

**DATE**            **11 JUNE 2007**

**PROJECT FICHE 1.2    JUDICIAL REFORM**

**1. Basic information**

**1.1        CRIS Number:** 2007/19297

**1.2        Title:**            Support to more efficient, effective and modern operation and functioning of the Administrative Court

**1.3        ELARG Statistical code:** Axe 01 - 23

**1.4        Location:**        The former Yugoslav Republic of Macedonia

**Implementing arrangements:**

**1.5        Contracting Authority (EC)**

European Commission, EC Delegation, on behalf of the beneficiary

**1.6        Implementing Agency**

European Commission, EC Delegation, on behalf of the beneficiary

**1.7        Beneficiary (including details of project manager):**

Ministry of Justice of and the Administrative Court

Mr. Mihajlo Manevski, Minister of Justice  
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Contact points<sup>1</sup>:

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**1.8        Overall costs (VAT excluded)<sup>2</sup>:** EUR 1.1 million

**1.9        EU contribution:** EUR 1.1 million

**1.10      Final date for contracting**

Two years from the date of the conclusion of the Financing Agreement

**1.11      Final date for execution of contracts:**

Two years from the final date for contracting.

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<sup>1</sup> One other contact point as a representative of the second beneficiary institution to be included as soon as the Administrative court is fully staffed

<sup>2</sup> The total costs of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated.

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## **1.12 Final date for disbursements**

One year from the final date for execution of contracts.

## **2. Overall Objective and Project Purpose**

### **2.1 Overall Objective**

The overall objective is to provide advisory services to further improve the ongoing judicial reform by supporting the establishment, development and consolidation of an effective administrative dispute resolution system in the beneficiary country, to uphold the rule of law and operate in accordance with the applicable legal framework and National Strategies, and adopted international standards and best practices.

### **2.3 Project purpose**

The project purpose is to support the implementation of the Judicial Reform Strategy at operational level by the establishment of the administrative justice implementing the Law on Administrative Disputes that transfers the first-instance-competence for the administrative disputes from the Supreme Court to the newly established Administrative Court.

### **2.4 Link with AP / NPAA / EP / SAA**

The EP 2005 priority concerning Justice is to ensure a timely implementation of the Strategy and Action Plan on Judicial Reform with a view to strengthening its independence, improving the efficiency of the courts, and strengthening the overall capacity of the judicial system. The Government, in line with the 2006 NPAA priorities, through the Law on Courts have introduced specialisation of courts as a very important novelty. Establishment of specialised departments and units in courts has been envisaged, and a special Administrative Court will be established, competent for deciding on the legality of administrative acts of the state thereby releasing the Supreme Court from such cases. This Administrative Court, which decides in administrative disputes upon lawsuits against administrative acts of the state bodies and holders of public authorisations will be situated in Skopje.

### **2.5 Link with MIPD**

The MIPD indicates that in the field of Justice and Home Affairs, EU assistance to the judiciary will help to complete the implementation of the Strategy and Action Plan on Judicial Reform, and possibly to further develop it, as well as to support further reform efforts and to improve the overall functioning of the judiciary. Specific elements of the Judicial Reform Strategy that may need further attention include efficiency of the court system, the Training Academy for judges and prosecutors, and the Administrative Court and the basic courts that have specialised departments for cases of organised and serious crime. Possible weaknesses of the new system of enforcement of civil judgements may also need to be addressed.

### **2.6 Link with National Development Plan**

For the purpose of overcoming deficiencies with far-fetched implications for court protection of human rights violated by administrative acts, the National Development Plan announced

the drafting of a new Law on Administrative Disputes that will transfer this competence to another first-instance court (one of the newly established higher courts).

## 2.7 Link with national/ sectoral investment plans (where applicable)

Not applicable

## 3. Description of project

### 3.1 Background and justification:

The *Strategy on the Reform of the Judicial System* aims at increasing court efficiency and provides for changes in the organizational setup and competence of the courts in the country. It notes that administrative disputes are one of the "bottlenecks" of the judiciary, with an annual inflow of approx. 3000 cases. Previously, they were dealt by the Supreme Court, but with the new Law on Courts and the new Law on Administrative Deputies, they will be part of the Administrative Court<sup>3</sup>.

In line with the Judicial Reform Strategy of November 2004, the Constitution was changed in December 2005 which allowed for the adoption of new Laws on Courts, on the Judicial Council, on Misdemeanours and on Administrative Disputes, in May 2006. The new constitutional solution provided jurisdiction to the administrative bodies in resolving minor offences in the field of traffic, customs, financial and commercial matters, but also specified certain constitutional and legal mechanisms for court protection of citizens against illegal acts of administrative bodies. However, the reform is at an early stage and improving the independence and the efficiency of the judiciary remains a major challenge.

