1. Basic Information
1.1. CRIS Number: 2003/005-710.03.08  
Twinning number: 2003/IB/JH/05
1.1. Title: Support for the justice system
1.2. Sector: Justice and Home Affairs
1.3. Location: Poland

2. Objectives
2.1. Wider objective
Preparation of the Polish justice system for functioning within the area of freedom, security and justice, strengthening its administrative capacity, reinforcing the independence of the judiciary.

2.2. Immediate objective:

2.2.1 Justice closer to citizens; reinforcement of the first tier of the judicial system (sady grodzkie i rejonowe)
2.2.2. Better system of selection, assessment and promotion for the judiciary
2.2.3. Improvement of effectiveness of combating organised crime
2.2.4. Crime prevention through improvement of effectiveness of the post-penitentiary assistance system and tackling of youth criminality
2.2.5. Better knowledge of European law
2.2.6. Automation of procedures

2.3. Reference to AP (Accession Partnership) and NPPM (National Program of Preparation for Membership in EU) Priorities
Accession Partnership:
- Improve the functioning of the judicial system by measures to upgrade recruitment, training, logistical and clerical support; improve public access to the law;
- Continue preparation for future participation in the Schengen Information System by developing national databases and registers.
- Ensure full co-operation between national and EU law enforcement agencies by providing necessary administrative and logistic support;
- Take the necessary steps in order to ensure the implementation of the Community instruments in the area of judicial co-operation in civil matters.
- Improve the internal co-operation within the police, with other law enforcement agencies and with the judiciary in particular to strengthen the fight against organised crime and eliminate overlapping investigations.
- Adopt and implement a strategy to combat money-laundering and economic crime
- Take the necessary steps to complete alignment with the Convention on the Protection of the Communities’ Financial interest and its Protocols
- Implement a comprehensive anti-corruption policy.
National Program of Participation for Membership in EU:
- Better preparation of judges and public prosecutors for mutual legal assistance (knowledge of legal regulations, practice of mutual legal assistance and foreign languages)
- Creation of a modern technical infrastructure (computerisation) in the courts and prosecutors’ offices dealing with mutual legal assistance.

2.4. **Contribution to the National Development Plan**
Not applicable

2.5. **Cross Border Impact**
Not applicable

3. **Description:**
As a result of implementation of pre-accession strategy a wide convergence of Polish legislation to EU standards in the field of co-ordination of proceedings, mutual recognition of decisions and protection of rights of individuals has been achieved. The effective enforcement of above-mentioned law requires upgrading institutional capacity of the justice system. To eliminate the most essential obstacles in effective functioning of courts and public prosecution offices as well as to assure effective law enforcement, support from PHARE programme and Polish co-financing will be addressed to different units of the justice system. *Acquis communautaire* in area of “justice and home affairs” (JHA) is the basis to define the project, including the e-Europe objective of e-administration.

3.1 **Background and justification:**
The justice system plays the main role in applying the rule of law. The effective functioning of the judicial system shapes the social relations, consolidates the primacy of the mechanisms of democracy and feeling of security in society. Independence of the judiciary is established under the Constitution and guaranteed by a number of institutional tools (like f.i. the separate part in the State budget voted by the Parliament, way of nomination, nomination for life, role of the judicial self-government, etc.).

Analyses prepared by the European experts as well as study visits in the Member States of the EU have shown the scope of needs of the justice system in the area of improvement of its functioning. As a result, the legislative changes have covered, among others, the simplification of civil and penal procedures, changes in the court structure (introduction of “grodzkie” divisions dealing with petty cases), management (establishment of the position of the administrative director, increase of the number of administrative posts). It is not possible, without the significant infrastructure input, to get an effective support to the running legislative and organisational changes. PHARE project plays the fundamental role in the informatisation of Polish judiciary. The IT rate of penetration stands (as per 31.12.2002) at 30%.

Poland has undertaken to change the system of training. It has set a body responsible for that work – Centre of the Training for the Judiciary. Within the budget of the Ministry there is a separate credit line for the training, managed by the Centre. The Minister of Justice has approved the framework programme which contains the strategy for years to come. Its realisation started in September 2002. The Minister in the course of the programme implementation has already adopted a number of executive acts with regard to selection and training. The exhaustive list has been provided to the EC under monitoring procedure. They deal with standard programme of training for to-be-judges and prosecutors, judicial clerks, etc. The Ministry of Justice expects that its efforts shall be supported under the PHARE project.

