1. Basic information

1.1 CRIS number: 2006/018-180.05-02  Twinning No: PL/06/IB/JH/02/TL
1.2 Title: Strengthening the Polish justice system
1.3 Sector: Justice and Home Affairs
1.4 Location: Poland, Warsaw, Ministry of Justice

2. Objectives

2.1 Overall objective(s):
Increasing the efficiency of the justice system, with the particular attention to the promotion of judicial co-operation and better access to justice for citizens and business.

2.2 Project purpose(s):
1. Improvement in judicial proceedings in terms of cooperation of courts with court-appointed experts
2. Providing better access to law and to legal information for citizens
3. Increasing the efficiency of the application of the European law by the judiciary.
4. Increasing the efficiency, security and reliability of the Ministry of Justice IT systems in order to provide citizens, business and units of the Ministry of Justice with constant access to data.

2.3. Justification

a) Compliance with the Comprehensive Monitoring Report on Poland’s Preparation to Membership in the EU
In the Report it has been pointed out that efforts are still needed to increase the efficiency and transparency of the judiciary, with a particular emphasis on further development and organisation of the system of legal assistance. It has been noted that “it is [therefore] necessary to make efforts to increase the efficiency and transparency of judiciary, in order to increase the credibility of judgements. Citizens’ access to the justice system remains limited, in particular the access to general information on procedures, legal assistance and the standing of an individual at different stages of processing the case.”
Moreover improvement in the efficiency of the functioning of the Polish justice system will be achieved through the increased efficiency of the processes of economic turnover and of free economic activity.

Moreover activities stipulated in components I-IV (immediate objectives no 1-4) of the project are compliant with:
   In the Programme it has been pointed out that “further efforts should be made to facilitate access to justice and judicial co-operation (…)” and that “mutual confidence shall be based on the certainty that (…) citizens have access to a judicial system meeting high standards of quality”
The midterm priority for the Justice and Home Affairs area involves “further improvement to the functioning of the justice system” and “to ensure sufficient functioning of the justice system, strengthening institutions, in particular (...) courts.”

Furthermore activities stipulated in component IV (immediate objective no 4) are compliant with:

a) the Lisbon Strategy

Improving the efficiency of the functioning of the Polish justice system by way of upgrading the reliability of the system through modernisation of central technical and technological infrastructure for processing and providing data from Central Court Registers (CRS) and Information System for Prosecutor’s Offices (SIP) follows the criteria set forth in the Lisbon Strategy.

b) the National Program of Preparation for Membership in the EU

The investment activities are compliant with the following priorities of the Programme: “supplementation and modernisation of the technical equipment; rationalisation of the operating of courts’ and prosecution service’s units,” “gradual computerisation of the judiciary”.

3. Description

3.1. Background and justification

Component 1

Contemporary development of science, techniques, and the increasingly complex social reality result in the fact that judges are not able to adjudicate in many cases using their, even the most profound legal knowledge. Therefore, in cases where in order to deliver a judgement it is necessary to have a specialised knowledge, which exceeds their legal competence, court-appointed experts are helpful. They prepare opinions, which constitute important sources of evidence. Court cannot adjudicate without profound analysis of the expert’s opinion and without comparison of this opinion with other evidence. However, in practice, court-appointed experts often play a decisive role and if there are no grounds to undermine the reliability of the court-appointed expert’s opinion – on its basis the judgement is passed. This is the reason why the role of court-appointed experts is so crucial for the justice system and for the way society perceives the judiciary.

At the moment, the function of a court-appointed expert is regulated in the Regulation of the Minister of Justice of 24 January 2005 on court-appointed experts (Dz. U. No. 15, item 133). Court-appointed experts acting on a permanent basis are appointed by the Presidents of Circuit Courts (sąd okręgowy) for five-year-terms for individual fields of science, technics, art, crafts and other skills. Nomination to a court-appointed expert entitles a person to deliver opinions required by the court or an authority, which handles the preparatory proceedings in criminal cases in the area in respect of which the expert was appointed.

Solutions applied in the above-mentioned regulation are very similar to the provisions of previous regulation of the Minister of Justice on court-appointed experts and sworn translators that was elaborated in 1987 in a different political and economic situation, when courts were dealing with much smaller number of complicated cases requiring specialised knowledge, exceeding the field of law.
Therefore, it is necessary to examine the existing legal solutions and practical activity of courts in this respect and to introduce suitable changes. The rules of courts co-operation with experts concerning e.g. the methods of assessing the quality of work and the workload of court-appointed experts required improvements, as there is a need for more efficient solutions.

In Poland there is ca. 16 000 court-appointed experts. Due to the fact that the court-appointed experts represent numerous professions and that the number of court-appointed experts is important it’s a dispersed group. There is no nation-wide association of court-appointed experts or other forms of co-operation.

Recently public opinion has been moved by incidents related to the quality of experts’ opinions, delays in delivering opinions and experts’ involvement in crimes. Delays in delivering opinions have an unfavourable impact on trial’s duration, others irregularities could undermine the confidence in justice therefore there is a need for screening of the regulations and for introduction of amendments.

The Ministry of Justice is now working on the Act on court-appointed experts. The draft is at the initial stage of elaboration, so different solutions could be examined.

While making new solutions it is important to follow the example of other states. Thus, the elaboration of a set of guidelines and recommendations for courts should be preceded by elaboration of a comparative analysis by experts – on how the status of court-appointed experts has been regulated in other EU Member States and how these regulations tested by other states could contribute to better functioning of the institution of a court-appointed expert in Poland. Recommendations and solutions proposed by EU experts could be included in the draft law on court-appointed experts.

Moreover, the outcome of this cooperation will be the elaboration of the manual on good practices for court-appointed experts. The manual would be widely distributed among the presidents of courts and among court – appointed experts and together with law and regulations would be used in daily co-operation of courts with court-appointed experts. The manual could serve both the courts and court-appointed experts as a set of guidelines and recommendations.

Implementation of this project will have a positive impact on the justice system nation-wide and will improve functioning of courts in terms of both their administrative capacities and adjudicative functions.
Component 2
The project originates from the idea of reception desk services established in some pilot courts as a result of the PHARE 2002 programme “Strengthening the justice system”.

In 2004, as a result of the twinning project with the French Ministry of Justice three reception desk services in regional courts in Gdańsk, Kraków and Łódź were established. As there is a need for better access of citizens to information in courts and solutions elaborated during the twinning project and applied in the pilot sites proved efficient, at the current stage of the project it would be reasonable to extend the network of reception desk services. Further implementation of the solutions elaborated under the PHARE 2002 programme would allow the provision of uniform services and equal access for citizens to information in all reception desks.

The solutions concerning the access for citizens to information in courts are an important element influencing the efficiency of courts and the way they are perceived by citizens. At present, legal regulations on these issues are very limited. Pursuant to § 57 (1) of the Regulation of the Minister of Justice of 19 November 1987 – Rules for the internal operating of common courts (Dz.U. No. 38, item 218 as amended), persons who come to courts should be provided by judges and other court employees with the proper information on legal provisions, particularly those pertaining to judicial proceedings. Pursuant to § 9 (1) item 2 of the Ruling of the Minister of Justice of 12 December 2003 (Dz.Urz. MS No. 5, item 22 as amended), the duties of the head of secretariat of a court division include receiving customers and providing them with information, providing access to files so that persons authorised could look through them under the supervision, and providing written information. However, such legal regulation gives the possibility of providing information by especially established reception desk services in courts, yet the decision to establish them remains within the competence of court Presidents.

Proper functioning of the reception desk service requires computerisation of courts, establishment of the electronic network and introduction of office equipment into this network (electronic repertories).

Elaborating a manual for the reception desk service staff is an important task. The manual, being a kind of a standard and uniform for all reception desk services guide, will provide answers to the most frequently asked questions by the customers. The manual would assist the employee in providing basic information on the rights and possibilities of entering an action in the court – yet it would not fall within the scope of legal advice. A part of the manual, different for each service, would contain information data on the functioning of courts, its organs and telephone numbers.

