PHARE 2006 PROJECT FICHE

1. BASIC INFORMATION

1.1 CRIS Number: HR2006/018-113/1/1
1.2 Title: Harmonisation and Publication of Case Law
1.3 Sector: 15130
1.4 Location: Croatia.
1.5 Duration: 24 months

2. OBJECTIVES

2.1 Overall Objective
To support the process of modernization of the judiciary and the consolidation of the case law in Croatia in accordance with the EU requirements and standards.

2.2 Project purpose
To increase the accessibility and dissemination of national case law from the 50 preselected courts (including county, municipal and commercial courts) for all interested parties (on national and international level).

2.3. Accession Partnership (AP) and NPIEU priority
Along with the Avis, the EC proposed a draft of a European Partnership for Croatia (see http://www.pravosudje.hr) and Accession Partnership (EU) no. 556/2005, based on the provisions of the European Council (EU) no. 533/2004. According to the Accession Partnership, the short-term and medium-term priorities that Croatia should implement on its way towards integration into the EU are:

Short-term priorities (Accession Partnership, ch. 3.1. page 6)
(a) Implement the strategy for judicial reform in consultation with interested bodies;
(b) Make progress in rationalising the organisation of courts including the development of modern information technology systems;
(c) Take measures to ensure proper and full execution of court rulings.

Medium-term priorities (Accession Partnership, ch. 3.2. page 13)
(a) Continue to rationalize the organization of courts including the development of modern information technology systems;
(b) Continue implementation of judiciary reform and take measures to reduce further the backlog of cases in all courts;
(c) Ensure the regular and effective enforcement of court decisions.

The National Programme for the Integration of the Republic of Croatia into the EU - 2005 (NPIEU) is the annual program of the Croatian Government
which contains activities to be undertaken in relation to the EU integration process. The NPIEU Chapter 1.2.2. on Judicial reform (page 45) outlines the following planned activities:

(a) Continued implementation of activities and measures aimed at reducing the backlog of cases.
(b) Continuation of projects and activities already begun (overtime of judges, better organisation of court administration) designed to reduce the backlog.
(c) A more efficient implementation and execution of court rulings.

2.4. Contribution to National Development Plan (and/or Structural Funds Development Plan/ SDP)
Not available

2.5. Cross Border Impact
Not available

3. DESCRIPTION

3.1. Background and justification

3.1.1. Country background

Croatia and the European Communities stipulates that the signatory parties should co-operate in the promotion of the rule of law and that special attention should be given to independence of judiciary, improvement of its efficiency and education of judiciary personnel (see http://www.pravosudje.hr).

Following national achievements related to the implementation of the Copenhagen criteria and the political conditions set by the Stabilization and Association Agreement (SAA), the European Commission (EU) gave a positive Opinion on the Croatian candidacy for EU membership in June 2004 (see http://www.pravosudje.hr). The Opinion provides a detailed overview and assessment of Croatia’s ability to meet the political and the economic membership criteria, as well as Croatia’s ability to adopt and implement the acquis communautaire

The Stabilisation and Association Agreement between Croatia and the European Communities and their Member States (hereinafter: the Community) entered into force on 16 February 2005. The Agreement defines basic principles that make the key elements of the Agreement and regulates the protection of the four freedoms that Croatia is obligated to protect together with all its organisations and bodies. Among other things, it regulates the obligation to protect the free movement of goods, workers and capital and the freedom to provide services. The courts of Croatia are obligated to apply the Agreement in the way in which the protection of the four freedoms is implemented before the courts of Member States of the Community. The evaluation of the success of the adjustment of Croatia to European standards, and the evaluation of the success of the adjustment of the Croatian justice system will depend on the application of the provisions of the Agreement.
During the pre-accession period, the case law of the European Court of Justice is not a formal source of law for the courts in Croatia, and the Croatian courts are not authorised to address that court for the purpose of interpretation of the European law as the national courts of Member States of the Community are. However, Croatian courts are obligated to take into account the case law of the European Court of Justice created over decades when protecting the four freedoms protected by the Agreement. For this reason, it is necessary to train justice officials to apply the Agreement in the way in which the subject matter regulated by the Agreement is applied by the European Court of Justice and national courts of Member States of the European Community. Certain measures need to be implemented to make the interpretation and application of the Agreement and regulations adopted on the basis of the Agreement possible.

