Phare

FROM PRE-ACCESSION TO ACCESSION

Thematic Evaluation

Support to the Justice and Home Affairs Acquis

of European Union Phare Programme

ECOTEC

European Commission
Directorate-General Enlargement

Support to the Justice and Home Affairs Acquis

Thematic Evaluation Report of the European Union Phare Programme

Thematic Evaluation Report

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GLOSSARY OF ACRONYMS

AP	Accession Partnership
CAP	Common Agricultural Policy
CC	Candidate Country
CMR	Comprehensive Monitoring Report
CPC	Copenhagen Political Criteria
CS	Commission Services
CSD	Commission Services at the Delegation
DIS	Decentralisation Implementation System
EDIS	Extended Decentralisation Implementation System
EC	European Community
EU	European Union
Eurojust	European Judicial Cooperation Unit
IB	Institution Building
IE	Interim Evaluation
ISPA	Instrument for Structural Polices for Pre-Accession
IT	Information Technology
JAI	Justice et affaires internes (French language equivalent of JHA)
JHA	Justice and Home Affairs
JLS	Justice, Liberty and Security
MAP	Multi-Annual Planning
MFA	Ministry of Foreign Affairs
MS	Member States
NAC	National Aid Coordinator / Coordination
NGO	Non-Governmental Organisation
NMS	New Member State(s)
NPAA	National Programme for the Adoption of the *Acquis*
PAA	Pre-Accession Adviser
PAJC	Public Administrative and Judicial Capacity
PCM	Project Cycle Management
PF	Project Fiche
PCM	Project Cycle Management
SIGMA	(EC/OECD) Support for Improvement in Governance and Management
TA	Technical Assistance
TAIEX	Technical Assistance Exchange Office
TAM	Treaty of Amsterdam
TEU	Treaty on the European Union (Maastricht)

PREFACE

This Thematic Report[1] was prepared at the request of the Commission Services (DG Enlargement). The Kick-off meeting was held on 10 December 2004.

In compiling the Report, ECOTEC drew on Interim Evaluation Reports, documentation of the Commission Services and other background information.

In addition, interviews were conducted in Brussels with the Commission Services and with the authorities in 5 Phare countries: in the current Candidate Countries, Bulgaria and Romania; and in the New Member States, the Czech Republic, Lithuania and Poland.

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1 The author of this Thematic Report is Ecotec Deputy Project Director, Richard Thomas. Expert advice and inputs to the report were provided by short term technical expert Richard Moody and specialist legal advisor Dr Rose D'Sa. The report has been reviewed by Roger Howarth at ECOTEC-Phare Central Office.

EXECUTIVE SUMMARY

Scope and objectives of the report

This report's key objectives are to evaluate the contribution which the Phare programme has made to the legal alignment, implementation and enforcement of the Justice & Home Affairs *acquis* in the New Member States and in the two remaining Phare beneficiary candidate countries, Bulgaria and Romania, and to identify lessons learned, draw conclusions and make recommendations relevant to the planning and management of Phare programming in Bulgaria and Romania and to support to other present and future candidates.

Key Evaluation Findings

Finding 1: The Justice and Home Affairs sector is complex and under active development: both current candidates and new member states have found it difficult to master. It is not a simple matter for candidates to determine what the *acquis* is in the area of Justice and Home Affairs. As Justice and Home Affairs has been the subject of such highly dynamic development, candidates have been faced with a 'moving target' in this very active and demanding sector. Moreover, the requirement to adopt, not only Justice and Home Affairs law, but also adequate standards of administrative, judicial and executive policy and practice, are particularly extensive in this sector. For all these reasons, mastering the requirements of membership is a daunting task for candidate countries and they found it difficult. Indeed the process continues post-accession, supported by Phare and the Transition Facility. Given the systems from which they have emerged, Justice and Home Affairs absorption was not just a technical exercise for candidate countries, but more on the scale of a fundamental 'reform' or 'development' exercise. This implies a particular need for comprehensive and well-phased support strategies in the pre-accession period.

Finding 2: Phare support strategies did not adequately address the candidates' total obligations in relation to Justice and Home Affairs or provide adequate guidance.
Despite the complexity of the Justice and Home Affairs sector, and the scale of the candidates' difficulty with it, the sector was not treated differently from any of the other *acquis* sectors, and no special guidance was provided. Phare support strategy documents also did not single out the Justice and Home Affairs *acquis* for any special mention, or imply that any differentiated approach was required with regard to alignment or effective implementation. Phare provided no special guidance on the sector to help candidates aspire to the area of freedom, security and justice in a holistic way. Strategies came into play as programming tools only in 2002/2003, which was very late in the pre-accession process. Consequently, the first four or five years' programming was undertaken without a real strategic vision, based on *ad hoc* perceptions of immediate needs.

The Commission's approach to candidate countries maintained a clear distinction between activities needed to enable the Justice and Home Affairs *acquis* to be implemented and enforced and those needed to build adequate public administrative and judicial capacity under the Political Criteria. The majority of Phare support projects addressed a mixture of Justice and Home Affairs *acquis* and public administrative and judicial capacity objectives, but Phare programming did not make this distinction explicit, nor was programming practice strategically planned or consistently implemented.

Finding 3: Phare Project results were generally satisfactory but limited in scope.
At project level, Phare has provided significant (but incomplete) support to components of the Justice and Home Affairs *acquis*, being particularly targeted on EU external border control, Schengen, and police cooperation. 73% of the Justice and Home Affairs projects subject to Interim Evaluation were rated satisfactory or highly satisfactory overall. This is the highest proportion of positive scores for any sector, and suggests that individual projects met their immediate objectives, mainly by providing the candidates with equipment and with twinning advice to help them absorb the components of the Justice and Home Affairs *acquis* identified as priorities in the Commission's Regular Reports and Comprehensive Monitoring Report.

However, Commission officials and twinning experts raised doubts regarding the institutional ability of beneficiaries to implement the *acquis* to the point at which it can deliver freedom, security and justice to citizens, particularly with regard to: the external borders' *acquis*; fraud and corruption, and money laundering. The evaluation suggested a number of reasons for this. Firstly, many Justice and Home Affairs projects targeted subordinate bodies and agencies which generally lacked the necessary ministerial authority to enforce policy and procedures. Similarly, technical programmes directed at such agencies tended not to deal with inter-institutional cooperation although this issue is crucial, most notably for Schengen programmes. More fundamentally, in Bulgaria and Romania, the Commission officials and a majority of the beneficiaries consulted doubted, more or less strongly, whether it was possible to link progress in Justice and Home Affairs *acquis* implementation directly to the Phare programme. These findings may have a common basis in concerns about the adequacy of the wider public administrative and judicial environment in which Phare projects' outputs have to function.

Conclusions

There are two sets of conclusions. The first relates to contextual issues raised by the complex nature of Justice and Home Affairs and the kind of Phare support appropriate to developing the area of freedom, security and justice. The second set of conclusions addresses the key evaluation questions and Phare's achievements.

Conclusions on the scope and target of Phare support to Justice and Home Affairs

Conclusion 1. Lack of clarity in defining the scope of Justice and Home Affairs to be supported by Phare.

There is a huge range of interpretations among the stakeholders as to how the Justice and Home Affairs sector and its *acquis* relates to other parts of the *acquis* and to the Political Criteria, and an insufficient awareness among beneficiaries of the operational implications of full participation in the 'big picture' of the area of freedom, security and justice at the level of the Union. Consequently, there was a lack of clarity about the context for Phare support to the sector.

Conclusion 2. Lack of clarity in defining the target of Phare support.

While Phare programming broadly, if unevenly, covered the components of the Justice and Home Affairs *acquis*, it did not contain a methodology for supporting absorption of the related, and essential, public administrative and judicial capacity aspects of the Political Criteria, adopting instead a rather non-transparent and piecemeal approach at line DG, DG Enlargement and Commission Delegation levels, with the direction taken being reliant on the input of a few key experienced individuals.

Given that the 'big picture' issues go well beyond the purely technical and seek to engender changes in deeply entrenched attitudes and systems of governance, it would have been constructive to look beyond the traditional instruments of twinning and technical assistance, grant schemes and investment, and complement these with greater Commission explanation and inter-member state dialogue and networking at political and top official levels.

Conclusions on Phare achievements

Conclusion 3. Lack of appropriate Phare and national level strategic inputs.

The lack of an overall Phare support strategy resulted in largely reactive programming, with regular and peer reports being used to identify need and those needs being addressed within the project cycle. The timeliness and quality of national strategies was inadequate for proper programming and Justice and Home Affairs sector development purposes. Pressure to disburse and absorb Phare funds without a strategic context has led to some inappropriate programming and inefficiency in the use of Phare funds.

Conclusion 4. Phare's contribution has been reasonably comprehensive.

Some 256 instances of support to Justice and Home Affairs *acquis* components were provided in Phare projects from the programming years 1998 -2003 with a reasonable spread across the beneficiary countries (though support to Bulgaria appears relatively light). Over half the projects, and the greater proportion of the budget, are distributed amongst three components; external border control, Schengen and police cooperation. Some components were not generally supported. Investment for equipment and twinning were the major instruments used.

Conclusion 5. The great majority of evaluated Phare projects have been rated as successful.

73% of the 52 project subject to Interim Evaluation were rated satisfactory or highly satisfactory overall, taking account of their relevance, efficiency, effectiveness, impact and sustainability. This is the highest proportion of positive scores for any sector, and suggests that individual projects have made a significant contribution, mainly by providing the candidates with equipment and with twinning advice to help them absorb the Justice and Home Affairs *acquis*.

Conclusion 6. Results, in terms of benefits to citizens and the EU, are less evident.

While individual Phare projects have been evaluated as successful in terms of achieving their stated immediate objectives, it is not clear that they have greatly contributed to the wider objective of enhancing the area of freedom, security and justice which depends also, for example, on good inter-ministerial and inter-agency collaboration; the quality of police work on the ground; police perception of their role and relations with the public; the effectiveness of prosecutors' activities and the efficiency of the courts of first instance in the regions. In short, it depends on the quality of governance and of public administrative and judicial capacity, which have not been a significant or structured component of Phare support.

Conclusion 7.   Lessons Learned in the New Member States have not been sufficiently adopted in Bulgaria and Romania

It is too early to draw conclusions about the immediate post-accession experience of the new member states, because they are still largely preoccupied with the implementation of remaining Phare and Transition Facility projects. However, there is evidence that valuable lessons identified in the new member states have not been systematically made available to Bulgaria and Romania, although some transfer of know-how has taken place and there is a desire in those two countries to benefit from new member states' experience where possible.

Recommendations

To address the key findings and conclusions of the report, four sets of actions are recommended. These recommendations concern the responsibilities of candidate countries to prepare adequately for participation in the area of freedom, security and justice, and the support which Phare can provide to assist them in that process.

Action 1: Encourage candidates to appreciate the operational implications of the area of freedom, security and justice.

Recommendation 1: Assist candidate countries to understand the concept and practical implications of the area of freedom, security and justice.

Candidate countries have found the nature and extent of the Justice and Home Affairs sector, and the competencies and standards which it requires, difficult to grasp. Consequently, they have also found it difficult to decide what action they need to take. The Commission Services should assist by issuing specific guidance on the context of Phare support to Justice and Home Affairs, which should explain not only the sectoral obligations but also describe the necessary competencies required of the related administrative, judicial and executive bodies, so as to enable the area of freedom, security and justice to be not only embodied in national legislation, but fully absorbed and 'delivered' to citizens. This guidance should include a 'route map' with indications of prioritisation and sequencing. Candidate countries should be encouraged, and assisted to benefit systematically from lessons learned by the new member states as they went through the same process.

Recommendation 2: Use Phare to promote a benchmarking approach as a means of measuring progress.

Candidate countries need to be able to assess their own progress towards full participation in the area of freedom, security and justice, developing a benchmarking approach and actively drawing on the experience of previous candidates. The Commission Services should develop, with Phare support, a methodology to help candidates to do this, providing promotional and methodological support for benchmarking. Implementation support should be provided by Phare, on a greater scale than previously, through Member States' twinning, networking and peer review and by the OECD's SIGMA programme which could make a valuable contribution.

Action 2: Adopt a more structured approach to programming Phare support.

Recommendation 3: Prepare a clear overall Phare support strategy for Justice and Home Affairs.

Candidate countries need to have a clear view of the extent to which Phare can contribute to the totality of what they have to achieve themselves. The Commission Services should prepare a written overall strategy for Phare support to the area of freedom, security and justice, which could be derived from, and should underpin, the guidance referred to in recommendation 1 above. This strategy should set out the extent of funding available and how it is proposed to allocate it to the various components of the Justice and Home Affairs *acquis* indicating, for example, the intended priorities and sequences. Candidates should then be encouraged to develop co-ordinated investment plans that cover all the sources of finance, including Phare, national funding, bilateral assistance and loans.

Recommendation 4: Encourage candidates to adopt a strategic and comprehensive approach.

In order to obtain the best benefit from Phare, candidate countries should first define their own national strategies for full participation in the area of freedom, security and justice so to provide a secure context, both for Phare support programming (taking account of the Commission's support strategy as recommended above) and for ongoing benchmarking for the standards and competencies required. Phare should support the preparation of such strategies, and make their existence a conditionality for support to implementation.

Recommendation 5: Support should be more logically and transparently identified.

As programmes and projects have been titled to date, it is very difficult to identify what support has been given to the various components of the Justice and Home Affairs *acquis*. In order to be able to monitor and evaluate Phare support adequately, a comprehensive, unambiguous and invariable set of titles should be developed, under which all aspects of support to the area of freedom, security and justice would be given, to replace the present inadequate and inconsistently applied system. The new categorisation should result in programme and project titles which identify the components of the Justice and Home Affairs *acquis* and/or the related components of public administrative and judicial capacity which are to be supported.

Action 3: Enhance Phare support measures

Recommendation 6: More emphasis should be put on building networks between candidates and member states.

The Commission Services should make provision for, and use Phare support to encourage the use of more permanent high level political and civil service networking between current and new Member States and future candidates, from the start of any pre-accession period. This should cover all Phare support aspects of the area of freedom, security and justice, while initially prioritising the overall framework requirements of governance, and for administrative and judicial institutions and competencies, so that progress on these wider issues takes place in parallel with, and provides a more fruitful environment, for legislative harmonisation and implementation.

Recommendation 7: Training packages should be developed.

In the light of candidate countries' weaknesses recorded in the report, the Commission Services should develop, or contract others to develop, a series of training modules, which candidates should be encouraged and given Phare support to use, and in which they should be encouraged to train a cadre of their own trainers. These modules should cover, *inter alia*, strategic thinking and strategy development including dealing with cross-sectoral and inter-institutional problems, and gap analysis tools for strategy development and legal harmonisation.

Action 4: Recommendations specific to Phare support in Bulgaria and Romania

Recommendation 8: Phare should contribute more effectively to the wider objective of enhancing the area of freedom, security and justice.

National authorities in both Bulgaria and Romania, with the support of the Commission Services, should ensure that programme design takes explicit account of the wider public administrative environment in which project outputs will be deployed and, where appropriate, should request Phare support for measures, such as training of end users and other stakeholders, which will increase the effectiveness and impact of support given to components of the Justice and Home Affairs *acquis.*

Recommendation 9: Give inter-institutional issues increased priority.

In the light of problems identified in this report, all programmes and projects in both Bulgaria and Romania currently being designed or implemented should be reviewed, and the results reported in programme monitoring reports, to ensure that inter-institutional issues are adequately addressed and that inter-institutional data exchange issues are solved or are being solved. It should be a conditionality of future support that inter-institutional Memoranda of Understanding between the institutions concerned are in place before support begins, specifying respective responsibilities for decision-making and for financial and human resources.

Recommendation 10: Assess gaps in Phare coverage of JHA components in Bulgaria and Romania and consider giving support to them.

There are some components (notably data protection) which have either been lightly supported, or where support programmes have revealed underlying institutional problems.   The Commission Services, in liaison with the Bulgarian and Romanian authorities, should review comprehensively whether there are gaps in the Phare coverage of any Justice and Home Affairs *acquis* components which ought to be addressed with support programmes or projects, taking account of agreed priorities and available finance.

Recommendation 11:   Seek to ensure the adequate and timely provision of national counterpart resources.

Because the effectiveness and sustainability of Phare-supported activities are crucially dependent on adequate and timely co-financing and staffing levels, more conditionality should be attached by the Commission Services to their guaranteed availability.   In particular, equipment should not be delivered until co-finance and staffing are secured.

MAIN REPORT

1.   INTRODUCTION

1.1. Background

1.   ECOTEC[2] was asked by the Evaluation Unit of DG Enlargement to prepare a thematic report on Phare support to the Justice and Home Affairs (JHA) *acquis.* EU policies on JHA aim to maintain and further develop the Union as an area of freedom, security and justice, and are therefore of central importance for the development of harmonious and effective relations between member states, and for the security of the external border of the EU.

1.2. Context

The JHA acquis

2.   The JHA *acquis* covers not only the relevant EU law in the form of the Treaties, Regulations, Directives and other acts, and the case law of the Community legal order as well as other relevant international treaties that are binding on member states, but also the administrative, executive and operational standards required by some personnel, including police officers, border guards and the judiciary, in implementing policies and practices. The enlargement of May 2004 was the first in which the candidates were explicitly asked to demonstrate implementation capacity that is their Public Administrative and Judicial Capacity (PAJC)[3].

3.   In the interests of clarity, the number of different terms currently in use has been restricted, for the purposes of this report, to the following: 'Justice and Home Affairs' will be used when referring to the sector and to Phare Programmes, except where reference is explicitly to the area of freedom, security and justice; 'Justice and Home Affairs *acquis*' refers to Justice and Home Affairs legal alignment, implementation and enforcement under chapter 24, and 'Public Administrative and Judicial Capacity' covers the institutions, procedures and standards of civil servants, judges and prosecutors, court administration, and law enforcement agencies, required to comply with the Political Criteria and thus underpin adequate 'delivery' to citizens of the Justice and Home Affairs *acquis*.

The Treaty basis of JHA

4.   By the late 1990s, the JHA domain had become one of the busiest areas of policy initiative. As early as 1997, JHA had easily become the largest single area for which the Council Secretariat serviced meetings, amounting to a third of the meetings convened and over 40 per cent of the papers circulated, and this policy agenda has become even more intensive in the last few years.   The following paragraphs provide the essential background for

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[2] The current contractor for the Centralised Interim Evaluation Facility for the EU Pre-Accession Programmes in Bulgaria and Romania and Central Office activities, the main overall objective of which is to help enhance the relevance, efficiency, effectiveness, impact and accountability of Phare pre-accession funds as a support for achieving the overall EU policy objective of accession of Bulgaria and Romania, and, via a Central Office, ensure coordination between the evaluation activities of the pre-accession instruments in the different acceding countries and second wave countries.

[3] For the purposes of this report, PAJC is defined as: the creation and maintenance, within a system of governance, of all the organisational structures, competencies and resources required of a national public administration and judiciary to be able to take on the obligations of the Copenhagen membership criteria. It therefore covers public administration and judicial reform including civil service reforms, inter-ministerial co-ordination and anti-corruption programmes.

understanding the nature of the formidable task facing the candidate countries in mastering the JHA *acquis* in a period during which it was continually and extensively changing, and the formidable task facing Phare in using its programming methodology to support that task.

5.   Successive Treaties have significantly enlarged the Union's role in JHA matters. The Maastricht Treaty on European Union (TEU) of November 1993 created three "pillars"; I - the European Community (EC), II - the Common Foreign and Security Policy, and III - Justice and Home Affairs. Under the TEU, the *acquis* was essentially limited to the first pillar. The third, JHA pillar was largely outside the scope of EC Law. This was the context in which early support for JHA was programmed under PHARE. The Treaty of Amsterdam (TAM) which entered into force in May 1999 retained the three pillar structure, but added to the first (EC) pillar a Title, "Free movement of persons, asylum and immigration", covering visas, asylum, immigration and also judicial co-operation in civil matters. The TAM also brought the Schengen *acquis* within the EC framework. Notably, the TAM's third pillar developed the concept of an area of "freedom, security and justice" (JLS). The Treaty of Nice which entered into force in February 2003 provided for "enhanced" co-operation in all three pillars.