Establishment of reception desk services in courts was very well received by court clients. Moreover court Presidents showed strong interest in creating reception desk services in their courts. The Ministry of Justice recommends the establishment of reception desk services in district and regional courts if it is possible taking account of the staff and premises capacity. In the existing court buildings the establishment of such a reception desk service depends on the decision of the court President. In the case of new court buildings it is one of the criteria enabling the endorsement of architectural plan of the building by the Ministry of Justice.

Consequently, the need to further develop and extend the reception desk services network to eventually cover all the court buildings is justified by an actual low legal awareness of
citizens and the lack of practical knowledge on the functioning of court. In this context implementation of the project would facilitate further extension of reception desk service network effecting into better access of citizens to legal information.

**Component 3**
All the activities undertaken within the project will contribute to the increased efficiency of the EU law application by the judiciary. A correct application of the EU law by the whole of judges and public prosecutors plays a key role in the implementation of the EU law into the Polish legal system and in the proper fulfilment of the membership obligations.

In 2002 the Ministry of Justice created Department – Judicial Training Centre in order to adjust Polish system of training of judges and prosecutors to the functioning within the European Union. Department – Judicial Training Centre is responsible for initial and ongoing training of judges and prosecutors. Moreover this unit is responsible for elaboration and implementation of a new model of training for the justice system staff with the focus on centralisation and harmonisation of training.

Department – Judicial Training Centre elaborated a proposal for the amendments that lead to set up an institution that would carry out tasks connected with on-going training of the justice system staff. On 1 July 2005 the Act on the National Training Centre for the Staff of Common Courts and Public Prosecutor’s Offices was adopted. It enters into force as from 1 January 2006. Draft executive regulations for this Act, which were elaborated by the ministry, are almost finished.

The main task of the National Training Centre for the Staff of Common Courts and Public Prosecutor’s Offices is on-going training of judges, prosecutors, clerks of the court, judges assistants, probation officers and administrative staff of courts and public prosecutors offices in order to extend their knowledge and develop professional skills.

As regards training system, the reforms implemented concern i.e. preparation by the Ministry of Justice of a uniform nation-wide entrance exam for the initial training and case studies for final exams ending the initial training. Entrance exams for the initial training are organised on the same day. Moreover, the regulation of the Minister of Justice of 5 September 2002 on initial training contains detailed training programmes to be implemented nation-wide. Training programmes include curriculum and duration and venue of internship. New subjects like ethics, methodology and European law were introduced to the initial training programme. Department - Judicial Training Centre on the basis of model training module endorses detailed initial training programmes.

As for on-going training the Ministry of Justice (Department – Judicial Training Centre) annually elaborates a schedule of central seminars. While elaborating the schedule various factors are taken into account: needs of courts and public prosecutor’s offices, necessary training resulting from the amendments in law, government’s priorities such as fight against corruption and the process of EU law implementation.

Seminars under Transition Facility 2006 are focused on judges and prosecutors, members of networks on EU law and MLA. In the Ministry of Justice four networks were established: - network of judges on European Union law (33 members),
- network of judges on MLA in civil matters (37 members),
- network of judges on MLA in criminal matters (28 members) and
- network of prosecutors on MLA (34 members).

Members of the above-mentioned groups are legal practitioners and act as local advisers in legal assistance and EU law issues and are consulted in cases when their expertise is required. The main task of members of the EU law network is to provide information on the request of other judges working in the same region, to conduct training for judges and initial training for judges-to-be, to establish and maintain contacts with foreign judges, members of similar structures in their countries. Members of the MLA networks would assist local judges in executing requests of foreign courts and elaborating requests concerning judicial assistance. The objective of the networks is to improve international co-operation.

Programme of training as foreseen under the Transition Facility 2006 was elaborated after consultations, carried out by the Department – Judicial Training Centre, with judges and prosecutors experienced in EU law application and on the basis of the results of questionnaires that were distributed after seminars organised within the framework of Phare programmes. Seminars on labour law are to be conducted within the framework of Transition Facility 2004.

Seminars under the Transition Facility 2006 will enable, further training of trainers – judges and prosecutors – members of the EU law network and the mutual legal assistance networks and contribute to better application of EU law nation-wide.

Component 4
Implementation of the project will contribute to the increase in the efficiency of the operation of court registers (the National Court Register, Pledges’ Register, Land and Mortgage Register) and to the actual improvement in the electronic exchange of data and in the access to data gathered and processed by the Ministry of Justice for external entities (domestic and foreign ones), public administration, companies and citizens. Moreover it will enable providing individuals with a more comfortable access to the Central Court Registers, and may allow them to make use of WWW technology in the future.

Failure free and reliable functioning of the Centre for Data Processing is the precondition for operation of court registers and IT systems implemented in the justice system units. In order to ensure continuity of data processing and access to data for all interested parties it’s necessary to secure the proper calculating capacity of the Centre for Data Processing. By above mentioned reason the calculation capacity of the Centre shall be adjusted to the growing needs of the justice system through hardware and software development of the central computer and optimization of system software, management and tools.

The Centre for Data Processing will serve courts, prosecutor’s offices and courts departments for land registers, the Ministry of Justice (ca. 1200 locations in the justice system), citizens and legal entities.

In the implementation of statutory obligations of the Ministry of Justice as regards the operation and exploitation of the National Court Register, Pledges’ Register, Land and Mortgage Register and Information System for Prosecutor’s Offices, for three years the Ministry of Justice has been using the Centre for Data Processing. Technical and
technological capacities of this centre, in the situation of mass increase in the amount of data processed by Central Court Registers, ensure proper exploitation of systems for about one year.

The idea of configuration of the centre that would be based on the Mainframe S/390 computer came up in 2001, mainly for the purposes of the National Court Register and applications for the system of New Land and Mortgage Register and Information System for Prosecutor’s Offices, which were being elaborated. The calculating capacity of elaborated and, consequently, launched Mainframe S/390 computer was 89 MIPS, at the RAM operation memory of 2 GB.

The current configuration of hardware and software in the calculation centre of the Ministry of Justice makes it possible to give effect to envisaged implementation of all systems and central applications that operate in the ministry for about one year, through an optimal tuning of the calculating capacity. The calculating capacity of the launched Mainframe zSeries 890 computer is 332 MIPS, with an additional LINUX processor of 300 MIPS capacity. The computer currently works at the calculating capacity of 170 MIPS and at 32 GB RAM.

Because of the absence of the modern main data processing centre and the lack of additional external data processing centre in the system of the Ministry of Justice for the sake of security of data processed, it is necessary to create a new data processing centre and to turn existing one into a spare centre. Due to the change of the seat of the CORS Department (IT Department) of the Ministry of Justice that is envisaged, it is possible to improve disadvantageous situation as regards the reliability and security of data and to carry out technological modernisation of the architecture of data processing through launching the main centre for data processing with a suitable calculating capacity in the new premises of the department and configuration of the currently exploited centre as a spare one.

Crucial element of this process is migration to new environment, modernisation and adjustment of the applications to solutions that ensure the increase in their:

- reliability (software and application stability, code verification, modules organisation, testing),
- flexibility (through modularisation design according to ergonomics rules. It enables altering codes and changing modules),
- independence of hardware architecture (based on cross-platform languages i.e. operating on many operational systems),
- modularity,
- full documentation of source code,
- easy migration of applications and data processing model to the new architectures,
- increase in the speed of operating, and at the same time in the systemic data processing (hyper-sockets architecture type),
- adjustment to current demands (‘state of the art’).

Moreover, in order to attain these objectives, available systems and applications, not only commercial but also Open Source ones, will be exploited in accordance with the EU recommendations on the use of software in public administration.

Solutions based on Open Source enables for a better control of the application’s source code and are transferable between platforms. Taking into account the source code transferability
between platforms, the implementation of the Open Source applications makes possible reduction of costs of software maintenance.

