STANDARD SUMMARY PROJECT FICHE

1. Basic Information

1.1 Désirée Number: SI0204.03
1.2 Twinning Number: SI02/IB/JH/02
1.3 Title: Modernisation of Judicial System
1.4 Sector: Justice and Home Affairs
1.5 Location: Slovenia, Ministry of Justice, Ljubljana

2. Objectives

2.1 Overall Objective(s):

The general aim of the Twinning is to support Republic of Slovenia to fulfil the political criteria set by the 1993 Copenhagen European Council (specially democracy, rule of law and human rights).

2.2 Project purpose:

Project purposes are:
- Reducing the number of backlogs at courts and shorten the length of proceeding in the significant cases.
- Trained officials of judiciary

The twinning arrangement will focus on three items:
- Procedural aspect: The implementation of the long term institutional changes recommended by the conference on the Modernization of justice within the framework of the Twinning Project (SL99/IB/JH-03) with special regard to appellate procedure in all areas of law.
- Clear separation of responsibilities and powers between the Ministry of justice and the judiciary
  Linked activities are:
  a) modernization of the statistical and analytical methodology for the review of the efficiency of the courts
  b) building up of institutional capacity to overview and analyze the functioning and efficiency of judicial reform.
  c) training of the persons from the court administration in the gathering of accurate data for courts efficiency review.

The Ministry of Justice shall be able and responsible at any time to react to problems due to the reform. Upon the results of the analyses the intervention shall cover normative, organizational changes and changes of the management of the courts and form the recommendations for the judicial branch that could improve the every day practice of the judicial system.
- **Training of the officials of judiciary.** The implementation of the long-term institutional changes recommended by the conference on Training of Judicial professions. In the framework of the mentioned area the concept of the whole process of training system will be discussed as well some necessary legislative changes.

### 2.3 Accession Partnership and NPAA priority

**AP (1999):**

*Medium-term:*
Reinforcement of institutional and administrative capacity: improved operation of the judicial system, reinforcement of justice (and home affairs) institutions (ensuring sufficient and properly trained personnel in courts, prosecutor’s office and state attorneys).

**AP (draft version 2001)**

**Democracy and rule of law:** Continue improving the functioning of the judiciary especially by reducing the backlog of pending court cases.

**NPAA:**

*(electronic version of May 2001)*

4.1.24. Justice and Home Affairs

### 3. Description

#### 3.1 Background and justification:

In the 2000 Regular Report from the Commission on Slovenia’s progress towards accession was stressed that the excessive duration of court procedures continues to be a problem in Slovenia. However, some progress has been made with regard to judicial reform and in reducing the backlog of pending court cases.

The Ministry of Justice in its activities in the last three years with the cooperation and support of the government and the judiciary approached the issue of the improving efficiency by comprehensive analyses of reasons that cause delays in court procedures. In this demanding enterprise the Phare assistance especially in the running Twinning project helped in pinpointing some of the areas of judicial process the need institutional reform. This analysis is not limited to the definition of areas that cause most of the problems, but the concept and the direction in which the legislative and institutional reform should be directed has been produced.

Furthermore the Ministry of Justice during this activities realized that its ability to efficiently induce the processes that would result in the reduction of backlogs could be fostered by a clear separation of powers and the responsibilities between court administration between the executive branch (Ministry of Justice) and the judicial branch (courts).
As for the success of the reform modern methods of statistical data gathering and analysis is crucial. The Ministry of Justice and the judiciary (Judicial council) respectively need coherent and accurate data to review and supervise the efficiency of judicial work and the implementation of the legislative reforms.

3.2. Linked activities:

The Twinning Project »Organization and functioning of justice administration and training of judges« (SL99/IB/JH-03) which is currently running will be ended by the end of February 2002. The aim of the new twinning project will be to build up the institutional framework within the Ministry of Justice to implement the proposals of the experts of the currently running twinning. On these proposals the Ministry of Justice should be able to continuously evaluate the implementation and form new proposals along those lines. Furthermore the aim will be to evaluate the system in vigour of court and judicial administration to achieve overall effective system.

