

ANNEX II

of the Commission Implementing Decision on the ENI East Regional Action Programme
2014 Part 1

**Action Document for the Implementation of the Programmatic Cooperation Framework
with the Council of Europe in the Eastern Partnership**

1. IDENTIFICATION

Title/Number	Implementation of the Programmatic Cooperation Framework with the Council of Europe in the Eastern Partnership CRIS number: contract ENI/2014/346-257		
Total cost	Total estimated cost: EUR 33.3 million Total amount of EU budget contribution: EUR 30.4 million ¹ for an amount of <ul style="list-style-type: none"> - EUR 10.0 million from the general budget of the European Union for 2014 - EUR 10.0 million from the general budget of the European Union for 2015, subject to the availability of appropriations following the adoption of the relevant budget - EUR 10.4 million from the general budget of the European Union for 2016, subject to the availability of appropriations following the adoption of the relevant budget This action is co-financed in joint co-financing by the Council of Europe for an amount of EUR 2.9 million		
Aid method / Management mode and type of financing	Project Approach Indirect management with the Council of Europe		
DAC-code	15130	Sector	Legal and judicial development

2. RATIONALE AND CONTEXT

Reinforcing the rule of law, enhancing the respect of human rights and promoting democratic governance are at the centre of EU cooperation priorities with the Neighbourhood and Pre-accession countries. Given its mandate and its specific role in defining the relevant normative and institutional systems the Council of Europe (CoE) has always been a privileged partner for the EU in providing support to these partner countries in these fields of cooperation.

¹ The present action is funded through a multiannual action programme as referred to in Article 6(3)(a) of Regulation (EU) No 236/2014 of 11 March 2014 (the CIR regulation).

The CoE has a particular expertise, political and moral authority and benchmarking role in the areas of cooperation proposed. It is uniquely placed to ensure long-term engagement with its Member States, on issues and in areas where other implementing agencies would not be acceptable to governments.

The countries of the Eastern Partnership (EaP) region are characterised by different degrees of democratic consolidation and respect for human rights while facing similar challenges in complying with their commitments stemming from their Council of Europe membership (only Belarus is not a member to the Council of Europe). All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

In 2011, a Council of Europe Facility (CoE Facility or the Facility) was created and financed by the ENPI instrument (EUR 4 million during the period 2011-2013) to respond specifically to the need of Eastern European partner countries to improve the implementation of their bilateral engagements under the Political and Cooperation Agreements, ENP Action Plans and Visa Liberalisation Action Plans. The Council of Europe Facility covered some core areas in conjunction with the multilateral Eastern Partnership Platform 1 on: 1) public administration - electoral standards; 2) support to the judiciary and respect for human rights in the delivery of criminal justice; 3) support measures against serious forms of cybercrime; 4) good governance and the prevention and fight against all forms of corruption. The implementation of this Facility was regularly discussed in Platform 1 and in the expert panels of the Eastern Partnership.

Most of the actions identified within this Facility have been implemented, and important achievements have been made according to result-oriented monitoring (ROM) and interim narrative reports, in particular under the "judiciary reform", "combatting cybercrime" and "fight against corruption" areas. For example, an analysis of the participating countries' legislation and practice on an independent, professional and efficient judiciary was carried out in the light of applicable European standards. Gaps in legislation and practices related to functioning of the judiciary were identified and recommendations were formulated which were assessed as useful by all the countries. Recommendations provided by the CoE Facility experts in the field of cybercrime have led to a number of improvements such as the establishment of specialized cybercrime department, and drafting amendments to the legislation.

In parallel to this Facility, other ad hoc projects implemented by the Council of Europe were financed via the European Initiative for Democracy and Human Rights instrument (EUR 5.5 million during the period 2007-2013) covering themes like media freedom, prevention of torture and fight against ill treatment and impunity in Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine.

The CoE Facility was extended in 2013 to cover activities in 2014 with an additional amount of EUR 0.8 million, in order to allow for continuity in the assistance while preparing a new Programmatic Cooperation Framework (PCF) with the Council of Europe for the period 2015-2020. This new framework intends to continue the financing of operations with the CoE from 2015 onwards.

