**STANDARD SUMMARY PROJECT FICHE**

**Project Number:** RO-9905-01

**Title:** Assistance to the Ministry of Justice (MoJ) in continuing the reform of the Romanian judiciary

**Sub-Programme:** Justice sector

1. Continuation of assistance to the National Institute for Magistrates

2. Development of the Case and Document Management System (CDMS)

**Geographical Location:** Romania, MoJ, National Institute for Magistrates (NIM), Public Ministry (PM)

**Objectives:**

In the AP with Romania, among the priorities and intermediate objectives identified by the European Commission, are “improved operation of the judicial system; training for the judiciary in Community law and its application; reinforcement of justice and home affairs institutions”. In this respect, as it is stressed in the Recommendations for Action from the Annex to the AP, “The judicial system must be strengthened in terms of staffing, resources and relevant expertise. A comprehensive upgrading of judges, in particular in EU matters, must be carried out”. In its November 1998 Report on the progress of Romania, the EC also pointed out that “Administrative weaknesses such as the lack of accessible case-studies and court verdicts affect the equitable application of law” and “There is also scope for further improving court administration, in particular as regards training, equipment and general working conditions”.

Bearing in mind that a real reform of the public administration can’t be achieved without an independent and modern judicial system, this project proposal aims at contributing, as a continuation of Phare 97 and 98 programmes, to a more efficient, effective and modern operation of the Romanian magistracy and to the enhancement of its capacity to meet the requirements of the acquis communautaire. Strengthening the judicial sector is a long-term “time-consuming” process that can not be covered through one project, therefore a continuation of activities in the past is essential for developing a solid judicial structure.

This wider objective can be reached by the following immediate objectives:

1. Continuation of the strengthening of the National Institute for Magistrates (NIM), both professionally and in terms of infrastructure;
2. Further development of training for magistrates, legal experts and support staff
3. Further development of the CDMS (case and document management system), created under Phare 97

**Description:**

**Immediate Objective 1 - Continuation of the strengthening of the NIM, both professionally and in terms of infrastructure**

*This objective will be reached through the following activities:

- Improvement of course documents and curricula
- Training of NIM trainers*
• Procurement of equipment and furnishings for NIM new HQ and for the School for Clerks

**Immediate Objective 2- Further development of training for magistrates, legal experts and support staff**

*This objective will be reached through the following activities:*

• Training courses for sitting magistrates, legal experts in new fields connected with EU accession
• Training courses for clerks through the newly established School for Clerks
• Abroad training for magistrates, legal experts and clerks

**Immediate Objective 3- Further development of the CDMS (case and document management system), created under Phare '97**

*This objective will be reached through the following activities:*

• Procurement of equipment for new locations (courts and prosecutors offices) in order to connect them to the CDMS created under Phare 97 Programme
• End users training

These objectives will be implemented through standard Phare procedures. There will be a single procurement contract for equipment, both for NIM and CDMS.

**Institutional framework:**

The institutions involved in this project are: MoJ, PM and NIM.

The judicial system in Romania is composed of courts and attached prosecutorial offices in accordance with the administrative territorial organisation of the country. There are 182 courts of first instance, 41 tribunals and 15 courts of appeal and the same number of prosecutorial offices attached to them. Only 50 courts of first instance and 50 attached prosecutorial offices together with NIM will be the beneficiaries of the present project. The project will be also supported by the MoJ and PM from their own budgets.

The National Institute for Magistrates has been founded in 1992 with the aim of generating a specific training for magistrates and has been initially conceived to focus on the need to ensure homogenous practical skills, knowledge of legal norms and understanding of the responsibilities of the magistrates. The Institute carries out initial training for graduates destined to become magistrates. It also undertakes continuous training of all the magistrates on specific legal issues (new legislation, particular complex litigation etc.).

However, since its inception the training in the Institute was not compulsory for the new entrants, and the co-operation between courts and prosecutor offices, on the one hand, and the Institute on the other one was at a low level. Consequently, those following the courses have been kept apart from the activities of the courts and prosecutor offices. This has generated, soon after foundation, a poor interest in following the curricula of the Institute.

Material constraints also discouraged the activities, as the Institute did not have its own headquarters or appropriate spaces for the trainees. Moreover, having low-level wages, the new magistrates from the countryside cannot afford to stay in Bucharest for a one-year training.

