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ANNEX I

of the Commission Implementing Decision on the financing of the multi-country annual action plan in favour of the Western Balkans and Türkiye for 2022

Action Document for “EU-Council of Europe Horizontal Facility for Western Balkans and Türkiye – Phase III - 2022”

ANNUAL ACTION PLAN

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and annual and multiannual action plans and measures in the sense of Article 9 of IPA III Regulation and Article 23 of NDICI - Global Europe Regulation.

1. SYNOPSIS

1.1. Action Summary Table

Title	EU-Council of Europe Horizontal Facility for Western Balkans and Türkiye – Phase III - 2022 Multi-country annual action plan in favour of the Western Balkans and Türkiye for 2022
OPSYS	OPSYS Action: ACT-60702 ABAC commitment level 1: JAD.974291
Basic Act	Financed under the Instrument for Pre-accession Assistance (IPA III)
Team Europe Initiative	No
Zone benefiting from the action	Western Balkans (Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia) and Türkiye
Programming document	IPA III Programming Framework
PRIORITY AREAS AND SECTOR INFORMATION	
Window and thematic priority	Window 1: Rule of law, fundamental rights and democracy Thematic priority: 1 Judiciary, 2 Fight Against Corruption, 3 Fight against organised crime / security, 5 Fundamental rights, 7 Civil society
Sustainable Development Goals (SDGs)	Main SDG: 16 - Peace, Justice and Strong Institutions Other significant SDGs: 5 - Gender Equality
DAC code(s)	Main DAC code – 15130 – Legal and judicial development – 40 %

* 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.

	15113 Anti-corruption organisations and institutions – 5 % 15150 Democratic participation and civil society – 15 % 15153 Media and free flow of information 10 % 15160 Human rights 20 % 15170 Women's rights organisations and movements, and government institutions 10 %			
Main Delivery Channel @	Other multilateral institution 47000 <i>Council of Europe 47138</i>			
Markers (from DAC form)	General policy objective @	Not targeted	Significant objective	Principal objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers @	Not targeted	Significant objective	Principal objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Internal markers	Policy objectives	Not targeted	Significant objective
Connectivity		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Digitalisation		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Migration		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COVID-19		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUDGET INFORMATION				
Amounts concerned	Budget line: 15.020101.01 Total estimated cost: EUR 41 175 000 Total amount of EU budget contribution EUR 35 000 000			
MANAGEMENT AND IMPLEMENTATION				

Implementation modalities (type of financing and management mode)	Project Modality Indirect management with the Council of Europe
Relevant priorities and flagships from Economic and Investment Plan for the Western Balkans	Rule of law and respect for fundamental rights
Final date for concluding contribution / delegation agreements, procurement and grant contracts	At the latest by 31 December 2023
Indicative operational implementation period	72 months following the adoption of the Financing Decision

1.2. Summary of the Action

Tangible advancements on the path to rule of law-based democracies, in which fundamental rights are effectively protected, remain among the most pressing issues for the Western Balkans and Türkiye. The IPA III beneficiaries must embrace the fundamental EU values at the heart of the Stabilisation and Association Process and of the EU accession negotiations. In line with the Enlargement strategy and the IPA III Programming Framework, this action aims at further strengthening capacities, systems and institutions and engage with stakeholders who are instrumental in the realisation of rule of law and fundamental rights.

While the related policy and legal frameworks in the IPA III beneficiaries in the Western Balkans are relatively advanced, implementation in practice is not at a satisfactory level and in many instances the reform initiatives are not sufficiently locally owned. To progress on rule of law, a comprehensive approach is needed involving all key stakeholders, ranging from official justice sector representatives to civil society, catering to the needs of the duty bearers and the right holders alike.

The action will be implemented by the Council of Europe through a third phase of the EU-Council of Europe Horizontal Facility for the Western Balkans and Türkiye, which serves as a strategic cooperation tool between the EU and Council of Europe for the benefit of the targeted IPA III beneficiaries.

The Council of Europe offers a unique methodology of standard setting, monitoring and technical assistance in the areas pursued under this Facility. In line with the comprehensive approach, the action will support official reforms efforts as well as initiatives from civil society and the grass root, provide capacity-building, technical assistance, and expertise to the stakeholders in all IPA III beneficiaries along the four themes of the Facility:

- 1) Strengthening justice
- 2) Fighting corruption, economic crime, and money laundering
- 3) Promoting anti-discrimination and protection of the rights of vulnerable groups; and
- 4) Promoting and protecting freedom of expression and media.

Regional activities will be part of the Facility in areas where these regional exchanges provide an added value. They will foster peer to peer contacts for exchange of best practices, promote joined-up approaches and cooperation across the borders. Through the Council of Europe Expertise Co-ordination Mechanism (ECM) valuable expertise can be provided on constitutional matters or other areas, in which the Council of Europe has a unique expertise to offer. Small scale grants and investments complement support to the IPA III beneficiaries in achieving the results envisioned under this action.

The action is directly relevant to SDG 16 as it is contributing to peaceful and inclusive societies for sustainable development by promoting access to justice and supporting the building of effective, accountable and inclusive institutions at all levels.

