STANDARD SUMMARY PROJECT FICHE

1. Basic Information
   1.1 Désirée Number: CZ01-07-01
      Twinning Number: CZ01/IB/JH/01
   1.2 Title: Judiciary Reform and Court Management
   1.3 Sector: Justice and Home Affairs
   1.4 Location: Ministry of Justice of the Czech Republic
      Supreme Court of the Czech Republic

2. Objectives
   2.1 Overall Objective(s):
      • The Czech Republic has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.
      • The Czech Republic has acquired the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.
   2.2 Project Purpose:
      • To improve efficiency of the courts as means of increasing the work capacity and performance of the judiciary
   2.3 Accession Partnership and 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 2000) highlights the need to:
        - Improve the functioning 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;
        - Improve the accessibility of information for judges’ decisions.

3. Description
   3.1 Background and justification:
   Within the Phare 2001 project a pre-accession advisor should come to the Czech Republic to work particularly with the Czech Ministry of Justice and the Czech Supreme Court, but also with several other ordinary courts, make a critical analysis of the efficiency of the courts’ internal structure and their management strategies, involving in particular case management and the utilisation of assistants, administrative employees and other non-judicial personnel, and computer and foreign sources of law. This project will be linked to and build upon the Supreme Court’s project in Phare 2000
(CZ 2000-06-06), as well as the Ministry of Justice’s Phare project CZ 9810-03-02-01: “Support to Develop the Commercial and Civil Courts System”. The aim of the 1998 project is to support the reform of the judiciary by preparing basis for its effective implementation achieved by preparation of two studies - the first on the separation of the judicial agenda from the performance of state administrative duties and the second on a methodology for effective simplification of the judicial system. These studies will lay the groundwork upon which a more comprehensive analysis of the judiciary can be undertaken leading to an overall reform of internal structure and rules of operation. The reforms proposed should be considered by Ministry of Justice and their actual effect upon improvement in performance of the judiciary will be evaluated in the context of Phare 2001.

The main focus of the Czech Supreme Court’s Phare 2000 project will be on assimilation of methods of adjudication in the field of the European law, not on reform of internal structure and administration. In addition, as an important initial step in the process of judicial reform, one of the pre-accession advisors’ subsidiary tasks in the Phare 2000 project will be to analyse the Supreme Court’s internal structure and procedures in order to make a proposal concerning its internal structure, management of the caseload, and utilisation of personnel. This will be implemented during the first year of the Phare 2000 project so as to make the results available for use in this Phare 2001 project.

The reform of court structure and administration will be but one point in a larger project focused on the European law, and accordingly will receive relatively smaller attention and emphasis. This point of the Phare 2000 project will be a trial run and mark an essential initial step in the necessary work of reform of internal court structure and court administration. Accordingly, a further project is required to focus strictly on these points, and the crux of the necessary work on judicial reform will have to be taken in the context of the 2001 project.

In the Phare 2001 project, the goal of the PAA’s work will be to expand upon the initial start made in Phare 1998 and 2000 as regards the judiciary reform. This project is aimed especially at the third pillar of the judicial reform – institutional part but it also focused on evaluating of the changes achieved in its first and second pillars - civil and criminal part.