The decision to frame the cooperation with the CoE in a more programmatic document follows the 2012 Evaluation Report of the Commission's cooperation with the CoE², which recommended a more specific and predictable cooperation framework to contribute to

² http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2012/1311_docs_en.htm.

concrete results and impacts, building on the CoE core expertise in standard-setting and monitoring tools, while fostering reinforced synergies between the Commission and the Council of Europe.

The need to "foster a more focused, coordinated and transparent EU approach in cooperating with the CoE", "searching for added value and better use of existing resources" in areas of common interest, was also reflected in the adoption by the Foreign Affairs Council of their biannual EU priorities for cooperation with the Council of Europe in 2012-2013³ and in 2014-2015.

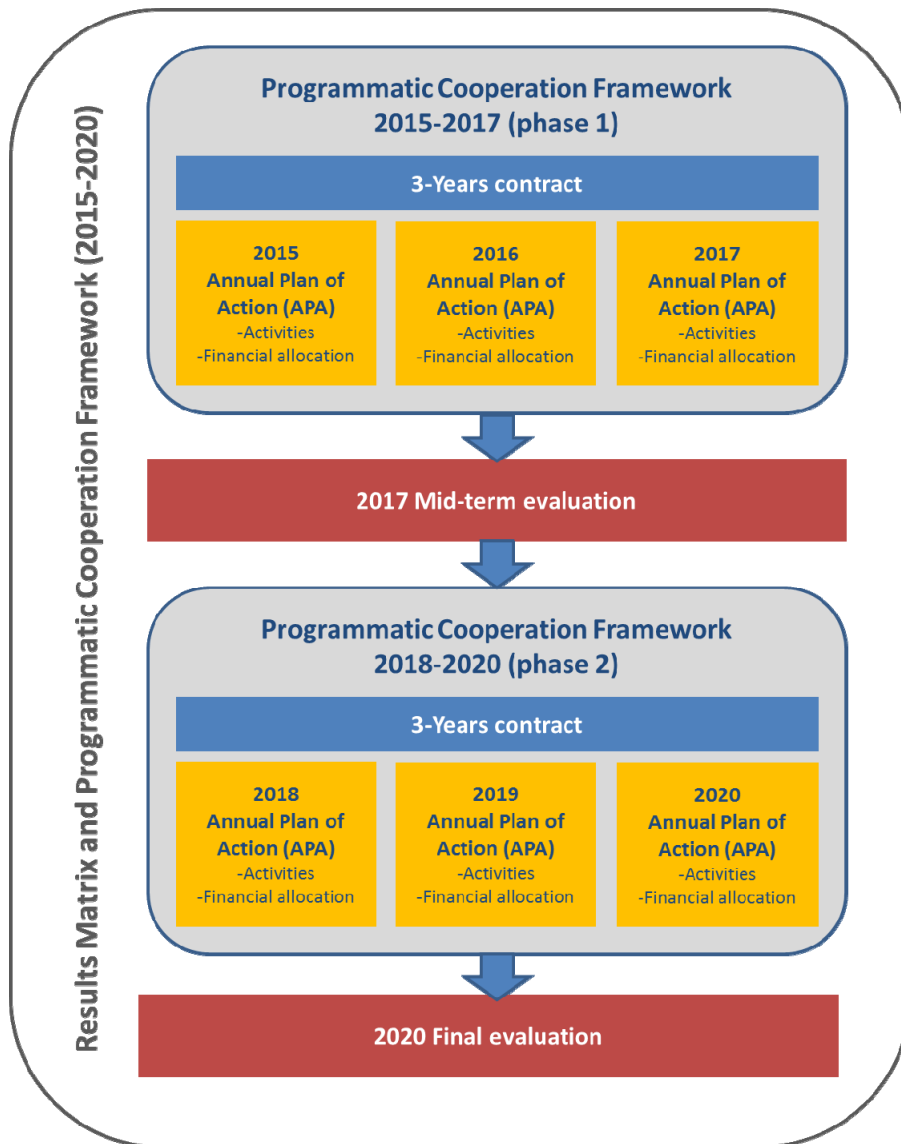
The Commission has been developing this Programmatic Cooperation Framework with the Eastern Neighbourhood in the form of a matrix focusing collaboration on a limited number of priorities, objectives and related results. The support provided through the strategic framework will replace from 2015 onwards the current "ad-hoc" project-based financing.

