Strengthening the Capacity of Latvian Judiciary

1. Basic Information
   1.1 CRIS Number: 2003/004-979-07-01
   1.2 Twinning Number: LV/2003/IB/JH-02
   1.3 Title: Strengthening the Capacity of Latvian Judiciary
   1.4 Sector: Justice and Home Affairs
   1.5 Location: Latvia, Ministry of Justice
      Responsible Institution: Ministry of Justice
      Beneficiary: Court Administration

2. Objectives
   2.1 Overall Objective(s):
      To improve functioning of the Judiciary in Latvia
   2.2 Project purpose:
      To assist Latvia in building of the capacity of judicial system
   2.3 Accession Partnership and NPAA priority:
      Accession Partnership:
      Democracy and the rule of law:
      “Continue to strengthen the judicial system, including completion of legal framework, alleviation of
      courts’ workload, elimination of backlog of pending court cases and ensuring the enforcement of
      decisions. Strengthen training and increase remuneration of judges. Improve the infrastructure of court
      buildings and the computerisation of the court system. Promote access to justice”.

      Co-operation in the field of Justice and Home Affairs:
      “Take the necessary steps to ensure implementation of Community instruments in the area of judicial co-
      operation in civil matters”.

      National Programm for Adoption of Acquis:
      SI-001 - To improve and strengthen judiciary in Latvia

3. Description
   3.1 Background and justification:
   Since regaining its independence in 1991, Latvia has made important progress in restructuring and
   strengthening of the judiciary and enforcement of the rule of law. In harmony with the European Union’s
   (EU) key accession priorities, the Government is continuing its efforts to strengthen the independence and
   effectiveness of the judiciary in order to meet the accession requirements. The Latvia justice system is a key
   element for a society based on the rule of law, which in turn is essential to the attainment Latvia’s political
   and social goals, including the creation of a stable and predictable framework for a market economy.

   The EU has given particular emphasis on the role of the judiciary in Latvia’s integration process into the EU.
   The European Commission’s monitoring of Latvia’s progress towards accession has acknowledged that
   considerable improvements are still needed in the status and functioning of the judiciary to meet EU
   requirements.

   The Latvian government and EU experts have identified several areas where improvements are essential for
   effective court performance: 1) establishment of an independent court administration, 2) improvement of the
   courts’ material and technical bases, 3) a continuous upgrading of the professional skills of judges and court
   personnel, and 4) the improvement of court procedure rules for more effective case management.
The current Government of Latvia in its November 5, 2002 Declaration has set forth several priorities relating to the judiciary, in particular:
- Increased independence of the judicial power with the introduction of a self-government system for the courts and reduction of the judicial power’s dependence on the executive power;
- Achieve the timely deliberation of all cases;
- Continued computerisation of the courts to create a unified information network and ensure the operative public accessibility to court decisions;

In accordance with these priorities set forth by the Latvia Government, the Ministry of Justice has included the following components in this PHARE project proposal:

1) Assistance in the establishment of an effective Court Administration structure

After the analysis of Latvia’s present court administration system, it is clear that the existing court administration in Latvia is relatively ineffective and needs considerable improvement. Major disadvantages of the current system include the fact that the administrative function is split between different bodies within the Ministry of Justice and other institutions. It is important for the Ministry of Justice, as a central institution of the executive power, to focus its activities mainly towards the drafting and implementing of a national policy regarding the judiciary and the improvement of the legal system.

Thus, all functions relating to the practical and organizational management of the Court’s work and the management of the Court’s business matters should be moved to the authority of the Court Administration structure. The establishment of an effective Court Administration structure would help to realize a more efficiently-functioning judicial power, independent of the executive power, able to operate as an effective mechanism for the protection of public rights and interests.

The establishment of the Court Administration structure will begin in 2003 with the Government’s adoption of the Court Administration conception in the spring of 2003, the creation of a functioning Court Administration structure in January 2004, and the full implementation of the Court Administration conception by 2006. The authority and duties of the Court Administration structure will include the following:

1) organise and provide training and continued education for judges, judicial candidates and court personnel;
2) prepare and sign contracts regarding the administration of the courts;
3) manage all matters relating to the maintenance of court buildings;
4) prepare proposed income and expenditure estimates for the court budgets and analyse the relevant economic indicators;
5) prepare estimates and plans for court finances, monitor cash flows and execution of the court budgets;
6) organise and supervise the information technology requirements (introduction and replacement) for the courts;
7) ensure the successful operation of the courts’ computer and data network;
8) manage the electronic Land Book system (requirements for its use and upkeep);
9) manage the courts’ unified information system (requirements for its use and upkeep);
10) prepare statistical analyses regarding the courts’ work and to systematise, analyse and publish judicial court practice;
11) issue binding instructions regarding the organisation of the courts’ work and provide recommendations, suggestions and consultations on such matters.

In order to achieve a more effective administration of the court system, it is essential to develop the strategies, human resources and management skills of the newly-established Court Administration structure at both the central and local (city/district/regional court) levels. The assistance of EU member states with experience in independent Court Administration structures is essential and therefore we request PHARE assistance.

2) Human resource development
More attention shall be paid to the training of the technical staff of the courts (secretaries, assistants to judges and other administrative staff). Previous and existing training assistance has mainly focused on the corpus of judges. Presently, there is no strategic, systematic approach to the training of the courts’ technical and administrative staff. Latvian judges do not have enough technical support and many of them do not yet have legally-trained clerks to assist them. Thus, the judges are too occupied with technical work. A regular training programme and training materials for court personnel (technical and administrative staff) would lead to the reduction of the judges’ work load and related delays impacting court cases.

Presently, there is also no strategic, systematic approach to the training of potential judge candidates. Special attention needs be paid to the training of potential judge candidates in order to insure a more highly-qualified judiciary which will be capable to meet the requirements of EU accession. Once, the appointment/selection criteria for judges have been elaborated and adopted, and then it will be possible to elaborate a training program for potential judge candidates. Plans would also include the preparation of a psychological testing system to assess the candidate’s ability to work as a judge (according to the previously-elaborated selection criteria for judges).

3) Improvement of civil procedure rules.

The excessive length of court proceedings is an issue that has been addressed by both the Latvia government and the EU. In order to shorten the length of court proceedings and reduce the workload of the courts, the Ministry of Justice has elaborated and amended several legislative acts, including amendments to the existing Criminal Procedure Law and existing Civil Procedure Law (now in force). The Ministry of Justice has also recently elaborated an entirely new draft Criminal Procedure Law (now under discussion at the Government and the Parliament).

Special attention shall be given to the Civil Procedure Law. The Ministry of Justice has elaborated several important amendments but there are several areas where modernisation of procedures is needed. One important area, which is addressed also in the EU Accession Partnership 2001 document, is judicial co-operation in civil matters. To date, international judicial assistance and co-operation in Latvia has mainly focussed on criminal matters. We recognise the importance to develop, intensify and improve the procedures for judicial co-operation in civil matters, especially as related to EU accession.

