

Proposal for a thematic evaluation on IPA support to fight against corruption

Evaluation Mandate

Directorate General/Unit	DG ELARG, Unit A3
Type of evaluation	Thematic perspective evaluation External (to be contracted)
Planned start date	October 2014
Planned completion date	June 2015 (indicative)
Budget/budget line:	IPA/2013/23681
Indicative budget	200 000 EURO
Type of procedure	Framework contract procedure

1. Why do we need this evaluation?

1.1 Justification

DG Enlargement will undertake an evaluation on the performance and achievements of IPA I support to fight against corruption in the enlargement countries. This evaluation should also address the need to contribute to better designing the programming and implementation of IPA II assistance, based on the past experience and lessons learned from IPA I assistance. This thematic evaluation is also part of the response to the Commission's call to protect the rule of law in a recently adopted new EU framework to strengthen the rule of law.¹

The Rule of Law is the backbone of democracy and a main principle founded on the common constitutional traditions of all Member States. It has progressively become a dominant issue of fundamental importance for the EU. The sector is at the heart of the DG Enlargement policy and assistance in 2014-2020², where emphasis is clearly put on the "fundamentals first". Fighting corruption is fundamental to countering the erosion of the political, legal and economic systems. In most enlargement countries there is a need for inclusive, transparent and ambitious judicial reforms with the aim of ensuring independent, impartial, efficient and accountable judicial systems. There is also a need to put in place stronger frameworks for tackling corruption, which remains a serious concern in many enlargement countries.

The implementation of the new approach in the accession negotiations chapters 23 and 24 is a challenge in all Western Balkan (WB) countries and Turkey. It is applied in Montenegro and Serbia and continues with other enlargement countries to prioritise the rule of law through targeted dialogues. The Commission's High Level Accession Dialogue with *the former Yugoslav Republic of Macedonia* continues to address rule of law issues. A number of the key priorities of the Commission's 2010 Opinion setting out the conditions for the opening of accession negotiations with *Albania* concern the rule of law. The Commission supports judicial reform through its Structured Dialogue on Justice with *Bosnia and Herzegovina* and holds a Structured Dialogue on the Rule of Law with *Kosovo**, focusing on the fight against

¹ Communication from the Commission to the European Parliament and the Council: A new EU Framework to strengthen the Rule of Law COM(2014) 158 of 19.03.2014

² Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2013-2014 , COM(2013) 700 16.10.2013

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

organised crime and corruption and reform of the judiciary. The rule of law is also a priority under the positive agenda with *Turkey*. Efforts are needed to ensure a sustained track record of substantial results in this field based on efficient, effective and unbiased investigation, prosecution and court rulings at all levels, including high level corruption.

Under IPA I more than EUR 80 million were provided in the sub-sectors anticorruption and fight against organised crime and corruption in the enlargement region. An evaluation on the performance of EU assistance in the justice, rule of law and fight against corruption and organised crime³ concluded that EU assistance was effective, acting as the most prominent support to the beneficiary countries and yielded the most sustainable results. In addition, it suggested that the rule of law needs to be a priority sector, entailing significant financial resources and measures.

Under IPA II, the rule of law and the fight against corruption will be a key priority in all beneficiaries. The reforms supported through IPA II both at national and regional level will be focused on developing independent, efficient and professional judiciaries, supporting the development of a strong network at national and regional level and establishing a track record of implementation in the fight against organised crime and corruption. This includes prevention measures and providing law enforcement bodies with effective legal and investigative tools, namely the capacity to conduct financial investigations.

In the light of the above mentioned changes and challenges in addressing the fight against corruption in IPA II assistance, DG Enlargement undertakes a thematic evaluation on IPA support to fight against corruption in the enlargement countries. The evaluation will support the decision-making, both at a strategic (planning) level, and at the level of the design of the interventions. It addresses the need to generate comprehensive and updated knowledge about the performance of IPA I in the chosen thematic area and improving the quality of the budget expenditures under IPA II framework. It also reinforces the principles of Smart Regulation and the "evaluation first principle", requiring a comprehensive evaluation on the performance of policy, instruments, and programmes in the context of planning new interventions/amendments to the current framework.