In the recent years some Member States and Poland have elaborated new mechanisms of co-operation, based on experience of the EU. Decentralisation of mutual judicial assistance is a part of them. Poland, invited by the EU institution, like the other candidate countries, has
actively participated in the European Judicial Network, Eurojust and OLAF. Effective co-operation in combating transborder crimes relies i.a. on the efficiency of the national prosecution system, including unified IT system capable to provide secure communication with counterparts in the European Union. The level of knowledge of the role of the national courts in applying European law has increased. Many judges and public prosecutors have got acquainted with European legal regulations in the field of legal co-operation in civil and criminal matters, combating organised crime, state aid and consumer protection, intellectual property protection, etc.

Inspired by the Commission’s initiative the Ministry decided to reinforce the prevention policy. The project provides for the support of the NGO’s active in this field.

3.2 Linked activities:

- Polish justice system benefits from the growing support of PHARE programme. PHARE 1998 project supported different aspects of functioning of the justice system, in particular combating organised crime. Participation in PHARE 1999 project PL9904.04 (jointly with the Ministry of Administration and Home Affairs) influenced mainly increase of the institutional capacity of the special divisions for combating organised crime in Polish public prosecutors offices. In the framework of PHARE 2000 project conducted jointly with the Ministry of Culture, seminars for judges and public prosecutors on intellectual property protection are foreseen. The main goal of PHARE 2001 project is to improve combating of organised crime and corruption. PHARE 2002 project is focused on improvement of access to justice and creation of the basis for the IT infrastructure of the justice system. All those projects were in compliance with acquis requirements connected with co-operation of the justice systems of the Member States in the field of international legal transactions in civil and criminal matters.

- PHARE is the main source of foreign assistance for the justice system. It reflects also most widely the Polish needs connected with the necessity of making up the delays in the field of infrastructure, including the evolution to the modern information society. In Poland, the seminars on European law are conducted, co-financed by Polish and Member States of EU governments (Spain, Denmark) or foundations based in the Member States (Germany).

- A number of seminars has been organised by TAIEX, ERA, EIPA

- Aspects of transborder criminality (including money laundering) are also tackled under the bilateral co-operation with USA.

- Access to the court is being dealt under PHARE 2001 project.

1. Justice closer to citizens

1.1. According to data of 1 January 2003 there are 327 grodzkie divisions in district courts, established on the basis of the regulation of the Minister of Justice of 26.09.2001. This number constantly increases following the “justice closer to citizens” programme. In the framework of PHARE 1998 programme 282 computers and 230 printers have been purchased for the first group of judges from grodzkie divisions. Thus the ratio of equipment has achieved the level of 0.89 PC per court. At the same time the Ministry has launched the homologation of the specialised software accessible on the market. It contains the function to set up registers, registration of the collective claims transmitted electronically, assistance to exchange letters with external bodies, report generation, use of electronic signature (its obligatory implementation in 2004-2006 stems from already approved legislation).
1.2. In 2000 the Ministry of Justice elaborated the software applications for trial recording –
sets of unified templates based on the standard text editor and co-operating with the
software of the legal database. The Ministry of Justice financed 320 notebooks and
workstations (PC). Training for users (judges and recording clerks) were conducted
jointly with The Association of Judges “Iustitia”. The second stage of realisation of the
project (1700 courtrooms) is covered partially by PHARE 2002 (purchase of 600
workstations and 150 laptops) and national budget (in 2002 purchase of 150 sets and in
2003 successive purchase is planned). The specialised software as well as training will be
financed by national budget.

1.3. The Warsaw courts have become famous (even in Commission regular reports) for their
backlogs. While this can be explained by the presence in this city of most of the HQ of
moral persons, the steady extension of the jurisdiction of courts nevertheless the radical
steps are to be taken. By the end of 2002 (in the mid of preparation of the present project)
the Ministry has already bought the buildings for two regional (rejonowy) Warsaw
courts. The works shall be implemented in 2003 (necessary funds have been earmarked
in the Ministry budget) and probably in 2004 this PHARE project shall allow to equip
these courts with some necessary tools. Two “rejonowy” courts in eastern part of
Warsaw shall have: Praga Północ court - 81 judges, 169 administrative staff, 30
probatory officials, in total 280 persons; Praga Południe - 249 persons, including 71
judges.

