



Aid Coordination Unit

**Minutes of the Sectoral Monitoring Subcommittee Meeting
JUSTICE AND HOME AFFAIRS**

| | |
|----|--|
| 1. | Location: Miestodržiteľský palác, Hlavné námestie 8, Bratislava |
| 2. | Date: 2 May 2006 |
| 3. | Participants: Mr Kálmán Petőcz, Director, Aid Coordination Unit, Office of Government of the SR Ms Denisa Kútyová, Aid Coordination Unit, Office of Government of the SR Mr Martin Orth, Aid Coordination Unit, Office of Government of the SR Ms Andrea Daubnerová, Head of Phare and TF Unit, National Fund, Ministry of Finance of the SR Ms Silvia Rusznayáková, National Fund, Ministry of Finance of the SR Mr Tomáš Adamkovič, National Fund, Ministry of Finance of the SR Ms Silvia Czuczorová, PAO, Central Finance and Contracting Unit Ms Martina Zuberská, Central Finance and Contracting Unit Mr Vojtech Kišš, Central Finance and Contracting Unit Mr Miroslav Škvarka, Central Finance and Contracting Unit Ms Nadežda Pátoprstá, SPO, Ministry of Interior of the SR Mr Július Králik, SPO, Ministry of Justice of the SR Mr Miloslav Hečko, SPO, General Prosecution of the SR Ms Veronika Kulíková, Fight against Corruption Department, Office of Government of the SR Ms Dana Lóžiová, General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control Ms Ivica Matušková, Civil Service Office Ms Dagmar Gombitová, D&D Phare Interim Evaluation Cell Ms Marie Kaufmann, CEEN Transition Facility Interim Evaluation Cell Mr Pavel Tomasta, CEEN Transition Facility Interim Evaluation Cell |
| 4. | Minutes taken by: Ms Denisa Kútyová, Aid Coordination Unit, Office of Government of the SR |
| 5. | Minutes approved by: SMSC members by written procedure |

Agenda of the Meeting

1. Sectoral Monitoring Report
 - taking stock of the implementation of the projects covered by the SMSC
 - recommendations for improvement of the programmes/ projects' implementation
2. Proposals for project fiche modifications, reallocations and extensions
3. On-the-spot monitoring conducted by the European Commission
 - 3.1 European Commission's proposal for updating of project fiches after contract signature
 - 3.2 Monitoring of publicity and visibility requirements
4. Kick-off for Interim Evaluation of Transition Facility JHA 2004 and 2005 projects
5. Conclusions, suggestions for the Joint Monitoring Committee

The Sectoral Monitoring Sub-committee (SMSC) meeting was chaired by Mr Kálmán Petőcz, Aid Coordination Unit (ACU) Director on behalf of the National Aid Coordinator (NAC). He reminded the purpose of the SMSC meeting and informed about the upcoming Joint Monitoring Committee (JMC) meeting scheduled for 15 June 2006.

The above-mentioned agenda was adopted.

Ad 1) Sectoral Monitoring Report

Ms Kútyová briefly introduced the Sectoral Monitoring Report (MR) for the Justice and Home Affairs Sector issued by the ACU covering eighteen projects for the period from 1 September

2005 to 28 February 2006 (the cut-off date). She elaborated more on the main objectives as well as main concerns of the ACU in the Justice and Home Affairs (JHA) sector.

JHA sector is a comprehensive one, comprising projects from Phare FM 2003, Transition Facility 2004 and 2005. The main focus of this sector is on Justice; Schengen Border Management; Migration and Asylum; Fight against Crime, Corruption and Drugs; Public Administration and Civil Service; Prosecution and Law Enforcement.

