



2004/016-764.03.01 Strengthening of the Judicial System

2004/016-764.08.03 UIBF 2004: Development of the Software for Implementation of Penal Procedure Code Recodification into IS PATRICIA

2004/016-764.03.02 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008

2004/016-764.08.03 UIBF 2004: Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders

2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia

2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR

2005/017-464.03.04 Reinforcement of Capacities to Fight against Corruption among Police Officers

2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security

2005/017-464.08.01 UIBF 2005: Legal Advice and Training of Judges in the Field of Competition and Bankruptcy Law

## Interim Evaluation of the European Union Transition Facility

### The Slovak Republic

### Sector: Justice and Home Affairs

### Author:



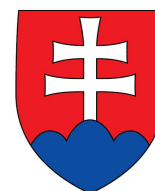
in consortium with



Date: 13 April 2007

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Government Office of the Slovak Republic  
Aid Co-ordination Unit  
E-mail: phare@vlada.gov.sk



# EXECUTIVE SUMMARY

## The Slovak Republic – Justice and Home Affairs

Monitoring Report: M/SR/JHA/06013 issued on 31 October 2006

Interim Evaluation Report: R/SK/TF/JHA/07.001

This Executive Summary covers the Transition Facility assistance under the following programmes/components:

- Justice and Prosecution
- Fight against Drugs and Corruption
- Schengen Border Management

### A) Objectives and Scope

The goal of this Interim Evaluation is to review the Transition Facility assistance to Slovakia under the Justice and Home Affairs Monitoring Sector. The EU support to Slovakia has been focused on the area of justice and prosecution, fight against drugs and corruption and the Schengen border management, with the total allocation over 5.6 M€ for years 2004 and 2005 (no 2006 projects included in the evaluation cluster) including co-financing. For the evaluation purposes the standard five criteria have been used, namely relevance, efficiency, effectiveness, sustainability and impact<sup>1</sup>.

### B) Evaluation Results

The Transition Facility assistance to the Justice and Home Affairs Sector is *relevant*, also when looking at the completed projects from an ex-post perspective. The Transition Facility support covers many priority areas, such as the Fight against Drugs. The top priority remains the implementation of the Schengen *acquis*. For the vast majority of interventions the corresponding strategic documents and their updates exist, notably the Schengen Action Plan. The new government intends to prepare also an update of the national programme for the Fight against Corruption, with the Office of the Government keeping its important coordination role in this area. Consequently, activities have recently taken place to finalise the 2005 Fight against Corruption project documentation. For many of the projects reviewed, the twinning arrangements, including twinning lights, seems to work well, such as for the 2005 Schengen. A number of interventions support progressive areas of assistance, for example, with the help of Information Technologies, the court proceedings should be shortened or a significant time saving could be generated in solving corruption cases. The Steering Committees seem to work well for the majority of the projects under review, such as the 2004 Fight against Drugs or 2004 Prosecution, due to their balanced composition and also decision power to solve problems

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<sup>1</sup> *Relevance* relates to the project's design and concerns to the extent to which its objectives address real needs. *Efficiency* concerns how well activities have transformed inputs into outputs. *Effectiveness* assesses whether the project's purposes have been achieved. *Sustainability* evaluates whether project outcomes are likely to continue after external funding ends. *Impact* denotes the relationship between the project's purpose and overall objectives.

during projects' implementation. On the other hand unfulfilled assumptions, such as for the 2004 Schengen to adopt the National Plan for Border Protection, caused difficulties in realisations of project's outputs at the later stage of the implementation process.

*Efficiency* of the reviewed Sector shows mixed results. The pre-implementation phase of many projects has suffered from well-known delays, such as lack of parallel contracting of 2004 and 2005 projects. Compared to the previous evaluation, only a few of the 2004 interventions have progressed with the implementation of actual activities, and only one of the 2005 interventions has been contracted. For the completed sub-projects, the efficiency criterion shows good results, as all the planned activities were implemented (though sometimes in a challenging environment). Technical character and security requirements of some projects, such as the 2004 Software Development Fight against Drugs has caused not only problems in preparation of technical documentation, but eventually lead to losses of parts of the funds originally allocated for the Ministry of Defence and the Ministry of Interior. Despite a significant delay, activities to finalise the 2005 Fight against Corruption project preparation and create implementation capacities have recently been undertaken. Overall the commitment and disbursement rates for the Sector - 61 and 39 percent respectively - represent disappointing results. Performance of contractors and twinning partners is usually highly evaluated, presently the 2005 Schengen, where the respective Resident Twinning Adviser often provides pro-active know-how transfer to the Ministry of Interior and whose reporting at the same time has improved compared to the 2004 assistance. However, there might be scope for improvement in time management of this project.

*Effectiveness* of most of the implemented projects shows good results, especially for the 2004 Sub-programme, where concrete effects could be reported from the Justice Academy twinning light delivering a complex training for judiciary staff and the Justice Academy trainers, the Mediation in raising awareness about mediation when reaching more than 2,000 people, the Prosecution upgrading the Information System of the General Prosecution or the Fight against Drugs via more than 50 activities supporting the implementation of the National Programme for the Fight against Drugs. The 2004 Schengen assistance also brought some tangible outputs, such as in the fight against documentary fraud and inputs into the Schengen Action Plan and the future National Plan for Border Protection in the field of internal borders. The 2005 Schengen intervention managed to provide some first outputs too, such as the audit of Sobrance and a legal study related to illegal immigration and illegal entry. Predictions of implementation of 2005 projects are positive mostly due to their design.

*Sustainability* seems to be secured for some of the completed interventions, such as the 2004 Justice Academy, as the Academy's standard training programme, which now includes also seminars on the EU Law, is repeating the training delivered under the Transition Facility assistance, and the co-operation between the twinning partners continues. The 2004 Mediation seems to enjoy the commitment of senior officials of the Ministry of Justice to continue with the mediation activities, which also contributes to its sustainability, as the awareness raising activities require constant attention. Predictions of sustainability of the 2004 Fight against Drugs are also positive also due to new plans of securing the positions of regional drug co-ordinators; however, measurement of sustainability of soft areas of assistance remains difficult. Good perspectives for sustainability exist also for the top priority Schengen assistance.

We can predict that the vast majority of the Transition Facility interventions will contribute to the fulfilment of their respective Wider Objectives and consequently will have a positive

*impact*, also due to their rather broad definition, such as the 2004 Judiciary project. The wide reach of many projects, such as in the area of promotion of mediation or arbitrations with thousands of participants has a potential to raise the awareness on the selected topics, however the whole process of changing the culture will require a longer time. Also a massive reach of about 300 direct participants in the 2004 Fight against Drugs project justifies a positive evaluation of the impact. The potential impact of the 2004 Prosecution intervention depends on the successful overcome of the internal resistance to change and also progress of the complementary Information Systems developments in other Law Enforcement Agencies. The 2005 Fight against Corruption, once successfully implemented, will definitely have an impact on combating corruption in a more efficient and specialised manner. Also the Fight against Corruption among Police Officers should have a concrete impact, for instance in a significant reduction of time needed to solve a corruption case.

### **C) Recommendations and Rating**

#### ***Project Leader/Senior Programme Officer /Aid Co-ordination Unit***

The Project Leader in cooperation with the Senior Programme Officer (still to be appointed) and the Aid Coordination Unit should initiate the establishment of a Steering Committee for the 2005 Fight against Corruption project. The Steering Committee could help in dealing with complex cross-sectoral issues, guide the preparation of the project documentation, speed-up the process, avoid further delays and assure proper implementation capacity, commitment and support to the project from all its stakeholders.

#### ***Aid Co-ordination Unit/Department of OLAF & Fight against Corruption***

The Aid Coordination Unit in cooperation with the new Department of OLAF and Fight against Corruption should urgently nominate the Senior Programme Officer of the 2005 Fight against Corruption project. The nomination is crucial for the preparation and implementation of the project.

#### ***Department of OLAF & Fight against Corruption***

The new Department of OLAF and Fight against Corruption should strengthen the personnel of the Fight against Corruption area by a professional with background and experience in this topic. The current staffing of this area consists of two experts of whom one deals with management and coordination of this project.

#### ***Project Leader/ Senior Programme Officer/central Financing and Contracting Unit***

The Project Leader in close cooperation with the future Senior Programme Officer and the Central Financing and Contracting Unit, should speed-up the process of preparation of the documentation for the 2005 Fight against Corruption project. Close, quick and flexible cooperation of all the involved parties is crucial for a successful preparation and contracting of such a complex project in time, i.e. before 15 December 2007.

### ***Resident Twinning Adviser for Schengen***

The Resident Twinning Adviser for the 2005 Schengen project should update the work-plan on the basis of the political Schengen reform decisions, and should also incorporate the delays in Components 1, 4 and 5. The update is determined by the Master Plan, prepared by the Slovak side, to improve the preparedness of Slovakia for Schengen in the weak areas, identified by the Schengen Evaluation in October 2006. This project has been asked to assist in the process of eliminating the weaknesses.

### ***Resident Twinning Adviser for Schengen/Team Leader***

The Resident Twinning Adviser for the 2005 Schengen project should, in cooperation with the Team Leader, improve time management of the 2005 Schengen project by close monitoring of progress in the Schengen area and taking actions in order to avoid further delays. Furthermore, he should verify commitment of the junior Austrian Twinning Partner and the Ministry of Foreign Affairs to this project (component 4 and 5) and agree a detailed action plan with them.

## **Rating**

	<b>Relevance</b>	<b>Efficiency</b>	<b>Effectiveness</b>	<b>Sustainability</b>	<b>Impact</b>	<b>Verbal Rating</b>
<b>Justice and Prosecution</b>						
2004/016-764.03.01 Judiciary	1	1	1	1	1	S
2005/017-464.03.01 JAS	1	0	1	0	0	0
2004/016-764.08.03 UIBF 2004 Prosecution	1	1	1	0	0	S
2005/017-464.08.01 UIBF 2005 Training of Judges	0	1	1	1	1	S
<b>Fight against Drugs and Corruption</b>						
2004/016-764.03.02 FAD	1	0	1	1	1	S
2005/017-464.03.03 Corruption	1	-1	0	0	0	0
2005/017-464.03.04 Corruption	1	0	1	0	0	0
<b>Schengen Border Management</b>						
2004/016-764.08.03 Schengen	1	0	0	1	1	S
2005/017-464.03.01 Schengen	2	-1	0	0	0	0
<b>Total for the JHA Sector</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>S</b>

<b>Unacceptable</b>	<b>Poor</b>	<b>Sufficient/ adequate or no rating possible</b>	<b>Good</b>	<b>Excellent</b>
-2	-1	0	+1	+2
<b>Highly Unsatisfactory</b>	<b>Unsatisfactory</b>	<b>No rating possible</b>	<b>Satisfactory</b>	<b>Highly satisfactory</b>
HU	U	N/A	S	HS

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# PREFACE

This Interim Evaluation Report covers Transition Facility assistance to the Justice and Home Affairs sector in Slovakia under the following programmes:

2004/016-764.03.01 Strengthening of the Judicial System, 2004/016-764.08.03 UIBF 2004: Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA, 2004/016-764.03.02 Support to the Implementation of the National Programme for the Fight Against Drugs 2004-2008, 2004/016-764.08.03 UIBF: Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders, 2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia, 2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR, 2005/017-464.03.04 Reinforcement of Capacities to Fight against Corruption among Police Officers, 2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security and 2005/017-464.08.01 Legal Advice and Training of Judges in the Field of Competition and Bankruptcy Law.

This Interim Evaluation Report has been prepared by CEEN Economic Project and Policy Consulting GmbH and Euroformes s.r.o.<sup>2</sup> during the period from January to March 2007 and reflects the situation at 27 February 2007, the cut-off date for the Report. The factual basis is provided by the Monitoring Report M/SR/JHA/06013 prepared by the Aid Co-ordination Unit of the Office of the Government, covering the period from 1<sup>st</sup> March to 31 August 2006 and issued on 31 October 2006. Other findings are based on analysis of formal Programme documentation, interviews with the main parties and published material.

The Interim Evaluation Report examines the progress of the programmes towards the objectives stated in the formal programming documents, i.e. Project Fiches. The report is intended to provide management information for the benefit of the Joint Monitoring Committee and other involved parties. It draws conclusions and puts forward Recommendations. It provides a general assessment of programmes or components under consideration and included in the corresponding Sectoral Monitoring Report.

Comments have been requested on the draft Report from the following parties:

<b>Party invited</b>	<b>Comments received</b>
Office of the Government/Aid Co-ordination Unit	yes
Ministry of Justice SR	yes
Ministry of Interior SR	yes
General Prosecution	no
Office of the Government/Central Contact Point OLAF, Fight against Corruption Department	yes
Office of the Government/General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control	yes
Ministry of Finance/Central Finance and Contracting Unit	yes
Ministry of Finance/National Fund	yes

<sup>2</sup> Authors: Viera Spanikova and Viera Gazikova, Interim Evaluation Cell CEEN/Euroformes. The Report was reviewed by the CEEN Headquarters in Vienna.



Where possible, the Evaluators have integrated the comments received into the Report. Dissenting views are included in the Annex 6.



