Standard Summary Project Fiche

1. Basic Information

1.1. Désirée Number          CZ00-07-06
    Twinning Number            CZ2000/IB/JH/05

1.2. Title
    Strengthening the Operations of the Czech Supreme Court in the
    Assimilation and Application of the EC Acquis

1.3. Sector                 Justice and Home Affairs
1.4. Location               Supreme Court, Czech Republic

2. Objectives

2.1. Wider Objective

• To strengthen the institutional and regulatory capacity to implement the acquis

2.2. Immediate Objectives

The Immediate Objectives of this Project are:

• Assimilation of EC judicial culture and practice into the Czech legal environment

2.3. Accession Partnership / NPAA Priority

The Accession Partnership (December 1999) highlights the following priorities:

• Short-term: begin implementing a programme to reform the judiciary (judges and state prosecutors) by filling vacancies, simplifying procedures, stepping up training of judges in EC law;

• Medium-term: complete reform of the judiciary (judges and state prosecutor's office).

The NPAA (May 1999) highlights the need to:

• Improve the workings of the judicial system;
• Rationalise the court workload by means of a new agenda division between judges and court officials, as well as changes in the organisation of courts;
• Ensure systematic training in EC law and training of judges in the application of EC law;
• Improve the accessibility of information for judges’ decisions.

3. Description

3.1. Background / Justification

The general justification for this project can be found in the statement at the Luxembourg Summit to the effect that the incorporation of the acquis is necessary, but not sufficient so that „it is necessary to ensure that [the acquis] is actually applied to the same standards as those which apply within the Union.“ This project is tailored to ensuring that the Czech Supreme Court (the body with the ultimate responsibility for interpreting and applying the acquis correctly) has access to technical advice and training relating to EC law, necessary for it to perform this task to the standard that prevails among EU Member States. Hence, as regards the implementation of the acquis, this project will take a markedly different approach from other projects: rather than having as its objective the implementation of a specific part of the acquis, its aim is to improve institutional capacity to apply the acquis in its entirety by the body which will be responsible for correct interpretation and application thereof.
Although the Ministry of Justice (MoJ) is preparing the creation of a comprehensive system for judicial training that will utilise traditional training methods (Phare 2000 proposal for Life Long Training of the Judiciary, via the Judicial Education Centre), the Supreme Court perceives a further need in the area of applied training, which is especially critical for already sitting judges at the apex of the judicial system.

Regarding the use of training as a means for preparing the judiciary to apply the acquis on an EU standard, the Supreme Court project will take an essentially different approach from that of the MoJ. The MoJ project involves the transfer of theoretical knowledge (learning the main abstract EC legal principles) in which learners/trainees leave their work environment, put aside their work, and concentrate on mastering a new subject. In contrast, the Supreme Court project will support judges by assimilating working knowledge of the customs and European standards of judicial analysis, reasoning and interpretation, on a day-to-day basis in the framework of their actual work. The effort will not be to impart a broad groundwork of theoretical knowledge, rather to instil a particular approach and philosophy of judging and interpreting legal texts, characteristics of the EU Member States as a whole, but especially in regard to the area of European law.

Taking into account the special role of the Supreme Court in the Czech judiciary (unification of law interpretation and, in relation to EC law, the court that is required to refer issues of EC law to the ECJ) in a wider sense it acts as the ,,trainer,, for the judiciary. In relation to EC law, the role of the Twinning Team is thus to ‘train the trainers’, with the practical adaptation of structures and operations. The fact that Supreme Court judges regularly attend meetings at regional courts provides them with the ideal opportunity to carry out this role as ,,trainers,, in EC Law. In addition, the Supreme Court has hired law clerks for the first time and is building up its capacity to access and make use of foreign law sources. All of which is an indication that the Supreme Court will continue to take the lead in the transformation of judicial culture.