The project objective is to analyse what has been achieved during the process of implementing the reform of judiciary and to analyse consequent steps to be taken. Further the project aims at improvement of the procedural codes, reform of the internal structure and case management and at elaboration alternative models for judicial self-administration. The PAA will focus primarily on making critical analyses and reform proposals for all courts (analogous to those made for the Supreme Court in the context of Phare 2000). This will result in an all-encompassing project to effect reform of the judiciary as far as internal structure, administration, and case management are concerned. This critical analysis will result in a proposal for the amendment of legislation, particularly the procedural codes, Act on Courts, and regulations concerning internal structure and operations of ordinary courts. In addition, a proposal of models for judicial self-administration will be elaborated. A further aspect is that the PAA will follow-up on the Phare 1998 and 2000 projects by making a critical analysis of the judiciary reform already achieved, including implementation of the reform proposals made in the context of Phare 1998 and 2000, and that critical analysis will feed into the overall goal of this project, as the experience gained from implementation will be crucial in formulating proposals for improving efficiency and management for the other
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).
Phare 1998 CZ 9810-03-01: “Support to the Association of judges and to the Association of State attorneys” which aims at strengthening the independent role of professional associations and ensuring their ability to provide effective support to their members and the judiciary in general.
Phare 1998 project CZ 9810-03-02-01: “Support to Develop the Commercial and Civil Courts System” which is focused on support of the judiciary reform by preparing basis for its effective implementation. This is to be achieved by preparation of two studies - the first on the separation of the judicial agenda from the performance of state administrative duties and the second on a methodology for effective simplification of the judicial system.
Phare 2000 project CZ 00-07-05: “Strengthening the Provision of Life-Long Training for Judiciary” 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.
Phare 2000 project CZ 00-07-06: “Strengthening the Operations of the Czech Supreme Court in the Assimilation and Application of the EC Acquis”, focuses primarily on the assimilation of the standards of Member State judiciaries for the interpretation and application of the acquis. A subsidiary task for the PAA is to propose a reform of the Supreme Court internal structure and judicial administration. This task is the springboard upon which this 2001 project is based.
“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.

3.3 Results:
• Analysis made of the functioning of the already achieved reforms of the judiciary and proposals for additional reforms submitted to the Ministry of Justice;
• Proposals made for revision of internal structure and rules of operation of affected courts, but applicable to all courts, in particular those concerning case management submitted to the Ministry of Justice;
• Alternative models for judicial self-administration elaborated, with consideration given to Czech circumstances and experience of EU Member States to be submitted to the Ministry of justice for consideration in the context of judicial reform.
3.4 Activities:
The assistance will be provided through a **Twinning and Training Package**

- **A 2-year Pre-Accession Advisor (PAA)** who need not be a judge but should be legally trained and possessed expertise in judicial administration and court management in an EU Member State, with wide experience in the practices of a Member State judiciary. S/he will have an office at both the Ministry of Justice and Supreme Court, but will operate regularly at several other ordinary courts. S/he will provide inputs focused on:

  - Stay in residence at approximately seven (7) courts - four (4) first instance courts, two (2) appellate courts and one (1) superior court. During the stay at courts, the PAA will investigate their internal structures, administration, and case management to determine whether the reform and re-organisation affected at the Supreme Court in the context of Phare 2000 and the results of Phare 1998 would be suitable for those courts or another model would be preferable. The Steering Committee will select the particular courts that would be most suitable for, and most benefit from participation in the project, employing such criteria as geographic coverage, the size of the court and the quality of its performance, and the diversity of the typical judicial business of those courts. Project will not involve an external analysis of the courts, rather extensive co-operative work with the courts, including consultation with judges on their experience and views as to reform needs. Accordingly participation by courts must be strictly on voluntary basis. On the basis of these stays, the PAA will, in conjunction with the Ministry of Justice, the Supreme Court and other affected courts, elaborate proposals for amendments to the Act on Courts and perhaps also the procedural codes. Short-term experts will assist to PAA.

  - Elaboration of analysis of the functioning of already implemented reforms and consideration of possible additional reforms of the judiciary.

  - Elaboration, in conjunction with the Ministry of Justice, the Supreme Court and other affected courts, a proposal for a model of the self-administration of the judiciary, models for the self-administration of the judiciary.

  - Proposal and co-ordination of the inputs of a series of short-term experts.

- **A series of short-term experts** (approximately 15 person-months), to provide advice on judicial reform, in particular reform of the procedural codes, judicial administration and court management, either focusing on particular aspects thereof or particular types of courts (first instance, appellate, supervisory jurisdiction, etc.):

  - Evaluation of achievements within the first and second pillars of the judicial reform, improvement of procedural codes

  - Case management strategies at first instance courts and/or appellate courts

  - Proper utilisation of non-judicial administrative personnel and legal assistants

  - Budget and other tools of administration

The short-term experts, operating under the co-ordination of the PAA, will perform the following tasks:

- To present various models for judicial administration

- To stay in residence at the court level corresponding to their expertise
• **Organisation of 2-3 seminars** covering Member State practice with regard to the reform of procedural codes, judicial administration, various Member State practices regarding use of administrative personnel and legal assistants. There would be approximately 40-50 participants in each seminar.