In order to give greater political visibility to the collaboration and to streamline the current fragmented project portfolio, a Statement of Intent, jointly prepared by Directorate-General for Enlargement and Directorate-General for Development and Cooperation - EuropeAid (Neighbourhood Directorate) in close cooperation with the European External Action Service, was signed on the first of April 2014 by the Secretary-General of the Council of Europe and the EU Commissioner for Enlargement and European Neighbourhood Policy. This Statement of Intent will cover the period 2015-2020.

Under the present action the Commission will sign with the CoE a contract covering a three year period (2015-2017) and providing an indicative support of up to EUR 30.4 million (an average of approximately EUR 10 million per year) for realising regional objectives in the Eastern Neighbourhood. The amount of the funding takes into account past performances as well as the results of the CoE evaluation of 2012. In 2017 a mid-term evaluation will be held, upon which the EU support to the Council of Europe for the following three-year period will be determined, depending on the level of achievement of the objectives and results.

The implementation of the strategic framework will be accompanied by an annual work plan to be discussed at annual Steering Committees to review priorities and coordinate policies.

³ http://eeas.europa.eu/delegations/council_europe/documents/press_corner/20120725_en.pdf.



2.1. Summary of the action and its objectives

In the first phase of the implementation of the Programmatic Cooperation Framework, the Council of Europe will provide support to Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine in the areas of protection and promotion of Human Rights, ensuring justice, combating threats to the Rule of Law, addressing challenges of information society and promoting democratic governance.

These priorities have been selected based on needs, avoiding overlaps with already funded activities, ensuring complementarities with existing and planned activities in the EaP countries as well as after consultations with the CoE and EU delegations in EaP countries.

2.2. Context: The European Neighbourhood Policy and the Eastern Partnership

The EU support in the above mentioned areas of cooperation via a reinforced cooperation with the Council of Europe in these countries is to be understood in the framework of the objective of supporting a swift implementation of European Neighbourhood Policy agreements.

The European Neighbourhood Policy (ENP) was developed in 2004, with the objective of avoiding the emergence of new dividing lines between the enlarged EU and its neighbours and instead strengthening the prosperity, stability and security of all. It is based on the values of democracy, rule of law and respect of human rights.

In 2010-2011, the EU reviewed the ENP and put a strong focus on the promotion of deep and sustainable democracy, accompanied by inclusive economic development. Deep and sustainable democracy includes in particular free and fair elections, freedom of expression, of assembly and of association, judicial independence, prevention and fight against all forms of corruption and democratic control over the armed forces. The EU also stressed the role of civil society bringing about deep and sustainable democracy.

The Eastern Partnership represents the Eastern dimension of the European Neighbourhood Policy. This policy initiative was launched at the Prague Summit in May 2009 to bring the six Eastern neighbours - Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine - closer to the EU. It is based on mutual commitments to the rule of law, good governance, respect for human rights, and respect for the rights of minorities, the principles of market economy and sustainable development. The level of ambition of the EU's relationship with the Eastern European partners takes into account the extent to which these values are reflected in national practices and policy implementation.

Despite varying degrees of progress depending on the country and the more specific areas of cooperation, a significant amount of work remains to be done in all six countries. Therefore, the need to assist the Eastern European partner countries with the implementation of their engagements linked to their current legal framework with the EU remains to be valid, taking a tailor-made approach on each of the countries.

2.3. Lessons learnt

The 2012 Evaluation Report of the Commission's cooperation with the CoE (2000-2010) generally assessed the relevance of the EU-CoE cooperation during the period covered by the evaluation as positive. The CoE's added value is mainly linked to the system it has put in place and which is based on its standard setting and monitoring capacity. The main weakness of the cooperation with the CoE was considered project management capacity (its role as implementing agency). To tackle these issues, the CoE has since invested considerable resources in internal reforms to improve its capacity, increase its presence in the field, and establish national action plans to frame its support to partner countries.

The main recommendations of the evaluation were related to the need to have a more specific partnership agreement for cooperation building on CoE comparative advantage, strategic joint priority setting at country level, stronger project cycle management, more stability, predictability and flexibility of the funding as well as mechanisms for lessons learning and sharing across EU-CoE activities.