The knowledge and experience gained and the strengthened monitoring and reporting structures introduced by this project will feed into the wider judicial system as the Supreme Court begins reporting on cases with a European law dimension in its Collection of Decisions. The Project will also support the MoJ Project for Life-Long Training, providing practical experience of applied training techniques.

3.2. **Linked Activities**

**Phare CZ 9405-01-01-09: Systematic Training in EC law for Czech Judges.** Within the project 110 judges from all Czech courts were trained in basic courses of EC law (5 seminars during 1998) as the training of trainees.

Phare CZ 9405-01-01: **Language Training for Judges.** Within the project 25 judges were trained in English and 11 in French over 8 weeks.

Phare 1998 CZ 9810-03-01: **Training of Judges and State Prosecutors.** On-going, covering training in specific areas of EC law and support to the European Judicial Information Centre (EJIC).

TAIEX **Seminars in EC Law for Judges and State Prosecutors**, (training of trainees) provided during 1998 and 1999: 2 seminars for judges as continuing activities to project Phare CZ 9405-01-01-09 and 4 for state prosecutors.

**TAIEX Seminar on Economic Crime for Judges, Prosecutors and Investigators:** to be held, in conjunction with the Czech Supreme Court in June 2000.

Phare 2000 project CZ 2000/0605 aims at supporting the Judiciary Education Centre (JEC) which provides systematic life-long training within the judiciary through the development of a training system and technical support. Moreover, the JEC also includes the European Judiciary Information Centre (EJIC) providing information services in the area of the judiciary and organises international activities. The MoJ is responsible for the implementation of the project.
3.3. Results / Outputs

The Outputs to be delivered and Guaranteed Results to be achieved via this Project include:

- Strengthened capacity of the Supreme Court to identify and properly resolve those cases which implicate European law:
  - The attainment of a standard of decision-making in which court judgements will demonstrate a sensitivity to, and contain analysis of, European law and related issues, as well as attainment of the capability to resolve these issues according to the standards and best-practice in the EU (analysis and recommendations by the end of the 2nd quarter; support over remaining period of the Project for development); the Final Report (see below) will contain analysis of the extent to which judges have attained this aim (depth of awareness of and analytical facility with issues of EC law, as well as the ability to deal with the issues effectively and resolve them in accordance with accepted standards);

  - The creation of a special section of the Collection of Decisions in order to indicate important issues of European law to which other courts should be attentive in judgements (commencement of reporting by the end of 2nd quarter; training of staff to ensure maintenance over remaining period of the Project);

- Management review (by the end of the 2nd quarter) and support to administrative and procedural re-organisation (proposal at end of 4th quarter and implementation over the remaining Project period) of the Supreme Court (for example revision of the Court’s Standing Orders, in order to improve the assignment of caseload, free judges from administrative work, and make for effective utilisation of court assistants) so as to enhance operations and procedures and shorten time for case decisions (by at least 20%);

- Draft proposal for the applied training component of the JEC (start of the 7th quarter) so as to make a permanent contribution to the future training of judges in EC law and judicial methods; to ensure its effectiveness, this course of training will first be carried out as a pilot at the Supreme Court (5th quarter);

- Needs analyses by the PAA and the short-term experts in order to assist the Supreme Court in formulating proposals for follow-up projects to be financed by the Czech State;

- On Project completion, a Final Report analysing the level of improvement in Court decision-making in the field of European law, indicating the judges’ depth of awareness of and analytical facility with issues of European law, as well as the ability to deal with the issues effectively and resolve them in accordance with prevailing EU standards.

3.4. Activities / Inputs

The assistance will be provided through a Twinning and Training Package – CZ 2000/IB/JH/05: 0.8M€.