6.   The notions of 'JHA' and 'JLS' do not lend themselves to simple definition; they have been, and remain umbrella terms for what specific provisions, at any given time, are found beneath them. Even within these concepts there are confusing anomalies. Although the TAM brought a new Title into the first pillar, covering the free movement of persons e.g. visa policy, asylum, and immigration, these topics have continued to be treated by the Commission as falling within the "JHA (third pillar) *acquis*" i.e. Chapter 24 rather than Chapter 2 (Free movement of persons). This Commission practice has extended to programming under PHARE, which has categorized programmes dealing with these topics as 'JHA'. The Commission, in early 2005, abandoned the old title of its Directorate General for "Justice and Home Affairs" in favour of the "Freedom, Security and Justice" referred to in the TAM. However, there is still a "JHA" Council.

The Commission's approach to Phare support for JHA

7.   It can therefore be seen that context for Phare support has changed. The concept of 'JLS' embraces a greater proportion of the EU *acquis* than 'JHA', in two respects. Firstly, it explicitly includes matters previously coming under the Copenhagen Political Criteria and, secondly, it is broader in scope with regard to the sectoral *acquis* than the JHA chapter (24)[4].

8.   The JHA *acquis* is, of all parts of the *acquis*, the one most crucially dependent on adequate conformity with many aspects of the Political Criteria; most importantly with the need for PAJC, if the JHA *acquis* is to be adequately applied. The Commission has since 1998, with progressively increasing urgency, drawn attention to this linkage in the Regular Reports for all candidates[5], and in the Comprehensive Monitoring Reviews (for the then acceding candidates).

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[4] Since 2000, the components of the chapter 24 *acquis* have been considered under a standard set of headings: Schengen; Data protection; Visa; External borders; Migration; Asylum; Police cooperation and combating organised crime; Fight against Terrorism; Fight against fraud and corruption; Fight against drugs; Money laundering; Customs cooperation; Judicial cooperation in civil and criminal matters; Human rights' legal instruments.

[5] 'Candidates', throughout this report, unless the context explicitly provides otherwise, means the 10 Phare beneficiary countries, including both the countries that are now new member states and the remaining Phare candidates, Bulgaria and Romania.

9.   In the light of these considerations, it is no disrespect to the recent and current candidates, given the systems from which they were emerging, to characterise the exercise of JHA absorption and related PAJC acquisition taken together as a 'reform' or 'development' agenda for them rather than a technical exercise. This implies a particular need for a comprehensive and well phased Phare support strategy.

10.   Phare programming since 1999 has, however, largely continued to be driven by the need to support acquisition of the sectoral JHA *acquis*. Support to the related PAJC has been both less formally structured and smaller in scale. Phare has not been used to support awareness of the overarching context of JLS or of its operational implications.

1.3.   Scope of the Report

11.   This report assesses the contribution made by Phare to the absorption by the beneficiary countries of the JHA *acquis*, including the extent to which Phare has helped the beneficiaries to align, implement and enforce legal acts of one kind or another.

1.4.   Objectives of the Report

12.   The objectives of the present thematic report, as set out in the Terms of Reference, are:
- To provide a comprehensive analysis of Phare's contribution to the absorption by Bulgaria and Romania of the Justice and Home Affairs (JHA) *acquis*;
- To draw conclusions and make recommendations relevant to the planning of Phare programming in Bulgaria and Romania for 2005 onwards;
- To analyse, on a sampling basis, Phare's contribution to the acquisition by ex-Phare new Member States (NMS) of the Justice and Home Affairs (JHA) *acquis* and their post-accession experiences;
- To analyse how Phare JHA projects have performed (as assessed by EMS and ECOTEC Interim Evaluation reports and national and Commission sources), and
- To identify lessons learned and make recommendations of relevance for future enlargements.

1.5.   Evaluation Questions

13.   The report adopts a differentiated approach, and addresses different questions, in relation to (a) the remaining Phare candidates, Bulgaria and Romania, and (b) to ex-Phare NMS.

14.   In the case of Bulgaria and Romania, the report addresses the following questions:
- What have been the Commission's, Bulgaria's and Romania's strategies for the use of Phare to support absorption of the JHA *acquis* and what support has been deployed?
- How has support been utilised and what has been sustainably achieved? What has been the trend of programme and project performance over time?
- What are the lessons learned, and how can they be reflected in the most effective programming of remaining Phare assistance, to ensure adequate absorption of the JHA *acquis* by the time of accession?

15.   In the case of the ex-Phare NMS, the report addresses the following questions:
- What support to the absorption of the JHA *acquis* was given by Phare?
- What is the post-accession experience (both problematic and non-problematic) in relation to Phare-supported implementation of the JHA *acquis*?
- In the light of that, what lessons can be drawn, and what recommendations made, to optimise support to absorption of the JHA *acquis* in future enlargements?

1.6. Methodology

16.   The approved Terms of Reference for this thematic evaluation (Annex 1) focus the report principally on Bulgaria and Romania but, as the ECOTEC contract requires[6], cross-cutting evidence has been sought from a sample of NMS; Poland, Lithuania and the Czech Republic. To ensure comparability of findings, a standard questionnaire (Annex 2) was sent to stakeholders in advance of interviews.   The questionnaire was constructed to gather information in relation to the key Evaluation Questions.   A table summarising the 57 responses[7] to the questionnaire is at Annex 3, and a list of the 77 people interviewed is at Annex 7.   Interviews were conducted with officials in the Commission Headquarters in Brussels, in Bulgaria and Romania, and the 3 above-mentioned NMS, in which issues from the questionnaires were discussed and case studies on cross-cutting issues were researched.

17.   For the purpose of analysing Phare Programmes relevant to the JHA *acquis*, a database was constructed to record programme information and project performance in relation to all ten Phare countries (8 NMS and Bulgaria and Romania). The Programming years 1998 to 2003 were taken into account, the Financing Memoranda and Project Fiches for which are all available on DG Enlargement's website[8]. Moreover, the period covers from the beginning of the Commission's fully developed pre-accession strategy. The database includes 222 projects with a total Phare allocation of M€ 772 (Investment of M€ 570 and Institution Building (IB) of M€ 202). Project performance was extracted from Interim Evaluation reports from ECOTEC and its predecessor EMS and overall performance from the Commission's Regular Reports and Comprehensive Monitoring Reports.

18.   Chapter 2 of this sets out the findings of the evaluation in relation to Phare strategy, implementation and results.   Chapter 3 identifies remaining challenges.   Chapter 4 draws conclusions, firstly on the scope of JHA and on support needed, and secondly about Phare's achievements, and makes recommendations.

1.7. Previous Studies

19.   Only one previous thematic report has evaluated Phare support to JHA.   This is an OMAS[9] report, S/ZZ/JHA/01005 of October 2001, which covered projects from the programming years 1996 to 1999. Consequently, its database is rather out of date. However, some of its recommendations are of relevance: it noted that *"Programming for JHA reveals that not all AP and NPAA priorities have been addressed in all the [Candidate Countries - CC] … the current design or other methodology may not adequately identify the existence of all relevant gaps in the CC implementation capability in respect of JHA acquis"*.   The Commission was recommended, inter alia, to improve internal collaboration and co-operation to ensure that (i) programming addressed NPAA priorities more thoroughly/comprehensively, and (ii) projects should more accurately relate to the actual political and institutional structure and capacity in the CC.

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[6] The rationale for studying the situation in the new member states is that ECOTEC's contract requires the Company to 'ensure co-ordination between the evaluation activities of the pre-accession instruments in the different acceding and 2nd wave countries, the introduction of common reporting principles and common evaluation criteria, the provision of training and coaching in the context of necessary knowledge transfer'.

[7] 4 in EC HQ, 8 in Bulgaria, 14 in the Czech Republic, 10 in Lithuania, 8 in Poland and 13 in Romania.

[8] http://europa.eu.int/comm/enlargement/fiche_projet/index.cfm

[9] The 'OMAS' Consortium was a previous Contractor to the Evaluation Unit of DG Enlargement.

20.   EMS produced a summary report on Phare support[10] which noted that some 5% of Phare allocations for 1999 – 2002 had been devoted to JHA and that JHA programmes had tended to be among the better performing ones, mainly because they had addressed clear and well defined *acquis* topics.

21.   A number of sectoral Interim Evaluation Reports have concerned JHA or included JHA projects. These are listed at Annex 6 and have been among the source documents for this report.

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[10] 'From Pre-Accession to Accession. Interim Evaluation of Phare Support Allocated in 1999-2002 and Implemented until November 2003. Consolidated Summary Report. March 2004.' Available at http://europa.eu.int/comm/enlargement/phare_evaluation_reports_interim.htm

2.   PHARE STRATEGY, IMPLEMENTATION AND RESULTS

2.1.   Phare Strategy

Candidate Countries were not able to approach JHA absorption strategically.

22.   *The candidates found the JHA acquis one of the more difficult parts of the acquis to master.* The scale of this difficulty can be deduced from the fact that, six month before 1 May 2004, the Commission's Comprehensive Monitoring Report listed 26 JHA areas as requiring 'enhanced effort' in the 8 candidates concerned (Figure 1).

Figure 1.

Comprehensive Monitoring Report : 5 November 2003

Enhanced efforts required		CZ	EE	HU	LV	LT	PL	SL	SK	No of CCs
JHA	Schengen						▓		▓	**2**
	Ext borders			▓			▓		▓	**3**
	Data Protection		▓		▓			▓	▓	**4**
	Visa						▓		▓	**2**
	Asylum	▓		▓	▓				▓	**5**
	Police co-op					▓				**1**
	Fraud/money laundering	▓	▓		▓	▓	▓	▓	▓	**7**
	Drugs				▓	▓				**2**
		2	2	2	4	3	5	2	6	**26**

23.   *Candidates were unfamiliar with strategic approaches to programming.* As a general rule, as confirmed in interviews with stakeholders in both NMS and current candidates, national strategies for sectoral and institutional development were virtually unknown, and no guidance was available to act as a wider context for programming, in the early years of Phare support. Annual plans for state budget expenditure were produced on the basis of the most urgent perceived needs. Reference to strategies and or action plans are now very frequent in project fiches and other programming documents, but this does not guarantee improved relevance, as the objectives in the strategic documents are commonly stated in very general terms and are not prioritised (Box 1).

> **Box 1. Objectives of a National Anti Corruption Strategy**
> - granting a higher status to the units engaged in countering corruption;
> - further improving the internal control units in the Ministry of the Interior and its divisions;
> - developing a mechanism to regulate the provision of information to the public, the executive authorities and the Parliament with regard to the results of control and cases of corruption;
> - including specialized anti-corruption courses in the training program of the Higher Institute for Training of Officers, Science and Research to the Ministry of the Interior, to provide knowledge on the issue of combating corruption on the national and international level.
> - Increasing the level of career development and staff stability of Ministry of Interior officials.

24. ***Twinning often provided the candidates with an introduction to strategy.*** Strategic vision is most important at the start of the reform process when key institutional issues are being considered and when the long term development steps are prioritised and mapped out. Frequently, however, strategic planning (and the necessary tools to be able to carry it out) have only been introduced by the first twinning pre-accession adviser (PAA). But, the first PAA often arrived 2 or 3 years after the programming process began. Strategies are therefore often approved and may be used for programming of Phare and other resources 3, 4 or even 5 years after programming first started. Strategies therefore come into play as programming tools only in 2002/2003 which is very late in the pre-accession process. Consequently, the first 4 or 5 years' programming may have been undertaken without a real strategic vision and based on *ad hoc* perception of immediate needs.

25. National Aid Coordinators (NAC) in some NMS freely admitted in interview that they were very rarely in possession of all relevant up-to-date national strategic documents, relying more on the Commission's Regular Reports for programming guidance, and that they left the use of any strategies to the beneficiaries and in many cases to the PAAs, with at most occasional cross-referencing during programming. NACs in Bulgaria and Romania claim to be better supplied with, and to make more use of, national strategies in programming.

26. ***Perceptions about implementation of strategies by accession vary between stakeholders.*** It is evident from discussions with representatives of the Commission Services in HQ and in Delegations and from document analysis that the true value and purpose of strategies is still not universally accepted and understood. Their perceived value and quality vary widely from institution to institution. Some institutions continue to view strategy production primarily as a formal requirement for Phare programming, which has negative consequences for both the development of the institution or sector and for Phare programming.

27. Unsurprisingly, questionnaire evidence is that the great majority of beneficiaries say that they are positive or have few reservations about the adequacy of strategies available to them and assert that these have been, or will have been, implemented in time for accession. This is the area where there was the greatest divergence of responses from the questionnaires. EC Services had more or less strong doubts that the Bulgarian and Romanian national approach is strategic, with none asserting that it is[11]. (Figure 2.)

Figure 2.

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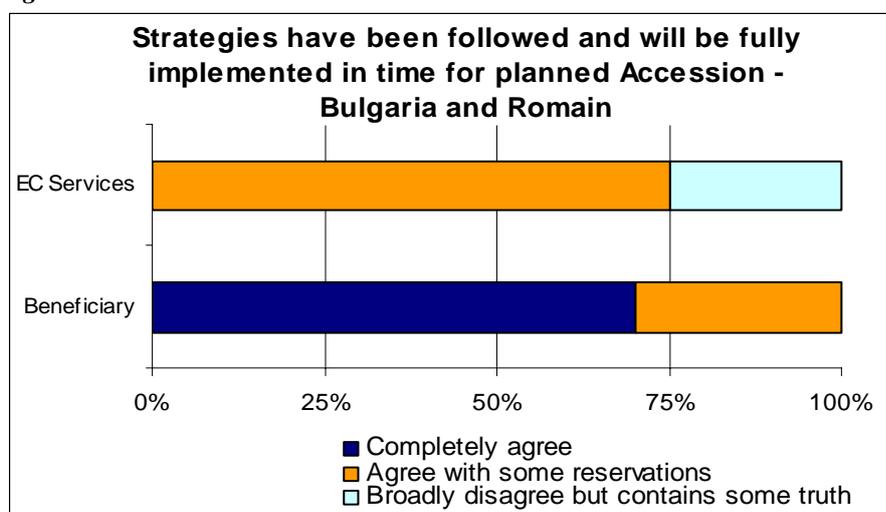
[11] 10 questionnaires were completed by beneficiaries and 4 by EC Services.

28.   EC Stakeholders were markedly more outspoken in relation to the NMS, with only about one third asserting that the approach had been strategic and that strategies had been fully implemented by the time of accession[12]. (Figure 3.)

Figure 3.
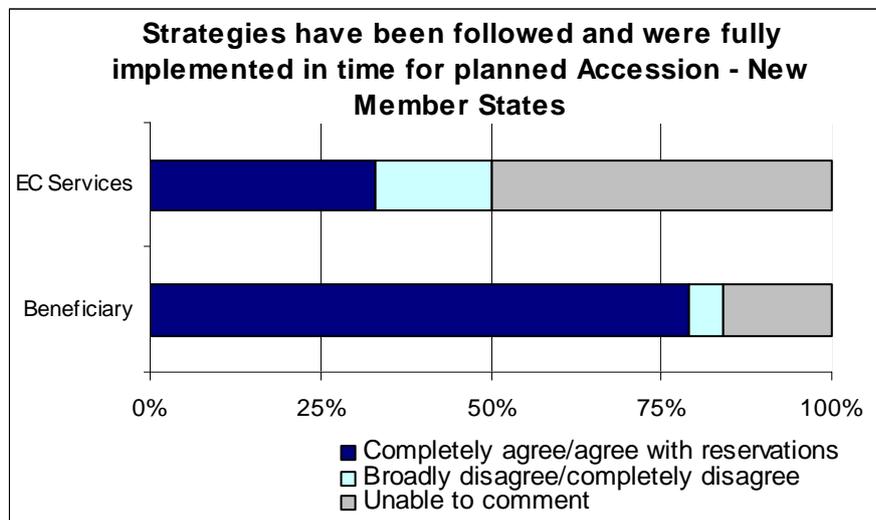
29.   Many Commission officials and PAAs single out the border guards as examples of institutions which have best adapted to the development and use of strategies. Their strategies have in general been in place longer and their use is considered to be more rational, although this is by no means universally accepted (the Bulgarian Integrated Border Management strategy is still eagerly awaited).

30.   ***Lessons Learned from the NMS are not being sufficiently applied to the remaining candidates.*** . There has been no strategic or systematic approach to gathering the lessons learned from recent candidates' Phare experiences and applying them to the programming of assistance for Bulgaria and Romania. Currently there are a few examples of Romanian and Bulgarian Beneficiaries talking to each other about migration policy and to NMS, with the Romanian Border Guards approaching their Polish counterparts for models of integrated border management. But lessons learned which are partly gathered already are not being actively disseminated. A Phare implementation database has been made available by the ECD in Poland but the evaluation found no evidence of this being utilised in Bulgaria or Romania. Most Romanian and Bulgarian beneficiaries who were asked during interview whether they would appreciate guides giving practical tips and lessons learned in Programme and covenant design from NMS would have

> **Box 2. Examples of lessons learned in NMS not applied in Bulgaria and Romania**
> - Negative consequences of using adoption of JHA acquis components as the project purpose and monitoring benchmark rather than using country specific JHA strategies (acknowledged by Lithuanian NAC and EC Representation)
> - Failure to sort out inter-agency cooperation and data exchange before installing a Schengen Information System, as evidenced in Poland (IE No. R/PL/JHA/02.093) and repeated in Bulgaria.
> - Lack of means of measuring results of a Czech Republic Judiciary restructuring Programme replicated in a Bulgarian Prosecutors' Office Twinning

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[12] 19 questionnaires were completed by beneficiaries and 6 by EC Services

welcomed it. Instances where lessons learned in the NMS could have usefully been applied in Bulgaria and Romania are in box 2.

31. There *are also strategic success stories.* Questionnaire responses made positive assessment of the anti-corruption strategies and their respective twinning projects being run within the respective Ministries of Interior in Bulgaria and Romania. The ministerial strategies required by the rather weak national strategies were considered of much higher quality and aspects of them have been progressed in the course of twinnings. Partly as a result of these better ministerial strategies and the cooperation between stakeholders, assessments of the results of the programmes both by IEs and independently by NGOs, in Bulgaria in particular, were positive.

Phare programming for JHA was not strategically managed

32. *Phare strategy did not specifically address the JHA sector.* The major Phare strategic and planning documents[13] did not draw specific attention to, or suggest any prioritisation or sequencing of funding for the JHA *acquis*. Nor did they address the way in which support to the JHA *acquis* should be managed in relation to support to the JHA related PAJC under the Political Criteria. Nor did they make any distinction, or provide any guidance, on the extent to which Phare funds should be directed at implementing non-obligatory *acquis*. There has been more effort to clarify these issues in the context of Schengen.

33. *Phare strategy did not distinguish between the JHA acquis and PAJC under the Political Criteria.* In the Regular Reports, Action Plans and many other pre-accession documents, the Commission has made a clear distinction between activities intended to enable the JHA *acquis* to be implemented and enforced and those needed to build adequate PAJC under the Political Criteria. However, this important distinction has not been evident in the way Phare support has been deployed. An illustration is the fact that, whilst JHA is the first listed priority for the use of the Transition Facility, in fact the issues mentioned there: *"strengthening of the judicial system, external border controls, anti-corruption strategy, strengthening of law enforcement capacities"* are wider PAJC 'Political Criteria'-type issues much more than JHA chapter 24 *acquis* ones. Perhaps in consequence of this lack of clarity, the boundaries of the JHA *acquis* are not well understood. There was a very wide range of responses to the question in the questionnaire, *"Is the border between JHA and the Copenhagen Political Criteria clear to you – how would you define it?"*. The answers could not be categorised by country or by stakeholder group.

34. Some Commission officials have argued that the sensitivity of activities related to strengthening PAJC in compliance with the Political Criteria (particularly after those criteria were declared to have been met) meant that it was more acceptable to 're-brand' them with the label 'JHA'. Consequently, officials said, it is not surprising that some programmes, and indeed projects, contain a mix of activities, variously supporting PAJC under the Political Criteria and components of the JHA *acquis*. However, this argument seems to have little force, given the fact that many projects have been explicitly entitled "Political Criteria", even for the programming year 2003, immediately before accession[14]. Moreover, this approach seems to

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[13] Notably Mr Verheugen's Communication "Phare 2000 Review, Strengthening Preparations or Membership", C(2000)3103/2 of 27 October 2000 and the annual Phare Programming Guides.