# GLOSSARY OF ACRONYMS

ACU	Aid Co-ordination Unit
ASAP	as soon as possible
BAP	Border and Alien Police
BFCPP	Bureau of Fight against Corruption of the Police Presidency
CFCU	Central Finance and Contracting Unit
CMR	Comprehensive Monitoring Report
CPI	Corruption Perception Index
DIP	Drug Information Portal
DPF	Detailed Project Fiche
EU	European Union
ECJ	European Court of Justice
FAC	Fight against Corruption
FACPO	Fight against Corruption among Police Officers
FAD	Fight against Drugs
FM	Financing Memorandum
FR	Final Report
GenSec	General Secretariat
GS	Grant Scheme
GSBMDDDC	General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control
HW	Hardware
GP	General Prosecution
IA	Indicator of Achievement
IAS	Information and Analytical System
IB	Institutional Building
IE	Interim Evaluation
IO	Intermediate Objective
IR	Inception Report
IS	Information System
IT	Information Technology
JAS	Justice Academy
JHA	Justice and Home Affairs
JMC	Joint Monitoring Committee
LEA	Law Enforcement Agency
MFA	Ministry of Foreign Affairs
MM	Monthly Meeting
M&E	Monitoring and Evaluation
MoD	Ministry of Defence
MoF	Ministry of Finance
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoLSAF	Ministry of Labour, Social Affairs and Family
MoU	Memorandum of Understanding
MS	Member State
NGO	Non-governmental Organisation
NPBP	National Plan for Border Protection
NPFAD	National Plan for Fight against Drugs
OIS	Office for Inspection Services, Ministry of Interior SR
OLAF	European Anti-Fraud Office
OoG	Office of Government
PF	Project Fiche
PIS	Personal Information System

PL	Project Leader
PPF	Presidium of the Police Force
RTA	Resident Twinning Adviser
SAP	Schengen Action Plan
SC	Steering Committee
SIS	Schengen Information System
SMSC	Sectoral Monitoring Sub-Committee
SPO	Senior Programme Officer
SR	Slovak Republic
SW	Software
TA	Technical Assistance
TF	Transition Facility
ToR	Terms of Reference
TW	Twinning
TWL	Twinning Light
UIBF	Unallocated Institution Building Facility
WO	Wider Objective

## MAIN REPORT

### FINANCIAL AND CONTRACTUAL DATA OF THE SECTOR JUSTICE AND HOME AFFAIRS

Project Number	Title	Beneficiary	Contract			Transition Facility Support			Co-financing		
			Start of Contract	Finish of the Contract /Expiry of Contracting	Expiry of Disbursement	Allocated €	com %	dis %	Allocated €	com %	dis %
<b>COMPONENT 1 : JUSTICE AND PROSECUTION</b>											
2004/016-764.03.01	Strengthening of the Judicial system	MoJ	01/2006	15/12/2006	15/12/2007	480,000	91.50	37.70	-	-	-
	Twinning Light Project Training of Judges on New Legislation		13/01/2006	13/07/06	15/12/2007	100,000	82.51	82.51	-	-	-
	Twinning Light Project Creation of a New System for the Evaluation of the Workload of Judges and Courts		07/12/2006	15/12/2006	15/12/2007	150,000	99.80	0.00	-	-	-
	Technical Assistance Promoting Civil Mediation		27/03/2006	18/12/2006	15/12/2007	100,000	98.25	98.25	-	-	-
	Technical Assistance Legal Conscience		16/11/2006	15/12/2006	15/12/2007	130,000	83.50	0.00	-	-	-
2005/017-464.03.02	Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia	MoJ	-	15/12/2007	15/12/2008	460,000	0.00	0.00	20,000	0.00	0.00
	Twinning Light Project		-	15/12/2007	15/12/2008	250,000	0.00	0.00	-	-	-
	Supply Contract		-	15/12/2007	15/12/2008	60,000	0.00	0.00	20,000	0.00	0.00
	Service Contract		-	15/12/2007	15/12/2008	150,000	0.00	0.00	-	-	-
2004/016-764.08.03 UIBF 2004	Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA	General Prosecution Office	07/04/2006	15/12/2006	15/12/2007	199,999	97.85	58.71	-	-	-
2005/017-	Legal Advice and Training	MoJ	-	15/12/2007	15/12/2008	140,000	0.00	0.00	-	-	-

<b>464.08.01</b>	<b>of Judges in the field of Competition and Bankruptcy Law</b>											
<b>COMPONENT 2 : FIGHT AGAINST CRIME, CORRUPTION AND DRUGS</b>												
<b>2004/016-764.03.02</b>	<b>Support to the implementation of the National Programme for the Fight Against Drugs 2004-2008</b>	<b>Office of Government</b>	<b>07/2005</b>	<b>15/12/2006</b>	<b>15/12/2007</b>	<b>1 500,000</b>	<b>92.20</b>	<b>70.50</b>	<b>700,000</b>	<b>97.10</b>	<b>64.0</b>	
	<b>Twinning Project</b>		13/07/2005	15/12/2006	15/12/2007	800,000	100,00	88.50	100,000	100.00	100.00	
	<b>The Grant Scheme</b>		15/03/2006	15/12/2006	15/12/2007	500,000	100.00	60.00	550,000	100.00	60.00	
	<b>Technical Assistance (Training)</b>		20/12/06	15/12/2006	15/12/2007	45,000	91.20	54.70	25,000	91.10	54.70	
	<b>Technical Assistance (SW)</b>		06/12/2006	15/12/2006	15/12/2007	155,000	26.70	16.00	25,000	26.70	16.00	
<b>2005/017-464.03.03</b>	<b>Continued Support to the Fight against Corruption in the SR</b>	<b>Office of Government</b>	<b>-</b>	<b>15/12/2007</b>	<b>15/12/2008</b>	<b>700,000</b>	<b>0.00</b>	<b>0.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	
	<b>Twinning Light Project</b>		-	15/12/2007	15/12/2008	180,000	0.00	0.00	-	-	-	
	<b>Twinning Light Project</b>		-	15/12/2007	15/12/2008	160,000	0.00	0.00	-	-	-	
	<b>Twinning Light Project</b>		-	15/12/2007	15/12/2008	260,000	0.00	0.00	-	-	-	
	<b>Technical Assistance</b>		-	15/12/2007	15/12/2008	100,000	0.00	0.00	-	-	-	
<b>2005/017-464.03.04</b>	<b>Reinforcement of capacities to fight corruption among police officers</b>	<b>MoI (Police)</b>	<b>-</b>	<b>15/12/2007</b>	<b>15/12/2008</b>	<b>680,000</b>	<b>0.00</b>	<b>0.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	
	<b>Twinning Light Project</b>		-	15/12/2007	15/12/2008	250,000	0.00	0.00	-	-	-	
	<b>Technical Assistance</b>		-	15/12/2007	15/12/2008	430,000	0.00	0.00	-	-	-	
<b>COMPONENT 3 : SCHENGEN BORDER MANAGEMENT</b>												
<b>2004/016-764.08.03 UIBF 2004</b>	<b>Implementation of the Schengen Action Plan - The Accompaniment Measures at the Internal Borders</b>	<b>MoI (Police)</b>	<b>31/08/2005</b>	<b>04/2006</b>	<b>15/12/2007</b>	<b>165,000</b>	<b>93.0</b>	<b>93.0</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>2005/017-464.03.01</b>	<b>Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security</b>	<b>MoI (Police)</b>	<b>05/2006</b>	<b>15/12/2007</b>	<b>15/12/2008</b>	<b>600,000</b>	<b>99.98</b>	<b>43.60</b>	<b>-</b>	<b>-</b>	<b>-</b>	

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	<b>Total for the Sector</b>					<b>4,925.000</b>	<b>56.30</b>	<b>36.00</b>	<b>720,000</b>	<b>96.90</b>	<b>62.20</b>
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Source: Perseus by cut-off date 27 February 2007.

# 1. SECTORAL BACKGROUND AND SCOPE OF EVALUATION

## 1.1 Sectoral Background

1. This Interim Evaluation (IE) Report is the first of the second round of reports to cover the Transition Facility (TF) assistance to Slovakia, namely the Justice and Home Affairs (JHA) Sector, one of the three existing monitoring sectors for the TF support in the Slovak Republic (SR). The programmes under review are closely linked to the respective EU documents, such as the 2003 Country Monitoring Report (CMR), the Memorandum of Understanding (MoU) on the TF 2004 – 2006 Implementation and other sector-related documents, such as the National Programme for the Fight against Drugs (NPFAD) or the Schengen Action Plan (SAP).

## 1.2 Scope of Evaluation

2. The JHA monitoring sector for the TF part covers several 2004 and 2005 projects, which were split for the evaluation purposes into the following three Components:

- ❑ Justice and Prosecution
- ❑ Fight against Drugs and Corruption
- ❑ Schengen Border Management

### 1.2.1 Performance of Activities<sup>3</sup>

#### *Component 1 Justice and Prosecution*

*2004/016-764.03.01 Strengthening of the Judicial System, 2004/016-764.08.03 Unallocated Institution Building Facility (UIBF) 2004: Development of the Software for Implementation for Penal Procedure Code Recodification into Information System (IS) PATRICIA, 2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia (JAS), 2005/017-464.08.01 Legal Advice and Training of Judges in the Field of Competition and Bankruptcy Law*

#### Activities and Outputs

3. The focus of the 2004 Judiciary project is to provide further training to judges on the EU *acquis* and improve efficiency of legal proceedings, both civil and commercial. The 2004 UIBF Prosecution project aims at enhancement of functioning of the Slovak prosecution via development and implementation of the new Software (SW) in its network of offices. The 2005 JAS project provides further support to the establishment and operation of the JAS through the transfer of know-how and experience, development of the relevant SW and set-up of the library. The 2005 UIBF Competition and Bankruptcy focuses on the increase of capacity of judges to apply effectively the bankruptcy and competition laws via using electronic forms at courts and further training of judges.

#### Effects

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<sup>3</sup> For more detailed information on activities, outputs and effects, please see Annex 5



4. From the 2004 Judiciary assistance the Twinning Light (TWL) sub-project aiming at further training of judges finished mid July 2006. Under the TF assistance about 300 judges, prosecutors, high-court officials and other relevant people were trained in the selected areas of the EU law. In addition, almost 30 trainers were provided training under the Training of Trainers (ToT) activities. The broad reach of the transfer of know-how should contribute to the enhanced work of the Slovak judiciary and prosecution system of the JAS as well. The Technical Assistance (TA) focused on mediation was another sub-project, which finished last year. The TF intervention via its broad range of activities (such as training sessions for various professionals and general public, publication of promotion and training materials) and direct beneficiaries of more than 2,000 people should contribute to the raised awareness about mediation in Slovakia. The TWL on workload of judges and the TA on arbitration were at an early stage of implementation and could not yet show concrete results. However, both interventions, due to their designed menu of activities (and the planned reach), should result in more effective allocation of resources at courts and also wider use of arbitration in Slovakia, thus ultimately decreasing the overload of courts.

5. The UIBF 2004 Prosecution project was successfully completed in December last year, with all the planned activities, mainly in SW development for the General Prosecution (GP) and the complementary training for about 400 people delivered according to the plan. After the successful testing of the improved system and implementation of the routine phase later this year, the project should show its effects in an improved quality of the work of the Prosecution, its increased efficiency and transparency.

6. The 2005 JAS project will soon begin implementation. Therefore, no effects can be reported yet. When realised, we expect that it will contribute to the improvement of the training system for the Judiciary and ability of judges to apply the EU law. The decision on the final design of the 2005 UIBF Competition and Bankruptcy was imminent at time of reporting, and thus any prediction of effects at this stage would be merely speculative.

## ***Component 2 Fight against Drugs and Corruption***

*2004/016-764.03.02 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008, 2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR, 2005/017-464.03.04 Reinforcement of Capacities to Fight against Corruption among Police Officers*

### Activities and Outputs

7. The 2004 Fight against Drug (FAD) project aims at strengthening of capacities of all key stakeholders involved in FAD and enhancement of their co-operation, co-ordination and communication. The 2005 Fight against Corruption (FAC) project deals with complex national corruption issues and should provide the guidelines, training and a study on the anti-corruption activities. The 2005 Fight against Corruption among Police Officers (FACPO) aims at building an effective system for the detection of corruption through the installation and operating information and analytical system (IAS).

### Effects

8. Early effects to be reported from the 2004 TW intervention, as it has been completed early this year. All the planned activities (an impressive 51 of them) have been implemented and

about 300 people directly affected. The Residential Twinning Adviser (RTA) and his team completed several assessment reports, concept papers, including recommendations on how to improve the Drug Demand Reduction System at the national and also local levels, manuals (e.g. for peer programmes, on documentation, on early intervention for first offended drug users, risk competence in drug prevention), guidelines on national funding and also a study on data collection. Also a group of key experts in the area of drug topics has been identified and its capacities built. The key stakeholders in the field of the FAD strengthened their communication, co-ordination and co-operation, improved their networking, including Non-governmental Organisations (NGO)s both on the national and regional levels, and thus contributed to the implementation of the NPFAD as well. Both parts of the TA sub-project, notably the training in the drug-related problems and SW development for the Drug Information Portal (DIP), were at an early stage of implementation at the time of this IE and therefore it was not possible to assess the effects. The Grant Scheme (GS) has progressed with the implementation of activities of more than a dozen grants awarded under the 1st round. The 2<sup>nd</sup> round of grants comprising roughly the same number of grantees coming from NGOs but also other eligible institutions has only commenced with the launch of activities this month. Some effects can be reported, for instance in the form of the improved social services for the families of teetotallers. However, more effects will be discernible after completion of the GS at the end of 2007.