An important stage in the implementation of the objectives is to ensure adequate qualification and competence of technical and administrative staff and managers in a comprehensive process of exploitation of electronic systems of information processing and exchange. These objectives will be attained through specialised training courses.

Investment activities and activities under technical assistance (Component 4) will contribute to the increase in the efficiency of the operation of court registers and to the actual improvement in the electronic exchange of data and in the access to data gathered and processed by the Ministry of Justice for external entities (domestic and foreign ones), public administration, commercial entities and citizens.

The accomplishment of this project is crucial for the Polish system of justice. The Centre for Data Processing will ensure a continuous performance of the data processing (data from court registers) as well as proper security level. This will provide individuals with a more comfortable access to the Central Court Registers, and may allow them to make use of WWW technology in the future. As access to the Central Court Registers is going to be available via the Internet, it will be fast and direct, and will allow i.e. access to the National Court Register, Land and Mortgage Register and Pledges Register. Central Courts Registers will be in future available on-line as it is required by the economy and as it is one of the objectives of the EU in building up information society. Increasing e-accessibility by implementing the IT technology to the justice system will enable easier the communication between the justice system units and citizens. Moreover the WWW technology is very promising as it has a wide range of potential implementation, enables a real flexibility of architecture of data processing model and allow for costs reduction.

The maintenance of networks and IT systems implemented to the justice system requires comprehensive solutions as for IT security (at all stages of data transmission, processing and archiving) in order to ensure that data are coherent, reliable and incontrovertible.

As for the Centre of Data Processing is concerned the proper security level depends on:
- technical infrastructure (adequately equipped premises),
- applications implemented (software environment) and
- data transmission.

The Ministry of Justice assess that taking into account the following factors:
- technical infrastructure
- IT infrastructure (software environment, including applications that keeps the court register operational)
- constant increase in amount of data processed
- constant increase in number of justice system units connected to the system (for example the land and mortgage register courts’ divisions)

it is necessary to modernized the Centre for Data Processing and established an additional, more efficient, centre for data processing.

In order to secure constant access to court registers data for citizens and legal entities, provide security and certainty of legal transactions, it is necessary to establish the additional (new) centre for data processing and alter the currently functioning centre into the spare one.
Moreover database delocalization would increase the system’s security level and its reliability through establishment and maintenance of additional data processing infrastructure.

Above mentioned activities are foreseen in the „Ministry of Justice Strategic Plan” endorsed by the Minister of Justice on 1 July 2005. The Plan is a strategic document enumerating the activities to be undertaken by the Ministry of Justice in the coming years (2005-2008) in order to strengthen the Polish justice system (overall objective, direct objective, justification, necessary human and financial resources).

In order to better process and easier access to data relevant for security and certainty of legal transactions in the “Ministry of Justice Strategic Plan” there are foreseen numerous activities aiming at ensuring the continuity and failure free functioning of court registers (the National Court Register, Pledges’ Register, electronic Land and Mortgage registers), Information System for Prosecutor’s Offices, better internal e-communication (within the justice system) and with external entities, as well as easier the access to court registers on-line and failure free data processing (the task performed by the Centre for Data Processing).

The Minister of Justice in March 2005 endorsed the decision concerning the creation of the second centre for data processing.

In March 2005 the tender procedure on the elaboration of the technical documentation of the building started. The documentation was elaborated and delivered in April 2006. In May 2006 works on premises conversion would start.

The project leads to the fulfilment of the Lisbon Strategy objectives. According to the Communication to the Spring European Council, “Working together for growth and jobs. A new start for the Lisbon Strategy” (COM(2005)24), Member States should ensure and/or improve the role of national administrations in providing the right market conditions through e.g. greater use of on-line services. Moreover, according to the Strategy, innovation is dependent on strengthening of the use of new technologies by public sector.


**Links to the acquis communautaire:**

1. [the Comprehensive Monitoring Report on Poland’s Preparation to Membership in the EU](#)

   In the Report it has been pointed out that efforts are still needed to increase the efficiency and transparency of the judiciary. It has been noted that “it is [therefore] necessary to make efforts to increase the efficiency and transparency of judiciary (…). Citizens’ access to the justice system remains limited (…).”


   In order to achieve the objectives of the Lisbon Strategy, the document enumerates priority actions to be implemented. In order to make Europe a more attractive place to invest and work it is recommended to improve the role of national administration in providing the right...
market conditions through developing e-government. Moreover in order to boost innovation it is necessary to strengthen the use of new technologies by public sector.

3. **First Council directive of 9 March 1968** on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community (68/151/EEC)

The Directive made provision for the compulsory disclosure by companies in a public register of certain basic information. It was envisaged to disclose the information and make them available to the public in paper form.


The Directive amends the First Directive to accommodate electronic disclosure and filing of documents. Companies should be able to choose to file their documents by paper means or by electronic means. Interested parties should be able to obtain from the register a copy of such documents by paper means as well as by electronic means. Moreover the cross-border access to company information should be improved by allowing, in addition to the mandatory disclosure made in one of the languages permitted in the company’s Member State, voluntary registration in additional languages of the required documents.


The Commission has identified a number of priority issues which have to be addressed in order to remove obstacles to general availability of eGovernment (for example maximum protection of personal data and security of digital transactions and communications). Moreover network and information security is a prerequisite for a properly functioning information society.

7. **Communication of 1 June 2005 from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions “i2010 – a European Information Society for growth and employment”** (COM (2005) 229 final)

The Commission aims to create the European Information Society offering high-quality public services through i.e. encouragement of the public services to use ICT and bringing public services on-line.

**3.2. Linked activities:**
Component 2
PHARE 2002 no. PL2002/000-605-03.05: "Strengthening the justice system".
The project implemented as a twinning with the French Ministry of Justice covered the following components: improvement in the system of judicial assistance; development of the Ministry’s general policy on information and access to justice; facilitation of access to justice in courts through the system of infomats; establishment of a decentralised reception desk services in pilot courts.
The project’s overall objective was to improve the Polish justice system through ensuring a better access to justice for the citizens.
The project’s achievements were as follows:
- establishment of decentralised reception desk service in three pilot courts;
- publication of brochures and information leaflets (also in English) on the organisation and the principles of functioning of the justice system and the procedures that could be encountered by the citizens, as well as on their procedural rights;
- creation of the Ministry’s website „Guide on the justice system,“ where the information brochures have been published in Polish and English versions.

Component 3
Phare 2003 “Strengthening the justice system” – six seminars on EU law for members of MLA networks (judges, prosecutors, administrative staff) and for members of EU law network conducted.
Transition Facility 2004 ”Strengthening the justice system” – seminars on functioning of the EU law in the domestic legal order, civil law (labour law, family law, insurance, intellectual property law) and criminal law.

Component 4
Phare PL 98.04.01 – Increasing the efficiency of courts and public prosecutor offices, Integrated cadastral system – Phase I, II, III (Phare PL 00.03.01, Phare PL 01.01.02, 2003/004-379/01.11)
Phare PL 01.03.10 – Strengthening the Polish justice system (in committing organised crime and in MLA)
Phare 2002/000-605.03.05, Phare 2003/005-710.03 - Strengthening the Polish justice system
All projects were in line with acquis on international legal co-operation in civil and criminal matters. Moreover Polish needs to reduce infrastructure backlogs, including the necessity to build up information society are best responded under the Phare/Transition Facility programme that is the major source of foreign assistance focused on justice sector.

