

## Sector Fiche – IPA National programmes / Component I

### 1. IDENTIFICATION

<b>Title</b>	Justice, Home Affairs and Fundamental Rights
<b>MIPD Sector Code</b>	2. Justice and Home Affairs
<b>Sequence no.</b>	3
<b>ELARG Statistical code</b>	Measure 1: 01-36 Measure 2: 01-36 Measure 3: 01-36 Measure 4: 01-36 Measure 5: 01-36 Measure 6: 01-36
<b>DAC Sector code</b>	15130
<b>Total cost</b>	2012: EUR 2,600,000 2013: EUR 6,950,000 TOTAL: EUR 9,550,000
<b>EU contribution</b>	2012: EUR 2,315,000 2013: EUR 5,262,500 TOTAL: EUR 7,577,500
<b>Management mode</b>	Decentralised
<i>Decentralised mngmt:</i> <b>Responsible Unit or National Authority/Implementing Agency(ies)</b>	The Central Financing and Contracting Department (CFCD) will be the Contracting Authority and will be responsible for all administrative and procedural aspects of the tendering process, contracting matters and financial management including payment of project activities. The Head of CFCD will act as the Programme Authorising Officer (PAO) of the project. Central Financing and Contracting Department Ms. Radica Koceva (PAO) Ministry of Finance Tel: +389-2-3231 219 Fax: +389-2- 3106 612 e-mail: <a href="mailto:radica.koceva@finance.gov.mk">radica.koceva@finance.gov.mk</a>
<b>Implementation management</b>	The key beneficiary will be: <u>Ministry of Justice</u> Ms. Frosina Tasevska, Head of Department for European Union and Senior Programme Officer – Tel: +389 2 3106 522 Fax: +389 2 3226 975 E-mail: <a href="mailto:ftasevska@mjustice.gov.mk">ftasevska@mjustice.gov.mk</a>  <u>Ministry of Interior</u> Mr. Sasko Kocev, Head of Section for IPA implementation and Senior Programme Officer) E-mail: <a href="mailto:Sasko.Kocev@moi.gov.mk">Sasko Kocev@moi.gov.mk</a>  <u>Financial Police Office</u> Mr. Jane Silev, Head of Sector Tel: +389-75-344223 E-mail: <a href="mailto:jane.silev@finpol.gov.mk">jane.silev@finpol.gov.mk</a>  <u>Directorate for Personal Data Protection</u>

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<b>Implementing modality</b>	Projects
<b>Zone benefiting from the action(s)</b>	Nationwide

## 2 RATIONALE

### 2.1 LINKS WITH NATIONAL SECTOR OBJECTIVE(S) AND MIPD SECTOR OBJECTIVE(S)

The MIPD 2011-2013 underlines the importance of continuation of the fight against organised crime, training, strengthened cooperation among police bodies and other law enforcement agencies. Further efforts are particularly needed in the forthcoming period to successfully complete the criminal procedure reform, strengthen the police investigation in the pre-trial period. The key objectives of the MIPD fully coincide with the country's identified priorities in the area of rule of law.

The EU legal and institutional framework under Freedom, security and justice is giving the bases for the reform in the area of Justice and Home Affairs developed and implemented within the **National Programme for Adoption of the Acquis** under Chapter 23 "Judiciary and fundamental rights" and Chapter 24 "Freedom, security and justice".

Following the **EU progress report's recommendations**, the main gaps are identified *in the area of anticorruption, financial crime, organized crime and external borders and Schengen*. Therefore the efficient implementation of the anticorruption legal framework and track record in handling high level corruption cases remains as a challenge. Consolidated statistical systems for data collection and analysis are necessary. Furthermore, a formal anti-fraud cooperation structure (AFCOS) remains to be established and made fully operational. In the area of organized crime relevant law enforcement bodies should be strengthened, full implementation of the police reform in practice and the establishment of the National Intelligence Database to be ensured. The new concept of the pre-trial procedure introduced with the new LCP as part of the criminal system reform is a major challenge in legal and institutional terms. Moreover, a comprehensive, multi-disciplinary and victim-centred approach to trafficking needs to be further ensured. With regard to the *external borders and Schengen* the border police still face structural problems, understaffing and lack of budgetary provision.

Law enforcement institutions continue to cooperate, but their respective responsibilities with regard to enforcement of intellectual property rights remain unclear. Although the actions of the Coordination Body for Intellectual Property continued on a regular basis, counterfeiting and piracy remains widespread.

The project will contribute towards the implementation of the **Stabilization and Association Agreement, particularly provisions under Title IV and Title VII** recognising the importance of the approximation of the existing and future laws of the former Yugoslav Republic of Macedonia to those of the Community reinforcing the cooperation, institutions and the rule of law in area such as visa, border control, asylum and migration; prevention and control of illegal immigration; readmission; combating money laundering; preventing and combating crime and other illegal activities; and cooperation on illicit drugs.

The **Accession Partnership** underlines the importance of continuation with the implementation of the Set of Action Oriented Measures for the Fight against organised crime and establishing a sustained track record on implementation of judiciary reforms and strengthening the independence and overall capacity of the judicial system. It calls for providing adequate funding and training for implementation of the police reform, strengthening coordination and cooperation both among police bodies and between the police and other law enforcement agencies and strengthening cooperation between the criminal police and the public prosecutors.

**High level pre accession dialogue** was established in March 2012 introducing new dynamics in the reform process for accession in the EU by boosting the trust and increasing the European perspective of the country. The dialogue is focused on the new activities to be conducted in the framework of the new approach of the European commission by establishment of technical dialogue on the level of approximation in the framework of the Chapter 23 and Chapter 24. There are five areas where key challenges and reform goals were determined for the future period: Freedom of expression, Rule of law, Public administration reform, Electoral reform and Strengthening of the market economy.

Support to the fundamental rights of the country is one of the national strategic priorities, ensuring conditions for better quality of life of the citizens and greater social cohesion. The area of human rights covers wide scope of different areas and target groups which requires the specified priority fields of interventions to be coherent and complementary, as well on complex and well-coordinated national measures and actions in several areas especially fight against discrimination, thus focusing on achieving the objectives of the national strategic and regulatory frameworks.

## **2.2 SECTOR ASSESSMENT – POLICIES AND CHALLENGES**

### ***(1) National sector policy, strategy and context.***

Strengthening the legal state and the rule of law with continuation of the fight against corruption and organized crime and consistent respect of human rights is one of the key priorities of the country building on the policy to achieve full integration with the EU.

Accordingly, the **Work Program of the Government of the former Yugoslav Republic of Macedonia** for the period 2011–2015 is committed to “Uncompromising fight against corruption and crime and efficient law implementation by undertaking deep reforms in the judiciary and public administration”.

The **new State Programme for Prevention and Repression of Corruption, and the State Programme for Reduction of Conflict of Interests** (2011-2015) with Operational Plan was adopted in September 2010.

The Ministry of Justice in July 2007 adopted the **Strategy for Reform of the Criminal Legislation (2007-2011)**. Thus, the reform of the criminal legislation was initiated in two segments: reform of the criminal substantive legislation (Amendments to the Criminal Code were adopted in September 2009) in direction of harmonizing the penal-legal system of the former Yugoslav Republic of Macedonia to the European standards and reform of the criminal procedural legislation (new Law on criminal procedure was adopted in 2010 with *vacation legis* of 2 years).

According to **the Strategic Plan of the Ministry of Justice 2012-2014** the Ministry of Justice shall provide general prerequisites to achieve the primary function of the judicial system and its reform aiming to create independent, impartial, professional and efficient system for respect and protection of the human rights and freedoms.

**The Police Reform Strategy** defines the new organisation of the Ministry of Interior (MoI) and of the Police, as it defines the new methodology of work. In this sense, the reform strategy stresses as necessary to develop capacities to implement the policies at different levels within the Ministry as a whole. According to the new Law on internal affairs and new Law on police the new organizational structure of the Ministry of interior is in place. Beside this there is a need for detailed assessment of the current functioning of the organizational set-up effectiveness and efficiency. Furthermore, analyse of the cooperation between the Ministry of interior and other law enforcement agencies should be conducted.

In continuation, **the Strategic Plan of the MoI** notes the following key objectives: Prevention and detection of organized crime and corruption; Strengthening the trust of all communities in the Police, Completing the Police Reform process, Improving the public security and Improving the efficiency in the fight against terrorism and protection of the national security. Furthermore under the chapter “IT system upgrading”, the Strategic plan envisages “**Implementation of business continuity and disaster recovery system**“

In the area of border management, the **National Strategy on development of the established system for integrated border management** and the derived Action plan determines the following strategic goals: Upgrading of the legal framework in line with the European standards; Strengthening of the capacities and enhancement of the inter-agency cooperation between the organizational structures, ministries and institutions competent in the system for IBM; Building and reconstruction of BCPs; Upgrading of the IT support and of the established systems and projects; Development of the cross-border and international co-operation.

The main goal of the Strategy for intellectual property of the former Yugoslav Republic of Macedonia (2009 – 2012) is to elevate the level of efficiency and effectiveness in the protection and enforcement of the intellectual property rights in the country, in compliance with the standards and rules of the European Union.

**Financial police strategy plan** defines the new organization of FPO, in accordance with the new Law of Financial police which was aligned with the new law of Criminal procedure\_Considering this the FPO shall create capacities for successful implementation of the above mentioned legislation as well as the Governmental policy in the area of fight against financial crime, by means of development of the administrative and other appropriate capacities in accordance to the needs. AFCOS should be established and made fully operational within the Financial police office.

**Strategy for Personal data Protection 2012 – 2016** followed by Action Plan for implementation will provide legal and institutional ground for efficient protection of personal data. The Strategy determinates these strategic goals:

- Ensuring efficient system for Personal Data Protection
- Continuous harmonization of the National Legislation for Personal Data Protection
- Facilitation of the approach and improvement of the efficiency of the evidence of the personal data collections
- Further increasing of the public awareness level for the right of personal data protection
- Optimisation of the institutional capacity
- Increased participation in the International cooperation
- Cooperation with the Commission for protection of the Right of free access to public information, the ombudsman and other state authorities.

## (2) Sector and donor coordination

The coordination of the actions in light of the priorities from the perspective of the EU integration process and the level of alignment with EU criteria is carried through regular meetings of the **Working committee on European integrations** which discuss the level of implementation of NPAA, the fulfilment of obligations deriving from the Stabilisation and association agreement and the implementation of IPA and other foreign assistance. The committee is chaired by the Deputy prime minister where the State secretaries of the ministries participate.

With regard to the anti-corruption policy, the Government's Council for implementation of the Government Action Plan for Fight against Corruption, is the highest coordination government body chaired by the President of the the former Yugoslav Republic of Macedonia. Moreover, Inter-ministerial body for coordination of activities against corruption chaired by a representative from the Ministry of Justice was established by the Government of RM on 29.03.2006 composed of representatives from the: Ministry of Justice, The Ministry of Interior, Public Procurement Bureau, Public Revenue Office, Financial police, Ministry of Local Government, Civil Servants Agency, Secretariat for European Affairs, Higher Public Prosecution Office Stip, Supreme Court, State Audit Office, state Commission for prevention of corruption, Directorate for prevention of money laundering and the Customs Administration. This Inter-ministerial body coordinates the activities of all authorities in the fight against corruption, strengthening the mutual cooperation and mutual notification for exchange of information and data and the implementation of the GRECO recommendations of the Council of Europe and other international organizations with obligation to inform the Government of the former Yugoslav Republic of Macedonia on the carried activities at least once a year.

With a view to monitoring the process of implementation of the Criminal Procedure Code, on 25.10.2011 the Government of the former Yugoslav Republic of Macedonia set up a **Coordinating Body for the Monitoring of the Process of Implementation of the new CPC**, managed by the Minister of Interior and Minister of Justice, and composed of a Vice President of the Government of RM and Minister of Finance, Deputy Minister of Justice, Secretary of State of the Ministry of Justice, Public Prosecutor of the former Yugoslav Republic of Macedonia, Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Offences from Organised Crime and Corruption, Public Prosecutor of the Skopje Public Prosecutor's Office, the President of the Skopje I Basic Court – Skopje, Prosecutor from the Skopje Higher Public Prosecutor's Office, and a Head from the Ministry of the Interior. The Coordinating Body held three meetings at which it was established that the full implementation of the CPC within the legally defined time limit implied setting aside significant funds.

The national aid coordination system is streamlined in terms of improving the quality and accessibility of foreign assistance information and technical skills and capacities of the line ministries in strategic planning, monitoring and management of foreign assistance. The communication and cooperation among line ministries and between the Government and donor community is envisaged through organization of **regular donor coordination meetings**.

In addition to the EU assistance, Justice and Home Affairs area, is supported by other foreign donors as well (World Bank, IFC, USAID, OSCE, the Netherlands, Norway, USAID, etc.) and must be based on the principles of the Paris Declaration from 2005, in order to achieve continuous and substantial progress in the implementation of the specific priorities and activities through the efficient use of the resources.

Considering the presence of many donors in the sector, the Government has made efforts through the **Programme Based Approach (PBA) - „Justice and home affairs” Working Group** to ensure efficient donor coordination in order to avoid possible overlapping and alignment with the national

priorities, which can be further enhanced and supported. The Ministry of Interior and Ministry of Justice are Focal points of this PBA Working group consisting of representatives also from Ministry of Finance, Financial Police Office, Secretariat for European Affairs, and the representatives from the donor community: UNDP, EU, UK, USAID, and Netherlands. In the future this working group shall be used for coordination in the implementation of this SIF.

In the area of anti-discrimination, there has been provided EU support through TAIEX instrument on expert mission held early 2012 on behalf of the Commission for Protection against Discrimination. As well considering the partial project oriented support through the European Initiative on Democracy and Human Rights (EIDHR), there have been a number of actions supported by other donors present in the country in the area of advancement of equal opportunities and protection from discrimination. This assistance was provided by Austria, Norway, Sweden, UK, USA, UN Agencies (ILO, UNDP, UNICEF, UNFPA, etc.) and OSCE.

Considering the presence of many donors in the area of anti-discrimination, the Government has made efforts through the Programme Based Approach (PBA) – ‘Human Capital’ group to ensure efficient donor coordination in order to avoid possible overlapping and to ensure alignment with the national priorities, which can be further enhanced and supported.

Nevertheless, the action on antidiscrimination identified under this sector fiche will contribute to the sustainability and indirect complementarities of the IPA 2007-2011 funded projects within the sector of social development, as well the projects funded under the Operational Programme for Human Resources Development 2007-2013 (IPA Component IV).

### (3) Sector budget and medium term perspective.

Within the regular annual process of planning of the national budget the Ministry of Interior and the Ministry of justice foresee activities and financial resources for the area covered with this sector fiche.

In the area of rule of law, in the national budget for 2011 (governmental sub-programme rule of law: fight against corruption and organized crime, fight against illegal immigration and human trafficking and judiciary reforms) amount to 160.819.000 denars/2.614.943 EUR was predicted... In the same area for 2012 national budget envisages amount to 156.252.000 denars/2.540.682 EUR as follows:

- Fight against corruption and organized crime – 13,445,000 denars/ EUR 218,618
- Fight against illegal immigration and human trafficking – 2,807,000 denars/ EUR 25,642
- Judiciary reforms – 140,000,000 denars/ EUR 2,276,422

These sub-programmes are complementary to the individual budgets of the relevant line ministries and institutions.

Particularly, with regard to the budget of the judiciary, in accordance to the new Law on court budget the state budget resources will be increased gradually from 0.4% to 0.8% of the GDP, until 2015. In this respect the budget of the judiciary for 2011 was increased by 6,511,000 denars compared to 2010 and now amounts to 1,750,412,000 denars. However, in order to reach the 0.8% target, more efforts are needed.

The enforcement of the national budget is enacted by adoption of a Law for execution of the national annual budget separately each year. Usually, this law stipulated the provisions for enforcement of the national budget for each national institution. The regular budgetary process within its planning phase envisages planning of the allocations for the next budgetary year and by certain percentage of projections for 2 (two) forthcoming years.

Considering the previous governmental fiscal data for support of the activities, it is important to underline the lack of financial resources for implementation of comprehensive processes that could lead to achievement of specific objectives envisaged in the national strategic documents. It is necessary on mid-term perspective for the Government to put efforts to ensure consistency with the declared objectives within the national policies and the national budget/overall MTEF of the country, as well as to support coherent and broad sector plans with comprehensive financial frameworks at national and local level.

#### *(4) Sector monitoring system*

The national strategic documents (described in point 2.2) define the scope of the results and indicators foreseen for realization through a comprehensive set of activities. The overall framework for monitoring implementation of sector policies and strategies is a responsibility at the level of ministry and/or coordinative bodies with ensured representation from the relevant stakeholders, which lack capacities for efficient monitoring system based on results performance in the areas covered with this sector fiche. Although the country has put efforts to establish efficient system of monitoring, both for IPA and other donor activities, regular informing to the Government and to the SEA referring to the progress done in each of the NPAA chapters and regular semi-annual reporting is performed in front of the respective committees established in the Parliament. The line ministries are obliged to regularly report on the progress made in every national strategic document and to monitor the implementation of the objectives defined. Information and data could be provided, but knowledge and skills are lacking, thus imposing challenges for successful implementation of any action or multi-sectorial approach needed for their achievement.

During the past years different EU coordinative mechanisms were developed. The level of alignment of the national legislation with the European legislation is regularly monitored through the 35 working groups (WG) per chapters for preparation of the National program for the adoption of the EU legislation (NPAA), among which the WG's on Chapter 1 "Political criteria", Chapter 23 "Judiciary and fundamental rights" and Chapter 24 "Justice, freedom and security" are responsible inter alia for the fulfilment of the requirements within the Justice and Home Affairs. The NPAA is revised annually and the implementation of the activities is monitored on a regular basis.

In addition, the Progress Reports and the Information's assessing the achievements and the progress made against certain issues with regard to the accession criteria and/or SAA implementation measures can be perceived and used as monitoring instruments thereto. Moreover, the implementation of obligations under the SAA is being followed in the framework of the Stabilization and Association Committee and the respective Sub-Committee on justice, freedom and security presided on the country's side by the Ministry of Interior and with active participation of all responsible institutions.

Aside from the afore noted monitoring elements and mechanisms, the sectoral monitoring system is ensured through the monitoring of the fulfilment of the Strategic plan of the Ministry of Justice and of the Ministry of Interior; the monitoring of the implementation of the Working Programme of the Government, which entails activities on justice, home affairs and fundamental rights.

In addition, the sectoral activities which have been supported through IPA assistance are being monitored both at project level (line institutions, CFCD, NIPAC), but also on a programme level in the framework of the IPA TAIB and overall within the framework of the IPA Monitoring Committee.