2. RATIONALE

2.1. Context

The most recent European Commission assessment on progress achieved by the IPA III beneficiaries¹ on their European path highlights that fundamental reforms in the rule of law, economy, and the functioning of democratic institutions as well as public administration remain of crucial importance. The capacity and political will of the Western Balkans and Türkiye to focus on and push forward reforms in these areas is central to their EU integration. It is essential that progress is robust, tangible and irreversible.²

Progress in these areas remains a pressing issue for all IPA III beneficiaries under this action³ in view of the impact of such reforms in fostering economic growth, prosperity and social convergence. In this regard, the action is re-enforcing and complementary to the substantive investment for the Western Balkans region under the Economic and Investment plan for the Western Balkans⁴. The action is directly relevant to five of the thematic priorities under Window 1 of the IPA III Programming Framework, targeting Rule of Law, Fundamental Rights and Democracy.⁵

The Council of Europe is a longstanding strategic partner of the European Union with a mutually reinforcing agenda on rule of law and fundamental rights and strong links to the EU *acquis*. The close partnership has been confirmed again in the Council conclusions on EU priorities for cooperation with the Council of Europe 2020-2022, adopted in July 2020. This action will directly contribute to these priorities, namely, that the EU will continue cooperation with the Council of Europe ‘in carrying out essential reforms and training, regarding justice, the fight against corruption, the promotion of human rights, and the role of free and independent media and civil society [...]’.⁶

As a treaty-based intergovernmental organisation with legally binding instruments, membership of the Council of Europe implies obligations for its member states to comply with the standards set by its bodies and to undergo monitoring of their compliance with these obligations. Additionally, the Council of Europe is continuously expanding the scope of these standards and, as such, it constitutes a unique organisation for its combination of a standard-setting and monitoring mandate.

¹ COM (2021) 644 final 19.10.2021 (2021 Communication on EU Enlargement Policy)

² COM (2021) 644 final 19.10.2021, page 6

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Enhancing the accession process - A credible EU perspective for the Western Balkans (COM(2020) 57 final) https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-02/enlargement-methodology_en.pdf

⁴ COM(2020)641 final of 6.10.2020

⁵ COM (2021) 8914, 10.12.2021, page 11: ANNEX to the COMMISSION IMPLEMENTING DECISION adopting the Instrument for Pre-accession Assistance (IPA III) Programming Framework for the period 2021-2027, namely priorities: 1 Judiciary, 2 Fight Against Corruption, 3 Fight against organised crime / security, 5 Fundamental rights, 7 Civil society

⁶ Council Conclusions on EU priorities for cooperation with the Council of Europe 2020-2022, RELEX 2.A 9283/20 ANNEX of 13.07.2020, page 13

Given that six of the targeted IPA III beneficiaries are Council of Europe member states and Kosovo has enshrined Council of Europe standards into its Constitution and uses certain monitoring mechanisms⁷, the Council of Europe is well-placed to ensure long-term engagement on these critical reforms. The efficiency, effectiveness, and relevance of the EU-Council of Europe Horizontal Facility for the Western Balkans and Türkiye as a tool to further the European perspective has been re-confirmed by an independent mid-term evaluation and by external results-oriented-monitoring in 2021.

Coordination with other international partners operating in the targeted IPA III beneficiaries will be ensured through the implementation with the field presence of the Council of Europe as well as the respective EU Delegations/ Offices closely coordinating the activities on the ground.

With its focus on rule of law and accountability, human rights, democracy, fundamental values, the action is directly relevant to the geopolitical policy priority of the European Commission regarding Governance, Peace and Security, Human Development.⁸

2.2. Problem Analysis

For the European perspective of the targeted IPA III beneficiaries, a firm commitment to the ‘fundamentals first’ approach to EU accession remains essential. The ‘fundamentals first’ approach links the rule of law and fundamental rights with the two other crucial areas of the accession process: economic governance – strengthened focus on economic development and improved competitiveness – and the strengthening of democratic institutions and public administration reform. Each of the three fundamentals is of crucial importance for further development and prosperity for the benefit of its citizens. This action will focus on assistance in the area rule of law and fundamental rights.

The rule of law is not only an integral part of the democratic identity of the EU and of the Member States, but also essential for the functioning of the EU, and for citizens and businesses to trust public institutions. For addressing short-comings in this sector a multi-dimensional approach is required. As laid out in the Commission 2021 Rule of Law Report: ‘The key principles of the rule of law are common to all Member States – legality, legal certainty, prohibition of the arbitrary exercise of executive power, effective judicial protection by independent and impartial courts respecting fundamental rights in full, the separation of powers, permanent subjection of all public authorities to established laws and procedures, and equality before the law – are enshrined in national constitutions and translated in legislation’⁹.

A common challenge across all IPA III beneficiaries is that while there is some progress in aligning institutional, policy and legislative frameworks to European standards and the EU *acquis*, the ‘fundamentals’ are yet to take root and become real in the life of societies and people. The reasons for the weak track record in implementation and lack of ownership and sustainability of many reform initiatives are manifold and complex. Comprehensive and inclusive approaches are needed, tailor-made to the social fabric and ongoing reforms in each of the IPA III beneficiaries. It is essential to reach out to all relevant levels of society, and to engage with duty bearers and right holders at the same time for real ownership. Special attention and care are needed to ensure empowerment and participation of those that are often not sufficiently represented in decision making processes, persons most marginalised, including women and youth.