In the Phare Sector Operational Programme (SOP) 97 it was specified that the NIM would become in 3 to 5 years the exclusive route for admission to the magistracy. In the same document, references were made to the need of clerks training, as they are hired on more or less aleatory basis, without special requirements and no training for their future activity. Consequently, their performances are precarious during the first year of profession.
In order to improve the activity of the Institute, measures have been taken to find new headquarters (the Institute moved in July 1998) with appropriate training conditions. Furthermore, the trainees, who are not yet sitting magistrates, but recent graduates from Law School, receive a monthly scholarship of the same amount than the wage of a beginner magistrate.

Beginning with the new academic year, 1999-2000, NIM will become the exclusive admission way in the magistracy. This implies a rise in the number of students, and also of the NIM permanent staff.

In order to fulfil its new role, the NIM is supported by MoJ which made available a new building (5 floors out of the 6 of the former HQ of MoJ). This building is currently being restored and refurbished through the financial efforts of the MoJ. It is expected that before the beginning of the current project, the NIM will move in these new HQ.

Through Phare 97 Programme, an amount of 400.000 Euro was allocated (over a total budget of 1.5 Meuro) in order to procure equipment and furnishings for NIM, residence for the trainees and 2 selected regional training centres.

However, due to financial constraints neither the MoJ nor the NIM can insure the necessary equipment and furnishings for the new HQ.

The CDMS envisaged by Phare 97 implies the creation of a comprehensive system linking all the courts and prosecutorial offices in the country. The MoJ should be connected to the 15 Appeal Courts, the appeal courts to the tribunals and the tribunals to the first instance courts. This project, based on reliable and secured ‘replicated’ databases technology will allow courts and prosecutorial offices to register cases electronically, to keep the evidence of the stage of a case and their transmission to upper level jurisdictions or prosecutorial offices, to communicate statistics and other documents with upper level courts or prosecutorial offices and with the Ministry of Justice. The funds allocated through Phare programme 97 will link in the system only 17 courts and 17 prosecutorial offices, besides the MoJ, PM and NIM.

Through its own efforts MOJ provided equipment for the 15 appeal courts and other 26 tribunals that are now acting as a pilot for the future developments.

The success of all these efforts depends on the continuous deployment of the system. In 1999 because of restricted budget the development of the system will stop. Therefore, a complementary allocation is needed to continue supporting MoJ and PM in developing the CDMS through the integration of new courts and prosecutor offices in the system.
Budget (in MEURO):

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*in case of co-financing

Implementation Arrangements:

The Implementing Authority (IA) is the MoJ. The project will be managed under Decentralised Implementation System (DIS). Tendering, contracting and payments will be dealt with by CFCU in the Ministry of Finance. MoJ will provide necessary resources (staff and premises) for the implementation of the project.

It is planned that the project will be implemented through 2 separated contracts. However, part of the IB budget might be earmarked for long-term secondees.
Implementation schedule:

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<th>Start of tendering/twinning procedures</th>
<th>Start of project activities</th>
<th>Completion</th>
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<td>September 2000</td>
<td>September 2002</td>
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Equal Opportunities:

The Romanian Ministry of Justice is an equal opportunities employer.

Environment: not applicable

Rates of Return: not applicable

Investment Criteria:

*Catalytic effect:* The investment will generate improvements in efficiency and accuracy in the Romanian courts. It should help to reach the accession priority related to the functioning of the court system and this priority cannot be reached without continuing the investments in automation. Although the MoJ allocates from its own funds resources for automation, these resources are very limited. The Phare grant will speed the process.

*Additionality:* The assistance is not a replacement of Romanian own budgetary sources but an additional investment to own sources. For instance, in 1998 the MoJ allocated from its own funds 800,000 USD for investment in automation, which is a very important amount of money compared to the budget. The MoJ invests also in buildings for courts, each year new courts being inaugurated or old buildings being refurbished. As stated before, the Phare grant will speed the process of modernisation.

*Sustainability:* The Romanian authorities are capable of covering the costs for running and maintaining the system where the investments have been made.

*Competition:* The actions, which are financed, respect the competition provisions of the Europe Agreement.

Conditionality and Sequencing:

Funding for NIM project will be made available once the NIM will move in the new HQ, which are currently being restored and refurbished.