9. There are no effects to be reported regarding the 2005 FAC. Despite the several previous activities of the ACU, the Office of Government (OoG) has only recently started to be active in this area and has taken actions to finalise the preparation of this project. No effects of the legal study in relation to illegal immigration and illegal entry can be reported regarding the 2005 FACPO project. The finalisation of the project documentation has been prolonged. This was caused, among others, by the Central Finance and Contracting Unit (CFCU) and the illness of the project manager. The tender dossier is under the preparation.

### ***Component 3 Schengen Border Management***

*2004/016-764.08.03 UIBF 2004: Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders, 2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security*

#### Activities and Outputs

10. The UIBF 2004 Schengen aims at assistance to Slovakia in internal border surveillance management, as part of the Schengen *acquis* and in the field of documentary fraud. The 2005 Schengen aims at finalisation of the implementation of the Schengen Action Plan (SAP), setting up of the Integrated Model of Border Security and the protection of external border with Ukraine.

#### Effects

11. The 2004 Schengen, which was completed in April 2006, brought some tangible outputs, such as the General Strategy for Monitoring and Protection of the Internal Border, Charter for Transmission and Diffusion of Operation Information, network of contact persons for documentary fraud, the working charter for common commissariats, which can now be used in the updated SAP, or the prepared National Plan of Border Protection (NPBP). However, the

approval of the NPBP was still pending at the time of this IE, together with the strategic organisational changes of the Border Aliens Police (BAP).

12. The 2005 Schengen has started in June 2006. Its first activities focused on the external border protection and started in September last year. The project managed to bring some tangible outputs, such as an audit of Sobrance (activity 1), as well as a legal study serving as a background for further work of a French expert (a part of activity 2), and a training seminar for the BAP (a part of activity 6.4). The negative Schengen Evaluation from October 2006 has had an impact on the project. The RTA was asked to focus the assistance on the identified weaknesses. Consequently, the new work-plan reflecting the requirement is being prepared.

## 2. EVALUATION RESULTS

### 2.1. Relevance

#### *Component 1 Justice and Prosecution*

13. The 2004 Judiciary project consists of four rather independent sub-projects with only limited potential inter-linkages. The TF intervention covers among others classic areas of assistance, such as training of judges or relieving the workload of judges. The 2004 assistance to the JAS as the first intervention to the established Academy seemed to be relevant even from the ex-post perspective. It has managed to transfer the needed theoretical knowledge and also practical experience from EU countries to judges, prosecutors and other relevant audience in several areas of the EU Law. The assistance was also oriented towards building the pool of JAS trainers in the form of ToT, which was clearly relevant for this growing institution. Other sub-projects seem to be relevant as well, such as the TWL for the Ministry of Justice (MoJ) and the Judicial Council of the SR focusing on the Evaluation of the Workload of Judges, where the excessive length of courts' proceedings should be improved via a more realistic assignment of judges at courts with the help of more objective assessment of the work of courts and judges. The new evaluation system should be a progressive one, being Information Technologies (IT)-supported, taking a successful example from Member States (MS)s, notably Austria. Also the TF intervention aimed at Promotion of Mediation remains relevant; however, although it is heavily supported under the bi-lateral assistance (especially the UK), it requires promotional support in order to be used more widely in Slovakia. The project was complemented by the MoJ activities, such as the Week of Mediation with the right sequencing. The TF project also enjoyed the attention of senior officials of the MoJ, notably the State Secretary. However, the originally planned MS input was rather limited and took a form of indirect consultations. The 2004 Arbitration intervention represents another support for promotion of an alternative dispute resolution. The key Beneficiary is now the MoJ and the former co-ordinator - a local civil association plays a rather minor role (though still being a member of the Steering Committee (SC)). For the 8-month duration, the project intends to implement an ambitious list of activities, such as more than 20 presentations, seminars, plus elaboration of promotion materials and also a study trip to Austria. Though the MoJ does not directly supervise arbitration courts in Slovakia, participation of its specialist sections (such as the civil law) at least as a member of the SC would be beneficial. In addition, the practical transfer of know-how and experience of arbitration courts in EU countries and building long-term co-operation among peers which were stressed in the Project Fiche (PF) seem to be less stressed in the actual sub-project's design.

14. The 2005 UIBF Competition and Bankruptcy was originally designed for the Phare 2003 assistance supporting mostly the amendment of the Civil Code, Commercial and Bankruptcy Law and also providing specialised training for judges, and at such time was relevant. However, due to the time elapsed since drafting the original project's design (more than 2 years ago and also a more limited budget (about 1/3 less), the final project design requires an update. The project should now also focus more on commercial law and include a ToT element as well.

Though the project foresees further training in bankruptcy and competition law for judges (being EU supported also previously), as these represent rather complex areas and could be therefore justifiable. For the competition field, co-operation of the Antimonopoly Office is also foreseen, which can be assessed as positive.

15. The 2005 JAS project is going to help in the proper implementation of the EU law and increased ability of judges in communication with the European Court of Justice (ECJ). The assistance will be provided through dissemination of knowledge and experience (i.e. internships), research and the establishment of a library. The internships are needed in order to help judges to find their way, be able to function optimally at the ECJ and become a trainer (of trainers) on the ECJ issues at the JAS. The design of the project is clear and reflects the needs of its beneficiaries.

16. The 2004 Prosecution project, though being rather technical, seemed to be relevant, as it reacted to an urgent need to add the required functionality of Patricia IS for the GP in connection with re-codification of the Penal Code (has come into force early 2006). The recodified Penal Code introduced several new elements into criminal proceedings, such as the accelerated investigation or mediation proceedings. Also the EU Arrest Warrant was included into the Slovak legislation, thus the project was also driven by the development of the EU legislation. It is a misfortune that the complementary projects have been delayed, especially the one at the Ministry of Interior (MoI), which would plug-in the Prosecution project into the process of implementation of the electronic files in all the Law Enforcement Agencies (LEA)s in Slovakia.

### ***Component 2 Fight against Drugs and Corruption***

17. The 2004 FAD project remains relevant, as according to the latest information from the National Focal Point some drug problems, such as the growing consumption of marijuana (especially in the capital Bratislava) or lack of harm reduction programmes<sup>4</sup> still require close attention. The TW part covered a relevant area of the implementation of the NPFAD for 2004-2008 and the complement Action Plan. The 18-month duration period was clearly over-ambitious, as it comprised more than 50 activities, including 6 study visits, 20 training sessions or 16 workshops with about 300 direct participants. It would have been more appropriate to focus on one level, for instance the national one, instead of covering both the national and regional/local ones. Due to the lack of the administrative support from the side of key beneficiary (though the proven effort to improve the situation) – the General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control (GSBMDDDC), the RTA and his small team had to substitute for the missing logistical support, which represented clearly a loss of the potential transfer of the expertise of the RTA (esp. in the field of drug prevention). The FAD remains a priority area also for the ruling coalition, which could be seen also from the presence of the Deputy Prime Minister at the Final Conference in December 2006. The SC seemed to work well for the TW, as it had the appropriate composition and also frequency of meetings (6 of them altogether).

18. The TA sub-project represents another technical intervention into SW development for the GenSec (improvement of the drug information portal), and also includes a training element for the regional drug co-ordinators, municipalities, representatives of higher territorial units and

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<sup>4</sup> The State of Drug Addiction and Drug Control in the SR, National Monitoring Centre, 2006

the Army Police. The original PF included also the development of information management tools for the Army Police and National Drug Unit within the Police Force. However, due to the new security rules of the Ministry of Defence (MoD) and the MoI (each SW must be approved by the National Security Office) and development of own SW by the Army Police to serve also the analysis of drug-related crimes (called the Analyst Notebook), the respective parts of the SW development for the MoD and MoI will not be implemented under the 2004 TF assistance.

19. The design of the GS has not been subject to any changes for its 2<sup>nd</sup> round (when compared to the 1<sup>st</sup> one) and the eligible activities remain relevant covering the whole chain of the drug problem. Only some of the eligible organisations are questionable, as besides the NGOs these include also the specialised public administration (such as the Public Health Office). Also some linkages to the completed TW could be tracked as some of the grantees had previously participated in the TW activities.

20. Fight against Corruption remains an important task of Slovakia. It is illustrated by the Corruption Perception Index (CPI)<sup>5</sup> of 4.7 in 2006, compared to that of Austria with the CPI of 8.6 or Germany with that of 8.0 in the same year. A slight increase in the CPI in Slovakia from 4.3 in 2005 compared to that in 2006 shows an improvement in this area. This development has not been reflected in the PF yet, where the IO is formulated in terms of a CPI increase. However, the importance and urgency of this issue remains. It was not clear in the first few months after the parliamentary elections; however, activities that have recently taken place confirm the corruption issue importance. For illustration, the new government intends to form a working group that should update the national programme of the fight against corruption. Moreover, the intended organisational changes at the OoG should strengthen the institutional capacity for the implementation of this 2005 FAC project. No establishment of the SC has been considered in the project preparatory phase yet.

21. Fight against Corruption among civil servants, such as police officers, remains a key issue, as police should combat crime and corruption. The project documentation of the 2005 FACPO, dealing with this issue, has been further elaborated during the last few months. For instance, a new activity (analysis of the actual situation) and additional experts were proposed, compared to the initial project fiche. The amendments have had a positive impact on the relevance of the project, which has further increased.

### ***Component 3 Schengen Border Management***

22. The 2004 UIBF Schengen: after about 10 months after its completion we can conclude, that the project was clearly relevant, especially for the implementation of the Schengen *acquis*. The design of the project, though being rather ambitious, met the pre-accession needs of Slovakia (now to enter the Schengen area in 2008), especially in the internal border protection part. The project followed a number of Phare interventions and was complemented also by generous assistance from the Schengen Transition Facility. The project lost however its momentum due to the lack of political will to approve and implement key strategic document (under the previous Government), notably the NPBP, which has proven to represent the key unfulfilled assumption of the TF intervention.

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<sup>5</sup> CPI Score relates to perceptions of the degree of corruption as seen by business people and country analysts and ranges between 10 (highly clean) and 0 (highly corrupt). See <http://www.transparency.org/cpi>

23. The 2005 Schengen remains relevant, as a successful entry of Slovakia into the Schengen area is high on the political agenda. The relevance has been further strengthened after the negative Schengen Evaluation in October 2006. The Slovak side prepared the Master Plan to improve the preparedness of Slovakia for Schengen in the identified weak areas. This project has been asked to assist in the process of eliminating the weaknesses. Consequently, the RTA has started to draw up a work-plan reflecting the requirement. This work-plan should be finalised and submitted for approval after a political decision on the direction of the reform related to the organisation of the BAP, which is a crucial part of the preparation for Schengen, is taken. In order to improve the identified shortcomings and harmonise work on these, a coordinator of the government for Schengen was appointed and 7 working groups were established in November 2006. The function of the coordinator is fulfilled by one of the State Secretaries of the Ministry of Interior. Another State Secretary of the MoI is coordinating the training and education area, which has been identified by the Schengen Evaluation also as one of the weaknesses and has been emphasised by the RTA too. The RTA cooperates closely with the State Secretaries and the working group 1 on ground borders.

## **2.2. Efficiency**

### ***Component 1 Justice and Prosecution***

24. Efficiency of the 2004 JAS sub-project shows very good results, as all the designed activities in the form of training sessions and also a study visit were delivered as originally planned, with only minor delays. Actually, the delayed start of the project provided the JAS with more time for hiring experts to co-operate with the EU experts on the TWL project and benefit from the transfer of know-how as well. The performance of the MS TWL partner, namely Germany, was evaluated positively, also due to his/her flexibility and willingness to accommodate needs of the Beneficiary. The Workload of Judges assistance was only kicked-off during this Report with the needs & gaps analysis to follow in March. Due to the good quality of the design and also the chosen MS partner, no big concerns exist with regard to the project's efficiency (though having only 6 months for the actual implementation). Also the assistance enjoys the participation of the inter-ministerial Committee for Preparation of Criteria for Evaluation of Workload of Judges and the State Secretary as well. The Mediation sub-project was completed end 2006. All the planned activities, such as production of different kinds of promotion materials for the selected target groups, promotional events for students or seminars for professionals were implemented successfully, also due to good performance of the contractors benefiting from the previous experience from similar activities for the MoJ. The sub-project was generally well accepted, as could be seen, for instance from the high demand from higher court officials and judges to participate at the TF activities. On the other hand some professional chambers (such as attorneys) showed low interest in mediation, probably because they perceived mediation as representing a threat or competition to their activities. The Arbitration assistance has just commenced with the implementation of the first presentations at the time of this IE. Though having practically less than 6 months for realisation of the planned activities, the quality of the contractors and the prepared time plan give reason for confidence that there will be positive consequences in terms of the efficiency of the sub-projects.

25. The 2005 UIBF Competition and Bankruptcy was at the pre-tendering stage at the time of this Report. The internal process of the update/approval of the project documentation was still on-going within the MoJ. After the final project documentation is clear, bearing in mind the

budget cuts (as compared to the Phare allocation), the tendering should be rather smooth also due to the previous experience with the particular tender (as this was cancelled due to suspicion of conflict of interest). Also the JAS is now an established institution capable to provide the training, including the TF supported ones.