The sector plan will indirectly support development and consolidation of the sector monitoring system, establishing clear and appropriate relationships between policies, strategies, targets and indicators.

#### *(5) Institutional setting*

**The Ministry of Justice** is competent for securing of the rule of law and better access to justice by preparation, implementation and monitoring of the legal and institutional capacities related to the judiciary, anticorruption, criminal justice, civil justice, administrative justice, legal aid, international legal assistance; human rights; IT in the judiciary and etcetera all in a view for harmonization with the EU legislation taking also other activities related to EU accession process. The **Department for international legal assistance** within the Ministry of Justice of the former Yugoslav Republic of Macedonia has competencies concerning the conclusion of bilateral agreements on international legal assistance, extradition and transfer of sentenced persons, and international legal assistance in dealing with foreign State requests in criminal and civil matters. Matters within the scope of the Department are carried out on the basis of the ratified International and European legal instruments on legal assistance in civil and criminal matters and the national legislation thereto through the Department for extradition and transfer and the Department for handling foreign State requests in criminal and civil matters.

**The State Commission for prevention of corruption** is established as an independent body competent to apply the determined anticorruption measures and activities for prevention of corruption in the execution of powers, public authorities, official obligation and politic, measures and activities for prevention of conflict of interests, activities and measures for prevention corruption in performing activities of public interest by the legal entities related to the exercise of public powers as well as the measures and actions to prevent corruption in the companies. ) In consideration of the importance of the inter-institutional cooperation as a condition for efficient fight against corruption, in 2007 the State Commission for Prevention of Corruption signed a Protocol for Cooperation with 17 institutions mandated also to contribute to the prevention of corruption and conflict of interests, such as: State Audit Office, Public Procurement Bureau, Public Revenue Office, Public Prosecution and etc.

**Agency for managing confiscated property and property gains in criminal and misdemeanour procedures** is competent for the management of seized property, profit and seized items in agreement with the court and the authorised body; executing the procedure for seizure of property and profit, keeping and storing the seized property, evaluation and registering the overall seized property; preparing statistical, financial and other reports on the seized property, etc.

**Ministry of Internal affairs** of the former Yugoslav Republic of Macedonia is public institution that is responsible for: functioning of the public and state safety system; prevention of violent destruction of the democratic institutions determined by the Constitution of the former Yugoslav Republic of Macedonia; protection of life, personal safety and the property of the citizens; prevention of outburst of national, racial and religious hatred and intolerance; prevention of committing criminal and minor offences, identification and arresting perpetrators and undertaking other measures prescribed by Law, for pursuit of the perpetrators; civil affairs and other affairs established with this or separate law.



**The Public Prosecutor's Office** – is sole and autonomous state authority which prosecutes the perpetrators of criminal and other punishable acts as determined by law. The prosecutor power is exercised by the Council of Public prosecutors, 22 basic public prosecutor's offices, 4 high prosecutor's offices and Public Prosecutor's Office of the Republic of The Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption has jurisdiction on the entire territory of the country. According to the new Law on criminal procedure, on 14.12.2012, the Public Prosecutor of the former Yugoslav Republic of Macedonia took a **Decision on the Creation of an Investigating Centre within the Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption in Skopje**, which pursuant to the Law on Public Prosecutor's Office is established for the entire territory of the former Yugoslav Republic of Macedonia, with a seat in Skopje. Furthermore a Judicial police shall be established composed of representatives from the Ministry of interior, Financial police office and Customs office under the competencies of the PPO.

**Financial Police Office** has the competence for implementing financial controls, monitoring the implementation of tax customs and other regulations concerning finance; collect and analyze data on cash transactions; take investigations and other measures when there is reasonable suspicion of criminal acts of organized financial crime; follow the money trail of offences by law include significant amounts of large scale; discover and document crime acts, primarily in the area of organized financial crimes, which are prosecuted ex-duty, such as tax evasion, money laundering, and other proceeds, tax, banking, insurance, stock exchange, customs and other frauds, corruption, abuse of function etc; computer forensics; submit criminal charges to the Public Prosecutor Office within its competence. Moreover, in the area of taxation the FP closely cooperates with the **Public Revenue Office and Customs Administration**. Financial police office with decision of the Ministry of finance is contact point with OLAF. AFCOS should be established and fully operational. Financial police office had 31 employers and 25 of them worked on provisions of Criminal law.

**Academy for Judges and Public Prosecutors** – is public institution with main competence to provide competent, professional, independent, impartial and efficient conduct of the judicial function by means of selection, organizing and implementation of initial training for the candidates for judges and public prosecutors in the basic courts and basic prosecution offices and to provide continuous expert advanced training of the judges and public prosecutors and the judicial and prosecutorial clerks.

**Directorate for Personal Data Protection** is independent institution established to perform inspection over legality of processing of personal data as well as to warn about the risks from the excessive collection of personal data. Further, to recommend use of less invasive methods of the personal data processing that does not infringe the privacy of citizens. Directorate inspects and punishes the excessive and illegal processing of personal data

National outputs foreseen under anti-discrimination measure within this sector fiche are focused on strengthened capacities for development and implementation of activities that would lead to advancement of the situation of the vulnerable groups and advancement of capacities for fight against discrimination. The institutional setting encompassed with the anti-discrimination measure envisages a comprehensive system of bodies. The Government has developed substantial capacities for involvement of critical stakeholders in the anti-discrimination measure covered with this sector fiche.

## **(6) Macro-economic context and Public Financial Management**

The Ministry of Interior, Ministry of Justice, Financial police office Ministry of Labour and Social Policy and Commission for Protection against Discrimination, as well the institution beneficiaries are part of the national system of Public Financial Management (PFM). The support should be focused on strengthening the capacities and development of measures indirectly contributing to the advancement of the situation in the areas covered with sector support plan in the country.

(7) *Sector assessment*

European Union (EU) policies in the field of justice and home affairs are aimed at maintaining and developing the Union as an area of freedom, security and justice. On issues such as border control, combating organized crime, financial crime, fraud and corruption, money laundering, police and judicial cooperation, mutual recognition of court judgments, and human rights legal instruments, the former Yugoslav Republic of Macedonia need to be equipped to ensure that achieves adequate and acceptable standards of implementation. The Institutional and the Administrative capacity also must be up to these standards by the date of accession. Furthermore, an independent, reliable and efficient judiciary and police organization are of paramount importance.

Successful ***fight against corruption*** assumes most importantly the political will. So far good results were achieved in terms of low level corruption, e.g. in cases of corruptive behaviour of border police and traffic police officers and customs officials. However, the number of revealed and prosecuted high level cases of typical corruption remains very low. Face the low number of revealed and investigated cases of typical high level corruption the coordination and exchange of information in terms of repression of corruption (newest developments, modus operandi of perpetrators etc.) should be strengthened.

Concerning the statistical data of the Basic Public Prosecutor's Office for prosecuting organised crime and corruption in Skopje no criminal charges in terms of receiving of or giving a bribe were submitted in the period January 2010 – December 2011. Thus, a proactive approach of the law enforcement agencies is necessary to reveal corruption, i.e. to get first qualified information to initiate investigations. Information gathered by SCPC, State Audit Office (SAO), Public Revenue Office (PRO), Office for prevention of money laundering etc. could be good, already existing resources to initiate such investigations. However, the number of detected cases of corruption based on information of these authorities is very low. In particular, State Audit Office submits their reports - when relevant - also to the SCPC and the Public Prosecutor Office (PPO) and in about 10% of the overall number of SAO reports an abuse of function or breach of law on public procurement are identified, so exchange of their data in the context of prevention and repression of corruption seems essential. Moreover, inclusion of the Public Procurement Bureau under this exchange should also be considered, as well as of the State Appeals Commission who is now in charge to deal with appeals on both public procurement procedures and concessions/public-private partnership award contracts - areas with high risk for corruptive behaviour .Due to the fact that the main tasks of these authorities is not the fight against corruption but rather are requested to gather these and other information in a proactive way. Hence, the PPO shall take a proactive role initiating investigation on the basis of the information, resources and reports submitted by these bodies. The long lasting criminal court procedures in cases of corruption and the capacity of the judiciary to deal with sensitive high level corruption cases in general remains weak. The competent bodies tasked with combating corruption need to have a pro-active approach and widespread allegations of corruption in key areas of concern, such as assets declarations, conflict of interests and illegal financing of political parties. Cooperation between the relevant law enforcement agencies needs to be strengthened. System of collection and processing of relevant data for measuring the extent and nature of corruption, the effectiveness of anti-corruption measures, as well as a track record in handling high level corruption cases is missing when it is necessary to be efficient and functional.

The country is very dedicated to the reforms initiated with regard to the **fight against organized crime** and some progress achieved in this area is evident but however fight against organised crime remains a serious concern. The core element of the reform is the new Law on criminal procedure reforming the structure, organization and jurisdiction in the pre-trial and the court procedure. All relevant laws and bylaws should be harmonized with the new Law on criminal procedure, and the personnel and material-technical capacities of the public prosecution should be strengthened. The lack of material-technical and human resources for full implementation of the Law on the whole territory at this point is evident. Moreover a track record on the implementation of the Criminal code with special emphasis on the reformed provisions is missing. Also, there are needs to further intensify the fight against organised crime, notably by increasing the number of investigations with the use of special investigative measures and by creating an integrated intelligence system for interagency use in the fight against organised crime. Structural problems in the law enforcement agencies and the PPO's fighting organized crime remain apparent. Furthermore, the human resources in the law enforcement agencies are badly balanced: there is a surplus of police and customs officers (in relation to the number of population). To solve the situation, it would be necessary in the frame of the overall reforms to focus on the development of the functional capacities of the law enforcement authorities and the PPO's for a systematic approach in the research and control of the organized crime. A crucial element in the development of a special framework with specific methodologies of work, following the tendencies in the countries of the European Union, is development at national level, a model for criminal –intelligence in the former Yugoslav Republic of Macedonia that shall enable institutionalization, unification of the standards and a strategic and integrated approach in collection and analysis of information regarding organized crime. That shall contribute to more effective partnership and coordination between the police, the customs, financial police, public prosecution and other authorities with appropriate competences, at national, regional and local level.

The **fight against financial crime** remains a serious concern in the country. In the field of **taxation** the capacities of the Financial police office, Ministry of interior, Customs office and other stakeholders should be strengthened since the tax administration doesn't have mandate for tax investigation. Furthermore the fight against financial crime shall be enhanced by increasing the number of investigations with the use of special investigative measures. To solve the situation in the general lack of capacities, it would be necessary to improve collective and individual management capacity; improvement of Investigation stage of criminal procedures carried out; use of sophisticated technical equipment is necessary for fast and efficient suppress and prevention of the financial crime; improved mechanism for identification and reporting of **suspicious transactions**, enhanced effectiveness of law enforcement and prosecution activities in the field of **countering money laundering**; developed appropriate expertise in tackling money laundering cases; completed and strengthened supervisory regime and performed monitoring and assessing the most relevant money laundering risks, having regard to appropriate statistics; strengthened international cooperation with supervisory bodies, law enforcement agencies in the EU and partners countries. Some progress has been made on the **protection of the EU's financial interests**, mainly by signing a Memorandum of Understanding on preventing, investigating and reporting irregularities in implementation of the Instrument for Pre-Accession Assistance (IPA) funds between Financial police office and National authorized officer, but however the operational cooperation of AFCOS and its partners (OLAF, Public prosecutor office, Audit authority, IPA Audit Authority, and other institutions , etc.) need to be strengthened and respective cooperation agreements need to be signed and implemented as well. The National Fund adopted in 2009 Programme Implementation Manual (PIM) for Management of Irregularities for the National Officer and National Fund. The Ministry of finance adopted Degree on the procedure for the prevention of irregularities, the manner of cooperation, format, contents, terms, and the way of reporting irregularities. In this respect, however the legal framework for preventing and detecting irregularities, fraud and other illegal

activities need to be improved and the implementing structures and relevant authorities to be strengthened in order to provide quality of information transmitted to OLAF in this area.

The **judicial cooperation in criminal and civil matters** is regulated in the Law on criminal procedure, the Law on international private law, Law on international cooperation in criminal matters as well as the ratified European Conventions with regard to this matter. Moreover the cooperation agreement with EUROJUST was signed in November 2008 and the law to ratify the agreement was enacted in April 2009. In addition regarding the bilateral cooperation numbers of bilateral agreements on criminal and civil matters were signed on regional and international level. However challenges remain with respect to the development of mutual legal assistance to wider possible extent; mutual sharing of information, simplification of the procedure for extradition, full application of the mutual recognition principle, and in strengthening the cooperation in prosecuting criminals. In this respect detailed assessment of the legal framework and the level of alignment with EU Law in this area is necessary. Specialization and education of judges and prosecutors and regular contacts and exchanges among the national training academies in the region, with the aim of harmonizing these training curricula and promoting joint exchanges of training in this respect is necessary. Moreover, the MLA Request Writing Tool and the on-line Directory of Competent National Authorities are considered of great relevance to the work of practitioners. In general the capacities of all the competent institutions need to be strengthen and contacts to other already established networks and platforms at regional and international level (PROSECO, SEEPAG, EJM and others) need to be further developed and facilitated.

The former Yugoslav Republic of Macedonia has aspiration to become member of EU and in this regard a base for the future **Schengen** information system has to be established. The existing Schengen information system has strict rules for high availability and security. Currently there is a big gap between present status of MOI IT infrastructure and needed Schengen compliant one. In order to fulfil its obligation the Ministry of Interior has a legal responsibility to host data for citizen status, personal identification documents, motor vehicle registration, firearms registration as well as data related to the public safety: criminal records, personal dossier, stop lists, border control files etc. Also, vivid interconnection between Ministry of Interior exchanges information with other law enforcement agencies responsible for fight against specialized form of crime.

In the case of disaster, Ministry of Interior doesn't have developed Disaster recovery process, policies and procedures and there is no specialized Disaster recovery data centre which will enable business continuity of the IT systems that support business functions of the Ministry of Interior. More precisely at the moment there is no information continuity plan in place, just procedure for handling incidents. Disaster recovery is not included and there is no training on disaster recovery in place. Critical information technology resources are not identified and no back-up site and hardware are maintained for IT continuity. Because of the fact that the Disaster Recovery IT Center is of crucial importance for the MOI, the management of the MOI decided to plan the activities and resources first, needed for safeguarding and restoring the IT systems operations and data availability in the event of a disaster and then to build-up the Disaster Recovery IT Center.

In order to assess the current situation, a Framework contract for Preparation of Feasibility study for establishment of Business Continuity and Disaster recovery data centre under the Project Preparation Facility 2009 will be implemented.

**Personal data protection** is regulated with the Law on Personal Data Protection adopted in 2005 with additional changes in 2008, 2010 and 2011. This law ensures protection of the personal data through inspection over the legality of the processing of personal data, issuing opinions, prevention, trainings and continuous informing of the stakeholders. At the European level, all the legislation is changing in order to ensure full functioning of the concept of privacy protection and introducing the new standards in this area. Currently, the EU is discussing amendments and modifications to Directive 95/46/EC and the modernization of Convention 108/81 of the Council of Europe. These

changes and new Regulative will be the country's obligation in the near future for which the Directorate and the controllers for the country have to be prepared for, as well as new Law on personal data protection and harmonization of the national legislation in separate areas and of the bylaws is needed. The important step in ensuring the protection of the personal data is establishment of the efficient system, which means, strengthening the mechanisms for legal protection, raising the level of cooperation with the controllers and processors, improving the efficiency of the inspection and the execution of the decision of the Directorate, unification of the legislation for personal data protection, strengthen the role of the data protection officers, improvement of the Register of the Directorate for Personal Data Protection and improved cooperation with other state authorities and civil society.

### **3 DESCRIPTION**

#### **3.1 OVERALL OBJECTIVE OF THE IPA SECTOR SUPPORT**

The global objective of this sector fiche is the consolidation of the rule of law in the country through improved implementation of international and European Union standards and recommendations in the areas of freedom, security, justice and respect of human rights.

#### **3.2 SPECIFIC OBJECTIVE(S) OF THE IPA SECTOR SUPPORT**

Improved implementation of the international and European Union standards and recommendations in areas such as border control, combating organized and serious crime, financial crime, fraud of EU funds, corruption, money laundering, judicial cooperation, IT infrastructure needed to meet Schengen zone requirements and protection of personal data.

#### **3.3 RESULTS**

##### **Measure 1: Prevention and repression of corruption, including improved inter-institutional cooperation**

- New State Programme for Prevention and Repression of Corruption and Conflict of Interest based on legal, institutional, practical and sectoral integrity vulnerability gaps assessment and anti-corruption monitoring results prepared and put in operation;
- Sectoral anti-corruption and integrity strategies improved and their implementation in practice enhanced;
- National anti-corruption report including quantitative and qualitative analysis of corruption trends and results developed;
- Exchange of data between relevant institutions through interoperability system substantially improved;
- Inter-institutional cooperation and coordination of relevant institutions and non-governmental sector to prevent and fight corruption enhanced;
- Anti-corruption whistle-blower mechanisms in public and private sector enhanced and recourse to them increased;
- Capacities for conducting sectorial integrity risk assessment, corruption prevention, anti-corruption investigations, prosecution, trial, joint operations, intelligence gathering on anti-corruption and sharing between relevant institutions strengthened;
- Integrity systems in public administration at local and central level upgraded;
- Technical and strategic advice and support in implementation of anticorruption policy in line with international and EU standards provided;
- Standard operative procedures (SOPs) for the detection, investigation and prosecution of corruption-related offences, for the effective cooperation between law enforcement bodies, public prosecutors and other relevant bodies, and for improved inter-institutional relations upgraded/developed and put in practice;

- Awareness of public and private sector employees and citizens on the harm of corruption for the development of the country as well as on the tools to fight corruption enhanced, visibility of anti-corruption institutions and their links with citizens improved, zero tolerance to corruption increased;
- The system of seizure and confiscation of assets acquired from corruption enhanced and recourse to seizure and confiscation in corruption cases increased;
- Anti-corruption surveying system upgraded and tested in practice;
- Equipment, including software and other material-technical items, for the institutions involved in prevention of and fight against corruption, including law enforcement bodies, courts, public prosecutor's offices, SCPC, Agency for confiscation of assets, Public Revenue Office and State Audit Office supplied, installed, tested and relevant authorities trained to use it;
- Track record in detecting, investigating, prosecuting corruption cases and sanctioning for corruption offences improved;
- Public trust in anti-corruption institutions and anti-corruption policy increased.