There is no overlapping of Phare 2003 and Transition Facility 2004 with Transition Facility 2006.
In the framework of Phare 2003 project the following activities were conducted:
- support for the penitentiary training centre (no activity in TF 2006 concerns this topic)
- grants for NGO for justice related projects (e.g. training, social inclusion of ex – prisoners, promotion of co-operation between NGO and public administration, countering juvenile delinquency ) (no activity in TF 2006 concerns this topic)
- twinning (focused on strengthening of the administrative capacity and the mutual legal assistance)
- introduction of IT to courts. In the TF 2006 the Ministry of Justice concentrates on Centre for Data Processing which is a new investment in the Ministry of Justice.
In the framework of Transition Facility 2004 “Strengthening the Polish justice system” the following activities are conducted:
- comparative analyses of management and training of the justice system staff (no activity in TF 2006 concerns this topic)
- training on the EU law. As for Transition Facility 2004, in the framework of on-going training the seminars for judges, prosecutors, clerks of courts and prosecutors offices working in all Polish regions were foreseen. They are open for all interested justice sector staff. In contrary, the Transition Facility 2006 project is focused on members of EU law network and MLA networks (training for trainers). Subject areas covered by TF 2006 partly constitutes a follow up of the TF 2004 and partly are complemented by new topics like for example environmental protection law, criminal law on the national cultural heritage or the use of classified information (for more information see point 3.3.). Due to the need to secure the proper application of EU law the follow up of certain topics is required. The new topics were chosen on the bases of experiences gained while conducting international co-operation.
- electronic exchange of information and documents between the justice system units and external entities
- purchase of IT equipment (hardware, software, recording equipment for hearing rooms and prosecutors’ offices)

The scope and the subject of the other activities have not been treated under the previous projects. In the case of trainings they are not only going to actualise the knowledge already acquired, but also to introduce new topics, not treated as for now. The investments made under Phare and the previous Transition Facility projects made possible the modernisation of justice system. The new project will allow the ministry of Justice to launch Centre for Data Processing. This requires specialised knowledge and experience.

3.3. Results

**Component 1**
1. Comparative analysis of the principles related to the function of court-appointed experts elaborated.
2. Know-how and experience gained by other EU MS transmitted.
3. The manual on good practices elaborated and widely distributed.

**Component 2**
1. The citizens’ access to law and legal information increased.
2. Trainers of the staff of the reception desk services trained.
3. The manual for the staff of the reception desk services elaborated.
4. Nine reception desk services established.

**Component 3**
1. Trainers – members of EU law network (33 members) and mutual legal assistance networks (MLA in criminal matters 28 members, MLA in civil matters 37 members, MLA in criminal matters 34 members) trained on the current EU law issues in civil/criminal matters depending on network’s specialisation

**Component 4**
1. Security of data processing resulting from simultaneous use of the main and spare centre increased.
2. Data securely stored.
3. Modern architecture of system and applications to be used in the future elaborated and introduced to the justice system.
4. Distributed and heterogeneous solutions enabling better data processing (also accessible via WWW) implemented into court registers IT systems.
5. Increased reliability of the system as a result of launching the Centre for Data Processing that enables the provision of required level of security of data.
6. Appropriate level of applications security resulting from migration of data and applications to new environments provided.
7. Needs of the justice system as a result of appropriate tuning of technical infrastructure secured.
8. Technical staff of the Centre for Data Processing trained.
9. Better functioning of Central Courts Registers resulting from the acceleration of data processing and easier access to data.
10. Access to and exchange of data via electronic means with external entities (domestic and foreign ones), public administration, business and citizens improved.

3.4. Activities
Component 1
Twinning Light (Contract I)
1. Elaboration of the comparative analysis of the principles related to the function of court-appointed expert

- selection of a team of EU experts responsible for the project implementation
- selection of the Polish experts
- analysis of source materials (e.g. legal acts, statistical data, reports, internal regulations of court-appointed experts associations), concerning the current system of appointment and work of the court-appointed experts in Poland and other EU countries
- elaboration by experts of a questionnaire on the co-operation with court-appointed experts to be distributed among Polish judges.
- visit of a group of experts to one or two Polish circuit courts (sąd okręgowy) in order to get acquainted with the present functioning of the system of appointment and work of court-appointed experts.
- study visit of two representatives from the Ministry of Justice in the country of experts’ origin in order to get acquainted with the functioning of the system of appointment and work of court-appointed experts. As project’s co-financing Poland would cover the costs of participation of the Ministry of Justice representatives in the visit. The visit would last about four days.
- presentation by EU experts of a report on the function of court-appointed expert in their country of origin and in other three EU MS, in particular covering the issues related to the provisions concerning the timely delivery of opinion by experts, disciplinary liability, methods of the assessment of experts workload and quality of work and regulations related to the access to the profession. Moreover the report will include the analysis of the Polish system and analysis of questionnaire distributed among Polish judges. Experts would offer solutions and recommendations on the improvement of the system.
- analysis of the draft report by Polish experts (the staff of the Ministry of Justice substantially responsible for court-appointed experts (Organisation Department) and for the legislative works (Legal Department)
- elaboration of the final version of the report by the EU experts.
2. Elaboration by the EU experts of the manual on good practices regulating the cooperation of court with court-appointed experts

- among other issues the manual would cover: recommendations on the improvements to the system which is possible to be introduced in the framework of the current legal standing, practical instructions on the methods of assessing experts' workload, methods allowing to enforce the timely delivery of experts’ opinions, methods allowing to assess the quality of work, recommendations on the way the court-appointed experts exercise their functions (ethical aspects)
- elaboration of the draft of the manual on good practices by the EU experts and its analysis by Polish side. While elaborating the final version comments made on the manual to be taken into account
- adoption of the final version
- dissemination of the manual (distribution to courts and associations gathering court appointed experts).

While performing their tasks the TWL experts would be assisted by Polish administration, among other things, as for providing TWL experts with necessary source material, organising meetings with Polish counterparts and receiving feedback on elaborated documents.

The EU experts’ profile:
- Project leader high level civil servant from MS with minimum 5 years of professional experience (including professional experience in co-operation with justice system units). Moreover there is required experience in project and team management (financial and contract management experience, project design, project evaluation and monitoring of projects) as well as fluency in written and spoken English and computer skills,
- Short-term expert – employee of the authority supervising the judiciary (Ministry of Justice) as regards the activity of court-appointed experts with at least two years of experience in co-operation with court-appointed experts and at least one-year experience in legislation.
- Short-term expert – administrative employee of a court who co-operates with court-appointed experts with at least two-year experience in co-operation with court-appointed experts.
- Short-term expert – judge for whom the experts prepare opinions with at least two-year experience in co-operation with court-appointed experts.
- Short-term expert – prosecutor or police officer for whom experts prepare opinions with at least two-year experience in co-operation with court-appointed experts.
- Short-term expert – court-appointed expert or representative of an association for court-appointed experts with at least six-year experience in the position of a court appointed expert.

Draft implementing schedule
Total duration of the contract – six months
I – III month – elaboration by experts of the comparative analysis of the principles related to the function of court-appointed expert
IV-V month – elaboration of the manual by experts
VI – dissemination of results

Indicative budget
Budget available (TF funds): 250.000 euro
Main budget headings are to be as follows:
- remuneration of experts (project leader and short term experts): approx. 160,000 euro
  Project leadership: approx. 60,000 euro (including flights) – approx. 50 man days; 5 missions
  5 STS: approx. 100,000 euro (including flights) – approx. 90 man days; 9 missions
- operational costs: a.o. local transport, interpretation, translation of documents, edition and
  reproduction of the manual, distribution of questionnaire) : approx. 90,000 euro

Component 2
Technical assistance (Contract II)

Elaboration of the programme for the following training courses:

- training of future trainers of the staff of the reception desk services – approx. 36 persons
  from nine courts taking part in the project
  - approx. 4 one-day seminars (in groups of 18 persons, two seminars for each group) on functions of
    the reception desk and clerks tasks in court,
  - approx. 9 three-day’ workshops (in groups of 12 persons, three workshops for each group) on
    the proper use of office equipment (among other things the use of computer applications),
    techniques of attending to particularly demanding clients. During workshops participants will,
    together with experts, deal with practical cases and exchange experience.
  - a visit to the reception desk service – one visit to each of the existing reception desk
    services for each person in order to apply in practice knowledge acquired during the training.

Trainers trained during the project (approx. 36 persons) will be obliged to train other members
of the reception desk service team in their workplace.

The trainers would by chosen from administrative staff of district and regional courts (four
people from each court). The profile of trainer is as following: it will be a person designated
by the chief of secretariat in district or regional court, with at least one year work experience,
communicative knowledge of a foreign language, well acquainted with the use of office
appliances.
The general purpose of the training is to improve the quality of service in the reception desk
services.