The revision of sector laws, continued training and supervision of private enforcement agents and the creation of an *Administrative Court* all must take place for the legislative changes to have an impact in improving judicial efficiency and effectiveness. These reforms are closely linked to efforts to control administrative corruption and ineffective service delivery.

In line with **National Strategy for Judiciary Reform**, the new law on courts introduced a system of basic courts in order to achieve specialized competencies and higher efficiency. The *Supreme Court* is competent to deal with administrative acts only in case of collision of jurisdiction between the *Administrative Court* and another court and deciding on the transfer of subject-matter jurisdiction of these courts.

The *Administrative Court*, located in Skopje<sup>4</sup>, shall be established and it shall exercise the judicial power over the entire territory of the beneficiary country. Its competencies are determined to decision making upon:

- legality of individual acts adopted in the electoral procedure, legality of individual acts pertaining to elections, appointment and dismissal of public officials if it has been determined by law, as well as legality of the acts pertaining to election, appointment and dismissal of executive civil servants, unless otherwise specified by Law;

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<sup>3</sup> Law on Courts, Official Gazette 2006 no. 58 and no. 62; Law on Administrative Disputes, Official Gazette 2006 no. 62.

<sup>4</sup> The Ministry of Justice provides the working premises for the functioning of the Administrative Court

- legality of acts of the state authorities, the Government and the bearers of public authorisations, adopted in the form of regulations in case they specify the individual relations;
- disputes arising from the enactment and execution of the provisions contained in concession agreements, public procurement agreements that are of public interest, as well as of any other agreement in which one of the agreeing parties is a state authority, organization of public authorizations, public enterprise, municipality and the City of Skopje, provided that the agreement is of public interest and concluded for the purpose of enactment of a public service;
- individual acts of state administration bodies, the Government, other state bodies, the municipalities and the City of Skopje, organizations specified by law, as well as legal and other entities exercising public authorisations (bearers of public authorisations), when for deciding in second instance against such acts
- conflicts of competence between the national authorities; between the municipalities and the City of Skopje; between the municipalities of the City of Skopje as well as conflicts of competence between the municipalities and the City of Skopje and bearers of public authorisations, if this has been foreseen by Law and if the Constitution or any other law have foreseen no other legal protection.

In principle a citizen can now go to the Court against any infringement of rights by administrative acts of the executive. The administrative act contestable before the *Administrative Court* will be defined as an act, by which an official in an administrative procedure decides on rights and obligations of an individual or an organization due to his given official power. However, legal protection in administrative cases is not limited to such matters, but also covers "administrative contracts". The Administrative Court regularly has to check the administrative act of the second administrative instance; the administrative act of the first instance has to be checked in case there is no internal administrative control by a second instance. The legal protection in administrative cases is not limited to contesting of official administrative cases, but a citizen can also go to the law in case of administrative inactivity ("inactivity action").

The large number of misdemeanour and administrative cases remains a major reason for the inefficiency of the judiciary. Thus, the establishment of and the support to the Administrative Court is crucial importance for improvement of the administrative justice and guaranteed effective delivery of services to citizens and companies.

### **3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)**

The envisaged support to the administrative justice is to enable sustainability in the context of the overall judicial reform in the beneficiary country. It will contribute to the establishment of an independent and efficient judiciary with well defined administrative dispute resolution system in line with the EU and international best practices and standards.

Further improvement of the ongoing judicial reform by increasing legal certainty and decreasing organised crime and corruption will contribute but not limit to attracting foreign investments and increasing the public's confidence in the administration of justice.

It is expected that the establishment of the Administrative Court will have a major influence on the speed with which administrative disputes can be handled significantly reducing the backlog of cases. The reduction in the backlog will have a positive influence on the confidence the citizens have in the judiciary.

As regards catalytic effects, increased confidence in the judiciary does not only give more confidence to the public to seek legal ways of solving disputes instead of 'informal' manners, it also serves as a deterrent for illegal action.

### **3.3 Results and measurable indicators**

The project shall provide direct advisory support to the *Administrative Court* to appraise the implementation of the reformed legal framework. Through the provision of advisory support, technical assistance and training, the organisational and operational reform of the administrative dispute procedure will be established and further strengthened. In particular the support will target human resources and institutional empowerment with focus on the decision making authority, court procedures, operational efficiency and effectiveness, as well as transparency in the process of decision-making and operations.