[14] For example, "Objective 1" for 2003 was "Political Criteria": in Bulgaria with 4 projects; Latvia with 3 projects; Czech Republic with 1 project, Romania with 5 projects; Slovakia with 6 projects. In Romania, there are 10 2004 programmes under the heading "Objective 1, Political Criteria".

ignore the fact that the requirement to have adequate administrative structures and capacities for JHA implementation and enforcement is part of the 'acquis'.

Phare did not address the area of Freedom Security and Justice

35.   Despite the changes brought about by the TAM in 1999, the development of a number of inter-member state networks, and despite the European Council's initiative to promote best practice through networking 'best practice' in the area of freedom security and justice, and notably for Schengen (Box 3), an active Phare strategy to support such networking in a comprehensive way has not been developed. Phare programming for JHA has still tended to be *acquis* focused, with only *ad hoc* and non-strategic support to underpinning PAJC aspects of the Political Criteria, and none to assist beneficiaries to grasp the overall philosophy of the area of freedom security and justice.

36.   ***Advice from the Commission to candidates on JHA has depended on individuals.***   The JHA line DG input (which has been directed at support programming more than assistance to candidates' strategy development) has depended on the proactive interventions of key experienced individuals and personal contacts rather than a formal systemic inter-DG joint mechanism. Whilst this fact is acknowledged by stakeholders, there does not appear to be concern that this is bound to have had adverse consequences for the efficiency and effectiveness of JHA programming.

The absence of a strategic approach has had adverse consequences.

37.   ***There is a risk that, without strategic underpinning, programming may be distorted.*** Programming should be based on comprehensive national strategies which, in turn, should be based on needs' analysis. Only in this way can beneficiaries recognise that there

> **Box 3. Promotion of Best Practice in JLS**
> A special meeting of the European Council held at Tampere, Finland, in October 1999, was dedicated to the establishment of an Area of Freedom, Security and Justice and elaborated the political guidelines for the next years, including in the field of immigration.
> Excerpt of the conclusions
> *"42. The exchange of **best practices** should be developed, the network of competent national authorities for crime prevention and co-operation between national crime prevention organisations should be strengthened and the possibility of a Community funded programme should be explored for these purposes. The first priorities for this co-operation could be juvenile, urban and drug-related crime..*
>
> *44. The European Council calls for the establishment of a European Police Chiefs operational Task Force to exchange, in co-operation with Europol, experience, **best practices** and information on current trends in cross-border crime and contribute to the planning of operative actions.*
> 1.   *At its meeting on 28 May 2001, the European Council set as an objective for further work by the working party on Schengen evaluation the identification of "**best practices**, particularly as regards border controls, so that they can serve as examples for states acceding to Schengen...", taking into account the fact that the Schengen Acquis and other measures within the scope of the Acquis are, under Article 8 of the Schengen protocol, regarded as an Acquis which must be accepted in full by all Candidate Countries (cc) upon accession."*

are problems to be solved at which support programmes should be directed. Where there is no recognition by the Beneficiary that there is a problem to be solved, efforts by the EC services to persuade the institution to have a project are doomed to lead to project failure. An example is of an insolvency project which was pressed by the Commission Services onto an NMS beneficiary with disastrous results and inefficient deployment of Phare funds. Lack of a coherent national strategy can also result in EC refusal to fund, which national authorities find frustrating (Box 4.)

38. *Lack of a strategic approach leads to inappropriate sequencing and prioritisation.* An example of apparent mis-allocation of resources is the premature programming of the Schengen Information System as a support priority. This is an inappropriate prioritisation and sequencing, and focussed resources on resolving issues which may not be relevant for many years to come whilst missing others which desperately need to be addressed (Bulgarian stakeholders claimed to be in a position to connect to the SIS within three months and yet the national systems to feed into the interface are not yet ready.)

39. *Sound strategies minimise the risk that programming can be influenced by factors other than objective need,* such as

> **Box 4. Phare support to Police Services in Bulgaria and Romania**
> Police services in both countries claimed that:
> - They have access to Phare funds through the police cooperation and organised crime programmes which are justified by the Acquis in the sphere which they very much appreciate, but
> - It is practically impossible for them to get approval for programmes with objectives other than international cooperation and organised crime sphere, i.e. non-Acquis. They claim they are refused by CS on the basis that these are national and not EC priorities. (Yet, in principle, it would appear that such projects could be relevant to the Political Criteria.)

'momentum' and disbursement pressures. In many cases, in both NMS and CC's, some programming appears to be based, at least in part, on 'momentum', meaning that Beneficiaries who either have much Phare experience or who have dedicated resources specifically for the task of preparing project proposals and managing their implementation, produce the most professionally prepared and technically acceptable project fiches. As a rule these Beneficiaries, whose activities are prioritised in 'headline' terms in NPAA and in Regular reports, submit project proposals on an annual basis and, whilst they may be slightly modified, they are very rarely refused. Also, interview evidence from Bulgaria and Romania suggests that there is still pressure on certain Beneficiaries to make applications for support. Of course, momentum and disbursement pressures may coincide, as may be the case in the following instance. One Romanian Beneficiary whose PIU was considerably understaffed described a situation where they had been delayed in their twinning implementation start by a long covenant drafting and approval process for a 2003 programme. At the same time, 2004 proposals were currently being circulated to MS partners and concurrently the ECD have requested a 2005 proposal. The beneficiary was thus confronted with the likely prospect that all three programmes would have to be implemented in parallel in 2006/7, which would have catastrophic consequences for the effectiveness of all three and for the institution itself.

40. *Problems are frequently not sectoral but cross-sectoral.* Cross-sectoral and multi-institutional programming and management is difficult but ultimately essential if NMS are to achieve the full benefits of membership. Beneficiaries in NMS and in Bulgaria and Romania admitted in interview that, whilst there is a recognition of the clear benefits of multi-Beneficiary and cross-sectoral programming, there is a reluctance to programme and undertake such programmes due to their implementation management problems.

41. The key documents which are most frequently referred to by the National Aid Coordination Units for programming purposes are the Regular Reports, AP's and the NPAA's all of which are lists of deficiencies or gaps without a strategic dimension, or recognition of cross-sectoral implications. They did nothing to help the candidates grasp the development need to address the JHA *acquis* and the inter-related PAJC under the Political Criteria in a comprehensive and strategic manner. Veterans of ECDs and now Representations in NMS accept in interview that current *acquis* based-programming on the basis of such documents

leaves gaps that will be hard to fill. There is less recognition of that fact in Bulgarian and Romanian ECDs.

42. ***Inter agency/ministerial cooperation issues need policy level mechanisms***. Inter-agency cooperation within Ministries of Interior is difficult to organise under any circumstances. Organising cooperation and data sharing between the Ministry of Interior and other Ministries and agencies is an enormous task. It is a task that needs a strategic approach at the highest level and from an early stage of the process. All Questionnaire responses for Commission Delegations in Romania and Bulgaria express concern about the lack of synergy in inter-institutional cooperation. This is one of the most negative responses to any question by any stakeholder and shows the seriousness of this issue.

43. Projects in Bulgaria and Romania (and NMS interviews) have demonstrated how difficult it is to resolve institutional and inter-institutional issues such as inter-agency data-sharing as part of a technical project because the expertise required from both partners for the technical and institutional issues are very different.

44. ***Lack of comprehensive strategy threatens project impact and sustainability.*** One advantage of proper national strategies is that allocation of tasks amongst various ministries, agencies and donors can be made most effectively, avoiding duplication and gaps and contradictory policies. Rational strategies also ensure that all spheres that need support are covered. Examples of JHA *acquis* components and institutions not being supported or being supported very late in the accession process, are frequent in NMS and in both Romania and Bulgaria, particularly with regard to overlapping and duplication, or inadequately planned and prioritised resource provision. So-called national strategies which are often in essence summary programming documents targeted at one donor, are of limited value in real development. There is evidence of programmes which are at risk of poor impact or sustainability because of the lack of strategic framework, particularly with regard to overlapping and duplication, or inadequately planned and prioritised resources. (Box 5.)

> **Box 5. Consequences of absence of strategic approach.**
>
> - There are numerous programmes in Bulgaria and Romania providing Information Technology (IT) systems and data management systems to various agencies and services of the Ministry of Interior and some to other ministries, including the MFA. The individual systems reflect the needs of the individual agencies. One RTA in a CC admitted that there were three programmes developing individual systems which needed to be integrated but which were insufficiently coordinated in programming and implementation.
> - Positive assessments were made of the strategies in the anti drugs sphere in Romania – they are based on those of the EU with action plans and deadlines. The problem is that the budgets to implement the action plans are based on funds which are to be applied for rather than on funds which are already secured. This raises questions of sustainability of results.
> - In Bulgaria, the lack of a real strategy and effective coordination of programming in the area of Justice has resulted in wasteful conflicts between the EU and USAID on IT systems for the courts.
> - A clearer strategic approach at the highest level in the Romanian Government to resource allocation for different spheres of border management might have avoided the nationally funded border surveillance systems contract overlapping with Phare support.

2.2. Implementation

Phare support for the JHA *acquis* was extensive but poorly structured

45.   ***Phare support to the JHA acquis is hard to identify precisely.***   Because a clear distinction between support to PAJC issues under the Political Criteria and support to the JHA *acquis* has not been maintained[15] in the Phare context, it was not an easy matter to identify the support which has actually been given by Phare to the JHA *acquis*. It is, however, essential to be able to identify this in order to make an assessment of the scale and nature of Phare's contribution to the JHA *acquis* and of the performance of relevant projects, in the same way as is possible for other *acquis* chapters. It was therefore necessary for the evaluators to examine all the project fiches for the programming years 1998–2003[16] which might have been supporting JHA *acquis* components[17] in them and extract those which did to a database.

46.   ***Most projects contain a mix of acquis and political criteria topics.***   The database contains 222 projects, with a total Phare allocation of M€ 772 (Investment of M€ 570 and Institution Building (IB) of M€ 202) (project list at Annex 4, Allocations at Annex 5)

47.   These projects are of the following kinds:
- all the projects with 'JHA' in their category heading, title or objectives;
- all those projects which included components of the JHA *acquis*, although categorised under broader headings such as 'Political Criteria', 'Justice' or 'Public Administration';
- all those projects which included components of the JHA *acquis* within programmes under other headings which are associated with specific components of the Chapter 24 *acquis*, for example 'Corruption', 'Customs' or 'Border Management'.

48.   The largest number of projects (89 or 40% of the total) contained a mixture of JHA *acquis* components and PAJC issues (for example, non-JHA-*acquis*-specific training of judges). Sixty-nine projects (31% of the total) involved only JHA *acquis* component issues. The total Phare allocation for the 158 projects which contain one or more JHA *acquis* components is M€ 589 (Investment of M€ 451 and IB of M€ 138).

49.   However, sixty-four nominally 'JHA' projects (28% of the total) involved only Political Criteria or PAJC issues without a specific orientation to any JHA *acquis* component.

50.   Beneficiaries of some NMS have indicated that programming template documents predetermine the definition of project objectives in terms of either Political Criteria or *acquis* – with Political Criteria programmes practically the exclusive domain of the ministry of Justice and the *acquis* that of the Ministry of internal affairs. Beneficiaries have identified this as being restrictive – precluding the possibility of covering aspects which would usefully have been included in a project.

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[15] It should be stressed that this report makes no criticism of the fact that projects have contained a mixture of chapter 24 *Acquis* and horizontal *acquis* components.

[16] Available at http://europa.eu.int/comm/enlargement/fiche_projet/index.cfm

[17] Following the Regular Report listing: Schengen; Data protection; Visa; External borders; Migration; Asylum; Police cooperation and combating organised crime; Fight against Terrorism; Fight against fraud and corruption; Fight against drugs; Money laundering; Customs cooperation; Judicial cooperation in civil and criminal matters; Human rights' legal instruments.

JHA projects were well spread across the beneficiary countries.

51.   There were 256 instances of support to JHA *acquis* components, a good number of projects supporting more than one component. The countries are fairly comparably supported (though support to Bulgaria appears relatively light) (Figure 4).

Figure 4

No. of instances of support to JHA acquis components

Country	Value
Estonia	8
Slovenia	14
Bulgaria	16
Latvia	21
Czech Republic	22
Lithuania	23
Romania	25
Hungary	26
Slovakia	27
Poland	74
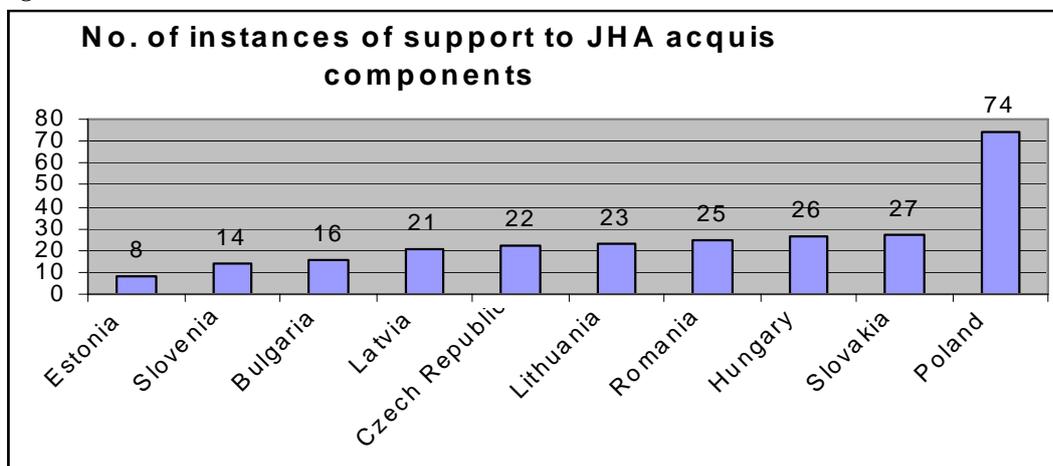
JHA projects covered the acquis and related PAJC differently in the various candidate countries.

52.   The practice of the different countries varied greatly both with regard to the proportion of projects which were devoted solely to JHA *acquis* component issues (Figure 5) and those which contained a mix of PAJC and *acquis* activities (Figure 6) (Projects dealing only with PAJC issues are ignored in both tables.)

53.   So, if there was a policy to embed Political Criteria PAJC activities in JHA *acquis* projects, and if it did have any general currency within the Commission Services, it does not appear to have been implemented consistently.

Figure 5

% of Projects Involving JHA Only

Country	Value
LT	59%
SK	45%
BG	44%
HU	35%
LV	31%
RO	30%
PL	27%
CZ	19%
SL	17%
EE	6%

Figure 6

% of Projects Involving JHA and Political Criteria

Country	Value
RO	55%
PL	51%
CZ	50%
SL	50%
EE	38%
LV	38%
HU	35%
LT	24%
SK	23%
BG	17%
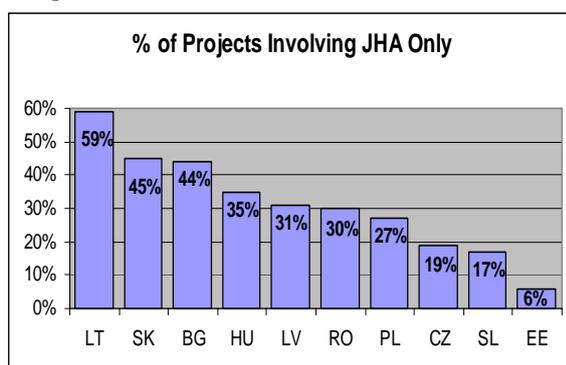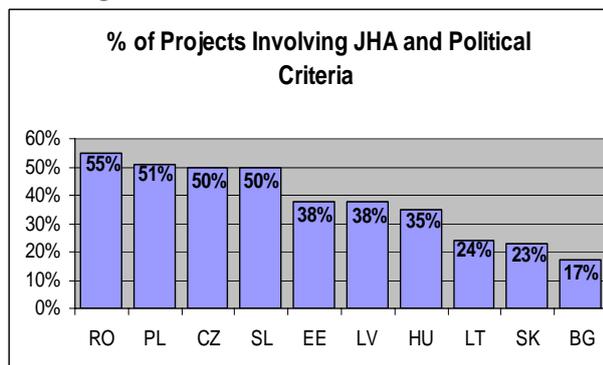
The number of projects dealings with the various JHA acquis components varied considerably.

54.   For the Phare countries collectively, the components of the JHA *acquis* received varying numbers of projects (Figure 7).

Figure 7

Number of Projects per JHA Acquis Component
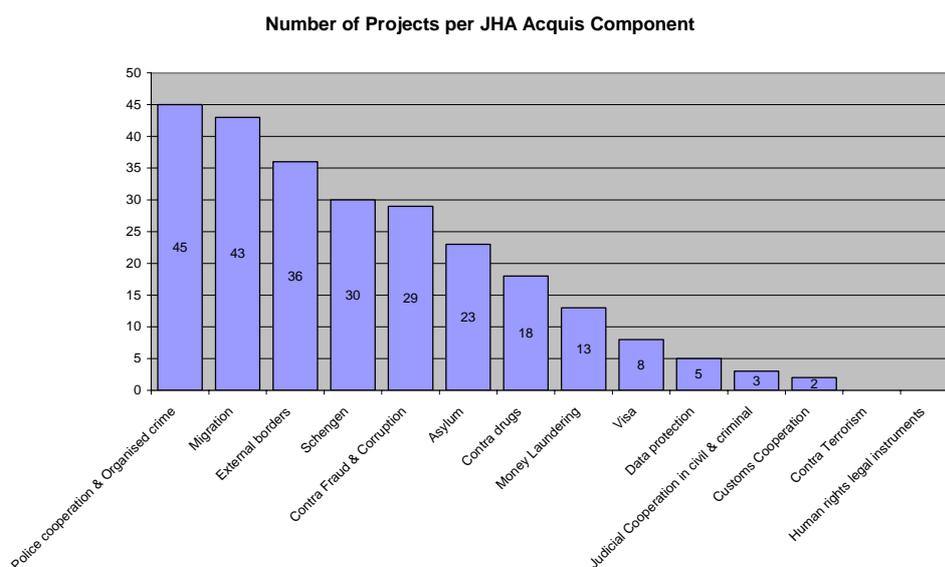
55.   The figures for Bulgaria and Romania are as follows (Figure 8).

Figure 8 **Number of projects containing support to specific component of Chapter 24 in 1998 – 2003 programmes.**

	Bulgaria	**Romania**
Schengen	3	2
Data protection	-	-
Visa	-	1
External borders	2	1
Migration	1	5
Asylum	2	2
Police cooperation & Organised crime	2	4
Contra Terrorism	-	-
Contra Fraud & Corruption	4	4
Contra drugs	1	3
Money Laundering	1	2
Customs Cooperation	-	1
Judicial Cooperation in civil & criminal matters	-	1
Human rights legal instruments		
TOTAL	**16**	**25**

56.   Nevertheless, component coverage is generally logical.   The relationship between the extent of the JHA *acquis* component and the number of projects supporting it is generally predictable.   There is a large body of JHA *acquis* in border control and Schengen and police cooperation, and over half the projects are distributed amongst these three components.   The Schengen, External Borders Asylum and Police Cooperation budgets for Bulgarian projects are three times as much as all other JHA *acquis* components put together.   In Romania the combined budgets of Schengen, Migration and visa, Asylum and Police cooperation programmes are two and half times the rest of the components put together.

57.   There are JHA areas however where there is limited *acquis* but where there are still a relatively large number of projects (e.g. fraud and corruption). This may be explained by a perceived need rather than an *acquis*-focused programming process. It is clear that there is a political will from the EC to fund projects in the sphere of corruption and there is a willingness on the side of the Beneficiaries to provide projects proposals.

58.   Questionnaire evidence suggests that the majority of stakeholders do not have concerns about the prioritisation and distribution of the Phare funding between the components. There is however a significant minority of Commission Services' respondents who do have some concerns regarding this issue. In the Bulgarian and Romanian sample, a majority of Commission Services' respondents feel more or less strongly that Phare projects have not been appropriately prioritised.