4) Supply of equipment

The capacity of the Court Administration structure depends significantly upon the efficient communication and co-ordination of administrative activities with courts, the Court Administration structure and relevant judicial institutions. To comply with this requirement, it is important to provide the Court Administration and courts with adequate technical equipment, including IT equipment. Computerisation of the courts of Latvia has been implemented in the frame of the multi-year state investment project “United Court Information System of the Republic of Latvia”, which is still underway. Due to restricted budgetary means, this project had been prolonged from the initial closing of 2002 until the year 2006. This delay has resulted in the current technical backwardness of courts which generates constant delays of court processes, communications between the relevant judicial institutions (Ministry of Justice, prosecutors, advocates, court bailiffs, and the future Court Administration) and parties in court proceedings. Several courts in Latvia are equipped with only one out-of-date workstation that cannot be used for adequate data processing. Many workstations, installed at the initial stage of the state investment project, are now technically non-compliant. This creates an obvious obstacle for improved efficiency of the courts and also for the future work of the Court Administration.

Assistance with computer supplies within the framework of the Court Administration project would greatly facilitate the computerisation process of the courts and improve their working capacity and communication capability with the Court Administration structure. The number of workstations to be supplied implementing this project have been calculated taking into consideration the most acute needs of the courts to ensure adequate working conditions for the court staff. The project proposes to supply one workstation to one court secretary in every court in Latvia (totalling 333 workstations) as well as 50 workstations for the newly-established Court Administration structure.
In order to ensure up-to-date training premises for court personnel, potential judge candidates and the judiciary, this project includes the supply of equipment for equip the existing conference hall in the newly-rebuilt Courthouse in Riga (Abrenes street 3). This conference room is currently used for the organisation of seminars and conferences for judges and other legal professionals. As many training conferences and seminars involve the participation of foreign experts, there is a need for simultaneous interpretation equipment. The conference hall is also not equipped with a data projector and a copying machine, both items are essential for many seminars and conferences.

3.2. Linked activities:

PHARE
- Phare 1998 Twinning project “Court System Reform” started in November, 1999 and ended in August 2001. The main objectives of this project included 1) the drafting of a new law “On Judicial Power” (not relating to Court Administration issues), 2) a new law “On Sworn Court Bailiffs, 3) upgrading of the courts’ technical infrastructure through computerisation and the statistical and analytical systems in the Courts Department of the Ministry of Justice, 4) establishment of a unit within the Ministry of Justice responsible for the co-ordination of the judicial co-operation in civil and criminal matters (central authority), 5) training of judges on the application of the EU and international law, 6) training of judges, court personnel, prosecutors and responsible civil servants on the matters of judicial co-operation.
- Phare 1999 “Prevention of corruption within the court system” started in 2001, ended 2002. The aim of the project was to support the Government’s anti-corruption program in the framework of the overall reform of the judicial system. The project aimed to improve the communication between courts and public and provided training to judges on the mass media and court relations, and resulted in the creation of the Court portal on the Internet system.

OTHER PROJECTS
- The UNDP “Support to Judiciary in Latvia” project began in 2002 and has four components: development of a new concept for the Judicial Power Law, organisation of a conference about the independence of the judiciary, human resource strategy planning, and development of a concept on legal aid in Latvia. During the implementation of this UNDP project, the Ministry of Justice will ensure that the activities of the Phare and UNDP projects will not overlap.

As to the UNDP project component--Human resource capacity in the judiciary (LAT/01/004)-the project has the following activities:
- evaluation, modernisation and development of training programs for judges (not for court personnel, Court Administration personnel or potential judge candidates) (Assignment I);
- development of the strategy for selection, appointment and career development of judges (not for court personnel or Court Administration personnel) (Assignment II);
- capacity-building for the Latvia Judicial Training Centre (Assignment III);
- strengthening of the training co-ordination and development of the Court Administration’s capacity for training issues (not for other activities of the Court Administration) (Assignment IV).

- Project with Swedish Court Administration (1999 – 2001) “Development of the court administration in Latvia”. The main task of the project was to recommend measures to be taken to tackle the problems of the current court administration and to propose further activities to be carried out in order to improve the situation. The recommendations elaborated during the project were taken into account when the Concept on Court Administration was elaborated.

- Bilateral project with Swedish National Court Administration (2002 – 2004/second quarter) “Development of Judiciary and the Court administration in Latvia” –Within the scope of this bilateral project with the Swedish National Courts Administration, there are four sub-projects: 1)Reorganisation of the
comprehensive national administration of the Latvian courts, 2) Partnership co-operation between Latvian and Swedish courts (Riga Vidzeme City District Court and Norrköping District Court on one hand, and Riga Zemgale City District Court and Linköping District Court on the other), 3) Delegation of tasks from judges to other court staff and 4) Improvements of legal proceedings and jurisdiction of cases. According to the terms of this bilateral agreement activities of the project will be planned so that the do not overlap with this PHARE assistance project.

- Ongoing state investment project “United court information system” (UCIS) started in 1998. Project includes specific software development for the courts, infrastructure development (installation of the local networks and computers), training for judges and court staff.

3.3. Results:

Twinning Guaranteed results:

- Assessment and recommendations on improvement of the operation of court self-governing institutions (Judges conference, Judges disciplinary board) delivered.
- Assessment and recommendations on complaint procedures about judges delivered.
- Staff of the Court administration on central level and local level (courts) trained in court management issues and capable to work within new Court administration system.
- Ensured conditions for rational and effective disbursement of the funds allocated to the judicial system.
- Secondary legislative acts necessary for the functioning for the court administration are drafted and submitted to the Government for adoption.
- Management training programs and training materials for personnel involved in the court administration is available.
- At least one judge from each court and all Court administration staff is trained about court administration issues.
- Assessment of the Court administrations first year operation and plan for further development are delivered.
- Regular training programme and materials for court personnel education are delivered.
- At least one person from each court is trained for court personnel training;
- Training plan and training program for potential judge candidates is delivered.
- Psychological testing system to assess candidate’s ability to work as a judge is available.
- Civil procedure rules evaluated and amendments ensuring simplification of procedures and introduction of alternative dispute resolution procedures are elaborated and submitted to the Government for adoption.
- Rules governing judicial co-operation in civil matters evaluated and amendments ensuring the effective international co-operation in civil matters elaborated and submitted to the Government for adoption.

Other results

- System for transmission of data between the Court administration and the courts installed and operational;
- Equipment for Conference hall installed in order to conduct effective training courses.

3.4. Activities

Component 1 – Assistance in the establishment of Court administration

- Provision of day-to-day advice to newly established Court administration agency staff.
- Review of the role and functions of the court self-governing (judges conference and disciplinary board) institutions and make recommendations to improve their institutional capacity.
Review of the existing complaint procedure about judges and make recommendations for development of a new effective review model.