1.4. As transborder cases are being multiplied the support for the mutual legal assistance,
better legal aid in transborder case shall continue under present project. Poland has been
integrated with both (civil and criminal) European Judicial Networks, has established
national contact point for Eurojust. There are 4 active national EIN sub-networks
(European law, human rights, MLA for judges and prosecutors, MLA for
“referendarze”). Number of trainings has been conducted under successive PHARE
programmes (1998-2002) under through TAIEX.

2. Better system of assessment and promotion for the judiciary

2.1. The Ministry of Justice has been conducting several activities focused on unification of
training and recruitment system. For two years the entrance exams for judges or public
prosecutors application have had place at the same time and on the basis of the same for
all candidates test. The same applies to the case studies for final exam for judges and
public prosecutors, which are prepared in the Ministry of Justice. The Ministry of Justice
has also elaborated the curriculum of training for judges and public prosecutors
applicants, which contains the list and time schedule of the subjects. Separate chapter
deals with European law. The system of training of “referendarz” (judicial clerk)
(obligatory participation in the central training) as well as recruitment system (positive
result of the exam in front of the central commission is the pre-condition for nomination)
has been partially centralised too. The analysis of the Polish recruitment and training
system for the purpose of the justice system was envisaged under PHARE 1998 project.
Minister of Justice approved the guidelines, elaborated by the multidisciplinary team, by
the end of August 2002. On 01 of November 2002 new organisational unit of the
Ministry – Department – Centre of the Training for the Judiciary started its activities. It
has become an associated member of the European Judicial Training Network.
The whole process shall be implemented on successive stages. Under PHARE 2001 an
assessment mission has been conducted by Spanish experts. A comprehensive report shall
presented before the end of 2001 twinning. Under the present project Poland envisages to
conclude the standardisation of its training system with regard to all groups of staff
(judges, prosecutors, administrative staff, penitentiary service).
3. Combating organised crime

2.1 In the framework of PHARE 1998 and 1999 projects number of activities (seminars and study visits) for the staff of the public prosecution have been conducted. They have been focused on:

- study of the structures of bodies involved in combating of organised crime and international legal co-operation in particular EU countries;
- introduction of new acquis, including the 2000 EU Convention on mutual assistance, in particular the video hearing, joint investigative teams and telecommunications interception;
- study on the new methods of works and tactic of combating such offences as: corruption, money laundering, drugs offences, international terrorism, trafficking of human beings, etc.
- study on genesis, competencies and practice of functioning such European institutions as i.e. Europol, EUROJUST, OLAF.
- improvement of the level of the foreign languages knowledge

In 1994 first divisions (within the prosecution service) for combating organised crime were established. At present, there are 27 units of public prosecution offices working on this subject (19 on circuit level and 8 on appellate level). Work is co-ordinated by the Bureau for Combating Organised Crime at National Prosecutor’s Office. It is also responsible for ongoing co-operation with Eurojust. In the framework of PHARE 1998 and 1999 basic teleinformatic structure was set up (local networks and start of e-mail national network). The MoJ has financed cost of local networks (LAN) and connection to nation-wide network, based on PESEL-NET. The process of connecting investigation divisions of the district offices of prosecution service to the network will continue within the framework of PHARE 2001 following the same principle. In the framework of PHARE 2001 at least 10 (from 324) district offices of prosecution service will be connected to the network. The Polish side will pay the elaboration of the specialised software (agreement with the contractor was signed in August 2002). The software will allow creating electronic files (dossier) on the local level. Implementation of the project in the pilot units is planned in 2003. Work on the functionalities of the software of the central database of the prosecution service is being continued. The central database will facilitate coordination of proceedings and will allow exchanging information between units of the public prosecution service, as well with the National Centre of Criminal Information and the other national electronic registers. It is of crucial importance for the efficiency of combating the organised crime. There are 5,000 prosecutors and also administrative staff working in the public prosecution service. Each year there are more than 1,6 million new cases. The close co-operation with the Central Investigation Bureau (CBS), as well as with KCIK and other enforcement services shall continue.