⁷ The Advisory Committee of the Framework Convention on National Minorities (FCNM) and the European Convention European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) can operate directly in Kosovo based on special agreements. Other monitoring-like processes can be carried out as part of co-operation projects.

⁸ See priorities “[A Geopolitical Commission: a Stronger Europe in the World](#)”

⁹ 2021 Rule of Law Report, The rule of law situation in the European Union, COM(2021) 700 final, 20.07.2021, page 1

The action will implement a broad range of activities involving multiple stakeholders. These include governmental bodies at all levels, notably: ministries of justice, interior, health, labour, social affairs, education, ministries responsible for human rights, for local government and public administration, ministries of foreign affairs; ministries for European integration; IPA co-ordinators; parliaments and public governance structures with specific responsibilities in the relevant areas such as anti-corruption, anti-money laundering and anti-trafficking in human beings; Government Agents before the European Court of Human Rights (ECtHR); ombudspersons; constitutional courts prosecutorial services; the judiciary, legal professionals and judiciary supervisory bodies; law enforcement authorities; civil society providing services, representing, giving voice or acting as watchdogs; academia, press councils, journalists associations; regulatory authorities, public broadcasters, journalists and other media professionals and local and regional authorities. A detailed stakeholder analysis will be undertaken for each of the actions during the detailed design. This will ensure that activities will be developed and implemented in close cooperation with the main stakeholders to build on their actual needs and priorities as well as to ensure full ownership and sustainability and a comprehensive human rights base approach that takes into consideration the needs of the duty bearers as much as the rights holders concerned by a particular reform.

The approach for implementation is two-fold, with both areas being closely intertwined:

AREA OF SUPPORT #1: Performance and quality of services of rule of law institutions strengthened

The institutional, legal, and regulatory frameworks as well as the professional capacities of rule of law institutions in all IPA III beneficiaries will receive further assistance with the aim to improve their performance and the quality of the services they provide to the right-holders. Such further strengthening is not only a necessity in view of EU integration requirements, but also needed in order to root a rule of law-based culture in the IPA III beneficiaries, based on European standards. Target groups include judicial and prosecutorial bodies, law enforcement and institutions linked to the fight against corruption/money laundering, ministries of justice and other rule of law relevant government ministries and legal professions. The involvement of other stakeholders such as civil society and media in increasing accountability for rule of law institutions is necessary.

AREA OF SUPPORT #2 Fundamental rights and freedom of expression/media are better protected and realised

Fundamental rights are largely enshrined in law in the IPA III beneficiaries, but more efforts are needed to ensure they are fully respected in practice. This requires efforts beyond strengthening the performance and quality of the service of rule of law institutions. There is a need to improve the enabling environment for the realisation of fundamental rights and freedom of expression/media and further build the capacity of civil society, media and other actors supporting broadly the realisation of rights. These include Ombudsperson institutions, Equality bodies, educational institutions and social services.

The ultimate beneficiaries of this action are the citizens in the targeted IPA III beneficiaries with particular attention to persons in the most vulnerable and disadvantaged situations, including women, children and youth.

The value added of the EU's engagement in this area is its ability to complement the IPA III assistance with strong policy dialogue in the context of the EU accession and the Stabilisation and Association process. The strategic partnership with the Council of Europe is particularly relevant and beneficial for such an engagement. In recognition of the mutually supportive agendas, the Council of Europe, and the European Commission/ Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) signed in 2014 a Statement of Intent with the commitment to lift the cooperation in the enlargement region to a more strategic level and to ensure predictable and flexible long-term cooperation through better upstream coordination. This action represents the third phase of the EU-Council of Europe Horizontal Facility. Independent reviews have confirmed a high-level of relevance and efficiency of the assistance that was provided during the implementation of the second phase of the Facility 2019-2022. The Council conclusions on EU priorities for cooperation with the Council of Europe 2020-2022, adopted in July 2020, re-confirm on institutional as well

as highest political level the strategic partnership¹⁰. The 2021 Joint Communication on effective multilateralism also calls on the EU to further strengthen its partnership with the Council of Europe.¹¹

3. DESCRIPTION OF THE ACTION

3.1. Intervention Logic

To accelerate in IPA III beneficiaries the realisation of rule of law and fundamental rights, which is essential in view of their strive for credible and sustainable development and prosperity.

A twofold approach is required to this end: Performance of the IPA III beneficiaries' rule of law institutions in terms of quality of services and efficiency will be further consolidated in compliance with European standards and the EU *acquis* (Outcome 1) and conditions and environment for the exercise of fundamental rights and freedom of expression/media will be improved (Outcome 2).

To that effect, the action will provide assistance so that the IPA III beneficiaries' rule of law institutions are better equipped to put in place relevant policy, legal and regulatory frameworks in line with European standards and EU *acquis* (Output 1.1).