The Croatian judges should be prepared in the pre-accession stage of the rapprochement to the European Union for a new way of interpreting regulations in the spirit of European standards, taking into account the common European legal culture and tradition and promoting those principles that have been proclaimed in the treaties establishing the European Communities. The most important step that the case law must take in the process of accession to the European Union is to learn the teleological method of interpreting legislation. Legal gaps and lack of clarity in legal solutions must be filled by reasonable court decisions protecting basic rights and freedoms and preventing the abuse of the law.

There is also the need to raise awareness of the need for strict adherence to the Agreement not only by courts but also by other government bodies, and thus help avoid punishments and compensations for damages that would, in case of a breach of the Agreement, have to be paid from the state budget of the Republic of Croatia, that is by taxpayers. The publishing of judgements of national courts in cases that took place after the application of the Agreement and the publication of relevant recent case law of European courts would have an educational effect on potential parties in court proceedings.

In order to address a comprehensive reform of the judiciary in Croatia, which is a fundamental condition for the strengthening of the rule of law and a prerequisite for Croatia’s integration into the EU, the Ministry of Justice has prepared the **Strategy of the Reform of Judiciary** (hereinafter referred to as the Strategy) and an **Action Plan** with short-term, medium-term and long term measures, deadlines and financial indicators necessary for its implementation. This Strategy was adopted by the Government on 22 September 2005 (see [http://www.pravosudje.hr](http://www.pravosudje.hr)). The **Action Plan** for implementation of the **Strategy of the Reform of Judiciary** (Chapter 5. on the **Role of Case Law**) outline the following measures:

(a) Establish the jurisdiction of the Supreme Court as a justice body competent for authentic interpretation of national legislation in proceedings before lower instance courts modelled on the interpretation of the European Community legislation by the
European Court of Justice (Law on Courts, 9.12.2005.).

(b) Development of electronic forms for submissions of parties whenever justified and possible (electronic exchange of documents).

(c) Make case law accessible to all structures of the justice system and all interested persons by IT introduction into the justice system and implementation of case law with free access to information.

(d) In cooperation with other competent bodies prepare a selection of key court decisions adopted in disputes before the European Court of Justice concerning the protection of the four freedoms, translate the decisions and publish them on the web pages of the Supreme Court.

(e) Publish all legally effective judgements of Croatian courts adopted on the basis of the application of the Stabilisation and Association Agreement and relevant regulations on the web page of the Supreme Court in an integral form.

3.1.2. Current state of affairs in the sector.

The change of the meaning of case law has an important role in the reform of the justice system. It should be well laid out, accessible in the first place to judges, but also to all citizens, and stable, and as such contribute to the more uniform resolution of court cases in the same or similar factual and legal situations, and in that way contribute to the legal security and equality of all citizens before the law. It will also prepare judges and our legal system for the application of European law where the importance of a court decision in the creation of legal rules is completely different from what has become rooted in our legal tradition.

Harmonised and quality case law is an important factor in the improvement of the justice system. Although case law is not a formal source of law in the Croatian legal system, harmonised application of law and the accessibility of case law to the interested public is a factor guaranteeing legal security and contributing to the efficiency of the justice system. The Supreme Court of Croatia plays the leading role and has responsibility in the harmonisation of case law. The Courts Act prescribes that general standpoints for securing the unified application of the law and equality of citizens and equality of everyone before the law in the territory of Croatia are determined at the general session of the Supreme Court. However, harmonised practice of the Supreme Court in individual matters expressed in concrete cases represents the moral authority for the lower instance courts. In the upcoming period of the transition of the Croatian justice system it is necessary to reconsider the role of the Supreme Court in the harmonisation of case law in a new dimension. Consistent and reasonable application of laws and regulations is possible only if judgements are clear, concise; if they are based on the relevant law applied and if they answer all disputed questions that arise during the proceedings. A certain percentage of court rulings unfortunately do not meet the basic criteria. During
the process of transition of Croatian judges into European judges it is necessary to improve the quality of court decisions, make the decisions of all instance courts accessible to the public, confirm the significance of court decisions by the harmonised interpretation of regulations (and distribution of power), and overcome the autism that has overwhelmed the justice system. Careful consideration of the presentation of the results of the work of courts would contribute to the avoidance of the sensationalistic approach to case law that occurs everywhere where there is no serious analysis of judgements and proper presentation of attitudes to the public.