In the framework of PHARE 1999 and 2001 activities focused on the role of the penitentiary system in combating of organised crime have been foreseen. In the recently completed PHARE 1999 project seminars on management of prisoners and proceedings related to dangerous prisoners have been conducted. Modernisation of the system of information exchange between pre-trial detention centre and the public prosecution units and courts will be launched under PHARE 2001. This work shall continue under PHARE 2003. However, the specific needs of vulnerable prisoners (drug abusers, minors) shall be addressed as well under immediate objective 4.
4. Crime prevention

In Poland, as in the EU, there is a growing understanding that besides the efficient investigation and prosecution, there is a need to tackle the sources of criminality. Poland was invited to participate in the European programme “Hipocrates”. Poland has appointed the national contact points and accepted the European regulation and recommendations in the field of victim’s rights and procedures with particular sensitive groups (minors, drug addict, and HIV affected persons, etc.)

Activities conducted in the framework of post-penitentiary assistance are financed from the fund created on the basis of art. 43 of the penalties execution code. It consists of 10% salary for work of persons sentenced for imprisonment. As per 31 December 2001 there were 36,000 persons (incl. 26,000 recidivists) bearing the penalty of 1-3 years of imprisonment for petty offences (i.e. petty thefts). Low effectiveness of social re-adaptation received under existing system of post-penitentiary is one of the reasons for this state of things. Activities connected with providing assistance to people who leave the penitentiary establishments are exercised by the court curators and the Prison Service, who co-operate in this field with numerous non-governmental organisations.

3.3 Results/Outputs
- more effective application of the new legislative instruments, introduced into the Polish legal system as a result of implementation of the European law
- better system of training and assessment based on the unified, transparent procedures and standardised across the country
- introduction of the electronic forms, necessity for litigant party to send documents in electronic form; more efficient treatment of small cases;
- development of electronic data exchange between units of the justice system and other public bodies; acceleration of the exchange of information; cross-checking of information; avoidance of overlapping proceedings
- rationalisation of management through introduction of IT into registries and reference files; public prosecutor offices linked to the central database.
- dissemination of trial recording through usage of digital record, resulting in shortening the average time of court proceedings
- improvement of access of the citizens to information, facilitation of information exchange between participants of criminal and civil proceedings
- preparation of judges for juvenile proceedings, introducing new medical activities for minors, better co-ordination of functioning of the non-governmental organisations which provide assistance for condemned persons and their families; better access to information on sources and types of assistance, decrease percentage of recidivists among condemned.
- successful introduction of IT pilot scheme for one of Warsaw first tier courts; reduction of backlogs in Warsaw courts;
- better knowledge of European law;

3.4. Activities

Investment

Contract 1 – Purchase of computer hardware (components 1-3)

Modernisation of the justice system, including purchase of the IT equipment for the ca 70 (out of over 300) borough courts (grodzkie), prosecution service, penitentiary service, for trial rooms (200 workstations and 80 laptops) and two Warsaw rejonowy courts.

The borough courts are closest to citizen. A number of companies have already developed software suitable for introduction in the courts. The Ministry has started the
process of its homologation in order to guarantee both the quality of software and an opportunity of market choice of an IT system for courts directors.

Purchase of PC for prosecution service is both dependant on the development of software and Polish investment in the telecommunication safe network. One part of software is already tested in pilot locations (local case management). The central database project shall start in 2003 (a tender concerning setting up the central database SIP is going to take place in 2003). Local software already contains necessary communication protocols to enable it to cooperate with central database.

The Ministry of Justice shall purchase the building for Warsaw courts (appr. value 4 mln euro), finance the works as well as equipment, including LAN and server. PHARE shall finance the purchase of PC. The Praga courts shall serve as pilot site for the complete informatisation (over 530 PC and set of applications) of first tier court “rejonowy”.

The trial recording is a follow up of successful programme launched together with NGO “justitia”. Activities shall focus on the training of court clerks in the court districts where the equipment shall be installed.

The purchase of equipment for CZSW (central board of penitentiary services) shall support the development of the central data base (start of project under Phare 2001) of detainees and coordination of activities of penitentiary services with courts, police and prosecution, as well territorial extension of access.