In the above mentioned Twinning Project the experts with participation and support of national experts and high ranking representatives of the judicial, executive, legislative branch formed a set of conclusions and recommendations that include all areas of judicial process. To improve the efficiency of the judicial process the following general sets of activities were agreed upon:

- How to achieve more effective use of existing procedural rules,
- What sort of organisational changes are needed,
- What conceptual changes in legislation are necessary to facilitate the process?

According to the nature of conclusions steamed from the reports and other activities within the framework of the running twinning the implementation required a short-term activity mostly in the form of workshops and seminars or minor or significant legislative changes. For the implementation of the later institutional changes are needed and long term activity is needed accordingly. By the long term activities are meant specially changes in the appellate procedure in all areas of judicial process and changes in organisational structure of court administration.

2nd Phare horizontal project on »developing judicial co-operation in criminal matters« is currently running and ends in December 2002. The gaps and needs analysis has been almost completed and we are expected to draft and adopt a national action plan in this field. We do not foresee at this moment any legislative activity to be needed to implement the Acquis of the European Union in this field. However if in due course such a need would arise the proposed project could offer significant support.

The defined long-term legislative institutional changes cannot be analysed or drafted or even less adopted by the end of the running twinning. The MOJ does have in its long-term (2-3 years) legislative program the reforms recommended by the Conference. The concrete implementing strategy and the shape of these changes acceptable for our system and legal tradition is still to be defined. Especially in this stage further expert support is crucial.
The proposed Twinning Project for PHARE 2002: "Consumer dispute resolution" (SI0202.05) deals with very specific matter which is not covered by the proposed Twinning Project "Modernisation of judicial system". Nevertheless reducing of number of consumer disputes will indirectly reduce total number of backlogs in courts which is the Project purpose of the Twinning Project "Modernisation of judicial system". Therefore the Project Leader of "Consumer dispute resolution" project should report about their activities and results to the Project leader, Mr. Marko Starman.

3.3 Results:

Ad item 1:
- Drafts of legislation changes that would reform the appellate procedure in all areas of law.
- Restricting the practice of courts of second instance of returning cases for a decision at first instance in the case of annulled judgment.

Ad Item 2
- Drafts of legislation changes regarding the separation of responsibilities and powers between the judiciary and the Ministry of Justice
- Applied modernized methodology of data gathering and analyses of the courts efficiency.
- Staff of the Ministry of justice will be given an extensive training in methods of measuring the success of legislation reform.
- At least one person from each court administration will be given an extensive training in the gathering of accurate data for courts efficiency review.

Ad item 3
- Elaborate the concept of the reformed training system for officials of judiciary and expert staff of the courts.
- Drafts of legislation changes regarding with respect to the above mentioned concept.

3.4 Activities:

Ad item 1
- Shorten the length of proceeding in the courts. Changing the practice of courts of second instance of returning cases for a decision at first instance in the case of an annulled judgment and with eventual needed changes of procedural law regarding the appellate procedure.

Ad item 2
- Set up an efficient control of the over the efficiency in all parts of the judicial system
- Modernization of the analytical and statistical methodology for the review of manpower requirements for all branches of judiciary to optimize the using of staff.
- Normative projects concerning separation of competencies between the executive and judicial branch for the supervision over the efficiency in all parts of the judicial system.
- Training concerning organizational issues from the point of view of separation of
functions of judges and administration in courts.

Ad item 3
- Training personnel for the needs of the judiciary and assure the training for officials of judiciary.