**Measure 2: Further strengthening of the capacities for fight of organized and serious crime**

- Gap analysis of the legal, strategic and institutional framework, as well as the existing forms of cooperation, information analysis and exchange between the law enforcement agencies and other relevant authorities in the field of prevention and suppression of priority forms of organized and serious crime, including also drugs and human trafficking, other forms of cross-border crime, piracy and counterfeiting (intellectual property), child abuse and cyber-crime, conducted and recommendation/legal amendments to address legal and practical gaps prepared, enhanced mechanisms put in practice and tested;
- Standard Operating Procedures (SOPs) on investigation of all forms of organized and/or serious crime developed/upgraded, put in operation and tested;
- Inter-institutional cooperation in the area of organised crime strengthened;
- Training curriculum for the law enforcement agencies, public prosecutors, judiciary, Coordination body for Intellectual property and other relevant authorities on the SOP's, detection, investigation, prosecution and trial of priority forms of organized and serious crime including also drugs and human trafficking, other forms of cross-border crime, piracy and counterfeiting (intellectual property), child abuse and cybercrime, prepared and training delivered;
- On the job support and coaching at central, regional and local level for the law enforcement agencies and public prosecutors in further implementation of intelligence-led policing provided, recommendations for further improvement of the system and assistance in their implementation provided;
- On the job support and coaching at central, regional and local level in further implementation of the risk analysis and management system in the area of border crimes provided, recommendations for further improvement of the system and assistance in their implementation provided;
- On the job support and coaching at central, regional and local level for conducting investigations in the area of cybercrime and in application of investigative techniques for cybercrime provided, recommendations for further improvement of the system and assistance in their implementation provided;
- Assessment, as well as on the job support and advice/recommendations to all relevant institutions about further implementation of the new Law on Criminal Procedure in line with international and EU standards provided;
- Needs assessment for supply of equipment, including software and other material-technical items, and infrastructure for the relevant law enforcement agencies, courts, investigative centres, public prosecution offices and supervisory bodies for a more effective and efficient fight against organized and serious crime carried out, and Tender Dossier for supply prepared;

- Equipment/infrastructure supplied, installed, tested and relevant authorities trained to use it.

**Measure 3: Strengthening of the capacities for fight against financial crime and frauds of EU funds**

- Needs assessment for supply of equipment and vehicles for the relevant law enforcement institutions, public prosecutor's offices, investigative centres and supervisory institutions and Tender Dossier for supply prepared;
- Equipment and vehicles supplied, installed and tested and relevant authorities trained to use it.

**Measure 4: Strengthening the judicial cooperation in civil and criminal matters**

- Legal framework and practice on judicial cooperation in criminal and civil matters, extradition and other international judicial cooperation matters fully aligned with EU and International standards;
- Institutional structures and capacities of the judicial and state bodies working on judicial cooperation enhanced;
- Practical advice and mentoring on judicial cooperation matters provided;
- Platforms for information sharing on national, regional and international level enhanced;
- Regular contacts and exchanges among the national training academies in the EU and the region with the aim of harmonizing the training curricula and promoting joint exchanges of training in the area of judicial cooperation established/enhanced;
- Regional experience sharing and networking event for relevant officials organized;
- Specialized training of judges, prosecutors and other relevant officials on local, regional and EU level delivered through various modes of training and practical tailor-made workshops;
- Mutual legal assistance request writing tool developed/upgraded, installed, tested and relevant authorities trained to use it;
- Web tools related to the international judicial cooperation enhanced.

**Measure 5 - Establishment of Home affairs Business Continuity and Disaster recovery data centre as a base for the future Schengen information system**

- Existing Feasibility study for establishment of Business Continuity and Disaster recovery data centre reviewed and upgraded;
- Legal and institutional framework for the functioning of the new Business Continuity and Disaster recovery data centre prepared;
- Tender dossier for works based on the Feasibility study prepared;
- Premises constructed/refurbished.

**Measure 6 - Support to access to right on Protection of Personal data**

- The Strategy for Personal Data Protection in the former Yugoslav Republic of Macedonia 2012 – 2016 and its action plan implemented;
- Ensured efficient system for Personal Data Protection;
- Assessment of further actions needed in the field of national Data Protection conducted;
- National Personal Data Protection System with the new EU and international standards harmonized;
- Public awareness for the right on Personal data protection increased and Communication strategy implemented;
- Operational and institutional capacity of the DPDP to implement the Law on Data Protection strengthened;
- Developed forms / tools for cooperation between the DPDP and the controllers and the processors of personal data;

- The balance between the right to free access to public information and other forms of transparent governance and the protection of personal data improved;
- Data protection system within the law enforcement agencies, PPO, other relevant institutions and judiciary strengthened;
- Data protection regime applicable to asset declarations, statements of interest, as well as financing of political parties and election campaigns assessed and enhanced in line with international best practices;
- Inter-institutional cooperation and coordination of DPDP with other relevant institutions and civil society strengthened;
- International cooperation of the DPDP enhanced;
- Implemented ISO standardization process.

### **3.4 MEASURES/OPERATIONS TO ACHIEVE RESULTS**

#### **Measure 1: Prevention and repression of corruption, including improved inter-institutional cooperation**

- Assistance in the preparation and implementation of the new State Programme for Prevention and Repression of Corruption and Conflict of Interest based on legal, institutional, practical and sectorial integrity vulnerability gaps assessment as well as anti-corruption monitoring results provided;
- Sectorial anti-corruption and good governance strategies, including in the fields of public administration, public procurement, business sector, law enforcement, judiciary, taxation, customs and other key fields, improved and their implementation through legal/institutional changes, risk mitigation and integrity plans, inclusion of non-governmental sector, trainings, advice, and supply of equipment enhanced;
- Methodology and legal/institutional arrangements for the preparation of national anti-corruption reports on the basis of international/EU best practices upgraded/developed and put in practice;
- The first national anti-corruption report including quantitative and qualitative analysis of corruption, its trends and anti-corruption measures in key sectors, including public administration, judiciary, political, business and public procurement sectors, based on confidential surveys, interviews and other sources of information prepared (building on the outputs of IPA 2010 project “Support to efficient prevention and fight against corruption”);
- Interoperability system for anti-corruption institutions, including law enforcement agencies, public prosecutor’s offices and SCPC, with other bodies, including PRO, law enforcement agencies, Financial Intelligence Unit, Cadastre, Central Registry, CDS and ORC in accordance with the Ministry of Information Society project for interoperability introduced/upgraded and tested in practice, relevant institutions trained how to use it;
- Existing forms of cooperation and mechanisms of information analysis and exchange between the relevant public authorities and between the latter and non-governmental sector actors (chambers of commerce, social partners, NGO, professional associations, citizens, etc.) assessed, recommendations for their enhancement provided, enhanced cooperation mechanisms put in practice and tested;
- Greater inter-institutional cooperation in the area of anti-corruption ensured;
- Legal, institutional and practical gap analysis of existing anti-corruption whistle-blower mechanisms in public and private sector conducted, recommendations/legal amendments for their further improvement provided, upgraded mechanisms put in practice and tested;
- Practical workshops, trainings and mentoring in conducting sectorial integrity risk assessment at local and central level, development of integrity plans, prevention of corruption, anti-corruption investigations, prosecution, trial, joint operations, intelligence gathering on anti-corruption and sharing between relevant institutions based on the needs assessment and experiences of IPA 2010



Project “Support to efficient prevention and fight against corruption”, UNDP and other donors’ interventions provided;

- Integrity systems in public administration at local and central level further upgraded building on previous interventions of the Government and donors;
- Technical and strategic advice on high level and support in implementation of anticorruption policy in line with international and EU standards provided;
- Standard operative procedures (SOPs) for the detection, investigation and prosecution of corruption-related offences, for the effective cooperation between law enforcement bodies, public prosecutors and other relevant bodies, and for improved inter-institutional cooperation prepared/upgraded; risk assessment conducted; training curriculum for relevant officials on these SOPs developed, trainings delivered, practical mentoring in implementation of these SOPs provided;
- Effective advocacy and watchdog tools/activities for the public and private sector and citizens to prevent and fight corruption developed and put in practice, awareness activities on corruption, its harm for the development of the country as well as on the tools to fight it organized, visibility of anti-corruption institutions and their links to citizens enhanced, zero tolerance to corruption increased;
- Legal, institutional and practical gap analysis of existing system of seizure and confiscation of assets carried out, recommendations/legal amendments for its further improvement provided; upgraded mechanisms put in practice and tested (building on IPA 2010 project “Support to efficient prevention and fight against corruption”).
- Assessment of existing anti-corruption surveying system conducted, recommendations/legal, institutional and IT solutions for its improvement provided, two upgraded surveys of citizens and key target groups (public officials, judges, prosecutors, law enforcement and supervisory bodies’ officials, lawyers, businessmen, civil society, media, education workers) on the nature and prevalence of corruption, its trends and respondents’ trust in anti-corruption policy and institutions organized (at the beginning and at the end of the current intervention);
- Needs assessment on equipment, including software and other material-technical items, for the institutions involved in prevention of and fight against corruption, including law enforcement bodies, courts, public prosecutor’s offices, SCPC, Agency for the management of confiscated assets, Public Revenue Office and State Audit Office carried out, tender dossier for supply prepared, equipment supplied, installed, tested and the recipients trained to use it.

## **Measure 2: Further strengthening of the capacities for fight of organized and serious crime**

- Analysing the gaps of the legal strategic and institutional framework as well as the existing forms of cooperation, information analysis and exchange between the law enforcement agencies and other relevant authorities in the field of prevention and suppression of priority forms of organized and serious crime, including also drugs and human trafficking, other forms of cross-border crime, piracy and counterfeiting (intellectual property), child abuse and cybercrime, preparation of recommendation/legal amendments to address legal and practical gaps, testing and putting in practice of the enhanced mechanisms;
- Preparing/upgrading Standard Operating Procedures (SOPs) on investigation of all forms of organized and /or serious crime, as well as providing practical mentoring on and risk assessment in respect to the implementation of the abovementioned SOPs;
- Preparing training curriculum for the law enforcement agencies, public prosecutors, judiciary, Coordination body for Intellectual property and other relevant authorities on the SOP, effective detection, investigation, prosecution and trial of priority forms of organized and serious crime including also drugs and human trafficking, other forms of cross-border crime, piracy and counterfeiting (intellectual property), child abuse and cybercrime and delivering of trainings;

- Carrying out practical workshops, on the job support and coaching at central and local level for the law enforcement agencies and public prosecutors in further implementation of intelligence-led policing in priority areas targeted by the project, providing recommendations for further improvement of the system and assisting in their implementation;
- Ensuring inter-institutional cooperation in the area of organised crime;
- Providing practical assistance and coaching at central and local level in further implementation of the risk analysis and management system in the area of border crimes, providing recommendations for further improvement of the system and assisting in their implementation;
- Providing practical assistance and coaching at central and local level in implementation of the methodology for conducting investigations in the area of cybercrime and in application of investigative techniques for cybercrime, developing recommendations for further improvement of the system, and assisting in their practical implementation;
- Providing assessment, as well as on the job support, training and advice/recommendation to all relevant institutions for further implementation of the new Law on Criminal Procedure in line with international and EU standards;
- Conducting needs assessment for supply of equipment, including software and other material-technical items, and infrastructure for the relevant law enforcement agencies, courts, investigative centres, public prosecution offices and supervisory bodies, for a more effective and efficient fight against organized and serious crime;
- Preparing tender dossier for supply of equipment, including software and other material-technical items, and infrastructure and training relevant authorities how to use it;
- Testing the application of the new equipment/infrastructure in practice.

**Measure 3: Strengthening of the national capacities for fight against financial crime and frauds of EU funds**

- Conducting needs assessment for supply of equipment and vehicles at for the relevant law enforcement institutions, public prosecutor's offices, investigative centres and supervisory institutions and preparation of the tender dossier;
- Supply, installation and training of the personnel on the usage of the equipment and vehicles.

**Measure 4 - Strengthening the judicial cooperation in civil and criminal matters**

- Prepare gap analysis of the existing legal framework and practice on judicial cooperation in criminal and civil matters, extradition and other international judicial cooperation matters, assess the alignment with EU and International standards, provide recommendations/legal acts for system's enhancement, put in practice and test enhanced mechanisms;
- Assess the institutional structures and capacities of the judicial and state bodies working on judicial cooperation, provide recommendations for their enhancement, put in practice and test enhanced mechanisms;
- Provide practical advice and mentoring on judicial cooperation matters;
- Analyse existing platforms for information sharing on national, regional and EU level, provide recommendations for their enhancement, put in practice and test enhanced mechanisms;
- Assess the level of cooperation between the national training academies in the region and in the EU on the matters of judicial cooperation, with the aim of harmonizing the training curricula and promoting joint training, provide recommendations on enhanced cooperation, put in practice new cooperation mechanisms;
- Organize a regional experience sharing and networking event on judicial cooperation;
- Organize specialized training and practical tailor-made workshops on judicial cooperation for judges, prosecutors and other relevant officials on local, regional and EU level;

- Develop/upgrade mutual legal assistance request writing tool, install and test it, and train the relevant authorities how to use it;
- Enhance the existing web tools related to the international judicial cooperation.

**Measure 5: Establishment of Home affairs Business Continuity and Disaster recovery data centre as a base for the future Schengen information system**

- Reviewing and upgrading of the existing Feasibility study for establishment of Business Continuity and Disaster recovery data centre, including assessing risks and linkages with the other relevant databases, as well as the conditions for the connection of other state institutions to this system;
- Preparing the recommendations/legal amendments for the upgrading of the legal and institutional framework for the new Business Continuity and Disaster recovery data centre;
- Supervision of the construction works (the preparation of the tender dossier for works will be covered under TAIB 2012 PPF/SM);
- Construction/refurbishment of the premises;

**Measure 6: Support to access to right on Protection of Personal data**

- Preparation of the Assessment of the implementation of the Strategy for Personal Data Protection in the former Yugoslav Republic of Macedonia 2012 – 2016 and its action plan;
- Preparation of the Recommendations / legal amendments for complete implementation of the Strategy;
- Assessment of further needs in the field of data protection and assistance in the preparation of new strategic documents;
- Recommendations, legal amendments and mechanisms of alignment of national data protection system with EU and international standards prepared and implemented in practice;
- Strengthening the mechanisms for legal protection through unified mechanism for submission of requests for violation of the right of Personal Data Protection;
- Improving the efficiency of the inspection and efficiency of the execution of the decisions of the DPDP;
- Strengthening of the role of the Data Protection Officers;
- Improving the efficiency in exercising the right of access to personal data by citizens;
- Making anonymous and publishing of the misdemeanour sanctions from DPDP;
- Conducting public awareness activities for the right on personal data protection including organizing national and international events, upgrading DPDP and other relevant institutions' websites, introducing innovative information collection and learning tools;
- Drafting and adopting relevant Guidelines, manuals, Check Lists according to the new EU legislation for Personal Data Protection (for example: Guidelines for unification of the implementation of the personal data protection legislation, guideline for data protection officers, Manuals for protection of the rights of the citizens for access to their personal data which rises from the Law on personal data protection.);
- Introducing of the On line inspection, as new way of performing inspection using the up to date technology;
- Improving and promoting the Register for Personal Data protection according to the new provisions from EU legislation;
- Organizing and performing capacity building measures (seminars, workshops, on the job advice) for the needs of the staff of the Directorate for data protection and all other relevant institutions dealing with data protection both at local and central level;

- Raising the level of cooperation with controllers and processors through special training programs, categorization of opinions and reprimands, analysis of the effects from the education and suggested measures to the controllers;
- Implementing comprehensive , legal, institutional and practical measures for ensuring the balance between the right to free access to public information and other forms of transparent governance and the protection of personal data;
- Conducting the assessment of existing personal data protection system within the law enforcement agencies, PPO and judiciary, preparing recommendations/legal amendments and putting them in practice;
- Assessing the data protection regime applicable to asset declarations, statements of interest, as well as financing of political parties and election campaigns, preparing recommendations/legal amendments and putting them in practice;
- Inter-institutional cooperation and coordination of DPDP with other relevant institutions and civil society strengthened;
- Enhancing the international cooperation of the DPDP;
- Implementing ISO standardization requirements for establishing, implementing, operation, monitoring, reviewing, maintaining and improving a document Information Security Management system in DPDP in line with its needs;
- Conducting a needs assessment for upgrading the equipment, including software, of DPDP for inspection supervision and other relevant activities, preparing the tender dossier and supplying the equipment.

### **3.5 OVERVIEW OF PAST OR ON-GOING ASSISTANCE, LESSONS LEARNED, MECHANISMS FOR DONOR COORDINATION/SECTOR WORKING GROUP AND/OR POLICY DIALOGUE**

The largest portion of assistance available to this sector is provided by the European Union, which implemented programmes in the following fields: legislative reforms in integrated border management, immigration and asylum, fight against crime and corruption, upgrading the country's border posts, providing support to institutions,.

In addition to the EU assistance, the reform of the judicial system, is supported by other foreign donations (World Bank, IFC, USAID, OSCE, the Netherlands, Norway, USAID, etc.) and must be based on the principles of the Paris Declaration from 2005, in order to achieve continuous and substantial progress in the implementation of the specific priorities and activities through the efficient use of the resources

Considering the presence of many donors in the sector, the Government has made efforts through the Programme Based Approach (PBA) – "Justice and home affairs" and "Human Capital" groups to ensure efficient donor coordination in order to avoid possible overlapping and alignment with the national priorities, which can be further enhanced and supported. Moreover, a High Level Working Group, chaired by the Deputy Prime Minister for EU Affairs and National Aid Coordinator, with representatives from the Government (SEA, Ministry of Finance), the UNDP/SEA Project "Capacity building for Aid Coordination" and the donor community (EU, Austria, Switzerland, Sweden, USA, World Bank and UN) gives directions and monitors the work of the programme working groups.

### **3.6 SUSTAINABILITY**

The sector fiche will contribute in strengthening the capacities of relevant and involved ministries in the fight against corruption, organized crime, (drugs trafficking, sexual exploitation of children and child abuse, human trafficking, illegal migration and cross border crime, cybercrime, piracy and

counterfeiting etc.), financial crime, **it will establish the base** for the future Schengen information system and it will contribute towards further implementation of the principles for protection of the personal data.

By supporting national strategic objectives on protection from discrimination, the sector fiche will provide strengthened capacities and added value to the national comprehensive policy measures and actions. In addition, the activities envisaged with this SF will support further improvement of the regulatory framework in the sub-sectors and its implementation, raised public awareness and strengthened human resources. Sustainability will be embedded in the national system for better use of available human and material resources, improved conditions for living, working and social conditions for all citizens, system and institutional co-activities in the function of accelerated development, higher standard and better quality life. Likewise, the sector fiche will further contribute to the development of integral, transparent and sustainable system in order to ensure accessible, efficient and qualitative measures and services created upon the needs of the beneficiaries. Additionally, it will contribute towards capacity building of the responsible bodies for protection and prevention against discrimination.