Within the SIP system, the further development of software is envisaged and ca. 20 district (“rejonowy”) prosecutor’s offices are to be connected.

The investment amount has been calculated on the basis of prices obtained under present PHARE scheme.

**Contract 2 – Training Centre**
Specialised equipment for Kalisz Training Centre for the Penitentiary. The growing number of dangerous prisoners requires more specialised training of the officers. They have to learn how the sophisticated equipment works. The Penitentiary Board intends to equip the existing training centre in Kalisz with equipment enabling its staff to become familiar with it. This would include a dumb prison cell allowing for simulation of different risks and situations. The purchase of different detectors, arms, protection and surveillance equipment (in use or to be used in sections for organised crime prisoners) in small quantity is necessary. This shall enable Kalisz training centre to conduct the close-to-real-life simulations. The estimates of the contract value are based on market prices.

**Contract 3 – Therapy and diagnosis equipment for the prisoners – addicts**
The purchase of equipment for the medicinal treatment sections in prisons is necessary to diagnose the addicts and assure their basic treatment in prison. The cardiodiagnosis, blood diagnosis, infusion pumps shall be bought. The equipment is necessary for fast diagnose of cases and life-saving. The training in use of the equipment shall be provided. It is all more necessary as sometimes patients in penitentiary health units are not cooperative, giving false information that may put their life (and sometimes the health of co-prisoners and the staff) at risk. The equipment shall be installed in prisons where HIVB and drug-sensitive prisoners are detained. Amount of the contract established on the basis of the prices obtained in previous tenders.

**Grants**
The grant scheme shall allow to associate other partners, like NGO’s and research institutes, with the proposed actions.
The objective of the grant competition is to:
- work out the instruments for successful integration of former convicts
- improve information to the public, in particular (former convicts, their families, members of NGO) about the access to different forms of post-penitentiary support
- promote co-operation between NGO and public administration
- find new ways to improve the work with minors, develop new educational tools, work out the ways of comprehension of needs of vulnerable groups (drug addicts, HIV patients, young pregnant girls, victims of domestic violence, etc.)

The following actions shall be eligible:
- information instruments (booklet, flier, website, guide), if possible integrated within coherent information campaign
- therapy programmes, needs assessment, guidelines for work, studies on selected problems
- seminars and workshops
- pilot projects aimed at the reintegration of former convicts or improvement of the situation of vulnerable minors (drug addicts, HIV, etc.)

Eligible applicants:
- Non-government organisations (foundations, associations, etc.)
- Research institutes, including universities
- PHARE territorial clause

Specific priorities:
Identification and dissemination of best practice.

Private individuals may not apply, nor commercial organisations.

Eligible costs:
Up to 75% of the project. Minimum requested grant is 5,000 € and maximum that can be awarded 45,000 €. Around 40 grants may be envisaged.

The Selection Committee (up to 5 persons) shall comprise representatives from the NGO’s, research institutions, social partners and the Ministry of Justice.

Projects must be strictly non-profit making.

Subvention shall be paid in two instalments (advance of 30%, balance upon approval of final report).

Detailed information with the application form and other documents, as well as selection and evaluation grid shall be published with sufficient advance before the date of competition.

Experience and professional capacity, correspondence of the project to above mentioned criteria, no overlapping with other EU or Government projects, detailed description, detailed budget shall be retained as compulsory selection criteria.

**Twinning**

The twinning component is of major importance for the success of the project. The twinning shall cover the whole scope of the project. It will contribute to the strengthening of the administrative capacity, further development of modern management technique. The co-ordination with Ministry of Interior PHARE projects – as under the PHARE 1999 (PL9904.04), 2001 (PL0103.10) shall continue. Twinning shall last 12 months. It shall include:

1. Within Component 1 we would like to assure the perenity of the training scheme in European law and the continuation of the trial recording, which is one of the most important elements of the courts going digital. The experience of our EU partners with regard to this item, as well as exchange of opinions on the standards, protocols, data keeping shall be useful to us. The work shall continue on the MLA as the number of new acts in this domain is growing and the speedy treatment of transborder cases is of paramount importance for the internal market and the area of freedom, justice and security.
a) Trial recording – evaluation visit by STE; recommendations with regard to its further development, integration into other systems, like e-notification of the parties to the process.