Funds for automation under the CDMS component will be available if progress with the RO9705-02 project on the CDMS allows so.
### LOGFRAME PLANNING MATRIX FOR ASSISTANCE TO THE MINISTRY OF JUSTICE IN CONTINUING THE REFORM OF THE ROMANIAN JUDICIARY

**Programme name and number:**

**Date of drafting:** 18.06.1999

**Contracting period Expires:** 31.12.2000

**Disbursement period expires:** 31.12.2001

**Project Number:** RO-9905-01

**Total Budget:** 3 MEURO

**Phare contribution:** 3 MEURO

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### Wider Objective

#### Indicators of Achievement*
- A modern NIM functioning as the only way of access to the magistracy
- CDMS enlarged at new locations (courts and prosecutors' offices)

#### How, When and By Whom Indicators Will Be Measured
- Report; annual; MoJ
- Statistics; biannual; MoJ and Public Ministry
- Report; final; Contractor

#### Assumptions and Risks
- Continued priority of legislative and judicial reform
- Continued efforts to engage in legislative approximation and harmonization programme, including a further reinforcement of the institutional capacity
- Investment in the coming years in adequate infrastructure like buildings, office equipment, rebuilding and renovating activities etc

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### Immediate Objectives

#### Indicators of Achievement*
- Orientation of the continuous training for 1000 magistrates in new fields connected with EU accession
- Specific training for 50 legal experts in fields connected with EU accession and for 200 clerks
- Equipment procured for 3 IT laboratories and furnishings for new NIM headquarters
- CDMS at 100 new locations, connected to the system created under Phare 97

#### How, When and By Whom Indicators Will Be Measured
- Course documents and curricula; in the inception phase; Contractor + beneficiaries
- Course evaluations; after each activity; Contractor + beneficiaries
- Inspections at the selected locations; after procurement; Contractor + beneficiaries
- Implementation reports; quarterly; Contractor

#### Assumptions and Risks
- Ability of contracted experts to design and implement training for targeted groups in specific areas
- Effective co-ordination of institutions' inputs
- Readiness of institutions involved to make available the time required for the selected staff to attend training
- Willingness of magistrates and support staff to improve knowledge and skills in modern ICT
<table>
<thead>
<tr>
<th>Outputs</th>
<th>Indicators of Achievement*</th>
<th>How, When and By Whom Indicators Will Be Measured</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
</table>
| • NIM strengthened, well equipped, in order to train all future magistrates  
  • Increased number of magistrates and legal experts with enhanced professional skills  
  • Professional skills and selection of clerks improved  
  • Court operations, file management and access to information on files improved at first level courts and prosecutors’ offices attached to these courts | • NIM institutional reputation increased  
 • Availability of 1000 magistrates, 50 legal experts and 200 clerks to be trained  
 • Adequacy of teaching facilities  
 • Adequate equipment for 3 IT laboratories and classrooms at NIM  
 • Adequate equipment for 100 locations to be connected to CDMS created under Phare 97  
 • 32 training courses for magistrates organized  
 • 5 training courses for legal experts organized  
 • 10 training modules for clerks organized  
 • 4 abroad training for magistrates, legal experts and clerks  
 • File management and access to information improved due to the connection of 100 new locations at the CDMS | • Interviews; after NIM graduating; presidents of courts and chief prosecutors  
 • Enhanced cooperation with similar EU institutions; permanent; similar EU institutions  
 • Inspections at the selected locations; regularly & at the end of the programme; Contractor + beneficiaries  
 • Interviews; regularly; users  
 • Course evaluations; after each course; Contractor + beneficiaries  
 • Questionnaires; end of courses; trainees  
 • Implementation reports; quarterly; Contractor  
 • Monitoring and assessment reports; according to DIS | • Physical infrastructure of NIM ready  
 • Availability of skilled and motivated magistracy staff  
 • Adequate remuneration and promotion prospects in order to retain trained staff  
 • Physical infrastructure in place to receive/install ICT  
 • Availability and willingness of selected staff to participate in training  
 • Disfunctionalities in the CDMS due to differences in the performances of the equipment to be connected to the network  
 • Users’ acceptance of the new system |
<table>
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<th>Inputs</th>
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<th>How, When and By Whom Indicators Will Be Measured</th>
<th>Assumptions and Risks</th>
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</table>
| ♦ Phare grant: 3,000,000 EURO, split between projects as following:  
  - NIM: 1,500,000 EURO  
  - CDMS: 1,500,000 EURO  
  In order to cover: TA, equipment, training, documentation  
♦ Budget contributions from MOJ, Public Ministry, NIM to cover: premises, wages, administrative expenses | ♦ FM  
 • National annual budgets of the institutions involved | ♦ FM  
 • National annual budgets of the institutions involved | • Great delays in approving the documents by the European Commission before starting the implementation  
 • Basic and fundamental prerequisites in place to receive ICT |