59.   ***Component coverage is generally seen as adequate.*** The majority of Beneficiaries and EC representatives agree, or agree with some reservations, that the level of Phare support has been adequate in all JHA *acquis* subcomponents except, in the case of beneficiaries, for external borders, police cooperation, anti drugs and human rights instruments and, in the case of EC representatives, for visa, data protection and external borders.

However, there are several areas where Phare support has been either very limited or non existent.

60.   **Data protection**. In some cases, for example in Lithuania, this component is covered by the internal market sector. It was not given priority either by the EC services or the Beneficiaries at the start of the accession process. Current candidates are now beginning to address programming in this sphere as the needs are revealed in other programme outputs e.g. Schengen. Institutional responsibilities are often unclear in this relatively new sphere, and there is a lack of awareness of Phare possibilities and inexperience in project fiche preparation. Weak or non-existent institutions which can benefit most from the type of support which Phare can offer are not in a position to take advantage of it.

61.   Although **Anti-terror** is a component of the JHA *acquis*, it is not specifically addressed in any programme covered by this evaluation. Commission Services' representatives and Beneficiaries explain that some other programmes cover it indirectly and some of the services which deal with these issues are not counterparts of the Phare programme.

62.   The **Anti drug** *acquis* is a problem area because, in general, the home affairs institutions focus on tackling the supply side and do not see it as their role to deal with the demand side. Programmes need to deal with inter-ministerial coordination issues which are often the most difficult ones. Programmes in both Bulgaria and Romania seem to be dealing relatively well with these issues, whereas programmes in NMS often had serious problems. It is a complication for programming that the relevant *acquis* falls under different chapters; precursors are dealt with in chapter 25 and narcotics in the JHA chapter, 24.

63.   ***The adequacy of resources put in by candidates is disputed.*** One of the clearest discrepancies between the perception of the Beneficiaries and the Commission Services concerns the adequacy and timeliness or otherwise of the contribution of the Beneficiary authorities in terms of financial and human resources. Beneficiaries were overwhelmingly positive about this with only a single figure percentage disagreeing. Contractors were also positive about their counterparts' contribution. However all respondents from the Commission

Services stated that Beneficiaries' financial or human resources were either insufficient, not as agreed, or late.

Support instruments were generally well used

64. ***The predominant instrument by budget allocation was investment***, followed by twinning, with relatively little use of technical assistance. The total sums to more than the 222 projects in the database because projects frequently involved more than one instrument, or more than one instance of the same instrument, for example in the case of twinnings (Figure 9).

Figure 9

Number of Projects including type of assistance
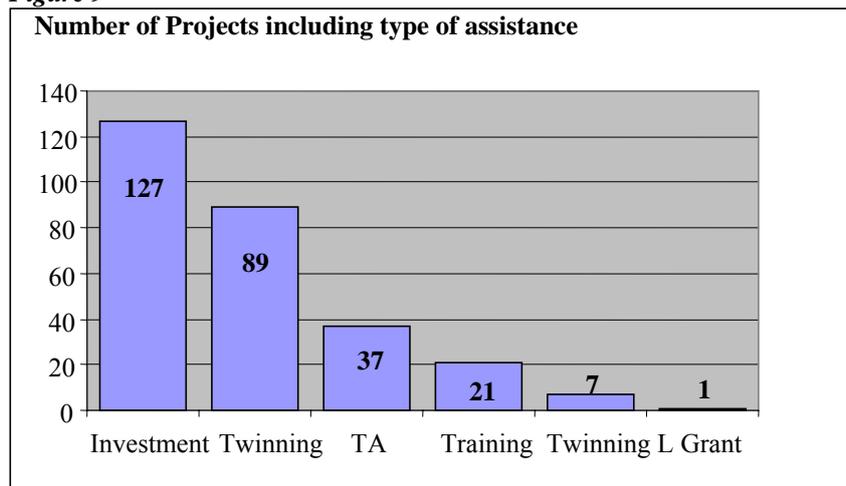
65. Choice ***of instrument was generally satisfactory***. Stakeholders in NMS reported that there had been the correct balance between all instruments, whereas stakeholders in CCs maintain that that the investment component has consistently been too low. Stakeholders in NMS and CCs say in interview, and record in questionnaires, that the range of instruments can meet most of the key needs. However, Commission Services' responses in respect of Bulgaria and Romania were more doubtful, with a majority having some doubts or broadly disagreeing with the statement.

66. In general all stakeholders both in CCs and NMS are clear on the respective roles of instruments. In particular, the twinning instrument is now well understood by stakeholders and managed with confidence. It is understood, for example, that the initial PAA should be a generalist to look at institutional issues and strategic planning, with subsequent PAAs responsible for more specialist technical inputs. Most of the points made about instruments in interviews and in

Box 6. Twinning in the JHA sector. Comments by stakeholders.
- Twinning is very useful to establish contacts with international organisations – not only formally but informally by introducing beneficiaries to contacts –visits to international organisations should be part of twinning.
- In some West Balkan countries, twinning is used not only with government officials but also with NGOs e.g. the Council of Europe.
- Twinning in the Ministry of Foreign Affairs (MFA) - diplomats move every three years i.e. within a project cycle. Therefore programmes involving the MFA will very rarely have the same people implementing projects as have programmed them.
- Many Home Affairs Beneficiaries in candidate countries do not have civilian staff and all tasks are carried out by officers. This has severe resource consequences.

response to questionnaires were generic and not particular to JHA; consequently, they are not rehearsed here[18]. However, there were some interesting observations concerning JHA twinning. (Box 6). Although there was much complaint about the slowness of Phare procedure, a Lithuanian transit corridor project was programmed in three weeks and commenced within three months which demonstrates what can be done where the political will exists on all sides: this project was universally praised by all stakeholders as one of the best designed and implemented projects.

67. *It is too early to analyse the post-accession experience of the NMS.* During interviews, most NMS Beneficiaries observed that they were in a period of consolidation of previous project results and reform efforts and many of them were still involved in ongoing projects: they did not consider the process of implementation complete. In fact, they viewed it as a continuous process of improvement with no fixed end. In the absence of benchmarks against which to measure absorption of the JHA *acquis*, the tendency has been to focus on the completion of activities of *acquis* alignment projects as the measure of success.

2.3. Results

Project results were generally satisfactory, but limited in scope.

68. *Interim Evaluation rated JHA projects highly.* Of the 222 projects in the database, 52 were rated in the course of contracted Interim Evaluation[19] (Interim Evaluations of projects on the database are listed at Annex 6). The purpose of such interim evaluation is to assess and rate relevance, efficiency, effectiveness, impact and sustainability, and then to provide an overall or summary rating, for each project. Using the standard rating system applicable at the time, 73% of projects were rated either satisfactory (67%) or highly satisfactory (6%) (Figure 10). This confirms earlier analysis of all Phare programmes[20] which noted that JHA projects had consistently been the most highly rated: the 73% positive rating above can be compared with the situation for Phare projects for all sectors where about two thirds achieved positive ratings.

Figure 10

Overall Interim Evaluation Ratings (52 Projects)

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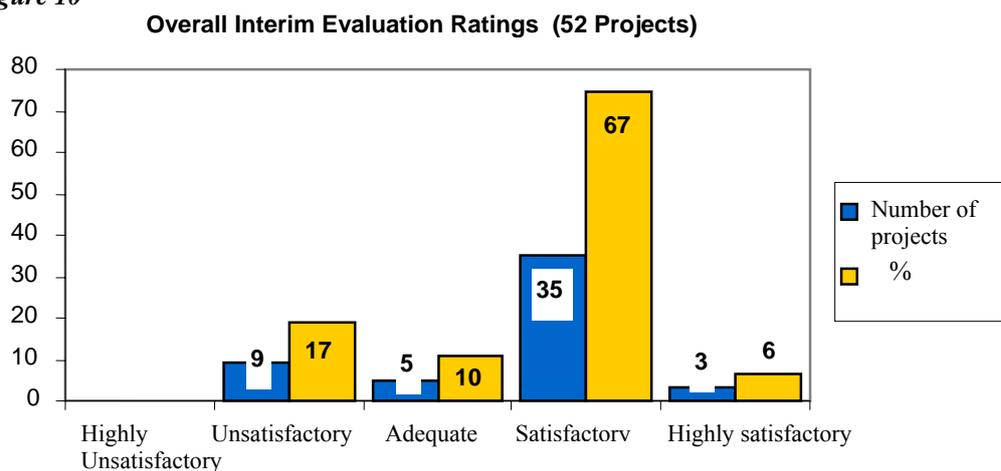
[18] For an evaluation of the twinning instrument, see EMS Thematic Evaluation Report, "Second Generation Twinning – Preliminary Findings. Interim Evaluation of Phare Support Allocated in 1999-2002 and Implemented until November 2003", available at http://europa.eu.int/comm/enlargement/phare_evaluation_pdf/fv_zz_twi_03057.pdf

[19] A larger number of JHA projects were subject to Interim Evaluation but in clusters, or under previous methodologies, which do not produce ratings specific to the project.

[20] From Pre-Accession to Accession, Interim Evaluation of Phare Support Allocated in 1999-2002 and Implemented until November 2003; Consolidated Summary Report, March 2004; Available at http://europa.eu.int/comm/enlargement/phare_evaluation_reports_interim.htm

69.   ***Phare has not sufficiently developed national capacity for gap analysis for JHA law-making.*** Incorporation of the JHA *acquis'* legal requirements into national law is a logical first step, and many Phare projects have included such activity. The Commission's Regular Reports and Comprehensive Monitoring Report have recorded progress and, in general have concluded that NMS and current candidates are relatively efficient in their passing of laws and other regulatory instruments to ensure that the required *acquis* is in place or will be in place by the appropriate deadlines.

70.   The technical process of legislative harmonisation is relatively mechanical, once the techniques are known. The gap analysis and gap filling processes can most efficiently be undertaken by lawyers working in their own language and knowing their own legal system. This is particularly the case in secondary legislation where the intricacies of the institutional and legislative systems are at their most complex and impenetrable for foreigners. There are therefore limits to the extent to which foreign experts can be involved. Whilst some PAAs and experts have been involved in law drafting working groups, the evidence from interviews with beneficiaries is that Phare experts' contributions have been more in terms of providing a methodology for legal alignment; explaining the *acquis,* and commenting on concept notes, frameworks and drafts. Moreover, while some legislation on the statute books is directly attributable to Phare activities, there are many cases where legislation drafted in early projects had to be redrafted as the JHA *acquis* developed, generally using national resources, which suggests that the sustainable contribution from Phare will have been in the provision of a methodology for legal alignment. It also suggests that more support should be given, in the early stages of pre-accession, to training nationals in gap analysis for law drafting purposes.

The state of implementation of JHA law is problematic.

71.   ***There is a perception of inadequate information about implementation.*** Questionnaire evidence from Bulgaria and Romania suggests that Commission officials do not feel that they know enough about the current status of implementation. This may explain their desire to increase the number of peer review visits. The Beneficiaries on the other hand do not share these concerns and report that they are already inundated with reporting requirements.

72.   ***There is also a perception that the link between Phare programme support and progress with acquis implementation is weak.*** The questionnaire formulation, *"It is possible to directly link progress in JHA acquis implementation to the Phare programme"* elicited more or less strong reservations in Bulgaria and Romania from a majority of beneficiaries, and also from some of the Commission officials consulted, none of whom agreed unreservedly with the statement. This is a worrying perception. Contractors and Twinners were, however, understandably more positive about the link between their activities and progress, with a very large majority either agreeing or agreeing with some reservations that *acquis* progress was a consequence of Phare support.

Phare JHA Project design often pays insufficient attention to the requirements for effective implementation.

73.   Many JHA projects are targeted at subordinate bodies and agencies, rather than at the ministry to which those bodies belong. This is notably the case for projects under the Ministries of Interior[21]. This can create problems, because the proper use of project outputs requires policy decisions at ministerial level, which the agency is generally unable to secure. The need for such policy decisions should be foreseen and explicitly dealt with in programming documents. This is not generally the case, but such mechanisms were evident for example in an anti-drug project in the Czech Republic, in which high level policy makers were closely involved and mechanisms foreseen for recommendations to be taken forward into policy.

74.   Technical programmes directed at the agencies tend not to deal with inter institutional cooperation although this issue is key for Schengen programmes. Schengen projects targeted at IT design cannot solve inter agency cooperation issues, as Romanian and Bulgarian Schengen projects have demonstrated.

There are mixed views about beneficiaries' absorption of the JHA acquis.

75.   Generally speaking, beneficiaries claim to be satisfied that they will complete (or have completed, as the case may be) the absorption of the JHA *acquis* in a timely manner; however, a small percentage of beneficiaries had doubts in respect of data protection and measures to counter drugs and terrorism. All EC officials who responded had concerns about the ability of the national authorities to implement the external borders *acquis* and a majority had more or less strong doubts about fraud and corruption, and money laundering.

76.   ***There are concerns about the depth of implementation.*** Both Commission officials and PAAs raised doubts regarding the institutional ability of beneficiaries to implement the *acquis* to the point at which it can deliver freedom, security and justice to citizens.

77.   There is evidence that in many cases, for example Europol, the central systems are in place to communicate and transfer data, and permit cooperation between Home affairs enforcement bodies across the member states. Visits to the agencies and bodies entrusted with such tasks reveal an impressive level of equipment, expertise and institutional arrangements. Much of this will be in consequence of successful Phare projects.

78.   However, creating a well equipped and highly trained elite in central bodies to do high profile international coordination and cooperation tasks does not, by itself, enhance the integrity of the area of freedom, security and justice. Effective implementation, in the sense of delivery of benefits to individuals, depends also on the quality of police work on the ground; police perception of their role and relations with the public; the effectiveness of prosecutors' activities, the efficiency of the courts of first instance in the regions, and the impartiality and professionalism of all involved. Whilst at the centre there may be the capacity to collect, analyse and transmit data throughout the EU with the latest technology and by the highest qualified officials, there is no guarantee that the quality data will be there to transmit in the first place.

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[21] For example, agencies dealing with immigration, data protection, refugees and drugs.

79.   The practical consequences of this approach is well illustrated by one example from one of the current candidates. A witness protection scheme required by the *acquis*[22] is legislated for and the alignment is considered complete. The fact that there is at the very least a perception of widespread corruption in the judicial and prosecution system, where information on witness identification may leak, means however that no-one will trust the system and it will not be used. The *acquis* is "aligned" and the project is rated a success, but the area of JLS is undermined because the overall justice infrastructure which would make its implementation practicable and effective is not in place. The *acquis* has not been absorbed.

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[22] e.g. Resolution of 23 November 1995 on the Protection of Witnesses in the Fight Against International Organised Crime: OJ C 327 of 7 December 1995 (also relevant for judicial cooperation in penal matters);

3.   REMAINING CHALLENGES

80.   This section identifies the key issues to which further attention should be paid, by the countries concerned and by the Commission Services as appropriate, during the currency of Phare and Transition Facility support in Bulgaria, Romania and the NMS.

Programming does not yet address the concept of 'an area of freedom, security and justice'

81.   It has not been helpful to support programming that the definition of the JHA *acquis* and its relationship to, and ultimate dependence for full absorption on, other requirements of membership, notably adequate PAJC, have not been clarified or coherently addressed. Nor is it helpful that there has been a split between justice and home affairs in the programming process. The challenge is to ensure that Phare strategy covers, and support is given to, all aspects of the JHA sector needed to ensure the integrity and development of the areas of JLS, and that this is done in an integrated, coherent and complementary way for the sector as a whole.

Strategic capacity remains too low.

82.   The capacity for design and use of strategies as programming and development tools is still underdeveloped in the majority of stakeholders. The negative consequences of this fact will become more and more apparent as the EC input is withdrawn from NMS. The challenge is to embed strategic approaches more firmly in candidate countries.

83.   There are still a number of key strategies missing (e.g. the Bulgarian Integrated Border Management Strategy) and a number of inappropriate ones in place (e.g. Romanian migration strategy and national anti-corruption strategy). This situation should be remedied. Where the strategies are necessary for the effective operation of Phare or TF support, conditionalities should be used to ensure their production and/or improvement.

Inter-institutional issues are not yet adequately addressed in national strategies or in programming

84.   The extent to which inter-institutional responsibilities, systems and procedures are in place to govern the relationships between the various ministries, subordinate bodies and agencies in a country will determine the success of otherwise of much of the support given to the sector (particularly bearing in mind the high proportion of support given to investment).

Lessons learned are not being used sufficiently.

85.   Despite evidence of a tendency towards improvement, often the same mistakes are being made by remaining candidates as were made by NMS in both programming and individual project design. This is highly inefficient. The Commission Services' corporate memory is too dependent upon a few key individuals, who will inevitably not remain in their current positions.

86.   It is therefore essential systematically to record and exchange and take advantage of the good and bad experience of the NMS in the last years before accession. Currently there are a few initiatives of Romanian and Bulgarian Beneficiaries talking to each other about migration policy and to NMS, with the Romanian Border Guards approaching their Polish counterparts for models of integrated border management. The Polish ECD has made its own programming and monitoring database available to any interested parties. These fruitful exchanges should be supported and require an initiative by the Commission Services, both at HQ and ECD /RO level.

4.   CONCLUSIONS AND RECOMMENDATIONS

87.   This chapter draws together the conclusions which can be made from the findings in Chapters 2 and 3 of the report, and presents them in two parts. The first set of conclusions relates to contextual issues raised by the nature of JHA and the kind of support appropriate to developing the area of freedom, security and justice. The second set of conclusions addresses Phare's achievements, answering the key evaluation questions. The report then makes recommendations, structured under four groups of actions: actions to provide a more strategic context for support to the area of freedom, security and justice; actions to adopt a more structured approach to Phare support programming; actions to enhance the range of pre-accession support measures, and actions specifically relevant to Phare support in Bulgaria and Romania.

4.1.   Conclusions on the scope and target of JHA to be supported by Phare.

Conclusion 1. Lack of clarity in defining, for Phare purposes, the scope of JHA and its relationship with other acquis chapters and with the related PAJC under the Political Criteria.

88.   The Commission appears not to have made use of Phare to help the candidates grasp the wider implications of the over-arching notion of an area of freedom, security and justice. There is a huge range of interpretations among the stakeholders as to how the JHA sector and its *acquis* relate to other key parts of the *acquis* and to the political criteria, and an insufficient awareness among beneficiaries of the operational implications of full participation in the 'big picture' of the area of freedom, security and justice at the level of the Union. Consequently, there was a lack of clarity about the context for Phare support to the sector.

Conclusion 2. Lack of clarity in defining the target of Phare support.

89.   Phare JHA programming followed the approach taken towards other sectors. It did not take sufficient account of the particularities of the JHA sector, and of the extent to which delivery of JHA *acquis* objectives is dependent on meeting in depth the practical requirements of the Political Criteria in terms of PAJC within a system of good governance. While Phare programming broadly, if unevenly, covered the components of the JHA *acquis*, it did not contain a methodology for supporting absorption of the related, and essential, PAJC aspects of the Political Criteria, adopting instead a rather non-transparent and piecemeal approach at line DG, DG Enlargement and ECD levels with the direction taken being reliant on the input of a few key experienced individuals.

90.   The fact that the candidates' backgrounds made this a 'reform' or 'development' agenda for them rather than just a technical process, was not sufficiently considered. Given that the 'big picture' issues go well beyond the purely technical and seek to engender changes in deeply entrenched attitudes and systems of governance, it would have been constructive to look beyond the traditional instruments of twinning and technical assistance, grant schemes and investment, and complement these, using Phare support, with greater explanation and inter-member state dialogue and networking at political and top official levels.

91.   Programming in the absence of strategy and predominantly on the basis of the legal requirements of the JHA *acquis* has led to poor prioritisation and sequencing of programme, exacerbated by the division of programming and monitoring for Justice and Home Affairs into separate sectors.

92.   Reticence, or confusion, about specifying the precise purpose of programmes not specifically related, or not exclusively related to the JHA *acquis* has led to programmes being titled and categorised in such a variety of ways as to make it difficult to know exactly what Phare has supported.

4.2.   Conclusions on Phare achievements

Insufficiently strategic approach produces sub-optimal results overall

Conclusion 3. Lack of appropriate Phare and national level strategic inputs.