Assisting on elaboration of methodology for budget estimation for each court and the central Court administration office. Assisting in the creation of state budget proposal for the courts in year 2005.

Assisting on elaboration of secondary legislative acts necessary for the functioning of Court administration (regulations of the Cabinet of Ministers, Instructions, etc.).

Elaboration of permanent management training programs and training materials for personnel involved in the court administration (employees of the central Court administration office and court personnel);

6 training seminars (each 2 days) for employees of central Court administration and court personnel involved in administration process. The possible topics for the seminars - court work management; personnel management; creation and effective disbursement of budget.

1 study visit to a Member state for 10 persons involved in court administration (duration – 5 days with a goal to become acquainted with Court Administration in other countries).

Assessment of Court administrations first year operation and elaboration of plan for further developments needed.

Means:

- **PAA – 18 m/m**

The PAA role is:
- to provide day-to-day advice to newly established Court administration staff,
- to provide review of the role and functions of the court self-governing institutions
- to review of the existing complaint procedure
- to assist on assessment of training needs and elaboration of training programmes for Court Administration employees
- to assist on elaboration of secondary legislative acts necessary for the functioning of Court administration
- to organise study visit to a member state
- to assess Court administrations first year operation and draft future development plan
- to ensure overall supervision and evaluation of the project.

Profile:

At least 10 years of working experience in the field of justice administration is required, as well as full university degree in law. The expert should have good analytical, communication and leadership skills. Fluency in English is required. Experience in public management would be considered as an advantage.

- **Short term Twinning expert – 4 m/m**

The expert will be responsible for elaboration of training programmes and training materials for Court Administration employees and court personnel involved in the administration of court. He will also elaborate programs for 6 training seminars within the project.

Profile:

It is expected that expert has a broad based and deep knowledge on systematic set-up and functioning of legal system, as well as full university degree.
Experience in the area of human resources planning and development in judicial administration is required. The expert should have good communication and organisational skills. Fluency in English is required.

- **Short term Twinning expert – 3 m/m**

The expert will be responsible for elaboration of methodology for the estimation of the courts’ budget and budget of Court administration. He will assist the creation of courts’ budget for 2005.

Profile:

The expert should have a full university degree and at least 5 years experience in financial management of judicial system. Fluency in English is required.

- **Study visit**

  Study visit for personnel involved in the court administration to a member state to study the court administration model and operation of judicial system.

- **3 training seminars**

3 seminars will be provided for employees of the court administration on central level and for judges involved in the administration of courts.

The seminars will be aimed at improvement of the administration skills of the Court Administration personnel. The topics will be specified by the PAA during assessment and evaluation of the existing situation and training needs. Each seminar will be organised for 20-50 persons.

**Component 2 - Human resource development**

- Development of a regular training programme and materials for education of court personnel (secretaries, assistants and other administrative staff).

- Training of trainers to deliver further training to court personnel according to the elaborated training plan.

- Elaboration of a training plan and training programme for potential judge candidates and of a psychological testing system to assess the candidates ability to work as a judge (according to the previously elaborated selection criteria for judges).

**Means:**

- **Short term Twinning expert 3 - m/m**

The expert will be responsible development of a regular training program and training materials for education of court personnel.

Profile:

It is expected that expert has a broad based and deep knowledge on systematic set-up and functioning of legal system. The expert should have a full university degree and at least 5 years working experience in judicial administration. Experience in training programme planning, assessment and development for court technical personnel is required. Fluency in English is required.
- **Short term Twinning expert – 3 m/m**

The expert will be responsible for elaboration of the psychological test for selection of the judge’s candidates.

**Profile:**

The expert should have a full university degree and working experience as a psychologist. Working experience in selection of judicial personnel is required. Fluency in English is required.

- **Short term Twinning expert 3 - m/m**

The expert will be responsible for elaboration of training plan and programmes for potential judge candidates.

**Profile:**

It is expected that expert has a broad based and deep knowledge on systematic set-up and functioning of legal system.

The expert should have a full university degree and at least 5 years working experience in judicial administration. Experience in selection of judges’ candidates and judges training programme planning, assessment and development is required. Fluency in English is required.

- **Training of trainers.**

6 seminars for 39 court workers (one from each court) that will in future train other court personnel according to the elaborated training program.

### Component 3 - Improvement of civil procedure rules

- Evaluation of existing Law on Civil procedure and elaboration of proposals for amendments in order to shorten and simplify the existing procedures and to introduce alternative dispute resolution procedures;

- Elaboration of amendments to the Law on Civil procedure concerning international judicial cooperation in civil matters.

### Means:

- **Short term Twinning expert – 6 m/m**

The expert will be responsible for evaluation of the existing Civil Procedure rules and elaboration of amendments to the Civil Procedure Law in order to simplify the procedure.

**Profile:**

The expert should have a full university degree in law, as well as at least 10 years of working experience in the law drafting in the area of civil procedure rights. The expert should have comparative knowledge in civil procedure rights in different European countries. Fluency in English is required.

- **Short term Twinning expert – 4 m/m**

The expert will be responsible for drafting amendments in the Civil Procedure Law on international judicial cooperation in civil matters.

**Profile:**

The expert should have a full university degree in international private law, as well experience in the law drafting in the area of civil procedure rights. The expert should have comparative knowledge in civil procedure rights in different European countries. Fluency in English is required.
Component 4 - Supply of equipment

Supply of workstations for the assistants to judges and staff of the Court administration to successfully accomplish State investment project that will create Unified Court Information System in the state.

- Supply of hardware (50 workstations) for the newly established Court Administration.
- Supply of hardware for courts (333 workstations).

Supply of equipment for training facilities (existing conference hall in Riga court building) (simultaneous interpretation equipment for 80 persons, data projector, copying machine).

The Conference hall is located in the newly built Court building in Riga, Abrenes street 3. The hall is suitable for the seminars with up to 80 persons. It is planned that seminars under this project will be held in that particular conference hall.

For successful work the Conference hall shall be equipped with simultaneous translation equipment, data projector, computer and copying machines that are foreseen under Component 2.

Means:
- Supply contract for 383 workstations to assist State investment project UCIS.
- Supply contract for equipment for Conference hall

3.5. Lessons Learned

- There is a need to increase “ownership” of the project – there should be a strong involvement of the beneficiary and responsible institutions in the management of the project activities and overall co-ordination and monitoring of the project;
- The success of the project to the great extent is related to the ability of PAA to understand the local situation and to be flexible in implementation of the project;
- It is important for the success of Twinning part of the project to choose a country where existing models are similar to the direction where the beneficiary is moving;
- There is a lack of scientific background in reform process, therefore the largest part of knowledge is achieved through practical experience;
- In order to receive qualified and efficient training according to work specifics of each of the involved institutions, several experts will be needed. Previous experience shows that the best result can be achieved through invitation of experts not only from governmental institutions, but also from non-governmental organisations.