The OBNOVA 1999 Project "Judiciary and Law Faculties" (that finished in March 2003) supported the Supreme Court to establish a **Case Publication System (CPS)** that enables the publishing of all Supreme Court’s rulings and decisions on intranet and an anonymized version of same text on the internet for the legal community and the interested public. The system was tested on three pilot county courts.

The present system has however the following limitations:

1. CPS is currently implemented at Supreme Court and partially in three pilot courts. CPS is not fully operational in the county courts due to the lack of the necessary hardware and IT equipment and of a LAN system. Intranet system should be made accessible to all county courts, municipal courts and commercial courts (in accordance with Judiciary Reform) so that final decisions of the Supreme Courts could be linked to the decision brought by the lower instances of the Court and be accessible to all judges as reference on application of Law in Croatia in regard to different legal situations.

2. Intranet System is just partially in alliance with the court case document management including capturing of data and text of the first draft version of the court decisions to the final legal valid decision.

3. To facilitate efficient harmonisation of the CASE-LAW system it is necessary to develop an ICT system for managing active and archived documents at national level. Such systems are known as Electronic **Document and Record Management System** that are defined in the EU specification, “The Model Requirement for The Management of the Electronic Records”(MoReq), published in 2001.

4. There are three indexes used for classification of decisions, Subject Index, Nomeklatura, Law Index, that also provide one of the search mechanism for retrieval of relevant decisions from document database. Revision of the search structure and the Thesaurus like structure should be investigated and designed to facilitate better searches and retrieval functionalities for intranet and Internet user of the national court cases database.
5. The current system needs to be assessed to explore the possibility to (a) either enhance the system capacity to deliver full records management functionality or to (b) develop and implement a new system which already includes records management capability.

6. Access to actual court decisions is currently restricted to the intranet. With the introduction of full records management, it will be necessary to develop an enhanced access policy and implement technology that supports e-signatures to facilitate trusted exchange of decisions between courts and provides a full audit trail of all transactions.

7. The administrative capacity of the Supreme and other pre-selected courts will need to be strengthened to accommodate increased work load. This will include the introduction of a help desk and the development, trialling and implementation of new processes and procedures.

8. Various levels of training will be required to prepare staff for the changes that the project will deliver. All legal, administrative and operational staff in the courts will require formal training in the new system, processes and procedures, which will probably include system administration tasks. Public users will also require training, which will be most appropriately delivered via e-learning programmes.

In order to face and overcome the identified problems this project aims to achieve the following goals:

a) To enhance the functionality of the present Case Publication System with a full document and records (archive) management capability;

b) To implement an enhanced access policy and e-signatures for trusted exchange of decisions between courts.

c) To design and implement new procedures and processes.

d) To design training programs for judges and judicial officials on the new established system.

3.1.2 Involvement of Civil Society

Relevant Civil Society Organisations (such as the BAR, Notary Association, Law Universities, Law Institutes, NGOs, etc) will be involved not only during the programming but during all phases of the project cycle as far as they will be the final beneficiaries of this project.

3.2. Sector Rationale
3.3. Results

1. Reinforced administrative capacity of the Supreme Court Department for Judicial Practice (Case Law Centre) and of the administrative Units responsible for Case Law in selected courts.

2. ICT system for managing active and archived documents at national level, (i.e. Electronic Document and Record Management System), fully implemented and used by the 50 pre-selected courts.

3. Increased administrative and operational capacity of personnel at court level.

3.4 Activities (including Means)

The project consists of two contracts:

One twinning or service contract for technical assistance under components 1, 2 and 3.

One supply contract for hardware, operational software and licences under component 2.

Component 1: Institution Building

1.1. Support the establishment and functioning of the Supreme Court’s Unit for Judicial Practice (Case Law centre) with respect to its legal and institutional set up, management, operational organisation and human resources
- Prepare/integrate an institution building strategy
- Prepare and delivery internal training
- Organise study visits

1.2. Support the establishment of an ICT support and HELP-Desk at Supreme Court.

1.3. Select, translate in Croatian language and publish on the Supreme Court’s web site relevant court decisions concerning the protection of the four freedoms adopted in disputes before the EU Court of Justice.