* Must be quantified and measurable
**Assistance to the Ministry of Justice (MoJ) in continuing the reform of the Romanian judiciary**

**CUMULATIVE CONTRACTING SCHEDULE (million)**

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NB: *all contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of the FM*

* Sub-programme 1 includes Objectives 1 and 2
* Sub-programme 2 includes Objective 3

**Objective 1:** Continuation of the strengthening of the NIM, both professionally and in terms of infrastructure

**Objective 2:** Further development of training for magistrates, legal experts and support staff

**Objective 3:** Further development of the CDMS (case and document management system), created under Phare '97
Assistance to the Ministry of Justice (MoJ) in continuing the reform of the Romanian judiciary

CUMULATIVE DISBURSEMENT SCHEDULE (milion)

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NB: all disbursements must be completed within 36 months of signature of the FM

* Sub-programme 1 includes Objectives 1 and 2
* Sub-programme 2 includes Objective 3

Objective 1: Continuation of the strengthening of the NIM, both professionally and in terms of infrastructure

Objective 2: Further development of training for magistrates, legal experts and support staff

Objective 3: Further development of the CDMS (case and document management system), created under Phare '97
Name of programme: Assistance to the Ministry of Justice (MoJ) in continuing the reform of the Romanian Judiciary

Project fiche no. RO-99XX-01

CUMULATIVE CONTRACTING and DISBURSEMENT SCHEDULE (million)

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NB: 1. all contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of FM

2. all disbursements must be completed within 36 months of signature of the FM
**TIME IMPLEMENTATION CHART FOR PROJECT NUMBER RO-99XX-01**

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* Sub-programme 1 includes objectives 1 and 2  
* Sub-programme 2 includes objective 3
## ASSISTANCE TO THE MINISTRY OF JUSTICE IN CONTINUING THE REFORM OF THE ROMANIAN JUDICIARY

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<th>Description</th>
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<td>Abroad training for magistrates, legal experts &amp; clerks</td>
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<td>Further development of the CDMS (case and document management system), created under Phare '97</td>
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* In case of co-financing
Relation of project with previous PHARE activities and with ongoing projects financed from other sources (including government budget)

The justice system has benefited and is currently benefiting from other programmes Some of these are PHARE programmes, others are supported by other donors, e.g. UNDP/CICP, USAID, USIS, SOROS Foundation, Know How Fund.

As for the Phare Programmes, the Ministry of Justice, together with the Public Ministry and the National Institute for Magistrates, is currently implementing the project under Phare 97 "Assistance to the development of the National Institute for Magistrates" - RO 9705-01. The main aim is training of magistrates and legal experts from the Ministry of Justice and the endowment of the Institute. The Ministry will soon begin the second project "Case and Document Management System & Legal Library and Documentation System" - RO 9705-02 (see Project fiche for details). In April 1999, the Steering Committee of the European Commission approved under Phare 98 the Twinning programme for the Ministry of Justice, which is expected to start in September 1999. Under the Twinning project, 2 French PAA will assist the Ministry in the process of reinforcement of its institutional capacity in managing the acquis communautaire and will conduct training, together with other EU experts, in different Romanian jurisdictions.

The justice system benefits from other donors essentially for the National Institute for Magistrates, court administration and training for magistrates. No equipment has been purchased under these programmes.

Through the new created (September 1998) Division for Programmes, the Ministry of Justice has the capacity to manage the different programmes, in order to insure coherence in the assistance provided by the donors and to avoid overlaps.
LIST OF RELEVANT LAWS AND REGULATIONS

1. Law no.92/1992 for the organization of the Romanian judicial system

2. The Government Decision no.65/1997 on the organization and the functioning of the Ministry of Justice


4. Regulations on the organization and functioning of the Ministry of Justice