

Interim Evaluation Nr. R/SK/TF/JHA/06.001

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2004/016-764.03.01 Strengthening of the Judicial System

2004/016-764.08.03 UIBF 2004: Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA

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

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

2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia

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

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

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

Transition Facility

Interim Evaluation of the European Union Transition Facility

The Slovak Republic

Sector: Justice and Home Affairs

Author:



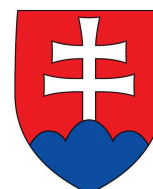
in consortium with



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EXECUTIVE SUMMARY

The Slovak Republic – Justice and Home Affairs

Monitoring Report: M/SR/JHA/06012 issued on 25 April 2006

Interim Evaluation Report: R/SK/TF/JHA/06.001

This Executive Summary covers the Transition Facility assistance under the following programmes/components:

2004/016-764.03.01 Strengthening of the Judicial System, 2004/016-764.08.03 UIBF 2004: Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA, 2004/016-764.03.02 Support to the Implementation of the National Programme for the Fight Against Drugs 2004-2008, 2004/016-764.08.03 UIBF 2004: Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders, 2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia, 2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR, 2005/017-464.03.04 Reinforcement of Capacities to Fight against Corruption among Police Officers and 2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security.

A) Objectives and Scope

The goal of this Interim Evaluation is to review the Transition Facility assistance to Slovakia under the Justice and Home Affairs Monitoring Sector. The EU support to Slovakia has been focused on the area of justice and prosecution, fight against drugs and corruption and the Schengen border management, with the total allocation of almost 4.4 M€ for years 2004 and 2005, including co-financing. For the evaluation purposes the standard five criteria have been used, namely relevance, efficiency, effectiveness, sustainability and impact¹.

B) Evaluation Results

Most of the programmes to the Justice and Home Affairs Sector are *relevant*. They cover the priority areas as defined in both the EU and Slovak policy documents and the respective strategies, such as the Schengen Action Plan or the National Programme for Fight against Drugs. Majority of project's designs remain relevant also under the new ruling Government, as the assisted needs are present also in the Government's Manifesto. This does not hold for Fight against Corruption. Consequently, Fight against Corruption may have to be reformulated, depending on whether the Office of the Government will remain the national coordinator for fight against corruption or not. The quality of programme documents has been improved; however some of the well-known shortages remain present, such as the vague definition of objectives and low quality of achievement indicators. This

¹ *Relevance* relates to the project's design and concerns to the extent to which its objectives address real needs. *Efficiency* concerns how well activities have transformed inputs into outputs. *Effectiveness* assesses whether the project's purposes have been achieved. *Sustainability* evaluates whether project outcomes are likely to continue after external funding ends. *Impact* denotes the relationship between the project's purpose and overall objectives.

is especially obvious in the Unallocated Institutional Building Facility, where almost no relevant objectives and corresponding indicators of achievement exist.

Some of the programmes were clearly over-ambitious, such as twinning part of the 2004 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008, the one with negative implications in its realisation phase.

Efficiency of the reviewed programmes shows mixed results. Vast of the projects have suffered from delays at their pre-implementation phase due to long-run approval mostly from the side of the Ministry of Finance/the Implementing Agency – Central Finance and Contracting Unit and due to new legislation in the area of public procurement. A decreased technical capacity of beneficiary institutions has caused a delay in the pre-implementation as well. Performance of contractors and also twinning partners is usually satisfactory, sometimes even subsidising and remedying the lack of local administrative support and other design weaknesses. Moreover, in the case of 2005 Justice Academy, the institutional twinning partner has also faced a shortage of skilled technical personnel to prepare the tender documentation, which contributed to a delay. The commitment and disbursement of projects does not show very positive results, especially for the 2005 programme with only one project being contracted at the time of this Report was prepared. Some weaknesses have been noticed in the quality of reporting on project's activities, such as for the 2004 Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders Schengen. Moreover, a potential delay in the first activity of the 2005 Schengen has been signalled. The delay will actually materialise in case that related activities financed from the Schengen Facility will be delayed. Such a situation would negatively influence the project implementation.

Effectiveness of most of the projects could be evaluated positively with some early effects being materialised, such as for the 2004 assistance for the Justice Academy or parts of the 2004 Schengen intervention. Predictions of successful implementation of most of the 2004 and 2005 projects are positive, mostly due to their design.

Sustainability of majority of projects effects hasn't reached the sustainable status yet, however, good perspectives for sustainability exist at least for some interventions, such as training and institution building of the Justice Academy, the top priority support to the Schengen Action Plan and Fight against Corruption among police officers.

We can expect that most of the Transition Facility projects in the Sector of Justice and Home Affairs will contribute to the fulfilment of their respective Wider Objectives, also due to their broad definition. Many of the projects incorporate a multiplication element or have a broad object, which provokes positive evaluation of the *impact* criterion, such as the 2004 Fight against Drugs.

C) Recommendations and Rating

Aid Co-ordination Unit

The Aid Co-ordination Unit at the Office of the Government, together with the respective Senior Programme Officers, the Central Finance and Contracting Unit at the Ministry of Finance, contractors and twinning partners should insure accomplishment of log frames for the Unallocated Institution Building Projects. They should be included into Inception

Reports; in the case they are not present in the project documents. This should include also definition of Wider and Immediate Objectives, the corresponding Indicators of Achievement and assumptions and risks which shall serve for Monitoring and Evaluation purposes.

Resident Twinning Adviser for Schengen

The Resident Twinning Adviser for the 2005 Schengen project in co-operation with the Ministry of Interior – Border and Aliens Police should improve the quality of his reporting. The reports should be written in a structured, managerial form and to include clear identification of the outputs delivered and the corresponding achievement of goals, which again shall serve for Monitoring and Evaluation purposes.