These recommendations have been fully taken into account in the 2015-2020 Programmatic Cooperation Framework. Cooperation in the Eastern neighbourhood will upgrade into a more structured approach to the implementation of project and programmes, as cooperation will be guided by a predefined and jointly agreed results framework with a clear set of indicators and annual programme of activities. In order to adjust implementation to the results achieved, the PCF will be implemented in two phases separated by an independent mid-term evaluation which shall review implementation and recommend any necessary amendment of the PCF.

2.4. Complementary actions

In order to better address the needs of each country, each EU Delegations in the Eastern Partnership countries have already been consulted on the sector that should be prioritised for the future cooperation with the CoE. Human rights, justice and the prevention and fight against all forms of corruption have been identified as the main areas where cooperation with the CoE will be needed, underlining however that complementarity will need to be ensured with bilateral activities.

The Council of Europe will seek complementarities and avoid overlaps and double-financing with the ongoing as well as planned initiatives from the EU and the Council of Europe and bilateral ENI assistance in the partner countries in the specific areas in question (justice sector reform, as well as human rights protection). Results achieved towards division of labour and concrete synergies will also be reflected in CoE annual activity reports which will be structured on the basis of the results/outcomes that have been achieved.

The Steering Committee which will be responsible for approving the Annual Plans of Action will also be responsible for taking into account in its evaluation process complementarity with existing or planned actions and privilege those projects where the CoE have a particular expertise.

2.4.1. Current assistance in the area of justice and the rule of law at regional and bilateral level in the Neighbourhood East region

a) Overview of ongoing assistance with the Council of Europe

On-going bilateral projects with the CoE in the Neighbourhood East amount to EUR 7.1 million and focus essentially on detention conditions, access to justice, and anticorruption.

- In Georgia 2013-2015 cooperation (EUR 3.3million) focusses in particular on *prison health care*, support to alternative places of detention (i.e. psychiatric institutions), fight against torture.
- In Ukraine, 2013-2015 cooperation focusses on the support to reform of the criminal justice sector (EUR 1 million) and on the integration of European standards in Ukraine's media environment, internet governance and data protection system (EUR 2.8million).

Ongoing relevant regional programmes encompass projects on the fight against ill treatment and impunity (EUR 1.75million for the period 2011-2014) and projects on elections, judiciary, fight against corruption and against cybercrime under the EaP Facility (EUR 8million for 2011-2014).

b) Planned assistance with the Council of Europe at bilateral level

- In Armenia, EU-CoE plan a EUR 1.5 million project on *access to justice*" (2014–2016) in the framework of larger EU justice sector budget support of EUR 29 million to support training institutions in the justice sector, implementation of the GRECO ("Group of states against corruption" of Council of Europe) recommendations on anti-corruption, justice reforms, particularly concentrating on transparency and independence of Justice.

- In Moldova, the EU will provide EUR 2.5 million seed funding in support of the implementation of the Action Plan "to support democratic reforms in the Republic of Moldova 2013-2016" launched in March 2014. The seed funding will support a project on "*Controlling corruption* through law-enforcement and prevention" (max. EUR 2 million) and co-fund a specific project on *media pluralism* (up to EUR 540 000).
- In Azerbaijan, no specific Joint programme is as yet defined, but the EU delegation is closely coordinating with the local CoE office to consider possible actions in the future.

c) Ongoing and planned bilateral assistance not channelled through the Council of Europe in the sectors of Justice and the Rule of Law

- Around EUR 200 million are currently being provided by the bilateral ENPI envelope in the form of budget support, technical assistance and twinning in the EaP countries (except Belarus), and an estimated 20 to 25% of the future European Neighbourhood Instrument (ENI) bilateral envelope is planned to be provided to them in the next 4 years.
- Justice reform programmes funded by ENPI in the Eastern Partnership have represented between 2007-2013 more than EUR 150 million worth assistance allocated to five of the six Eastern Partnership countries (all except Belarus), mostly through sector budget support, technical assistance and grants. Such programmes have addressed the rule of law and the right to a fair trial by targeting for example: (1) Effectiveness and efficiency of the justice system; (2) Independence, integrity and transparency of the judiciary; (3) Citizens' access to justice, (4) Juvenile Justice and (5) Penitentiary Reform. Measures to enhance the safeguards of human rights and anticorruption actions are either mainstreamed or directly comprised within the scope of dedicated components of such sector justice reform programmes which are all in different stages of implementation as of 2014.
- In addition, a number of areas that regard the implementation of EU agreements (or their negotiation) are also tackled through targeted technical assistance and twinings under the Comprehensive Institution Building Programme (active in the same five partners above).
- Justice and the Rule of Law feature prominently in the draft programming documents for 2014-2017 of most of the Eastern partners: Georgia, Armenia, Azerbaijan and possibly Ukraine (the latter remains to be determined for 2016 onwards) for an indicative 20 to 25% of the bilateral allocation. Moldova's on-going justice reform programme (worth EUR 70 million) started in 2013 and will be on-going for the forthcoming programming period, in addition to the new priority sector on police reform and integrated border management, which in several parts matches a number of the priorities of the CoE (i.e. protection of human rights, anti-corruption, rule of law).