26. The 2005 JAS project is shortly before implementation. DPF of TWL was sent for circulation on 8 February. The deadline for submission of proposals is 23 March. Terms of Reference (ToR)s for SW have been prepared and submitted to the CFCU and should be tendered in March-April 2007. As the supply of books for the library does not have to follow the Public Procurement Law, it is expected to take place in a relatively short time. The delay of the start of the implementation has been determined by both: the MoJ facing a shortage of skilled technical personnel for the preparation of the tender documentation, and the known bottlenecks at the CFCU.

27. The 2004 UIBF Prosecution project after some delays at its start, has managed to complete all the planned activities within the given 8-month duration, notably modifications and extensions into the Patricia IS, including the training of the staff (about 400) and providing of user manuals. However, the expected flexibility of the local contractor did not materialise in its performance, as the reaction time to some of the Beneficiary's requirements was rather long. On the other hand the project was well monitored. Monthly reports were provided by the local contractor, which enabled the checking of the performance of tasks as defined in the work plan and identify problems and ways how to solve them. The reports were subsequently approved by the SC, which also met on a monthly basis. The limited capacities of the GP IT Department mentioned in the previous IE still represent a problem, with potential negative implications on the rollout phase of the project.

### ***Component 2 Fight against Drugs and Corruption***

28. The 2004 FAD project had problems with the underused experience of the RTA in the field of drug prevention, as he had to devote his energy to administration of the numerous project activities and management of short-term experts (more than 40). The project budget had to be used to arrange at least some student help. Even in the difficult circumstances, more than 50 project activities were successfully implemented without remarkable delays. It is clear that some resources (over € 100,000), originally allocated for the SW development under the TA sub-project for the MoD and the MoI will be lost not only due to new legal security requirements but also due to late provision of the relevant information to the GSBMDDDC from the side of the two ministries. The remaining activities under both parts of the TA assistance seem to be well on track to be completed within the planned 9-month duration. Moreover, the contractor for the DIP is the same local company providing currently the maintenance of the Web site, thus enjoying long-term co-operation with the Beneficiary, including the familiarity with the respective SW. The GS sub-project has benefited from the lessons learnt during the 1<sup>st</sup> round when preparing the 2<sup>nd</sup> round (especially during the lengthy approval process from the side of the Ministry of Finance (MoF)/Central Finance and Contracting Unit and the poor quality of the submitted documentation from the side of the GSBMDDDC). Due to the lower quality of applications submitted for the 2<sup>nd</sup> round, some grants from the 1<sup>st</sup> round on the waiting list have been awarded instead, which could be evaluated as a pragmatic approach towards increasing the effectiveness and efficiency of the GS. In addition to the Grant Commission, the Monitoring Committee was established in February 2007, after the approval of its statutes from the side of the CFCU and the



GSBMDDDC. Moreover, on the spot monitoring is to be provided by the GenSec, though not explicitly requested in the MoU.

29. The preparation of the 2005 FAC project has been significantly delayed. Despite the several previous activities of the ACU, only recently activities to finalise the preparation process have been initiated. The OoG has hired a new motivated coordination expert whose aim is to finalise the preparation of the project documents as soon as possible, although the SPO has not been appointed yet. Consequently, several meetings with project stakeholders have already taken place and are also planned for the coming weeks to prepare the necessary documentation, i.e. the Detailed Project Fiche (DPF). Moreover, a new organisational structure of the OoG has been elaborated. According to it the former department of the Fight against Corruption has become a part of a larger one dealing with the European Anti-Fraud Office (OLAF) and FAC, which in turn falls under the Control and FAC section. The Control and FAC section has 38 staff. The Central Contact Point OLAF, FAC department has 11 staff of which mainly 2 deal with corruption. One of them manages and coordinates this project. All this suggests that, despite taking its time, the new government has started to create capacities for preparation and implementation of this project.

30. 2005 FACPO has suffered from a lengthy preparation and approval of the project documentation, due in part to the CFCU as well as the fact that this is the first project of the Office for Inspection Service (OIS). The originally proposed budget of the TWL was at first decreased following a suggestion to do so by the CFCU and later this decision was reversed due to an ACU intervention and proposal to modify the project. Consequently, the OIS added one activity, increased expertise from 4 to 9 experts and the number of days from 80 to 165, as well as submitted a request to prolong the TWL assistance from 6 to 8 months. The DPF of TWL was circulated in the period 21 December 2006-16 February 2007. The selection procedure should take place in March this year; one applicant indicated interest in the assistance. The ToR of TA is being finalised after several rounds of comments by the CFCU and the illness of the OIS's project manager. The part, which is going to be elaborated in the coming weeks, is the SW. The cooperation with the SPO at the MoI has been very good.

### ***Component 3 Schengen Border Management***

31. The selection of a traditional partner for the Schengen assistance, namely France, seemed to work well for the 2004 UIBF Schengen. Also some results of the 2004 TWL could now be used to improve implementation of the TF 2005 assistance and also implemented in the drafted strategic documents, such as the SAP as well. The quality of the twinning advisor is assessed highly by the beneficiary institutions. Some delays in transforming inputs into outputs seemed to be caused mostly by the negative influence of the external environment, thus being beyond the scope of the MS partner responsibility. The previously criticised poor quality of reporting has improved for the 2005 TW, for which now available progress reports are well written and provide relevant and understandable information for Monitoring and Evaluation (M&E) purposes.

32. The implementation of the 2005 Schengen has been negatively influenced by delays in component 1, related to launching of the device of the technical and physical protection of the external border (Sobrance). Two bottlenecks have had to be faced here: i) a stopped construction of buildings in the period July 2006-January 2007 and (ii) a delayed supply and

installation of the technical devices, resulting from a lengthy tendering; a works contract was signed with the winner (Ericsson) only in December 2006, thus a few months later than planned. Despite this, the RTA is confident that the project could still be finalised in time. There is also a delay in the implementation of the component 4 and 5, which should be carried out in cooperation with the Austrian junior TW partner and the Ministry of Foreign Affairs (MFA). It seems that the MFA pays only limited attention to this project in the area of fraud of documents under component 4. In order to deal with this the RTA has recently approached the department of analysis of travel documents of the BAP to prepare a training programme for MFA in this area. The approached department agreed, as well as the MFA and the Austrian junior partner. Moreover, the SPO approached the latter with a request to provide an actual work-plan of its activities under the component 4. The cooperation between the RTA, BAP and SPO is good. The RTA is pro-active and provides extra valuable know-how and experience according to the actual needs of the MoI. However, there is a scope for a better time management of the project.

### 2.3. Effectiveness

#### *Component 1 Justice and Prosecution*

33. From the 2004 Judiciary project there are some effects to be reported regarding the JAS sub-project, as it has successfully delivered a *comprehensive training* to the relevant target audience on the selected fields of EU Law. The focused training has clearly improved the knowledge and skills of judges, prosecutors, higher court officials in *implementation of the EU acquis*, as defined in the respective Immediate Objective (IO) (see also Annex 1). Also the ToT element has prepared a group of JAS trainers who are now able to lecture on the EU topics. The recently completed Promotion of Mediation should contribute to the respective IO aimed at reduction of court proceedings, as mediation is one form of alternative dispute resolution, which has a potential to decrease the workload of courts. As the project has managed to reach directly more than 2,000 people, especially via its lecturing activities, we can also predict the future realisation of the effects of the TF intervention in the more frequent use of mediation in practice. The design of the sub-projects focused on the Evaluation of the Workload of Judges and also Arbitration has a potential to decrease the present long proceedings of courts as defined in the respective IO, especially once the network of the Slovak arbitration courts starts to be used for solving, for instance, relatively small cases, and thus diminishing the workload of standard courts. Also the implication of a complex evaluation of judges, including the qualitative ones, should lead to a more even and fair split of judges within the country, and thus decreasing the back-log of cases, especially in big cities (in the case of the former).

34. The 2005 UIBF Competition and Bankruptcy once finally implemented has the potential to improve the efficiency and effectiveness of the Slovakia judiciary, by for instance enhancing the capacity of judges to apply the Bankruptcy Law or more effective use of the Commercial Register. However, evaluation of effectiveness is rather limited due to the absence of ToRs at the time of this IE.

35. As the implementation of the 2005 JAS project is imminent, no effects can be reported yet. When realised, we expect that it will fulfil its IO aimed at *the transfer of professional and methodological experiences and the improved functioning and organisation of the JAS*. The proposed seminars, internships and a new library should lead to a decreased number of cases

with erroneous EU applications brought to the ECJ, and should positively influence also the functioning and organisation of the JAS. The project should contribute to the strengthening and presentation of the JAS. First seminars, planned for 25-40 participants, should take place in summer 2007. Such hands-on, practical experience might be perceived positively by clients of the JAS.

36. The 2004 UIBF Prosecution project seems to be achieving early tangible effects. Via the upgraded IS and also the improved infrastructure, the TF support contributed to more effective and efficient work of the Prosecution, as required also by the new Penal Code (such as the accelerated 48-hour or the guilt and punishment proceedings). Also the new system enables among others to assess the workload of prosecutors and makes their work more transparent. However, for the full effect of the TF and other EU interventions to materialise, the co-operation and co-ordination of all key parties of the triangle Police-Prosecution-Judges is needed in processing the electronic files. The MoI is still fairly delayed in development of its own system in the area of investigation files management (with only the analytical part being completed), also the interface with the MoJ is missing.

### ***Component 2 Fight against Drugs and Corruption***

37. The 2004 FAD project, notably its TW component via its impressive number of activities has managed to transfer the special know-how and methodology in the areas of drug prevention, treatment, harm reduction and the drug information system. It has also managed to strengthen the co-operation among the national and regional/local authorities, foster the role of NGOs, especially in the sphere of harm reduction and re-socialisation and improve the networking of key players in the field of FAD in Slovakia. Together with the transfer of practical know-how (such as functioning of 1<sup>st</sup> contact points in Germany) it has contributed to the implementation of the NPFAD, as envisaged in the respective IO. The TA should also show effects later this year, such as better performance of regional drug co-ordinators or the Army Police in FAD or better and more interesting information on drug issues for the general public. Also the GS should contribute to the fulfilment of the IO: *to enhance communication, co-ordination and co-operation amongst all those involved in the fight against drugs*, as many grants are focused also on the improved networking of institutions involved in the FAD or cross-sectoral issues in the whole chain of drug prevention, treatment, rehabilitation and harm reduction. For instance, experts at the municipal level should be trained in drug prevention or in supporting the help line Quitline, which promotes quitting of smoking.

38. Provided that the 2005 FAC project documentation is prepared and project is successfully tendered and contracted before the expiry date of 15 December 2007, i.e. the activities undertaken recently are continued, further intensified and staffing of the new department of OLAF & FAC is strengthened in the corruption area, it should lead to *further strengthening of institutional and administrative capacity to prevent and combat corruption* (IO). Moreover, the project has the potential to contribute to a long-term positive impact on the Slovak society, especially in the area of public administration, judicial reform and fight against crime.

39. When implemented, we expect that the 2005 FACPO will fulfil its IO, which is *'Availability of fully functional IAS for central and regional units of the Office for Inspection Service'*. The OIS anticipates implementation of the project, i.e. fulfilment of its IO, in the near future by ongoing modernisation of technical (computer) equipment of its offices from own

resources. The IAS should decrease the time for analytical processing of information from several days to several minutes. Thus, this is an enormous time saving that might be crucial in an effort to solve a corruption case.

### ***Component 3 Schengen Border Management***

40. The 2004 Schengen TWL, which was completed 10 months ago, has brought some valuable concrete effects, such as the General Strategy for Monitoring and Protection of the Internal Border, the network of contact persons in the area of fight against documentary fraud, also the BAP which has made use of the Charter of Diffusion and Transmission of the Operational Information, and the input into the Common Commissariats and Mobile Units as part of its reform process. Some of the effects will now become part of the updated SAP. However, the key strategic document, notably the NPBP as an umbrella document to include the internal borders part and also re-organisation of BAP, was still waiting for the approval at the time of this Report, and thus the forecast date of the approval – January 2007 – was missed. On the other hand, we can be quite positive, that after implementation of the comments from the latest Schengen evaluation (of October 2006) and from the new Plenipotentiary for Schengen, the document will be eventually approved later this year.

41. We still expect that the 2005 Schengen will be successfully implemented, despite the delays, which have occurred. The TW assistance managed to provide some first tangible outputs, such as the audit of Sobrance and a legal study related to illegal immigration and illegal entry. However, there are some signals that the project purpose '*finalisation of the Schengen Action Plan and setting up of the Integrated Model of Border Security*' might be ambitious and go beyond the scope of this project. Results of the October Schengen Evaluation may suggest that setting up of the Integrated Model of Border Security requires complex changes. Here especially the answer to the question formulated by the RTA<sup>6</sup> as '*Take a decision on launching the implementation of Integrated Model of Border Security in its totality, allowing the coherent reform of the BAP in compliance with its mission?*' will be important. The Master Plan prepared by the Slovak side should deal with the identified weaknesses. The Slovak institutions should, by the time of the next Schengen Evaluation in June 2007, show that they are well on track in this area.