Putting the reformed systems into practice is a challenge in all IPA III beneficiaries. In view of this, the action will undertake to strengthen in a tailor-made and sustainable manner capacities of those institutions and professionals that are responsible for upholding the rule of law and promotion and protection of human rights with the aim that the IPA III beneficiaries' rule of law institutions are better equipped to implement European standards and EU *acquis* (Output 1.2). The professionals targeted by this action will acquire better knowledge, skills, and tools to enable them to work more efficiently and effectively in line with their professional duties.

To further strengthen protection of fundamental rights and freedom of expression/media, the action will further improve capacities of civil society, media and other actors supporting the realisation of fundamental rights and freedom of expression/media to perform their respective roles (Output 2.1). They will benefit from expertise, recommendations and assistance and tailor-made capacity building to empower them as duty bearers and/or representatives of right holders.

Citizens, especially those in marginalised, disadvantaged, and vulnerable situations, equally need to be empowered to protect and claim their rights. They should not be seen merely as recipients of government reform, but be engaged as active stakeholders. To better realise protection of fundamental rights and freedom of expression/media in this instance, the governments will also be encouraged to pursue inclusive processes and cooperate with civil society organisations and the right-holders in the design of their respective policies, laws and regulations. Through outreach, awareness raising and educational activities on various levels, the action will increase awareness of target groups on fundamental rights (Output 2.2). Young people will be particularly targeted to this end.

3.2. Indicative Activities

Activities related to Output 1.1 IPA III beneficiaries' rule of law institutions are better equipped to put in place relevant policy, legal and regulatory frameworks in line with European standards and EU *acquis*, include, but are not limited to:

¹⁰ [The EU and the Council of Europe - European External Action Service \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/infographic/infographic-2021-01-20-01.pdf)

¹¹ JOIN(2021) 3 final, 17.02.2021

- Technical assistance, advice, and expertise, including legal advice on developing domestic policy, legal and regulatory frameworks;
- Technical assistance/advice and tools for consultation on relevant reform initiatives with civil society, especially those representing right holders from those groups, whose rights are most violated;
- Tools and guidance to ensure practical applicability of newly devised policies and legislative initiatives;
- Tools and technical assistance to strengthen institutions' monitoring of implementation of new legislation devised under this programme.

Activities related to Output 1.2 IPA III beneficiaries' rule of law institutions are better equipped to implement European standards and EU *acquis*, include, but are not limited to:

- Assessment, analysis, provision of recommendations;
- Development of training modules and training of trainers, preferably in cooperation with national training institutions, building up their capacity;
- Developing knowledge, skills and attitudes of legal professionals in line with their responsibilities as duty bearers in rule of law-based societies through problem-oriented training sessions/programmes of diverse format (workshops, study visit, placement, etc.) applying modern training methodology, based on a sound training needs assessment;
- Provision of online resources and courses, in particular through the HELP methodology and/or in cooperation with the European Judicial Training Network where possible;
- Mentoring and coaching on specific concrete cases.

Activities related to Output 2.1 Capacity of civil society, media and other actors supporting the realisation of fundamental rights and freedom of expression/media to perform their respective roles improved, include, but are not limited to:

- Assessment, analysis, provision of recommendations;
- Development of training modules and training of trainers, preferably in cooperation with training institutions in the IPA III beneficiaries or through other sustainable channels;
- Provision of online resources and courses, including where relevant through HELP methodology;
- Mentoring and coaching on specific concrete cases;
- Building capacities of duty bearers in applying the legal frameworks in the IPA III beneficiaries;
- Development of tools and good practices for structured implementation of policies and strategies;
- Strengthening capacities of those whose rights are most violated (including prisoners, Roma, LGBTIQ, women, children and youth) to claim their rights through outreach, legal clinics or other measures.

Activities related to Output 2.2 Target group's awareness on fundamental rights increased, include, but are not limited to:

- Production and dissemination of materials and communication tools (reports, audio-visual media products);
- Empower those whose rights are most violated or who are in marginalised situations, to be more visible and vocal in the public domain, representing their specific causes and situations, through targeted capacity building on media, communication and advocacy;
- Media and outreach campaigns, surveys, publication of reports;
- Organisation of public events, workshops, joint learning or sharing events to disseminate the stories of those who are most excluded from public discourses.

Areas pursued under this Facility are structured along the following four Themes:

Theme 1: Strengthening justice

Indicatively, areas of support under this theme will include: supporting the effective execution of the European Court of Human Rights (ECtHR) judgments and improving the implementation of the European Convention on Human Rights (ECHR); improving safeguards in judicial proceedings and strengthening the protection of property rights and victims' rights including free legal aid; strengthening independent and accountable judicial and prosecutorial councils; enhancing the protection of human rights of persons detained and/or serving custodial and non-custodial sentences; fighting radicalisation in places of detention and supporting re-integration of former radicalised detainees into the society; and support to the evaluation of the results of judicial reform.

Theme 2: Fighting corruption, economic crime, and money laundering

Indicatively, areas of support under this theme will include: supporting the implementation of GRECO¹² and MONEYVAL¹³ recommendations in member countries; and combating corruption and money laundering.