### **3.7 ASSUMPTIONS AND PRECONDITIONS**

#### Risks

- Delayed inception: Additional problems can appear when projects are characterised by a long take-off. Often preliminary analysis are not conducted in order to check whether circumstances have changed since design phase, which, in turn, could call for an adjustment of the project fiche prior to embarking into the implementation phase;
- Better linkages between projects belonging to the same sector should be ensured (at both design and implementation levels). External coordination with other international donors has to be also ensured;
- Communication between project management, contractor and beneficiaries: is sometimes unsatisfactory and results in partners not having a clear understanding of the objectives/content of the project as well as the nature/level of the commitment expected from them;
- Absorption capacity is often over-estimated; partners are often unable or unwilling to provide the necessary human and material resources. The availability and permanence of adequate resources is an issue that should be addressed up-front before implementation of some project's components.
- Insufficient commitment from the relevant institutions in the beneficiary country to complete/follow up the reforms launched in the framework of EU assistance.

Above mentioned risks will be mitigated with appropriate measures and appropriate actions such as: establishing good communication channels between all involved stakeholders in the implementation of the project, risk assessment of the contracts will be made prior to the start of implementation and corrective measures during individual projects implementation, regular meetings initiated by relevant stakeholder will be organized and regular monitoring will be conducted.

#### Assumptions:

- Continued support from the EU ensured;
- Commitment of the beneficiary country to the EU integration and relevant reform processes;
- Good cooperation between institutions, in particular in relation to the dissemination of information and data;
- Commitment of the beneficiaries involved in the projects under this Sector Fiche;
- There is strong political will and commitment among the stake holders for this project;

- Experts recruited will be of sufficient quality;
- Effective monitoring of project implementation;
- Timely availability of adequate resources;
- Staff available for training and other project activities.

Preconditions:

- Whenever possible the trainings under the individual activities will be carried out in the national training premises (for ex. EU/IPA Training and Support Facility, Academy for training of judges and public prosecutors and the Training centre of the MOI);
- In areas where there is evident expertise with the final beneficiary, the trainings will be delivered by the civil servants, as part of their job description, without any compensation and/or with the assistance of key/short term experts;
- Appointment of appropriate number of counterpart personnel by the beneficiary (central and local level) before the projects start (high-ranking officials);
- Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiaries as per work plan.

#### **4 IMPLEMENTATION ISSUES**

Before the start-up of the project Memorandum on cooperation between the involved stakeholders will be concluded in order to establish mechanism for inter-agency coordination during the implementation.

One Senior Programme Officer from the final beneficiaries will be appointed as a central focal point for the overall coordination of the activities. Appointed Senior Programme Officer will establish efficient communication channels with all key stakeholders encompassed under this sector support plan.

#### 4.1 INDICATIVE BUDGET

##### Indicative budget 2012 (amounts in EUR)

SECTOR TITLE			SOURCES OF FUNDING										
			TOTAL EXPENDITURE	TOTAL PUBLIC EXPENDITURE	IPA CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION					PRIVATE CONTRIBUTION	
	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (e)	% (3)
Measure 1 and 2 Service contract IPA 2012	X		1,200,000	1,200,000	1,080,000	90	120,000	10	120,000				
Measure 4 Twining light contract IPA 2012	X		250,000	250,000	237,500	95	12,500	5	12,500				
Measure 6 Service contract IPA 2012	X		900,000	900,000	810,000	90	90,000	10	90,000				
Measure 6 Supply contract IPA 2012		X	250,000	250,000	187,500	75	62,500	25	62,500				
TOTAL IB			2,350,000	2,350,000	2,127,500		222,500		222,500				
TOTAL INV			250,000	250,000	187,500		62,500		62,500.00				
<b>TOTAL</b>			2,600,000	2,600,000	2,315,000		285,000		285,000				

##### Indicative budget 2013 (amounts in EUR)

SECTOR TITLE			SOURCES OF FUNDING										
			TOTAL EXPENDITURE	TOTAL PUBLIC EXPENDITURE	IPA CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION					PRIVATE CONTRIBUTION	
	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (e)	% (3)
Measure 1, 2 and 3 Supply contract IPA 2013		X	3,500,000	3,500,000	2,625,000	75	875,000	25	875,000				
Measure 5 Works contract IPA 2013		X	3,250,000	3,150,000	2,437,500	75	812,500	25	812,500				
Measure 5 Framework contract IPA 2013	X		200,000	200,000	200,000	100							
TOTAL IB			200,000	200,000	200,000		0		0				
TOTAL INV			6,750,000	6,750,000	5,062,500		1,687,500		1,687,500				
<b>TOTAL SECTOR SUPPORT</b>			6,950,000	6,950,000	5,262,500		1,687,500		1,687,500				

NOTE: DO NOT MIX IB AND INV IN THE SAME OPERATION ROW. USE SEPARATE ROWS

Amounts net of VAT

- (1) In the Operation row, use "X" to identify whether IB or INV
- (2) Expressed in % of the **Public** Expenditure (column (b))
- (3) Expressed in % of the **Total** Expenditure (column (a))



## 4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN PER QUARTER)

Operations	Start of Tendering/ Call(s) for proposals	Signature of contract(s)	Activity Completion
M1&M2 Service	Q3 2015	Q2 2016	Q4 2017
M1&M2&M3 Supply	Q3 2016	Q1 2017	Q4 2017
M4 Twinning Light	Q3 2015	Q1 2016	Q4 2016
M5 Works	Q3 2016	Q1 2017	Q2 2018
M5 Framework	Q3 2016	Q4 2016	Q4 2017
M6 Service	Q2 2014	Q1 2015	Q1 2017
M6 Supply	Q4 2015	Q1 2016	Q3 2017

Measures should in principle be ready for tendering in the 1<sup>ST</sup> Quarter following the signature of the FA for the respective programming period.

All contracts envisaged will be implemented under the Decentralized Management System, in which the CFCD within the Ministry of Finance is responsible for procurement, contracting and payments/financial issues, while other institutions are responsible for programming and technical implementation (preparation of technical specifications, terms of reference, etc.), so that the tenders can be launched as soon as the FA is concluded.

## 4.3 CROSS CUTTING ISSUES

### 4.3.1 *Equal Opportunities and non-discrimination*

The project implementation will ensure the observance of the principles of equal opportunities and non-discrimination. Equal gender opportunities will be fully respected in the composition of the Steering Committee and where necessary. In addition to this, the internal policies, structure or operating procedures of the beneficiaries, as well as products and outputs produced by the beneficiaries (e.g. laws, regulations, policies, and strategies) will conform to the relevant principles of equal opportunities and non-discrimination.

### 4.3.2 *Environment and climate change*

The European Community has a longstanding commitment to address environmental concerns in its assistance programmes. The support to the institutions will include a specific component to assist the beneficiary to implement an ‘internal environment assessment’ to identify areas where it could improve its internal performance vis-à-vis environmental aspects. The training activities will include a specific component to train beneficiary staff in the different aspects of mainstreaming environment in programme and project development as well as monitoring the implementation. Key references include art. 6 of the Treaty and the Cardiff process which foresees the systematic consideration of environmental aspects into EC development cooperation and in other policies (hence very important for the Acquis). The support will include activities for the beneficiary to improve its internal performance vis-à-vis environmental aspects.

### 4.3.3 *Minorities and vulnerable groups*

Equal representation of minorities and vulnerable groups will be guaranteed through the Sector Plan preparation and implementation and the institutions involved will observe providing the equal opportunities for all the citizens regardless of their ethnic and religious background, as well any type of occurrence of social risk faced by the minorities and/or vulnerable groups.

Where the main reference in the country in relation to minority groups is the Ohrid Framework Agreement, in an EU context, reference is made to the “Race directive” of 2000

(200/43/EC of 29 June), which has an important impact on employment (incl. vocational training, working conditions, social protection etc.) and is also a crucial aspect of the acquis. The beneficiaries will be assisted to improve its internal performance vis-à-vis minorities or other vulnerable groups.

#### **4.3.4 *Civil Society/Stakeholders involvement***

Considering the important role of the social partners and the civil society sector, especially in the fields related to the policy creation, development, implementation etc., substantial efforts will be dedicated to the purpose of regular informing and involvement, whenever possible of the civil society organisations and social partners, as well as any other institution/organisation as parties concerned regarding the project implementation, outcomes and results achieved within the Sector Plan.

With the implementation of this sector plan, the cooperation and communication with the civil society will be enhanced. The project will support the reform and the strengthening of the capacities in MoJ and MoI in the EU accession process and enforcement of CoE human rights instruments, which leads to increasing the efficiency of the justice sector and contributes towards strengthening the public awareness and perception of the judicial system and elevated confidence in the institutions of justice. With implementation of the project activities, the personal data protection will become one of the areas for the involvement of the civil sector.

#### **4.3.5 *Good governance, with particular attention to fight against corruption***

The Government is strongly determined to fulfil all the criteria needed for EU accession and membership, and all the necessary actions are being taken to reach the aim. Through transparent policies and involvement of different stakeholders in the process of policy design the accountability and responsiveness vis-à-vis the citizens will be strengthened at any phase of the Sector Plan development and implementation.

### **4.4 SECTOR MONITORING, EVALUATION AND AUDIT**

The Sector Plan envisages implementation of 11 contracts in order to deliver activities foreseen under each measure. According to the Operational Agreements for implementation of the activities under TAIB Component signed between the Programme Authorising Officer (PAO) and the Senior Programming Officer (SPO) and the SPO Manual of Procedures (MoP) in respective line ministries and institutions within the DIS, responsibilities related to monitoring and evaluation are transferred to the SPO, as well as implementing the Results Oriented Monitoring (ROM) and its methodology and tools. According to the SPO MoP, there are set procedures related to monitoring the progress on project level, such as preparation and implementation of monitoring plans, checking the progress of each project activity, etc. The arrangements related to audit issues pursuant to the IPA IR and respective Governmental Decrees are responsibilities of the internal audit units in line ministries and the Independent Audit Body for IPA.

It is envisaged in this Sector Fiche, Steering committee (SC) will be established as an advisory body to review the progresses of activities under each contract. It will comprise of representatives of the Beneficiaries, relevant stakeholders (as identified in point 2.2.5 and Annex 2) and the Contracting Authority and will be supported by each of the Contractors. The project teams under each contract will have the role of Secretariats of the SCs. The SCs may invite other stakeholders to attend meetings where this will bring added value to discussion and outcomes of the Project. Its main functions will be to assess project progress and guide it strategically; to discuss any critical points for projects implementation; to draft recommendations affecting timing, cost or Project contents; and to assess the performance of the contractors and to comment and/or discuss the contractors' reports. The SCs will meet on a

quarterly basis (every three months), as if it is necessary more frequently. The Delegation of the European Union (DEU), Contracting Authority (SEA) and Secretariat for European Affairs (SEA) shall be invited to participate with an observer status.

## ANNEXES

Annex 1 - Logframe

Annex 2 - Description of Institutional Framework

Annex 3 - Political, legal and institutional framework

Annex 4 - Details per EU funded operation (\*) where applicable

Annex 5 - Possible visibility activities

ANNEX 1: Logical framework matrix for sector support in standard format

LOG FRAME PLANNING MATRIX FOR Sector Fiche		Sector support name and number		
		Contracting period expires		Execution period expires
		Total budget	EUR 9,550,000	
		IPA budget:	EUR 7,577,500	
<b>National sector or sub sector objective</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of verification</b>		
Consolidation of the rule of law in the country through improved and consisted implementation of the European Union standards and recommendations in the area of freedom, security, justice and respect of human rights.	JHA area is aligned with the EU legislation and best practices	European Commission Progress Reports  Minutes from Committee for Stabilization and Association  Minutes from Subcommittee for Justice Freedom and security		
<b>Sector support objective within the MIPD sector</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>	
Improved implementation of the international and European Union standards and recommendations in areas such as border control, combating organized and serious crime, financial crime, fraud of EU funds, corruption, money laundering, judicial cooperation, as well as enhancement of the infrastructure needed to meet Schengen zone requirements and Protection of Personal data	EU standards and recommendations are adopted by law enforcement and other institutions in the JHA area.	European Commission Progress Report  Reports from PEER Missions in the area of JHA	Political commitment	
<b>Results of the sector support</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>	
<b>Measure 1: Prevention and repression of corruption, including improved inter-institutional cooperation</b>	<b>Measure 1</b>	<b>Measure 1</b>		
<ul style="list-style-type: none"> <li>- New State Programme for Prevention and Repression of Corruption and Conflict of Interest based on legal, institutional, practical and sectoral integrity vulnerability gaps assessment and anti-corruption monitoring results prepared and put in operation;</li> <li>- Sectoral anti-corruption and integrity strategies improved and their implementation in practice enhanced.</li> </ul>	<ol style="list-style-type: none"> <li>1. New State Programme for Prevention and Repression of Corruption and Conflict of Interest based on sectoral integrity vulnerability assessment and anti-corruption monitoring results adopted;</li> <li>2. Anti-corruption Report developed,</li> <li>3. Number of cases with joint actions on the basis of exchanging data and information sharing,</li> <li>4. Needs Assessment Report with recommendations for more efficient and speedier procedures provided,</li> </ol>	<ul style="list-style-type: none"> <li>- New State Programme for Prevention and Repression of Corruption and Conflict of Interest adopted by the SCPC,</li> <li>-The anti-corruption Report,</li> <li>- European Commission Progress Report</li> </ul>	<ul style="list-style-type: none"> <li>- Professional and political commitment;</li> <li>- National budget resources available;</li> <li>- Presence of qualified personnel;</li> <li>- Sufficient financing of the activities from the state budget.</li> </ul>	