2.5. Donor coordination

When agreeing on the policy priorities and activities, the Council of Europe and the European Commission have taken into account other donors' interventions. Further donors' co-ordination will be ensured both in the field through Council of Europe field offices and from

headquarters. The Council of Europe will have the responsibility to avoid any overlaps in the financing of its activities be it from other donors' or the partner governments.

The Council of Europe has field offices in the five Eastern Partnership countries that are Council of Europe Member States as well as an information office in Belarus. One of their main tasks is to ensure overall co-ordination with other international organisations and Council of Europe Member States present and active in the field in the same areas of competence as the Council of Europe. For international organisations and Council of Europe Member States which do not have a presence in Eastern Partnership countries, co-ordination is ensured via the respective headquarters through regular meetings organised for mutual information and co-operation. The Committee of Ministers of the Council of Europe, and in particular its group on democracy, allows for exchanges with other Member States, as well as on co-ordination issues.

3. DETAILED DESCRIPTION

3.1. Objectives

The Commission and the Council of Europe have jointly developed a Programmatic Cooperation Framework to strengthen their operational collaboration for the period 2015-2020. The framework builds upon the European Union policy priorities and the Council of Europe strategic objectives and comparative advantages. This process has resulted in the identification of 5 programmatic priority areas of cooperation for the period 2014-2017: i) protecting and promoting human rights, ii) ensuring justice; iii) combating threats to the rule of law including prevention and fight against all forms of corruption and money laundering, iv) addressing challenges of the information society, v) promoting democratic governance. Within these priorities (overall objective) a set of specific objectives, related activities and expected results and targets have been identified.

1) Protecting and promoting Human Rights

Under this Priority area the objectives to be achieved are: i) strengthening the implementation of European Human Rights standards; ii) protecting national and minority rights; iii) promoting equality and human dignity and iv) promoting human rights education and democratic citizenship.

2) Ensuring Justice

Under this Priority area the objectives to be achieved are: i) strengthening the independence and efficiency of justice; ii) strengthening constitutional justice; and iii) promoting penitentiary reform.

3) Combating the threats to the rule of law

Under this Priority area the objectives to be achieved are: i) preventing and fighting against all forms of corruption and fostering good governance; and ii) fighting against money-laundering.

4) Addressing the challenges of the information society

Under this Priority area the objectives to be achieved are: i) improving freedom, independence, pluralism and diversity of media; ii) information society and internet governance, iii) enhance the right to data protection.

5) Promoting democratic governance

Under this Priority area the objectives to be achieved are: i) Electoral assistance: reforming electoral legislation and practice; and ii) strengthening institutional frameworks for local and regional governance.

3.2. Expected results and main activities

Expected results and main activities listed below are a subset of this matrix of specific objectives and will apply to a first phase of reinforced cooperation with the CoE, over the period 2015-2017. Priorities for a second phase of reinforced cooperation, over the period 2018-2020, will be revised according to the needs and depending on the results of the midterm review, as described above under section 2.

The proposed activities will vary according to the level of implementation of such standards and capacity in the partner countries concerned. Account will be taken of the existing and planned bilateral programmes addressing the identified issues in selected partner countries and activities will build upon the achievements of those programmes. Within the cooperation with the Council of Europe, the present action will fill critical national gaps, complementary to bilateral assistance.

Main activities and results to be achieved by the Council of Europe will be in line with relevant EaP Platform 1 2014-2017 Working Programme⁴, notably the Working Programme of the Panel on improved functioning of the Judiciary.

