPA coordinators (NIPAC), National Coordinating Units in ENI countries (NCU), Operating Structures of participating beneficiaries, Members of the IPA and Sector monitoring committees, TAIEX National Contact Points (NCPs); Law enforcement, Civil oversight and National Human Rights institutions; Professional bodies (bar associations); Civil Society Organisations;
- International stakeholders: UN, Council of Europe, OECD, World Bank, Regional Cooperation Council (RCC)⁸.

Data collection and methodology

Data will be collected mainly during the Inception and Desk phases, and the field missions, from different sources:

- Programming documents, budget documents, action documents, the EU results framework, annual reports, Results Orientated Monitoring reports, and relevant EC evaluations carried out at national, regional and strategic level;
- International sources of information concerning democracy, human rights, judiciary, justice, corruption, include reports from ENI and IPA partner statistical services, the statistical office of the European Union EUROSTAT, the United Nations and the Organisation for Economic Co-operation and Development and other international organisations/foundations (World Bank, International Monetary Fund, World Economic Forum, Transparency International, and the like);
- relevant performance audits of the European Court of Auditors.

⁵ The Venice Commission, officially named the European Commission for Democracy through Law, is the Council of Europe's advisory body on constitutional matters (see http://www.venice.coe.int/WebForms/pages/?p=01_Presentation)

⁶ http://ec.europa.eu/smart-regulation/guidelines/tool_50_en.htm

⁷ http://ec.europa.eu/smart-regulation/index_en.htm

⁸ The websites of these organisations will be consulted.