b) Further reinforcement of the knowledge of European law. One training seminar for each (out of 4) national judicial network, the subject of the training shall correspond to specialisation of the group (European law, human rights, MLA - 2). It shall deal with the newest acquis. At that stage of the PHARE project preparation it is difficult to guess the content of the instruments to be adopted in future. Among the specific subjects there may be: EU Constitution Chapter on fundamental rights, effects of the EU accession to the Human Rights Convention (group of human rights), probable entry into force of the EU MLA Convention of 2000 (MLA group), new treaties concluded with third countries in the area of civil and criminal law.

c) 1 two-day training for judges and administrative staff dealing with MLA focused on new acquis.

d) 1 two-day training for administrative staff dealing with MLA focused on new acquis.

2. Better system of selection, assessment and promotion. We expect the STE experts to provide us with the consultancy on the number of issues linked to the implementation of the Polish programme of new selection and training scheme. We plan the project to be conducted in consultation with the European Judicial Training Network. Following the Thesaloniki General Assembly the full membership of Poland in the network is envisaged. EJTN could be encouraged to share its experience. The kind of action, their form shall be consulted with the EJTN secretariat in order to avoid overlapping of activities. Among the subjects to be discussed or evaluated shall be the: organisation of central training, consultation regarding the curricula for the training of all professional groups of the justice system under central training scheme, methods for evaluation, way of the organisation of exams, etc.

Under the twinning the needs of training of all professional groups judges, prosecutors, administration, penitentiary) shall be addressed. Thus the number of seminars, workshops or the visits shall depend on the twinning proposals submitted by prospective twinning partners.

3.3. Combating of organised crime builds on the positive experience of previous PHARE training schemes. The new EU initiatives like the network of persons responsible for the treatment of drug addicts shall be addressed under the project. New instruments like Joint Investigative Teams, e-exchange of data between prosecutions services and courts of the Member States shall be analysed.

- three 3-days seminars for the same group of 50-60 public prosecutors, with particular focus on MLA in EU, including 2000 EU Convention on mutual assistance (in particular the video hearing, joint investigative teams and telecommunications interception, etc.)
- 8 local seminars for 25-30 prosecutors on transborder co-operation;
- 2 seminars dealing with management of dangerous prisoners and addicts; co-operation of penitentiary services with other units of justice system;
- seminar on the management of vulnerable prisoners (drug addicts)

4.4. Crime prevention shall be addressed under the twinning and the grant scheme. The seminars shall provide the Polish participants with the knowledge of the best practice in the matter.

- assessment by the EU experts of the reintegration and prevention scheme
- public aid programme for the labour of the prisoners (covered by the Accession Treaty)
2 central seminars (each one for 60 judges) concerning the treatment of minors;
three training courses for educational teams dealing with specific groups of minors like drug addicts, HIV, etc. (tutors, therapists),
two 3-days seminars (for 40 persons each) on the social re-integration of convicted offenders, forms of non-financial support,

Other training activities:
1. training in trial recording; training is provided in the Ministry centres in co-operation with the Polish Association of Judges. In fact, there is no other market alternative to this solution as it consists in learning the use of software specific for courts and not used in other places. Thus, this activity has to be completely financed by the State budget.
2. Consultancy with regard to the management of courts. The recently nominated administrative directors are undergoing central trainings dealing with court management. An independent assessment of the court management is to be implemented under the twinning

Other investment contract:
- grodzkie (borough) courts – adaptation of premises (not eligible under PHARE, cost to be borne by the State budget) specialized software (licence extension for the software already used in courts; as there is no alternative solution in short time horizon, the tender is not feasible; cost to be borne by State budget)
- PROK-NET extension, PROK-NET is based on the government communication network PESEL-NET managed by the Ministry of Interior. Thus the extension of the Virtual private network to appellate units and 20 district units can be done only on the basis of this solution. Thus, the cost has to be borne by the State budget. The same applies to renovation works and LAN.
- Purchase of buildings for two Warsaw courts (not PHARE eligible)

A pre-accession adviser (PAA) should be thoroughly acquainted with the issues concerning justice system and be capable of managing complex projects. A command of Polish would be an additional asset. PAA will be responsible for organising the teams of experts, preparing in advance training materials by experts, elaborating the schedule of study visits and appointing interpreters. Many twinning activities shall deal with criminal law and organized crime. The PAA should focus on the crime prevention as besides the seminars the grant scheme shall be operated within this field. PAA will work by the Ministry of Justice.