OBJECTIVE 1 - Protecting and promoting Human Rights

Results I:

a) National legislation is revised and implemented in conformity with European Human Rights standards and practice at regional and national level.

b) Legal professionals apply European Human Rights standards in their daily work.

c) Capabilities of Parliamentarians to ensure compatibility of legislation with the European Court of Human Rights is increased.

d) Legislation on rights of minorities and children and its implementation are in conformity with European standards and practice.

e) National laws are developed or revised to eliminate all forms of violence and discrimination against women and children.

Possible activities in these areas include:

⁴ http://eeas.europa.eu/eastern/platforms/2014_2017/docs/work_programme_2014_2017_platform1_en.pdf.

- Legislative support, legal review and follow-up advice to ensure compliance with European human rights standards and ratification of relevant ratification instruments.
- Regional reviews on the progress in legislative alignment; regional exchanges of best practices on newly adopted legislation and its implementation.
- Capacity-building activities targeting legal professionals and national human rights structures (NHRS) staff including:
 - courses on new legislation and European human rights standards.
 - Development of searchable international and national case law databases.
 - Development of national curricula for legal professionals on European human rights standards and training of national trainers/tutors.
 - Information activities to promote the role of national Parliament on human rights related issues.
 - reinforcement of ombudsmen offices.
- Capacity building for national minority protection mechanisms.
- Exchange of best practice with local and regional authorities to facilitate the implementation of monitoring mechanisms' recommendations.

OBJECTIVE 2 - Ensuring Justice

Results II:

a) The independence, professionalism and efficiency of justice is strengthened.

b) Constitutional courts are strengthened.

c) Legislative and regulatory framework and practice are enhanced to improve treatment and rehabilitation of prisoners.

Possible activities in these areas include:

- Legislative support and information on applicable European standards, on judicial appointments, career, ethical standards, dismissals and disciplinary liability; assistance in implementing relevant recommendations and Council of Europe Conventions.
- Legislative support to bring national legislation and policies on individualisation of prison sentences and execution of criminal sanctions in line with European standards.
- Exchange of best practice with other peer European institutions and at regional level.
- Review of the curricula for judges and other legal professions.
- Training of institutions responsible for judicial organisation and legal professions via training of trainers, exchange of training methodologies; co-operation among training institutions in the region as well as with European peers.

- Assessment of the efficiency of the justice system via analysis of the evolution of the EaP judicial systems and court performances, recommendations for reforming and optimising court management practices, training on judicial time management and related methodologies and practices, dissemination of information on optimised management practices among judicial community.
- Support regional groups of Constitutional Courts.
- Organisation of conferences and training on topics of common concern for Constitutional Courts.
- Publication of summaries of important judgements to enable exchange on current constitutional case law.
- Training of prison staff and health care workers on European standards on treatment of prisoners.

OBJECTIVE 3 - Combating the threats to the rule of law

Results III:

a) Legal frameworks and capacities to prevent and fight against all forms of corruption are improved.

b) National capacities to detect and combat financial and economic crimes are strengthened.

Possible activities in these areas include:

- Assessments of compliance with relevant country related GRECO and MONEYVAL recommendations.
- Review of public law and procedures on public participation in administrative decision-making on both national and local levels, on public accountability of administrative authorities.
- Capacity building in ethics training, integrity testing, training in investigations methods, verification and monitoring of financial declarations, conflict of interest.
- Awareness-raising for senior policy-makers in the public administration on legal standards for a good public administration based on human rights, and development of training-for-trainer programmes.
- Strengthen the capacities of financial intelligence units, law enforcement authorities as well as supervisory bodies in identifying money laundering/terrorism financing activity and cases of non-compliance with relevant legislation, especially in the fields of public procurement and party funding.

OBJECTIVE 4 - Addressing the challenges of the information society

Results IV:

- a) Freedom, independence, pluralism and diversity of media is improved.**
- b) National legislation on internet governance is improved.**
- c) In the field of cybercrime, regional and international cooperation are improved while domestic legislation and criminal justice capacities are strengthened.**
- d) A rights based legislative and regulatory framework on data protection is in place.**

Possible activities in these areas include:

- Legislative support to bring legislation on media and internet governance in line with European standards including ethical standards for media professionals.
- Adoption and implementation of data protection legislation, including strengthening the institutional framework.
- Capacity building for judiciary on internet governance and human rights, particularly freedom of expression and privacy.
- Establishment of a regional network and cooperation mechanisms to monitor and ensure human rights respect on internet.
- Legislative support and trainings on international cooperation on cybercrime and electronic evidence, support to the setting up and functioning of 24/7 points of contact and high tech crime units, training of law enforcement authorities, advice on procedures for handling international request related to cybercrime; collection and analyses of criminal justice statistics.