Component 2: Developing/Strengthening Electronic Document and Record Management System

N.B. the 50 pre-selected courts will receive basic IT equipment by CARDS 2002 and 2003 projects.

2.1. Analyse the existing case law publication and dissemination system
2.2. Prepare recommendations for the improvement, development and implementation of a fully functioning ICT supported document and archive system for the court cases on national level, (i.e. Electronic Document and Record Management System), (including access and security matters)

2.3. Support the working procedures for users of the 50 pre-selected courts (judges and administrative staff) in usage of the new Electronic Document and Record Management System.

2.3.1. Procurement and installation of the necessary hardware (computers, servers) and standard software (database, record management system) as well as licences for the central location.

**Component 3: Capacity Building**

N.B. Capacity Building component to be run by the Judicial Academy. The Supreme Court will be responsible for the design of the training programme.

3.1. Conduct TNA
3.2. Prepare/integrate training strategy
3.3. Develop a customised training programme, including ToT
3.4. Select and develop a core group of local trainer
3.5. Deliver specific training courses
3.6. Organise seminars, workshops, study visits

**Means**

**Team leader :** 20 M/M

**Electronic Document and Record Management Systems Expert (EU practice)- System Analyst:** 10 M/M

**IT Expert on Software Engineering:** 10 M/M

**Pool of Short-term experts:**
1. Legal adviser
2. Database Expert
3. ICT infrastructure expert

3.5 **Linked activities**

**OBNOVA 1999 Project "Judiciary and Law Faculties"** (finished in March 2003). The project established a Case Publication System (CPS) that enabled publishing all Supreme Court’s rulings and decisions on
intranet and an anonymized version of same text on the internet for the general public. The system was tested on three pilot county courts. The project also established the web site for the Supreme Court. A new enhanced system will built up on the experience gained by using the CPS in the last three years.

The Ministry of Justice has been the beneficiary of the following projects related to the improvement of court and case management:

-USAID "Modernisation of the Municipal Court in Zagreb" (finished)
-World Bank/USAID "Court and Bankruptcy Administration Project" - assistance in advancing insolvency proceedings by modernization of selected Commercial Courts (ongoing). Project could be linked to the Commercial Courts Decision database. Close cooperation with ICMS project should be established so that these two projects could be linked without duplicating processes in the workflow of the two systems.
-World Bank IDF Grant “Institutional Capacity Building for Monitoring Judicial Efficiency” (ongoing). Results of monitoring Judicial Efficiency could be used as source of verification of project Indicators.
-CARDS 2001: "Support to the Centre for Professional Training of Judges and Other Judicial Officials" (finished). Judicial Academy would support a training of legal and other professionals for project.
-CARDS 2002: "Support to a more efficient, effective and modern operation and functioning Croatian Court system" (ongoing). ICT component of implementation of LAN and ICT equipment will enable implementation of JDRM at selected courts.
-CARDS 2003 Training and Education of State prosecutors (ongoing). The project could be linked to the education component of the current project proposal.
-CARDS 2003: "Support to a more efficient, effective and modern operation and functioning Croatian Court system" (ongoing). ICT component of implementation of LAN and ICT equipment will enable implementation of JDRM at selected courts.
-CARDS 2004: “Support to more efficient, effective and modern operation and functioning of the Administrative Court of the Republic of Croatia” (will start soon). The project could be linked to decision database of the Administrative Court.
-PHARE 2005: “Support to the Judicial Academy of Croatia Developing a Court-Integrated Education System for Court Apprentices” (mid 2006). The project could be linked to the education component of the current project proposal.(should start in 4Q/2006).

3.6. Lessons Learned

The lessons learned from previous and ongoing EC funded projects are as follows:
- **Full support, commitment and coordination between the Supreme Court, the Ministry of Justice and Judicial Academy.** The Supreme Court is the main beneficiary institution and will be the principal driving force for the successful project implementation. Coordination among the main stakeholders is crucial for the project successful implementation.

- **Strong managerial role of the MoJ PIU.** This is required due to the wide number of stakeholders involved in this project, and to the need to have an interdisciplinary approach in consideration of the different activities undertaken by the project, namely, institutional building, and capacity building/training, JDRM system related activities.