3.5. Lessons learned
Until now, the programmes have confirmed increasing harmonisation of Polish law with European Union regulations. Technological delay of Polish justice system as compared to its counterparts from the European Union still remains a major problem. The effective implementation of the activities covers minor part of the life cycle of the PHARE projects.

4. Institutional framework
4.1. The Ministry of Justice is responsible for the project’s implementation. Activities will be co-ordinated by The Department of the International Co-operation. It will act together with The National Prosecutor’s Office, The Department of State Courts, The Department of Organisation, The Department of Administration and Finances, The Department of the National Court Registers’ Centre and IT Development (information technology), The Centre of the Training for Judiciary, The Prison Service Central Administration. Non-governmental
institutions will be included in the implementation of activities concerning work with juveniles and post-penitentiary assistance.

4.2. No change in the legal and institutional framework is planned. Activities within the project shall result in a change in institutions' internal work; it is probable that new entities will be created (components of organised crime prevention [CZSW], crime prevention – a juvenile centre, a training system).

4.3. The project’s purpose is the improvement in the efficiency of the justice system, in coordinating prosecution, in management of justice system units, and taking the specifics of the most vulnerable social groups into consideration in the course of criminal action. The project supports non-governmental organisations that monitor activities of the justice system.

5.5. Budget (in million EURO)

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The co-financing funds for the project implementation will be available.

6. Implementation arrangements

6.1. Implementing Agency:
PAO: Mr Tadeusz Kozek, Under-secretary of State at the Office of the Committee for European Integration, Aleje Ujazdowskie 9, 00-918 Warsaw; phone: +48 (22) 455 52 41, fax: +48 (22) 455 52 43
CFCU: Foundation Co-operation Fund, Mrs. Barbara Kasnikowska, CFCU Director, ul. Górnoslaska 4a, 00-400 Warsaw; phone: +48 (22) 622 88 20, fax: +48 (22) 622 75 65
The CFCU is responsible for handling tendering, contracting and payments of contracts on behalf of the Ministry of Justice.

6.2. Twinning
Twinning includes all the components but trial recording which is a continuation of the former PHARE programme. The pre-accession advisor will co-operate with the Ministry of Justice.

PAA shall be based in the Department of the Judicial Assistance and European Law (phone: +48 (22) 521 23 81, fax: +48 (22) 628 09, under the responsibility of the Deputy Secretary of State in charge of European integration.

6.3. Non standard aspects
Standard procedures from the “Practical Guide to contract procedures financed from the general budget of the European Communities in the context of external action” are to be applied and implemented in compliance with DIS manual.

6.4. Contracts

\(^1\) The 25% co-financing shall be borne by grant beneficiaries
1. **Contract 1** Purchase of computer hardware (5,3 MEUR) - (grodzkie courts 1,6 MEUR; prosecution service 1,35 MEUR; penitentiary board 0.4 MEUR; trial recording in courtrooms 1,0 MEUR; Warszawa courts 0,9 mln euro, MLA staff 0,05)

   Polish co-financing (1,875 MEUR):
   - contracts for the grodzkie courts (adaptation of premises; specialized software and training) – 0,575 MEUR
   - contracts (renovation works and local networks in prosecutors’ offices; connecting selected district (“rejonowy”) prosecutors’ offices to the PROK-NET network; developing the software elaborated within the framework of co-financing under PHARE 2001; training for prosecutors and administrative staff in using the SIP software ) – 0,8 MEUR
   - contract for network extension for penitentiary services – 0,2 MEUR
   - contracts for trial recording project (adaptation of premises, specialised training in using the software installed in the courtrooms, specialised 0,3 MEUR)
   - purchase of building for Warsaw courts (value of 4 mln euro not included into co-financing)

2. **Contract 2** Purchase of equipment for Training Centre (0,2 MEUR) - joint co-financing a) specialised equipment for the penitentiary training centre - detectors, arms, protection and surveillance equipment, high security prison chamber equipment;

3. **Contract 3** Therapy and diagnosis equipment for the prisoners – addicts (0,27 MEUR) - joint co-financing.