Means
- Long-term pre accession adviser for one year in Slovenia
- At least eighteen short-term expert visits in Slovenia (two experts for each area of procedural law: civil law, criminal law, administrative law, social law, labour law; three experts for training system in judiciary; at least three experts in organizational law of courts, two experts for court statistics).
- After the first study visits the working groups mixed of Slovene experts and short time experts of a Member State will be set up. They will work through Internet as well as meetings in Slovenia. Also conferences in different stages of the project to present and evaluate the results are foreseen.
- Training (seminars in Slovenia will require at least four experts for training the staff at the Ministry of justice as well court administration in all Slovene courts. The training will last at least three days. In order to have small groups of people the training program will be carried out several times.
- Study visits and internship of presidents of the courts and staff from the Ministry of justice in Member State
- Translation of legislation and court statistics into English

3.5 Lessons learned

The central issue that was dealt with by the previous Interim Evaluations and M&A Reports was “objectivity of verifiable indicators”. Area of judicial activity and efficiency of judicial work is a complex one and therefore we do face the indicated problem. Taking all this into account we shaped the project in such a way to be focused on specific areas of judicial activity such as “decisions of second instance court” and we put much more emphasise on methods of statistical data gathering. Such a direction would enable the Ministry of Justice to verify the results and at the same time the evaluators.

4. Institutional Framework

The beneficiary will be the Ministry of Justice of the Republic of Slovenia, which will be responsible for the project in cooperation with the Supreme Court, High Courts, District and County Courts, State Prosecutors Office, State Attorney’s Office, Slovenian Bar Association, Slovenian Notary Association and Slovenian Chamber of Executive Officers, Judicial Council, Judiciary Training Centre.

According to the Law on organization and areas of work of the ministries the Ministry of Justice shall perform among other duties: -legislation in the area of penal law and civil law, legislation on court procedure, organizational legislation in the area of judiciary, the funding and assurance of personnel, training personnel for the needs of the judiciary and
for professional exams, the supervision of the work of the courts, lawyer and notaries, judicial statistics.

According to the Courts Law the affairs of the court administration shall be in the competence of the president of the court, unless otherwise provided by mentioned law while in matters of judiciary administration the Ministry of Justice communicate with the courts through the presidents of the courts.

5. Detailed Budget

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*In cases of co-financing only
Co-financing will be earmarked in national budget for 2002 and 2003.
The expected budget of the twinning covenant is 600,000 EUR.

6. Implementation Arrangements

6.1 Implementing Agency

The Implementing Agency responsible for tendering and contracting:
Ministry of Finance - Central Finance and Contracting Unit
Beethovenova 11, 1502 Ljubljana
tel: + 386 1 478 6203ax: + 386 1 478 6204
Contact person: Mr. Peter Škofic, PAO

Implementing Authority and Beneficiary of the project:
Ministry of Justice of the Republic of Slovenia
Županciceva 3, 1000 Ljubljana
tel: + 386 1 478 53 94
fax: + 386 1 426 10 50
Responsible person: Marko Starman, State Secretary
e-mail: marko.starman@gov.si
Contact person:
Ms. Erika Ponikvar - Decman, Advisor to the Minister
Županciceva 3, 1000 Ljubljana
tel: + 386 1 478 54 49
fax: + 386 1 426 10 50
Contact person: Marko Starman, State Secretary
e-mail: marko.starman@gov.si

Contracting authority
Ministry of Justice of the Republic of Slovenia
Županciceva 3, 1000 Ljubljana
Mr. Ivo Bizjak, M.Sc., Minister

6.2 Twinning

The project is designed to be implemented as a Twinning package, consisting of long-term expert (PAA) and short-term experts, internship in MS, study visits to MS, training and translations.

6.3 Non-standard aspects

PRAG for Phare, ISPA and SAPARD will strictly be followed.

6.4 Contracts

There will be one one contract - that is Twinning covenant. The value of the covenant is 0.6 MEUR. ¹

7. Implementation Schedule

7.1 Start of tendering/call for proposals: 3rd Quarter 2002
7.2 Start of project activity: 4th Quarter 2002
7.3 Project Completion: 4th Quarter 2003

8. Equal Opportunity

The equal participation will be absolutely assured. We will bear in mind that the participation of women and men will be in an equitable proportion.