4. Institutional Framework

The project will operate in following institutional framework:

- The Ministry of Justice that will be main implementing agency and will co-ordinate activities between different agencies; The project will operate within different departments of the Ministry of Justice that are involved in the creation of Court Administration: Department of Courts; Department of Finances; Department of Personnel.
- A three level court system (32 local courts, 5 regional courts and the Supreme Court);
- A non-profit organisation “Judicial Training Centre” that will be involved in the organisation of training seminars for judges and court personnel and planning of training programs under Component 2;
- A fully state owned company “Court house agency” that is supervised by the Ministry of Justice will be responsible for the Component 4 – Supply of equipment.

The Steering committee will be responsible for determining general directions of the project. It will control that the activities of project corresponds to the objectives of the Latvian Government and requirements of EU. It
will approve the corrections and additions to the project; monitor the process against plans; monitor expenditures against budget.

The Steering Committee will be called upon the request of project Leader or the chairman of the Steering Committee – Deputy State Secretary on Court Matters of the Ministry of Justice.

5. Detailed Budget

<table>
<thead>
<tr>
<th></th>
<th>Phare Support</th>
<th>Total Phare (=I+IB)</th>
<th>National Cofinancing</th>
<th>IFI TOTAL eligible costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Investment</td>
<td></td>
<td>Eligible costs</td>
<td>Non-eligible costs</td>
</tr>
<tr>
<td>Contract I</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twinning Covenant</td>
<td>870 000</td>
<td>870 000</td>
<td>87 000</td>
<td></td>
</tr>
<tr>
<td>Contract II</td>
<td>60 000</td>
<td>60 000</td>
<td>20 000</td>
<td>3 600</td>
</tr>
<tr>
<td>Supplies</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract III</td>
<td>870 000</td>
<td>870 000</td>
<td>290 000</td>
<td>52 200</td>
</tr>
<tr>
<td>Supplies</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>930 000</td>
<td>870 000</td>
<td>1 800 000</td>
<td>397 000</td>
</tr>
</tbody>
</table>

* Parallel co-financing. Parallel co-financing will be applied for covering of office costs for experts, infrastructure facilities and travel costs for national counterparts.

**Joint co-financing, excluding all taxes and duties.

6. Implementation Arrangements

6.1. Implementing Agency

Implementing agency of the project will be the Central Finance and Contracting Unit of the Ministry of Finance (CFCU). CFCU will be responsible for the financial and administrative management of the project in accordance with Extended Decentralised Implementation System.

Central Finance and Contracting Unit – Director
1 Smilšu street, Riga, Latvia, LV-1050
Tel: +(371) 7094342;
Fax: +(371) 7094348

Programme Authorising Officer – State Secretary of the Ministry of Finance
1 Smilšu street, Riga, Latvia, LV-1050
Tel: +(371) 7212726;
Fax: +(371) 7095413

The overall responsibility on technical implementation is under the Ministry of Justice:
SPO – State Secretary of the Ministry of Justice
Address: Brivibas blvd 36, Riga Phone: +371 7036802

6.2. Twinning

The responsible person for the project will be Deputy State Secretary, Ministry of Justice

The contact person within the Ministry for PAA will be Assistant to Deputy State Secretary.

6.3. Non-standard aspects

There will be no non-standard aspects regarding implementation of the project. Standard procedures of the Commission in accordance with Practical Guide to PHARE, ISPA and SAPARD contract procedures as well
as Twinning manual will be followed under Extended Decentralised Implementation System. Prior to EDIS accreditation, DIS will be followed. EDIS will apply from the date of accession at latest.

Ratio: if during project implementation the project cost for some reasons will decrease, the Phare financing will also decrease proportionally.

6.4. Contracts

Contract I - Twinning covenant: 870 000 EUR (parallel co-financing);

Contract II - Supply contract (Conference hall): 80 000 EUR (joint co-financing, excluding all taxes and duties);

Contract III - Supply contract 2 (Court administration and courts): 1 160 000 EUR (joint co-financing, excluding all taxes and duties).

7. Implementation Schedule

<table>
<thead>
<tr>
<th></th>
<th>Start of tendering/call for proposals</th>
<th>Start of Project activity</th>
<th>Project completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twinning covenant</td>
<td>IV Quarter, 2003</td>
<td>I Quarter, 2004</td>
<td>II Quarter, 2005</td>
</tr>
<tr>
<td>Supply contract 1</td>
<td>II Quarter, 2004</td>
<td>III Quarter 2004</td>
<td>IV Quarter 2004</td>
</tr>
<tr>
<td>Supply contract 2</td>
<td>II Quarter, 2004</td>
<td>III Quarter 2004</td>
<td>IV Quarter 2004</td>
</tr>
</tbody>
</table>

8. Equal Opportunity

The statistics show that approximately 70% of judges working in the court system of Latvia are women. In order to ensure gender equality equal opportunities to participate within the activities of the project will be given to both genders.

9. Environment

N/A

10. Rates of return

N/A

11. Investment criteria

11.2. Catalytic effect:

The implementation of this project will support creation of unified information system for judiciary, therefore it will increase the effectiveness of the administration of justice and ensure interoperability of information systems in judicial field.

11.3 Co-financing:

The Ministry of Justice will ensure the co-financing of the supply contract through State investment project Unified Court Information system. The estimated state financing for year 2004 is approximately 2 million EUR.

11.4. Additionality:

Phare grant will not displace other financiers.
11.5. *Project readiness and Size:*
Project will be ready for tendering process after the signature of Financing Memorandum. The technical specifications will be prepared during the III Quarter, 2003.

11.6. *Sustainability:*
The equipment provided to the responsible institutions will be maintained by their own means, the necessary costs will be envisaged in each institution’s yearly budget.

11.7. *Compliance with state aids provisions*
The project is in accordance with the Europe Agreement.

11.8. *Contribution to National development Plan*
N/A

12. **Conditionality and sequencing**

- For Implementation of Component I the Concept on establishment of court administration shall be accepted by the Cabinet of Ministers and establishment started in year 2004;
- Adequate co-financing for the project shall be guaranteed in the state budget for 2004 and 2005.

**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. Concept on Court administration.
### Annex I - Phare log frame

#### LOGFRAME PLANNING MATRIX

<table>
<thead>
<tr>
<th>Programme name and number</th>
<th>Contracting period expires</th>
<th>Disbursement period expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strengthening the Capacity of Latvian Judiciary</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Total budget: 2 197 000 | Phare budget: 1 800 000 |

#### Overall objective

**To improve the functioning of Judiciary in Latvia**

- Increased public confidence in the efficiency and capacity of the court system
- The backlogs of cases decreased

#### Project purpose

**To assist Latvia in building of the capacity of judicial system**

- Less complaints on the violations of procedural rules and time limits in court
- Trust of society in court system increased.