The profile of experts that will conduct training is as follows: a person with at least three-year
experience on team training in public administration (particularly welcomed is experience in
training of the administrative staff of the justice system) well acquainted with the use of office
appliances.

Indicative draft implementation schedule
1. Visits of experts to courts taking part in the project – nine days in total
2. Four seminars for the group of 18 participants – four days in total
3. Nine workshops for the group of 12 participants (from three courts) – 27 days in total
4. Visit of the group of approx. 36 persons in one of already operation reception desk
   services
5. Training of clerks in nine courts covered by the project. Training would be conducted by the staff trained in the framework of the project – two months

2. Edition of the manual for the staff of the reception desk service by the entity realising the training programme.

The manual will consist of two parts: theoretical and practical one. Theoretical part would be elaborated by the entity realising the training programme and comprise of i.e. description of typical activities, while the practical part would be elaborated by the entity in collaboration with experienced staff of reception desk services.

Indicative budget:
The main budget headings are as follows:
- remuneration of experts– approx. 40 000 euro
- training materials- approx. 11 000 euro
- venue/training equipment/consumables - approx. 30 000 euro
- travel costs approx. 15 000 euro
- elaboration/distribution of the manual approx. 25 000 euro
- The total participation of TF 121 000 euro

The budget presented in point 5.1. was estimated according to the experience gained while completing similar projects (on the basis of global price contracts).

Duration of the contract – six months

Investment (activity will be carried out within the framework of Contract IV)
The purchase of hardware for reception desk services (workstations, monitors, printers, software) and technical preparation of workstations.

In the framework of the project nine new reception desk services in district and regional courts will be established.

Indicative budget – see annex 4.

Component 3
Technical assistance (Contract III)
The cycle of training covering the principles of the application of the EU law and its main areas within the competence of the Minister of Justice. A detailed programme will be prepared by experts (contractors) on the basis of consultations and binding opinion from the Ministry of Justice.

The training will cover:

CRIMINAL LAW SET
1. European arrest warrant and surrender procedures under the warrant applied by the EU Member States. European evidence warrant. International wanted notice. Extradition. Judicial assistance in the EU Member States. Jurisdiction and recognition and enforcement of judgements in criminal matters in the EU Member States, the rule of “ne bis in idem”, Antimonopoly international criminal matters, Criminal aspects of unfair competition – approx. 3 three-days’ training, for members of MLA networks and European law network (95 judges and prosecutors);
2. Substantive law and procedural issues connected with combating crime against economic turnover in the EU law and EU Member States national law. The methods of conducting criminal proceedings in connection with these cases. Criminal law issues concerning the
national cultural heritage in the EU law and MS national laws, Environmental protection law; Classified information processing in and between EU Member States, the use of classified information received from one Member State by officials in another Member State. – approx. 3 three-days’ training courses, for members of MLA networks and European law network (95 judges and prosecutors)

3. Criminal law aspects of combating corruption in the Community law and in the legal systems of the EU Member States. International cooperation between the prosecuting authorities and courts in this respect. Evidence by an expert opinion in the Community law and in the national laws of the MS. The principles of appointing experts, the criteria for delivering opinions, expert’s involvement in procedural acts, the evidential force of the opinions by experts, international cooperation between court-appointed experts – approx. 3 three-days’ training courses for members of MLA networks and European law network (95 judges and prosecutors)

CIVIL LAW SET

1. Service of judicial and extra-judicial documents in civil and commercial matters in the Community law on civil proceedings and in the national laws of the EU MS. Jurisdiction and recognition and enforcement of decisions in civil, family and guardianship cases; European enforcement order in civil and commercial matters – approx. 3 three days’ training courses for 37 judges, members of MLA network in civil matters.

2. European company and European Economic Interest Grouping. Protection of intellectual property in the EU law. International insolvency and restructuring law in the EU Member States – approx. 2 three-days’ training courses for 33 members of European law network

3. Entitlement to retirement and disabled pension benefits for Polish nationals employed in other EU Member States before 1 May 2004 – in the light of the EU legislation and national laws of the EU MS; Social security law in the EU. Mobbing in the Community law and in the labour law of the Member States. Free movement of labour force; Equal treatment at work - approx. 2 three-days’ training for 33 members of European law network.

Indicative budget:
Main budget headings:
- Training (including, among other things, remuneration of trainers, accommodation of participants, catering, renting of training facilities) – approx. 180.600 euro
- training materials - approx. 44.400 euro
Total budget available (TF funds) 225.000 euro
The budget was estimated according to the experience gained while completing similar projects.

Profile of trainers/ requirements concerning the entity realising the training

1. Within a 3-year period preceding the deadline for submission of tenders, or when undertaking his business activities, the Contractor completed, or participated in the completion of at least 3 projects of training dealing with the European Union law and aimed at persons with the legal background. Within each project at least 100 persons were trained or at least 40 hours of classes were conducted.

2. Every trainer shall prove his experience in training provided for the justice system staff.

3. Every trainer shall proof his qualification in required field

Additional information
1. Training is aimed at judges and prosecutors, members of MLA networks and EU law network (as described in point 3.1. of the project fiche).

2. Training would be carried out within the disbursement period.

3. The Contractor shall provide a detailed schedule of the training as well as training materials covering each of the issues within the scope of the training. The scope of the training and training materials are to be accepted by the Beneficiary.

4. The Contractor shall cover all costs resulting from the preparation and distribution of the training materials. The training materials shall be sent by the Contractor to each participant of the training within 10 days before the training.

5. Each training shall be subject to evaluation after its completion, by the person designated by the Beneficiary. The evaluation sample, with the list of participants and evaluation questionnaires, shall be attached to the contract.

In order to ensure full participation in seminars, both the members of networks and the head of courts and public prosecutor offices would be informed in advance of the dates of training that trainees could accordingly adjust their work schedule.

The National Training Centre for the Staff of Common Courts and Public Prosecutor’s is the institution responsible for carrying out the on-going training of justice system staff in all areas of training, including training on the EU law (see also point 3).

Duration of the contract – nine months

Component 4
Investment (Contract IV)
Technical assistance (Contract V, VI)

In order to ensure proper level of exploitation, operation and maintenance, a number of preceding and preparation activities should be carried out, i.e.:
- Preparation of data processing environments,
- Preparation of OpenSource environments,
- Remodelling of applications’ architectures and their implementation in the new centre,
- Changes to data processing architecture,
- Carrying out training courses.

Moreover, the Polish partner commits itself to elaborate technical and construction infrastructure that was not included in co-financing, and in particular to:

a. Elaborate the requirements and technical project for technical infrastructure of data processing centre
b. Elaborate detailed functional requirements for the Centre for Data Processing.
c. Technical project and implement construction infrastructure together with supporting infrastructure.
d. Elaborate technical project with regard to IT infrastructure (equipment, operational and system software and tools) and systems of security and service, taking account of conditionalities of the WAN network topology and exploited central applications.
   i. Elaborate project for the exchange of data between the central and spare centre.
   ii. Elaborate a technical and economic analysis of the construction and launching of the centre.
iii. Elaborate a technical and economic analysis of the exploitation and maintenance of the centre.

At present there are works conducted under construction of the office building where the Centre for Data Processing would be located. After the accomplishment of construction works and provision of the building with basic infrastructure, the detailed requirements for IT infrastructure for the Centre of Data Processing would be specified.

In the framework of the project the following activities would be carried out:
- setting up two data processing centres: the main one and the external spare centre
- migration to the new system platforms (software and hardware: z/OS and Linux)
- data migration to the DB2 version (type of a database)
- economic analysis on exploitation and development of hardware and software, particularly that concerning scalability (the issue of amount of data and constant enhancement of data to be processed)
- analyses of additional applications of the system (cognitive studies)

**Contract IV (investment)**
Purchase, delivery and installation of hardware and software.
  a. Preparation and installation of necessary additional infrastructure (among others based on open systems Linux),
  b. Purchase, delivery, installation and launching of IT infrastructure (central computer, disc arrays and peripheries) and necessary computer hardware,
  c. Purchase, delivery, installation and launching of the system software and tools, together with licensing and maintenance (licences for the right to use software and database systems, administration tools and monitoring of the operation of systems).