The project will consist of the following components:

- 1) Strengthen organisational capacities of the Administrative Court
- 2) Strengthen human capacities at the Administrative Court
- 3) Improved court and case management system through improved IT systems

#### **Component I: Strengthen organizational capacities of the Administrative Court**

The expected results include:

- Administrative legal framework further developed and consolidated
- Improved implementation of administrative legislation and enforcement of Administrative Court's decisions by concerned administrative bodies
- Prepared and improved organizational platform of the Administrative Court for implementation of the new Law
- Improved coordination with related bodies
- Improved transparency and public information

Measurable indicators include:

- Weaknesses under the new dispute resolution system have been identified by 2009
- Description of an improved court and case management system provided by 2010
- The number of different staff categories of the Administrative Court trained by 2010 (to be further detailed in the terms of references)
- A reduction of the backlog of cases at the Administrative Court by at least 20% compared to the status quo (by 2010)
- Decrease of the average time to handle a case by the Administrative Court compared with the previous efficiency rate of the Supreme Court

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- Improved public information system in place by 2010

### **Component II: Strengthen Human Capacities at the Administrative Court**

The expected results include:

- Training strategy and curricula developed
- Enhanced capacities and skills of the administrative judges and legal associates

Measurable indicators include:

- Training needs analysis and strategy for judges and court advisors has been prepared by 2009
- Developed e-inventory of the training needs by 2008
- The number of training provided and the number of different staff categories trained (to be further detailed in the terms of references)

### **Component III: Improved court and case management system through improved IT systems**

The expected results include:

- Improved court and case management system in the Administrative Court
- The technical infrastructure meets the needs of the involved organizations;

Measurable indicators include:

- The court IT system assessment has been prepared by 2008
- Training needs analysis covering IT topics prepared by 2008
- The number of trainings delivered (to be further detailed in the terms of references)

## **3.4 Activities**

The specific activities for each component are described below:

### **Component I: Strengthen organizational capacities of the Administrative Court**

- Review of the existing national legislation (procedural and substantive law) concerning administrative dispute resolution and provide recommendations concerning amendments and harmonisation
- Review the existing implementation of administrative legislation and enforcement of Administrative Court decisions by concerned administrative bodies and provide recommendations how to improve the implementation, including possible changes of organisation and jurisdiction of the Administrative Court with jurisdiction of first instance.
- Appraisal of the existing procedures and measures in support of the decision making process in terms of transparency and public accountability

- Review of the Administrative Court's organizational setup taking into account future changes in the general administrative procedures and legal framework
- Recommendations to improve the organization of the Administrative Court
- Recommendations to improve the working methods of the Administrative Court ( e.g. document handling)
- Recommendations to improve the coordination between the Administrative Court and administrative bodies with particular emphasis on document handling and properly and timely cases delivery from the Ministries and administrative bodies to the Administrative Court.
- Development of a consultation structure between the Administrative Court and administrative bodies. Within this structure attention must be given to issues as priority of handling cases, interpretation of new laws, jurisprudence and rules, and quality of the documents of the administrative bodies
- Development of a web site for the Administrative Court to improve the access and knowledge of the concerned administrative bodies of the decisions of the Administrative Court
- Assess present system to provide information to the public and formulate recommendations for improvement.

**Component II: Strengthen Human Capacities at the Administrative Court**

- Assess the training needs for all the judges and court advisors of the Administrative Court, as well as selected relevant external parties
- Development of a training strategy, including TOT element for both internal and external trainees.
- Develop curricula for courses offered to judges and court advisors (in cooperation with the Training Academy) and administrative bodies
- Deliver training courses for judges of the Administrative Court in cooperation with Training Academy (organizing training courses, workshops and seminars) notably in administrative litigation management
- Capacity building efforts in key subjects related to the administrative dispute resolution and ensuring familiarity of judges and court management with Administrative Courts, legislations and practices in the EU Member States

**Component III: Improved court and case management system through improved IT system**

- Review IT endowments needed for a better case management system in Administrative Court
- Assessment of the court's IT needs in terms of case management system, including document management, legal data base system, email system, web page, special attention has to be given to unnecessary duplicating of data and texts (manual and computerised), standardisation of text processing and information security

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- Formulate and deliver obligatory training courses for all judges of the Administrative Court (organizing training courses, workshops and seminars) in topics covering management and IT applications

### **Project Management and Administration**

A project steering committee will be established to oversee the implementation process of the project activities.

Advisory services will be provided to the Ministry of Justice and the Administrative Court. The contract to support the project will contain next to a team leader additional expertise to assist in key tasks, e.g. in the field of administrative capacity building, legal training, IT development, legal development and others. Some of these experts will address the cross-cutting issues.

The core project team – consisting of the team leader and other expertise will be placed within the Administrative Court.