- **Increased IT capacity within the MoJ and Judiciary in general** – is needed to assure project success and sustainability and the MoJ will have to assure sufficient number of trained IT staff dealing with the different levels of the system.

- **Change Management** – requires that the whole court system is willing and ready to introduce and utilize the needed changes and tools.

4  **INSTITUTIONAL FRAMEWORK**

**Ms. Ana Garacic, Deputy Supreme Court President,** (Responsible for the Case Law Centre to be established by the Supreme Court) will be responsible for coordinating all project activities.

**Ms. Marija Šimunović-Filipančić, Department for informatisation, Supreme Court of Croatia** will be responsible for the IT aspects of the project.

**Mr. Stefica Staznik, Director of the Judicial Academy** will be responsible for Component 3 (Capacity Building).

A Project Steering Committee (SC), consisting of the Supreme Court, Ministry of Justice, Judicial Academy, the Central Financing and Contracting Unit (CFCU) and representatives of the European Commission Delegation to Croatia, will be established upon project start.

The MoJ’s PIU will assure project coordination and implementation through the project cycle and will monitor on a regular basis the progress of the project activities.

The Supreme Court will be responsible also for the provision of the necessary resources/office space/equipment to the contractor.
### 5. DETAILED BUDGET

<table>
<thead>
<tr>
<th>Year 2006 – Investment support jointly co-funded</th>
<th>Phare/Pre-Accession Instrument support</th>
<th>Co-financing</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supply Contract</td>
<td>0,560</td>
<td>0,190</td>
<td>0,190</td>
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<td>0,560</td>
<td>0,190</td>
<td>0,190</td>
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<tr>
<td>% of total public funds</td>
<td>max 75 %</td>
<td>min 25 %</td>
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<th>Year 2006 Institution Building support</th>
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<tr>
<td>Twinning/Service Contract</td>
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<tr>
<td>IB support</td>
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<td>1,0</td>
</tr>
</tbody>
</table>

| Total (indicative) project 2006 | 1,560 | 0,190 | 0,190 | 1,750 |

1. All investment sub-projects supported by PHARE must receive co-financing from national public funds. Minimum requirement for co-financing from national public funds is 25% of the combined PHARE and national contributions to the overall investment support.

2. Many Institution building projects will also have a degree of co-financing – this should be quantified and included wherever possible.

3. Expenditure related to equipment (regulatory infrastructure or ESC- related) and to Technical Assistance supporting investment (e.g. pre feasibility study / supervision of works / technical specifications) should be considered as Investment support in the project fiche.

4. All co-financing must be provided on a joint basis. Parallel co-financing will, in a principle, not be accepted. Exceptions to this rule have to be agreed with the Commission in advance.

5. All co-financing should be clearly quantified, also the degree of certainty of such co financing (i.e. for National Public Funds: is it already earmarked in local or
national budget, for FIs Loans, private funds: are they already approved/ under appraisal, etc.).

6. Where parallel co financing is accepted and justified per exception to the normal rule it should be provided in monetary form. If this is not possible there should be clear criteria set out for the valuation of any non-monetary contributions (that should be quantified in the table).

7. If twinning is involved, clearly state the expected budget of the twinning covenant.

8. The financial engineering of the project should be closely monitored against actual delivery during implementation and against the objectives that were set in the project fiche so that corrective actions may be taken where required.

6. IMPLEMENTATION ARRANGEMENTS

6.1 Implementing agency

The Central Financing and Contracting Unit (CFCU) at the Ministry of Finance is responsible for the tendering, contracting and disbursement of all the project’s components in line with DIS principles and the PRAG.

The Programme Authorising Officer (PAO) for the project is:

Mrs Vladimir Ivandić
Assistant Minister
Ministry of Finance
Katančićeva 5
10000 Zagreb, Croatia

The Senior Programme Officer (SPO) at the Ministry of Justice is responsible for the technical management and authorisations associated with the project, including submission of the detailed technical design for the project’s components to the CFCU, inputs in relation to the corresponding evaluation of technical offers, plus follow-up contract implementation and monitoring, approval of contract outputs and confirmation to the CFCU that no technical constraints (as opposed to procedural or budgetary constraints) exist in relation to the CFCU’s processing contractual payments.