The Centre for Data Processing requires adequate level of data computing (MIPS – Million Instructions per Second). Due to constant changes on the IT market prior to launching the Centre it would be necessary to conduct preparatory studies based on market research on the latest available equipment and technology to be implemented.

The Centre for Data Processing has to be equipped with a massive data processor for concurrent computing (mainframe environment). The necessary equipment could be described as follows: mainframe class equipment e.g. class z9 or it’s equivalent with DTS (Data Storage System), FEE (Front-End Environment) with approximately 20 additional servers for data processing or data transmission (for detailed description see Annex 3).

The budget as described in point 5.1. was estimated on the basis of analysis of the IT market at the moment when the project was being prepared.
Indicative budget – see annex 4.

**Contract V (technical assistance)**
Purchase of the service for the purpose of launching, hardware and software migration of the data processing centre.
  a. Migration of the centre and central applications to the environment of the launched data processing centre.
  b. Adjusting the system and utility applications to the level of current IT technologies with the distributed model of data processing using the WWW techniques.
c. Creating a corporate system of management of rights and users (Active Directory) for the Ministry of Justice, within the framework of the IT security system.

d. Ensuring the exploitation, service and sustainability of the operation of the main and spare centre for data processing.

Setting up of the Centre for Data Processing is conditional upon the software and hardware migration.

The hardware migration depends on the available technology (state of the art.). For this purpose, in one or two years’ perspective the platform z9 should be used as a target class of mainframe machine.

All activities focused on making data available for internal and external users (e.g. citizens, business) through WWW technology would be based on OpenSource technology. Moreover the WWW technology requires analyses on the model of distributed data processing in heterogeneous IT environment.

A comprehensive analysis and a more detailed budget estimation will be possible after the infrastructure is ready (building conversion) and when the current costs of the available technology i.e. software and hardware are taken into account (at the moment of the preparation of tender documentation). Indicative budget:

1. Migration of the centre and central applications to the environment of the launched data processing centre. approx. 518 750 euro

2. Adjusting the system and utility applications to the level of current IT technologies with the dispersed model of data processing using the WWW techniques. approx. 293 750 euro

3. Creating a corporate system of management of rights and users (Active Directory) for the Ministry of Justice, within the framework of the IT security system. approx. 243 750 euro

4. Ensuring the exploitation, service and sustainability of the operation of the main and spare centre for data processing. approx. 443 750 euro

The total participation of TF is: 1 500 000 euro.

Duration of the contract – six months

Contract VI (technical assistance)

Purchase of the training service for the purpose of ensuring adequate qualification and competence of technical and administrative staff and managers.

Administration of the Centre for Data Processing requires qualified human resources. It’s necessary to conduct advanced training on:

- mainframe administration
- database administration
- IT infrastructure administration:
- Planning and IT management
- WAN management

Training is necessary for ensuring a continuous performance of the Centre for Data Processing. It is assumed that training will be provided for ca. 15 persons on a number of different topics. One should pay particular attention to the fact that these trainings will cover specialized topics, such as mainframe administration (the maximum costs of a training for 1 person are more than 24.000 euro), database administration, e.g. DB2 (the costs are similar),
and WAN management. The accomplishment of this component is indispensable for the objectives of the Centre for Data Processing to be properly and successfully realized, as well as for its launching and continuous performance, which in turn results in the integrity of the data available for citizens and legal entities through the Central Court Registers. Some of the trainees will be given full training, while others only selected parts.

Trainers profile:
Trainers/training entity shall prove its experience in managing at least one similar project for institutional clients covering above mentioned topics.
Within a 3-year period preceding the deadline for submission of tenders, or when undertaking his business activities, the Contractor completed, or participated in the completion of at least 3 projects of training dealing with above mentioning topics.
Every trainer shall prove his experience in training provided for the public administration.
Every trainer shall proof his qualification in required field.

Technical staff have to be trained adequately to the needs resulting from the permanent operation of the Centre for Data Processing. The training has to be conducted partially in the Centre and partially in the specialised training centre. After the training the technical staff shall acquire advanced knowledge concerning operation of the Centre for Data Processing platforms, IT systems, applications and WAN.

The budget as described in point 5.1. would cover a set of five types of training (on mainframe administration, database administration, IT infrastructure administration, planning and IT management and WAN management). The budget was assessed on the basis of the market analyzes carried out by the Ministry of Justice services. The number of potential training firms is conditional upon the chosen technology (mainframe class computer).
Indicative budget:
Theses anticipations include the costs of training materials. The approximate main budget headings of trainings by topics:
- mainframe administration : approx. 112 000 euro
- database administration: approx. 72 000 euro
- IT infrastructure administration: approx. 112 000 euro
- Planning and IT management: approx. 42 000 euro
- WAN management – approx. 62 000 euro
Total participation of TF: 400 000 euro

Duration of the contract – six months

Lessons learned:
The project implementation is based on the programmes and initiatives already accomplished or under way, financed from the PHARE funds and from the Ministry of Justice’s own resources.
Obligations and recommendations resulting from the reports on the implemented programmes have been taken into account while drafting this project.

4. Institutional framework
The Beneficiary of the project is the Ministry of Justice:
- Organisation Department is responsible for the works carried out within the framework of the Twinning Light project, Component 1.
- Organisation Department is responsible for carrying out the activities provided for in Component 2 and the Department of Common Courts cooperates in those activities.
- Judicial Training Centre Department is responsible for carrying out the activities provided for in Component 3.
- IT and CORS Department is responsible for the activities under Component 4. The Department coordinates and supervises the investment contracts realised within the framework of the project and technical assistance contact (Component IV).

The SPO would be designated by the Minister of Justice. The position would be held by a high level civil servant (Judicial Assistance and European Law Department).
The project implementation does not require any institutional changes.
The purchased IT equipment will be owned by the Ministry of Justice.

5.1 Budget (in M EURO):

<table>
<thead>
<tr>
<th>Contract</th>
<th>Investment Support (€M)</th>
<th>Institution Building (€M)</th>
<th>Total Transition Facility (€M)=I+IB</th>
<th>National Public Funds (*) (€M)</th>
<th>Other Sources (**) (€M)</th>
<th>Total cost of the project (€M)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract I</td>
<td>0,250</td>
<td>0,250</td>
<td>0,025</td>
<td>0,025</td>
<td>0,275</td>
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</tr>
<tr>
<td>Contract II</td>
<td>0,121</td>
<td>0,121</td>
<td>0,040</td>
<td>0,040</td>
<td>0,161</td>
<td></td>
</tr>
<tr>
<td>Contract III</td>
<td>0,225</td>
<td>0,225</td>
<td>0,075</td>
<td>0,075</td>
<td>0,300</td>
<td></td>
</tr>
<tr>
<td>Contract IV</td>
<td></td>
<td></td>
<td>3,093</td>
<td>3,093</td>
<td>3,093</td>
<td></td>
</tr>
<tr>
<td>Contract V</td>
<td>1,500</td>
<td>1,500</td>
<td></td>
<td></td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>Contract VI</td>
<td>0,400</td>
<td>0,400</td>
<td></td>
<td></td>
<td>0,400</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>2,496</td>
<td>2,496</td>
<td>3,233</td>
<td>3,233</td>
<td>5,729</td>
<td></td>
</tr>
</tbody>
</table>

(*) contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises
(**) private funds, FIs loans to private entities

In the case of Joint Co-financing, where the final overall cost is lower than foreseen in the project fiche, the National Public and Transition Facility Co-financing are reduced proportionally so as to maintain the agreed rate of co-financing. In the case of Parallel Co-financing, where the final cost is lower than foreseen in the project fiche, it must be shown that the overall objectives of the project are fully achieved.