The team leader will be responsible for the overall management, representation (co-ordination with the EU and other international bodies) as well as reporting. The co-ordination of activity development in the different components of the activity is significantly important. The team leader is responsible for an appropriate management of resources. During the inception phase of the project, a detailed deployment plan will be developed under the coordination of a Steering Committee in which each co-operating national institution will be represented to ensure appropriate inclusion.

**The contracting arrangements** are as follows:

It is expected that:

- 1 Service contract will be concluded following an international restricted tender procedure
- The duration of the contract will be for a period of 18 to 24 months, depending on the budget
- Implementation is expected in November 2008, one month after the signature of the contract
- The contract value will be approx. EUR 1.1 mn

### **3.5 Conditionality and sequencing:**

The Ministry of Justice will carry on the judicial reform process and will make sure that all the framework conditions, including the Strategy for Information-communication technology (SICT) and the Integrated Court Management System (ICMS) for the setting up and effective functioning of the Administrative Court are fulfilled. The implementation of the reform should lead to the legal and institutional changes that are going to regulate the tasks and jurisdiction of the Administrative Court, to define the basic provisions on the structure and the internal organisation of the Administrative Court.



It will be checked whether the IT component is directly linked to the Strategy for Information-Communication Technology (SICT) and the ICMS and whether the Administrative Court will have its own operational and functional court and case management system. This also applies to the existing system and the question whether it is adequate in capacity and depends on and is compatible with the pro-futuro Integrated Court Management System.

It is assumed that the Ministry of Justice will provide sufficient human and financial resources beyond the end of the project. The Ministry of Justice and the Administrative Court will make available the human and financial resources to cover the running costs for the maintenance of the ICMS introduced by the project, assuring thus the project sustainability. The project contains a train-the-trainers component to ensure sustainability of educational activities after the completion of the project. The Administrative Court will host the contractor selected for the implementation of the project.

In the event that the following conditionalities are not met, suspension or cancellation of projects will be considered:

- 1) Endorsement by all key stakeholders of the Terms of Reference, Inception Report of the project and the subsequent work plans; specifications for the individual contracts to be engaged;
- 2) Appointment of counterpart personnel by the beneficiary before the launch of the tender process;
- 3) Allocation of working space and facilities by the beneficiary for technical assistance before the launch of the tender process;
- 4) Arrangement by the beneficiary of all legal procedures to allow construction (e.g. construction permits, urban plan amendments), refurbishment activities before the launch of the tender process;
- 5) Participation by the beneficiary in the tender process as per EU regulations;
- 6) Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary as per work plan of the project;
- 7) Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan.

### **3.6 Linked activities**

#### *EU - EAR*

CARDS 2003 Development of the administrative and processing capacity of the courts and prosecutors: Assisted with the design and implementation of a computerised administrative support system in the Courts and related organisations in the country (Prison Administration, the State Judicial Council, and the Public Prosecutors Office).

CARDS 2004 Professional selection and training of judiciary: Assistance delivered in changing the modalities of the recruitment, selection and promotion of the judiciary, to be based on professional standards. Specifically, the assistance aimed at the establishment of the Institute for Training of Judges and Prosecutors and provides initial and continuous training curricula for the judiciary and prosecutors.

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CARDS 2005 Support to the Public Prosecutor's Office: Twinning assistance is provided in the establishment of the new Department for Prosecuting Organised Crime and Corruption of the Public Prosecutor's Office.

### World Bank

The World Bank's Legal and Judicial Implementation and Institutional Support Project (LJIS), will strengthen the capacity of key institutions to implement selected reforms under the Judicial Reform Strategy. The objective of the LJIS Project is to contribute to improving judicial efficiency and effectiveness and the business climate in the country by: (i) enhancing ministerial and judicial capacity to systemically implement the Government's Judicial Reform Strategy and key laws; and (ii) improving judicial infrastructure.

By strengthening the capacity of key institutions in the justice system, the Project will support the implementation of the proposed Law on the Judicial Council, the new Bankruptcy Law and the new legal framework for administrative disputes. LJIS also aims to reduce political influence and improve the quality of the judiciary, by supporting the new Republic Judicial Council in implementing efficient processes for monitoring and evaluating judicial performance against high ethical standards and implement transparent procedures for judicial selection and disciplining judicial misconduct. The Project will support the implementation of the new Law on Courts by supporting the construction and rehabilitation of courthouses in the country. The Project will also help to strengthen the supply and analysis of statistical and other information for the management and functioning of the justice system.

Given the long term nature of addressing these issues, a follow-up on of this project may be considered for 2010. A final decision on this will be taken during 2009.