## **2.4 Sustainability**

### ***Component 1 Justice and Prosecution***

42. Sustainability of the 2004 Judiciary project shows mostly positive prospects. Positive signs of sustainability can be reported after ½ a year after the completion of the assistance to the JAS, as it is now able to provide standard training for judges and other relevant trainees. The group of trainers trained under the 2004 TF remain active when delivering lectures for the JAS and the overall fluctuation is generally very low. The JAS training programme, being mostly demand driven, now includes also seminars on the EU Law, repeating the ones delivered under the TF assistance. Also the co-operation between the TWL partners, notably the local JA in Recklinghausen continues, presently on the information exchange basis. The JAS should

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<sup>6</sup> Interim Quarterly Report No. 2, 1 December 2006, 2 E. Assessment, Issues, page 14.

receive new training and accommodation premises in Trencianske Teplice in fall 2007. Moreover, the forthcoming amendment of the act on the JAS and court officials should include among others a compulsory training of judges, which would implicitly result in a stable demand for the JAS services as well. Also the follow-up TF (see underneath) and the European Social Fund assistance (training on the Slovak and EU Law, including the foreign languages training) should further secure sustainability of the 2004 TF intervention as well. It is too early in the implementation phase of the Evaluation of the Workload of Judges sub-project for effects to be assessed as sustainable; we can only hope that better evaluation criteria will contribute to more objective distribution of work among judges and consequently shorten the current processing time to an acceptable level. Also the evaluation handbook should serve internal audit purposes for the network of courts in Slovakia. However, in the longer-term perspective the provision of the relevant IT-supported system needs to be secured. The sustainability of the Mediation intervention shows some positive signs, as for instance the agreement of the MoJ to continue with the Mediation Weeks or the approval of the Minister of Justice of the mediation report and its publishing on the MoJ's Web site. Also some lecturers for professional associations will be replicated in the near future. The Association of Mediators plans to use the videotape produced under the assistance for training for its members. Also the public TV should broadcast the public opinion campaign using the mediation videotapes/DVDs. However, sustainability of the raised awareness could be evaluated only at a later stage when people actually use mediation and mediators in solving their disputes. The Arbitration sub-project also requires use in practice with the help of the network of 30 arbitration courts in Slovakia to show its sustainability. One tool to sustain at least some of the supported activities is the foreseen Web site ([www.arbiter.sk](http://www.arbiter.sk)) which should contain information on arbitration, list of the courts, relevant documents, including the ones produced under the TF assistance. It should be maintained by the Slovak Chamber of Commerce and Industry and linked to the MoJ Web site as well. At the same time it could serve the visibility purposes as well.

43. The 2005 UIBF Competition and Bankruptcy: we can expect self-sustainability of some of the foreseen outputs, such as the improved Civil Procedure Code and commercial Register's forms. Also no big concerns exist with regard to the sustainability of the provided training, especially once the ToT element is added to the original scope of the planned activities and the future trainers perform their lectures within the JAS.

44. The follow-up TF 2005 JAS project has good perspectives for maintaining sustainability. Both the JAS and the MoJ show ownership of the project. There is financial support from the government and possibilities for financing from the ESF. The latter is already being utilised. From June 2006, two ESF funded projects will be implemented by the JAS: one focused on the EU law, and one on languages. Moreover, we can expect that good quality training on the ECJ procedures, library, and seminars in line with actual needs of participants will attract judges to participate in JAS activities in the future.

45. The effects of the 2004 UIBF Prosecution intervention could be sustainable, once the improved Patricia is fully used by the Prosecution and its offices countrywide, especially in the future use of the electronic penal files. Also the contract with the local SW developer now entitles GP to be an official owner of the product with all the legal rights. Moreover, the GP IS requires further reliable service agreements and upgrade of the Hardware, which were not secured at the time of the IE.

## ***Component 2 Fight against Drugs and Corruption***

46. Assessment of the sustainability of the 2004 FAD project is mostly positive (as opposed to the previous forecasts), as now many signs for sustainability exist, especially on the national level of the FAD. Moreover, for the TW project the previously criticised unstable role of the regional drug co-ordinators seem to be saved at least in the mid-term, as these even after the abolition of the regional offices should become a part of the new state administration structure with similar competencies. However, neither concrete deadlines for the abolition of the regional offices nor their potential successors were fully clear at the date of this IE. (see also Annex 4). The formalised follow-up from the heavy training effort showed satisfactory results, which were also presented during the final event. Also the project's results should materialise in the preparation of the new NPFAD for the years 2009-2012, which should be prepared in the future by the GSBMDDDC. Moreover, the co-operation with the German partner should continue, for instance in the area of universal and selective prevention. In addition, related activities and steps for the improvement of FAD are to be taken by the Ministry of Labour, Social Affairs and Family, the MoJ and NGOs. However, measurement of sustainability of soft areas of assistance, such as enhancing co-operation and co-ordination among FAD key players, remains difficult. The SW development/improvement for the GSBMDCDD should be sustainable, not only due to the 24-month guarantee period included in the current contract but also due to the secured maintenance of the Portal from the side of the Beneficiary. With regard to the sustainability of the GS, fortunately the pessimistic forecasts of an abolition of the 2 percent tax donation for the 3<sup>rd</sup> Sector have not materialised, though some limitations were applied by the MoF. Moreover, the GS supported NGOs and other institutions enjoy good reputations and are often financed from several sources.

47. There are better perspectives for sustainability of the 2005 FAC project, compared to the situation during the previous evaluation. The new government intends to update the national programme of the FAC. It became also clear that the OoG is going to maintain its role as FAC-coordinator. Consequently, the new organisational structure of the OoG, which embeds this function, has been elaborated. Thus, the main beneficiary of the project has shown interest and ownership of the project and its objectives; although, there are currently only two experts dealing with the complex corruption agenda at the new department of OLAF & FAC.

48. We can expect that the effects of the 2005 FACPO will be sustainable when the IAS is implemented and utilised by the OIS. The IAS will speed-up the work, increase economy and effectiveness of the OIS's activities. The proposed TWL training, the ongoing modernisation of the technical equipment (computers) of the OIS, as well the appointment of a new director of the OIS who supports the implementation of the IAS and is a leader of this project, should all contribute to sustainability of the project results.

## ***Component 3 Schengen Border Management***

49. Forecasts of sustainability of the 2004 UIBF Schengen remains positive, though the key strategic document to include the key outputs of the 2004 TF TWL intervention was still at the commenting stage at the time of this IE. However, the new Government seems to be pushed (especially by heavy criticism of the latest Schengen evaluation) to fulfil fairly quickly the

requirements of the Schengen *acquis*, including the approval of the NPBP. In this context the upcoming round of spring evaluations will be crucial to manage the accession with the neighbouring countries in January 2008. Overall sustainability of the TF Schengen assistance seems to be secured in future also by the EU 2007-13 Fund for the Management of the External Border via the prepared GS, several Structural Funds, especially for the area of education but also via the bi-lateral assistance, notably the Norwegian and the Swiss (besides the national sources).

50. Expectations with regard to sustainability of the 2005 Schengen are also positive. Because of the nature of this project, its positive outcomes will continue and will be further explored after the external funding ends. By way of illustration, 19 projects have already been approved from the Schengen Facility. Moreover, an allocation to the Fund for External Border Management has been secured.

## 2.5 Impact

### *Component 1 Justice and Prosecution*

51. We can expect that after the completion of the relevant 2004 Judiciary sub-projects focused on assessment of the workload of judges, mediation and also arbitration, these would positively contribute to the fulfilment of the respective Wider Objective (WO) aimed at *improvement of the efficiency of the Slovak judiciary*. All the interventions should ultimately decrease the administrative burden of judges and the workload of courts, using among other tools the alternative dispute resolution. The Evaluation of Workload of Judges sub-project has high expectations with regard to its potential impact, as after the legal framework is stabilised in Slovakia in the mid-term perspective, the results of the assistance could be used, among others, for negotiation with the MoF when justifying extra need for judges. The mediation assistance should have a positive impact not only on the raised awareness about possibilities to use mediation (more than 2,000 directly involved in the project, 42 schools participated) but has a potential to influence also the general culture, aiming to solve problems in the form of win/win solution. Also the impact of the promotion events on the young people should be positive, when for instance reducing aggression at secondary schools. However, the whole process of acceptance of mediation and arbitration among public and professionals would require also changes in culture, which represents a long-term process. Also some target groups, currently not approached to be included into the potential audience, such as municipalities. The arbitration assistance has again a potential for a quite wide reach (more than 1,000 participants foreseen at different events) to initiate the needed change of the prevailing legal culture. The subsequent broader use of arbitration, when solving commercial disputes in Slovakia, could represent a more efficient way (including in money terms) of solving especially smaller cases. Also the 2004 JAS sub-project shows good results in its impact on the quality of the Slovak judiciary, where for instance the quality of courts' decisions has improved. The gained know-how on the EU law to a wide audience of judges, prosecutors and other court personnel has among others unified their view on common EU topics. In addition, the trained trainers have clearly improved also the functioning of the JAS.

52. Impact of the 2005 UIBF Competition and Bankruptcy was rather difficult to predict due to some missing pieces of the puzzle, such as the final project documentation/ToRs. However, some impact can be foreseen resulting from the legal advice on simplifying court proceedings

via using of new forms, and also from the training activities, esp. once the new group of lectures disseminate the new knowledge in the bankruptcy and competition areas to the JAS trainees.

53. We can also expect that the transfer of know-how and experience on professional and methodological aspects of training in the judiciary under the 2005 JAS assistance will contribute to the achievement of the respective WO. The availability of a solid methodological training basis and professional trainers of trainers in EU law, well equipped library, and a resulting well-functioning JAS, are important factors in *the improvement of the training system for the judiciary in Slovakia and enhanced ability of Slovak judges to apply EU law* (WO objective). At the end this project might have a positive impact not only at the Judiciary but also at the whole society.

54. Predictions of impact of the 2004 UIBF Prosecution project, especially in the longer-term perspective, are still rather unclear, depending on many internal and external factors. Internally, resistance to the use of computers needs to be overcome (for about 30 percent of prosecutors). However, the Prosecutor General's internal regulation requesting the computerisation of the work of prosecutors may help to counter the resistance to change. Externally, the biggest drawback seems to be the completion of the complementary system from the side of the MoI, whose deadline has been postponed several times. Even the high level working group has not succeeded in speeding up the process of LEAs preparation for the electronic files processing, presently mainly due to the top priority of Schengen preparation for the MoI.

### ***Component 2 Fight against Drugs and Corruption***

55. The predictions of achievement of the WO of the 2004 FAD in the area of *support to an efficient implementation of the NPFAD 2004-08...* are optimistic, such as for the TW sub-project. With the help of the massive reach of its training and other forms of know-how for about 300 direct participants of the TW activities, it has contributed to building networks among key stakeholders involved in the FAD, and implicitly also the NPFAD implementation (especially its harm reduction part). Also the trained group of key experts should in future be able to spread the gained know-how widely. Moreover, improvement has been reported in the co-operation between the National Focal Point and the data collection institutions and its providers. In addition, LEAs are now better aware of the drug supply reduction, together with the prison staff who are now better prepared for treatment of prisoners. The TA should also bring some positive impact, especially in the area of implementation of the NPFAD on the regional and local levels. Also the DIP should improve the access to information on FAD; improve the communication among peers and general public about the drug-related topics. The impact of the GS to be better assessed after its completion end of 2007. However, even at this stage we can predict its positive influence on the drug scene in Slovakia, such as in the area of drug prevention among young people.

56. The gradual improvements and activities that have recently taken place indicate that the 2005 FAC has a potential to lead to the expected impact. It may contribute to the achievement of the WO *'combat corruption in a more efficient and specialised manner'*. This improvement is a result of a series of decisions at the government level reconfirming the coordination role of the OoG in this area and leading also to a modification in the FAC organisational set-up. There is a correlation between corruption (measured through CPI) and economic development of a



country. In general, developed countries, i.e. Austria and the Netherlands, have significantly lower corruption than less developed ones. Thus, the contribution of this project to its WO may positively influence the economic development of the country.

57. We can predict that a faster, more economic and effective access to information facilitated by the implementation of the IAS under the 2005 FACPO project will contribute to the establishment of *an effective system for the detection of corruption among the Slovak Police Force at the Office for Inspection Service and strengthening the Fight against Corruption and organised crime* (WO). The project has also a potential to serve as a model approach for investigation to other LEAs by providing fast and complex information.

### ***Component 3 Schengen Border Management***

58. The 2004 UIBF Schengen Project will definitely have an impact when measured via its contribution to the defined WO *to lead BAP to the state of conformity with the Schengen acquis, enabling its integration of the internal border protection into its organisation and functioning*, especially once the TWL recommendations are used by the BAP in its reform process. However, there will be a wider impact to be reported after the successful accession of Slovakia to the Schengen space.

59. We expect that the 2005 Schengen will contribute to *'meeting all the requirements by the time of entry of the Slovak Republic into the Schengen area'* (WO). This should be reflected in the favourable opinion of the Schengen Evaluation Commission and should lead to a successful accession of Slovakia to the Schengen space. The accession may speed up economic and social development of the country.

### **2.6 Specific issues**

60. There were no specific issues during this IE.

## 3 CONCLUSIONS AND RECOMMENDATIONS

### 3.1 Conclusions and Recommendations

#### 3.1.1 *Relevance*

61. The TF assistance to the JHA Sector is relevant, also when looking at the completed projects from an ex-post perspective. The TF support covers many priority areas, such as the FAD. The top priority remains the implementation of the Schengen *acquis*. For the vast majority of interventions the corresponding strategic documents and their updates exist, notably the SAP. The new government intends to prepare also an update of the national programme for the Fight against Corruption, with the OoG keeping its important coordination role in this area. Consequently, activities have recently taken place to finalise the 2005 FAC project documentation, including elaboration of a DPF. For many of the projects reviewed, twinning arrangement, including TWLs, seems/seemed to work well, such as for the 2004 JAS or FAD, or 2005 Schengen. Recent developments may require that the RTA updates the work-plan of the 2005 Schengen on the basis of the political reform decisions in this area, and incorporates also delays in the components 1, 4 and 5. The 2004 UIBF Prosecution, but also 2004 Workload of Judges support progressive areas of assistance, when with the help of IT technologies court proceedings should be shortened. Similarly, 2005 FACPO is going to support the implementation of the IAS leading to a significant time saving in solving corruption cases. Lack of absorption and management capacities caused some problems in the implementation of the 2004 FAD intervention.