The amounts for national co-financing indicated in the table correspond to cash co-financing, unless otherwise stated. Contributions from the Polish administration for effective implementation of the Twinning Light/TA may be further detailed in the Twinning contract/Terms of References. Unless otherwise indicated, joint co-financing is provided.
VAT does not constitute eligible expenditure except where it is genuinely and definitely borne by the final beneficiary. VAT which is considered recoverable, by whatever means, cannot be considered eligible, even if it is not actually recovered by the final beneficiary or individual recipient.

In the case of parallel co-financing, the following activities will be financed from the parallel co-financing provision in the budget table: among other things, the expenses related to the study visit in the EU MS, travel, accommodation and catering for Polish participants in meetings.

According to the joint financing procedure, the total cost of TA contracts (no II – 0,161 MEuro, no III – 0,3 MEuro, will be financed with both Transition Facility funds and Polish funds, in proportions corresponding with contributions declared in the budget table. The funds for co-financing will be obtained from the national budget.

6. Implementation arrangements:
There will be a Project Steering Committee (PSC) established in order to speed up the implementation process of the given project components in the first months after Financial Decision for Transition Facility 2006 is taken. The structure of the Committee will be working as an advisory and monitoring body until particular components are contracted and thus where appropriate may be replaced by the Twinning Steering Committee as well as Steering Committees for TA or investment components independently.

The participants of the Project Steering Committee will be representatives of the following institutions: PAO, NAC, CFCU and beneficiary (SPO and contact person as indicated in the fiche). It is also recommended to invite representatives of NAO services while the issues of financial management flow are to be comprehensibly discussed. The Project Steering Committee will meet every quarter starting from the date of signing the Financial Decision and will concentrate on discussing the problem occurred at the beginning phase of project implementation as well as on defining possible solutions and corrective measures. The PAO representative will organise and chair the PSC meetings.

6.1 Implementing Agency:
PAO: Tadeusz Kozek, Under-secretary of State at the Office of the Committee for European Integration, Aleje Ujazdowskie 9, 00-918 Warsaw, phone: 00 48 22 455 52 41, fax. 00 48 22 455 52 43
CFCU: Foundation Co-operation Fund, Górnośląska Street 4a, 00-444 Warsaw, phone: 00 48 22 622 00 31, fax. 00 48 22 622 95 69

CFCU will be responsible for handling tendering, contracting and payments of contracts on behalf of the Ministry of Justice, which will be responsible for preparation of projects and administration of their technical implementation.

6.2 Implementation arrangements for twinning-light
Person to be contacted: Anna Suska-Baranowska, Director of the Organisation Department, phone: 00 48 22 628 86 36, fax. 00 48 22 628 25 75, e-mail: do@ms.gov.pl
Project Leader (PL) will be designated by the Organisation Department (position – at least the head of unit). Organisation Department of the Ministry of Justice is a direct beneficiary of the programme.
6.3 non-standard aspects:
N/a

6.4 Contracts

- Contract I - Twinning Light – under Component 1: 275,000 euro (250,000 euro from the Transition Facility funds, 25,000 euro from national funds) – parallel co-financing
- Contract II – Technical assistance – training and preparation of training and accessory materials under Component 2: 161,000 euro – gross value (121,000 euro from the Transition Facility funds, 40,000 from national funds) – joint co-financing.
- Contract III – Technical assistance – training for judges and public prosecutors under Component 3: 300,000 euro – gross value (225,000 euro from the Transition Facility funds, 75,000 from national funds) – joint co-financing.
- Contract IV - Investment – purchase under Components 2 and 4: 3,093,000 euro – gross value (3,093,000 from national funds).
- Contract V – Technical assistance – purchase under Component 4: 1,500,000 euro – gross value (1,500,000 euro from the Transition Facility funds).
- Contract VI – Technical assistance under Component 4: 400,000 euro – gross value (400,000 euro from the Transition Facility funds).

7. Implementation schedule

**Contract I – Twinning light**
7.1. Commencement of contracting process: IV Q 2006
7.2. Start of project implementation (signature of contract): II Q 2007
7.3. Project completion: IV Q 2007

**Contract 2 – Technical assistance**
7.2. Start of project implementation (signature of contract): II Q 2008
7.3. Project completion: IV Q 2008

**Contract 3 - Technical assistance**
7.2. Start of project implementation (signature of contract): IQ2008
7.3. Project completion: IVQ2008

**Contract 4 - Investment**
7.2. Start of project implementation (signature of contract): IQ2008
7.3. Project completion: II Q 2008

**Contract 5 - Technical assistance**
7.2. Start of project implementation (signature of contract): II Q 2008
7.3. Project completion: IVQ2008

**Contract 6 - Technical assistance**
7.2. Start of project implementation (signature of contract): II Q 2008
7.3. Project completion: IV Q 2008
Additional information on contracting schedule as for contracts 4-6:
The chosen technology (mainframe class computer) is a low risk technology, as for hardware
and software. The procurement plan was drafted on the basis on Transition Facility
programme guidelines taking into account the current stage of project preparation. Moreover
the Ministry of Justice while implementing pre-accession and subsequent EU programmes
gained the substantial experience in project management. If the assumptions as described in
the project fiche are kept, both the procurement plan and budget estimates will be met.

8. Sustainability

The beneficiary has qualified human resources adequate to the needs of the project at its
disposal. The beneficiary will guarantee the funds for maintenance and depreciation of the
equipment purchased under the project.

Moreover, the sustainability of the project would be ensured by:
- elaboration and distribution of manuals (as for Component 1 and Component 2)
- training for the trainers (as for Component 2 and Component 3)
- as for the on-going training of judiciary, the training on the EU law, including topics
  covered by the project, would be carried out by the National Training Centre for the Staff
  of Common Courts and Public Prosecutor’s
- elaboration and distribution of the report (Component 1)
- improvements in the infrastructure of courts by setting up new reception desk services
  (Component 2)
- better access of citizens to justice as a result of improvement in data processing

9. Conditionality and sequencing

9.1. Conditionality
Purchase of equipment must be preceded by the technical analyses conducted by the Polish
side according to details provided for in point 3.4
Installation of hardware and launching the Centre must be preceded by elaboration of a
project of migration of the currently operating Centre, applications and data.

9.2. Sequencing
Preparation of the details of the realisation of contracts – elaborated by relevant teams from
the Ministry of Justice.
Preparation of tender dossiers.
Realisation of contracts.
The following activities conducted under Component IV will be carried out under the
condition of no delays while tendering:
- securing of premises
- purchase, delivery and installation of software and hardware
- training of the staff
- launching of the Centre for data processing, migration of hardware and software.
Annex 1: Logframe planning matrix

<table>
<thead>
<tr>
<th>LOGFRAME PLANNING MATRIX FOR Program name and number</th>
<th>Strengthening the Polish justice system</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project – Strengthening the Polish justice system</td>
<td></td>
</tr>
<tr>
<td>Contracting period expires IVQ2008</td>
<td>Disbursement period expires IVQ2009</td>
</tr>
<tr>
<td>Total budget 5,729 M euro</td>
<td>Transition Facility Budget 2,496 M euro</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increasing the efficiency of the justice system, with the particular attention to the promotion of judicial co-operation and better access to justice for citizens and business.</td>
<td>1. Improvement in judicial proceedings as for cooperation of courts with court-appointed experts</td>
<td>Government documents; judicial statistics; reports by organs of government; reports by contractors; public opinions pulls.</td>
</tr>
<tr>
<td></td>
<td>2. Better access to justice and legal information,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Increased efficiency of the application of the EU law by the judiciary,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Increasing the efficiency, security and reliability of the Ministry of Justice IT systems in order to provide citizens, business and units of the Ministry of Justice with constant access to data.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project purpose (Immediate Objectives)</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Providing a better access to law and to legal information for citizens</td>
<td>2. Number of reception desk services in courts with trained staff increased by 9.</td>
<td></td>
</tr>
<tr>
<td>3. Increasing the efficiency of the application of the European law by the staff of the justice system.</td>
<td>3. Knowledge on recent developments in the EU law by ca. 132 members of the EU law network gained by the end of the project.</td>
<td></td>
</tr>
<tr>
<td>4. Increasing the efficiency, security and reliability of the Ministry of Justice IT systems in order to provide citizens, business and units of the Ministry of Justice with constant access to data.</td>
<td>4. Adequate qualification and competences of the Centre for Data Processing staff secured gained by the end of the project. (ca 15 IT professionals).</td>
<td></td>
</tr>
<tr>
<td>5. Quantity and reliability of data processed and stocked in the Centre for Data Processing increased.</td>
<td>5. Quantity and reliability of data processed and stocked in the Centre for Data Processing increased.</td>
<td></td>
</tr>
</tbody>
</table>

Polish authorities commitment in strengthening the justice system maintained.
<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>

Strengthening the Polish justice system
### Component 1
1. Comparative analysis of the principles related to the function of court-appointed experts elaborated.
2. Know-how and experience gained by other EU MS transmitted.
3. The manual on good practices elaborated and widely distributed.