### OSCE

The OSCE are providing support to the national authorities in their efforts to strengthen the judicial system. The main programme activities aim at supporting the Ministry of Justice in their cooperation with ICTY and to assist in increasing the professional skills of judges and prosecutors handling severe or war crime cases. Furthermore, the programme envisages to assist the country in implementing the Law on Public Prosecution and to provide assistance for amending the Law on Criminal Procedure and Criminal Code. The Project also helps to increase professional skills of attorneys through training activities.

### USA

In 2002 a US-lead project developed an inaugural Judicial Reform Index (JRI) for the country, which is a tool to help assessing factors which are important to judicial reform and to monitor progress toward establishing an accountable, effective, and independent judiciary. Currently there is a court modernisation Project ongoing, aiming at improveing the efficiency and performance of the Macedonian courts. The project also provides court equipment and assists with minor improvements to court facilities and operations. The project has selected trial courts in seven cities to serve as models for the rest of the judiciary.

Clearly, all this activities do not overlap with the envisaged project present here. The envisaged project complements the activities in this sector, as it touches an area which has lacked sufficient support in the past.

### 3.7 Lessons learned

CARDS implementation, as documented in progress reviews, monitoring and evaluations reports, highlighted a number of common difficulties in project implementation, including insufficient availability of national (counterpart) staff, insufficient budget, late approval of relevant legislation etc. These lessons learned have been translated into conditionalities (see par. 3.5).

In previous years, a large focus has been on establishing the legal frameworks in the country. The capacity to enforce the law, however, has received insufficient attention, leading to a situation where the legal reform is rather well advanced, but the practice – law enforcement and implementation - has not followed. The present project, therefore, focuses on increasing these capacities.

An important lesson learned during the CARDS period is that appropriate mainstreaming of cross-cutting issues would significantly be stimulated through the allocation of a designated budget. In a similar vein as above, a maximum of 10% of the total budget will be reserved to targeted support to the mainstreaming of cross-cutting issues (see also further below).

### 4. Indicative Budget (amounts in M€)

Activities	TOTAL COST (Million Euro)	SOURCES OF FUNDING										
		EU CONTRIBUTION				NATIONAL PUBLIC CONTRIBUTION					PRI V A T E	
		Total	% *	IB	INV	Total	% *	Central	Regional	IFIs	Tot al	% *
Activity 1	1.1	1.1	100	1.1								
contract 1.1 TA support to Administrative Court	1.1	1.1	100	1.1								
<b>TOTAL</b>	<b>1.1</b>	<b>1.1</b>	<b>100</b>	<b>1.1</b>								

\* expressed in % of the Total Cost

Amounts net of VAT

### 5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1: TA support to Administrative Court	1-3-2008	1-11-2008	1-11-2010

### 6. Cross cutting issues (where applicable)

The cross-cutting issues will be addressed throughout the project. Up to 10% of the budget of the individual service contracts for capacity building – through short term expertise - may be allocated to assist the different beneficiaries to comply with European standards and best practices, implement relevant existing Government strategies and develop internal measures to ensure each cross-cutting issue is appropriately mainstreamed.

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

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

Throughout the project cycle, in particular when developing project ToR, state actors specifically addressing (one of) the cross cutting issues shall be consulted.

- **Equal opportunities and non-discrimination;**

The training activities will include a specific component to train ministerial staff in the implementation of the Government Gender Strategy, while reference will be made to the EC Programme of Action for the mainstreaming of gender equality in community development cooperation (2001-06). An output of this training component will be to assist the beneficiary to implement an ‘internal gender assessment’ to identify areas where it could improve its internal performance vis-à-vis gender.

- **Support to minority and vulnerable groups;**

Where the main reference in the former Yugoslav Republic of Macedonia in relation to minority groups is the Ohrid Framework Agreement, in an EU context, reference is made to the “Race directive” of 2000 (200/43/EC of 29 June), which has an important impact on employment (incl. vocational training, working conditions, social protection etc.) and is also a crucial aspect of the acquis. The beneficiary will be assisted to implement an ‘internal minority and vulnerable group assessment’ to identify areas where it could improve its internal performance vis-à-vis minorities or other vulnerable groups.

- **Environmental protection;**

The European Community has a longstanding commitment to address environmental concerns in its assistance programmes (as part as a wider commitment to sustainable development). Key references include art. 6 of the Treaty and also the Cardiff process which foresees the systematic consideration of environmental aspects into EC development cooperation AND in other policies (hence very important for the acquis). The support will include a specific component to assist the beneficiary to implement an ‘internal environment assessment’ to identify areas where it could improve its internal performance vis-à-vis environmental aspects.