The main concerns of the ACU in this sector were mentioned as follows:

- Most of the projects from NP 2002 have already finished in the previous monitoring period and therefore are not included in this MR. Concerning projects from FM 2003, most of the projects are in their implementation phase. In regard to most of the projects from Transition Facility 2004 and 2005, they are in tendering and preparation phase and no significant outcomes can be reported yet.
- Not sufficient assessment of risks as well as clear setting of conditions in the projects.
- Last minute contracting of FM 2003 projects consequently causing postponed contracting of 2004 and 2005 Transition Facility projects.
- Long period between the programming of projects and their implementation causing requests for modification of project fiches.
- Several circulations of twinning light components due to the lack of twinning partners in some areas.
- Lack of administrative capacities dealing with project implementation or frequent fluctuation of employees dealing with EU funding.
- Lack of cooperation in projects where more than one party is involved.
- Not sufficient time for the implementation of some project's activities due to the late contracting of funds from FM 2003 requiring request for extension of disbursement period.
- Serious concerns appear in case of assistance provided to the Civil Service Office. The 2003 Modernization of Civil Service programme is at present unlikely to achieve the original purpose. The current unfavorable situation will require adequate action to ensure cost-effectiveness.

Justice

2003-004-995-03-22 Strengthening the Efficiency of the Judiciary

The main objective of this project was to assist relevant Slovak authorities with the amendment of the Civil Procedure Code, the Commercial and Bankruptcy laws, and to proceed with the computerisation in the sector of justice via the establishment of the electronic archiving system. Eventually, because of a conflict of interest the TA contract for legislative works could not be concluded and the project had to be cancelled (there is a possibility to finance this project from UIBF 2005 envelope – the European Commission requires further clarifications). SW development for the archiving Document Management System was contracted at the ultimate commitment deadline whilst supply of HW for eight regional courts has already been completed in November 2005.

2004/016-764.03.01 Strengthening of the Judicial System

This project consists of the following components: a) TWL Project Training of Judges on New Legislation started on 13 January 2006 and is under implementation; b) TWL Creation of a New System for the Evaluation of the Workload of Judges and Courts – DPF is under preparation and to be circulated in the coming days; c) TA Promoting Civil Mediation within Professionals and Public – project is under implementation, contract was signed on 27 March 2006; d) TA Legal Conscience – the draft ToR was submitted to the CFCU, tender to be launched in the coming days.

2005/017-464.03.02 Support to the Finalization of the Setting-up of the Judicial Academy of Slovakia

This project consists of three components: a) TWL Training Activities; b) TA Purchase of Books; c) TA Supply of Services. ToR and DPF for tendering are under preparation.

UIBF 2004 Development of the software for implementation for Penal Procedure Code Recodification into IS PATRICIA

Contract was signed on 7 April 2006; project is in its inception phase.

Home Affairs

2003/004-995-03-19 Strengthening the Reception Capacities for Asylum Seekers in the SR

Reconstruction works in Humenné started in March 2005 and finished in April 2006. Inspection of the building is planned at the end of May and official opening will be on 9 June 2006.

2003-004-995-03-21 Modernization of Technical Equipment at the Slovak International Airports

Due to difficult climatic conditions and technical problems, an Addendum to the contract was signed, refining on the technical specification and prolonging the deadline for supplies for the airports Poprad and Košice until 31 May 2006 and for Bratislava until 31 October 2006. Nowadays, test operation of camera monitoring system is running at the airport Poprad. Airport Košice is waiting for the test operation in the coming days. Project encountered difficulties at the Bratislava airport where the operator has not been able to provide facilities for the installation of the equipment. However, it has been agreed that the facilities for the installation of the camera monitoring system would be available by 15 September 2006 at the latest.

2003-004-995-03-23 Compliance with EU Criteria on Police Co-operation and the Fight against Crime (DNA)

Concerning TA, the contract was signed on 7 November 2005. Activities 1.1 and 1.2 were already successfully finished and 435 participants were trained. Concerning laboratory supply, the contract was signed on 28 November 2005. The supply of equipment depends on the completion of laboratory reconstructions. Concerning laboratory adaptations, the contract was signed on 30 November 2005. The laboratories are currently under reconstruction according to plans. Problem with the invoices has been solved.

2003-004-995-03-24 Combating Money Laundering

Activities of the TWL component were completed in December 2004. As part of the TWL contract, the manual for processing of large-scale financial investigations was completed and submitted to the final beneficiary. The contracting of technical components was completed in November 2005, special software and part of the standard SW and HW were delivered by 30 December 2005, all supplies and installation was completed in the first quarter 2006.