<ul style="list-style-type: none"> <li>- National anti-corruption report including quantitative and qualitative analysis of corruption trends and results developed;</li> <li>- Exchange of data between relevant institutions through interoperability system substantially improved</li> <li>- Inter-institutional cooperation and coordination of relevant institutions and non-governmental sector to prevent and fight corruption enhanced.</li> <li>- Anti-corruption whistleblower mechanisms in public and private sector enhanced and recourse to them increased.</li> <li>- Capacities for conducting sectoral integrity risk assessment, corruption prevention, anti-corruption investigations, prosecution, trial, joint operations, intelligence gathering on anti-corruption and sharing between relevant institutions strengthened;</li> <li>- Integrity systems in public administration at local and central level upgraded.</li> <li>- Technical and strategic advice and support in implementation of anticorruption policy in line with international and EU standards provided.</li> <li>- Standard operative procedures (SOPs) for the detection, investigation and prosecution of corruption-related offences, for the effective cooperation between law enforcement bodies, public prosecutors and other relevant bodies, and for improved inter-institutional relations upgraded/developed and put in practice;</li> <li>- Awareness of public and private sector employees and citizens on the harm of corruption for the development of the country as well as on the tools to fight corruption enhanced, visibility of anti-corruption institutions and their links with citizens improved, zero tolerance to corruption increased;</li> <li>- The system of seizure and confiscation of assets acquired from corruption enhanced and recourse to seizure and confiscation in corruption cases increased.</li> <li>- Anti-corruption surveying system upgraded and tested in practice.</li> <li>- Equipment, including software and other material-technical</li> </ul>	<ul style="list-style-type: none"> <li>5. Standard operative procedures (SOPs) developed and</li> <li>Number of trained persons on the SOP's,</li> <li>6. Number of cases on corruption,</li> <li>7. % of raised awareness at the end of the project activities,</li> <li>8. Tender dossier including all the annexes prepared in the determined deadline and approved by the SPO/CFCD,</li> <li>9. Supply procured, installed and tested in all relevant institutions subject of the Tender,</li> <li>10. Number of training and trained staff.</li> </ul>	<ul style="list-style-type: none"> <li>- Outputs foreseen under the Component delivered</li> <li>-SCPC Annual Report,</li> <li>- PPO Annual Report,</li> <li>- Timetables for staff training,</li> <li>- Confidential surveys of officials and experts</li> <li>- Opinion polls</li> <li>- Provisional acceptance signed,</li> <li>- Anti-corruption track record (as compared to previous years)</li> </ul>	
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<p>items, for the institutions involved in prevention of and fight against corruption, including law enforcement bodies, courts, public prosecutor's offices, SCPC, Agency for confiscation of assets, Public Revenue Office and State Audit Office supplied, installed, tested and relevant authorities trained to use it.</p> <ul style="list-style-type: none"> <li>- Track record in detecting, investigating, prosecuting corruption cases and sanctioning for corruption offences improved.</li> <li>- Public trust in anti-corruption institutions and anti-corruption policy increased.</li> </ul> <p><b>Measure 2: Further strengthening of the capacities for fight of organized and serious crime</b></p> <ul style="list-style-type: none"> <li>- Gap analysis of the legal, strategic and institutional framework, as well as the existing forms of cooperation, information analysis and exchange between the law enforcement agencies and other relevant authorities in the field of prevention and suppression of priority forms of organized and serious crime, including also drugs and human trafficking, other forms of cross-border crime, piracy and counterfeiting (intellectual property), child abuse and cyber-crime, conducted and recommendation/legal amendments to address legal and practical gaps prepared, enhanced mechanisms put in practice and tested;</li> <li>- Standard Operating Procedures (SOPs) on investigation of all forms of organized and/or serious crime developed/upgraded, put in operation and tested;</li> <li>- Inter-institutional cooperation in the area of organised crime strengthened;</li> <li>- Training curriculum for the law enforcement agencies, public prosecutors, judiciary, Coordination body for Intellectual property and other relevant authorities on the SOP's, detection, investigation, prosecution and trial of priority forms of organized and serious crime including also drugs and human trafficking, other forms of cross-border crime, piracy and counterfeiting (intellectual property), child</li> </ul>	<p><b>Measure 2</b></p> <ol style="list-style-type: none"> <li>1. Submitted and reviewed Gap Analysis and recommendations/legal amendments and mechanisms are approved by the relevant authorities</li> <li>2. Prepared Standard Operating Procedures (SOPs) on investigation of all forms of organized and/or serious crime are endorsed and enforced by the relevant authorities;</li> <li>3.Prepared Training curriculum for the law enforcement agencies, public prosecutor and other relevant authorities on the SOP, effective detection, investigation, prosecution and trial of child abuse, cyber-crime, cross-border crime and other priority forms of organized/serious crime are endorsed by the relevant authorities and appropriate number of trainings delivered</li> <li>4. 10% reduction of number of committed criminal acts and 10% increment in the detection of reported</li> </ol>	<p><b>Measure 2</b></p> <ul style="list-style-type: none"> <li>- The reports from Contractor and the reports from Monitoring officer,</li> <li>- Official reports from competent services from the MoI/PPO</li> <li>- Reports from Legal department of MOI and PPO</li> <li>- Timetables for staff training</li> <li>- Annual report of MOI/PPO</li> <li>- Reports from Analytical department of MOI and PPO</li> <li>- SCPC Report,</li> <li>- European Commission Progress Report</li> <li>- Outputs foreseen under the Component delivered</li> <li>- Minutes from the Steering committee meetings</li> </ul>	<ul style="list-style-type: none"> <li>- There is a strong commitment between the employee from the Organized crime department</li> <li>- National budget resources available</li> <li>-Legal documents / amendments are adopted and enacted</li> <li>- The purchased equipment is working properly</li> </ul>
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<p>abuse and cyber crime, prepared and training delivered;</p> <ul style="list-style-type: none"> <li>- On the job support and coaching at central, regional and local level for the law enforcement agencies and public prosecutors in further implementation of intelligence-led policing provided, recommendations for further improvement of the system and assistance in their implementation provided;</li> <li>- On the job support and coaching at central, regional and local level in further implementation of the risk analysis and management system in the area of border crimes provided, recommendations for further improvement of the system and assistance in their implementation provided;</li> <li>- On the job support and coaching at central, regional and local level for conducting investigations in the area of cyber-crime and in application of investigative techniques for cyber-crime provided, recommendations for further improvement of the system and assistance in their implementation provided;</li> <li>- Assessment, as well as on the job support and advice/recommendations to all relevant institutions about further implementation of the new Law on Criminal Procedure in line with international and EU standards provided;</li> <li>- Needs assessment for supply of equipment, including software and other material-technical items, and infrastructure for the relevant law enforcement agencies, courts, investigative centres, public prosecution offices and supervisory bodies for a more effective and efficient fight against organized and serious crime carried out, and Tender Dossier for supply prepared;</li> <li>- Equipment/infrastructure supplied, installed, tested and relevant authorities trained to use it.</li> </ul> <p><b>Measure 3: Strengthening of the capacities for fight against financial crime and frauds of EU funds</b></p> <ul style="list-style-type: none"> <li>- Needs assessment for supply of equipment and vehicles for</li> </ul>	<p>criminal acts as a result of the implementation of intelligence-led policing</p> <p>5. 15% increased number of successfully solved cases in the investigations in the area of cross-border crime</p> <p>6. 10% increased number of successful solved cases in the investigations in the area of cyber crime</p> <p>7. Submitted and reviewed assessment and recommendations for further implementation of the new Law on Criminal Procedure is approved from the relevant authorities</p> <p>8. Prepared assessment report on the equipment and infrastructure for the relevant law enforcement agencies and the PPO is approved by the relevant authorities</p> <p>9. TDs for works and supplies endorsed by the Steering committee</p> <p>10. The equipment is purchased, delivered and installed,</p> <p>11. Number of trained staff</p> <p><b><u>Measure 3</u></b></p> <ul style="list-style-type: none"> <li>- Equipment delivered, installed, tested and Number</li> </ul>	<ul style="list-style-type: none"> <li>- Provisional acceptance for the equipment is signed</li> <li>- Timetables for staff trainings</li> <li>- Track record of prevention and fight against organized and serious crime (as compared to previous years)</li> </ul>	
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<p>the relevant law enforcement institutions, public prosecutor's offices, investigative centres and supervisory institutions and Tender Dossier for supply prepared;</p> <ul style="list-style-type: none"> <li>- Equipment and vehicles supplied, installed and tested and relevant authorities trained to use it.</li> </ul> <p><b>Measure 4: Strengthening the judicial cooperation in civil and criminal matters</b></p> <ul style="list-style-type: none"> <li>- Legal framework and practice on judicial cooperation in criminal and civil matters, extradition and other international judicial cooperation matters fully aligned with EU and International standards;</li> <li>- Institutional structures and capacities of the judicial and state bodies working on judicial cooperation enhanced;</li> <li>- Practical advice and mentoring on judicial cooperation matters provided.</li> <li>- Platforms for information sharing on national, regional and international level enhanced;</li> <li>- Regular contacts and exchanges among the national training academies in the EU and the region with the aim of harmonizing the training curricula and promoting joint exchanges of training in the area of judicial cooperation established/enhanced;</li> <li>- Regional experience sharing and networking event for relevant officials organized.</li> <li>- Specialized training of judges, prosecutors and other relevant officials on local, regional and EU level delivered through various modes of training and practical tailor-made workshops</li> <li>- Mutual legal assistance request writing tool developed/updated, installed, tested and relevant authorities trained to use it.</li> <li>- Web tools related to the international judicial cooperation enhanced.</li> </ul> <p><b>Measure 5 - Establishment of Home affairs Business Continuity and Disaster recovery data centre as a base for the future Schengen information system</b></p>	<p>of persons trained to use it.,</p> <p><b>Measure 4</b></p> <ol style="list-style-type: none"> <li>1.Detailed Gap Analysis and Recommendation report prepared for the existing legal framework on judicial cooperation in criminal and civil matters with respect to the level of alignment with EU and International standards prepared;</li> <li>2.Recommendations prepared for capacity building of the judicial and state bodies in the implementation of the mutual legal assistance framework</li> <li>3.Number of regional and international working events organized for analysis of the existing platform for information sharing in order to facilitate cooperation among the contact points of the established networks and platforms at regional and international level</li> <li>4.Training curricula on judicial cooperation harmonized and number of exchange training events conducted in the area of judicial cooperation</li> <li>5.Number of specialized training events organized on local, regional and EU level</li> <li>6.MLA software developed,</li> </ol> <p><b>Measure 5</b></p> <ul style="list-style-type: none"> <li>- Adopted analyses of the existing Feasibility study for establishment of the Business Continuity and Disaster recovery data centre by the Head of IT</li> </ul>	<p><b>Measure 3</b></p> <ul style="list-style-type: none"> <li>- Track record in preventing and fighting financial crime (as compared to previous years)</li> </ul> <p><b>Measure 4</b></p> <p>Recommendations Report</p> <ul style="list-style-type: none"> <li>- European Commission Progress Report</li> <li>- Outputs foreseen under the Component delivered <ul style="list-style-type: none"> <li>- Minutes and Conclusions,</li> <li>- Evaluation forms and training timetable sheets,</li> <li>- Provisional acceptance signed.</li> <li>- Track record in judicial cooperation (as compared to previous years)</li> </ul> </li> </ul>	
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<ul style="list-style-type: none"> <li>- Existing Feasibility study for establishment of Business Continuity and Disaster recovery data centre reviewed and upgraded;</li> <li>- Legal and institutional framework for the functioning of the new Business Continuity and Disaster recovery data centre prepared;</li> <li>- Supervision of the construction works;</li> <li>- Premises constructed/refurbished.</li> </ul> <p><b>Measure 6 - Support to access to right on Protection of Personal data</b></p> <ul style="list-style-type: none"> <li>- The Strategy for Personal Data Protection in the former Yugoslav Republic of Macedonia 2012 – 2016 and its action plan implemented</li> <li>- Ensured efficient system for Personal Data Protection</li> <li>- Assessment of further actions needed in the field of national Data Protection conducted</li> <li>- National Personal Data Protection System with the new EU and international standards harmonized</li> <li>- Public awareness for the right on Personal data protection increased and Communication strategy implemented</li> <li>- Operational and institutional capacity of the DPDP to implement the Law on Data Protection strengthened</li> <li>- Developed forms / tools for cooperation between the DPDP and the controllers and the processors of personal data.</li> <li>- The balance between the right to free access to public information and other forms of transparent governance and the protection of personal data improved</li> <li>- Data protection system within the law enforcement agencies, PPO, other relevant institutions and judiciary strengthened</li> <li>- Data protection regime applicable to asset declarations, statements of interest, as well as financing of political parties and election campaigns assessed and enhanced in line with international best practices.</li> <li>- Inter-institutional cooperation and coordination of</li> </ul>	<p>and Telecommunication Department,</p> <ul style="list-style-type: none"> <li>- Recommendations for Legal and institutional framework for the functioning of the new Business Continuity and Disaster recovery data centre approved by the Minister of Interior,</li> <li>- Premises are constructed/refurbished.</li> </ul> <p><b>Measure 6</b></p> <ul style="list-style-type: none"> <li>- Analysis prepared and adopted and N. of measures implemented,</li> <li>- Recommendations report prepared and legal amendments prepared,</li> <li>- Assessment prepared for implementation of the Strategy</li> <li>- Draft Strategic document prepared</li> <li>- N. of measures implemented,</li> <li>- Recommendation for needed actions in different sectors prepared</li> <li>- Guideline for Data Protection officers adopted</li> <li>- N. of Guidelines adopted</li> <li>- N. of awareness rising events organized,</li> <li>- New procedures implemented and training conducted,</li> <li>- New tools/forms functional,</li> <li>- Participation in International events and meetings,</li> <li>- The equipment is purchased, delivered and installed</li> <li>- ISO certificates obtained.</li> </ul>	<p><b>Measure 5</b></p> <ul style="list-style-type: none"> <li>- Regular Report of the IT and Telecommunication Department,</li> <li>- Report from the MOI, Departments on legal affairs and Human Resources,</li> <li>- Minutes from the Steering committee meetings</li> <li>- Provisional acceptance of the premises is signed;</li> </ul> <p><b>Measure 6</b></p> <p>Analysis Report</p> <ul style="list-style-type: none"> <li>- European Commission Progress Report</li> <li>- Outputs foreseen under the Component delivered</li> <li>- Legislation with Legal amendments,</li> <li>- Assessment</li> <li>- Draft Strategy prepared</li> <li>- DPDP Report,</li> <li>- Guideline for data protection officers</li> <li>- Minutes of the events,</li> <li>- Rulebooks with procedures and Evaluation forms,</li> <li>- DPDP Reports,</li> <li>- Guidelines for different sectors</li> <li>- Provisional acceptance for the equipment is signed;</li> <li>- ISO Certificates.</li> </ul>	
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<p>DPDP with other relevant institutions and civil society strengthened</p> <ul style="list-style-type: none"> <li>- International cooperation of the DPDP enhanced</li> <li>- Implemented ISO standardization process</li> </ul>	-		
<b>Measures to achieve results</b>	<b>Means / operations</b>	<b>Costs</b>	<b>Assumptions</b>
<p><b>Measure 1: Prevention and repression of corruption, including improved inter-institutional cooperation</b></p> <ul style="list-style-type: none"> <li>- Assistance in the preparation and implementation of the new State Programme for Prevention and Repression of Corruption and Conflict of Interest based on legal, institutional, practical and sectoral integrity vulnerability gaps assessment as well as anti-corruption monitoring results provided;</li> <li>- Sectoral anti-corruption and good governance strategies, including in the fields of public administration, public procurement, business sector, law enforcement, judiciary, taxation, customs and other key fields, improved and their implementation through legal/institutional changes, risk mitigation and integrity plans, inclusion of non-governmental sector, trainings, advice, and supply of equipment enhanced</li> <li>- Methodology and legal/institutional arrangements for the preparation of national anti-corruption reports on the basis of international/EU best practices upgraded/developed and put in practice</li> <li>- The first national anti-corruption report including quantitative and qualitative analysis of corruption, its trends</li> </ul>			

<p>and anti-corruption measures in key sectors, including public administration, judiciary, political, business and public procurement sectors, based on confidential surveys, interviews and other sources of information prepared (building on the outputs of IPA 2010 project "Support to efficient prevention and fight against corruption")</p> <ul style="list-style-type: none"> <li>- Interoperability system for anti-corruption institutions, including law enforcement agencies, public prosecutor's offices and SCPC, with other bodies, including PRO, law enforcement agencies, Financial Intelligence Unit, Cadastre, Central Registry, CDS and ORC in accordance with the Ministry of Information Society project for interoperability introduced/upgraded and tested in practice, relevant institutions trained how to use it.</li> <li>- Existing forms of cooperation and mechanisms of information analysis and exchange between the relevant public authorities and between the latter and non-governmental sector actors (chambers of commerce, social partners, NGO, professional associations, citizens, etc.) assessed, recommendations for their enhancement provided, enhanced cooperation mechanisms put in practice and tested.</li> <li>- Greater inter-institutional cooperation in the area of anti-corruption ensured.</li> <li>- Legal, institutional and practical gap analysis of existing anti-corruption whistleblower mechanisms in public and private sector conducted, recommendations/legal amendments for their further improvement provided, upgraded mechanisms put in practice and tested.</li> <li>- Practical workshops, trainings and mentoring in conducting sectoral integrity risk assessment at local and central level, development of integrity plans, prevention of corruption, anti-corruption investigations, prosecution, trial, joint operations, intelligence gathering on anti-corruption and sharing between relevant institutions based on the needs assessment and experiences of IPA 2010 Project "Support to efficient prevention and fight against corruption", UNDP and other donors' interventions provided;</li> <li>- Integrity systems in public administration at local and central</li> </ul>			
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<p>level further upgraded building on previous interventions of the Government and donors.</p> <ul style="list-style-type: none"> <li>- Technical and strategic advice on high level and support in implementation of anticorruption policy in line with international and EU standards provided</li> <li>- Standard operative procedures (SOPs) for the detection, investigation and prosecution of corruption-related offences, for the effective cooperation between law enforcement bodies, public prosecutors and other relevant bodies, and for improved inter-institutional cooperation prepared/upgraded; risk assessment conducted; training curriculum for relevant officials on these SOPs developed, trainings delivered, practical mentoring in implementation of these SOPs provided.</li> <li>- Effective advocacy and watchdog tools/activities for the public and private sector and citizens to prevent and fight corruption developed and put in practice, awareness activities on corruption, its harm for the development of the country as well as on the tools to fight it organized, visibility of anti-corruption institutions and their links to citizens enhanced, zero tolerance to corruption increased ;</li> <li>- Legal, institutional and practical gap analysis of existing system of seizure and confiscation of assets carried out, recommendations/legal amendments for its further improvement provided, upgraded mechanisms put in practice and tested (building on IPA 2010 project " Support to efficient prevention and fight against corruption").</li> <li>- Assessment of existing anti-corruption surveying system conducted, recommendations/legal, institutional and IT solutions for its improvement provided, two upgraded surveys of citizens and key target groups (public officials, judges, prosecutors, law enforcement and supervisory bodies' officials, lawyers, businessmen, civil society, media, education workers) on the nature and prevalence of corruption, its trends and respondents' trust in anti-corruption policy and institutions organized (at the beginning and at the end of the current intervention).</li> <li>- Needs assessment on equipment, including software and other material-technical items, for the institutions involved in prevention of and fight against corruption, including law</li> </ul>			
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enforcement bodies, courts, public prosecutor's offices, SCPC, Agency for the management of confiscated assets, Public Revenue Office and State Audit Office carried out tender dossier for supply prepared, equipment supplied, installed, tested and the recipients trained to use it.

**Measure 2: Further strengthening of the capacities for fight of organized and serious crime**

- Analysing the gaps of the legal strategic and institutional framework as well as the existing forms of cooperation, information analysis and exchange between the law enforcement agencies and other relevant authorities in the field of prevention and suppression of priority forms of organized and serious crime, including also drugs and human trafficking, other forms of cross-border crime, piracy and counterfeiting (intellectual property), child abuse and cyber crime, preparation of recommendation/legal amendments to address legal and practical gaps, testing and putting in practice of the enhanced mechanisms;
- Preparing/upgrading Standard Operating Procedures (SOPs) on investigation of all forms of organized and /or serious crime, as well as providing practical mentoring on and risk assessment in respect to the implementation of the abovementioned SOPs.
- Preparing training curriculum for the law enforcement agencies, public prosecutors, judiciary, Coordination body for Intellectual property and other relevant authorities on the SOP, effective detection, investigation, prosecution and trial of priority forms of organized and serious crime including also drugs and human trafficking, other forms of cross-border crime, piracy and counterfeiting (intellectual property), child abuse and cyber-crime and delivering of trainings.
- Carrying out practical workshops, on the job support and coaching at central and local level for the law enforcement agencies and public prosecutors in further implementation of intelligence-led policing in priority areas targeted by the project, providing