93.   The lack of an overall Phare JHA development strategy resulted in largely reactive programming, with regular and peer reports being used to identify need and those needs being addressed within the project cycle. The timeliness and quality of national strategies was inadequate for proper programming and JHA sector development purposes. Whilst reference to strategies and or action plans is very frequent in project fiches and other programming documents, the real relationship between the programme objectives and the strategic objectives is often tenuous at best. Cross sectoral and multi-institutional programming and management is difficult. When sectoral strategies are the highest level documents, cross-sectoral issues - of which there are many in the JHA sector - are poorly managed and programmed, risking overlaps and gaps, of which there is considerable evidence. Technical projects (in particular SIS system programmes) are unsuited to addressing institutional and inter-institutional coordination issues. Such institutional issues need to be sorted out as a precondition for the start of such technical projects.

94.   Pressure to disburse and absorb Phare funds without a strategic context has led to some inappropriate programming and inefficiency in the use of Phare funds. Premature projects mean resources could have been used for higher priorities and late projects mean time pressure and delay in dependent projects or project outputs.

At Phare project level, support to the JHA acquis has been well utilised, but systemic results are less certain.

Conclusion 4. Phare's contribution has been reasonably comprehensive.

95.   Some 256 instances of support to JHA *acquis* components were provided in Phare projects from the programming years 1998 -2003 with a reasonable spread across the beneficiary countries (though support to Bulgaria appears relatively light). Over half the projects, and the greater proportion of the budget, are distributed amongst three components; external border control, Schengen and police cooperation. Some components were not generally supported. Investment and twinning were the major instruments used.

Conclusion 5. The great majority of evaluated Phare JHA projects have been rated as successful.

96.   73% of the 52 project subject to Interim Evaluation were rated satisfactory or highly satisfactory overall, taking account of their relevance, efficiency, effectiveness, impact and sustainability. This is the highest proportion of positive scores for any sector, and suggests that individual projects have made a substantial contribution, mainly by providing the candidates with equipment and with twinning advice to help them absorb the JHA *acquis*.

Conclusion 6. Results, in terms of benefits to citizens and the EU are less evident.

97.   While individual Phare projects have been evaluated as successful in terms of achieving their stated objectives, it is not clear that their outputs contributed to the wider objective of enhancing the area of freedom, security and justice. Effective implementation of JHA, in the sense of delivering the benefits of the area of freedom, security and justice to individuals, or indeed to the EU community generally, depends also for example on good inter-ministerial and inter-agency collaboration; the quality of police work on the ground; police perception of their role and relations with the public; the effectiveness of prosecutors' activities, and the efficiency of the courts of first instance in the regions. In short, it depends on the quality of governance and of PAJC, which have not been a significant or structured component of Phare support. Commission reports and stakeholders interviewed have raised doubts about the institutional ability of beneficiaries to deliver freedom, security and justice to citizens.

Conclusion 7. Lessons Learned in the NMS have not been sufficiently adopted in Bulgaria and Romania

98.   It is too early to draw conclusions about the immediately post-accession experience of the NMS, because they are still largely preoccupied with the implementation of remaining Phare and Transition Facility projects which, in itself, is evidence that the JHA *acquis* was not fully adopted, implemented and enforced by accession. However, there is evidence that valuable lessons have not been systematically made available to Bulgaria and Romania, although some transfer of know-how has taken place and there is a desire in those two countries to benefit from NMS experience where possible.

4.3.   Recommendations

99.   To address the key findings and conclusions of the report, there are four key areas where action is recommended. These recommendations concern the responsibilities of candidate countries to prepare adequately for participation in the area of freedom, security and justice, and the support which Phare can provide to assist them in that process.

Action 1. Encourage candidates to appreciate the operational implications of the area of freedom, security and justice.

Recommendation 1: Assist candidates to understand the concept and practical implications of the area of freedom, security and justice.

100.   Candidate countries have found the nature and extent of the Justice and Home Affairs sector, and the competencies and standards which it requires, difficult to grasp. Consequently, they have also found it difficult to decide what action they need to take. The Commission Services should assist by issuing specific guidance on the context and scope of

Phare support in a form suitable for all candidate countries, explaining the rationale of the area of freedom, security and justice, at the level of the Union and at the level of each member state, and relating that to all the obligations of membership in the Political and other Copenhagen Criteria. Without impinging on the way countries allocate responsibilities or arrange their judicial and administrative institutions, the document should explain the practical implications in terms of the competences, and human and other resources, and types of procedure, needed to enable the JHA *acquis* to be implemented and enforced to an adequate standard and thus fully absorbed and 'delivered' to citizens. It should also provide an overall route map, with indications of prioritisation and sequencing, rather than solely a list of the requirements of membership. The guidance should be developed taking account of the positive and negative experiences, and best practice, of the recent candidates.

Recommendation 2: Use Phare to promote a benchmarking approach as a means of measuring progress.

100.   Candidate countries need to be able to assess their own progress towards full participation in the area of freedom, security and justice, developing a benchmarking approach and actively drawing on the experience of previous candidates. The Commission Services should develop, with Phare support, a methodology to help candidates to do this, providing promotional and methodological support for benchmarking. Implementation support should be provided by Phare, on a greater scale than previously, through Member States' twinning, networking and peer review and by the OECD's SIGMA programme which could make a valuable contribution.

Action 2: Adopt a more structured approach to programming Phare support.

Recommendation 3: Prepare a clear overall Phare support strategy for Justice and Home Affairs.

101.   Candidate countries need to have a clear view of the extent to which Phare can contribute to the totality of what they have to achieve themselves. The Commission Services should prepare a written overall strategy for Phare support to the area of freedom, security and justice, which could be derived from, and should underpin, the guidance referred to in recommendation 1 above. This strategy should set out the extent of funding available and how it is proposed to allocate it to the various components of the Justice and Home Affairs *acquis* indicating, for example, the intended priorities and sequences. Candidates should then be encouraged to develop co-ordinated investment plans that cover all the sources of finance, including Phare, national funding, bilateral assistance and loans from International Financing Institutions and others.

Recommendation 4: Encourage candidates to adopt a strategic and comprehensive approach.

102.   In order to obtain the best benefit from Phare, candidate countries should first define their own national strategies for full participation in the area of freedom, security and justice so to provide a secure context, both for Phare support programming (taking account of the Commission's support strategy as recommended above) and for ongoing benchmarking for the standards and competencies required. Phare should support the preparation of such strategies, and make their existence a conditionality for support to implementation.

Recommendation 5: Support should be more logically and transparently identified.

103.   As programmes and projects have been titled to date, it is very difficult to identify what support has been given to the various components of the Justice and Home Affairs *acquis*. In order to be able to monitor and evaluate Phare support adequately, a comprehensive, unambiguous and invariable set of titles should be developed, under which all aspects of support to the area of freedom, security and justice would be given, to replace the present inadequate and inconsistently applied system.   The new categorisation should result in programme and project titles which identify the components of the Justice and Home Affairs *acquis* and/or the related components of public administrative and judicial capacity which are to be supported.

Action 3: Enhance Phare support measures

Recommendation 6: More emphasis should be put on building networks between candidates and member states.

104.   The Commission Services should make provision for, and use Phare support to encourage the use of more permanent high level political and civil service networking between current and new Member States and future candidates, from the start of any pre-accession period. This should cover all Phare support aspects of the area of freedom, security and justice, while initially prioritising the overall framework requirements of governance, and for administrative and judicial institutions and competencies, so that progress on these wider issues takes place in parallel with, and provides a more fruitful environment, for legislative harmonisation and implementation.

Recommendation 7: Training packages should be developed.

105.   In the light of candidate countries' weaknesses recorded in the report, the Commission Services should develop, or contract others to develop, a series of training modules, which candidates should be encouraged and given Phare support to use, and in which they should be encouraged to train a cadre of their own trainers. These modules should cover, *inter alia*, strategic thinking and strategy development including dealing with cross-sectoral and inter-institutional problems, and gap analysis tools for strategy development and legal harmonisation.

Action 4: Recommendations specific to Phare support in Bulgaria and Romania

Recommendation 8: Phare should contribute more effectively to the wider objective of enhancing the area of freedom, security and justice.

106.   National authorities in both Bulgaria and Romania, with the support of the Commission Services, should ensure that programme design takes explicit account of the wider public administrative environment in which project outputs will be deployed and, where appropriate, should request Phare support for measures, such as training of end users and other stakeholders, which will increase the effectiveness and impact of support given to components of the Justice and Home Affairs *acquis*.

Recommendation 9: Give inter-institutional issues increased priority.

107. In the light of problems identified in this report, all programmes and projects in both Bulgaria and Romania currently being designed or implemented should be reviewed, and the results reported in programme monitoring reports, to ensure that inter-institutional issues are adequately addressed and that inter-institutional data exchange issues are solved or are being solved. It should be a conditionality of future support that inter-institutional Memoranda of Understanding between the institutions concerned are in place before support begins, specifying respective responsibilities for decision-making and for financial and human resources.

Recommendation 10: Assess gaps in Phare coverage of JHA components in Bulgaria and Romania and consider giving support to them.

108. There are some components (notably data protection) which have either been lightly supported, or where support programmes have revealed underlying institutional problems. The Commission Services, in liaison with the Bulgarian and Romanian authorities, should review comprehensively whether there are gaps in the Phare coverage of any Justice and Home Affairs *acquis* components which ought to be addressed with support programmes or projects, taking account of agreed priorities and available finance.

Recommendation 11: Seek to ensure the adequate and timely provision of national counterpart resources.

109. Because the effectiveness and sustainability of Phare-supported activities are crucially dependent on adequate and timely co-financing and staffing levels, more conditionality should be attached by the Commission Services to their guaranteed availability. In particular, equipment should not be delivered until co-finance and staffing are secured.

ANNEXES

Annex 1.   Terms of Reference

Thematic Report on Phare support to the JHA *acquis*.
Proposed Terms of Reference for the Thematic Report and for the STTS to be deployed in connection with it.

Background

Introduction

1.   ECOTEC[23] is required by its contract with the Evaluation Unit E3 of DG Enlargement to produce thematic reports as well as Interim Evaluation (IE) Reports. Taking account of the topics covered in thematic reports by the predecessor IE contractor, the EMS Consortium, the Evaluation Unit has asked that one of the first of these thematic reports address Phare support to the Justice and Home Affairs (JHA) *acquis* in view of its importance for the development of harmonious relations between member states, and particularly for countries on what will be the external border of the EU.

2.   The Report will examine the contribution made by Phare in assisting Candidate Countries to meet the requirements of Chapter 24 of the *Acquis Communautaire* on Co-operation in the field of JHA. EU policies on JHA aim to maintain and further develop the Union as an area of freedom, security and justice. The JHA thematic report will point up lessons learned, notably with regard to improvements which might be made, firstly in Phare programming for JHA in Bulgaria and Romania and secondly, when supporting the acquisition of the JHA *acquis* by future candidate countries. The report will concentrate on the way Phare has supported the components of the *acquis*, and will not address the development of horizontal Judicial Capacity, which will be addressed in a thematic report on Public Administrative and Judicial Capacity (PAJC) in the second half of 2005. However, programmes directed at horizontal matters, for example judicial reform, will be examined to see if there are components which are in fact underpinning the Chapter 24 acquis.

Definition and scope of JHA

3.   The definition and the scope of the concept of Justice and Home Affairs (JHA) have changed significantly over the past years, as progressive Treaties have increased the role of the EU in these matters.

4.   JHA legislation now covers all the measures addressing criminal and civil matters which are in force under the EU policy "Area of freedom, security and justice", categorized by DG JHA as follows:
❖   Free movement of persons:
- Elimination of internal border controls;
- Crossing external borders;
- Asylum policy:
  o   Right to asylum;
  o   Right of refugees and displaced persons;
- Immigration and the right of nationals of third countries;
❖   Judicial cooperation in civil matters;
❖   Police and judicial cooperation in criminal and customs matters:
- Police cooperation;
- Judicial cooperation in criminal matters;
- Customs cooperation;
❖   Programmes;
❖   External relations.

5.   Negotiations with the recent and remaining candidates were conducted, and for Bulgaria and Romania continue to be conducted, in the context of *acquis* Chapter 24, 'Cooperation in the field of justice and home affairs'. Progress with regard to the components of that chapter has been reported by the Commission in the Comprehensive Monitoring Reviews (new member states) and Regular Reports (Bulgaria and Romania), most recently in November 2003 and October 2004, under the following set of headings:

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[23] The current contractor for the Centralised Interim Evaluation Facility for the EU Pre-Accession Programmes in Bulgaria and Romania and Central Office activities, the main overall objective of which is to help enhance the relevance, efficiency, effectiveness, impact and accountability of Phare pre-accession funds as a support for achieving the overall EU policy objective of accession of Bulgaria and Romania, and, via a Central Office, ensure coordination between the evaluation activities of the pre-accession instruments in the different acceding countries and second wave countries.

❖ Schengen;
❖ Data protection;
❖ Visa;
❖ External borders;
❖ Migration;
❖ Asylum;
❖ Police cooperation and combating organised crime;
❖ Fight against Terrorism;
❖ Fight against fraud and corruption;
❖ Fight against drugs;
❖ Money laundering;
❖ Customs co-operation;
❖ Judicial co-operation in civil and criminal matters;
❖ Human rights' legal instruments.

Phare and JHA

6.   In addition to the *acquis*, the Copenhagen Political Criteria, including issues of judicial governance and administration are, of course, highly relevant to the "Area of freedom, security and justice" as are some other parts of the *acquis*, notably Chapter 2, 'Free movement of Persons' and, to a lesser extent, Chapter 4, 'Free movement of Capital'. Although the *acquis* chapters are distinct and discrete entities, there is scope for non-specialists inadvertently to mis-allocate topics to the 'JHA' *acquis*.

7.   Generally speaking, Phare has supported both the Copenhagen Political Criteria and the entire *acquis*, including the JHA *acquis*[24], to a greater or lesser extent. In the justice sector in particular, the distinctions between Political Criteria issues and the *acquis* chapter have been difficult to maintain, and Programme and project titles have not always been a sure guide to what is covered. In some instances, a Programme may, perfectly legitimately, contain a mix of projects, some of which are under chapter 24 and others of which are not (being, for example, in the area of building police, customs or judicial capacity to implement and enforce the *acquis* more generally or meet the Political Criteria). And there are Programmes with apparently Political Criteria titles which, again no doubt for good reasons, cover chapter 24 issues.

8.   Similarly, in the context of monitoring and IE, sector codes and programme titles do not, in themselves, provide certainty as to whether support is being given to chapter 24 or not.

9.   In consequence, and in order properly to address only JHA *acquis* issues, it will be necessary to approach the database for this thematic report from two directions:
❖ Deconstructing JHA (and some other) Programme Fiches to extract Chapter 24 projects, and eliminate others;
❖ Deconstructing EMS and ECOTEC Interim Evaluation Reports, under a variety of sector codes, for the same purpose.

10.   Only by making such a selective database will it be possible to make an assessment of the scale and nature of Phare's contribution to the JHA (chapter 24) *acquis*, and of the performance of relevant projects.

Objective of the JHA Thematic Report

11.   The objectives of the present thematic report are therefore:
❖ To provide a comprehensive analysis of Phare's contribution to the acquisition by Bulgaria and Romania of the Justice and Home Affairs (JHA) *acquis*;
❖ To draw conclusions and make recommendations relevant to the planning of Phare programming in Bulgaria and Romania for 2005 onwards;
❖ To analyse, on a sampling basis, Phare's contribution to the acquisition by ex-Phare new Member States of the Justice and Home Affairs (JHA) *acquis* and their post-accession experiences;
❖ To analyse how Phare JHA projects have performed (as assessed by EMS and ECOTEC Interim Evaluation reports and national and Commission sources), and
❖ To identify lessons learned and make recommendations of relevance for future enlargements.

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[24] Support to the Schengen *acquis* has been limited to preparatory activities.

Key Evaluation Questions

12.   The report will adopt a differentiated approach, and address different questions, in relation to (a) the remaining Phare candidates, Bulgaria and Romania, and (b) to new member states.

13.   In the case of Bulgaria and Romania, the report will address the following questions:
❖   What have been the Commission's, Bulgaria's and Romania's strategies for the use of Phare to support of the JHA *acquis* and what support has been deployed?
❖   How has support been utilized and what has been sustainably achieved? What has been the trend of programme and project performance over time?
❖   What are the lessons learned, and how can they be reflected in the most effective programming of remaining Phare assistance, to ensure adequate absorption of the JHA *acquis* by the time of accession?

14.   In the case of the new member states, the report will address the following questions:
❖   What support to the absorption of the JHA *acquis* was given by Phare?
❖   What is the post-accession experience (both problematic and non-problematic) in relation to implementing the JHA *acquis*?
❖   In the light of that, what lessons can be drawn, and what recommendations made, to optimize support to absorption of the JHA *acquis* in future enlargements?

Target Audience

15.   The recipient of the thematic report will be the Evaluation Unit, E3 of DG Enlargement. The audience will include the Country Teams for Bulgaria, Romania and Turkey in DG Enlargement; those responsible for Western Balkans countries, and key line DGs, notably DG JHA.

Information Sources

16.   The information sources for this thematic report will be:
❖   Databases of Phare programmes and Project Fiches on the Commission website;
❖   Databases drawn from IE reports produced by EMS and ECOTEC;
❖   Thematic and summary reports produced by EMS;
❖   NAC IE reports in the new member states;
❖   An OMAS JHA thematic report, S/ZZ/JHA/01005;
❖   Interviews with DG JHA and DG Enlargement officials;
❖   Interviews with the Commission's Representative Offices in the new member states and the Commission's Delegations in Bulgaria and Romania;
❖   NACs in Phare countries;
❖   Other Stakeholders involved in JHA projects;
❖   Regular Reports for 2003 and 2004 for Bulgaria and Romania and, for the New Member States, the Comprehensive Monitoring Review of November 2003.

Proposed methodology

Overall approach

17.   The report will focus principally on Bulgaria and Romania but, as the ECOTEC contract requires[25], cross-cutting evidence will be sought from a sample of new member states. The exercise will be led, and the report written, by the ECOTEC Deputy Project Director (DPD). Field work against written instructions and questionnaires will be conducted in the Commission Headquarters; Bulgaria and Romania, and in three new member states, by an experienced Short term technical specialist (STTS). In Bulgaria and Romania, the STTS will be assisted by ECOTEC's teams. In all cases, the questionnaires will be sent to those to be interviewed in advance of planned meetings, to enable data to be made ready and responses prepared. Research and statistical analysis will be conducted by ECOTEC Central Office in Brussels, and legal expertise will be provided by a specialist, legally qualified specialist STTS. The CVs of both the experts selected by the Evaluation Unit for this exercise, Dr D'Sa and Mr Moody, are annexed to these ToR. The report will be prepared in accordance with best

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[25] The rationale for studying the situation in the new member states is that the ToR for ECOTEC's contract require the Company to 'ensure co-ordination between the evaluation activities of the pre-accession instruments in the different acceding and 2nd wave countries, the introduction of common reporting principles and common evaluation criteria, the provision of training and coaching in the context of necessary knowledge transfer'.

practice on content and layout developed under the EMS contract. The draft will be presented to the Evaluation Unit by the end of April 2005. However, as soon as the ECOTEC team has considered draft recommendations, these will be discussed with the Bulgaria and Romania country teams, as an aid to Phare 2005 programming.

Key steps

18.   The key components of the exercise will be:
❖   Analysis of Phare and EMS/ECOTEC IE data, and design and population of databases;
❖   Design of interview questionnaire and decisions on potential interviewees;
❖   Despatch of questions and questionnaires to interviewees;
❖   Interviews with officials in DG HQ (Enlargement and JHA);
❖   Interviews with JHA stakeholders in Bulgaria and Romania;
❖   Interviews with JHA stakeholders in three new member states;
❖   Selection and analysis of case studies embodying key lessons learned;
❖   Team Conference to assess findings and plan the final report;
❖   Discussion with DG ELARG's Bulgaria and Romania Country teams of draft recommendations in the context of 2005 programming;
❖   Final report drafting and submission.