• **One or two weeks study visits** to EU Member State courts to be undertaken by 5-6 representative judges who will stay at corresponding courts in order to closely study their system of judicial administration. Upon return, they will share the gained experience with other judges.

• **Related supplies and services** - provision of documentation and data (and where necessary translation thereof) from the EU Member States concerning matters such as procedural codes, judicial administration, etc.; translation of relevant Czech materials as needed by the PAA or short-term experts; other services include interpreters needed by the PAA and short-term experts to effectively communicate with judges taking part in the project.

4. **Institutional Framework**

The project will be managed and co-ordinated by the Ministry of Justice and the Supreme Court, in consultation with other ordinary courts involved in the project. Decisions on the Czech side concerning the management and co-ordination of the project, evaluation of the PAA’s work shall be made by a Working Committee composed of representatives of equal number from both the Supreme Court and the Ministry of Justice. The Working Committee will meet quarterly and further when the need will be.

5. **Detailed Budget in M€**

<table>
<thead>
<tr>
<th>Phare</th>
<th>Support</th>
<th>Investment Support</th>
<th>Institution Building</th>
<th>Total Phare (=I+IB)</th>
<th>National Co-financing*</th>
<th>IFT*</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contract 1 - Twinning package</strong></td>
<td>1,0</td>
<td>1,0</td>
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<td>1,0</td>
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<tr>
<td><strong>Total</strong></td>
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<td>1,0</td>
<td>1,0</td>
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<td>1,0</td>
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*The contribution from the national budget for the twinning will be in form of provision of offices, working environment etc.

*Twinning package: PAA and STEs 0,70 M€
Study visits, seminars 0,18 M€
Translation, interpretation 0,12 M€

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
The Contact Persons for the PAA and technical management of the Project are:
At the Ministry of Justice - **Mgr. Jakub Camrda**, Head of the European Integration Department, Ministry of Justice of the Czech Republic, Vyšehradská 16, 128 10 Prague 2, tel.: +4202 2199 7274, fax: +4202 2199 7560, e-mail: jcamrda@msp.justice.cz
At the Supreme Court - **Dr. Mark Gillis**, Head of the Department of Foreign Relations, Czech Supreme Court, Burešova 20, 657 37 Brno, tel. +4205 4159 3375, fax +4205 4121 2917, e-mail: mark.gillis@nsoud.cz.

6.3 Non-standard aspects
The "Practical Guide to Phare, Ispa & Sapard contract procedures" shall be followed.

6.4 Contracts
contract 1 – twinning package: 1,0 M€

7. Implementation Schedule
7.1 Start of Twinning Selection: 3Q/01
7.2 Start of project activity: 2Q/02
7.3 Project Completion: 1Q/04

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

9. Environment: N/A

10. Rates of return: N/A

11. Investment Criteria: N/A

12. 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 elaboration of internal reform and proposed alternative models for judicial self-administration is essentially within the control of the judiciary. 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. There will be an effective co-operation between the Ministry of Justice and the Supreme Court.
Annexes to project Fiche

1. Logical framework matrix in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period)
4. Summary of ongoing twinning Phare project of the Ministry of Justice and the Supreme Court
**LOGFRAME PLANNING MATRIX FOR**