The SPO for the project is:

Snježana Bagić, State Secretary
10000 Zagreb, Croatia
telephone: +385 (0)1 3710 666, Fax: +385 (0)1
e-mail: snjezana.bagic@pravosudje.hr

The person responsible for the follow-up of the project is:

Marija Šimunović-Filipančić
Supreme Court of the Republic of Croatia
Department for informatization
Trg Nikole Šubića Zrinskog 3, 10 000 Zagreb, Croatia
6.2. Twinning

Twinning National Contact Point
Mrs Ivana Kovačević
Ministry of Finance, Administrative Office
Katančićeva 5
10000 Croatia

6.3. Non-standard aspects

All aspects of project procurement and implementation will be carried out in full compliance with the competitive tender/contract procedures outlined in the Practical Guide to External Aid Procedure (PRAG).

6.4 Contracts

Twinning or Service Contract: 1,000,000 Euro

Supply Contract: 750,000 Euro (including a 25 % co-financing)

7. IMPLEMENTATION SCHEDULE

7.1 Start of tendering/call for proposals: 4Q/2006
7.2 Start of Project Activity: 2Q/2007
7.3 Project Completion: 2Q/2009.

The estimated completion of the supply contract is in 2Q/2009.

8. EQUAL OPPORTUNITY

Based on the fundamental principles of promoting equality and combating discrimination, participation in the project will be guaranteed on the basis of equal access regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Specifically in relation to the issue of equality between men and women, Croatia’s population (2001 census) constitutes 51.87% women and 48.13% men, with those in active employment (based on Labour Force Survey statistics, conducted in accordance with ILO methodology, for the second half of 2002) divided 45.31% women and 54.69% men.

All contractors shall be requested to provide monitoring data recording the participation of men and women in terms of expert inputs (in days) and of trainees benefiting under the project (in days) as an integral component of all project progress reports.

9. ENVIRONMENT

Not applicable

10. RATES OF RETURN
11. INVESTMENT CRITERIA
Not applicable

11.2 Co-financing
The Ministry of Justice will co-finance the investments with 190.000 EUR.

12. CONDITIONALITIES AND SEQUENCING

Pre-conditions
- Full political support to the MoJ's Strategy of the reform of judicial system
- Supreme Court establish the Unit for Judicial Practice (Case Law centre) before project start.
- The MoJ assure the establishment of the WAN-LAN for the court (as foreseen in the ICT strategy) before project start.
- The MoJ PIU implementation capacity is considerably strengthened. This will be achieved through (a) Short-term technical assistance project which is planned to be funded under bilateral assistance and to be implemented before PHARE 2005 and 2006 projects start. (Indicators: No. of PCM training courses delivered and attended; Projects in PIU portfolio are identified, designed implemented and monitored in a satisfactory manner resulting in a good quality of project documents prepared by the PIU)
(b) the MoJ commitment to increase the PIU staff from the current 3 officers to at least 5 officers and to assure that the PIU staff will be retained in service for more than 2 years assuring thus continuity and sustainability (Indicators: job descriptions shared with the EC before the procurement notice is published).

Assumptions
- The Action Plan for the implementation of the Reform of the Judiciary is being implemented without delays.
- Strategy and operational realization and financial support for ICT centre for judiciary is implemented without delays.
- Croatian Government provides the necessary human, material and financial resources beyond the end of donor support.
- Full support and coordination among the Supreme Court and MoJ and Judicial Academy
- Adequate implementation capacity of the MoJ’s PIU
- Trained staff remain in service
- MoJ and Supreme Court provide the necessary human, material and financial resources during project life.