Theme 3: Promoting anti-discrimination and protection of the rights of vulnerable groups

Indicatively, areas of support under this theme will include: preventing and combating trafficking in human beings; strengthening institutional responses to discrimination and supporting the rights of national minorities¹⁴; fighting hate speech and hate crime; fighting violence against women and gender-based violence; and promoting diversity and inclusion and quality education accessible for all.

Theme 4: Promoting and protecting freedom of expression and freedom of the media.

Indicatively, areas of support under this theme will include: strengthening the judicial and law enforcement response to violations of the rights of media professionals; working with regulatory bodies; capacity building for media professionals especially in view of the challenges of the digital world in terms of ethics and security but also access to information and data protection.

The main bulk of the assistance will be provided in the form of **specific, tailor-made action packages** implemented in the IPA III beneficiaries, supporting ongoing reform efforts in the context of EU integration. Several **regional actions** will allow for peer-to-peer learning and exchanges, discussions on sensitive topics in regional format, cross-fertilisation and promotion of best practices.

The Expertise Co-ordination Mechanism (ECM) will remain available as a flexible tool to provide ad hoc legal and/or technical expertise through the Venice Commission and/or other relevant Council of Europe bodies upon demand. The Council of Europe and the European Commission will jointly monitor to which extent the IPA III beneficiaries have taken the recommendations and expertise on board that is provided under the Facility.

Small-scale grants and procurements complement support to the IPA III beneficiaries in achieving the results envisioned under this action.

No fixed IPA III beneficiary financial allocations are foreseen under the Facility.

¹² The Group of States against Corruption – GRECO - the Council of Europe's anti-corruption monitoring body with its Headquarters in Strasbourg (France), established in 1999

¹³ The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism - MONEYVAL - is a permanent monitoring body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making recommendations to national authorities in respect of necessary improvements to their systems.

¹⁴ According to the Turkish Constitutional System, the word minority, encompasses only certain religious groups of persons as defined in the Treaty of Lausanne.

3.3. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

By strengthening anti-corruption and anti-money-laundering capacities of the IPA III beneficiaries including specifically in the response to environmental crime, the action will directly contribute to environmental protection.

Across the action, caution will be taken to reduce any associated environmental impact where possible. The environmental impact of methods of transportation used by action staff will be carefully considered. During the implementation due care will also be exercised to use where possible eco-friendly materials, for example in the production of communication materials.

Gender equality and empowerment of women and girls

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that the action will be implemented in a way to effectively mainstream gender, promoting and supporting gender equality and girls' and women's empowerment. At each IPA III beneficiary-specific/regional action package level a gender analysis will be conducted as appropriate, ensuring continuity with on-going related work under Horizontal Facility II. The monitoring system of the action will at all levels ensure that sex disaggregated data are collected in a systematic, regular analytical and structured manner.

The action will further give special consideration to strengthening access of women to justice. A dedicated new regional action at the Western Balkans level and one at bilateral level in Türkiye will be implemented. The action in the Western Balkans will be based on the Council of Europe's GREVIO recommendations.

In addition, the action will ensure a balanced representation of women and men among action beneficiaries to the greatest extent possible (e.g. the action will not propose or accept single-gender workshops, panels, etc.).

Human Rights Approach

The activities will be conducted with a human rights-based approach based on the principles of participation and inclusion of all in society, irrespective of their specific characteristics (e.g. sex/gender, age, ethnicity, disabilities, religious or political belief etc.), equality and non-discrimination (including gender considerations), transparency, accountability, ensuring that all these aspects are appropriately taken into consideration both in the planning and in the implementation across all action packages. The implementation methodology has integrated the human rights-based approach by aiming at duty bearers, mostly in official position, that are responsible for upholding the rule of law and protection of fundamental rights and freedom of expression and media. On the other hand, the action aims at empowering right holders to claim and protect their rights. Special attention will be paid during initial stakeholder analysis for each IPA III beneficiary-specific and regional action package to identify the most relevant stakeholders that need to be involved in the implementation of the action to achieve a real impact and sustainable improvements. Their needs and constraints will be carefully considered when developing the work plans and specific activities.

Conflict sensitivity, peace and resilience

By focusing on improved respect for the rule of law and the protection of fundamental rights, which are the core of peaceful societies, this action contributes to resilience in the targeted IPA III beneficiaries. In addition, the action will ensure several regional activities including by bringing together practitioners and a broad range of civil society and media representatives. This exchange of best practice and networking will increase mutual understanding and hence, support improved regional cooperation as a basis for a stable region.