#### Results

**Twinning Guaranteed results:**

- The new Court administration is fully operational.
- Assessment and recommendations on improvement of the operation of court self-governing institutions (Judges conference, Judges disciplinary board) delivered.
- Assessment and recommendations on complaint procedures about judges delivered.
- Staff of the Court administration on central level and local level (courts) trained in court management issues and capable to work within new Court administration system.
- Ensured conditions for rational and effective disbursement of the funds allocated to the judicial system.
- Secondary legislative acts necessary for the functioning for the court administration are drafted and submitted to the Government for adoption.
- Management training programs and training materials for personnel involved in the court administration is available.
- At least one judge from each court and all Court administration staff is trained about court administration issues.
- Assessment of the Court administrations first year operation and plan for further development are delivered.
- Regular training programme and materials for court personnel education are delivered.
- 39 trainers are trained for court personnel training.
- Training plan and training program for potential judge candidates is delivered.

- Recommendations on operation of court self governing bodies submitted to the MOJ
- Recommendations on complaint procedures submitted to the MOJ
- Budget methodology submitted to the MOJ
- Secondary legislative acts on Court administration submitted to the COM
- Training programs and training materials for training of court administration staff
- 89 persons trained on court administration matters
- Assessment report on functioning of the CA submitted to the MOJ
- Psychological test for judge candidates elaborated and accepted by the MOJ

- Adequate financing from state investment project
- Sufficient staff capabilities
- Trained staff remaining in employment in public service

#### Sources of Information

- National, EU and international reports, studies and statistics, evaluation reports
- Project Reports
- National, EU and international reports, studies and statistics, evaluation reports
- Project Reports
- National, EU and international reports, studies and statistics, evaluation reports
- Project Reports
- Official statistics
- Mass-media
- Psychological testing system to assess candidate’s ability to work as a judge is available.
- Civil procedure rules evaluated and amendments ensuring simplification of procedures and introduction of alternative dispute resolution procedures are elaborated and submitted to the Government for adoption.
- Rules governing judicial co-operation in civil matters evaluated and amendments ensuring the effective international co-operation in civil matters elaborated and submitted to the Government for adoption.

Other results
- System for transmission of data between the Court administration and the courts installed and operational;
- Equipment for Conference hall installed in order to conduct effective training courses.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Component 1 – Assistance in the establishment of Court administration</strong></td>
<td><strong>Twinning (Components 1-3):</strong></td>
<td><strong>Twinning Covenant, Project reports</strong></td>
</tr>
<tr>
<td>- Provision of day-to-day advice to newly established Court administration agency staff.</td>
<td>- PAA: 18 m/m;</td>
<td>- Management and staff of all of involved institutions are committed to implement the project</td>
</tr>
<tr>
<td>- Review of the role and functions of the court self-governing (judges conference and disciplinary board) institutions and make recommendations to improve their institutional capacity.</td>
<td>- 2 Short term experts 4 m/m each;</td>
<td></td>
</tr>
<tr>
<td>- Review of the existing complaint procedure about judges and make recommendations for development of a new effective review model.</td>
<td>- 4 Short term experts 3 m/m each;</td>
<td></td>
</tr>
<tr>
<td>- Assisting on elaboration of methodology for budget estimation for each court and the central Court administration office. Assisting in the creation of state budget proposal for the courts in year 2005;</td>
<td>- 1 Short term expert – 6 m/m</td>
<td></td>
</tr>
<tr>
<td>- Assisting on elaboration of secondary legislative acts necessary for the functioning of Court administration (regulations of the Cabinet of Ministers, Instructions, etc.).</td>
<td>- Training seminars (12)</td>
<td></td>
</tr>
<tr>
<td>- Elaboration of permanent management training programs and training materials for personnel involved in the court administration (employees of the central Court administration office and court personnel);</td>
<td>- Study visit to EU member state (1 for 10 persons).</td>
<td></td>
</tr>
<tr>
<td>- 6 training seminars (each 2 days) for employees of central Court administration and court personnel involved in administration process. The possible topics for the seminars - court work management; personnel management; creation and effective disbursement of budget.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- 1 study visit to a Member state for 10 persons involved in court administration (duration – 5 days with a goal to become acquainted with Court Administration in other countries).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Assessment of Court administrations first year operation and elaboration of plan for further developments needed.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Component 2 - Human resource development**
- Development of a regular training programme and materials for education of court personnel (secretaries, assistants and other administrative staff).
- 39 trainers prepared for training of court personnel
- Amendments to the Civil Procedure Law submitted to the Cabinet of ministers

**Supply of equipment:**
- Supply contract for purchase of 50 workstations for the Court Administration; and for purchase of 333 workstations to assist State investment project UCIS
- Supply contract for equipment of Conference hall
- Training of trainers to deliver further training to court personnel according to the elaborated training plan.
- Elaboration of a training plan and training programme for potential judge candidates and of a psychological testing system to assess the candidates ability to work as a judge (according to the previously elaborated selection criteria for judges).

**Component 3 - Improvement of procedure rules**
- Evaluation of existing Law on Civil procedure and elaboration of proposals for amendments in order to shorten and simplify the existing procedures and to introduce alternative dispute resolution procedures;
- Elaboration of amendments to the Law on Civil procedure concerning international judicial co-operation in civil matters.

**Component 4 - Supply of equipment**
- Supply of workstations for the assistants to judges and staff of the Court administration to successfully accomplish State investment project that will create Unified Court Information System in the state (383 workstations in total).
- Supply of equipment for training facilities (existing conference hall in Riga court building) (simultaneous interpretation equipment for 80 persons, data projector, copying machine).

**Pre-conditions**
- For Implementation of Component I the Concept on establishment of court administration shall be accepted by the Cabinet of Ministers and establishment started in year 2004;
- Adequate co-financing for the project shall be guaranteed in the state budget for 2004 and 2005.
### ANNEX 2 Detailed Implementation Chart