62. SCs seem to perform well for majority of the projects under review, such as the 2004 FAD or 2004 Prosecution, due to their balanced composition and also decision power to solve problems during projects' implementation. On the other hand, unfulfilled assumptions, such as for the 2004 Schengen to adopt the NPF, caused difficulties in realisation of project's outputs at the later stage of the implementation process. Complex, cross-sectoral projects, such as 2005 FAC, would benefit from the SC established already in the preparatory stage. Therefore, we would recommend establishing the SC for this project as soon as possible. The SC could help in dealing with complex cross-sectoral issues, guide the preparation of the DPF, avoid further delays and assure proper implementation capacity, commitment and support to the project from all its stakeholders.

#### 3.1.2 *Efficiency*

63. Efficiency of the reviewed Sector shows mixed results. The pre-implementation phase of many projects has suffered from well-known delays, such as lack of parallel contracting of 2004 and 2005 projects. Compared to the previous evaluation, only a few of the 2004 interventions have progressed with the implementation of the actual activities, and only one of the 2005 interventions has been contracted (i.e. no change after 5 months). For the completed sub-projects, such as the 2004 JAS, FAD of Prosecution efficiency criterion shows good results, as all the planned activities were implemented (though sometimes in a challenging environment). Technical character and security requirements of some projects, such as the 2004 SW Development FAD has caused not only problems in preparation of technical documentation, but eventually lead to losses of parts of the funds originally allocated for the MoD and the MoI. Despite a significant delay, activities to finalise the 2005 FAC project

preparation and create implementation capacities have recently been undertaken. This is a positive development. However, these need to be further intensified. Therefore, we recommend the following: i) nominate the SPO who is crucial for the preparation and implementation of the project; ii) strengthen the personnel of the Fight against Corruption area by a professional with background and experience in this area; and iii) speed-up the preparation of the project documentation. Overall the commitment and disbursement rates for the Sector - 61 and 39 percent respectively - represent disappointing results. Performance of contractors and twinning partners is usually highly evaluated, presently the 2005 Schengen, where the respective RTA often provides pro-active know-how transfer to the MoI and whose reporting at the same time has improved compared to the 2004 assistance. However, there might be scope for improvement in time management of this TW project, especially in relation to the component 4 and 5, which require also activation of the Austrian junior TW partner and the MFA.

### 3.1.3 Effectiveness

64. Effectiveness of most of the implemented projects shows good results, especially for the 2004 Sub-programme, where concrete effects could be reported from the JAS TWL delivering a complex training for judiciary staff and the JAS trainers, the Mediation in raising awareness about mediation when reaching more than 2,000 people, the Prosecution upgrading the GP IS or the FAD via more than 50 activities supporting the implementation of the NPFAD via establishing a platform for identifying and developing coordination mechanisms and structures that strengthens co-operation among all public administration bodies. The 2004 Schengen assistance also brought some tangible outputs, such as in fight against documentary fraud and inputs into the SAP and the future NPBP (assuming its approval in a due time) in the field of internal borders. The 2005 Schengen assistance managed to provide some first outputs too, such as the audit of Sobrance and a legal study related to illegal immigration and illegal entry. Providing the undertaken activities will be further intensified, 2005 FAC should lead to the delivery of planned outputs too. When implemented, the 2005 FACPO is expected to decrease the time for analytical processing of information from several days to several minutes, which might be crucial when solving a corruption case.

### 3.1.4 Sustainability

65. Sustainability seems to be secured for some of the completed interventions, such as the 2004 JAS, as the JAS standard training programme, which now includes also seminars on the EU Law, is repeating the training delivered under the TF assistance, and the co-operation between the TWL partners continues. The 2004 Mediation seems to enjoy the commitment of senior officials of the MoJ to continue with the mediation activities, which also contributes to its sustainability, as the awareness raising activities require constant attention. Predictions of sustainability of the 2004 FAD are also positive also due to new plans of securing the positions of regional drug co-ordinators; however, measurement of sustainability of soft areas of assistance remains difficult. With the upcoming accession to Schengen, predictions of approval of the NPBP, though being delayed, remain positive, which should materialise the key outputs of the 2004 TF intervention to this area at the same time. Similar holds also for 2005 Schengen. Sustainability of the 2005 FAC has improved, although staffing of the new department of OLAF & FAC needs further strengthening in the FAC area. That of the 2005 FACPO is facilitated for instance by training under TWL and the appointment of a new OIS director who supports the implementation of the IAS and is the leader of this project.

### 3.1.5 Impact

66. We can predict that the vast majority of the TF interventions will contribute to the fulfilment of their respective WOs, also due to their rather broad definition, such as the 2004 Judiciary project. The wide reach of many projects, such as in the area of promotion of mediation or arbitrations with thousands of participants has a potential to raise the awareness on the selected topics, however, the whole process of changing the culture will require a longer time. Also a massive reach of about 300 direct participants in the 2004 FAD project justifies a positive evaluation of the impact on the NPFAD implementation. The potential impact of the 2004 Prosecution intervention (with again about 400 GP staff trained), depends on the successful overcome of the internal resistance to change and also progress of the complementary IS developments in other LEAs, notably the MoI. The 2005 Fight against Corruption, once successfully implemented, will definitely have an impact on combating corruption in a more efficient and specialised manner. Also the Fight again Corruption among Police Officers should have a concrete impact, for instance in a significant reduction of time needed to solve a corruption case.

Conclusion	Recommendation	Output	Reference/ Paragraph	Responsibility	Deadline
<p><b>2005/017-464.03.03</b> <b>Continued Support to the Fight against Corruption in the SR</b> This complex, cross-sectoral project would benefit from the SC established already in the preparation stage.</p>	Establish the SC as soon as possible. The SC could help in dealing with complex cross-sectoral issues, guide the preparation of the DPF, speed-up the process, avoid further delays and assure proper implementation capacity, commitment and support to the project from all its stakeholders.	Project documentation (DPF) prepared in time, timely and smooth project implementation	20, 62	Project Leader/SPO/ACU	ASAP
<p><b>2005/017-464.03.03</b> <b>Continued Support to the Fight against Corruption in the SR</b> First serious steps to finalise the project preparation have been taken. However, the process needs to be further intensified. Moreover, the staffing in the corruption area is still limited.</p>	<ol style="list-style-type: none"> <li>1. Nominate the SPO who is crucial for the preparation and implementation of the project;</li> <li>2. Strengthen the personnel of the Fight against Corruption area by a professional with background and experience in this topic. The current staffing of this area consists of two experts of whom one deals with management and coordination of this project;</li> <li>3. Speed-up the process of preparation of the project documentation. Close, quick and flexible cooperation of all the involved parties is crucial for a successful preparation and contracting of such a complex project in time, i.e. before 15 December 2007.</li> </ol>	Quality project documentation prepared in time; Improved sustainability	29, 63	<ol style="list-style-type: none"> <li>1. ACU/ OoG Dep. of OLAF &amp; FAC</li> <li>2. OoG Dep. of OLAF &amp; FAC</li> <li>3. PL/SPO/CF CU</li> </ol>	ASAP
<p><b>2005/017-464.03.01</b> <b>Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security</b> Negative October 2006 Schengen Evaluation and delayed implementation of some components might have consequences for the work-plan.</p>	Update the work-plan on the basis of the political Schengen reform decisions, and incorporate also the delays in components 1, 4 and 5. The update is determined by the Master Plan, prepared by the Slovak side, to improve the preparedness of Slovakia for Schengen in the weak areas, identified by the Schengen Evaluation in October 2006. This project has been asked to assist in the process of eliminating the weaknesses.	Updated work-plan, including time schedule	23, 61	RTA/MoI	ASAP
<p><b>2005/017-464.03.01</b> <b>Finalisation of the Implementation of the</b></p>	Improve time management of the project by close monitoring of progress in the Schengen area and taking actions in order to avoid further delays. Furthermore, verify commitment of the junior	Timely implementation of project	32, 63	RTA/Project Leader/MoI	ASAP

<b>Schengen Action Plan and Setting up of the Integrated Model of Border Security</b> There is a scope for an improvement of time management of the project and a more active involvement of the junior Austrian TW partner and the MFA.	Austrian TW partner and the MFA to this project (component 4 and 5) and agree a detailed action plan with them.	components, i.e. improved efficiency			
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## 3.2 Performance rating

### Rating

	Relevance	Efficiency	Effectiveness	Sustainability	Impact	Verbal Rating
<b>Justice and Prosecution</b>						
2004/016-764.03.01 Judiciary	1	1	1	1	1	S
2005/017-464.03.01 JAS	1	0	1	0	0	0
2004/016-764.08.03 UIBF 2004 Prosecution	1	1	1	0	0	S
2005/017-464.08.01 UIBF 2005 Training of Judges	0	1	1	1	1	S
<b>Fight against Drugs and Corruption</b>						
2004/016-764.03.02 FAD	1	0	1	1	1	S
2005/017-464.03.03 Corruption	1	-1	0	0	0	0
2005/017-464.03.04 Corruption	1	0	1	0	0	0
<b>Schengen Border Management</b>						
2004/016-764.08.03 Schengen	1	0	0	1	1	S
2005/017-464.03.01 Schengen	2	-1	0	0	0	0
<b>Total for the JHA Sector</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>S</b>

Rating guide:

<b>Unacceptable</b>	<b>Poor</b>	<b>Sufficient/ Adequate or no rating possible</b>	<b>Good</b>	<b>Excellent</b>
-2	-1	0	+1	+2
<b>Highly Unsatisfactory</b>	<b>Unsatisfactory</b>	<b>No rating possible</b>	<b>Satisfactory</b>	<b>Highly satisfactory</b>
HU	U	N/A	S	HS

# **ANNEXES**



## ANNEX 1 INDICATORS OF ACHIEVEMENT

INDICATOR LEVEL	OBJECTIVES	INDICATORS OF ACHIEVEMENT (OBJECTIVELY VERIFIABLE INDICATORS)	REMARKS
<b>COMPONENT 1 : JUSTICE AND PROSECUTION</b>			
<b>2004/016-764.03.01 Strengthening of the Judicial system</b>			
Project Purpose	To provide comprehensive training for judges and Court personnel aiming at a correct and efficient implementation of the EU acquis	Majority of concerned judges at specialized panels of courts participating at the training (80% by the end of the project implementation)	Valid as an indicator;
Project Purpose	To reduce the excessive length of proceedings, in particular in civil and commercial cases	Decreased number of pending cases at courts by 10% by 2007	Baseline is missing, not valid as an indicator;
<b>2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia</b>			
Project Purpose	Improved functioning and organisation of the Judicial Academy of Slovakia	Improved functioning of the JAS positively reflected in annual reports presented by Judiciary Council and Judges association by the end of project	Not specific and not measurable, not valid as an indicator;
Project Purpose	The transfer of the experiences concerning professional and methodological aspects of the training in the judiciary from EU Member State partner having long-lasting experiences	Decreased number of cases brought to ECJ, which were based on erroneous EU-law application by 2008	Not quantified, not valid as an indicator;
<b>2004/016-764.08.03 UIBF 2004 Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA</b>			
<b>2004/016-764.08.03 UIBF 2004: Implement the Schengen Action Plan - The Accompaniment Measures at the Internal Borders</b>			
Project Purpose	Completion of some specific urgent, unforeseen needs identified in the updating of the Comprehensive Monitoring Report, the Peer Reviews and the Action Plan for Administrative and Judicial capacity	Acceleration of the progress within ministries/institutions towards meeting the requirements of the acquis	Not specific, not measurable and not in time, not valid as an indicator;
<b>COMPONENT 2 : FIGHT AGAINST DRUGS AND CORRUPTION</b>			
<b>2004/016-764.03.02 Support to the implementation of the National Programme for the Fight Against Drugs 2004-2008</b>			
Project Purpose	To build up and strengthen the institutional, administrative and professional capacities at all levels of Slovak Public Administrations	Institutional, administrative and professional capacities at all level of Slovak Administrations and Public Services concerned with the fight against drugs as well as in the third sector built up and	Not specific, not measurable and not in time, not valid as an indicator;