3.4. Risks and Lessons Learned

Category	Risks	Likelihood (High/Medium/Low)	Impact (High/Medium/Low)	Mitigating measures
1 External environment: Political decisions and priorities outside the Commission:	Initiatives undertaken by the action lack political support, reducing the effectiveness of the action	M	H	The action will maintain through formal and informal channels constant dialogue with key institutional stakeholders to ensure buy-in and ownership. This aspect of the action will receive high attention throughout the implementation. Political dialogue will be targeted based on the stakeholder analysis at the onset of the action.
1 External environment: Related to capacities of external partners	Lack of absorption capacity in the beneficiary institutions to participate in the activities of the actions (like trainings, drafting of documents etc).	H	H	The Steering Mechanism and regular communication deployed by the action are crucial to regularly discuss with beneficiaries' representatives the feasibility of the envisioned work. Through its set-up the action has also sufficient flexibility to react in case a beneficiary is not able to participate in the implementation as would be required for efficient implementation and increase the level engagement on other places where there are sufficient capacities and traction.
1 External environment	Continued constraints by the COVID-19 post-pandemic or similar challenges	H	H	Developments regarding the pandemic are difficult to predict but need to be closely followed. During implementation continued use of all means of communication will be utilised, especially in times when in person meetings are not possible. Council of Europe will put in place appropriate measures to ensure the health of the staff involved in the implementation of this action. The project will put in place mechanisms that allow speedy and flexible decision making in times of crisis to adapt the action as necessary to a changing environment.
2 Planning processes and systems – operational processes and financial systems of the external	Lack of implementation of reform initiatives supported under the Horizontal Facility	M	H	The action will undertake a comprehensive approach, aiming at involving all relevant stakeholders to achieve intended outcomes in a tailor-made approach looking at responsibilities and needs of the duty bearers as much as the constraints and

partners/ IPA III beneficiaries			requirements of the right holders. For example, for IT related modernisation and procurements, stakeholders are normally not only the beneficiary institutions but also relevant coordination bodies within government, the Finance Ministry (for financial support of required maintenance and upgrading), etc. These institutions also need to be targeted even if they are not direct beneficiaries of the action. The action allows sufficient flexibility to adjust and modulate planning according to absorption capacity of IPA III beneficiaries.
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Lessons Learned:

An evaluation and a ROM review carried out on the second phase of the Horizontal Facility during 2021¹⁵ concluded that the action presented a high level of relevance, coherence, effectiveness, efficiency, as well as good sustainability and impact prospects. It recommended a continuation of several good practices deployed under the Facility (action design, management of the action, its participatory approach etc.). A few areas for improvement were also identified. The evaluation recommended that the Council of Europe should leverage more its standing with institutions and civil society to promote increased civil society participation in reform processes and facilitate collaboration of smaller, marginalised groups. The extent to which Horizontal Facility actions included elements of accountability and citizen participation was also proposed to be strengthened to boost the sustainability of actions and achieve real impact in terms of citizen trust. This recommendation is taken into account with the focus on inclusion of civil society, media and other relevant actors as well as the strengthened focus on public awareness.

A robust result monitoring framework will be integrated into the management system of the action with a monitoring system that gathers through a structured and regular process centrally relevant, comparable, and aggregated data across all IPA III beneficiaries and at IPA III beneficiary-specific or regional action level during the implementation.

A recent audit of EU assistance to rule of law related reforms in the Western Balkans¹⁶ region found among other issues that the EU should deploy clearer strategies to address political will or - at times - lack thereof on the side in IPA III beneficiaries to undertake reform. While this action will not have a specific conditionality attached to its implementation, a comprehensive approach with a multi-dimensional approach will aim at including all relevant stakeholders in a strategic manner. To increase accountability, monitoring will be put in place to see if IPA III beneficiaries sufficiently own the processes supported under the action, for example when providing recommendations for certain legislative or policy reforms. The action will track processes until finalised and analyse and report on how recommendations have been taken on board by the IPA III beneficiaries.

¹⁵ Mid-Term evaluation of the European Union / Council of Europe Horizontal Facility for the Western Balkans and Türkiye - Phase II, FINAL REPORT June 2021: <https://rm.coe.int/eva-dec-finalreport-horizontalfacility-westbalkans-Türkiyeii/1680a4d577>

¹⁶ Court of Auditors: EU support for the rule of law in the Western Balkans: despite efforts, fundamental problems persist, 2022 01, https://www.eca.europa.eu/Lists/ECADocuments/SR22_01/SR_ROL-Balkans_EN.pdf

3.5. Indicative Logical Framework Matrix

Results	Results chain: Main expected results	Indicators	Baselines	Target	Sources of data	Assumptions
Impact	To accelerate in IPA III beneficiaries the realisation of Rule of Law and fundamental rights	Degree of readiness of candidate countries and potential candidates (IPA III beneficiaries) on political criteria (source: European Commission) KPI 1 of IPA III Regulation ¹⁷	Baseline (2018): Western Balkans (2.1) and Türkiye (1.8)	Target (2027): Western Balkans (Increase) and Türkiye (Increase)	European Commission, Annual reports (Western Balkans and Türkiye)	<i>Not applicable</i>
Outcome 1	1. Performance of the IPA III beneficiaries' rule of law institutions in terms of quality of services and efficiency further consolidated in compliance with European standards and the EU <i>acquis</i>	<p>1.1 Functioning of judiciary (source: European Commission)¹⁸</p> <p>1.2 Number of legal/administrative acts (incl. at constitutional level) with the objective of further aligning with European standards/EU <i>acquis</i> while increasing independence and impartiality, and/or accountability, and/or professionalism and/or competence and/or efficiency of the national justice system a) adopted and/or b) implemented with EU support</p> <p>1.3 Number of anticorruption policies (incl. preventive/repressive measures) i) adopted and/or ii) implemented with EU support (IPA Performance Framework current 2018, indicator 2.6)</p>	<p>1.1 Baseline (2018): Western Balkans (2) and Türkiye (1)</p> <p>1.2 Baseline (2022) 0</p> <p>1.3 Baseline (2022) 0</p>	<p>1.1 Target (2027): (Increase)</p> <p>1.2 Target (2027): (Increase)</p> <p>1.3 Target (2027): (Increase)</p>	<p>European Commission, Annual reports (Western Balkans and Türkiye)</p> <p>Reports and data from the action</p>	There is a continuous commitment, steered and coordinated at the highest level of the government, the executive as well as at the legislative and judiciary to address key priorities