<p>recommendations for further improvement of the system and assisting in their implementation</p> <ul style="list-style-type: none"> <li>- Ensuring inter-institutional cooperation in the area of organised crime;</li> <li>- Providing practical assistance and coaching at central and local level in further implementation of the risk analysis and management system in the area of border crimes, providing recommendations for further improvement of the system and assisting in their implementation</li> <li>- Providing practical assistance and coaching at central and local level in implementation of the methodology for conducting investigations in the area of cyber-crime and in application of investigative techniques for cyber-crime, developing recommendations for further improvement of the system, and assisting in their practical implementation.</li> <li>- Providing assessment, as well as on the job support, training and advice/recommendation to all relevant institutions for further implementation of the new Law on Criminal Procedure in line with international and EU standards</li> <li>- Conducting needs assessment for supply of equipment, including software and other material-technical items, and infrastructure for the relevant law enforcement agencies, courts, investigative centres, public prosecution offices and supervisory bodies, for a more effective and efficient fight against organized and serious crime.</li> <li>- Preparing tender dossier for supply of equipment, including software and other material-technical items, and infrastructure and training relevant authorities how to use it</li> <li>- Testing the application of the new equipment/infrastructure in practice.</li> </ul> <p><b>Measure 3: Strengthening of the national capacities for fight against financial crime and frauds of EU funds</b></p> <ul style="list-style-type: none"> <li>- Conducting needs assessment for supply of equipment and</li> </ul>			
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<p>vehicles at for the relevant law enforcement institutions, public prosecutor's offices, investigative centres and supervisory institutions and preparation of the tender dossier;</p> <ul style="list-style-type: none"> <li>- Supply, installation and training of the personnel on the usage of the equipment and vehicles.</li> </ul> <p><b>Measure 4 - Strengthening the judicial cooperation in civil and criminal matters</b></p> <ul style="list-style-type: none"> <li>- Prepare gap analysis of the existing legal framework and practice on judicial cooperation in criminal and civil matters, extradition and other international judicial cooperation matters, assess the alignment with EU and International standards, provide recommendations/legal acts for system's enhancement, put in practice and test enhanced mechanisms.</li> <li>- Assess the institutional structures and capacities of the judicial and state bodies working on judicial cooperation, provide recommendations for their enhancement, put in practice and test enhanced mechanisms.;</li> <li>- Provide practical advice and mentoring on judicial cooperation matters.</li> <li>- Analyse existing platforms for information sharing on national, regional and EU level, provide recommendations for their enhancement, put in practice and test enhanced mechanisms</li> <li>- Assess the level of cooperation between the national training academies in the region and in the EU on the matters of judicial cooperation, with the aim of harmonizing the training curricula and promoting joint training, provide recommendations on enhanced cooperation, put in practice new cooperation mechanisms. ;</li> <li>- Organize a regional experience sharing and networking event on judicial cooperation</li> <li>- Organize specialized training and practical tailor-made workshops on judicial cooperation for judges, prosecutors and other relevant officials on local,</li> </ul>			
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<p>regional and EU level</p> <ul style="list-style-type: none"> <li>- Develop/upgrade mutual legal assistance request writing tool, install and test it, and train the relevant authorities how to use it.</li> <li>- Enhance the existing web tools related to the international judicial cooperation</li> </ul> <p><b>Measure 5: Establishment of Home affairs Business Continuity and Disaster recovery data centre as a base for the future Schengen information system</b></p> <ul style="list-style-type: none"> <li>- Reviewing and upgrading of the existing Feasibility study for establishment of Business Continuity and Disaster recovery data centre, including assessing risks and linkages with the other relevant databases, as well as the conditions for the connection of other state institutions to this system;</li> <li>- Preparing the recommendations/legal amendments for the upgrading of the legal and institutional framework for the new Business Continuity and Disaster recovery data centre;</li> <li>- Supervision of the construction works;</li> <li>- Construction/refurbishment of the premises.</li> </ul> <p><b>Measure 6: Support to access to right on Protection of Personal data</b></p> <ul style="list-style-type: none"> <li>- Preparation of the Assessment of the implementation of the Strategy for Personal Data Protection in the former Yugoslav Republic of Macedonia 2012 – 2016 and its action plan</li> <li>- Preparation of the Recommendations / legal amendments for complete implementation of the Strategy</li> <li>- Assessment of further needs in the field of data protection and assistance in the preparation of new strategic documents</li> <li>- Recommendations, legal amendments and mechanisms of alignment of national data protection system with EU and international standards prepared</li> </ul>			
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<p>and implemented in practice ;</p> <ul style="list-style-type: none"> <li>- Strengthening the mechanisms for legal protection through unified mechanism for submission of requests for violation of the right of Personal Data Protection</li> <li>- Improving the efficiency of the inspection and efficiency of the execution of the decisions of the DPDP</li> <li>- Strengthening of the role of the Data Protection Officers</li> <li>- Improving the efficiency in exercising the right of access to personal data by citizens</li> <li>- Anonimization and publishing of the misdemeanour sanctions from DPDP</li> <li>- Conducting public awareness activities for the right on personal data protection including organizing national and international events, upgrading DPDP and other relevant institutions' websites, introducing innovative information collection and learning tools.</li> <li>- Drafting and adopting relevant Guidelines, manual Check Lists according to the new EU legislation for Personal Data Protection (for example: Guidelines for unification of the implementation of the personal data protection legislation, guideline for data protection officers, Manuals for protection of the rights of the citizens for access to their personal data which rise from the Law on personal data protection.)</li> <li>- Introducing of the On line inspection, as new way of performing inspection using the up to date technology</li> <li>- Improving and promoting the Register for Personal Data protection according to the new provisions from EU legislation</li> <li>- Organizing and performing capacity building measures (seminars, workshops, on the job advice) for the needs of the staff of the Directorate for data protection and all other relevant institutions dealing with data protection both at local and central level</li> <li>- Raising the level of cooperation with controllers and processors through special training programs, categorization of opinions and reprimands, analysis of the effects from the education and suggested measures</li> </ul>			
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<p>to the controllers</p> <ul style="list-style-type: none"> <li>- Implementing comprehensive , legal, institutional and practical measures for ensuring the balance between the right to free access to public information and other forms of transparent governance and the protection of personal data</li> <li>- Conducting the assessment of existing personal data protection system within the law enforcement agencies, PPO and judiciary, preparing recommendations/legal amendments and putting them in practice</li> <li>- Assessing the data protection regime applicable to asset declarations, statements of interest, as well as financing of political parties and election campaigns, preparing recommendations/legal amendments and putting them in practice</li> <li>- Inter-institutional cooperation and coordination of DPDP with other relevant institutions and civil society strengthened</li> <li>- Enhancing the international cooperation of the DPDP</li> <li>- Implementing ISO standardization requirements for establishing, implementing, operation, monitoring, reviewing, maintaining and improving a document Information Security Management system in DPDP in line with its needs</li> <li>- Conducting a needs assessment for upgrading the equipment, including software, of DPDP for inspection supervision and other relevant activities, preparing the tender dossier and supplying the equipment.</li> </ul> <p>-</p>			
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## ANNEX II

### **Description of Institutional Framework**

**I. The Ministry of Justice** is competent for securing of the rule of law and better access to justice by preparation, implementation and monitoring of legislation related to judiciary, public prosecution, notary, civil law, criminal law, legal aid, international legal assistance; human rights; court expertise; expertise and super-expertise; out-of-court proceedings; IT in the judiciary, administrative supervision the functioning of an independent and efficient judicial system, harmonization with the EU legislation and taking other activities related to EU accession process. In this respect the MoJ is responsible for the coordination of the policy and strengthening of the institutional capacities of judiciary composed of number of Independent Institutions such as: Academy for Judges and Public Prosecutors, the Public Prosecutor's Office, the Courts in the country, the State Commission on Prevention of Corruption, and the Agency for managing confiscated property and property gains in criminal and misdemeanour procedures.

**II. Ministry of Interior** is public institution responsible for: functioning of the public and state safety system, prevention of violent destruction of the democratic institutions determined by the Constitution of the former Yugoslav Republic of Macedonia; protection of life, personal safety and the property of the citizens prevention of outburst of national, racial and religious hatred and intolerance; prevention of committing criminal and minor offences, identification and arresting perpetrators and undertaking other measures prescribed by Law, for pursuit of the perpetrators; civil affairs and other affairs established with this or separate law. The organizational structure of the Ministry is consisted of organizational units for the needs of the Ministry and bodies as part of the Ministry. Organizational units for the needs of the Ministry are organizational units authorized to conduct the work for the need of the whole Ministry as: organizational units authorized to conduct expert issues and organizational units authorized to conduct civil affairs. Bodies of the Ministry are: the Bureau for Public Safety, and Administration for Security and Counterintelligence

**III. Financial Police Directorate (FP)** is a directorate within the Ministry of Finance. Since 2007 it has the capacity of a legal person.<sup>1</sup> The Book of Regulations for Organization of Work and the Book of Regulations for Systematization of the Working Positions in the FP were adopted in February 2008. FP is organized in 3 sectors and 12 departments, with a total of 63 working positions. At present there are 30 persons and 25 of them are in the police operations staff of the FP. FP has jurisdiction<sup>2</sup> to investigate a number of defined criminal activities: tax evasion; money laundering and other gainful criminal activities; tax, bank, insurance, stock market, customs and frauds of significant amounts; severe forms of corruption, such as misuse of official position and authorization of significant amounts damaging the state budget; provoking false bankruptcies; falsifying and destroying of official registries; falsifying of documents; funding terrorism; non-payment of customs fees or excises and other public fees proscribed by the law, involving

substantial/significant/great proportions amounts. In August 2007, FP was designated as the **Anti-Fraud Coordination Service (AFCOS)** for **OLAF**.

**IV. Directorate for Personal Data Protection** is an independent institution, established under the Law on Personal data Protection in 2005. With the Rulebook on systematization of the working positions, 64 working positions in different units were systematized in the Directorate. The number of filled positions as of June 2012 is 24 and all employees have civil servant status. There are four Departments in the Directorate, Department for inspection – East, Department for inspection – West, Department for legal affairs and international cooperation and Department for Central Register, IT support, planning, analysis and strategy. The Unit for Human Resources is outside of the departments.

#### Institutional framework – Prevention and protection against discrimination

##### **Commission for protection against discrimination**

Pursuant to the Article 16, of the Law on prevention and protection against discrimination (Official Journal of RM, No. 50 as of 13.04.2010), the Commission for protection against discrimination is autonomous and independent body that works in accordance with the competences determined within the law. The assets for operation of the Commission are provided from the national Budget. The Commission may provide assets from other sources. Pursuant to the Article 17 of the same law, the Commission is consisted of seven members who are appointed by the Assembly of the former Yugoslav Republic of Macedonia with a five-year mandate. The Commission has adopted its Guidebook and Strategic Plan and Annual Report.

Pursuant to Article 24 of this law, the competences of the Commission are:

1. Acts upon complaints, gives opinion and recommendations for the concrete cases of discrimination;
2. Gives information to the submitter of the complaint for his/her rights and opportunities for starting a court or other procedure for protection;
3. Starts initiative for starting a procedure in front the competent bodies because of done infringements to this Law;
4. Submits annual report to the Assembly of the former Yugoslav Republic of Macedonia;
5. Informs the public for the cases of discrimination and undertakes activities for promotion and education of equality, human rights and non-discrimination;
6. Monitors the implementation of this Law, initiates amendments of regulations because of implementation and improvement of the protection against discrimination;
7. Establishes cooperation with the bodies authorised for establishing equality and protection of the human rights in the local self-government;
8. Gives recommendations to the state bodies for undertaking measures for administration of equality;
9. Gives opinions upon draft laws significant for the protection against discrimination;
10. Collects statistical and other data, forms data bases, conducts studies, researches and trainings in relation to the discrimination;
11. Cooperates with adequate national bodies of other countries, as well as with

international organisations in the area of protection against discrimination and  
12. Adopts the rules of procedure and other acts for internal organisation of the work.

### **Equal Opportunities Department in the MoLPS**

With reference to issues relating to the equality of genders and equal opportunities, the Equal Opportunities Department was established within the Ministry of Labour and Social Policy. Two units operate within the Department:

- Gender Equality Unit; and
- Unit for prevention of and protection from any kind of discrimination.

Activities and tasks are performed within the Department which pertain to the promotion of the status of women and establishment of equal opportunities for men and women in accordance with the Law on Equal Opportunities for Men and Women, the standards and the principles of the international conventions and documents which the former Yugoslav Republic of Macedonia has ratified or signed, and which refer to equal opportunities and protection from discrimination (gender, ethnical, age, physically or mentally challenged persons, as well as double discrimination of individuals due to unequal treatment) in the sphere of labour, social protection and social insurance; coordination is performed of all activities in the sphere of gender equality, equal opportunities for men and women and protection from discrimination (gender, ethnical, age, physically or mentally challenged persons, as well as double discrimination of individuals due to unequal treatment) in the sphere of labour, social protection and social insurance at a national, local and international level; initiating and proposing the adoption, modification and amendment of the legal regulations in terms of gender equality, equal opportunities and protection from discrimination (gender, ethnical, age, physically or mentally challenged persons, as well as double discrimination of individuals due to unequal treatment) in the sphere of labour, social protection and social insurance; provision of legal assistance to persons discriminated upon gender-related basis, and cooperation with all the institutions competent in this sphere.

Government of the former Yugoslav Republic of Macedonia and state administration bodies

At the level of the Government and the state administration bodies, the institutional mechanisms for the implementation of the non-discrimination principle have been structured in two segments. The Government of the former Yugoslav Republic of Macedonia comprises a functional segment titled Secretariat for the Accomplishment of Proper and Equal Participation, which effectuates the governmental policy for the employment of members of the communities which are not a majority in the country. On the other hand, the state administration bodies enable the implementation of the monitoring and enhancement of the human rights protection by means of applying the international standards and improving the mechanisms for the implementation thereof. The Human Rights Department operates at this level in the Ministry of Foreign Affairs, whereas the Department for Human Rights, Legal Analyses and Comparative Law has been established within the Ministry of Justice.

### **Courts in the former Yugoslav Republic of Macedonia**

In accordance with the Law on the Courts, the courts protect the freedoms and rights of the citizens, as well as the rights of the other entities if, pursuant to the

Constitution, it is not in the competence of the Constitutional Court. The regular courts have a general competence for protection of the human rights.

### **Constitutional Court of the former Yugoslav Republic of Macedonia**

Article 108 of the Constitution of the former Yugoslav Republic of Macedonia defines sets forth that the Constitutional Court is a body of the Republic which protects the constitutionality and the legality. According to Article 110 of the Constitution, the Constitutional Court protects, inter alia, the freedoms and the rights of the individual and the citizen pertaining to the freedom of conviction, conscience, thought and public expression of thought, political association and activity as well as to the prohibition of discrimination among citizens on the ground of sex, race, religion or national, social or political affiliation. The Constitutional Court performs its role in this domain in two manners: through constitutional revision, i.e. assessment of general legal acts and through specific disputes, i.e. through direct protection of certain rights and freedoms comprised in the Constitution.

### **Ombudsman**

Under Amendment XI of the Constitution, the Ombudsman received an obligation to pay special attention to the protection of the principles of non-discrimination and to the rightful representation of the members of the communities in the bodies against which the Ombudsman acts. This constitutional amendment was become operational with the Law on the Ombudsman (Official Gazette of the former Yugoslav Republic of Macedonia No. 60/03) in which a new competence was established in accordance with which the Ombudsman undertakes activities and measures aimed at protection of the principle of non-discrimination and adequate and rightful representation of the members of the communities in state authority bodies, the bodies of the local-self-government units and the public institutions and offices.

### **Committee for Inter-Community Relations**

The Committee has been established under Article 78 of the Constitution, wherein the composition and the competencies thereof have been defined. The Committee comprises 19 members, as follows: seven representatives from the majority community and seven representatives from the largest non-majority community from the Assembly of the former Yugoslav Republic of Macedonia as members and one member of the Assembly representatives from each of the following communities: Turkish, Vlach, Roma, Serbian and Bosnian. In the event that a certain community in the former Yugoslav Republic of Macedonia does not have a representative thereof in the Assembly, the Ombudsman, in consultations with the relevant representatives of that community, shall propose a member thereof in the foregoing Committee. The members of the Committee shall be appointed by the Assembly of the former Yugoslav Republic of Macedonia, whereas their competence shall be focussed on issues in the sphere of inter-community relations, wherein it shall provide opinions and proposals for the resolution thereof. The Assembly of the former Yugoslav Republic of Macedonia shall be obliged to consider the opinions of the Committee and adopt decision relating to the said opinions. In the event of a dispute regarding the implementation of the voting procedure in the Assembly in accordance with Article 69 paragraph 2 of the Constitution (the voting method known as “Badenter Voting Principle”), the Committee, under a majority vote, shall decide as to whether such voting should be applied.

## **Standing Survey Commission of the Assembly of the former Yugoslav Republic of Macedonia for the protection of freedoms and rights of the citizens**

**The standing survey commission for the protection of the freedoms and rights of the citizens is aimed at ensuring the protection of the freedoms and rights of the citizens in the event of a failure to exercise them in practice or in the event of the breach thereof by the competent state bodies. The establishment of the foregoing Commission enables the initiating of a procedure for the establishment of the accountability of public officials.**

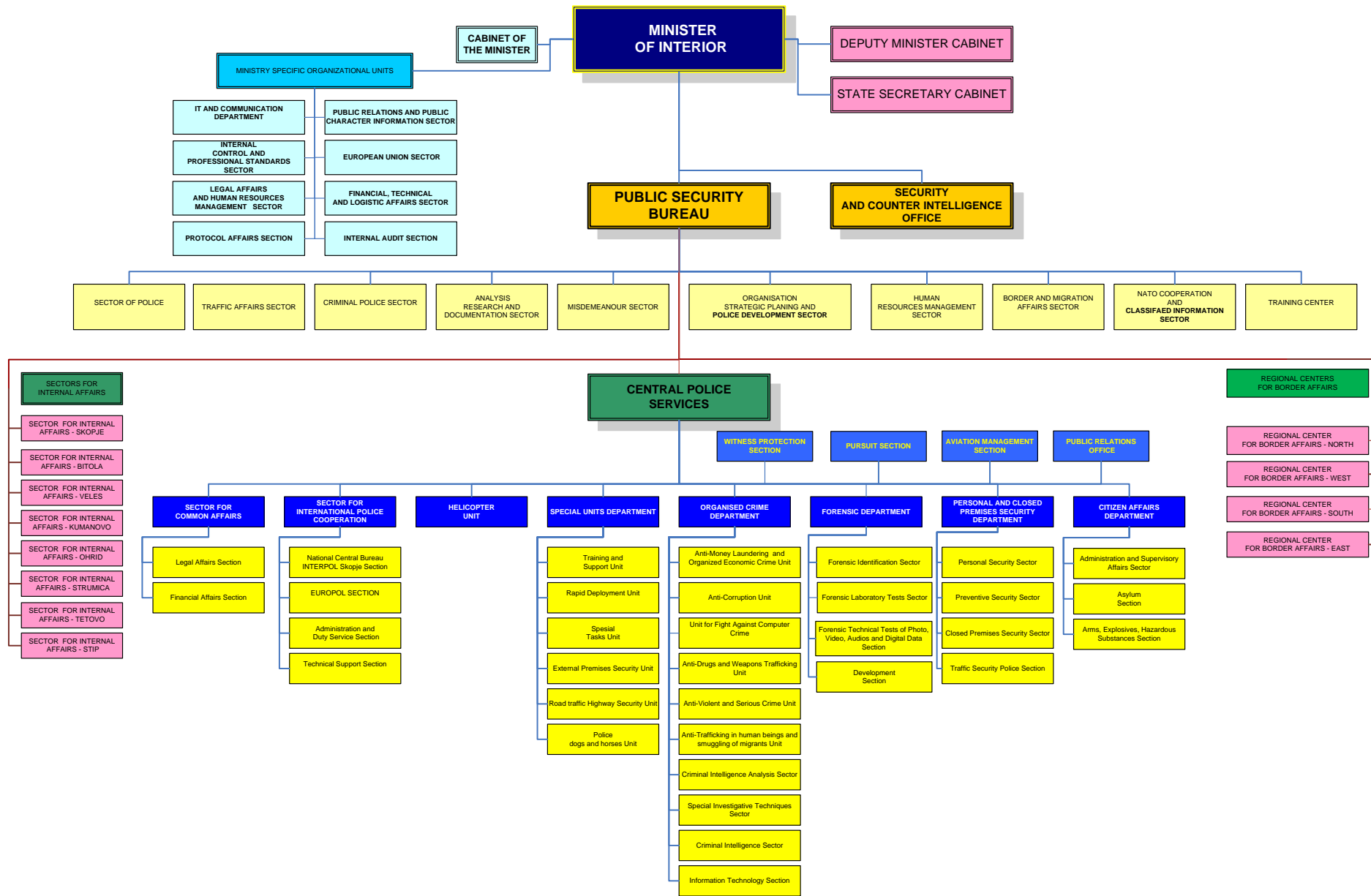
### **Unit for Implementation of Roma Strategy and Decade (MoLSP)**

A Unit for Implementation of Roma Strategy and Decade is organisational unit within the Department for coordination and technical assistance of the Minister (MoLSP). In accordance with the ministry systematisation, 5 working positions are foreseen: Head, 2 (two) Advisors and 2 (two) Junior Associates. Starting from August 2008, this unit is formed as a reflection of the Government determination and as well of the Ministry, for proper and improved coordination of all the activities of the line ministries undertaken in direction of realising the goals of the Roma Strategy and its National Action Plans. The unit's work is focused on improvement of the coordination of the activities between the line ministries regarding their projects and programmes implemented, informing of the National Coordinator and the National Governmental Coordination body, ensuring cooperation with the local self-government units and the Roma civil society organisations.