	and Public Services concerned with the fight against drugs, as well as in third sector organisations involved – as partners of the public administrations -in the implementation of the projects and activities envisaged in the National Programme	strengthened	
Project Purpose	To enhance communication, co-ordination and co-operation amongst all those involved in the fight against drugs and in the minimising of the negative impact and consequences of drug trafficking and drug addictions (at both the Public and non-governmental sectors)	Communication, co-ordination and co-operation amongst all those involved in the fight against drugs enhanced	Not specific, not measurable and not in time, not valid as an indicator;
<b>2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR</b>			
Project Purpose	Further strengthening of institutional and administrative capacity to prevent and combat corruption	Recommendation of GRECO report fully implemented by the end of project	Not specific enough, an invalid indicator;
Project Purpose	To ensure that specialized Law Enforcement Agencies dealing with corruption are well qualified and more effective in investigating, revealing and decision-making in cases showing the corrupt behaviour	Organizational structures and working methods of corruption services improved	Not specific, not measurable and not in time, not valid as an indicator;
Project Purpose	Ensure adequate access to justice by improving the capacity of the newly created free legal aid centres	Increase of disclosed crimes related to corruption by the end of project	Not quantified, not valid as an indicator;
Project Purpose	Overview of the evaluation of the regulations and the mechanisms favouring the activities in the field of Fight against Corruption		
<b>2005/017-464.03.04 Reinforcement of capacities to fight corruption among police officers</b>			
Project Purpose	Information and analytical system (IAS) for central and regional units of the Office for Inspection Service (OIS) installed and fully operational	<ul style="list-style-type: none"> <li>• Immediate access to information for operative-searching activity by means of information and analytical system from all OIS regional units</li> <li>• Direct access to information on family ties, property situation, possession of motor vehicle, the used telephone contacts</li> </ul>	Valid, applicable, measurable but not <i>in time</i> indicators
<b>COMPONENT 3 : SCHENGEN BORDER MANAGEMENT</b>			
<b>2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security</b>			
Project Purpose	Finalize the implementation of the Schengen Action Plan (since it has been under implementation already for some	<ul style="list-style-type: none"> <li>• Completion of the Schengen Evaluation by end of 2007</li> <li>• Compliance confirmed by EC and Schengen Committee by the end of 2007</li> </ul>	Valid as indicators;

	time) and the setting up of the Integrated Model of Border Security in the Slovak Republic		
Project Purpose	Successful achievement and the operational launching of the general strategy adopted by the Slovak Government within the framework of the fight against irregular immigration and the protection of European Union's external border with the Ukraine	<ul style="list-style-type: none"> <li>• Improvement of the Criminal Law and the criminal procedure, by the end of 2007</li> <li>• Adoption of an inter-ministerial Act between the Ministry of Interior and the Ministry of Foreign Affairs by the end of 2007</li> <li>• Adoption of a new text defining the content of the officers training programme by the end of 2007</li> </ul>	<p>Not quantified, not valid as an indicator;</p> <p>Not specific enough, not valid as an indicator;</p> <p>Valid as an indicator.</p>

## ANNEX 2 LIST OF INTERVIEWS

INSTITUTION	INTERVIEWEE	DATE
<b>Office of the Government SR</b> General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control Cukrova 14 SK-811 08 Bratislava	<b>Mr Artur Schroers</b> RTA	17 January 2007
<b>Judicial Academy of Slovakia</b> M.R.Stefanika 40 SK-902 01 Pezinok	<b>Ms Katarina Strizova*</b> Head of Office	25 January 2007
<b>Office of the Government SR</b> General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control Cukrova 14 SK-811 08 Bratislava	<b>Ms Dana Loziova</b> Deputy SPO	26 January 2007
<b>Office of the Government SR</b> General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control Cukrova 14 SK-811 08 Bratislava	<b>Mr Jiri Francik</b> Project Manager IT Expert	26 January 2007
<b>Office of the Government SR</b> General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control Cukrova 14 SK-811 08 Bratislava	<b>Mr Miroslav Jablonicky</b> Project Manager	26 January 2007
<b>Office of the Government SR</b> General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control Cukrova 14 SK-811 08 Bratislava	<b>Ms Janka Hazirova</b> GS Manager	30 January 2007
<b>Ministry of Justice SR</b> Phare Implementation Unit Zupne nam 13 SK-813 11 Bratislava	<b>Mr Julius Kralik</b> Director	31 January 2007
<b>Ministry of Justice SR</b> Foreign Relations and Human Rights Division Zupne nam 13 SK-813 11 Bratislava	<b>Ms Alexandra Kapisovska</b> Project Manager	31 January 2007
<b>Euroiuris</b> Safarikovo Sq. 7 SK-811 02 Bratislava	<b>Ms Lucia Mokra</b> Manager	1 February 2007
<b>Office of the Government of the SR</b> Aid Co-ordination Unit Stefanikova 2 SK-813 70 Bratislava	<b>Ms Denisa Kutyoova</b> Programme Manager	2 February 2007
<b>Ministry of Interior SR</b> Foreign Aid Dept. Pribinova 2 SK-812 72 Bratislava	<b>Ms Nadezda Patoprsta</b> Director, SPO	6 February 2007
<b>General Prosecutor Office SR</b> Sturova 2 SK-812 85 Bratislava	<b>Mr. Miloslav Hecko</b> Director of Dept. of Informatics	12 February 2007
<b>ARK ltd</b> Sturova 13 SK-811 02 Bratislava	<b>Mr Vladimir Labath*</b> Director	13 February 2007

**Municipal Office**  
Fucikova 329  
SK-925 21 Sladkovicovo

**Ms Mirena Polakova\***  
Deputy Mayor

26 February 2007

**Ministry of Finance SR**  
Central Finacing and Contracting Unit  
Stefanovicova 5  
SK-813 08 Bartslava

**Ms Zora Paulikova\***  
Financial Manager

26 February 2007

**Stop Smoking, Civic Association**  
Krajinska 91  
SK-825 56 Bratislva

**Mr Peter Stastny\***  
President

27 February 2007

**Ministry of Interior SR**  
Office for Inspection Service of the Police  
Force  
Zahradnicka 93  
SK-812 72 Bratislava

**Ms Renata Susinova**  
Project Manager

27 February 2007

**Office of the Government of the SR**  
Department of OLAF and Fight against  
Corruption  
Radlinskeho 13  
811 07 Bratislava

**Mrs Katarina Omelkova**  
Project Manger

27 February 2007

**Police Presidium**  
Racianska 45  
SK-812 72 Bratislava

**Mr Francois Guillot**  
RTA

28 February 2007

**Police Presidium**  
Office of Border and Aliens Police  
Vajnorska 25  
SK-831 03 Bratislava

**Ms Olga Simorova**  
Deputy Director

28 February 2007

\*Telephone interview

\*\* Email questionnaire

## ANNEX 3 LIST OF DOCUMENTS REFERRED TO IN THE INTERIM EVALUATION

Name of Originator	Date	Title of Document
European Commission	2003	Comprehensive Monitoring Report on Slovakia's Preparedness for the EU Membership
European Commission	2004	Commission Decision of Financial Contribution of Transition Facility for Strengthening Institutional Capacity to the Slovak Republic
European Commission/Office of the Government SR	August 2004	Memorandum of Understanding on the Implementation of the TF 2004 – 2006 (in Slovak only)
European Commission	2004	Planning Document Transition Facility 2004-2006, Slovak Republic
European Commission	December 2003	Programming and Implementation Guide – Transition Facility
European Commission/Office of the Government SR	2004-2005	Project Fiches for TF Programmes 2004 and 2005
European Commission/Office of the Government	July 2006	Financial Proposal on the Implementation of the TF 2006
Government of the Slovak Republic/ General Secretariat of the Committee of Ministers for Drug Dependencies and Drug Control	1997	National Programme for Fight Against Drugs and its updates
MWH Consortium	June 2006	Phare and CBC ex-post evaluation 1999-2001
Ministry of Finance SR	February 2006	Financial Tables for TF 2004 and 2005 Programmes
Office of the Government SR	August 2006	Government's Manifesto
Office of the Government/Aid Co-ordination Unit	October 2006	Monitoring Report M/SR/JHA/06013
Office of the Government/Aid Co-ordination Unit	December 2006	Implementation Status Report of the EU Phare and TF Programmes Co-financed by the Slovak Republic
Office of the Government/Aid Co-ordination Unit	November 2006	Minutes from the SMSC - JHA
CFCU	February 2007	Financial and Contractual data for the Sector
CEEN/Euroformes	December 2006	Country Interim Evaluation Summary
CEEN/Euroformes	October 2006	R/SK/TF/JHA/06001
D&D Consulting	September 2006	Country Interim Evaluation Summary
German Foundation for International Legal Co-operation/Ministry of Justice SR	January 2006	Twinning Light Contract 2004/01676403-01-0001 Training of Judges on New Civil, Commercial, Competition and Bankruptcy Legislation
German Foundation for International Legal Co-operation/Ministry of Justice SR	August 2006	Final Report 2004/01676403-01-0001 Training of Judges on New Civil, Commercial, Competition and Bankruptcy Legislation
ARK – ltd.	April 2006	Inception Report 2004/016-764-03-01Promotion of Mediation of Civil Disputes to both Professional and Lay Public
ARK – ltd.	December 2006	Final Report 2004/016-764-03-01Promotion of Mediation of Civil Disputes to both Professional and Lay Public
Ability Development	June 2006	Inception Report 2004/01676408-03-01-0004

		Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA
Ability Development	July–December 2006	Minutes from the Steering Committee Meetings 2004/01676408-03-01-0004 Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA
Ability Development	December 2006	Final Report 2004/01676408-03-01-0004 Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA
Euroiuris/C&M	December 2006	Inception Report Support of Application of Arbitration Courts in the SR 2004/016-764.03-01-01-0004
Austrian Federal Ministry of Justice	n/a	Proposal Evaluation of Workload of Judges 2004/016-764.03-01-01-0003
Government of the Slovak Republic/ General Secretariat of the Committee of Ministers for Drug Dependencies and Drug Control	2006	The State of Drug Addiction and Drug Control in the Slovak Republic
Government of the Slovak Republic/ General Secretariat of the Committee of Ministers for Drug Dependencies and Drug Control	2005	Methodology Guideline for regional drug co-ordinators
Federal Ministry of Health of the Federal Republic of Germany/Office of the Government	2005	Twinning Contract SK 2004/IB/JH/01 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008
Federal Ministry of Health of the Federal Republic of Germany	November 2004-January 2007	Quarterly Reports Nr. 1 – 6 SK 2004/IB/JH/01 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008
Federal Ministry of Health of the Federal Republic of Germany	December 2006	Presentations for the Final Conference SK 2004/IB/JH/01 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008
Federal Ministry of Health of the Federal Republic of Germany	February 2007	Draft Final Report SK 2004/IB/JH/01 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008
Office of the Government/CFCU	March 2006	Memorandum of Understanding for the Grant Scheme 2004/16-764-03-02 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008
Office of the Government/GSBMDDDC	February 2007	List of awarded grants, 1 <sup>st</sup> and 2 <sup>nd</sup> rounds
Office of the Government/GSBMDDDC	February 2007	Interim Report Nr.1 for the GS
Office of the Government/GSBMDDDC	20 February 2007	Minutes from the Monitoring Committee for the GS
Office of the Government/GSBMDDDC/Euro-formes/Daphne	January	Inception Report Training on the drug-related topics 2004/016.764.03-02-01-0006
Office of the Government/GSBMDDDC	n/a	ToRs SW Development for the DIP
Ministry of Interior of the French Republic and Ministry of Interior of the SR	August 2005	Twinning Light Contract Nr.2004/01676408-0301-0001 Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders
Ministry of Interior of the French Republic	July 2006	Final Report Nr.200401676408-0301-0001 Implementation of the Schengen Action Plan – The

		Accompaniment Measures at the Internal Borders
Police Presidium/Ministry of Interior	December 2006	Interim Quarterly Report No. 2 / French Part Twinning Phare SK05/IB/JH/01

**Documents requested but not made available (with reasons):** none



## ANNEX 4 RECOMMENDATIONS FROM PREVIOUS INTERIM EVALUATION

### Interim Evaluation Report Follow-up Table

**Report number and title:**

**Final Draft Interim Evaluation Report: R/SK/TF/JHA/06.001**

**Programmes included in the report:**

**Transition Facility Assistance 2004/2005**

- Justice and Prosecution
- Fight against Drugs and Corruption
- Schengen Border Management

Recommendation	Accepted	Responsibility for Follow-up	Deadline	Details of action/ Remarks
<p><b>All UIBF Projects</b> If not present in project documents, the respective Inception Reports to include proper log frames, including Wider Objectives, Intermediate Objectives, Indicators of Achievement, assumptions and risks to serve M&amp;E purposes.</p>	Yes	Aid Coordination Unit/Senior Programme Officer/Central Financial and Contracting Unit/contractors /twinning partners	End of November 2006	Responsible authorities agreed on the combination of b alternatives, e.g. to incorporate simplified version of I frames into the project proposals recommended by the Steer Committee for the UIBF envelope as well as Wider Objectives. Intermediate Objectives, Indicators of Achievement assumptions and risks will be part of Inception Report resulting from the requirements defined in the tender documentation.
<p><b>2004/016-764.08.03 UIBF Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders</b> The RTA for the 2005 Schengen to improve reporting, providing it in a managerial style, including a structured form allowing clear identification of the outputs reached and the progress achieved in fulfilment of the respective project's goals.</p>	Yes	RTA/SPO/ Project Leader	As soon as possible	Recommendation was accepted and will be communicated the RTA via respective SPO. The reporting has improved and could now serve M purposes.
<p><b>2004/016-764.03.02 Support to the Implementation of the National Programme for the Fight Against Drugs 2004-2008</b> GSBMDDDC together with the MoI and other responsible institutions to present the ACU a document showing the future role of the trained regional drug co-ordinators and their possible employment at the higher territorial units.</p>	Yes	General Secretariat of the Committee of Ministers for Drug Addiction and Drug Control	Continuously	A document was elaborated and submitted to the Slo Government proposing possible suggestions connected with proposal for abolishment of regional offices. The director GSCMDADC also asked National Aid Co-ordinator by official letter about the possibility to transfer the position of regional drug co-ordinator together with its competencies to the higher territorial units. Representatives of the higher territorial units were already part of the seminars and training activities with

				the twinning part of the project. According to the latest information, some of the competences of the regional state administration offices to be transferred from the 2007 to regional district offices, including the present responsibilities of the regional drug co-ordinators.
<p><b>2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR</b></p> <p>Assess the position of the OoG as the main beneficiary of this project and reformulate the project accordingly. OoG should remain the main beneficiary only if it continues to coordinate activities related to Fight against Corruption in SK in the future. This needs to be reflected in strengthening of capacities of the Department of Fight against Corruption. In the case that the OoG does not fulfil this function anymore, we recommend to explore a possibility to bring the project under another key player in this area, such as the MoI or MoJ, which should become the main beneficiary.</p>	Yes	ACU/SPO/CFCU	End of December/respectively together with the documentation for JMC	Based on the conclusions of the JMC of 19 January 2007, OoG should remain the key beneficiary of the project. An official letter was prepared by the ACU addressed to the Head of the Government Office concerning the need to increase capacities of the Department for Fight against Corruption at OoG and its further role in the new organizational structure. At the time of the IE one person was assigned to deal with the project, no SPO was appointed.
<p><b>2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security</b></p> <p>In case of the delayed related activities financed from the Schengen Facility we recommend to actualise the work plan of the project so the activity 1 will be implemented properly. In case that some parts cannot be implemented, the RTA should prepare a proposal for reallocation of resources to remaining activities that need strengthening, or propose additional activities in line with actual needs and after the consultation with the beneficiary twinning partners.</p>	Yes	RTA/MoI	End of December 2006	The complementary tender from the Schengen Facility was concluded end 2006. The work plan for the twinning project will be adjusted in the first quarter 2007 to reflect the latest needs of the SAP.