¹⁷ COM (2021) 8914, 10.12.2021, page 11: ANNEX to the COMMISSION IMPLEMENTING DECISION adopting the Instrument for Pre-accession Assistance (IPA III) Programming Framework for the period 2021-2027, https://ec.europa.eu/neighbourhood-enlargement/commission-implementing-decision-10122021-adopting-instrument-pre-accession-assistance-ipa-iii_en

¹⁸ ibd. This indicator is used also as a sub-indicator to calculate the composite indicator 1 above.

Outcome 2	2. Improved conditions and environment for the exercise of fundamental rights and freedom of expression/media	<p>2.1 Freedom of expression (source: European Commission)</p> <p>2.2 Number of initiatives led by civil society organisations and supported by the EU (IPA PF 2.10)</p> <p>2.3 Number of public policies relevant to conditions for the exercise of fundamental rights and/or freedom of expression/media developed and/or revised with consultations with national and local stakeholders with EU support (IPA Performance Framework)</p> <p>All data aggregated by IPA III beneficiary, Theme.</p>	<p>2.1 Baseline (2017): Western Balkans (2.1) and Türkiye (1)</p> <p>2.2 Baseline (2022) 0</p> <p>2.3 Baseline (2022) 0</p>	<p>2.1 Target (2027): Western Balkans (Increase) and Türkiye (Increase)</p> <p>2.2 Target (2027) Increase</p> <p>2.3 Target (2027) Increase</p>	<p>European Commission, Annual reports (Western Balkans and Türkiye).</p> <p>Reports and data from the action</p>	The necessary domestic financial and administrative resources are effectively and efficiently mobilised.
Output 1 related to Outcome 1	1.1 The IPA III beneficiaries' rule of law institutions are better equipped to improve the policy, legal and regulatory frameworks in line with European standards and EU <i>acquis</i>	<p>1.1.1. % of recommendations provided by HF III included in final policies, laws and regulatory frameworks (= No of accepted HFIII recommendations/ total No HF III recommendations *100)</p> <p>All data aggregated by IPA III beneficiary and by Theme.</p>	1.1.1 Baseline (2022) 0	1.1.1 Increase (2027)	Reports and data from the action	IPA III beneficiaries are committed to upgrading their national strategies, systems and approaches
Output 2 related to Outcome 1	1.2 The IPA III beneficiaries' rule of law institutions are better equipped to implement European standards and EU <i>acquis</i>	<p>1.2.1 Number of a) judges, b) prosecutors and c) lawyers and d) court staff trained with EU support on European standards and EU <i>acquis</i> (IPA PF 2018 2.4)</p> <p>1.2.2 Number of individuals trained who report an increase in knowledge of Rule of Law relevant European standards and EU <i>acquis</i></p> <p>All data aggregated by IPA III beneficiary, Theme and gender.</p>	<p>1.2.1 Baseline (2022) 0</p> <p>1.2.2 Baseline (2022) 0</p>	<p>1.2.1 Increase (2027)</p> <p>1.2.2 Increase (2027)</p>	Reports and data from the action	Systematic efforts are made to raise public awareness of the relevance of the issues supported
Output 1 related to Outcome 2	2.1 Capacity of civil society, media and other actors supporting the	2.1.1 Number of individuals trained or empowered by the action	2.1.1 Baseline (2022)	2.1.1 Increase (2027)		

	realisation of fundamental rights and freedom of expression/media to perform their respective roles improved	<p>2.1.2 Number of individuals (especially women victims of gender-based violence and/or domestic violence) benefitting from EU-funded programmes to improve access to justice.</p> <p>All data aggregated by IPA III beneficiary, Theme, sex aggregated, possibly profession.</p>	2.1.2 Baseline (2022)	2.1.2 Increase (2027)	Reports and data from the action	
Output 2 related to Outcome 2	2.2 Target group's awareness on fundamental rights increased	<p>2.2.1 Number of people reached by awareness raising initiatives on fundamental rights</p> <p>2.2.2 Number of media professionals involved in HF III activities</p> <p>Data aggregated by IPA III beneficiary, by age group, by sex, profession.</p>	<p>2.2.1 Baseline (2022)</p> <p>2.2.2 Baseline (2022)</p>	<p>2.2.1 Increase (2027)</p> <p>2.2.2 Increase (2027)</p>	Reports and data from the Action	

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is not envisaged to conclude financing agreements with the IPA III beneficiaries.

4.2. Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

4.3. Methods of implementation

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹⁹.