- **Good governance, with particular attention to fight against corruption.**

The training activities will include a specific component to address a) the basic principles of a professional Human Resource Development strategy, b) sound budget planning and execution c) developing and implementing an communication strategy to allow for an appropriate level of transparency, and d) developing and implementing an internal risk assessment concerning corruption and design an appropriate strategy to fight corruption.

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**ANNEXES**

- 1-     Log frame in Standard Format
  
- 2-     Amounts contracted and Disbursed per Quarter over the full duration of Programme
  
- 3 -     Reference to laws, regulations and strategic documents:
  - a) Reference list of relevant laws and regulations
  - b) Reference to AP /NPAA / EP / SAA
  - c) Reference to MIPD
  - d) Reference to National Development Plan
  - e) Reference to national / sectoral investment plans
  
- 4-     Details per EU funded contract (\*) where applicable:

**ANNEX I: Logical framework matrix in standard format**

LOGFRAME PLANNING MATRIX FOR Judicial Reform Project Fiche	Programme name and number: Administrative Justice		
	Contracting period expires two years from the date of the conclusion of the Financing Agreement	Execution period expires two years from the final date for contracting	Disbursement period expires one year from the final date for execution of contracts.
		Total budget: EUR 1.1 million	IPA budget: EUR 1.1 million
<b>Overall objective</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	
The overall objective is to further improve the ongoing judicial reform by supporting the establishment, development and consolidation of an effective administrative dispute resolution system in the beneficiary country, to uphold the rule of law and operate in accordance with the applicable legal framework and National Strategies, and adopted international standards and best practices.	An improved and more efficiently functioning judicial system.	Reports prepared by the national Government, European Commission and other international organizations	
<b>Project purpose</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
The project purpose is to support the implementation of the Judicial Reform Strategy at operational level by the establishment of the administrative justice implementing the Law on Administrative Disputes that transfers the first-instance-competence for the administrative disputes from the Supreme Court to the newly established Administrative Court.	<ul style="list-style-type: none"> <li>• Reduced of backlog of cases in the Administrative Court;</li> <li>• Reduction of the average duration of handling of cases;</li> <li>• Reduction of prescribed cases.</li> </ul>	<ul style="list-style-type: none"> <li>– Evaluation and expert mission reports;</li> <li>– Reports from working committees and groups;</li> <li>– Project reports;</li> <li>– EC Representation monitoring reports;</li> <li>– Management information.</li> </ul>	Continued support from the EU insured.
<b>Results</b>	<b>Objectively verifiable indicators</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<b>Component I: Strengthen organizational capacities of the Administrative Court</b> <ul style="list-style-type: none"> <li>• Administrative legal framework further developed and consolidated</li> <li>• Improved implementation of administrative legislation and enforcement of Administrative Court's decisions by concerned administrative bodies</li> <li>• Prepared and improved organizational platform of the Administrative Court for implementation of the new Law</li> <li>• Improved coordination with related bodies</li> <li>• Improved transparency and public information</li> </ul>	Measurable indicators include: <ul style="list-style-type: none"> <li>• Weaknesses under the new dispute resolution system have been identified by 2009</li> <li>• Description of an improved court and case management system provided by 2010</li> <li>• The number of different staff categories of the Administrative Court trained by 2010 (to be further detailed in the terms of references)</li> <li>• A reduction of the backlog of cases at</li> </ul>	<ul style="list-style-type: none"> <li>– Project reports;</li> <li>– Monitoring and interim evaluation reports;</li> <li>– Quarterly Reports to Project Steering Group;</li> <li>– Recommendations</li> <li>– Training Curricula</li> </ul>	Active co-operation with the Ministry of Justice;  Support by the development and implementation of an adequate system to the fight against the backlogs;