Reference Period for analysis

19.   For the purpose of analysing Phare Programming, it is proposed to populate the database from the Programming years 1998 – 2003, as the Financing Memoranda and Project Fiches are all available on DG Enlargement's website. Moreover, the period covers the whole of the Commission's fully developed pre-accession strategy.

20.   The EMS & ECOTEC archives will be interrogated to extract information about the extent to which the 1998 – 2003 Phare Programmes and projects in support of the JHA *acquis* have been subject to monitoring and/or interim evaluation. The IE findings information will be cross-referenced to the parent Phare programmes.

21.   During field missions, attention will be paid only to ongoing programmes and projects.

Topic coverage

22.   The thematic report will differentiate the depth to which the various components of the JHA *acquis* (paragraph 5) are treated, in order to pay more attention to those topics which the various Commission Services regard as particularly important or problematic. It is already understood, and was confirmed at the kick-off meeting, that priority areas should include support given to the fight against corruption. This matter will be discussed further during interviews with Commission officials.

Country coverage

23.   In **Bulgaria and Romania,** where ECOTEC has offices and the staff will assist in the investigation, the STTS will make a 10 day mission to each country and conduct an in-depth study of the whole 1998-2003 Programme, and interviews will be conducted with all main stakeholders including, where possible, implementing agency staff and PAAs.

24.   As for **new member states**, in order to ensure a reasonably representative picture of their pre- and post-accession experience in relation to the support offered by Phare to the JHA *acquis,* STTS field work will be conducted in three new member states, with Representative Offices, NACs and key stakeholders. The STTS missions to these countries will be of 5 days duration each, and the programme review will therefore be more selective than in Bulgaria and Romania. Taking account of other demands being made on potential interlocutors, as well as the distribution pattern of Phare funds, it is proposed to conduct STTS field work in Poland, Lithuania and the Czech Republic.

25.   No contact will take place with other new member states in the course of preparation of this thematic report.

<u>Team</u>

26.   The **Deputy Project Director** (DPD) will:
❖   Oversee the exercise;
❖   Act as liaison point with E3;
❖   Draft the Inception Note, to which will be annexed the list of projects containing Chapter 24 components and the questionnaires for (i) Bulgaria and Romania (including in national languages) and (ii) the New Member States;
❖   Direct and Coordinate Central Office research and database activities;
❖   Direct and coordinate STTS activities;
❖   Direct the design of interview strategy, interview questionnaires and STTS reporting methodology;
❖   Chair the Team Conference;
❖   Attend the discussion meeting with the Bulgaria and Romania Country teams;
❖   Edit the first draft of the thematic report and finalise a draft for submission to E3;
❖   Attend the debriefing.

27.   The **STTS,** Mr Moody, fulfils the following requirements:
❖   Broad understanding of the acquis and in particular the JHA *acquis*, pre-accession strategy and Phare;
❖   Previous working experience in Phare countries (experience of CARDS Countries would be an advantage);
❖   Familiarity with and expertise in monitoring and evaluation, and
❖   Good verbal and written communication skills in English, including report drafting.

28.   Mr Moody will:
❖   Collaborate with the DPD in planning activities;
❖   Comment on the draft Inception Note;
❖   Design questions for EC HQ staff in liaison with legal STTS;
❖   Design questionnaires for use in the field in liaison with legal STTS;
❖   Conduct interviews in EC HQ;
❖   Conduct field research in collaboration with ECOTEC staff in Bulgaria and Romania and alone in three new member states;
❖   Participate in the Team Conference and in discussions with Bulgaria and Romania Country teams;
❖   Write the first draft final report;
❖   Attend the debriefing of the report.

29.   The **legally qualified specialist STTS,** Dr D'Sa, fulfils the following requirements:
❖   Legally qualified with specialist EU expertise and detailed knowledge of the JHA acquis;
❖   Familiarity with the pre-accession strategy for Candidate Countries and Phare;
❖   Previous working experience in Phare countries;
❖   Familiarity with the issues raised by the adoption of the JHA acquis in Candidate Countries;
❖   Good verbal and written communication skills in English, including report drafting.

30.   Dr D'Sa will:
❖   Advise *ad hoc* on legal issues;
❖   Comment on the draft questions for Commission HQ interviews and on the draft questionnaire for field work;
❖   Read and comment on the first draft final report;
❖   Contribute an annex to the thematic report on the development of the JHA acquis and the implications of its adoption and implementation for Phare support.

31.   **ECOTEC Central Office** staff will provide research, database population and backstopping assistance, as well as logistic support to the STTS in Poland (where ECOTEC has an office). This will be provided from backstopping resources and will not be budgeted against the thematic report.

EMS envisages the following methodological steps

Step	Activity	Output	Input
ToR	Define scope and methodology Define STTS roles Identify STTS availability Indicative timetable	ToR agreed by E3	ToR to E3
Kick-off	E3 issues invitations Kick-off meeting held ToR accepted or modified STTS contracted	ToR adopted	DPD attends KO and amends ToR if necessary
Inception	Initial analysis of data and design of databases Elaboration of methodology Design of interview questionnaires Pre-planning field work Inception Note	Agreed Inception Note	DPD / CO* / STTS collaboration Draft Inception Note to E3
Field Work	Interviews of Commission HQ In-depth Analysis Bulgaria and Romania Interviews Poland, Czech Rep, Lithuania Reporting / Case study notes	Reporting. Case study notes.	STTS
Thematic report Planning	Drafting thematic report framework Deciding annexes Team Conference Discussion with BG and RO Teams Allocation of final tasks	Report structure and annex list finalised	DPD STTS Legal STTS CO staff
Drafting	Drafting of final report and annexes Submission to E3 Amendment Final Version Debriefing	Draft thematic report Debriefing meeting	DPD

* ECOTEC Central Office in Brussels

32.   The allocations now proposed, taking account of the allocations in the finalised Work Plan, are as follows. The DPD, as a Long Term Expert, will contribute 100 mandays to this Thematic report over the period up to the end of April 2005. Mr Moody will spend 55 mandays on his activities. Dr D'Sa will spend 10 days on her activities. STTS mandays thus total 65.

Planning

Activity	10	11	12	1	2	3	4	5
K/O meeting			early					
Design questionnaire		■	■					
Inception Note			■					
Research / data analysis	■	■	■					
Field work				■	■	■		
Team Conference						■		
Discussion BG & RO Country Teams						■		
Draft report						■	■	
Follow-up and debriefing								■

Annex 2.   Questionnaire

Questionnaire – Thematic Report on Phare support to the JHA *Acquis*

[NB. The same questions were used for Bulgaria & Romania and for the NMS. The only difference was in the grammatical formulation of some questions to distinguish between a future accession date and a past one.]

I) RESPONDENT PROFILE - As the questionnaire results will be **anonymous** we would ask you to please cross (x) where appropriate to indicate your responsibilities in respect of the Phare programme.

Statement about your relationship to the Phare programme Within your category (a,b,c,d.)there may be more than one appropriate statement	**Cross (X) where appropriate**
a) I represent the Beneficiary	
I participate in the programming of Phare JHA programmes	
I participated in the creation of strategies relevant to the JHA sector	
I participate in the implementation management of Phare JHA programmes	
I am involved in the country – EU relations	
b) I represent the European Commission	
I am involved in the programming of JHA programmes	
I was involved in the creation of JHA sector strategies	
I am involved in the implementation management of programmes	
I am involved in the country – EU relations	
c) I represent the contractor / twinning partner	
I am involved in the management of JHA programmes	
I provide EU expertise to the programmes	
I provide local expertise to the programme	
d) I am involved in the monitoring / Interim Evaluation of the programme	
e) I have no direct involvement in the programme	
I am involved in a programme with common objectives	
I am involved in general with development in the country	
Comments	

To which of the following countries do your answers apply in the main.

Bulgaria	Romania	Poland	Lithuania	Czech Republic	General

II) THE QUESTIONNAIRE

The questions in the following sections are formulated as positive statements. This does not necessarily reflect the opinion of the evaluators but merely facilitates the processing of the data. Please answer each question by crossing (x) the box (1,2,3 or 4)[26] opposite it, which most closely reflects your degree of agreement with the statement. Where it is not possible for you to answer, please cross box number 5.

To what extent do you agree with the following statements?

STRATEGY	1 I completely agree	2 I agree but with some reservations	3 I broadly disagree although the statement contains some truth.	4 I completely disagree	5 Unable to comment / Not relevant
1) There is an **adequate national strategy which is the basis for** Phare support for the JHA sector					
2) This strategy / these strategies have been followed and will be **fully implemented** in time for planned accession?					
3) Strategies have been reconsidered in the light of New Member State (NMS) experience or there are plans to do so.					
4) Strategic planning has been made more difficult by the continued development and **the changing definition of JHA** within the EU in the last 5 years.					

5) Please list the EU and National strategic documents relevant to the JHA sector and indicate who developed them.
•
•

6) What has been the most helpful in understanding the JHA Acquis e.g. Commission documents, working with the ECD, the negotiation process bilateral links with the Members States etc?

7) Is the border between JHA and the Copenhagen Political criteria clear to you – how would you define it?

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[26] Please cross <u>only one</u> box and add comment if the response does not exactly correspond to your opinion

Comments				
	1	**2**	**3**	**4**	**5**
PROGRAMMING	**I completely agree**	**I agree but with some reservations**	**I broadly disagree although the statement contains some truth.**	**I completely disagree**	**Unable to comment / Not relevant**
8) The **people / institutions** involved in the programming process had appropriate skills and knowledge					
9) There is **adequate information** on the status and progress of JHA implementation in the Beneficiary country to programme appropriately					
10) The JHA issues have been **prioritised appropriately** and resources allocated accordingly					
11) The Phare programme provides **appropriate delivery mechanisms** (e.g. TA, Twinning, procurement) to achieve the goals of JHA Acquis implementation					
12) The balance between **investment and institution building** has been appropriate					
13) The appropriate **delivery mechanisms** are selected by the programmers.					
14) The **funds** allocated by the EU were adequate					
15) The national co-financing **funds** allocated were adequate					
16) The **programmes and twinning covenants are technically well designed** and in accordance with the EU PCM best practice.					
17) Lessons learned from previous programmes have been incorporated into the later programmes					

18) Sufficient Phare support has been programmed in the following areas:					
• Schengen					
• Visa					
• Data protection					
• External borders					
• Migration					
• Asylum					
• Police co-op & organised crime					
• Contra Terrorism					
• Contra Fraud & Corruption					
• Contra drugs					
• Money laundering					
• Customs coop					
• Judicial coop in civil & criminal					
• Human Rights' Legal Instruments					

19) Please list programmes which were particularly good or particularly bad examples of design, timing, prioritisation, selection of delivery mechanism (Twinning, TA., procurement) and indicate their positive or negative aspects
   •
   •
   •

Comments on any of the above (examples, clarifications)

	1	**2**	**3**	**4**	**5**
IMPLEMENTATION	I completely agree	I agree but with some reservations	I broadly disagree although the statement contains some truth.	I completely disagree	Unable to comment / Not relevant
20) The contribution of the Beneficiary authorities (financial / human resources) has been adequate and timely?					

21) Stricter enforcement of conditionalities would have led to improvement in performance				
22) Contractors are of consistently high quality				
23) Twinning partners and experts are of consistently high quality				
24) The **selection process** of twinning partners ensures the best candidate is selected				
25) The **tendering and contracting process** did not delay the start of implementation				
26) Failed tenders or otherwise unused funds have negatively affected the programme implementation				
27) What are the most important factors in ensuring a successfully implemented project (if several, in order of importance) • •				
Comments on any of the above (examples, clarifications)				
	1	**2**	**3**	**4**	**5**
MANAGEMENT	**I completely agree**	**I agree but with some reservations**	**I broadly disagree although the statement contains some truth.**	**I completely disagree**	**Unable to comment / Not relevant**
28) Monitoring of programme implementation provided all relevant information for management purposes					
29) Interim Evaluation is a useful management tool appropriately perceived and used by all stakeholders					
30) Progress in achievement of JHA objectives was measured appropriately					

31) The appropriate mechanisms are in place to **respond to lack of progress**					
32) **Communication channels** between all relevant stakeholders are in place and functioning well					
33) **Good inter-institutional coordination** has ensured the maximum synergy effect					

34) Which aspect(s) of management has been the most important in assuring the successes of the Phare programme

-
-
-

Comments on any of the above (examples, clarifications)

	1	2	3	4	5
RESULTS AND IMPACT	**I completely agree**	**I agree but with some reservations**	**I broadly disagree although the statement contains some truth.**	**I completely disagree**	**Unable to comment / Not relevant**
35) The Phare programme has been **instrumental in bringing about substantial improvements** in the following areas:					
• Schengen					
• Visa					
• Data protection					
• External borders					
• Migration					
• Asylum					
• Police co-op & organised crime					
• Contra Terrorism					
• Contra Fraud & Corruption					
• Contra drugs					
• Money laundering					
• Customs coop					

• Judicial coop in civil & criminal				
• Human Rights' Legal Instruments				
36) There are **concerns** about the readiness of national authorities to be able to implement the Acquis in the following areas				
• Schengen				
• Visa				
• Data protection				
• External borders				
• Migration				
• Asylum				
• Police co-op & organised crime				
• Contra Terrorism				
• Contra Fraud & Corruption				
• Contra drugs				
• Money laundering				
• Customs coop				
• Judicial coop in civil & criminal				
• Human Rights' Legal Instruments				
37) It is possible to **directly link progress** in JHA Acquis implementation to the Phare programme				
38) On the basis of current progress the national authorities will be in a position to fully maintain **the integrity of the area of freedom, security and justice** in time for the currently planned accession deadline?				

39) Please give examples of Phare programmes which have been **instrumental** in bringing about substantial improvements in the readiness to implement the JHA Acquis. Why do you think they have been **successfu**l?	
40) Please give examples of Phare programmes which have been **unsuccessful** in bringing about substantial improvements in the readiness to implement the JHA Acquis. Why do you think they have been be **unsuccessful**?	
Comments on any of the above (examples, clarifications)	

Annex 3.   Questionnaire results' summary

Note 1: Column 1 = I completely agree; column 2 = I agree but with some reservations; column 3 = I broadly disagree although the statement contains some truth; column 4 = I completely disagree, and column 5 = Unable to comment / Not relevant.

Note 2: Those questions in the questionnaire which required a written response rather than ticking a box do not appear in the following listing.

Question	ALL Responses				
	1	**2**	**3**	**4**	5
1) There is an **adequate national strategy which is the basis for** Phare support for the JHA sector	49%	37%	2%	4%	9%
2) This strategy / these strategies have been followed and will be **fully implemented** in time for planned accession?	26%	47%	4%	5%	18%
3) Strategies have been reconsidered in the light of New Member State (NMS) experience or there are plans to do so.	25%	25%	4%	11%	37%
4) Strategic planning has been made more difficult by the continued development and **the changing definition of JHA** within the EU in the last 5 years.	14%	16%	16%	14%	40%
8) The **people / institutions** involved in the programming process had appropriate skills and knowledge	26%	58%	12%	0%	4%
9) There is **adequate information** on the status and progress of JHA implementation in the Beneficiary country to programme appropriately	46%	37%	7%	2%	9%
10) The JHA issues have been **prioritised appropriately** and resources allocated accordingly	37%	49%	7%	0%	7%
11) The Phare programme provides **appropriate delivery mechanisms** (e.g. TA, Twinning, procurement) to achieve the goals of JHA Acquis implementation	58%	32%	4%	0%	7%
12) The balance between **investment and institution building** has been appropriate	42%	35%	11%	4%	9%
13) The appropriate **delivery mechanisms** are selected by the programmers.	35%	53%	5%	0%	7%
14) The **funds** allocated by the EU were adequate	46%	39%	9%	0%	7%
15) The national co-financing **funds** allocated were adequate	61%	19%	9%	4%	7%
16) The **programmes and twinning covenants are technically well designed** and in accordance with the EU PCM best practice.	60%	33%	5%	0%	2%
17) Lessons learned from previous programmes have been incorporated into the later programmes	49%	39%	11%	0%	2%
18) Sufficient Phare support has been programmed in the following areas:					
Schengen	32%	16%	0%	5%	47%
Visa	14%	19%	0%	2%	65%
Data protection	7%	0%	18%	7%	68%
External borders	30%	12%	0%	0%	58%
Migration	19%	14%	0%	0%	67%
Asylum	19%	16%	2%	4%	60%
Police co-op & organised crime	28%	25%	7%	0%	40%
Contra Terrorism	9%	12%	9%	2%	68%
Contra Fraud & Corruption	30%	16%	0%	2%	53%
Contra drugs	30%	18%	2%	5%	46%

Question	ALL Responses				
	1	**2**	**3**	**4**	5
Money laundering	23%	23%	0%	0%	54%
Customs coop	16%	11%	4%	4%	67%
Judicial coop in civil & criminal	14%	23%	0%	0%	63%
Human Rights' Legal Instruments	9%	14%	5%	5%	67%
20) The contribution of the Beneficiary authorities (financial / human resources) has been adequate and timely?	32%	56%	7%	0%	5%
21) Stricter enforcement of conditionalities would have led to improvement in performance	19%	30%	21%	18%	12%
22) Contractors are of consistently high quality	28%	46%	2%	0%	25%
23) Twinning partners and experts are of consistently high quality	37%	54%	5%	0%	4%
24) The **selection process** of twinning partners ensures the best candidate is selected	37%	33%	19%	0%	11%
25) The **tendering and contracting process** did not delay the start of implementation	16%	26%	32%	18%	9%
26) Failed tenders or otherwise unused funds have negatively affected the programme implementation	14%	19%	16%	14%	37%
28) Monitoring of programme implementation provided all relevant information for management purposes	49%	42%	2%	4%	4%
29) Interim Evaluation is a useful management tool appropriately perceived and used by all stakeholders	37%	33%	12%	2%	16%
30) Progress in achievement of JHA objectives was measured appropriately	39%	37%	11%	2%	12%
31) The appropriate mechanisms are in place to **respond to lack of progress**	30%	33%	14%	2%	21%
32) Communication channels between all relevant stakeholders are in place and functioning well	40%	46%	7%	2%	5%
33) Good inter-institutional coordination has ensured the maximum synergy effect	33%	39%	19%	5%	4%
35) The Phare programme has been instrumental in bringing about substantial improvements in the following areas:					
Schengen	37%	11%	4%	0%	49%
Visa	14%	12%	0%	0%	74%
Data protection	18%	7%	7%	4%	65%
External borders	33%	5%	2%	0%	60%
Migration	28%	11%	0%	0%	61%
Asylum	21%	14%	2%	0%	63%
Police co-op & organised crime	30%	21%	2%	0%	47%
Contra Terrorism	11%	7%	5%	0%	77%
Contra Fraud & Corruption	23%	16%	5%	0%	56%
Contra drugs	26%	11%	7%	0%	56%
Money laundering	19%	19%	5%	0%	56%
Customs coop	12%	11%	4%	0%	74%
Judicial coop in civil & criminal	16%	16%	4%	0%	65%
Human Rights' Legal Instruments	12%	7%	5%	0%	75%
36) There are concerns about the readiness of national authorities to be able to implement the Acquis in the following areas					
Schengen	4%	4%	14%	19%	60%
Visa	0%	2%	4%	14%	81%
Data protection	5%	5%	4%	11%	75%

Question	ALL Responses				
	1	**2**	**3**	**4**	5
External borders	2%	2%	9%	19%	68%
Migration	0%	4%	9%	19%	68%
Asylum	0%	4%	12%	16%	68%
Police co-op & organised crime	5%	2%	16%	12%	65%
Contra Terrorism	5%	4%	4%	11%	77%
Contra Fraud & Corruption	2%	5%	11%	12%	70%
Contra drugs	2%	7%	11%	14%	67%
Money laundering	2%	7%	7%	11%	74%
Customs coop	0%	2%	9%	9%	81%
Judicial coop in civil & criminal	0%	4%	12%	12%	72%
Human Rights' Legal Instruments	0%	0%	7%	18%	75%
37) It is possible to **directly link progress** in JHA Acquis implementation to the Phare programme	30%	39%	14%	2%	16%
38) On the basis of current progress the national authorities will be in a position to fully maintain **the integrity of the area of freedom, security and justice** in time for the currently planned accession deadline?	32%	18%	7%	4%	40%

Methodological note:

The questionnaire respondents fall into 5 main categories; (i) beneficiary, (ii) Commission Services, (iii) twinning partner/contractor, (iv) monitors and evaluators, (v) not directly involved in JHA. These categories are not mutually exclusive: some of the respondents fall into more than one category. As the analysis in the report involves cross-category comparison, it is important to note that some of the responses will therefore have been included more than once. This does not detract from the methodological validity of comparing responses by respondent type, however. The total number of responses as defined above was 57 with 21 of those having been received from either Bulgaria or Romania.