Annexes to the Project Fiche
Annex 1 – Logframe
Annex 2 – Detailed implementation chart
Annex 3 – Contracting and Disbursement Schedule
Annex 4 – List of Feasibility Studies, Financial Appraisals, EIAs etc
Annex 5 – Reference List of Legislation
Annex 6 – Reference to relevant Government Strategic Plan and Studies
Annex 7 – Detailed description of the Supply Component
<table>
<thead>
<tr>
<th>Harmonisation and Publication of Case Law</th>
<th>Programme name and number</th>
<th>PHARE 2006</th>
<th>HR2006/018-113/1/1</th>
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<tr>
<td>Supreme Court of Republic of Croatia</td>
<td>Contracting period expires:</td>
<td>30.11.2008</td>
<td>Disbursement period expires: 30.11.2009</td>
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<td><strong>Overall objective</strong></td>
<td>Total budget: € 1.750.000</td>
<td>PHARE budget: € 1.560.000</td>
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<tr>
<td>To support the process of modernisation of the judiciary and the consolidation of the case law in Croatia in accordance with the EU requirements and standards.</td>
<td>- Reduction of the No. of cancelled decisions by 10% after 5 years from the project end.</td>
<td>- General Statistic Office reports</td>
<td>Sources of Verification</td>
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<td>- Increase of the No. of case law freely accessible to all structures of the judiciary and all interested persons (by 95% for Supreme Court case law published since 1990, and by 50% for County Courts case law and 10% for District Court case law published since the start of the project) after 5 years from project end.</td>
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<td>- Positive public expressions increased</td>
<td>- EU institutions reports</td>
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<td>- International organizations/donors reports</td>
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<td>- Specific ex ante and ex post surveys of the Supreme Court</td>
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<td>- Articles in the newspaper/legal magazines</td>
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<td>- External Ex-post evaluation reports.</td>
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<td>- Intranet and Internet system established by the project</td>
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<tr>
<td><strong>Results</strong></td>
<td></td>
<td>- The Action Plan for the implementation of the Reform of the Judiciary is being implemented without delays.</td>
<td>Assumptions</td>
</tr>
<tr>
<td>1. Reinforced administrative capacity of the Supreme Court Department for Judicial Practice (Case Law Centre) and of the administrative Units responsible for Case Law in selected courts.</td>
<td>Result 1</td>
<td>- No. of strategic operational documents prepared</td>
<td>Sources of Verification</td>
</tr>
<tr>
<td></td>
<td>- No. internal training programmes</td>
<td>- Supreme Court and Ministry of Justice reports</td>
<td>- The Action Plan for the implementation of the Reform of the Judiciary is being implemented without delays</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Steering Committees reports</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Project reports</td>
<td>Assumptions</td>
</tr>
</tbody>
</table>

16
2. ICT system for managing active and archived documents at national level, (Electronic Document and Record Management System), fully implemented and used by the 50 pre-selected courts.

Result 3. Increased administrative and operational capacity of personnel at court level

- No. of staff trained
- No. of study visits organised
- N. of case law translated and published

Result 2:
- Electronic Document and Record Management System established and fully functioning
- No. of users using the Electronic Document and Management System
- N. of technical specifications prepared
- No. of hardware and software purchase, installed and fully functioning
- No., of case law in database

Result 3:
- No. of training strategy and training programmes developed and carried out
- No. of ToT trained
- No. of trainees
- No. of workshops, seminars, study visits organised

Activities | Means | Costs | Assumptions |
--- | --- | --- | --- |
Component 1: Institution Building | Twinning or Service Contract for components 1,2,3 | Contract 1 (Service): € 1.000.000 | MoJ and Supreme Court provide the necessary human, material and financial resources during and beyond project life assuring thus sustainability. |
Component 2: Developing/Strengthening Electronic Document and Record Management System | Supply Contract for component 2 | Contract 2 (Supply): € 750.000 € 190.000 (25%co-financing) | - Strategy and operational realization and financial support for ICT centre for judiciary is implemented without delays |
Component 3: Capacity Building | | | |

- Croatian Government provide the necessary human, material and financial resources.
- Full support and coordination among the Supreme Court, MoJ and Judicial Academy
- Adequate implementation capacity of the MoJ’s PIU
- Trained staff remain in service
<table>
<thead>
<tr>
<th>Preconditions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Political support to the MoJ's Strategy of the reform of judicial system</td>
</tr>
<tr>
<td>2. Supreme Court establishes the Unit for Judicial Practice (Case Law centre) before project start.</td>
</tr>
<tr>
<td>3. The MoJ assure the establishment of the WAN-LAN for the court before project start.</td>
</tr>
<tr>
<td>4. The MoJ PIU implementation capacity is considerably strengthened.</td>
</tr>
</tbody>
</table>
## ANNEX 2: Indicative Implementation Chart by quarters