4. **Grants** (1 MEUR) – see description under point 3.4 “Activities”. 25% co-financing under grant scheme, i.e. 0,35 MEUR to be borne by the beneficiaries.

5. **Twinning** (1,35 MEUR)

   Polish co-financing (0,45 MEUR) – accommodation and alimentation of Polish participants, legal expertise, printing and distribution of materials, office for PAA and assistant.

General remark to contracts: In every possible case the joint co-financing principle has been applied. In some cases it has not been possible because of:
- the necessity of financing additional expenses that are not included in PHARE financing exclusively (works, development of proprietary network).
- different dates for scheduling and implementing the state budget and the PHARE budget.
- different subject of financing

In case of joint co-financing the financial means assigned from the State budget may be spent only with the observance of the rules established by the law on public finance.

7. **Implementation schedule**

7.1. The beginning of the tendering process

? After project fiche approval by European Commission, the process of preparation of the tender specification starts. The year 2003 is expected to be the starting date.

7.2. The beginning of the project’s functioning

? The third quarter 2003

- The twinning contract’s implementation will be possible to begin with the third quarter 2003

8. **Equal opportunities**

? Polish law forbids discrimination.
9. Environment (concerning only investment projects)
? Not applicable

10. Rate of return (concerning only investment projects)
? Not applicable

11. Investment criteria (concerning only investment projects)
? Not applicable

11.1 Additionality
Not applicable
11.2. The completeness and the size of the project
• not applicable
11.3. Duration
• not applicable
11.4 Conformity to the principles of state support
not applicable

12. Conditionality and sequencing
• Pilot implementation of software for keeping electronic registers, and creating electronic case files for at least two units of public prosecutor’s offices in 2003
• Decision on the result of the public tender for the central data base software for the purpose of the prosecutor’s office’s IT system (until the mid 2003).
• The decision of the Minister of Justice on the unification of the recruitment and training system for judges, prosecutors and court officials (until the end of 2002).
• The Minister of Justice’s Regulation concerning the principles of applications for judges and prosecutors, entry into force in 2003.
• Securing financing from the state budget for the Ministry and courts (separate parts of the budget) to implement Polish obligations concerning the project.
## Annex 1: LOGFRAME PLANNING MATRIX

**LOGFRAME PLANNING MATRIX FOR**

<table>
<thead>
<tr>
<th>Programme name and number</th>
<th>Support for the justice system</th>
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<td>Contracting period expires</td>
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<td>Disbursement period expires</td>
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<td>Phare Budget</td>
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### Overall objective

- **Raise the efficiency of the justice system**
  - Number of cases, their duration, % of accepted appeals
  - State statistics, government reports and information, reports of national and foreign experts, NGO’s

### Project purpose (Immediate Objectives)

- **Dissemination of the knowledge of EU law, implementation of new legal tools, better management of justice system**
  - Number of trained judges, prosecutors and clerks
  - Quantity and quality of available statistical information
  - Number of cases with use of new legal tools
  - State statistics, government reports and information, reports of national and foreign experts, NGO’s
  - Financial means available from UE and State budget
  - Respect of the accession timetable
  - Readiness to update the schedule of activities

### Results

- **Introduction of electronic templates and electronic data exchange**
  - Number of digitised cases (dossier), use of electronic templates
  - Time of accessibility to trial protocols
  - Number of justice units connected with network
  - Number of e-transactions between the units of e-judiciary
  - State statistics, government reports and information, reports of national and foreign experts, NGO’s; data from chosen courts and prosecution offices
  - Financial means available from UE and State budget
  - Respect of the accession timetable
  - Readiness to update the schedule of activities

### Activities

- **Training, purchase of equipment, infrastructure**
  - Technical assistance, purchases, actions under twinning
  - Ministry of justice, CFCU
  - Financial means available from UE and State budget
  - Respect of the accession timetable
  - Readiness to update the schedule of activities
  - Implementation of the subsidiarity principle

### Preconditions

- Entry in force of the COP Memorandum
### Aneks 2-3: Implementation, contracting and disbursement schedules

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**Description:**
D = design
C = tender procedures and contracting
I = implementation and payments