### Component 2
1. The citizens’ access to law and legal information increased.
2. Trainers of the staff of the reception desk service trained.
3. The manual for the staff of the reception desk services elaborated.
4. New reception desk services established.

### Component 3
1. Members of the MLA networks (99 persons) and EU law network (33 persons) acting as trainers and local advisers trained on current EU law issues by the end of the project (training of trainers).

### Component 4
1. Quantity of data stored and processed in the Centre for Data Processing by the end of the project (it is an quantitative indicator (a number) to be compared with analogous indicator measured before project implementation).
2. Number of clients using the information of the centre for Data Processing (it is an quantitative indicator (a number) to be compared with analogous indicator measured before project implementation).
3. Reliability of the system measured by the access to the system within a month (it is an quantitative indicator (a number) to be compared with analogous indicator measured before project implementation).
4. Technical staff, administrative staff and managers trained by the end of the project. (ca. 15 persons).
<table>
<thead>
<tr>
<th>Activities undertaken under Twinning Light, technical assistance, investment purchases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Elaboration, by TWL experts, of reports and manual</td>
</tr>
<tr>
<td>2. Reports of experts and manual widely distributed and easily accessible by all stakeholders (in paper and electronic version) by the end of the project</td>
</tr>
<tr>
<td>3. Guidelines and recommendations of the reports applied in practice</td>
</tr>
<tr>
<td>4. Reception desk services in nine courts established (the network of reception desk services enlarged)</td>
</tr>
<tr>
<td>5. Trainers (approx. 36 persons) trained</td>
</tr>
<tr>
<td>6. Manual elaborated and widely distributed</td>
</tr>
<tr>
<td>7. Training for judiciary - members of the MLA networks (99 persons) and EU law network (33 persons) acting as trainers and local advisers trained on current EU law issues</td>
</tr>
<tr>
<td>8. Centre for Data Processing established and fully operational by the end of the project (as for infrastructure, training of staff and IT equipment)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Means</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Twinning light contract with involvement of about six short-term and mid-term experts.</td>
</tr>
<tr>
<td>2. TA contracts signed.</td>
</tr>
<tr>
<td>3. Investment contract signed, equipment delivery.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services involved in the implementation of the project professionally prepared.</td>
</tr>
<tr>
<td>Trained personnel remains in the service.</td>
</tr>
<tr>
<td>Securing sufficient funds in the national budget for adaptations and renovation of building.</td>
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</tbody>
</table>

Strengthening the Polish justice system
## Annex 2-3

### Strengthening the Polish justice system

#### Component I Contract I – twinning light

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<td>Planning period</td>
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<td>Budget Allocation Cost Estimate in M EUR</td>
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#### Budget Allocation Cost Estimate (in M EUR)

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**Legend**
- D = design of contract and tendering
- C = signature of contract
- I = contract implementation and payment

### Strengthening the Polish justice system

#### Component II Contract II – technical assistance

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#### Budget Allocation Cost Estimate (in M EUR)

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**Legend**
- D = design of contract and tendering
- C = signature of contract
- I = contract implementation and payment
Strengthening the Polish justice system
Component III Contract III – technical assistance

| Date of drafting | February 2006 |
| Planning period | end 2006-end 2008 |

| Budget Allocation Cost Estimate in M EUR |

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Legend
D=design of contract and tendering  
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I=contract implementation and payment

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Strengthening the Polish justice system
Component IV Contract V– technical assistance

| Date of drafting | February 2006 |
| Planning period | end 2006-end 2008 |

| Budget Allocation Cost Estimate in M EUR |

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Legend
D=design of contract and tendering  
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I=contract implementation and payment
Strengthening the Polish justice system

Component IV Contract VI– technical assistance

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</table>

Legend
D= design of contract and tendering
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Annex 4 Assessment of investment needs

The constant increase in the number of data processed is directly linked with:
- increasing demand for higher calculating capacity of the central computer
- purchase and licence costs of the central computer (mainframe class computer)
- central computer management costs
- mainframe service costs
- technical staff training needs

Component IV
1. Investment – preparatory stage (IQ 2006-IIQ 2007)
   - Elaboration of functional requirements for the Centre for Data Processing basing on experience gained while elaborating and implementing the technical infrastructure that is used at present
   - technical project and implementation of construction infrastructure together with supporting infrastructure (air condition, security and observation systems, fire detection systems, control and intrusion alarm systems)
   - elaboration of the technical project with regard to IT infrastructure (equipment, operational and system software and tools) and systems of security and service, taking account of conditionalities of the WAN network and used central applications
     i. Elaboration of project for the exchange of data between the central and spare centre.
     ii. Elaboration of a technical and economic analysis of the construction and launching of the centre.
     iii. Elaboration of a technical and economic analysis of the exploitation and maintaining of the centre.
     iv. Elaboration of a project of migration of centre and data.

   Purchase, delivery and installation of hardware and software.
   a. Purchase, delivery, installation and launching of IT infrastructure (central computer, disc matrixes and peripheries) and necessary computer hardware
      There is foreseen to purchase a computer Mainframe type with suitable configuration and calculating capacity.
   b. Purchase, delivery, installation and launching of the system software and tools, together with licensing and maintenance (licences for the right to use software and data base systems, administration tools and monitoring of the operation of systems)
      There is foreseen to purchase system software for the operational system z/OS type, database system DB2, WebSphere, tools for monitoring of the operation of equipment, software and databases.

Software and hardware would serve the following purposes:
- centralised data processing from Central Courts Registers
- archiving
- making data available to units of the justice system
- making data available to individuals and external entities.
Indicative draft budget

<table>
<thead>
<tr>
<th>Product</th>
<th>Number of units</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mainframe z9 class (including software licences)</td>
<td>1</td>
<td>2,45 M euro</td>
</tr>
<tr>
<td>Servers PC class (INTEL platform) and infrastructure elements (racks, consoles, software management)</td>
<td>20</td>
<td>0,3 M euro (per unit: 1 server and infrastructure elements) – 0,015 M euro</td>
</tr>
<tr>
<td>Data storage system (disc array, tape drives and controller)</td>
<td>1 set</td>
<td>0,250 M euro</td>
</tr>
<tr>
<td>IT equipment (component 2; as described in point 3.4)</td>
<td>9 sets</td>
<td>0,093 M euro</td>
</tr>
</tbody>
</table>

The budget as described in point 5.1. was estimated on the basis of the following factors:
- analysis of the IT market at the moment when the project was being prepared
- currently incurred expenses on the maintenance of the currently functioning Centre for Data Processing
- costs related to the modernisation of the centre for data processing (migration of the computer mainframe class into the new platform)
- growing needs of the justice system (substantial increased in number of data processed caused by the broader use of services provided with the use of IT technology).

Due to constant changes on the IT market prior to launching the Centre it would be necessary to conduct preparatory studies based on market research on the latest available equipment and technology to be implemented.