<table>
<thead>
<tr>
<th>Institutional Building</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Twinning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Long term expert PAA (15 m/m)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day-to-day assistance for staff of newly established court administration</td>
<td>X X X X X X X X X</td>
<td>X X X</td>
</tr>
<tr>
<td>Review of existing complaint procedures and elaboration of recommendations</td>
<td>X X</td>
<td></td>
</tr>
<tr>
<td>Review of the role and functions of the court self-governing institutions and elaboration of recommendations</td>
<td></td>
<td>X X X</td>
</tr>
<tr>
<td>Assisting in assessment of training needs and elaboration of training programmes for Court Administration employees</td>
<td>X X X</td>
<td></td>
</tr>
<tr>
<td>Planning and organising of the study visit to a Member state for 10 persons involved in court administration (duration – 5 days with a goal to become acquainted with Court Administration in other countries);</td>
<td></td>
<td>X X</td>
</tr>
<tr>
<td>Assistance on elaboration of secondary legislative acts for successful operation of Court administration</td>
<td>X X</td>
<td>X X</td>
</tr>
<tr>
<td>Assessment of the first year operation of the court administration and elaboration of future development plan</td>
<td></td>
<td>X X X</td>
</tr>
<tr>
<td>Supervision of the project</td>
<td>X X X X X X X X X X X X</td>
<td></td>
</tr>
<tr>
<td><strong>Short term Twinning expertise (4m/m)</strong></td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Training programs and training materials for court administration</td>
<td>X X X</td>
<td></td>
</tr>
<tr>
<td><strong>Short term Twinning expertise (3 m/m)</strong></td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Elaboration of budget methodology</td>
<td>X X</td>
<td></td>
</tr>
<tr>
<td><strong>Short term Twinning expertise (3m/m)</strong></td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Training programs for potential judge candidates</td>
<td>X X</td>
<td></td>
</tr>
<tr>
<td><strong>Short term Twinning expertise (3m/m)</strong></td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Training plan for court personnel</td>
<td>X X</td>
<td></td>
</tr>
<tr>
<td><strong>Short term Twinning expertise (3 m/m)</strong></td>
<td>X X</td>
<td>X</td>
</tr>
<tr>
<td>Elaboration of the psychological test for selection of the judge’s candidates</td>
<td>X X</td>
<td></td>
</tr>
<tr>
<td><strong>Short term Twinning expert (6 m/m)</strong></td>
<td>X X X X X X</td>
<td></td>
</tr>
<tr>
<td>Evaluation of the Civil Procedure rules</td>
<td>X X X X X X</td>
<td></td>
</tr>
<tr>
<td><strong>Short term Twinning expertise (4m/m)</strong></td>
<td>X X X</td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>International judicial co-operation in civil matters</td>
<td>X X X X</td>
<td></td>
</tr>
<tr>
<td>Training seminars (6) for Court administration staff and staff of court involved in the court administration</td>
<td>X X X</td>
<td></td>
</tr>
<tr>
<td>Training of trainers</td>
<td>X X X</td>
<td></td>
</tr>
<tr>
<td><strong>Supply</strong></td>
<td>X X X X X</td>
<td></td>
</tr>
<tr>
<td>Purchasing of equipment for Conference hall</td>
<td>X X X X</td>
<td></td>
</tr>
<tr>
<td>Purchasing of the workstations for the Court administration and courts (383 items in total)</td>
<td>X X X X X</td>
<td></td>
</tr>
<tr>
<td>Contract</td>
<td>Year</td>
<td>I</td>
</tr>
<tr>
<td>----------</td>
<td>------</td>
<td>----</td>
</tr>
<tr>
<td>Contract 1 – Twinning Covenant</td>
<td>2004</td>
<td>870 000</td>
</tr>
<tr>
<td></td>
<td>Phare</td>
<td>870 000</td>
</tr>
<tr>
<td></td>
<td>Phased total</td>
<td>696 000</td>
</tr>
<tr>
<td></td>
<td>National</td>
<td>17 400</td>
</tr>
<tr>
<td>Contract 2 - Supply of Equipment for Conference hall**</td>
<td>2004</td>
<td>80 000</td>
</tr>
<tr>
<td></td>
<td>Phare</td>
<td>60 000</td>
</tr>
<tr>
<td></td>
<td>Phased total</td>
<td>48 000</td>
</tr>
<tr>
<td></td>
<td>National</td>
<td>12 000</td>
</tr>
<tr>
<td>Contract 3 – Supply of 383 workstations for UCIS**</td>
<td>2004</td>
<td>1 160 000</td>
</tr>
<tr>
<td></td>
<td>Phare</td>
<td>870 000</td>
</tr>
<tr>
<td></td>
<td>Phased total</td>
<td>696 000</td>
</tr>
<tr>
<td></td>
<td>National</td>
<td>174 000</td>
</tr>
</tbody>
</table>

* Parallel co-financing - will be applied for covering of office costs for experts, infrastructure facilities and travel costs for national counterparts.

** Joint co-financing
ANNEX 4

JUDICIAL ADMINISTRATION CONCEPT

1. DESCRIPTION OF PROBLEM

Article 1 of the Law “On Judicial Power” provides that in the Republic of Latvia independent judicial power exists alongside the legislative and executive powers. Judicial power in the Republic of Latvia is exercised by District (Town) Courts, Regional Courts, the Supreme Court and the Constitutional Court. According to the provisions of Article 3 of the Law “On Judicial Power, every person in our country is guaranteed the right to have his/her rights and obligations and the validity of accusations against him/her determined before a just and independent Court on a basis of total equality, observing all the requirements of justice.

Regardless of the important role of judicial power in the strengthening and further development of the principles of a democratic country, since May 4, 1990, when the independence of Latvia was declared, no one has ever declared the development of the judicial system a national priority. The fact that judicial matters have not been designated a priority in the country has delayed the progressive development and modern administration of the judicial system.

After a careful analysis of operations of the administrative institutions of Courts and the judicial system, problems can be found in the organization of Court work, the policy for selecting and training of Judges, maintenance and management of Court buildings, and in the administration of the judicial system as a whole.

The budget of Courts (Regional and District (Town) Courts) is planned and prepared by the Ministry of Justice. Also, the allocated budgetary funds are used by the Ministry, i.e. the performance and control of the Court budgets is ensured centrally. Not only does this model of administration of funds not ensure the objective division of funds among specific Courts, it also creates a situation where structural units of the Ministry of Justice are financed from funds intended for the maintenance of Courts and vice versa. Also, under this situation each Court is dependent on the goodwill of the Ministry of Justice (executive power) for the allocation of funds. Under this system for allocation of funds it is not possible to ensure an effective economy of funds: efficient planning and thus a rational use of funds are not possible.

In its turn, the Department of Courts, a part of the Ministry of Justice, performs such functions as managing the organization of work of all District (Town) and Regional Courts, supervision of the organization of work of all District (Town) and Regional Courts; organizing and preparing statistical data of Court work, organizing review of complaints, submissions and recommendations. Other structural units and agencies of the Ministry of Justice attend to matters of the business side of the Courts.

Under the present situation the Ministry of Justice in fact performs functions related to the administration of specific Courts, although the duty of the Ministry as an executive institution is to determine goals and decide the general policy in the area of judicial administration.

At present training of Judges is provided in the form of courses and seminars organized by the limited liability company “Latvian Judicial Training Centre”, but in fact the Department of Courts of the Ministry of Justice is very much involved in their organization, thus the performance of this function is unnecessarily doubled.

The non-profit organization State joint stock company “Court Building Agency” looks after the maintenance of the State owned buildings; at the same time the Department of Administrative Management and Strategy of the Ministry of Justice is also concerned with the management of buildings. The lack of uniformity in this area, too, does not promote the optimal use of funds and other resources.