OBJECTIVE 5 - Promoting democratic governance

Result V:

- a) Electoral legislation is aligned with the principle of European Electoral Heritage.**
- b) Institutional frameworks for local and regional governance are strengthened.**

Possible activities in these areas include:

- Legal opinion of the Venice Commission on draft or adopted amendments to legislation on elections and/or political parties upon request by the State concerned or organs of the CoE.
- Support reform process of local government through policy advice, legislative support, capacity building such as democratic leadership training, exchanges of best practices in the management of local affairs advice.

3.3. Risks and mitigation measures

Political instability in various forms, such as military or other conflicts and changes of government, may slow down or stop the implementation of the foreseen activities. This is the

main risk in Eastern Partnership countries, as it can bring about changes in the authorities' approaches to reforms, their willingness to adapt their standards in the fields of human rights and democracy, in line with EU and Council of Europe norms and standards.

Economic instability can affect stakeholders' capacities to provide sufficient resources, both quantitatively and qualitatively, to implement the activities planned and ensure their follow-up.

These risks will be addressed via the establishment of a Steering Committee co-chaired by the Commission (Development and Cooperation DG - EuropeAid) and the Council of Europe. This Committee will be responsible for monitoring the implementation of the PCF on the basis of the activity reports presented by the Council of Europe and to agree the activities for the following year by approving the Annual Plan of Action prepared jointly by the Council of Europe and the Commission. In case of political and economic instability, the Steering Committee will be entitled to adjust the activities to be implemented and the results to be achieved.

In order to avoid any **duplication and overlap of activities between regional and bilateral activities**, the Council of Europe will also ensure that for the preparation of the Annual Plans of Action (APA) and throughout the definition and implementation of its activities its country offices closely coordinate with the Delegations of the European Union in the partner countries. In particular the concerned Delegations shall be formally consulted on the country activities foreseen in the draft APA that are being submitted to the Steering Committee.

3.4. Cross-cutting issues

All the proposed areas of co-operation are central to the European Consensus on Development and the EU Agenda for Change. In addition, they will have a direct positive influence on gender equality and the rights of minorities which will be taken into consideration in the organisation of activities on for example ensuring access to justice, ensuring their participation to decision making, and achieving progress in the elimination of all forms of violence and discrimination against women. Whenever relevant, reports on results achieved should be disaggregated by sex.

Achieving gender equality being central to the protection of human rights, the functioning of democracy, and the respect for the rule of law, the highest organ of the Council of Europe, the Committee of Ministers, has also adopted a strategy on Gender committing to gender equality in all areas of action of the Council of Europe. All Council of Europe decision-making, advisory and monitoring bodies should indeed support and actively contribute to the achievement of the goal and the strategic objectives of the Gender Equality Strategy. The Council of Europe Gender Equality Commission has been set up to follow closely the implementation of the Strategy.

Rights based approach will also be mainstreamed and based on the principles of non-discrimination, equality, access to services and inclusive participation, and focus on vulnerable groups and minorities including women and children, people in disadvantaged situation and those living in rural areas. The Steering Committee co-chaired by Development and Cooperation DG - EuropeAid and the CoE will ensure that this approach is taken across all projects implemented throughout the different priority areas identified whenever relevant.

The cooperation with the Council of Europe is also expected to be neutral on the environment. The protection and promotion of human rights as well as the strengthening of the independence, efficiency, and transparency of the justice system in the Eastern Partnership

countries is even expected to positively contribute to the implementation of the Aarhus convention, notably its third pillar "access to justice on environmental matters".

3.5. Stakeholders

The overall beneficiaries of the project will be: governmental bodies at all levels, notably ministries of justice, interior, ministries responsible for public administration; parliaments; public structures with specific responsibilities in the relevant areas, such as anti-corruption and anti-money laundering bodies, central electoral commissions, ombudsmen; the judiciary, judicial professions and judiciary supervisory bodies; media professions; civil society. The main stakeholders will involve the donor community and the EU Delegations.