### **Minister without Portfolio and National Coordinator of the “Decade for Roma”**

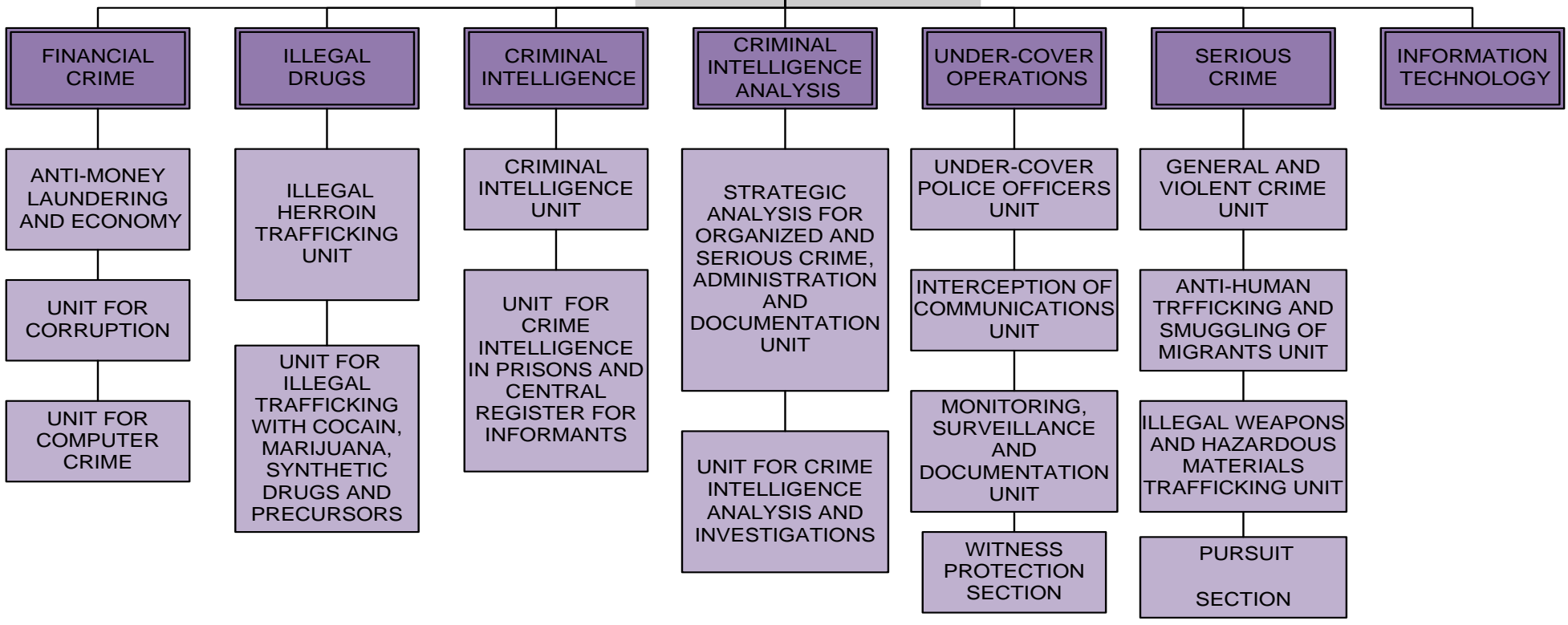
Designated Minister without Portfolio and National Coordinator of the “Decade for Roma inclusion 2005-2015” and “Strategy for Roma in the former Yugoslav Republic of Macedonia” is done on July 2008. At the same time, the Cabinet of the Minister without portfolio have been formed by the services located in the General Secretariat in the Government. The Cabinet works on coordination, public presentation and policy making in line of the Roma Strategy and Decade.

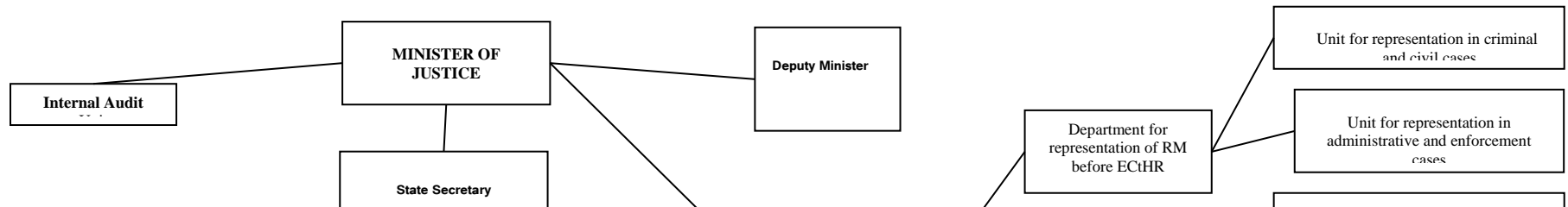
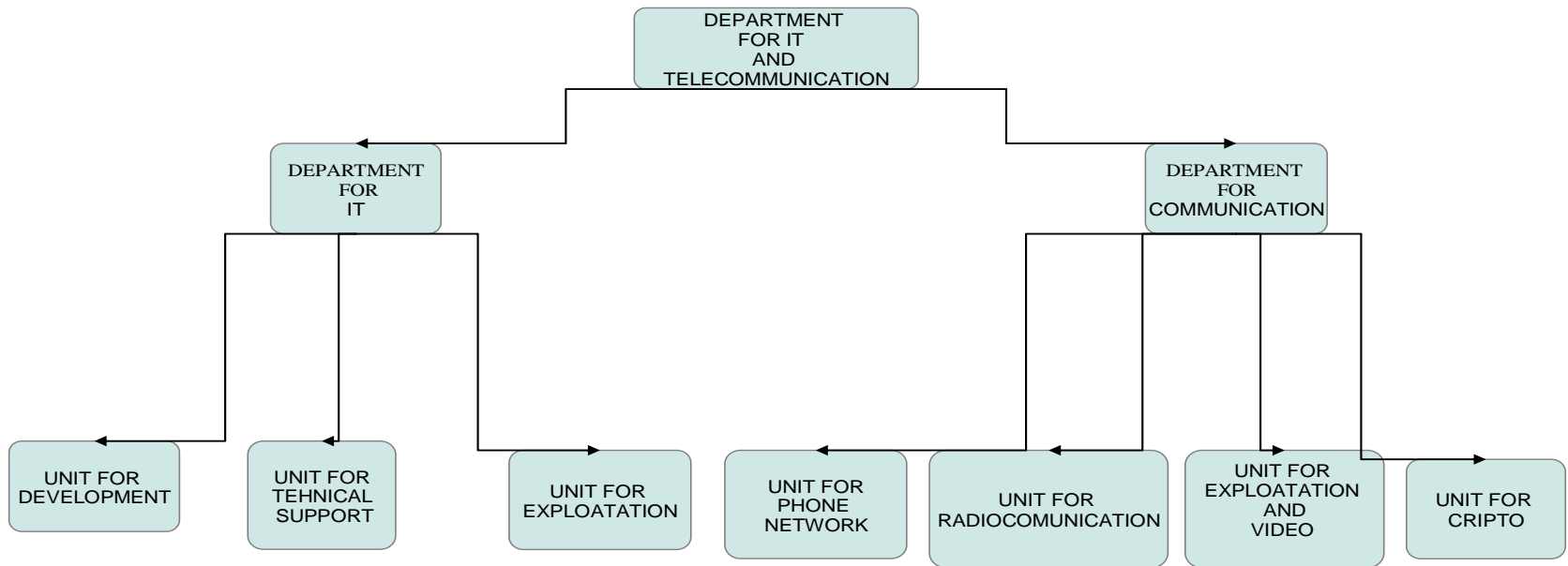




MINISTRY OF INTERIOR

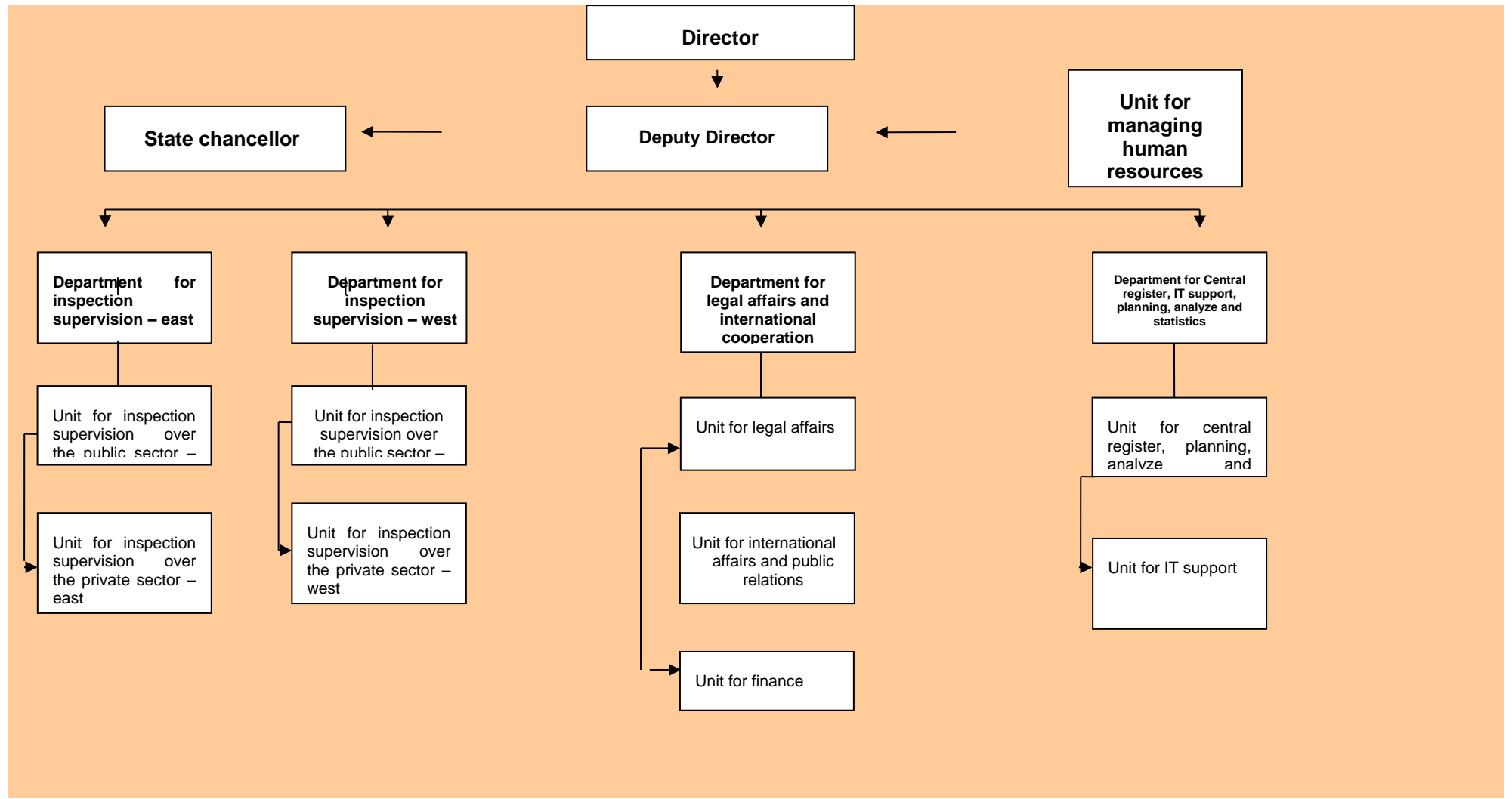
CENTER FOR SUPPRESSION OF ORGANIZED AND SERIOUS CRIME



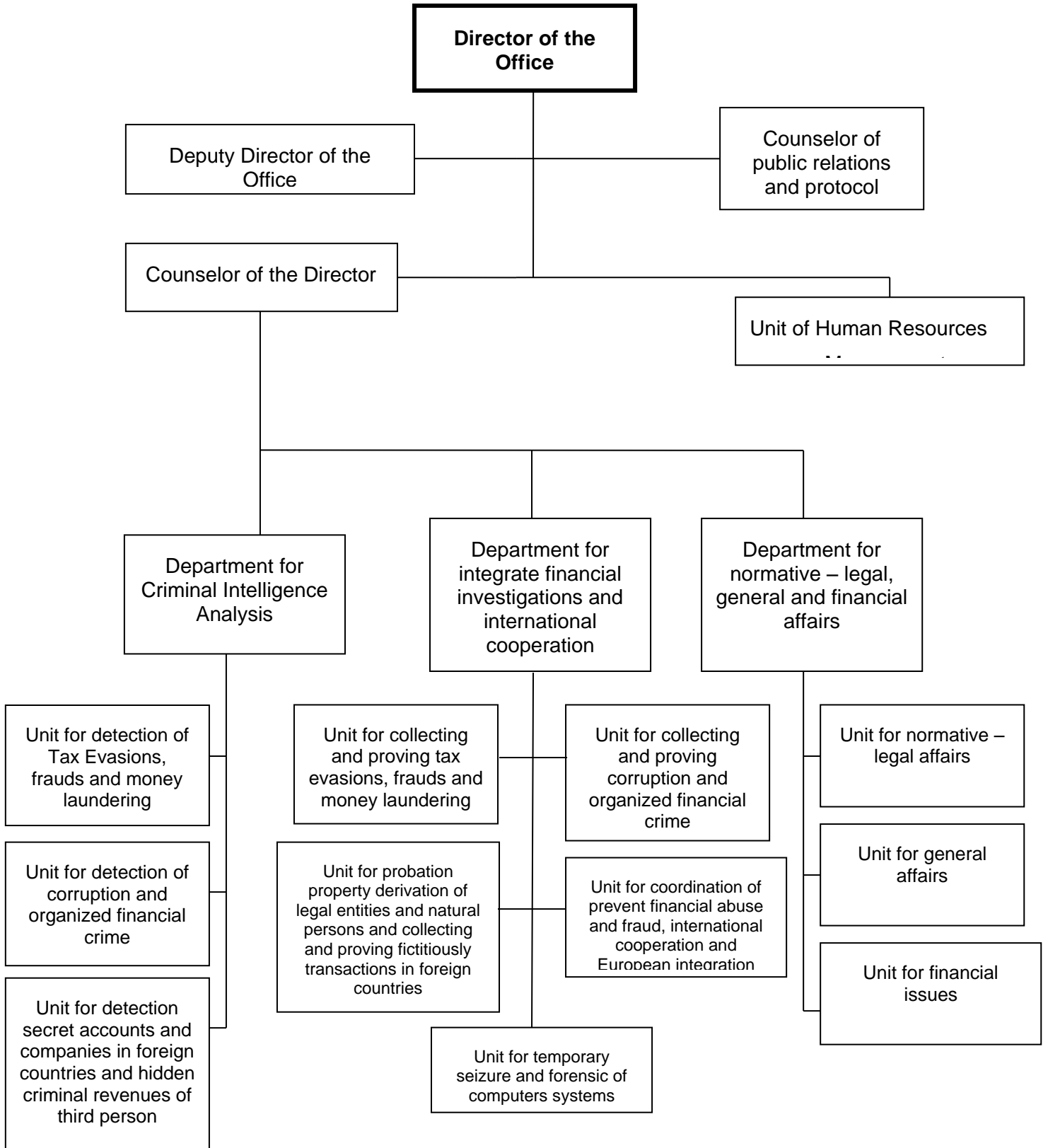




DIRECTORATE FOR PERSONAL DATA PROTECTION



**CHART OF  
FINANCIAL POLICE OFFICE**



### ANNEX III - Political, legal and institutional framework:

- Work Programme of the Government of the former Yugoslav Republic of Macedonia for the period 2011–2015
- National Strategy on development of the established system for integrated border management;
- The Strategic plan of MOI 2012 – 2014;
- Specific action oriented measures against organised crime;
- National drugs strategy;
- National strategy for combating trafficking in human beings and illegal migration;
- National Strategy for control of Small Arms and Light Weapons;
- Strategy for intellectual property of the former Yugoslav Republic of Macedonia (2009 – 2012);
- Strategy for Preventing Money Laundering and Financing Terrorism;
- Work Program of the Government of the former Yugoslav Republic of Macedonia;
- State Programme for Prevention and Repression of Corruption, and the State Programme for Reduction of Conflict of Interests;
- Strategic Plan of the Ministry of Justice 2012-2014;

## ANNEX IV – Details per EU funded measures

### **Within the Financing Agreement for 2012, the following contracts are foreseen:**

- **One Service Contract for the implementation of Measures 1 and Measure 2 under IPA 2012** will be concluded. The value of this contract is EUR 1,200,000 out of which EUR 1,080,000 is IPA contribution, and EUR 120,000 national co-financing. The duration of this contract will be 18-24 months;
- **One Twining Light contract** under IPA 2012 for implementation of Measure 4 will be concluded. The value of this contract is EUR 250,000, out of which EUR 237,500 IPA contribution and EUR 12,500 national co-financing. The duration of this contract will be 6-8 months;
- **One Service contract** under IPA 2012 for implementation of Measure 6 will be concluded. The value of this contract is EUR 900,000, out of which EUR 810,000 IPA contribution, and EUR 90,000 national co-financing. The duration of this contract will be –18-24 months;
- **One Supply contract** under IPA 2012 for implementation of Measure 6 will be concluded for purchasing of equipment, including software and other material-technical items in total value of EUR 250,000, out of which EUR 187,500 IPA contribution and EUR 62,500 national co-financing. The duration of the contract will be 6 months plus 12 months warranty period bringing the total contract duration to 18 months.

### **Within the Financing Agreement for 2013, the following contracts are foreseen:**

- **One Supply contract for the implementation of Measures 1, 2 and 3 under IPA 2013** will be concluded for purchasing equipment, including software and other material-technical items and vehicles on the basis of conducted needs assessments for the institutions fighting corruption, organized and serious crime, financial crime and fraud of EU funds, including courts, law enforcement institutions, PPO, SCPC, Agency for management of confiscated property and property gains, Public Revenue Office, State Audit Office, AFCOS, in total value of EUR 3,500,000 out of which EUR 2,625,000 IPA contribution and EUR 875,000 national co-financing. The duration of the contract will be 12 months plus 12 months warranty period bringing the total contract duration to 24 months;
- **One works contract** under IPA 2013 for implementation of Measure 5 will be concluded for constructing/refurbishment of premises in total value of EUR 3,250,000 out of which EUR 2,437,000 IPA contribution and EUR 812,500 national co-financing. The duration of the contract will be 8 months plus 12 months warranty period bringing the total contract duration to 20 months;
- **One Framework contract** under IPA 2013 for supervision of the works will be concluded.