2003-004-995-01-02 Support to the Reform of the Public Administration System in the SR

Twinning part of the project is running according to the schedule. Final Conference is planned on the beginning of June. Concerning two TA components of the project, these are in the implementation phase; progress reports should be submitted in the coming days. Partners in both TA have declared that they are ready to deliver requested results in compliance with the ToRs and contracts.

2003-004-995-01-04 UIBF – Reinforcement of the Protection of the Special Court for Combating Corruption and the Office of Special Prosecutor

TWL partner of this project is the Northern Ireland Public Sector Enterprises Limited. The contract was signed on 13 October 2005. On request of the Irish partner, a prolongation of the

contract by 31 May 2006 was signed on 10 January 2006. The last training activity and final seminar is planned in the course of May 2006.

2004/016-764.08.03 UIBF – Implement the Schengen Action Plan - The Accompaniment Measures at the Internal Borders

TWL partner of this project was the French Ministry of Interior. The twinning contract was signed on 5 September 2005 and project realisation was finished in April 2006. All activities were implemented according to the schedule and results indicate successful progress and conclusion in conformity with stated objectives.

2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security – Border and Alien Police of Police Presidium

In accordance with the results of the selection meeting held on 20 September 2005, the Ministry of Interior (Police Force Presidium) decided to implement the project with France as leading partner and Austria as junior partner. The Ministry of Interior with twinning partners drew up the TW Work Plan and sent it to the CFCU for approval. The final version with incorporated comments was sent for the binding opinion to Brussels.

2005/017-464.03.04 Reinforcement of Capacities to Fight Corruption among Police Officers

Technical Specification for service contract as well as DPF for TWL contract is under revision of the CFCU.

Civil Service

2003-004-995-01-01 Modernization of the Slovak Civil Service and Public Service

There is a high risk that not all the activities envisaged in the project fiche will be fulfilled, since the time for implementation of the project is significantly shortened and the Civil Service Office as one of the main beneficiaries is going to be abolished on 31 May 2006. Therefore immediate considerations should be given to adequate corrective measures, including request for extension, adaptation and re-orientation of project activities to more prospective project users (e.g. Ministry of Labour, Social Affairs and Family) and/ or cutting of activities/ budgets. The NAC addressed a letter in this matter to the Ministress of Labour, Social Affairs and Family (as a new single beneficiary of the project) asking for the standpoint of the Ministry as well preparation of the request for extension of disbursement period. Project will be closely monitored by the NAC services.

Fight against Corruption

2003-004-995-01-03 Fight against Corruption

The project consists of three sub-projects. The sub-project Analysis of Training of Professional Journalism in Slovakia was successfully finished in December 2004. Contract for the sub-project Transparency in Functioning of State Administration and Public Self-administration was signed on 29 March 2005. Implementation of the project is in its final phase, final report is under preparation. Concerning the sub-project Fine-tuning of Legislative Framework and Sharing EU MS Experience with New Anticorruption Institutions in Slovakia, it is in its implementation phase, problems with approval of inception report occurred. They should be solved in the coming days.

2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR

No progress can be reported. Beneficiary should start with drafting DPF and ToR.

Fight against Drugs

2003-004-995-01-04 UIBF – Social and Economic Costs of Illicit Drugs Used in the SR

Project finished in September 2005 with the workshop on the methodology for the estimation of the social and economic costs of illicit drug use in the SR. Discussions and all the necessary arrangements have been made.

2004/016-764.03.02 Support to the Implementation of the National Programme for the Fight against Drugs 2004 – 2008

Concerning the TW part, all activities are done according to the working plan and several workshops were already organized. Concerning the Grant Scheme (GS), a project fiche modification was approved in January 2006, Memorandum of Understanding between the CFCU and Slovak Government Office was signed on 15 March 2006, the first round for submission of GS proposals was launched on 20 March 2006 with the deadline for submission on 30 April 2006, and some 20 project proposals were received. Concerning TA, ToR is under preparation and tender is to be launched in May 2006.