<p><b>Component II: Strengthen Human Capacities at the Administrative Court</b></p> <ul style="list-style-type: none"> <li>• Training strategy and curricula developed</li> <li>• Enhanced capacities and skills of the administrative judges and legal associates</li> </ul> <p><b>Component III: Improved court and case management system through improved IT system</b></p> <ul style="list-style-type: none"> <li>• Improved court and case management system in the Administrative Court</li> <li>• The technical infrastructure meets the needs of the involved organizations</li> </ul>	<p>the Administrative Court by at least 20% compared to the status quo (by 2010)</p> <ul style="list-style-type: none"> <li>• Decrease of the average time to handle a case by the Administrative Court compared with the previous efficiency rate of the Supreme Court</li> <li>• Improved public information system in place by 2010</li> </ul> <p>Measurable indicators include:</p> <ul style="list-style-type: none"> <li>• Training needs analysis and strategy for judges and court advisors has been prepared by 2009</li> <li>• Developed e-inventory of the training needs by 2008</li> <li>• The number of training provided and the number of different staff categories trained (to be further detailed in the terms of references)</li> </ul> <p>Measurable indicators include:</p> <ul style="list-style-type: none"> <li>• The court IT system assessment has been prepared by 2008</li> <li>• Training needs analysis covering IT topics prepared by 2008</li> <li>• The number of trainings delivered (to be further detailed in the terms of references)</li> </ul>	<ul style="list-style-type: none"> <li>- Project reports;</li> <li>- Monitoring and interim evaluation reports;</li> <li>- Quarterly Reports to Project Steering Group;</li> <li>- Recommendations</li> <li>- Training Curricula</li> </ul> <ul style="list-style-type: none"> <li>- Project reports;</li> <li>- Monitoring and interim evaluation reports;</li> <li>- Quarterly Reports to Project Steering Group;</li> <li>- Recommendations</li> <li>- Training Curricula</li> </ul>	<p>Availability of appropriate staff for training exercises. Stimulating environment to apply lessons learned in training</p> <p>Availability of appropriate staff for training. Stimulating environment to apply lessons learned in training Technical possibilities to apply IT improvements</p>
<b>Activities</b>	<b>Means</b>	<b>Costs</b>	<b>Assumptions</b>

<p><b>Component I: Strengthen organizational capacities of the Administrative Court</b></p> <ul style="list-style-type: none"> <li>• Review of the existing national legislation (procedural and substantive law) concerning Administrative Dispute resolution and provide recommendations concerning amendments and harmonisation</li> <li>• Review the existing implementation of administrative legislation and enforcement of Administrative Court decisions by concerned administrative bodies and provide recommendations how to improve the implementation, including possible changes of organisation and jurisdiction of the Administrative Court with jurisdiction of first instance.</li> <li>• Appraisal of the existing procedures and measures in support of the decision making process in terms of transparency and public accountability</li> <li>• Functional organisational review of the Administrative Court taking into account future changes in the general administrative procedures and legal framework</li> <li>• Recommendations to improve the organization of the Administrative Court</li> <li>• Recommendations to improve the working methods of the Administrative Court ( e.g. document handling)</li> <li>• Recommendations to improve the coordination between the Administrative Court and administrative bodies with particular emphasis on document handling and properly and timely cases delivery from the Ministries and administrative bodies to the Administrative Court.</li> <li>• Development of a consultation structure between the Administrative Court and administrative bodies. Within this structure attention must be given to issues as priority of handling cases, interpretation of new laws, jurisprudence and rules, and quality of the documents of the administrative bodies</li> <li>• Development of a web site for the Administrative Court to improve the access and knowledge of the concerned administrative bodies of the decisions of the Administrative Court</li> <li>• Assess present system to provide information to the public and formulate recommendations for improvement.</li> </ul>	<p>Technical Assistance</p>	<p>1.1 million EUR</p>	<ul style="list-style-type: none"> <li>- Experts recruited will be of sufficient quality.</li> <li>- Both the Ministry of Justice and the Administrative Court are sufficiently staffed and have sufficient budget.</li> <li>- Coordination mechanism with other projects on public administration and judiciary and court reforms established</li> <li>- Full commitment of the involved authorities;</li> <li>- Assistance from an appropriate institution/s in EU Member State/s;</li> </ul>
<p><b>Component II: Strengthen Human Capacities at the Administrative Court</b></p> <ul style="list-style-type: none"> <li>• Assess the training needs for all the judges and court advisors of the Administrative Court, as well as selected</li> </ul>			<ul style="list-style-type: none"> <li>- Effective monitoring of project implementation;</li> <li>- Timely availability of adequate resources;</li> <li>- Staff available for training;</li> </ul>



<p>relevant external parties</p> <ul style="list-style-type: none"> <li>• Development of a Training strategy, including TOT element for both internal and external trainees.</li> <li>• Develop curricula for courses offered to judges and court advisors (in cooperation with the training Academy) and administrative bodies</li> <li>• Deliver training courses for judges of the Administrative Court in cooperation with training Academy (Organizing training courses, workshops and seminars) notably in Administrative Litigation Management</li> <li>• Capacity building efforts in key subjects related to the administrative dispute resolution and ensuring familiarity of judges and court management with Administrative Courts, legislations and practices in the EU Member States</li> </ul> <p><b>Component III: Improved court and case management system through improved IT system</b></p> <ul style="list-style-type: none"> <li>• Review IT steps needed for a better case management system in Administrative Court</li> <li>• Assessment of the court IT needs in terms of case management system, including document management, Legal data base system, email system, web page, special attention has to be given to unnecessary duplicating of data and texts (manual and computerised), standardisation of text processing and information security</li> <li>• Formulate and deliver obligatory training courses for all judges of the Administrative Court (Organizing training courses, workshops and seminars) in topics covering management and IT applications.</li> </ul>			
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**Pre conditions:**