### **The following contracts are foreseen to be funded under the PPF 2011:**

- **One framework contract** under PPF 2011 for preparation of tender dossier for supply for Measure 1, 2 and 3 will be concluded;
- **One framework contract** under PPF 2012 for preparation of tender dossier for works for Measure 5 will be concluded.

## **Justification for supplies**

### 1. **Indicative list of items/Cost estimate**



COMPONENT 1, 2 AND 3				
	TYPE OF SUPPLY	Quantity	Unit price in €	Total in €
<b>MEASURE 1, 2, 3 - MINISTRY OF INTERIOR</b>				
1	Genetic analyzer for forensic and human identification use - Applied biosystems-3500xl 24 capillary with DataCollection software and GeneMapper IDX (two licences)	1	200,000	200,000
2	Real Time PCR machine validated for forensic and human identification use with PC workstation - Applied biosystems 7500	1	45,000	45,000
3	Thermalcycler (PCR) validated for forensic and human identification use - Applied biosystems-Verity	3	10,000	30,000
4	Bio-robotic station for DNA isolation for forensic and human identification use - Qiagen EZ1 Advanced for 14 samples	1	50,000	50,000
5	Liquid Handling Station with validated method for direct amplification setup	1	20,000	20,000
6	PCR Fuming Hood	1	10,000	10,000
7	Laboratory fume cupboards	1	20,000	20,000
8	Evidence drying cabinet	1	10,000	10,000
9	Laboratory furniture (benches, chairs, chemical storage cabinets...)	1	80,000	80,000
10	Video Spectral Comparator (VSC)	1	35,000	35,000
11	Raman spectrometer	1	30,000	30,000
12	ESDA - The Electrostatic Detection Apparatus	1	15,000	15,000
13	Cyanoacrilate chamber	1	10,000	10,000
14	Forensic Light Source Kit	3	6,500	19,500
15	<a href="#">Streamlight Flashlight Strion 51/2 Inch Rechargeable Black</a>	2	50	100
16	Digital camera  Body type SLR-like (bridge) Max resolution 4608 x 3456 Effective pixels 16 megapixels Sensor size 1/2.3" (6.17 x 4.55 mm) Sensor type BSI-CMOS ISO Auto, 100, 200, 400, 800, 1600, 2000, 3200 Focal length (equiv.) 24–1000 mm Optical zoom 41.7× Articulated LCD Tilting Screen size 3" Screen dots 921,000 Format MPEG-4, H.264	50	350	17,500

	Storage types USB Weight (inc. batteries) Dimensions GPS	SD/SDHC/SDXC USB 2.0 (480 Mbit/sec) 555 g (1.22 lb / 19.58 oz) 120 x 83 x 102 mm (4.72 x 3.27 x 4.02") BuiltIn			
17	Camcorder Full HD 1080p with over 80GB Flash Memory	2	,2,000	4,000	
18	Multiformat video deck	2	2,000	4,000	
19	Camcorder/camera for extreme conditions, weather sealed	3	450	1,350	
20	Digital SLR camera (only body) with HD video recording and min 21mp full-size cmos sensor weather sealed	1	3,000	3,000	
21	Range finder Digital camera with aps-c sensor size and HD video recordin	3	600	1,800	
22	LCD LED Full HD at least 55" TV	1	900	900	
23	Forensic video enhancement software and hardware with training course 1 licenses	1	25,000	25,000	
24	Desk top computer all in one with 27" touchscreen and a quad-core Intel Core i7	2	2,100	4,200	
25	Audio forensic lab. Software and hardware with training course 1 licenses which is consisted by speaker identification/verification segment, language/dialect segment, gender identification segment, acoustic keyboard spotting and speech transcription segment. Compatible with EUROPOL and INTERPOL voice print standards	1	100,000	100,000	
26	Studio condenser microphone, switchable cardioid, figure-eight, and omni polar patterns, 20 Hz – 20 kHz frequency response, ± 1 dB	4	150	600	
27	Studio active monitor frequency response 38Hz-22kHz, low-frequency amplifier power 70 watts, maximum signal-to-noise (dynamic range) > 100 dB	4	200	800	
28	4-channel mixer analog with USB port and EQ	1	200	200	
29	Studio headphones with maximum reduction of background noise. 18Hz-20kHz range	3	100	300	
30	Audio amplifier with multi inputs and outputs I / O	1	1,000	1,000	
31	Micro-cassette playback/transcriber unit, standard cassette playback/transcriber unit	1	1,500	1,500	
32	Digital recorder with two speed recording and remote control	3	100	300	
33	External audio digital card 24-bit / 48 kHz digital audio processing, S/PDIF coaxial digital input and output, Convenient single USB cable data and power connection	2	250	500	

34	Professional cables, mono and stereo for connecting all the equipment in all possible configurations of connectors	3	100	300
35	Forensic forged image detection software and hardware with training course 1 licenses	1	5,000	5,000
36	Telescopic stand with a tripod - 5 m for air-filled lighting balloon	2	1,100	2,200
37	Photo Printer, compact form, resolution: 300 x 300 dpi, 300 x 600 dpi, print size from 89x127 mm to 152x229 with 5 ribbons and paper	15	2,000	30,000
38	Digital SLR camera, 10 frame per seconds, at least 16,1 million effective pixels, ISO 100-12,800, file format images JPEG,NEF(RAW)+JPEG,TIFF, movie HD 1,920x 1,080/30fps with micro lens 100 mm 2,8f	2	7,000	14,000
39	Handycam camcorder Full HD with flash memory and accessories (bag, batteries...)	15	700	10,500
40	Notebook / UltrabookProcessor: Intel® Core™ i5-3337U 1.8GHz (up to 2.7GHz) 3MB Memory: 6GB DDR3 SDRAM 1600MHz Storage Drive: 750GB SATA 5400RPM Screen Type: 14" HD Led Backlight Touch Screen 1366 x 768 16:9	40	570	22,800
41	DESKTOP PC ALL in One i7 Processor 27"	5	2,100	10,500
42	TOWER SERVER Intel® Xeon® processor 64GB RAM (10+ TB HDD)	5	6,000	30,000
43	LCD Projector Projection System - DLP Native Resolution - XGA (1024 x 768) Brightness* - 4000 ANSI Lumen Contrast Ratio - 5300:1	2	700	14,000
44	DESKTOP PC + 22" monitor i5 processor 1TB HDD 1GB VGA	100	800	80,000
45	LASER PRINTER MONOCHROME - BLACK	100	150	15,000
	<b>SUBTOTAL</b>			<b>975,850</b>
	<b>MEASURE 1,2,3 - MINISTRY OF JUSTICE</b>			
1.	SERVER	30	1,200	360,000
2.	STORAGE	2	15,000	30,000
3.	Rack+klima+UPS	30	2,000	60,000
4.	Windows server 2008	30	1,000	30,000
5.	MS W2008 1USR CAL E Lic	400	25	10,000

6.	SQL 2008	30	800	24,000
7.	SQL CAL	400	150	60,000
8.	LAN	30	1,000	30,000
9.	Adaptation of the server (storage) area	3000	1,000	30,000
10.	Notebook (Laptop)	50	700	35,000
11.	Docking Station	50	70	3,500
12.	Network Documents Printers	30	2,000	60,000
13.	Multifunctional printer	30	20	6,000
14.	Router	30	1,000	30,000
15.	Firewall	30	3,000	90,000
16.	Antivirus protection for 3 years	700	30	21,000
17.	Switch 48	7	3,000	21,000
18.	Switch 24	24	2,000	48,000
19.	Case-management	30		600,000
20.	Data base for monitoring of the performance of the PPO, Statistics	30		80,000
21.	Security policy with top security policy	30		100,000
22.	Management with scanned documents	30	3,000	90,000
23.	Internet	30	600	18,000
24.	WEB pages	30	1,000	30,000
25.	WEB server of the PPO and Mail server	1		20,000
26.	Budget-financial-material performance	30		10,000
27.	Off the balance sheet performance	30		40,000
28.	Audio-visual recording	17		255,000
	<b>SUBTOTAL</b>			<b>2,191,500</b>
	<b>MEASURE 1, 2, 3 - FINANCIAL POLICE</b>			
1.	Vans	1	15,000,00	15,000
2.	Terrain vehicle) with 5 years warranty	1	20,000,00	20,000
3.	Forensic equipment for cellular phones	1	3,000	3,000
4.	Surveillance and interception equipment		30,000	30,000
5.	“I2” license and software-Financial investigation software	1	5,000	5,000
6.	License for “Encase” computer forensic	2	3,500	7,000

7.	Notebooks	40	700	28,000
8.	Data back up server with backup software licence	1	15,000	15,000
9.	Power Generator 100 KVA	1	35,000	35,000
10.	Scanner	6	150	900.
11.	Multifunctional network machine	5	500	2,500
12.	Printers	10	150	1,500
13.	Document management software	1	30,000,00	30,000
14.	Shredder	46	350	2,100
15.	LCD projector	1	200,00	200
	<b>SUBTOTAL</b>			<b>195,200</b>
	<b>MEASURE 1, 2, 3 – FINANCIAL INTELLIGENCE OFFICE</b>			
1.	Vehicle (Business vehicle for official hosting delegation, visit and other representative tasks)	1	24,000	24,000
2.	Vehicle (Business vehicle for operational tasks, on site visits, training and other activities)	1	17,000	17,000
3.	Vehicle (Business vehicle for postal supply, couriers and other activities)	1	10,000	10,000
4.	Mobile solution for web portal (Development of mobile solution of the web portal for submitting report from entities and available searching in order to be fully compliance)	1	23,500	23,500
5.	Oracle Database (2 x core) License - Providing Continuous Licensing Support for the database platform	1	7,150	7,130
6.	Notebooks (Notebooks for Intelligent Officers and Supervisors for onsite training, presentations, workshops, study visits)	10	600	6,000
7.	Tablet Devices (Devices for Intelligent Officers and Supervisors to be available to search the data from outside, during their tasks and on-site visit)	3	500	1,500
8.	Uninterruptible Power System (UPS) - Providing Continuous Power Supply for Additional Time when it happens to have main power supply failed	2	5,000	10,000
9.	Tape Library solution - Providing Backup Solution on separate tapes which will be available for further protection	1	11,500	11,500
10.	Storage Media Solution - Providing disk space for large volume of data	1	15,000	15,000

11.	Virtual Technology Licensing - Providing virtual technology for all separate application servers	2	6,000	12,000
	<b>SUBTOTAL</b>			<b>137,630</b>
<b>TOTAL</b>				<b>3,500,000</b>
<b>MEASURE 6 - DIRECTORATE FOR PERSONAL DATA PROTECTION</b>				
1.	Virtualization of server infrastructure (+Software)	1		70,000
2.	UPS system	2		3,500
3.	Network Server Monitor (+Software)	1		3,000
4.	Storage server	2		20,000
5.	Backup server with applicable software	1		30,000
6.	Firewall	2		14,000
7.	Tablets	30		40,000
8.	Platform for sharing information with the controllers from private and public sector (hardware and software)	1		40,000
9.	Software and trainings for online inspection	2		29,500
	<b>TOTAL</b>			<b>250,000</b>

### **MEASURE 1, 2 AND 3**

**Justification** - Considering the new Law on Criminal Procedure, by which the prosecution obtains a new managerial role in the discovery and prosecution of criminal offenses, there is a necessity of further strengthening of the human capacities, improvement of the spatial facilities, and equipment, with special emphasis IT technology. In order to realize the European Commission's recommendation for improvement and upgrading of the ICT in the public prosecution, the Ministry of Justice in cooperation with the Ministry of Finance has to consider the possibility of finding foreign assistance to upgrade the IT infrastructure in prosecution. Moreover the experts who conducted the peer review mission in April this year had serious findings on the situation within the PPO with regard to the material, infrastructure and human resources. The major consideration was given to the lack of Automated case management information system in the public prosecution (ACMIS) which has been functional in the courts since 2009. There is an urgent need for extension of this system to the PPO.

Emphasis has to be given to the fact that the total amount of the budget for the Public Prosecution Office is 339,700,000 denars or EUR 5,496,270 out of which the total amount of the budget for the Council of Public Prosecutors is 22,272,000 denars or EUR 368,479, the amount of the budget that goes for salaries for the prosecutors and administration in the Public Prosecution Office is 282,450,000 denars or EUR 4,570,388 (83.14% of the total

budget) and the amount of the budget that goes for salaries for members and administration in the Council of Public Prosecutors is 15,550,000 denars or EUR 251,618.

One of the main preconditions for successful fight against sophisticated forms of organized crime is usage of modern equipment. Generally this equipment has high cost and due to the limited budget of the Law enforcement agencies, supply of such equipment is restricted. Furthermore, preparation of specification for purchasing of such equipment also requires experts support not only because of the complexity but also because of the need to protect human rights during the usage of the equipment. Therefore the use of IPA funds are needed these equipment to be purchased.

More specifically on the **purchase of vehicles**, the Financial Police Office is authorized to investigate cases connected to money laundering, tax evasion and other crime on the territory of the former Yugoslav Republic of Macedonia. The current number of employees is 32, out of which 30 are engaged in filed work and on-site visits. In the existing technical capacity of the institutions, the premises where the FPO and AFCOS work are rented and the small numbers of vehicles available are used, being older than 15 years. The intention is to purchase 10 light vehicles for on the field -operational work and one van for transportation of detained persons. Essential investigative work is work on the field, with people who can give information connected to a certain crime, control of the financial evidence in legal entities and etc. Three years ago the budget foresaw purchase of such vehicles, but with the austerity measures, the Government band all purchase of equipment for all intuitions, including FPO and AFCOS. At this moment the budget of FPO was cut and the funds available allowed only to repair the old vehicles.

What is foreseen under this fiche is purchase of light vehicles and the current price is about EUR 11,000 per vehicle, in middle class range, with five years guarantee. The supply of vehicles included the budget contribution of 25% or EUR 32,500.

In the 4th Round Mutual Evaluation Report made by Moneyval Committee of experts for the evaluation of AML/CFT measures within the Council of Europe, it is stressed that the Financial Intelligence Office resources for performing effective supervision are insufficient and that a satisfactory level of supervision cannot be achieved in such circumstances. In order to improve the supervisory function, improvement of human and technical capacities of the FIO, especially Inspection Supervision Department is necessary, especially taking into account the number of obliged entities and the fact that they are located on the whole territory of the former Yugoslav Republic of Macedonia. In this regard, specialized trainings, IT equipment, as well as vehicles would be needed.

**Intended beneficiary** are the Ministry of Interior, Ministry of Justice, Financial Police, PPO, SCPC, Agency for management of confiscated property and property gains, Public Revenue Office, State Audit Office, AFCOS, Financial Intelligence Office.

**One framework contract** under PPF 2011 for preparation of tender dossier for supply for Measure 1, 2 and 3 will be concluded

**Maintenance** - For the first year the purchased equipment will be maintained by the supplier within the guaranty period. Furthermore the supplier will be obliged to train staff from the final beneficiaries who will be responsible for the first level maintenance of the system after the expiry of the guaranty period. Furthermore, where necessary, a **Service-level agreement (SLA) with external providers will be contracted**. All costs for maintenance after the guarantee period will be borne by the relevant ministries.

## **MEASURE 5**

**Justification** -The Establishment of Home affairs Business Continuity and Disaster recovery data centre as a base for the future Schengen information system is one of the key

priority of MOI. For that reason such activity is anticipated in the Strategic plan of MOI 2010 - 2012 under the 2.6.2 Subprogram Upgrading of the MOI IT System. According to the initial assessments and estimations the required financial means for such project are 180,000,000 denars or EUR 3 million. Budgetary means for realization of that kind of project are not foreseen in the MOI budget, and therefore in the national IPA programme 2012 – 2013 an EU support for realization of this project is requested.

**Indicative list of items/Cost estimate** - Having in mind the complexity of the project, the need for previous assessment of the situation, preparation of system design and then supply of the equipment, first step in the implementation of the project is preparation of Feasibility study which among the other things, will define the equipment that should be purchased. Hence at this moment we cannot prepare an indicative list of items and a cost estimate.

Within TAIEX instrument during 2011 experts from the MOI-IT department realized study visit to the Polish Border Guard. The main goal of this visit was to get knowledge and experience about the functioning of the Polish Border guard ICT System and Schengen communication system, applied technical solutions and planning the next steps of MoI aimed for establishment of base for the future Schengen information system. In this regard they visited the ICT Center in Warsaw which is a central ICT system of the Polish Border Guard and they also visited existing Business Continuity and Disaster recovery data centre which supports the main ICT System. During the visit they were informed by the polish colleagues about the necessity of establishment of Home affairs Business Continuity and Disaster recovery data centre which will serve as a base for the future Schengen information system. Additionally they received unofficial information that the costs for the establishment of the polish Business Continuity and Disaster recovery data centre were between EUR 7-9 million.

From other side MOI has experience with CARDS project Construction of National Border Management Co-ordination Centre 9 (EUR 1.5 million) as well as supply of equipment for the needs of MoI ICT Centre, including establishment of IT network with other ministries. It was assessed that the minimum budget for this type of project is approximately 180,000 million denars or about EUR 3 million.

**Intended beneficiary** is the Ministry of interior.

**The detailed technical specification** will be prepared by experts engaged under one framework contract under PPF 2011.

**Maintenance** - For the first year the purchased equipment will be maintained by the supplier within the guaranty period. Furthermore the supplier will be obliged to train staff from the Ministry of interior who will be responsible for the first level maintenance of the system after the expiry of the guaranty period. Furthermore a **Service-level agreement (SLA) with external providers will be contracted**. All costs for maintenance after the guaranty period will be borne by the Ministry of Interior.



## **ANNEX 5: Possible visibility activities**

The activities foreseen under each measure of this Sector Plan will ensure publicity and visibility actions (developing communication plan on each project level, using EU logo, etc.) and their implementation according the Commission's Communication and Visibility Manual for European Union External Actions<sup>1</sup> and the respective templates, considering usage of the available media means.

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<sup>1</sup> [http://ec.europa.eu/europeaid/work/visibility/documents/communication\\_and\\_visibility\\_manual\\_en.pdf](http://ec.europa.eu/europeaid/work/visibility/documents/communication_and_visibility_manual_en.pdf)