In view of the above, one of the main factors hindering the development of the judicial system is the manifold number of institutions and agencies responsible for ensuring the operations of the judicial system and thus the scattering of functions ensuring the work of the Courts. At present not only structural units of the Ministry of Justice are involved in ensuring the functioning of the Courts, but also the non-profit organization State joint stock company “Court Building Agency” and the limited liability company “Latvian Judicial Training Centre”.

It should also be noted that all the above affects the transparency of Court work, which is assured in democratic countries, but is not characteristic of the Latvian judicial system as a whole.

The above mentioned functional disorder reduces the efficiency of administering the judicial system.
At present the situation in the judicial and interior areas or the third whale of the EU is emphasized as an important standard in evaluating EU associate countries. According to the Report of the Parliament of Europe (September 4, 2001) it is necessary for Latvia to implement consistent and progressive reforms in the administration and judicial systems and anti-corruption movement. Similarly, it should be noted that according to the Latvian National Programme for Joining the EU, the determining and resolving of problems existing in the administration of the judicial system is a priority in shaping and strengthening the Latvian judicial system.

The Objective

It is important for the Ministry of Justice, as a central institution of the executive power, to target its activities mainly towards the drafting and implementing of a national policy in the judicial area and improving the legal system.
In turn, all functions relating to the practical and organizational management of Court work and management of business matters of the Courts should be moved to the authority of the Judicial Administration, and thus the idea could be realized of an efficiently functioning judicial power, independent of the executive power, able to operate as an effective mechanism for the protection of public rights and interests. The objective of this concept - secure real independence for the judicial power.

2. CONSEQUENCES OF NON-PERFECTION OF THE ORGANIZATIONAL MANAGEMENT OF THE JUDICIAL SYSTEM

Unless the organizational management of the judicial system is reformed, its efficient functioning and work meeting present demands will be difficult.
1. The functioning of a maximally efficient judicial system is not possible if the present lack of uniformity in ensuring Court work continues. Without aligning this issue the consistent realization of other reforms in the Judicial system will also be impossible.
2. While the present organization of the work of the judicial system exists, the effective and rational use of funds of the national budget is not and will not be possible.
3. Retaining the present role of the executive power in the judicial system, judicial power will never be sufficiently independent because its work is mainly (if not completely) dependent on the goodwill of the executive power.
4. The lack of conformity of functions, the inefficient use of national budget funds, the considerable influence of the executive power in providing for the Courts are the main facts affecting the timely hearing of cases in Courts. At present, while funding for Courts is centrally planned, it is not possible to determine the needs of each specific Court. However, by handing over the budget to each specific Court, the Chairperson of the Court could decide which specific targets or tasks should be allocated more funds in order to ensure the rapid and efficient work of the Court. Without addressing these issues it is impossible to prevent the main causes of inefficient work of the Courts.
5. While the present inefficient system of Court administration exists, it is not possible to efficiently and rationally provide for the Courts. The Courts still lack necessary equipment which in turn delays deadlines for hearings of cases and efficiency of Court work as a whole.

3. ESTABLISHING THE JUDICIAL ADMINISTRATION

By entrusting all functions related to ensuring Court work to one agency - Judicial Administration - an optimal administration of Court work would be achieved.
The Judicial Administration first of all ensures the performance of the following functions:
- organizational management and planning of development of the judicial system;
- compilation and analysis of the statistics of Court work;
- providing a material and technical base;
- calculation of necessary financial resources and preparation of budgets for the Courts and the Judicial Administration;
- development of a training programme and regular training of all Judges and Court staff;
- provision of information, horizontally and vertically;
- informing the public on current issues in the judicial system.
Experience of the European countries has shown that an agency that specializes in the administration of the judicial system is able to perform the relevant functions much better and more efficiently, saving on financial resources which would be required by several institutions performing these functions, time resources, which are required to pass information from one institution to another, and raising the trust of the Courts in the executive power, because the Judicial Administration is actually able to resolve problems immediately because these are the only problems this institution is dealing with. The Judicial Administration as a model of an efficiently functioning administration of Court work exists in countries such as Sweden, Great Britain, Ireland and others.

It should be noted that by establishing the Judicial Administration, administration and use of budgetary funds allocated to the judicial system would be rationalized and improved. The Department of Budgets and Finances of the Judicial Administration would prepare application for funds needed by the Courts and the Judicial Administration in accordance with the resultative indicators of the previous accounting period. By establishing the Judicial Administration, each specific Court would be allocated funds, the use of which is decided by the Chairperson of the specific Court.

By implementing these reforms in the area of judicial administration, the present system of the Landbooks Branches would also be changed. As a result of the re-organization Landbooks sections would be established at District (Town) Courts, allowing a saving of funds necessary for the administration of Landbooks Branches.

In conclusion it should be said that by establishing the Judicial Administration, the consistent application of the principle of independence of judicial power provided in the Constitution of the Republic of Latvia and the Law “On Judicial Power” would be strengthened.

When the Judicial Administration is fully operating by January 1, 2006, its structural units will perform these basic functions:

- **Personnel** - attends to the paperwork when hiring staff, writes orders and instructions, handles all personnel matters of Judges and staff of the Judicial Administration. Court staff is hired by the Chairperson of the Court and personnel matters for these employees are handled by the Court itself;
- **Training** - attends to the training of Judges and Court staff, making use of the resources of the previous Judicial Training Centre;
- **Business and management** - handles the writing and signing of all contracts and agreements for the Judicial Administration and in some cases also for specific Courts, and ensures the provision of inventory, equipment etc. needed for the work of the Judicial Administration;
- **Property management** - manages the maintenance of all Court buildings and the premises within these, prepares and draws up plans for necessary repairs to Court buildings, etc.;
- **Office** - handles all office work;
- **Bookkeeping (Accounting)** - does all bookkeeping and accounting of the Judicial Administration and the Courts until December 31, 2004. Afterwards this Department co-ordinates the bookkeeping and accounting of Courts and compiles all accounting information;
- **Planning** - estimates the income and expenditure for Courts, performs analysis of economic indicators;
- **Finances** - draws up estimates and plans for financing, controls the financial flow, monitors the performance of Court budgets;
- **Technology Development** - prepares and draws up plans for introducing and replacing Court information technology;
- **Technical Branch** - ensures operation of computers and the computer network;
- **Electronic Landbooks Branch** - is responsible for the use and maintenance of the electronic Landbooks system;
- **Court Informative System** - is responsible for maintenance and use of the Court informative system;
- **Statistics and Analysis** - compiles and analyzes statistics on Court work;
- **Methodology and strategic development** - consults Courts on organizing Court work and prepares recommendations and suggestions in this area;
- **Court organization** - supervises work organization in Courts (in Option 3 this Department stays with the Ministry of Justice);
- **Department for Drafting Normative Acts** - drafts normative acts related to judicial administration (in Option 3 this Department stays with the Ministry of Justice);
- **Compensation** - within its authority reviews claims for compensation in cases where a person has been wrongfully convicted (in Options 2 and 3 this Department stays with the Ministry of Justice);
Judicial co-operation - within the functions delegated to the Ministry of Justice, co-operates in matters of international judicial co-operation (in Options 2 and 3 this Department stays with the Ministry of Justice).