This will involve the following key Inputs be provided:

- A 2-year Pre Accession Adviser (PAA) located at the Supreme Court, with long term experience within the judiciary (preferably a retired judge of the higher or highest court) of an EU Member State, with highest knowledge of European law and, preferably, human rights practice. S/he will provide inputs focused on:
  - Participation in the regular meetings of the Court’s statutory bodies (Council of Court Heads, Civil and Criminal Law Collegia) wherein the agenda of cases is discussed, to assist in designating the cases, which have significant relation to European law issues, thereby assisting the judges to anticipate European law issues and learning to select cases for publication as models on European Law;
Direct consultations with individual judges relating to the interpretation of and application of European law, plus the development of managerial and administrative and reporting structures to ensure the standard application of laws and the corresponding provision of information to judges;

Management review of the present Court’s internal structure and procedures, review of methodology for designating cases, utilisation of full staff resources. This will specifically involve revisions of the Court’s Standing Orders and proposals for practical methods for co-operation between judges and assistants (such orders may be issued either solely by the Chief Justice – such as proposals for the supervision of work of judicial clerks – or will require the approval of the Plenum);

The review, development and delivery of on-the-job training programmes and syllabuses;

Propose and co-ordinate the inputs of a series of Short-Term Experts;

Perform a needs analysis to assist the Supreme Court in preparing proposals for later projects (to be financed by the Czech State) in continuation of this one;

The PAA should also be available for approximately one-week per month to visit and review other courts in the country, (such as the Constitutional Court, Higher Courts, and Regional Courts) to assess their needs and assist them in developing longer term strategies for solving their problems of dealing with EC law.

- A series of **Short-Term Experts** (approximately 15 person-months), to provide advice on law and judicial practice in the following areas:
  - General EC practice and co-operation with the European Court of Justice (ECJ);
  - Situation of higher courts in the EU Member States;
  - Fundamental rights protections within the EC legal order;
  - Acquis in the areas of the internal market (especially free movement of goods and persons); justice and home affairs (especially asylum, immigration, Schengen, organised crime and judicial co-operation); and economic crime.

  The short-term experts, operating under the co-ordination of the PAA, will perform the following tasks:
  - Provide practical advice as to the ways Member States analyse and resolve legal issues in the expert’s area of legal specialisation;
  - Provide training support - the organisation of seminars on their field of expertise;
  - Prepare syllabus for particular training programmes;
  - Assist in selecting appropriate computer software, books and other materials that will be of help in learning the designated fields of EC law.

- Organisation of 2-3 seminars covering general EC practice and co-operation with the ECJ, justice and home affairs, the internal market.

- Study visits to the ECJ or courts in the EU Member States to be undertaken by 5-6 judges who are experts in areas where it is determined intensive progress in assimilating EC law is needed. Upon return, they will share with other judges the experience gained.

- Related supplies and services, documentation provision (statutes, case reports etc.), especially where needed as a training tool

4. **Institutional Framework**
The project will be managed and co-ordinated by the Supreme Court, specifically its Council of Court Heads.

5. Detailed Budget (in M€)

<table>
<thead>
<tr>
<th>Project Components</th>
<th>Investment Support</th>
<th>Institution Building</th>
<th>Total Phare (= I + IB)</th>
<th>National Co-financing</th>
<th>IFI</th>
<th>TOTAL</th>
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<tr>
<td>Twinning and Training Package</td>
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6. Implementation Arrangements

6.1 Implementing Agency

The CFCU will be the Implementing Agency responsible for tendering, contracting and account. Responsibility for technical preparation, provision of office space and facilities, as well as management and supervision of the programme, will lie with the Supreme Court.

6.2 Twinning – CZ 2000/IB/JH/05

The Contact Person for the PAA and technical management of the Project is: Dr. Mark Gillis, Head of the Department of Foreign Relations, Czech Supreme Court, Burešova 20, 657 37 Brno, tel. +420 541593375, fax +420 5412191, e-mail: mark.gillis@nsoud.cz.

6.4 Contract

1 contract is foreseen: Twinning and Training Package = 0.8 MEUR.

7. Implementation Schedule

Start of Twinning Selection: 3Q/00
Start of Twinning Activity: 2Q/01
Project Completion: 1Q/03

8. Equal Opportunity

Equal opportunity principles and practices in ensuring equitable gender participation in the project will be guaranteed.