Annex 4.   Phare programmes & projects in database

Country	Year	Number	Title
Bulgaria	1999	BG 9911	Institution building projects in the field of Justice and Home Affairs
Bulgaria	2000	BG 0005.01	Strengthening the Public Prosecutor's office
Bulgaria	2000	BG 0005.03	Developing and implementing a national Anti-Drugs Strategy
Bulgaria	2001	BG 0103.06	Strengthening the refugees agency
Bulgaria	2001	BG 0103.07	Combating money laundering
Bulgaria	2002	BG 0203.01	Implementation for the strategy for reform of the judiciary
Bulgaria	2002	BG 0203.02	Implementation of the national anti-corruption strategy
Bulgaria	2002	BG 0203.03	Creation of a unified human resources system
Bulgaria	2002	BG 0203.04	Improvement of administrative justice
Bulgaria	2002	BG 0203.05	Combating and raising public awareness of corruption
Bulgaria	2002	BG 0203.06	Strengthening the Public Prosecutor's Office
Bulgaria	2002	BG0203.10	Implementation of the National Schengen Action Plan
Bulgaria	2002	BG0203.11	Strengthening border control and management
Bulgaria	2003	2003-004-937.08.01	Reform of civil and penal procedures
Bulgaria	2003	2003-004-937.08.02	Computerize Judiciary system
Bulgaria	2003	2003-004-937.08.03	Academy of the Ministry of the Interior
Bulgaria	2003	2003-004-937.08.04	Border control
Bulgaria	2003	2003-004-937.08.05	State Agency for Refugees
Czech Republic	1998	CZ9810	Strengthening Border Control/ Strengthening the Institutions of Law Enforcement / Asylum/Strengthening the Independence and Functioning of the Judiciary
Czech Republic	1999	CZ9904.01	Fight Against Economic Crime, Preparation of Schengen Implementation, Strengthening Institutions in their Fight against Organised Crime, Strengthening the Operation of Law Enforcement Institutions and the Judiciary
Czech Republic	2000	CZ00.04.01	Data Protection
Czech Republic	2000	CZ00.07.01	Organised Crime
Czech Republic	2000	CZ00.07.02	Schengen Information System & Border Management
Czech Republic	2000	CZ00.07.03	Strengthening Actions Against the Proceeds of Money Laundering
Czech Republic	2000	CZ00.07.04	Strengthening National Drug Policy
Czech Republic	2000	CZ00.07.05	Life-long Training for the Judiciary
Czech Republic	2000	CZ00.07.06	Strengthening the Operations of the Czech Supreme Court in the Adoption and Application of the Acquis
Czech Republic	2001	CZ01.07.01	Judiciary Reform and Court Management
Czech Republic	2001	CZ01.07.02	Justice Information Network

Country	Year	Number	Title
Czech Republic	2001	CZ01.07.03	Improving the Professional Level of the Czech Prison Service
Czech Republic	2001	CZ01.07.04	Development of Border Control, Migration and Asylum Policies
Czech Republic	2001	CZ01.07.05	Introduction of the EFQM Model in the Czech Police
Czech Republic	2001	CZ01.07.06	Improving the Fight against Corruption and Economic Crime
Czech Republic	2001	CZ01.07.07	Improving the Fight against Violent and Organised Crime
Czech Republic	2002	0282.07.01	Improvement of Border Protection
Czech Republic	2002	0282.07.02	Schengen Action Plan and Information System - Part II
Czech Republic	2002	0282.07.03	Financial Intelligence and Confiscation of Proceeds from Crime
Czech Republic	2002	0282.07.04	Justice Information Network - Part II
Czech Republic	2002	0282.07.05	Upgrading of the Probation and Mediation Services
Czech Republic	2003	CZ2003/004-338.05.01	Judicial Academy and Co-operation in Criminal Matters
Czech Republic	2003	CZ2003/004-338.05.02	Fight against Money Laundering
Czech Republic	2003	CZ2003/004-338.05.03	Combating Fraud against EU Financial Interests and Financial Crime
Czech Republic	2003	CZ2003/004-338.05.04	Strengthening the Fight against Trafficking in Human Beings
Czech Republic	2003	CZ2003/004-338.05.05	Schengen Information System
Estonia	1998	ES9804.01	Strengthening of the Judicial System
Estonia	1999	ES9905	Development of police criminalistics and forensic sciences
Estonia	2000	ES0007-1	Development and implementation of national drug strategies and programme
Estonia	2000	ES0007-2	Police training and education system
Estonia	2000	ES0007-3	Crime prevention
Estonia	2001	ES01.04.01	Developing the readiness to implement SIS
Estonia	2001	ES01.04.02	Enhancing the Administrative Capacity of the Court System
Estonia	2001	ES01.04.03	Program of Information System for Criminal Investigation and Criminal Analysis
Estonia	2002	2002/000-266.03.01	Improving the Effectiveness of Criminal Procedure
Estonia	2003	2003-005-026.05.01	border control
Estonia	2003	2003-005-026.05.02	Automated Fingerprint Identification System
Estonia	2003	2003-005-026.06.01	National Drug Strategy
Estonia	2003	2003-005-850.01.01	Fight against Corruption
Estonia	2003	2003-005-850.01.02	Witness protection system
Estonia	2003	2003-005-850.01.03	Improving investigation involving digital evidence
Estonia	2003	2003-005-850.01.04	Building Competence in European Law
Hungary	1998	HU98.05.01	Strengthening of the Hungarian Border Management System
Hungary	1998	HU98.05.02	Modernisation of Border Crossing Points at Röszke and Letenye

Country	Year	Number	Title
Hungary	1999	HU9907-01	Further Strengthening of Border Management
Hungary	2000	HU0005-01	Customs 2000
Hungary	2000	HU0005-02	Customs Border Modernisation
Hungary	2000	HU0005-03	Schengen Compatible Border Management
Hungary	2000	HU0009.01.01	Modernisation of border crossing station at Csengersima, phase II.
Hungary	2000	HU0006-02	Fight Against Drugs
Hungary	2000	HU0007-01	Data Processing System for the Organisation of Public Prosecutions
Hungary	2001	HU 0103-01	Border Management
Hungary	2001	HU 0103-02	Training of judges and prosecutors
Hungary	2001	HU 0103-03	Customs Border Modernisation
Hungary	2002	2002/000-180-05-01	Development of the Public Prosecutor Office
Hungary	2002	2002/000-180-05-02	Development and institutionalisation of the Co-ordination Forum on Drug Affairs
Hungary	2002	2002-000-315-02-01	SIS
Hungary	2002	2002-000-315-02-02	Juvenile Offenders
Hungary	2003	2003/004-347.03.01	Further Strengthening of the Hungarian Judicial Capacity
Hungary	2003	2003/004-347.03.02	Development of the National Operational Control System of the Hungarian Border Guards
Hungary	2003	2003/004-347.03.03	Support to the Police investigation capacity in the areas of organised crime, financial crime and corruption
Hungary	2003	2003/004-347.03.04	Modernisation of Police Detention Centres
Latvia	1998	LE9807.01	Court System Reform
Latvia	1998	LE9807.02	Training and expert assistance to the Latvian Border Guards on border management procedures for Border Guards
Latvia	1999	LE9905-01	Development of the Eastern border management: Frontiers with Belarus
Latvia	2000	LE0010-01	Development of Integrated Latvian Border Management and Infrastructure
Latvia	2000	LE0010-02	Development and Implementation of Drug Control and Drug Prevention Master Plan
Latvia	2001	LE01.04.01	Inspection infrastructure at seaports and railroad border crossings
Latvia	2001	LE01.04.02	Asylum and Migration Management System
Latvia	2001	LE01.04.03	Preventing, combating and reducing organised crime
Latvia	2002	2002-000-590-03-01	Data State Inspection
Latvia	2002	2002-000-590-10-01	Schengen Information System
Latvia	2002	2002-000-590-10-02	Sea Border surveillance
Latvia	2002	2002-000-590-10-03	State Police
Latvia	2003	2003-004-979.01.03	Corruption Prevention and Combating Bureau
Latvia	2003	2003-004-979.07.01	Judiciary capacity
Latvia	2003	2003-004-979.07.02	Police Training

Country	Year	Number	Title
Latvia	2003	2003-004-979.07.03	State Border Control System
Lithuania	1998	LI9804.01	Building Border Police Stations & TA Twinning (training of border police and judges)
Lithuania	1998	LI9804.02	Twinning
Lithuania	1999	LI9908-01	Adoption and Implementation of the Schengen Acquis including Establishment of a Pilot National Schengen Information System
Lithuania	1999	LI9908-02	Demarcation of the Eastern Border of the Republic of Lithuania with the Republic of Belarus
Lithuania	2000	LT0007-01	Strengthening Illicit Drug Demand and Supply Reduction Capabilities
Lithuania	2001	LT01.07.01	Strengthening the Fight Against Crime through Establishing the National Europol Bureau and Up-grading the Forensic Science Services Central Laboratory
Lithuania	2001	LT01.07.02	Strengthening the Capacity of Lithuania's Judiciary
Lithuania	2002	LI02.03	Migration and Asylum Management System
Lithuania	2002	2002/000-601.03.01	Improving and strengthening control and anti-fraud capacities
Lithuania	2002	2002/000-601.03.02	Strengthening Administrative and Technical Capacity of Personal Data Protection, IT and Electronic Data Security
Lithuania	2002	2002/000-601.04.01	Strengthening the Enterprise Register Service
Lithuania	2002	2002/000-601.04.02	Consular procedures Management System
Lithuania	2002	2002/000-601.04.03	Strengthening the administrative and technical capacity of the Financial Crime Investigation Service to implement effective money laundering prevention measures
Lithuania	2003	2003/004-341.05.01	Alarm, Control & Digital Communication Arrays at Lithuanian Future External Borders
Lithuania	2003	2003/004-341.05.02	Strengthening the National Capacities of the Lithuanian Prosecution
Lithuania	2003	2003/004-341.05.03	Strengthening of Administrative Capacities in the Fight against Corruption
Lithuania	2003	2003/004-341.05.04	Establishment of National SIRENE Unit and Necessary Infrastructure
Poland	1998	PL9804-01	Improving the efficiency of the court system and the public prosecutor's office
Poland	1998	PL9804-02	Eastern border management and infrastructure
Poland	1999	PL9904.04	Reinforcement of home affairs administration and border management
Poland	1999	PL9904.05	Development of a horizontal anti-fraud structure Phase I
Poland	1999	PL9905.02	Liberalisation of capital movements
Poland	2000	PL0004-01	Customs
Poland	2000	PL0005-01	Twinning for border and visa policy
Poland	2000	PL0005-02	Integrated Eastern border management
Poland	2000	PL0005-03	Border crossing in Dorohusk
Poland	2000	PL0005-04	Border crossing in Kuznica
Poland	2000	PL0005-05	Border crossing in Kroscienko
Poland	2000	PL0005-06	Eastern border small projects fund
Poland	2000	PL0005-07	Twinning for the police services:

Country	Year	Number	Title
Poland	2000	PL0005-08	Fight against crime
Poland	2000	PL0005-09	Fight against drugs
Poland	2001	PL01.02.07	Customs organization
Poland	2001	PL01.03.01	Migration and asylum policy
Poland	2001	PL01.03.02	Twinning for Border and visa policy
Poland	2001	PL01.03.03	State Border Protection System
Poland	2001	PL01.03.04	Terespol railway border crossing - stage II
Poland	2001	PL01.03.05	Road Border Crossing in Hrebenne
Poland	2001	PL01.03.06	Border crossing Kuznica Stage III
Poland	2001	PL01.03.07	Eastern Border Small Projects Fund
Poland	2001	PL01.03.08	TA for JHA projects
Poland	2001	PL01.03.09	Fight against crime II
Poland	2001	PL01.03.10	Justice - organized crime and international co-operation
Poland	2001	PL01.03.11	Twinning for Police services
Poland	2001	PL0108-13	Regional Crime Detection Centre Szczecin
Poland	2001	PL0108-19	Strengthening security at the border
Poland	2002	2002/000-196.02.02	Strengthening Poland's Customs Border as Part of the Future Eastern EU Border
Poland	2002	2002/000-196.03.01	State Border Protection System II
Poland	2002	Project 03.01	Twinning for border management and visa policy
Poland	2002	Project 03.02	Twinning for asylum administration
Poland	2002	Project 03.03	Sea border protection system
Poland	2002	Project 03.04	Eastern Border Small Projects Fund
Poland	2002	Project 03.05	Eastern Border Small Infrastructure Projects Fund
Poland	2002	Project 03.07	Fight against crime III
Poland	2002	Project 03.02	Extension of Hrebenne border crossing
Poland	2002	Project 03.01	Migration and asylum policy
Poland	2002	Project 03.03	Construction of Grzechotki-Mamonowo crossing
Poland	2002	Project 03.04	Twinning for the fight against organised and economic crime
Poland	2002	Project 03.05	Improvement of the judicial system
Poland	2002	2002-000-606.19	Strengthening security at the border
Poland	2003	2003-004-379.03.01	Migration and asylum system infrastructure
Poland	2003	2003-004-379.03.02	Eastern border Small Infrastruture Project Fund
Poland	2003	2003-005-710.01.03	Strengthening of the implementation of the Anti-corruption Strategy

Country	Year	Number	Title
Poland	2003	2003-005-710.03.01	Twinning for Border Guard
Poland	2003	2003-005-710.03.02	Protection system of the future external European Union border
Poland	2003	2003-005-710.03.03	Extension of Road Border Crossing in Hrebenne Phare 2003
Poland	2003	2003-005-710.03.04	Grzechotki-Mamonowo II Road Border Crossing
Poland	2003	2003-005-710.03.05	Twinning - Fight against organised crime
Poland	2003	2003-005-710.03.06	Fight against drugs-continuation
Poland	2003	2003-005-710.03.07	Fight against crime IV
Poland	2003	2003-005-710.03.08	Support for the justice system
Poland	2003	2003-005-708.18	Strengthening security at the border
Romania	1998	RO9804.02	Assistance to the Romanian Customs Administration (RCA) in developing more effective control management and border systems
Romania	1998	RO9806.01	Institution Building project for the Ministry of Interior
Romania	1998	RO9806.02	Institution Building project for the Ministry of Justice
Romania	1999	RO-9907-01	Strengthening Border Management and Control (MEUR 10.5)
Romania	1999	RO-9907-04	Support to the National Office for the Prevention and Control of the Money Laundering (MEUR 0.5)
Romania	2000	RO-0006.16	Strengthening border management and asylum (MEUR 18.92)
Romania	2000	RO-0006.17	Fight against drugs (MEUR 1.00)
Romania	2001	RO-0107.16	Strengthening border management
Romania	2001	RO-0107.17	Strengthening the management of the migration phenomenon in Romania
Romania	2002	Project 2002/000-586.04.03	Connection to EU customs systems
Romania	2002	Project 2002/000-586.04.14	Further strengthening of border control and improved management of migration
Romania	2002	Project 2002/000-586.04.15	Modernisation and reform of law enforcement agencies and strengthening of anti-corruption structures
Romania	2002	Project 2002/000-586.04.18	Integrated programme to strengthen the capacity of Romanian institutions involved in the fight against money laundering , the combat against the financing of terrorism and related organised crime
Romania	2003	2003-005-551.04.12	JHA Border Control
Romania	2003	2003-005-551.04.13	JHA Fight against organized crime
Romania	2003	2003-005-551.04.14	JHA Migration
Romania	2003	2003-005-551.04.15	JHA Fight against corruption
Romania	2003	2003-005-551.04.16	JHA Justice for minors
Romania	2003	2003-005-551.04.17	JHA Penitentiary system
Romania	2003	2003-005-551.04.18	Customs Administration

Country	Year	Number	Title
Slovakia	1998	SR9809.01	Ministry of Justice
Slovakia	1998	SR9809.02	General Prosecutor's Office
Slovakia	1998	SR9809.03	Ministry of Interior
Slovakia	1998	SR9809.04	Customs Authority
Slovakia	1999	SR9908.01	Ministry of Justice
Slovakia	1999	SR9908.02	Ministry of Interior
Slovakia	1999	SR9913.01	Customs
Slovakia	2000	SK0008.01	Fight against corruption
Slovakia	2000	SK0008.02	Fight against drugs
Slovakia	2001	SR0108	Strengthening the independence of the judiciary
Slovakia	2002	2002/000-610.19	Project 1 - Implement the Schengen Action Plan and continue to upgrade the infrastructure at the EU future external borders
Slovakia	2002	2002/000-610.20	Project 2 - Information System for the administrative units promoting the law enforcement in the Slovak Customs Administration
Slovakia	2002	2002/000-610.21	Project 3 - Support for the implementation of the Dublin Convention
Slovakia	2002	2002/000-610.22	Project 4 - Strengthening the effectiveness of investigative and prosecution procedures
Slovakia	2003	2003-004-995.01.03	Fight against Corruption
Slovakia	2003	2003-004-995.03.19	JHA asylum seekers
Slovakia	2003	2003-004-995.03.20	JHA EURODAC
Slovakia	2003	2003-004-995.03.21	JHA International airports
Slovakia	2003	2003-004-995.03.22	JHA Judiciary
Slovakia	2003	2003-004-995.03.23	JHA fight against crime
Slovakia	2003	2003-004-995.03.24	JHA Combating Money Laundering
Slovakia	2003	2003-004-995.03.25	Customs Laboratory
Slovenia	1999	SL9908.01	Home Affairs
Slovenia	1999	SL9908.02	Judiciary
Slovenia	2000	SI0005.01	Home Affairs
Slovenia	2000	SI0005.02	Strengthening of the National RETOIX Focal Point and strengthening the drug reduction programmes
Slovenia	2001	SI.0103.01	Home Affairs
Slovenia	2001	SI0107.01	State Border Control on the future external border of the EU
Slovenia	2002	SI0204.01	Project 21 - Home Affairs (Schengen border)
Slovenia	2002	SI0204.02	Project 22 - Border inspection posts on the future external border of the EU
Slovenia	2002	SI0204.03	Project 23 - Modernisation of Judicial System

Country	Year	Number	Title
Slovenia	2003	2003-004-938.10	Future External Border of the EU
Slovenia	2003	2003-004-938.11	General Police Directorate
Slovenia	2003	2003-004-938.12	Asylum Section Police Directorate

Annex 5.   Phare allocations to database projects

Phare Allocation to JHA projects
1998- 2003

Country	Funding	Total €M
Bulgaria	Phare Allocation	57
	National Co-financing	13
Czech Republic	Phare Allocation	56
	National Co-financing	40
Estonia	Phare Allocation	17
	National Co-financing	6
Hungary	Phare Allocation	78
	National Co-financing	167
Latvia	Phare Allocation	36
	National Co-financing	10
Lithuania	Phare Allocation	36
	National Co-financing	23
Poland	Phare Allocation	289
	National Co-financing	174
Romania	Phare Allocation	102
	National Co-financing	35
Slovakia	Phare Allocation	50
	National Co-financing	17
Slovenia	Phare Allocation	51
	National Co-financing	86
Total Phare Allocation		**772**
Total National Co-financing		570