Possible options of the legal status of the Judicial Administration:
- Institution of the judicial power.

- The Judicial Administration is an independent institution of the Judicial Power

The Judicial Administration is an institution of the judicial power. It is headed by a Director General, selected by tender and approved by the Council of Judicial Power.

The budget application for the year 2006 and from then on each Court prepares itself and submits it to the Judicial Administration which compiles these. Thus the influence of the executive power on the system for funding of Courts is reduced. The functions of the Department of Courts remain in part with the Ministry of Justice - international judicial co-operation and compensation in case of wrongful conviction.

From January 1, 2005, based on the changes in legislation already effected by then, the Judicial Administration is established as an institution of the judicial power.

This model has a positive factor, that an optimal division of functions is achieved between the Ministry of Justice and the Judicial Administration, and the influence of the executive power on the system for funding of Courts is significantly reduced.

The salary of the Director General of the Judicial Administration is equal to that of the Chairperson of the Supreme Court; Salaries of the Directors of Departments of the Judicial Administration is equal to that of Chairpersons of Regional Courts; Salaries of Heads of Branches of the Judicial Administration is equal to that of Chairpersons of District (Town) Courts; salaries of employees of the Judicial Administration is equal to that of Judges of District (Town) Courts.

To establish the Judicial Administration one time investments and annual costs will be required, including salaries.

Since it is expected to establish the Judicial Administration gradually, the anticipated costs, too, are divided in accordance with the stages of establishment. The costs of establishing the Judicial Administration in 2004 are kept the same for all options by re-organizing existing and setting up new staff positions at the Ministry of Justice with a view to include the new posts in structural units of the Judicial Administration in 2004.

4. STAGES OF ESTABLISHMENT OF THE JUDICIAL ADMINISTRATION

Stage 1.

The first stage begins in 2003.

Council of Judicial Power
A Council of Judicial Power is established, members of the Council of Judicial Power representing the Courts are elected at the Judges Conference by secret vote for a term of 4 years.

Court Budget
The budget application of District (Town) and Regional Courts for 2004 is prepared by the Ministry of Justice. When preparing the budget for 2004, 2 bookkeeping (accounting) programmes are developed: the Court budget programme, the Landbooks budget programme.

In 2004 the Courts provide a staff position for a Court administrator.

The budget for 2005 provides funding for Court economists and personnel managers.

Establishing the Judicial Administration
By July 1, 2004 individual sections are established in existing Departments of the Ministry of Justice - Court personnel management section in the Department of Personnel Management; Court administrative management section in the Department of Administrative Management, also providing for additional staff positions of information specialists; Court bookkeeping section in the Planning and Finance Department. The sections are formed using existing staff of the Ministry of Justice, also establishing new staff positions.

A separate budget is planned beginning January 1, 2005 to provide for the operations of the Judicial Administration.

In 2004 the Judges Conference elects members of the Council of Judicial Power representing the Courts. By July 1, 2004 the Director General of the Judicial Administration is appointed.

Necessary preparations are made to take over the functions of the Judicial Training Centre by the Judicial Administration.

*When taking over the functions of the Judicial Training Centre, the funding allocated to the Judicial Training Centre, is transferred to the Judicial Administration to carry out the relevant functions.*

By December 31, 2004 amendments must be made to the Law “On Judicial Power” and in the Law on Landbooks.

### Stage 2.

The second stage begins January 1, 2005.

Starting January 1, 2005, the Judicial Administration begins operations as an independent institution.

#### Council of Judicial Power

The Council of Judicial Power consults the Director General of the Judicial Administration.

#### Budget

The Judicial Administration has its own budget programme. In 2005 the Court budget is divided under the programme “Regional Courts” and the programme “District (Town) Courts”. Court economists begin work, whose duties will include preparation of the budget application for 2006 for each Court. The 2006 budget of each Court provides funding for a bookkeeper.

During this period a separate budget is prepared for each Court, to be separated from the joint Court budget.

#### Personnel

Court staff is hired by the Chairperson of the Court, but the payroll is prepared centrally by the Judicial Administration. The Judicial Administration prepares and compiles all necessary information to prepare character references for appointing and confirming Judges and Court Chairpersons, their Deputies and Panel Chairpersons, but these are appointed by the Minister of Justice. Orders for Judges’ business travel and holidays are written by the Judicial Administration.

The Judicial Administration makes preparations to take over functions of the Court Building Agency. At present operations of the Court Building Agency are not funded from the budget, thus when taking over the functions of the Agency, the Judicial Administration must budget for the necessary funds, which will depend on the chosen Judicial Administration model (option).

### Stage 3

The third stage begins January 1, 2006.

The Judicial Administration re-organizes its staff, adjusting it to Court work.

Beginning January 1, 2006 Landbooks Branches are moved to District (Town) Courts, establishing Landbooks sections at District (Town) Courts. The budget of each Landbooks Branch is included in the budget of the District (Town) Court.

#### Budget
Beginning January 1, 2006 each Court will handle its own allocated budget funds. The budget of each District (Town) Court has included in it the budget of the relevant district or town Landbooks Branch. Each Court prepares its own budget application and submits it to the Judicial Administration.

**Personnel**
The Chairperson of the Court hires and fires its staff, gives orders and instructions concerning holidays and business trips of Judges and Court staff. Salaries of Judges and Court staff are calculated and paid by the Court itself.
The Judicial Administration provides all information at its disposal required for the appointment and confirmation of a Judge. Judges are forwarded for appointment by the Ministry of Justice.

5. **AMENDMENTS TO NORMATIVE ACTS NECESSARY FOR THE IMPLEMENTATION OF THE CONCEPT**

To implement the concept, amendments are necessary to the following normative acts  
1) Amendments to the Law “On Judicial Power”, providing for changes regarding the organizational management of Courts, including the establishment of the Judicial Administration and its functions, increase in functions and responsibility of Chairpersons of Courts;  
2) Amendments to the Law on Landbooks, reviewing the organizational and technical maintenance of the united computerized Landbooks.  
3) Amendments to the Regulations of the Cabinet of Ministers No. 271 of July 29, 1998, “The Founding Law of the Ministry of Justice”, reviewing the functions and duties of the Ministry of Justice concerning the organizational management of Courts and, if the Judicial Administration is established as an institution or agency under its supervision, adding to the list of institutions under its supervision.

To implement the concept, the following normative acts need to be drafted:  
1) Regulations of the Cabinet of Ministers, “The Founding Law of the Judicial Administration” (if the Judicial Administration is established as a State Agency, Regulations of the Cabinet of Ministers, “Founding Law of the Judicial Agency”).

*The Ministry of Justice is to be charged with the responsibility of drafting the normative acts.*