The project includes the following conditionalities:

- 1) Endorsement by all key stakeholders of the Terms of Reference, specifications for the individual contracts to be engaged;
- 2) Appointment of counterpart personnel by the beneficiary before the launch of the tender process;
- 3) Allocation of working space and facilities by the beneficiary for technical assistance before the launch of the tender process;
- 4) Arrangement by the beneficiary of all legal procedures to allow construction (e.g. construction permits, urban plan amendments), refurbishment activities before the launch of the tender process;
- 5) Participation by the beneficiary in the tender process as per EU regulations;
- 6) Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary as per work plan of the project;
- 7) Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan;
- 8) Availability of co-financing.

**DATE 11 JUNE 2007**

**ANNEX II: Indicative planning of the amounts (in €Million) Contracted and disbursed by quarter for the project**

<b>Contracted</b>	<b>Qu 1</b>	<b>Qu 2</b>	<b>Qu 3</b>	<b>Qu 4</b>	<b>Qu 5</b>	<b>Qu 6</b>	<b>Qu 7</b>	<b>Qu 8</b>	<b>Qu 9</b>	<b>Qu 10</b>	<b>Qu 11</b>
Contract 1.1: TA support to Administrative Court				1.1							
<b>Cumulated</b>				<b>1.1</b>							
<b>Disbursed</b>											
Contract 1.1: TA support to Administrative Court				0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.3
<b>Cumulated</b>				<b>0.2</b>	<b>0.3</b>	<b>0.4</b>	<b>0.5</b>	<b>0.6</b>	<b>0.7</b>	<b>0.8</b>	<b>1.1</b>

**DATE**            **11 JUNE 2007**

### **Annex III. Reference to laws, regulations and strategic documents:**

#### **3.a) Reference list of relevant laws and regulations**

- Law on Courts, Official Gazette of the former Yugoslav Republic of Macedonia 2006 no. 58 and no. 62 with some amendments the same year ;
- Law on General Administrative Procedure, Official Gazette of the former Yugoslav Republic of Macedonia 2005 no. 38;
- Law on Administrative Disputes, Official Gazette of the former Yugoslav Republic of Macedonia 2006 no. 62 ;
- Law on Administrative Fees, Official Gazette of the former Yugoslav Republic of Macedonia no. 17/93, 20/96, 7/98 and 13/01, 24/03, 19/04, 61/04, 65/05, 7/06 and 70/06;
- Law on Academy for Training of Judges and Prosecutors 2006 no. 13.
- The Strategy of the Reform of the Judicial System of November 2004

#### **3.b) References to AP /NPAA / EP / SAA**

The EP 2005 priority concerning Justice is to ensure a timely implementation of the Strategy and Action Plan on Judicial Reform with a view to strengthening its independence, improving the efficiency of the courts, and strengthening the overall capacity of the judicial system. The Government, in line with the 2006 NPAA priorities, through the Law on Courts have introduced specialisation of courts as a very important novelty. Establishment of specialised departments and units in courts has been envisaged, and special Administrative Court will be established, competent for deciding on the legality of administrative acts of the state thereby releasing the Supreme Court from such cases. This Administrative Court, which decides in administrative disputes upon lawsuits against administrative acts of the state bodies and holders of public authorisations will be situated in Skopje.

#### **3.c) Reference to MIPD**

In the field of Justice and Home Affairs, EU assistance to the judiciary will help to complete the implementation of the Strategy and Action Plan on Judicial Reform, and possibly to further develop it, as well as to support further reform efforts and to improve the overall functioning of the judiciary. Specific elements of the Judicial Reform Strategy that may need further attention include efficiency of the court system, the Training Academy for judges and prosecutors, and the **Administrative Court** and the basic courts that have specialised departments for cases of organised and serious crime. Possible weaknesses of the new system of enforcement of civil judgements may also need to be addressed.

#### **3.d) Reference to National Development Plan**

For the purpose of overcoming deficiencies with far-fetched implications for court protection of human rights violated by administrative acts, the **National Development Plan** announced the drafting of a new Law on Administrative Disputes that will transfer this competence to another first-instance court (one of the newly established higher courts).

#### **3.e) Reference to national / sectoral investment plans:**

Not applicable.

**DATE**        **11 JUNE 2007**

**Annex IV.    Details per EU funded contract:**

It is expected that one Service contract will be concluded. No derogation from standard procedures is expected.

The service contract will cover all three components.