Annex 6.   Interim Evaluations covering database projects

Country	Year	Number	Title	1ST IE report Number	2nd IE report Number	3rd IE report Number
Bulgaria	1999	BG 9911	Institution building projects in the field of Justice and Home Affairs	BG/JHA/02006	BG/JHA/02017	
Bulgaria	2000	BG 0005.01	Strengthening the Public Prosecutor's office	BG/JHA/02017	BG/JHA/03122	
Bulgaria	2000	BG 0005.03	Developing and implementing a national Anti-Drugs Strategy	BG/JHA/02006	BG/JHA/02017	BG/JHA/03122
Bulgaria	2001	BG 0103.06	Strengthening the refugees agency	BG/JHA/02006	BG/JHA/02017	BG/JHA/03122
Bulgaria	2001	BG 0103.07	Combating money laundering	BG/FIN/03075	BG/PAD/02016	
Bulgaria	2002	BG 0203.02	Implementation of the national anti-corruption strategy	BG/JHA/03122		
Bulgaria	2002	BG 0203.03	Creation of a unified human resources system	BG/JHA/03122		
Bulgaria	2002	BG 0203.04	Improvement of administrative justice	BG/JHA/03122		
Bulgaria	2002	BG 0203.05	Combating and raising public awareness of corruption	BG/PAD/03116		
Bulgaria	2002	BG 0203.06	Strengthening the Public Prosecutor's Office	BG/JHA/03122		
Bulgaria	2002	BG0203.10	Implementation of the National Schengen Action Plan	BG/JHA/03122		
Bulgaria	2002	BG0203.11	Strengthening border control and management	BG/JHA/03122		
Czech Republic	1998	CZ9810	Strengthening Border Control/ Strengthening the Institutions of Law Enforcement / Asylum/Strengthening the Independence and Functioning of the Judiciary	CZ/JHA/01009		
Czech Republic	1999	CZ9904.01	Fight Against Economic Crime, Preparation of Schengen Implementation, Strengthening Institutions in their Fight against Organised Crime, Strengthening the Operation of Law Enforcement Institutions and the Judiciary	CZ/JHA/01009		
Czech Republic	2000	CZ00.04.01	Data Protection	CZ/OTH/02027		
Czech Republic	2000	CZ00.07.01	Organised Crime	CZ/JHA/01009	CZ/JHA/02030	CZ/JPA/02035
Czech Republic	2000	CZ00.07.02	Schengen Information System & Border Management	CZ/JHA/01009	CZ/JHA/02030	CZ/JPA/02035
Czech Republic	2000	CZ00.07.03	Strengthening Actions Against the Proceeds of Money Laundering	CZ/JHA/01009	CZ/JHA/02030	CZ/JPA/02035
Czech Republic	2000	CZ00.07.04	Strengthening National Drug Policy	CZ/JHA/01009	CZ/JHA/02030	CZ/JPA/02035
Czech Republic	2000	CZ00.07.05	Life-long Training for the Judiciary	CZ/JHA/01009	CZ/JHA/02030	CZ/JPA/02035
Czech Republic	2000	CZ00.07.06	Strengthening the Operations of the Czech Supreme Court in the Adoption and Application of the Acquis	CZ/JHA/01009	CZ/JHA/02030	CZ/JPA/02035
Czech Republic	2001	CZ01.07.01	Judiciary Reform and Court Management	CZ/JHA/02030	CZ/JPA/02035	
Czech Republic	2001	CZ01.07.02	Justice Information Network	CZ/JHA/02030	CZ/JPA/02035	

Country	Year	Number	Title	1ST IE report Number	2nd IE report Number	3rd IE report Number
Czech Republic	2001	CZ01.07.03	Improving the Professional Level of the Czech Prison Service	CZ/JHA/02030	CZ/JPA/02035	
Czech Republic	2001	CZ01.07.04	Development of Border Control, Migration and Asylum Policies	CZ/JHA/02030	CZ/JPA/02035	
Czech Republic	2001	CZ01.07.05	Introduction of the EFQM Model in the Czech Police	CZ/JHA/02030	CZ/JPA/02035	
Czech Republic	2001	CZ01.07.06	Improving the Fight against Corruption and Economic Crime	CZ/JHA/02030	CZ/JPA/02035	
Czech Republic	2001	CZ01.07.07	Improving the Fight against Violent and Organised Crime	CZ/JHA/02030	CZ/JPA/02035	
Estonia	1999	ES9905	Development of police criminalistics and forensic sciences	EE/JHA/02040		
Estonia	2000	ES0007-1	Development and implementation of national drug strategies and programme	EE/JHA/02040	EE/SOC/02042	
Estonia	2000	ES0007-2	Police training and education system	EE/JHA/02040	EE/SOC/02042	
Estonia	2000	ES0007-3	Crime prevention	EE/JHA/02040	EE/SOC/02042	
Estonia	2001	ES01.04.01	Developing the readiness to implement SIS	EE/JHA/02040		
Estonia	2001	ES01.04.02	Enhancing the Administrative Capacity of the Court System	EE/JHA/02040		
Estonia	2001	ES01.04.03	Program of Information System for Criminal Investigation and Criminal Analysis	EE/JHA/02040		
Hungary	1998	HU98.05.02	Modernisation of Border Crossing Points at Röszke and Letenye	HU/CUS/01016		
Hungary	1999	HU9907-01	Further Strengthening of Border Management	HU/JHA/01020	HU/JHA/02061	
Hungary	2000	HU0005-01	Customs 2000	HU/CUS/01016	HU/CUS/02055	
Hungary	2000	HU0005-02	Customs Border Modernisation	HU/CUS/01016	HU/CUS/02055	
Hungary	2000	HU0005-0	Schengen Compatible Border Management	HU/JHA/01020	HU/JHA/02061	
Hungary	2000	HU0009.01.01	Modernisation of border crossing station at Csengersima, phase II.	HU/CBC/02056		
Hungary	2000	HU0006-02	Fight Against Drugs	HU/HEA/02052	HU/SOC/02051	
Hungary	2000	HU0007-01	Data Processing System for the Organisation of Public Prosecutions	HU/JHA/01020	HU/JHA/02061	
Hungary	2001	HU 0103-01	Border Management	HU/JHA/01020	HU/JHA/02061	
Hungary	2001	HU 0103-02	Training of judges and prosecutors	HU/JHA/02061		
Hungary	2001	HU 0103-03	Customs Border Modernisation	HU/CUS/02055		
Latvia	2000	LE0010-01	Development of Integrated Latvian Border Management and Infrastructure	LV/HAF/03023		
Latvia	2000	LE0010-02	Development and Implementation of Drug Control and Drug Prevention Master Plan	LV/HAF/03023		

Country	Year	Number	Title	1ST IE report Number	2nd IE report Number	3rd IE report Number
Latvia	2001	LE01.04.01	Inspection infrastructure at seaports and railroad border crossings	LV/FIN/02075		
Latvia	2001	LE01.04.02	Asylum and Migration Management System	LV/HAF/03023		
Latvia	2001	LE01.04.03	Preventing, combating and reducing organised crime	LV/HAF/03023		
Latvia	2002	2002-000-590-03-01	Data State Inspection	LV/JUS/03025		
Latvia	2002	2002-000-590-10-01	Schengen Information System	LV/HAF/03023		
Latvia	2002	2002-000-590-10-02	Sea Border surveillance	LV/HAF/03023		
Latvia	2002	2002-000-590-10-03	State Police	LV/HAF/03023		
Lithuania	1998	LI9804.01	Building Border Police Stations & TA Twinning (training of border police and judges)	LI/JHA/01027		
Lithuania	1998	LI9804.02	Twinning	LI/JHA/01027		
Lithuania	1999	LI9908-01	Adoption and Implementation of the Schengen Acquis including Establishment of a Pilot National Schengen Information System	LT/JHA/02086	LI/JHA/01027	
Lithuania	1999	LI9908-02	Demarcation of the Eastern Border of the Republic of Lithuania with the Republic of Belarus	LT/JHA/02086	LI/JHA/01027	
Lithuania	2000	LT0007-01	Strengthening Illicit Drug Demand and Supply Reduction Capabilities	LT/JHA/02086		
Lithuania	2001	LT01.07.01	Strengthening the Fight Against Crime through Establishing the National Europol Bureau and Up-grading the Forensic Science Services Central Laboratory	LT/JHA/02086		
Lithuania	2001	LT01.07.02	Strengthening the Capacity of Lithuania's Judiciary	LT/JHA/02086		
Lithuania	2002	LI02.03	Migration and Asylum Management System	LT/JHA/02086		
Poland	1998	PL9804-01	Improving the efficiency of the court system and the public prosecutor's office	PL/JHA/02093		
Poland	1999	PL9904.04	Reinforcement of home affairs administration and border management	PL/JHA/02093		
Poland	1999	PL9905.02	Liberalisation of capital movements	PL/INT/02094		
Poland	2000	PL0004-01	Customs	PL/PAD/03103	PL/PAD/02096	

Country	Year	Number	Title	1ST IE report Number	2nd IE report Number	3rd IE report Number
Poland	2000	PL0005-01	Twinning for border and visa policy	PL/JHA/02093		
Poland	2001	PL01.02.07	Customs organization	PL/PAD/03103	PL/PAD/03099	
Romania	1998	RO9804.02	Assistance to the Romanian Customs Administration (RCA) in developing more effective control management and border systems	RO/PAD/02106		
Romania	1998	RO9806.02	Institution Building project for the Ministry of Justice	RO/JUS/02108		
Romania	1999	RO-9907-01	Strengthening Border Management and Control (M€ 10.5)	RO/JHA/02115		
Romania	2000	RO-0006.16	Strengthening border management and asylum (M€ 18.92)	RO/JHA/02115		
Romania	2000	RO-0006.17	Fight against drugs (M€ 1.00)	RO/JHA/02115		
Romania	2001	RO-0107.16	Strengthening border management	RO/JHA/02115		
Romania	2001	RO-0107.17	Strengthening the management of the migration phenomenon in Romania	RO/JHA/02115		
Romania	2002	Project 2002/000-586.04.03	Connection to EU customs systems	RO/PAD/03032		
Slovakia	1999	SR9908.01	Ministry of Justice	SK/JHA/02001		
Slovakia	1999	SR9908.02	Ministry of Interior	SK/JHA/02001		
Slovakia	1999	SR9913.01	Customs	SK/JHA/03044		
Slovakia	2000	SK0008.01	Fight against corruption	SK/JHA/02118	SK/JHA/03044	
Slovakia	2000	SK0008.02	Fight against drugs	SK/JHA/02118	SK/JHA/03044	
Slovakia	2001	SR0108	Strengthening the independence of the judiciary	SK/JHA/03044		
Slovakia	2002	2002/000-610.20	Project 2 - Information System for the administrative units promoting the law enforcement in the Slovak Customs Administration	SK/INT/03047		
Slovenia	1999	SL9908.01	Home Affairs	SI/JHA/02001		
Slovenia	1999	SL9908.02	Judiciary	SI/JHA/02001		
Slovenia	2000	SI0005.01	Home Affairs	SI/JHA/02138	SI/JHA/02001	
Slovenia	2000	SI0005.02	Strengthening of the National RETOIX Focal Point and strengthening the drug reduction programmes	SI/JHA/02138	SI/JHA/02001	
Slovenia	2001	SI.0103.01	Home Affairs	SI/JHA/02138	SI/JHA/02001	
Slovenia	2001	SI0107.01	State Border Control on the future external border of the EU	SI/JHA/02001	SI/JHA/02138	
Slovenia	2002	SI0204.01	Project 21 - Home Affairs (Schengen border)	SI/JHA/02138		

Country	Year	Number	Title	1ST IE report Number	2nd IE report Number	3rd IE report Number
Slovenia	2002	SI0204.02	Project 22 - Border inspection posts on the future external border of the EU	SI/JHA/02138		
Slovenia	2002	SI0204.03	Project 23 - Modernisation of Judicial System	SI/JHA/02138		

Annex 7.   Persons interviewed

INSTITUTION	INTERVIEWEE	DATE
Belgium		
EC Brussels JLS A2	Sabine Zwaenepoel - Desk officer Tobias King - Desk officer Helena Alvin - Desk officer	10.01.05
EC Brussels Elarg C 4 Bulgaria	Per Ibold - Task Manager	10.01.05
EC Brussels Elarg A 2 Bulgaria	Richard Ferrer Aid Programme (Phare) Co-ordinator	
EC Brussels Elarg A 3 Romania	Christopher Dashwood Task Manager	11.01.05
EC Brussels Elarg A 3 Romania	Livia Stella Twinning Coordinator	11.01.05
Romanian Representative office Brussels	Carmen Ifrim Counsellor	11.01.05
Romanian Representative office Brussels	Florin Saghi Counsellor	
UK representative office Brussels	Emily Maltman Counsellor	12.01.05
Bulgaria Representative office Brussels	Antianeta Angelova - Counsellor Vesela Shikova - Counsellor	12.01.05
Lithuania		
Asylum Affairs Division of the Migration Department	Mrs Violeta Targonskiene Deputy Head	24.01.05
Ministry of Foreign Affairs Attache of Visas Division of Consular Department of the Ministry of Foreign Affairs	Mr Rimas Kungys Counsellor	24.01.05
Prosecutor General Office	Mr Virginijus Sabutis Deputy Chief Prosecutor of Division (project leader)	24.01.05
State Border Guard Service. Headquarters Deputy Chief	Leutenant Colonel Valentinas Novikovas	25.01.05
Ministry of Finance (NAC).	Mrs Jūratė Vlaščenkienė JHA task manager	25.01.05
Special Investigation Service	Mrs Jūratė Tumoniene Head of International Co-operation Division;	26.01.05
Data protection agency	Mrs Vaida Linartaitė Deputy Director	27.01.05
EC Representation Vilnius	Wolfgang.KOETH Phare Task Manager	27.01.05
Lithuanian Criminal Police Bureau	Mr Edmundas Jankunas Chairman of the International Relations Board	27.01.05
Poland		
UKIE NAC	Monika Kusina-Pycińska - Director Wojciech Porczyk - Expert Leszek Prokopowicz - Expert	31.01.05
National Bureau for Drug Prevention	Andreas Speck - Director Resident Twinning Advisor	31.01.05
Polish Border Guards	Hans Gerhard Doering Resident Twinning Advisor	1.02.05
Transparency International	Julia Pitera Chairman of the Board	1.02.05
Ministry of Interior and Administration,	Janosch Prekowski Resident Twinning Advisor	1.02.05
Ministry of Interior and Administration	Elzbieta Sidorkiewicz Project Leader	2..02.05

INSTITUTION	INTERVIEWEE	DATE
Ministry of Justice and Prosecutors office	Joanna Skoczek Marek Korowajczyk Paweł Korbal(Prosecutor from the NPO)	2.02.05
EC Representation Warsaw	Tina Doerffer Twinning Task Manager for JHA Projects Sabine Kloss-Tullius JHA Task Manager ECD	2.02.05
Polish Border Guards International Co-operation & Integration Bureau	Mr Tomasz Pest Director Mr Janusz Sedko Deputy Director	3.02.05
Police Headquarters	Wioletta Zalewska Senior comissar	4.02.05
Czech Republic		
Unit for Combating Corruption and Major Economic Crimes	Mr. Tomáš Veselka – Director Mr. Ralf Rosanowski Resident Twinning Advisor	<u>14.02.05</u>
Representation of the European Commission	Mr. Howard Harding Phare Transition Team Coordinator	15.02.05
The Office for Personal Data Protection Department of Foreign Relations	Mr. Ivan Procházka - Director Mr. Jiří Měsíček – Deputy Director	15.02.05
Ministry of Justice Department of European Integration	Mrs. Petra Dolníčková, Director	16.02.05
Ministry of Interior Department of EU Integration and Intl. Relations	Mrs. Blanka Ryboňová - Director Mrs. Rázgová – Coordination of Phare projects	16.02.06
Ministry of Interior Security Policy Department	Mr. Jakub Švec - Director Mark Smith - Resident Twinning Advisor	17.02.05
Ministry of Interior Department for Asylum and Migration Policy	Mr. Jiří Čelikovský, Head of the Unit for Schengen Cooperation Ms. Kateřina Škopková – Assistant	18.02.05
Interim Evaluation of EU Funded Projects	Richard Pringle Team Leader -	16.02.05
Ministry of Finance Centre for Foreign Assistance	Mrs. Ludmila Lefnerová, Head of the Unit for Co-ordination of Foreign Assistance Mrs. Sylvie Rohanová, Programme Manager for JHA	17.02.05
Ministry of Finance Financial Analytical Unit	Mr. Jaromír Neužil – Director	18.02.05
Bulgaria		18.02.05
ECD	Mr Yuri Buhrer-Tavanier Task manager for home affairs	1.03.05
Border Police Services	Mr Ivan Sherenkov Director, International Co-operation Directorate,	1.03.05
National Border Police Services	Mr Juergen Hintz Resident Training Advisor	
Cabinet of Ministers	Mr Constantine Palicarsky Head of Commission	2.03.05
USAID Judicial Development Project	Ken Stewart (retired chief judge of Colorado) Project Director	3.03.05
State Agency for Refugees International Co-operation and European Integration Directorate of the agency	Mr Rumen Galev - Secretary General Katerina Slavkova – Expert	7.03.05
Ministry of Finance NAC	Jenya Dinkova - Head of Management of PHARE Funds Department Adelina Vezenkova - Chief expert	7.03.05

INSTITUTION	INTERVIEWEE	DATE
National Drug Intelligence Unit (National Service for Combatting Organised Crime,	Mr Ventzislav Sredev, Head of NDIU	7.03.05
Ministry of Interior	Mr Pablo Albir, RTA Lora Atanassova, Twinning assistant	7.03.05
Ministry of Interior	Mr David Wolstenholme, RTA National Anti-corruption strategy	8.03.05
Ministry of Interior	Monthly progress meeting for home affairs	
Ministry of the Interior Co-ordination and Information Directorate	Mr Lachezar Elenkov Director Nikola Vlahov, Simeon Lubenov, Vencislav Angelov - Heads of Department	2.03.05
National Prosecutors Office	Mrs Pavlina Nicolova, head of IT Department (formerly of International Legal Affairs Department), Mr Nedko Sachariev, expert - International Relations Department Mr Mariano Lorisova, Prosecutor	8.03.05
National Prosecutors office	Wilhelm Wobking RTA	8.03.05
UNHR	Dr Louise Druke - Representative Ms Petya Karayaneva, National Legal Officer	
ECD	Milena Damianova Task Manager for Justice	9.03.05
Anti-corruption TA	Jacques Doucet Team leader	9.03.05
Romania		
Authority for Aliens PIU	Mr Lucian Badea Direcotr	15.03.05
EC Delegation	Mr Radu Hurjui Task Manager	
National Anti-Drug Agency	Ms Carmen Pavon de Paula RTA	15.03.05
National Refugee Office	Mr Willem van Nieuwkerk RTA Mr Florin Cioc Project Leader	16.03.05
National Anti-Drug Agency	M Dumitru Licsandru Director	17.03.05
IT Directorate Schengen Project	Mrs Corina Artopolescu	17.03.05
General Inspectorate of the Romanian Police	Mrs Andreea Campeanu Head of Department Mrs Daniela Mircea Head of PIU	17.03.05
EC Delegation	Mrs Simona Nanescu Task Manager	18.03.05
National Focal Point PIU	Mr. Marin Nicolae Deputy Director	18.03.05
Gendarmerie	Lt Col Mitica Stroe Head of PIU Mr Francois Despres RTA	18.03.05
Authority for Aliens	Mr. Ruben Larjsen RTA	18.03.05
Border Police PIU	Mr. Andrei Voicu Head of PIU Mr Bernd Diele RTA	21.03.05
MAI Human Resources and Management	Mr Daniel Barbu Chief Commissioner – Deputy Director	*18.03.05*
MAI - Schengen	Mr Marcel Guillot RTA	21.03.05
MAI - Directorate for European Integration and International Relations	Mr. Mircea-Ion BACALU Deputy General Director	21.03.05

INSTITUTION	INTERVIEWEE	DATE
MAI - Anti-corruption measures within the MAI	Mr Steve Foster RTA	23.03.05
MAI - DGIPI Anti-coruption measures within the MAI	Mr Chestor General Virgil Ardelean Director General Mr Gabriel Negulescu	24.03.05
NOPCML	Mr. Nicolae Fuiorea Deputy SPO Mr Ferdinando Buffoni PAA	22.03.05
EC Delegation Bucharest	Mrs Camelia Suica Team Leader	22.03.05
National Focal Point	Mr Willem Schewe RTA	23.03.05
NAPO	Mr Costin Varlan – Procurator	24.03.05
NAC – Ministry of Public Finance	Mrs Iulia Gugiu Counselor Mrs Antoaneta Popescu Counsellor	24.03.05