4.3.1. Indirect Management with an international organisation

This action may be implemented in indirect management with the Council of Europe. This implementation entails the full implementation (outcomes 1 and 2) including through direct implementation of activities and conducting implementation tasks (procurement and grants award procedures as relevant) of this action entitled "EU-Council of Europe Horizontal Facility phase III". The envisaged entity has been selected using the following criteria: specific mandate including link to EU *acquis*; sound expertise and strong practical experience in rule of law and fundamental rights; presence in, membership by and/or cooperation with targeted IPA III beneficiaries; and financial and operational capacity.

In case the envisaged entity would need to be replaced, the Commission's services may select a replacement entity using the same selection criteria. If the entity is replaced, the decision to replace it needs to be justified.

4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

¹⁹ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

4.5. Indicative Budget

Indicative Budget components	EU contribution (amount in EUR)	Indicative third-party contribution (EUR)
Budget line: 15.020101.01		
All outcomes and outputs		
Indirect management with the Council of Europe – cf. section 4.3.1	35 000 000	6 175 000
Evaluation – cf. section 5.2 Audit – cf. section 5.3	N.A.	N.A.
Communication and visibility – cf. section 6	N.A.	N.A.
Totals	35 000 000	6 175 000

4.6. Organisational Set-up and Responsibilities

The Council of Europe has the full responsibility for implementation of the action. This process will be guided by a joint governance structure. At the overall programme level, the Steering Board co-chaired by the European Commission and the Council of Europe will meet annually following meetings of all Steering Committees at IPA III beneficiary level. The Steering Board will review and guide the implementation. To the same end a separate Steering Committee meeting will be organised on annual basis to review and guide the implementation in each IPA III beneficiary. In addition, a Steering Committee will be formed for each of the beneficiary-specific action (and for regional actions as appropriate), which will be responsible for overseeing and guiding the implementation of the related action. Key will be close coordination at all levels, between the Directorate-General for Neighbourhood and Enlargement Negotiations-DG NEAR and the Council of Europe co-ordination team in Headquarters as well as in the field between the EU Delegations/EU Office and the Council of Europe Offices to ensure close collaboration and synergies and to avoid duplication.

5. PERFORMANCE MEASUREMENT

5.1. Monitoring and Reporting

Contract execution will be monitored through regular reports (indicatively: inception, bi-monthly, annual, final), with clearly identified results indicators linked to each action package on IPA III beneficiary and regional level as well as updates on the overall logical framework. Regular meetings/video conferences between the Directorate-General for Neighbourhood and Enlargement Negotiations (Headquarters and EU Delegations/EU Office) and the Council of Europe will further ensure that any issues are addressed in a timely manner so that results are achieved in due time. Additional tools include ad hoc and on-the-spot visits will ensure monitoring of progress and a Result Oriented Assessment will be undertaken approximately mid-term. As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

The Implementing Partner will establish an effective structure at the central and IPA III beneficiary level for collecting and consolidating the data that are gathered throughout based on the indicators of the results framework. For this to work also on action package level the regular structured collection of data (including respective aggregation) on outputs and outcomes will be ensured.

5.2. Evaluation

Having regard to the importance of the action, a mid-term and possibly a final evaluation will be carried out for this action for potential problem solving and learning purposes.

5.3. Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements. This provision will be applied in accordance with the relevant articles of the Financial Framework Partnership Agreement concluded between the European Commission and the Council of Europe in October 2020.

6. COMMUNICATION AND VISIBILITY

Visibility of EU funding and communication about objectives and impact of Actions are a legal obligation for all Actions funded by the EU, as set out in the EU communication and visibility requirements in force.

In particular, the recipients of EU funding shall acknowledge the origin of the EU funding and ensure its proper visibility by:

- providing a statement highlighting the support received from the EU in a visible manner on all documents and communication material relating to the implementation of the funds, including on an official website and social media accounts, where these exist; and
- promoting the actions and their results by providing coherent, effective and proportionate targeted information to multiple audiences, including the media.

The measures shall be based on a specific Communication and Visibility Plan, established and implemented in line with the EU communication and visibility requirements in force. The plan shall include, inter alia, a communication narrative and master messages for the action, customised for the various target audiences (stakeholders, civil society, general public, etc.).

Visibility and communication measures specific to this action shall be complementary to the broader communication activities implemented directly by the European Commission services and/or the EU Delegations and Offices. The European Commission and the EU Delegations and Offices should be fully informed of the planning and implementation of the specific visibility and communication activities, notably with respect to the communication narrative and master messages. It is the responsibility of the implementing partner(s) to keep the EU Delegations/Office and the European Commission fully informed of the planning and implementation of the specific visibility and communication activities.

The communication and visibility arrangements stipulated in the European Commission and the Council of Europe Financial Framework Partnership Agreement and its Joint Communication and Visibility Guidelines apply.

7. SUSTAINABILITY

The action will ensure ownership among the IPA III beneficiaries through consultations and engagement throughout the implementation. It will provide various approaches and modalities for effective capacity development and learning, ensuring that the targeted IPA III beneficiaries will be able to sustain and apply the expertise and knowledge that will be generated and introduced throughout the action. Activities under the action are steered towards aligning the IPA III beneficiaries' legislation and policies with European standards and the European Union *acquis* in the key areas of involvement.