Due to the limited budget the evaluation could not focus on the entire sector of Rule of law. In order to ensure best value for money it will focus on the area of IPA assistance to prevent and fight against corruption.

Some relevant EC studies/evaluations have taken place at national, regional and EC level in the rule of law. They will be taken into account in the implementation of the current evaluation:

- Thematic evaluation of Rule of Law, Judicial reform and Fight against corruption and organised crime in the WB (contract 2010/256638) which assessed the performance of IPA assistance 2007-2011 in all WB countries
- Technical Assistance for Evaluation of Rule of Law sector implemented and financed by IPA Programme and other Donors in the Republic of Serbia (2013/313178)
- Prevention and Fight against Corruption (Serbia 2013/325-924)
- Overall Assessment of the Anti-Corruption Framework in Albania (Albania 2014/338008)

³ Thematic evaluation of EU's support to strengthening Governance, Rule of Law, Judiciary Reform and Fight against Corruption and Organised Crime in the Western Balkans
http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/evaluation/2013_final_main_report_lot_3.pdf

- Thematic Evaluation on judiciary and fundamental rights in Turkey (2011/277332)
- Business, corruption and crime in the WB: impact of bribery and other crime on private enterprise (2013), etc.

In addition to these evaluations and thematic studies, the current evaluation will add value in assessing the performance of IPA assistance to fight against corruption, which none of the previous evaluations had done in comprehensive and exhaustive way. It will provide guidance, operational recommendations on the content of the Sector planning documents and Actions programmes in the area a fight against corruption in all WB countries and Turkey.

1.2 Purpose of the evaluation

The evaluation is envisaged to be a retrospective one, though aiming at looking forward to providing advice in the area of fight against corruption of the IPA II programming and planning documents in the enlargement countries. It will assess the performance, good examples and lessons learned from the IPA I assistance in anti-corruption in enlargement countries. (see below).

The results of the evaluation will be used to:

- contribute to the preparation and adjustment of action programmes for IPA II assistance 2014-2020 in the area of the fight against corruption;
- demonstrate whether IPA I interventions in the area of the fight against corruption have met the objectives they were aimed at and actually achieved the expected results/impacts;
- provide accountability, transparency, visibility of IPA assistance in this area, enabling dissemination of achieved results to the general public, stakeholders and civil society.

2. What might it include?

2.1 Scope (indicative)

The evaluation will be focused on IPA programmes/projects to fight against corruption in a two perspectives:

- "Stand-alone" anti-corruption, fight against corruption projects/programmes;
- Integrated programmes/projects, tackling the fight against corruption in a broader sense: financing of political parties, corruption in judiciary, law enforcement agencies, customs, public sector and public procurement, civil society organisations (CSOs). Considering the seriousness of the issue for the region and the willingness to have more concrete and specific findings and recommendations, it will inevitably look at the possible interaction that corruption has with other topics; like working modalities and institutional setting of the judicial system and the functioning of public procurement.

This will include twinning projects, twinning light projects or TAIEX assistance aimed at strengthening the fight against corruption, as well as SIGMA related interventions. This may also include anti-corruption components in projects covering specific areas. A good mixture of the aforementioned types of projects shall be ensured for each country.

The evaluation shall assess:

Part 1 - Performance (efficiency, effectiveness, coherence, impact, sustainability and EU value added) of interventions financed through IPA 2007-2013 national and regional programmes, targeting fight against corruption. It should be noted that the evaluator will assess IPA programmes tackling fight against corruption in a broader scope (as defined above), while taking into consideration the results from previous evaluations on the

performance of IPA 2007-2011. Therefore, the current assessment should be seen as complementary to the former evaluation on IPA 2007-2011 on the Rule of law.