## ANNEX 5 SECTORAL BACKGROUND AND SCOPE OF EVALUATION

### Component 1 Justice and Prosecution

#### *2004/016-764.03.01 Strengthening of the Judicial System*

The follow-up EU assistance to the MoJ is split into two TWLs and two TAs.

#### 1st Sub-project: Twinning Training of Judges on New Civil, Family, Commercial, Competition and Bankruptcy Legislation

Represents another EU intervention to the JAS with the objective to provide training to judges and other relevant groups on the EU *acquis* and a ToT element. The TWL with the German partner had started in January and finished in June 2006. During this period up to 10 training sessions were organised and up to 300 judges, higher court officials and prosecutors trained in different areas of the EU legislation. Participants of training activities have been provided with the relevant materials, namely case studies. Also a study visit to Germany contributed to raising awareness about the best practice in the area of judiciary. The ToT part has managed to prepare up to 30 new trainers who now perform their role of trainers within the JAS staff.

#### 2nd Sub-project Creation of a New System of Evaluation of the Workload of Judges and Courts

Takes a form of a TWL again and besides development of realistic evaluation criteria which would include also a qualitative assessment of workload of judges includes also an evaluation of court operation via testing the new evaluation procedure at up to five sample courts. The TWL activities to include the know-how transfer via a study tour to a well-developed MS in this area.

The kick-off meeting with the Austrian partner was held early February 2007 and the project activities to commence in March accordingly.

#### 3rd Sub-project Promotion of Mediation of Civil Disputes to both Professional and Lay Public

The local TA was completed in December 2006. The sub-project aimed at raising awareness about mediation in civil cases through production of communication vehicles (such as leaflets or video tapes), publications to libraries, handbooks, organisation of working group meeting for the large concerned public, presentations for professional organisations, training for judges and participating institutions at the selected district courts in Bratislava, Banska Bystrica, Poprad and Kosice. The Final Report (FR) was finished in December last year. All the planned activities were successfully implemented and more than 2,000 people directly effected.

#### 4th Sub-project Improvement of Legal Conscience within the Commercial and Civil Community

Another TA should contribute to improvement of quality of arbitration proceedings and increased awareness about arbitration in property disputes and speeding up these cases, together with improvement of knowledge connected with making agreements resulting in increased quality of business. Activities include transfer of know-how by EU experts, esp. from arbitration courts, internship of local arbitrators in EU countries, presentations for the business and general public, seminars, workshops for arbitrators, media activities, etc. After signing of the contract mid November last year for 8 months, the Inception Report was finalised end of the year 2006 and the first presentation for business and general public started in February 2007. The whole sub-project should be completed in summer 2007.

#### *2004/016-764.08.03 UIBF 2004: Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA*

The project for the GP represented another stage in SW development enabling creation and exchange of electronic files among police, prosecution and courts. It was a direct reaction to recodification of the Penal Code, which had come into force early 2006 and implemented new proceedings, such as the accelerated one or mediation or the EU warranty arrest. The project aimed at implementation of the required changes into the existing IS Patricia. The project included up to 10 tasks, stemming from implementation of changes due to recodification, electronic interconnection of registry administration and the existing system called Patricia, data migration or the EU warranty arrest, logging in using USB tokens or training. The project with the local contractor started in April 2006 and was completed in December 2006. The Final Report was accepted mid December last year with all the tasks being fulfilled.

#### *2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia (JAS)*

The project provides further support to the establishment and operation of the JAS. It is going to be implemented through a TWL, supply of services for development of specialised software and supply of books. The project is shortly before its implementation. DPF of TWL was sent for circulation on 8 February. Deadline for submission of proposals is 23 March. TORs for SW have been prepared and submitted to the CFCU and should be tendered in March-April 2007. As the supply of books for the library does not have to follow the Public Procurement Law, it is expected to take place in a relatively short time.

TWL comprises 5 main activities focused on transfer of know-how and experience. These are: (i) provision of training seminars and workshops at the JAS, (ii) elaboration of an analysis of the new training system for judges and prosecutors in Slovakia, (iii) organising limited internship for 10 JAS representatives, (iv) organising 1 month and 2 weeks internships at the European Court of Justice for 4 lectures at the JAS, (v) setting-up the library of the JAS.

*2005/017-464.08.01 Legal Advice and Training of Judges in the Field of Competition and Bankruptcy Law*

Should take a form of a TA and the activities to include, for instance, elaboration of the executive instruction to the Civil Procedure Code, drafting of forms to start judicial proceedings, update of the Glossary on Competition Law Terms or seminars on competition and bankruptcy laws.

Tendering of the UIBF 2005 should start after the internal MoJ approval of new project documentation, possibly in the 2nd quarter of 2007.

**Component 2 Fight against Drugs and Corruption**

*2004/016-764.03.02 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008*

Twinning

An 18-month German TW focused on the (i) strengthening /development of capacities of the Drug Demand Reduction System on the national level, (ii) strengthening and further development of capacities of the National Drug Supply Reduction System and finally (iii) development of capacities for the Drug Demand Reduction System at the local level/strengthening of co-operation among involved stakeholders. The TW had started in summer 2005 and was completed early 2007. During the assistance 20 training sessions were organised and about 300 people trained. . Participants of training activities have been provided with the relevant handouts. Also 6 study visits to Germany and the Czech Republic were organised for familiarisation with the functioning of different drug-prevention and reduction systems. Moreover, 2 conferences, 16 workshops took place under the TW. At the final conference mid December 2006 also the Deputy Prime Minister participated. The final Report was only in the draft form at the time of this IE.

TA sub-project

The *SW part* focuses mainly on the enlargement of the DIP created by the GSBMDDDC. It includes the initial analysis, proposals for broadening of the DIP, programme development, testing, delivery of the enhanced DIP and also the relevant training for users. The local contract for 9-month was signed early December 2006 and was at the initial phase at the time of this IE. *The training part* was kicked-off end of December 2006 and should last 9 months. During this period training for municipalities and state administrations on FAD topics should be organised, including human resources management and project preparation. Also the Army Police to be trained in the field of drug-related crime. A manual on preparation of regional FAD strategies to be drafted and the corresponding one for the Army Police on investigation of the drug-related crime to be written and printed as well. The Inception Report was approved in February 2007 when also the training activities have started for about 100 participants.

GS sub-project

The GS is aimed for NGOs, municipalities, self-governments and specialised public administration for drug prevention, treatment, rehabilitation and harm reduction. The MoU between the CFCU and the Office of the Government (OoG) was signed in March 2006. The GS guidelines were completed and the first round of grants announced with the deadline early May 2006. 31 applications were received out of which the Grant Commission after the assessment of independent experts selected 20 applications and finally 14 were awarded. Implementation of activities commenced in September 2006 and to be completed together with the 2<sup>nd</sup> round end 2007. The 2<sup>nd</sup> round was announced end of August 2006 with the deadline for submission of applications in October 2006. Out of 19 applications 11 were awarded and the grant activities have started in February 2007<sup>7</sup>. The whole GS to be closed down in December 2007.

*2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR*

The project deals with complex national corruption issues reflected in four main groups of activities. It has been delayed, as the original start of the implementation was planned for February 2006. It was not clear in the first few months after the parliamentary elections in summer 2006; however, activities that have recently taken place confirm the corruption issue importance. The new government intends to form a working group that should update the national programme of fights against corruption. Moreover, the intended organisational changes at the OoG should strengthen the institutional capacity for the implementation of this project.

The four main activities are: (i) effective implementation of GRECO recommendations in the field of proceeds of corruption, covering development of guidelines and provision of training for police and investigators, prosecutors and judges, (ii) trainings and transfer of best practices in EU countries to the analytical section of the Bureau of the Fight against Corruption and of the Police Presidency, (iii) specialised trainings for lawyers focused on providing legal aid in cases showing the corrupt behaviour, (iv) study on the impact of the anti-corruption activities in the SR. The first two activities should be implemented through a TWL, while the last two through a TA. The project's intention is to provide the guidelines and models for the Bureau of Fight against Corruption of the Police Presidency; 200 police officers, prosecutors and judges trained (60+40+100), and the study.

*2005/017-464.03.04 Reinforcement of Capacities to Fight against Corruption among Police Officers*

The project aims at building an effective system for the detection of corruption through the installation and operating information and analytical system. It consists of a TWL and TA. The lengthy preparation and approval of the project documentation has been

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<sup>7</sup> However the number of supported grants differs according to different sources of information, such as progress or monitoring reports

determined by both the CFCU and the fact that this is the first project of the OIS. The TWL circulated in the period 21 December 2006-13 February 2007. The selection procedure should take place in March this year. The TA is being finalised.

Under the TWL OIS staff should be trained through seminars, practical exercises and a study visit. The TA should provide: (i) an internet application enabling public relations with the Police, (ii) online analysis of information by OIS officers, (iii) establishment of direct SW linkage between existing components, (iv) functional information and analytical system put into operation.

### **Component 3 Schengen Border Management**

#### *2004/016-764.08.03 UIBF 2004: Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders*

The French TWL for the MoI - the BAP aimed at transfer of know-how necessary for internal border protection after lifting the internal borders, as a necessary prerequisite for integration into the Schengen area; reform of the BAP and other related issues, such as false documents. The TF intervention was completed in April 2006 after 8 months of duration. The FR was published mid July 2006 and reported on the achieved results, such as an analysis of the situation of BAP, its structures. A special note was prepared on Mobile Units to be created within each regional BAP directorates. 3 study visits to France were organised for mainly BAP representatives to get familiar with the MS border management. The French team also elaborated the Operational Information Transmission and Diffusion Charter to serve the organisational reform of BAP, including establishment of Regional Headquarters and takes into account the launching of the Schengen Information System in 2007. Under training activities a pool of resource persons has been created in the field of documentary fraud. As of April 2006, courts and prosecution recognised technical analysis made by under the TW trained analysts. Also a Plan for establishment Common Commissariats has been drafted under the TW and the first Slovak-Austrian contact point being created in Kittsee. However, a comprehensive border protection strategy is still waiting for the Government's approval.

#### *2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security*

This twinning project started before summer. The twinning contract was signed on 23 May 2006 and the kick off meeting took place on 19 June 2006. Twinning partners are French/full time RTA and Austrian (junior position).

The relevance of the project has been further strengthened after the negative Schengen Evaluation in October 2006. The Slovak side prepared the Master Plan to improve the preparedness of Slovakia for Schengen in the identified weak areas. This project has been asked to assist in the process of eliminating the weaknesses.

It consists of six main activities: (i) support to the Police Force Presidium, especially to the BAP Office, (ii) Adjustment of the Criminal law and of the criminal procedure to the requirements of the fight against illegal immigration and against the networks of the illegal immigration, (iii) support and assistance to the Police Force Presidium for strengthening of the reaction capacity of the BAP Office, (iv) working out of the training program aimed at detection of the false administrative documents for the relevant consular staff of the Slovak Ministry of Foreign Affairs as well as for the district policemen in charge of issuing administrative documents, (v) support and assistance to the Police Force Presidium in order to strengthen the international cooperation and to adjust the Slovak legislation to the principles of Schengen Acquis in this field, (vi) support and assistance to the Police Force Presidium in implementation of the training program for the Aliens Police staff. All these activities support the effort to fulfil all EU requirements by the time of entry of the Slovak Republic into the Schengen area.

The implementation has been negatively influenced by delays in the component 1, related to launching of the device of the technical and physical protection of the external border (Sobrance). There is also a delay in the implementation of the component 4 and 5, which should be carried out in cooperation with the Austrian junior TW partner and the Ministry of Foreign Affairs (MFA).



## **ANNEX 6 DISSENTING VIEWS**

There were no dissenting views.