9. Environment

Not applicable.

¹Within the budget of the twinning covenant the contract with permanent project assistant is planned for max 36.000 EUR.
10. Rates of return

Not applicable.
11. Investment criteria

Not applicable.

12. Conditionality and sequencing

Not effective co-operation between the ministry, judiciary and other institutions. If the co-operation is not effective the project cannot give the sufficient results.
ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
4. Reference to feasibility /pre-feasibility studies. For all investment projects, the executive summary of the economic and financial appraisals, and the environmental impact assessment should be attached (compulsory)
5. List of relevant Laws and Regulations (optional)
6. Reference to relevant Government Strategic plans and studies (may include Institution Development Plan, Business plans, Sector studies etc) (optional)
ANNEX 1 - Phare log frame

<table>
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<tr>
<th>LOGFRAME PLANNING MATRIX FOR</th>
<th>Programme name and number: Modernization of Judicial System SI0204.03</th>
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<td>Project: MODERNISATION OF JUDICIAL SYSTEM</td>
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<td>Total budget: 0.75 MEUR Phare budget: 0.6 MEUR</td>
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<th>Overall objective</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
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<tr>
<td>To fulfill the political criteria set by the 1993 Copenhagen European Council (specially democracy, rule of law and human rights).</td>
<td>Length of proceeding in the significant cases will be shortened.</td>
<td>Court statistic</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Project purpose</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
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<tbody>
<tr>
<td>- To reduce the number of backlogs at courts and shorten the length of proceeding in the significant cases. - Trained officials of judiciary</td>
<td>- Number of cases where courts of second instance will reach a final decision will decrease. - Agreed new concept of the training for officials of judiciary</td>
<td>- Court statistic - Drafts of relevant laws at MoJ - Concrete statistical analysis of all critical stages of court activities, which include concrete cases.</td>
<td>- Effective co-operation between the MoJ, judiciary and other experts of legal theory of various areas of law.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
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<tr>
<td>- Improve the appellate procedure in all areas of law</td>
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<td>- Improve the system of monitoring and review of efficiency of the judiciary and necessary methodology of data gathering</td>
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<td>- Elaborate the concept of the reform of the training system of the officials of judiciary</td>
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<td>- Normative projects concerning organizational rules in courts and monitoring and review of the efficiency of the judiciary</td>
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<td>- Normative projects concerning training for the officials of judiciary</td>
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<td>- Drafts of relevant laws at MoJ</td>
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<td>- Modern methodology of court statistics</td>
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- Effective co-operation between the MoJ, judiciary and other experts of legal theory of various areas of law.
<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
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<tr>
<td>- Shorten the length of proceeding in the courts.</td>
<td>- Twinning covenant (one PAA, eighteen short term experts).</td>
<td>- Effective co-operation between the MoJ, judiciary and other experts of legal theory of various areas of law.</td>
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<tr>
<td>- Set up an efficient control of the over the efficiency in all parts of the judicial system</td>
<td>- Study visits and internships in MS</td>
<td>- Ministry of justice recruit and retain adequate staff.</td>
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<td>- Training personnel for the needs of the judiciary and assure the training for officials of the judiciary.</td>
<td>- Training of judiciary</td>
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<td>- Translation of legislation and court statistics</td>
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Annex 2: Implementation time chart

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Tendering

Implementation
Annex 3: Contracting schedule (sheet 1)

NB See also sheet 2 for disbursement schedule

Name and Number of programme
Modernization of Judicial System SI0204.02

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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 FM
### Annex 3: Disbursement schedule (sheet 2)

Name and Number of programme  
Modernization of Judicial System  
S10204.02

#### CUMULATIVE DISBURSEMENT SCHEDULE  (EUR million)

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NB all disbursements must be completed within 36 months of signature of the FM
### Annex 3: Contracting and disbursement schedule (sheet 3)

Name and Number of programme  
Modernization of Judicial System SI0204.02

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</table>

**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