Whenever civil society will be involved in specific activities as a target group (i.e. in the area of "Human Rights" on national legislation and regulatory framework related to freedom of association, NGOs legislation and on interaction between civil society organisations (CSOs) and authorities in the democratic decision-making process, domestic observation of elections, media freedom, rights of minorities, gender –related actions etc.) they will also be part of the co-operation programmes implementation process.

Inclusion of the CSOs in project monitoring where the projects are targeted at institutional stakeholders (law-enforcement agencies etc.) is a more sensitive question. The national authorities are likely to be reluctant to fully involve the representatives of the civil society in co-operation with CoE in politically sensitive areas and CoE can lose one of its major comparative advantages, which is the trust of the governments. Close coordination with the EaP Civil Society Forum will be foreseen whenever possible so as to boost interactions between CSOs and other national stakeholders in the EaP countries.

4. IMPLEMENTATION ISSUES

4.1. Financing Agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner countries, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

4.2. Indicative operational implementation period

The indicative operational implementation period of this action, during which the activities described in sections 4.2 will be carried out, **is 48 months (indicative duration of the contract is 36 months)** from the date of entry into from the adoption of this Action Document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements. The European Parliament and the relevant Committee shall be informed of the extension of the operational implementation period within one month of that extension being granted.

4.3. Implementation components and modules

4.3.1. *Indirect management with an international organisation*

This action with the objectives described in section 3.1 may be implemented with the Council of Europe in indirect management in accordance with Article 58(1)(c) of Regulation (EU,

Euratom) No 966/2012. This implementation is justified because of the Council of Europe's expertise in standard-setting and monitoring tools, as detailed above under section 2.

The entrusted entity would be in charge of implementing projects in the priority areas stated above in order to reach predefined objectives and results. In this context, the Council of Europe would award procurement contracts (consultancy services) and grant contracts.

The entrusted entity is currently undergoing the ex-ante assessment in accordance with Article 61(1) of Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the responsible authorising officer deems that, based on a preliminary evaluation and on the long-standing and problem-free cooperation with this entity, it can be entrusted with budget-implementation tasks under indirect management.

The change of management mode from indirect to direct management, whether partially or entirely, is not considered a substantial change.

4.4. Indicative budget

Module	Amount in EUR million	Third party contribution (indicative)
Indirect management with the Council of Europe	30.4	2.9
Total	30.4	2.9

4.5. Performance monitoring

Implementation of projects shall be monitored by a Steering Committee chaired by the Commission (Development and Cooperation DG - EuropeAid) and shall include representatives of the Council of Europe, of the European External Action Service and of any other concerned Directorate-General of the Commission. The Steering Committee will be responsible for monitoring the implementation of the PCF on the basis of the activity reports presented by the Council of Europe and for agreeing on the activities for the following year, following the aforementioned formal consultation with EU Delegations. The Steering Committee shall meet at least once a year in the fourth quarter of the year.

Annual activity reports shall be drafted and structured on the basis of the results/outcomes that have been achieved. Also the financial reporting shall be result-based.

4.6. Evaluation and audit

In 2017, an independent mid-term evaluation shall review the results achieved under the PCF for the first phase (2015-2017) and assess the need for any adjustment of the PCF for the second phase. A revised PCF may then come into force in 2018, covering the last three years of the PCF.

In 2020 an independent final evaluation shall draw the lessons of the enhanced cooperation and assess, in particular to what extent framing the cooperation between the Commission and the Council of Europe in the form of a PCF shall have led to visible and quantifiable improvements in the scope, width and depth of joint Commission and Council of Europe activities and impacts on reforms in the partner countries.

4.7. Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures, funded by the contract, and which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated before the start of implementation.

The measures shall be implemented either (a) by the Commission, and/or (b) by the entrusted entity. Appropriate contractual obligations shall be included in the delegation agreement.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

In particular, the Council of Europe will ensure adequate visibility of EU financing and of the results achieved. The Council of Europe will draft a communication and visibility plan containing communication objectives, target groups, communication tools to be used and an allocated communication budget.

Furthermore, key results will be communicated to all governmental, non-governmental and other stakeholders. All reports and publications produced will be widely disseminated. All activities will adhere to the European Union requirements for visibility on EU-funded activities. This shall include, but not be limited to, press releases and briefings, reports, seminars, workshops, events, publications, websites and any promotional items.