9. Conditionality and Sequencing

As the Supreme Court is an independent judicial institution, its work in no way depends upon the adoption of any particular piece of legislation. The activities in this project relating to the development of curricula for the JEC is conditioned upon the successful creation of that institution. Although the specific number of study visits to Members States, as well as the exact amount of software, books and materials is acquired, it will be determined on the basis of a needs analysis prepared in close co-operation with the PAA.

ANNEXES TO PROJECT FICHE

1. Logical Framework Matrix

3-2 Detailed Implementation Chart
5.3 Contracting and Disbursement Schedule (in MEUR)
### Logical Framework Matrix

<table>
<thead>
<tr>
<th>Strengthening the Operations of the Czech Supreme Court in the Assimilation and Application of the EC Acquis</th>
<th>Project Number: CZ 00-07-06</th>
<th>Date of Drafting: 03/2000</th>
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<tr>
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<td>Contracting Period Expires: 31/10/2002</td>
<td>Disbursement Period Expires: 31/10/2003</td>
</tr>
<tr>
<td></td>
<td>Total Budget: 0.9 MEUR</td>
<td>Phare Contribution: 0.8 MEUR</td>
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**Wider Objective**

To strengthen the institutional and regulatory capacity to implement the acquis

**Indicators of Achievement**

- Demonstrated improved capacity and sophistication in EC law matters

**Sources of Information**

- Final Report

**Assumptions and Risks**

- Immediate Objective

- Assimilation of EC judicial culture and practice into the Czech legal environment

- Supreme Court’s increased institutional capacity and sophistication in matters of EC law;
- Successful co-operation and consultation between Supreme Court and PAA/short term experts;
- Proposal for reorganisation of Supreme Court and improved effectiveness of its work
- Development of applied training curriculum

**Indicators of Achievement**

- Final Report giving expert evaluation of the increased sophistication in EC law
- Numerical data indicating a reduction in the backlog of cases and increased speed with which cases are resolved

**Source of Information**

- Assumptions and Risks

**Results**

<table>
<thead>
<tr>
<th>Indicators of Achievement</th>
<th>Source of Information</th>
<th>Assumptions and Risks</th>
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</table>
Strengthened capacity of the Supreme Court to identify and properly resolve those cases which implicate European law:

The attainment of a standard of decision-making in which court judgements will demonstrate a sensitivity to, and contain analysis of, European law and related issues, including a capability to resolve these issues according to the standards and best-practice in the EU (analysis and recommendations by the end of the 2\textsuperscript{nd} quarter; support over remaining period of the Project for development);

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<table>
<thead>
<tr>
<th>Inputs</th>
<th>Assumptions and Risks</th>
</tr>
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</table>
| Twinning and Training Package: 2-years PAA, approximately 10-15 person-months Short-Term Expert consultations/training; judges’ study stay abroad; seminars; documentation provision; software/information systems development etc. | - Higher standard of decision-making in relation to EC law
- Reporting of matters related to EC law in the Collection of decisions
- Adoption of proposed reorganisation bringing its operation in line with EU standard
- Final report giving expert evaluation of the increased sophistication in EC law
- Numerical data indicating a reduction in the backlog of cases and increased speed with which cases are resolved |
## Detailed Implementation Chart for the Project

### Twinning and Training Package

<table>
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<tr>
<th>Year</th>
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<td>Twinning and Training Package</td>
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<td>-Launch Twinning request to Member States (June 2000)</td>
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<tr>
<td>-Selection of MS(s) for twinning</td>
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<td>-Elaboration of twinning covenant</td>
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<td>-Submit Twinning covenant to Commission &amp; Steering Committee for approval</td>
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## Cumulative Contracting and Disbursement Schedule (in M €)

### Cumulative Quarterly Contracting Schedule (in M €)

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### Cumulative Quarterly Disbursement Schedule (in M €)

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