Part 2 - Intervention logic (logical framework) of IPA II sector planning documents and actions programmes in the area of fight against corruption, in order to ensure that they meet the needs and requirements, linkages between the intervention logics in the case of Sector Support, in particular the intervention logic of the Country/Multi-Country Strategy Paper (M/CSP) and that of the Sector Planning Documents and Actions programmes IPA II. Where relevant, it will assess the monitoring framework and the performance indicators and the applicability and relevance of budget support in the sector Rule of law in the beneficiaries, also looking at experiences in other regions, whenever relevant. It is expected that the Sector planning documents 2014-2020 and the annual programmes for 2014 will be elaborated by the end of the 2014.

Country coverage

With regard to part one, the evaluation should cover IPA I beneficiary countries – Turkey, Albania, Bosnia and Herzegovina, Montenegro, Kosovo, and the former Yugoslav Republic of Macedonia, Croatia⁴, except Serbia that is excluded due to a recently completed evaluation on this subject and Iceland.

With regard to part two, the evaluation will cover all IPA II beneficiaries, except Iceland⁵.

2.2 Objectives (indicative)

The primary objective of the evaluation is to provide recommendations to improve the quality of IPA II framework in the field of combatting corruption, based on the findings and lessons learned from performance assessment of IPA 2007-2013 in the enlargement countries.

3. How we will do it?

3.1 Tentative timing

Consultation with stakeholders, Steering Group set up and elaboration of the draft ToR	May -June 2014
Validation of the ToR	July- August 2014
Signature of the external contract followed by kick-off and inception report	October 2014 (tbc) ⁶
Delivery of final evaluation outputs. Debriefing of results.	June 2015
Dissemination plan	July 2015

3.2 Stakeholders and Steering group – Who should be involved?

The beneficiary of the evaluation is the European Commission, DG ELARG.

The stakeholders for this evaluation include:

National stakeholders include (non-exhaustive list):

⁴ Croatia is included as an IPA beneficiary country 2007-2012.

⁵ The Icelandic government has decided to put the EU accession negotiations on hold. In this context, the European Commission, in agreement with the Icelandic government, has suspended preparatory work on IPA for the period 2014-2020.

⁶ Assuming use of an existing framework contract.

- National IPA Coordinators (NIPAC), relevant structures, responsible for programming, implementation, monitoring of IPA I and IPA II assistance, representatives of a judiciary system and home affairs; who have responsibilities in policy making; implementation, monitoring of anti-corruption measures eg. Anti-Corruption Commissions, State Audit Offices, Asset Recovery agencies, Ministries of Justice, relevant parliamentary commissions, etc;
- Representatives of the CSOs in the beneficiary countries, business associations, academic institutions, and final beneficiaries of IPA assistance.

EU stakeholders include (non-exhaustive list):

- DG ELARG Directorate A, B, C and D, namely A1, A4, B1, B2, B3, C1, C2, C3, C4, D2, and D3;
- DG HOME, DG JUST;
- Council of Europe (GRECO), Transparency International, World Bank, UNODC etc.
- EU Delegations in beneficiary countries, European Union Office in Kosovo.

Other international stakeholders:

- International donors, playing a role in the area of fight against corruption.

Quality control of the evaluation

The launching and the implementation of the evaluation will be supported an advisory Reference Group that will ensure the quality of the evaluation and will have responsibilities, as follows:

- Guiding the planning and implementation of the evaluation to comply with the quality standards and pre-determined criteria (it will be consulted on the evaluation mandate, draft terms of reference and all draft report);
- Assisting the evaluation manager (DG ELARG A3 Unit) in implementation of activities;
- Providing an assessment of the quality of the work of the consultant; including endorsement of the inception report, interim report and the final report.
- Ensure proper follow-up action plan after completion of the evaluation

The Reference Group will include representatives from Directorates A, B, C and D of DG Enlargement and DG Home affairs.