### Harmonisation and publication of case law

<table>
<thead>
<tr>
<th>Harmonisation and publication of case law</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>IV</td>
<td>II</td>
<td>III</td>
<td>IV</td>
<td>II</td>
</tr>
<tr>
<td>Contract N.1 – IB</td>
<td>T</td>
<td>T</td>
<td>C</td>
<td>I</td>
<td>I</td>
</tr>
<tr>
<td>Contract 2 – Supply</td>
<td>T</td>
<td>C</td>
<td>I</td>
<td>I</td>
<td>I</td>
</tr>
</tbody>
</table>

### Annex 3 – Contracting and Disbursement Schedule (PHARE funding only)

#### Harmonisation and publication of case law

<table>
<thead>
<tr>
<th>Harmonisation and publication of case law</th>
<th>Cumulative contracting schedule by quarters in EUR (provisional)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2006</td>
</tr>
<tr>
<td></td>
<td>VI</td>
</tr>
<tr>
<td>Contract N.1 - IB</td>
<td>1 MEUR</td>
</tr>
<tr>
<td>Contract 2 – Supply</td>
<td>0,560 MEUR</td>
</tr>
<tr>
<td>CUMULATIVE TOTAL (EUR):</td>
<td>1 MEUR</td>
</tr>
</tbody>
</table>

#### Cumulative disbursement schedule by quarters in EUR (provisional)

<table>
<thead>
<tr>
<th>Harmonisation and publication of case law – Croatia</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>Contract 1 – IB</td>
<td>300.000</td>
<td>300.000</td>
<td>600.000</td>
</tr>
<tr>
<td>Contract 2 – Supply</td>
<td>500.000</td>
<td>500.000</td>
<td>500.000</td>
</tr>
<tr>
<td>CUMULATIVE TOTAL (EUR):</td>
<td>300.000</td>
<td>300.000</td>
<td>1.100.000</td>
</tr>
</tbody>
</table>
ANNEX 4 – REFERENCE TO FEASIBILITY/PRE-FEASIBILITY STUDIES.
No feasibility/pre-feasibility studies were undertaken.

ANNEX 5 – LIST OF RELEVANT LAWS AND REGULATIONS

- Law on Courts
- Book of rules
- Rules of the Procedure of the Supreme Court of the Republic of Croatia, www.vsrh.hr
- Rules on Anonymization of Court Decisions, Supreme Court, 2003, www.vsrh.hr
- Instructions on Anonymization of Court decisions, Supreme Court, 2003, www.vsrh.hr
- Law on Personal Data Protection
- Law on Electronic Signature
- Law on Electronic Document
- Law on the Freedom of Information
- Law on the Archives Material and Archives

ANNEX 6 – REFERENCE TO RELEVANT GOVERNMENT STRATEGIC PLANS AND STUDIES

- A national Strategy of the Reform of Judiciary (September 2005)
- Action Plan (September 2005)
ANNEX 7 – DETAILED DESCRIPTION OF THE SUPPLY CONTRACT

Proposed solution could be used for WAN infrastructure that will support at least transfer rate of 2Mbit/s between nodes with high volume of documents, and 0,5 Mbit/s for other nodes in the WAN structure.

The Supply component consists of:

A. Equipment for Central system

1. HW for central Computer Centre for Judicial Practice
   a. Central Data Base Cluster: 2 servers with 8 processors each +RACK 130 000 EUR
   b. Central Internet Security Server with two processors 9 000,00 EUR
   c. Central WEB FARM – three 2 processor servers 27 000,00 EUR

   TOTAL Hardware 166 000,00 EUR

2. Standard Microsoft SW with Software Assurance for three years (Prices are Price Level D, where prices of purchasing SW are special due to Microsoft Enterprise Agreement with Government of Croatia)+ three year Software Assurance
   a. Operational system Windows Enterprise for 6 servers (Cluster calculated as two) - 6 licences
   b. ISA (Internet Security and Acceleration (ISA) Server Enterprise- 2 licences
   c. Relational Data Base Management (SQL)-16 Processor licence - unlimited no of users

   Total standard operational and database SW 306 423,00 EUR

   d. Document and Record Management Software (Meridio) for 1000 user
      with permanent Ownership of licences and three year Support and maintenance

   Total standard eDRM SW 256 000,00 EUR

   TOTAL SW for Central System 562 423,00 EUR

   Grand Total HW and Standard SW - central location 728 423,00 EUR