Ad 2) Proposals for Project Fiche Modifications, Reallocations and Extensions

Request for Extension and Modification of project 2003-004-995-01-01 Modernization of the Slovak Civil Service and Public Service is being prepared by the Ministry of Labour, Social Affairs and Family. The SMSC encouraged the Ministry to speed up the preparation of the request and reminded that it would have to be properly justified and submitted in due time to make it acceptable for the Commission.

Ad 3) On-the-spot Monitoring Conducted by the European Commission

Ad 3.1) European Commission's Proposal for Updating of Project Fiches after Contract Signature

The ACU informed about the European Commission's proposal to update project fiches' objectively verifiable indicators (OVIs) after contract signature (after inception phase) as it is important for measuring the progress of individual projects. The SMSC members agreed that the current arrangements (project fiche modification before contract signature; update of project via the ToR/ TS and in particular the possibility to adjust the OVIs in the monitoring reports) are sufficient for conducting future monitoring as well as evaluation activities. The SMSC members also expressed their concern over transparency of such an approach. At the request of the SMSC, the Phare interim evaluators presented their opinion according to which no added value should be expected from PF modification, which is lengthy and increases the administrative burden because OVIs update has taken place without this procedure and has been recorded in the monitoring reports if the beneficiaries found it appropriate.

Ad 3.2) Monitoring of Publicity and Visibility Requirements

The ACU reminded the requirements for monitoring and publicity as given in Annex D of financing memoranda. The SMSC agreed that the publicity and visibility requirements were taken seriously to increase public awareness and transparency of EU actions and create a consistent image of EU-funded measures. The CFCU will also send a reminder concerning publicity and visibility requirements to all contractors and beneficiaries and will include these requirements into General Conditions of the contracts. The CFCU will also focus on respecting publicity and visibility requirements during its upcoming on-the-spot monitoring visits (site checks) to be conducted in line ministries.

Ad 4) Kick-off for Interim Evaluation of Transition Facility JHA 2004 and 2005 projects

Mr Petőcz informed that a contract had been signed on 3 April 2006 with the CEEN Economic Project and Policy Consulting GmbH a EUROFORMES, s.r.o. for interim evaluation (IE) of Transition Facility projects. Evaluators Ms Kaufmann and Mr Tomasta were introduced.

All stakeholders had been provided with a tabular overview of interim evaluation responsibilities, list of JHA TF 2004 – 2005 projects to be evaluated and a list of documents to be submitted to evaluators.

Ms Kaufmann presented the indicative schedule of the interim evaluation activities as follows:

| | |
|--|------------------|
| Kick-off meeting | 2 May 2006 |
| Deadline for delivery of documents | 16 May 2006 |
| Start of actual evaluation | 17 May 2006 |
| Analysis, meetings with beneficiaries – interviews | May – June 2006 |
| First draft IE report distributed for comments | by 21 June 2006 |
| Debriefing meeting | by 26 July 2006 |
| Final IE report | by 2 August 2006 |

Documents including list of people to be interviewed shall be submitted to the evaluators preferably in electronic form (email or compact disc) (marie.kaufmann@evaluation.cz, cellphone: 00 420 222074109; pavel.tomasta@stonline.sk, phone: 5729 5582) by 16 May 2006. Otherwise to be submitted personally to the evaluators in hard copy whose office is located on the premises of the Slovak Government Office (Štefánikova 2).

Ad 5) Conclusions, suggestions for the Joint Monitoring Committee

SMSC reminded to beneficiaries the necessity to submit DPFs, ToRs and TS within 6 months after the Commission's Financial Decision. This concerns mainly Transition Facility 2005 projects.

The Ministry of Labour, Social Affairs and Family has to prepare the request for extension of disbursement period for project 2003-004-995-01-01 Modernization of the Slovak Civil Service and Public Service as well as define the future orientation and adjustment of the project activities under new circumstances (CSO abolishment, last amendment of the Civil Service Law).

Concerning the programming of UIBF 2005 envelope, five projects were recommended by the Steering Committee for submission to the European Commission. The Commission gave its positive opinion on four projects; one project in the field of judiciary is still under discussion.

Programming of Transition Facility 2006 is in its final phase. It is assumed that Slovakia will have 10 projects within this programme to be submitted for the approval of Phare Management Committee at the end of June/ beginning of July 2006.