**Programme number:** CZ 01-07-01  
**Project fiche CZ01-07-01**

<table>
<thead>
<tr>
<th>Overall Objective</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stability of institutions guaranteeing democracy, the rule of law, human rights</td>
<td>Acknowledgement by the European Commission</td>
<td>- EC Regular report</td>
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<td>and respect for and protection of minorities.</td>
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<td>Ability to take on the obligations of membership including adherence to the</td>
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<td>aims of political, economic and monetary union.</td>
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<th>Sources of Verification</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>To improve efficiency of the courts as means of increasing the work capacity</td>
<td>Reform of the judiciary in advanced progress</td>
<td>- Project report</td>
<td>the remainder of the acquis is adopted and all other measures necessary to ensure the rule of law are adopted</td>
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<tr>
<td>and performance of the judiciary</td>
<td>Demonstrated improvement in the efficiency and operations of courts, as shown by higher productivity, speed:</td>
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<td>Average duration of case proceeding speeded up of 12 months to 8 months by 31/12/2007</td>
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<td>Average backlog of cases decreased from 68 735 to 51 552 by 31/12/2007</td>
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<td></td>
<td>Improvement also reflected in transfer of strictly or primarily administrative tasks from judges to administrative assistants</td>
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<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively Verifiable Indicators</th>
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<th>Assumptions and Risks</th>
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<td>Proposals made for revision of internal structure and rules of operation of affected courts, but applicable to all courts, in particular those concerning case management submitted to the Ministry of Justice</td>
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<td>- Project report</td>
<td>The project is aimed especially at the third pillar of the judicial reform – institutional part but is also focused on evaluating the changes achieved in its first and second pillars - civil and criminal part</td>
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<tr>
<td></td>
<td>Proposed models, with recommendations, submitted to the Ministry of Justice for consideration in elaborating the Czech system for judicial self-administration</td>
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<tr>
<td></td>
<td>The proposed revision in internal structure, rules of operation, and cooperation between judges, clerks, and administrative staff</td>
<td>- Ministry of Justice data on judiciary</td>
<td>Analogous changes to the internal structure of courts other than the 7 examined are adopted</td>
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<td></td>
<td>On basis of thorough consideration of proposed</td>
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</table>
## Alternatives models for judicial self-administration elaborated, with consideration given to Czech circumstances and experience of EU Member States to be submitted to the Ministry of Justice for consideration in the context of judicial reforms

**Activities**
- Expert analysis of the functioning of already implemented reforms and consideration of possible additional reforms of the judiciary
- Expert analysis evaluating the internal structure and rules of operation of seven (7) courts (one superior, two regional, and four district courts) and compiling data for use by the Ministry of Justice and Parliament for consideration of additional reform efforts
- Carry out a comprehensive comparative study, with supporting data, of various models of judicial self-administration and an expert analysis, which highlights the positive and negative aspects of each, and assessing how each would suit the situation in the Czech Republic

**Means**
- Twinning Package:
  - **PAA** for 2 years (judge or other expert with long-term experience in judicial administration and court management)
  - Approximately 10-15 person-months of short-term experts consultations/advises (concerning matters such as improvement of the procedural codes, strategies for case management at first instance and appellate courts or to avoid an overcrowded docket at the highest court, the proper use of non-judicial personnel, budget and other tools of administration)
  - **Study visits** abroad for 5-6 Czech judges to investigate the internal structure of courts in various states, their system of judicial administration and model of supreme judicial council; seminars on various topics of judicial administration and procedural reform (situation of MS with regard to procedural codes and judicial administration); documentation provision (e.g., translation of foreign and Czech legal materials highly relevant to the project); interpreting assistance for the PAA and short term experts

**Sources of Verification**

**Assumptions**
- Parliament adopts a system for judicial administration prior to the completion of this twinning

## Preconditions
- A thorough analysis of the Supreme Court's internal structure has been carried out in the context of Phare 2000 project CZ 2000-06-06, Strengthening the Operations of the Czech Supreme Court in the Assimilation and Application of the EC Acquis, and the Supreme Court has successfully implemented the proposed revisions, initial review of procedural codes
- Willingness of the seven (7) other designated courts to take part in the project
- The two studies undertaken in the context of Phare project CZ 9810-03-02-01 - Support to Develop the Commercial and Civil Courts System - have provided a basis for undertaking a comprehensive study for reform of the internal structure and rules of operation of the courts
### Detailed Implementation Chart for the Project

#### Twinning and Training Package

<table>
<thead>
<tr>
<th>Event</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
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<tr>
<td>Launch Twinning request to Member States (April 2001)</td>
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<td>Selection of MS(s) for twinning (August 2001)</td>
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<td>Elaboration of twinning covenant (Oct-Dec. 2001)</td>
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<tr>
<td>Submit Twinning covenant to Commission and Steering Committee for approval</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Twinning Package commences</td>
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<tr>
<td>Project implementation</td>
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<tr>
<td>Project completion</td>
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Cumulative Contracting and Disbursement Schedule for the Project (M€)

### Cumulative Quarterly Contracting Schedule (M€)

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<th>Project</th>
<th>4Q/01</th>
<th>1Q/02</th>
<th>2Q/02</th>
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<th>1Q/04</th>
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### Cumulative Quarterly Disbursement Schedule (M€)

<table>
<thead>
<tr>
<th>Project</th>
<th>4Q/01</th>
<th>1Q/02</th>
<th>2Q/02</th>
<th>3Q/02</th>
<th>4Q/02</th>
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<th>2Q/03</th>
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<th>1Q/04</th>
<th>2Q/04</th>
<th>Total</th>
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<tr>
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</table>
Summary of ongoing twinning Phare project of the Ministry of Justice and the Supreme Court

1. **Phare 1998 CZ 9810-03-01: “Support to the Association of judges and to the Association of State attorneys”** which aims to strengthen the independent role of professional associations and to ensure their ability to provide effective support to their members and the judiciary in general.

The PAA started his work in April 2000 and he had been identifying the specific needs with the two Czech beneficiaries in the project: the Czech Union of Judges (CUJ) and the Union of Prosecutors (ASA). This with regard to the main themes of the project: supporting the associations in identifying the needs of their members and ways of meeting those needs, reinforcing the access to information for the members of both professional groups and defining a long term strategy for the training of judges and of state attorneys. In the frame of the project activities as International workshops on status of members of associations, training on negotiation skills, seminars on Community law will be held. The deadline for project completion is June 2001.

2. **Phare 2000 project CZ 00-07-05 “Strengthening the Provision of Life-Long Training for Judiciary”** 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.

French École Nationale de la Magistrature has been chosen to implement the project and the project is in the phase of Twinning Covenant preparation. In the frame of the project the training of trainers will take place and methodology for particular training programmes will be developed. The deadline for project completion is 1Q 2002.

3. **Phare 2000 project CZ00-03-02 “Improvement of Legal and Institutional Environment for Business”** aims at better efficiency and enforcement of Czech legislation on business environment and contract conditions, more effective legal regulation of business sector being in line with EC requirements and Member States’ best practise and lower burden for businesses.

Italian Ministry of the Treasury, Budget and Economic Planning has been chosen to implement the project. Relevant specialists will focus on bankruptcy law, company law and capital market, commercial and trade registers including simplified and better access to the registers, administrative simplifications concerning businesses. The deadline for project completion is 1Q/2002.

4. **Phare 2000 project CZ 00-07-06 “Strengthening the Operations of the Czech Supreme Court in the Assimilation and Application of the EC Acquis”**, focuses primarily on the assimilation of the standards of Member State judiciaries for the interpretation and application of the acquis. One of the PAA’s subsidiary tasks in the Phare 2000 project will be to analyse the Supreme Court’s internal structure and procedures in order to make a
proposal concerning its internal structure, management of the caseload, and use of personnel. This latter task is the springboard which this 2001 project is based and thus will be implemented during the first year of the Phare 2000 project so as to make the results available for use in this PHARE 2001 project. A former judge of the Federal Supreme Court of the Federal Republic of Germany, Dr. Zülch, was chosen as the PAA for Project CZ 00-07-06, accordingly the twinned state body will be the Federal Ministry of Justice of the Federal Republic of Germany, which will entrust the implementation of the project to the German Foundation for International Legal Co-operation. The project has not yet begun but will begin in September, 2001.