Furthermore, in case of delayed related activities financed from the Schengen Facility, the Adviser should provide an actual work plan showing that the activity 1, which is a crucial part of the project, will be implemented properly. In case that some parts cannot be implemented, he should prepare a proposal for reallocation of resources for remaining activities that need strengthening. The Advisor can after the consultation with the beneficiary and twinning partners propose additional activities according to actual needs.

General Secretariat for Board of Ministers for Drug Dependencies and Drug Control

The General Secretariat in co-operation with the Ministry of Interior should present to the Aid Co-ordination Unit a document, showing the future role of the trained regional drug co-ordinators in the case of abolishment of the regional state-administration offices.

Aid Co-ordination Unit / Senior Programme Officer/CFCU

The Aid Co-ordination Unit at the Office of the Government, in cooperation with the respective Senior Programme Officer should assess the position of the Office of the Government as the main beneficiary of the Fight against Corruption project and reformulate the project accordingly.

The Office of the Government should remain the main beneficiary only if it continues to coordinate activities related to fight against corruption in the country in the future. This needs to be reflected in strengthening of capacities of the Department of Fight against Corruption. In case that the Office of the Government will not fulfil this function anymore, we recommend to explore a possibility to bring the project under another key player in this area, such as the Ministry of Interior or the Ministry of Justice, which should become the main beneficiary.

Rating

	Relevance	Efficiency	Effectiveness	Sustainability	Impact	Verbal Rating
Justice and Prosecution						
2004/016-764.03.01 Judiciary	1	1	1	0	1	S
2005/017-464.03.01 JAS	1	0	1	0	0	0
2004/016-764.08.03 UIBF 2004 Prosecution	1	1	1	0	0	S
Fight against Drugs and Corruption						
2004/016-764.03.02 FAD	1	-1	1	0	0	S
2005/017-464.03.03 Corruption	-1	-1	0	-1	0	U
2005/017-464.03.04 Corruption	1	1	1	0	0	S
Schengen Border Management						
2004/016-764.08.03 Schengen	1	-1	1	1	1	S
2005/017-464.03.01 Schengen	1	0	1	0	0	0
Total for the JHA Sector	1	-1	1	1	1	S

Unacceptable	Poor	Sufficient/ adequate or no rating possible	Good	Excellent
-2	-1	0	+1	+2

Highly Unsatisfactory	Unsatisfactory	No rating possible	Satisfactory	Highly satisfactory
HU	U	N/A	S	HS

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PREFACE

This Interim Evaluation Report covers Transition Facility assistance to the Justice and Home Affairs sector in Slovakia under the following programmes:

2004/016-764.03.01 Strengthening of the Judicial System, 2004/016-764.08.03 UIBF 2004: Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA, 2004/016-764.03.02 Support to the Implementation of the National Programme for the Fight Against Drugs 2004-2008, 2004/016-764.08.03 UIBF: Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders, 2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia, 2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR, 2005/017-464.03.04 Reinforcement of Capacities to Fight against Corruption among Police Officers and 2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security.

This Interim Evaluation Report has been prepared by CEEN Economic Project and Policy Consulting GmbH and Euroformes s.r.o.² during the period from August to September 2006 and reflects the situation at 18 September 2006, the cut-off date for the Report. The factual basis is provided by the Monitoring Report M/SR/JHA/06012 prepared by the Aid Co-ordination unit of the Office of the Government, covering the period from September 2005 to February 2006 and issued on 25 April 2006. Other findings are based on analysis of formal Programme documentation, interviews with the main parties and published material.

The Interim Evaluation Report examines the progress of the programmes towards the objectives stated in the formal programming documents, i.e. Project Fiches. The report is intended to provide management information for the benefit of the Joint Monitoring Committee and other involved parties. It draws conclusions and puts forward Recommendations. It provides a general assessment of programmes or components under consideration and included in the corresponding Sectoral Monitoring Report.

Comments have been requested on the draft Report from the following parties:

Party invited	Comments received
Office of the Government/Aid Co-ordination Unit	yes
Ministry of Justice SR	yes
Ministry of Interior SR	yes
General Prosecution	yes
Office of the Government/General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control	yes
Ministry of Finance/Central Finance and Contracting Unit	yes
Ministry of Finance/National Fund	yes

² Authors: Viera Spanikova and Viera Gazikova, Interim Evaluation Cell CEEN/Euroformes. The Report was reviewed by the CEEN Headquarters in Vienna

Where possible, the Evaluators have integrated the comments received into the Report. Dissenting views are included in the Annex 6.

GLOSSARY OF ACRONYMS

ACU	Aid Co-ordination Unit
BAP	Border and Alien Police
BFCPP	Bureau of Fight against Corruption of the Police Presidency
CFCU	Central Finance and Contracting Unit
CMR	Comprehensive Monitoring Report
CPI	Corruption Perception Index
DIP	Drug Information Portal
DPF	Detailed Project Fiche
EU	European Union
ECJ	European Court of Justice
FAC	Fight against Corruption
FACPO	Fight against Corruption among Police Officers
FAD	Fight against Drugs
FM	Financing Memorandum
GenSec	General Secretariat
GS	Grant Scheme
GSBMDDDC	General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control
HW	Hardware
GP	General Prosecution
IA	Indicator of Achievement
IAS	Information and Analytical System
IB	Institutional Building
IE	Interim Evaluation
IO	Intermediate Objective
IR	Inception Report
IS	Information System
IT	Information Technology
JAS	Justice Academy
JHA	Justice and Home Affairs
JMC	Joint Monitoring Committee
LEA	Law Enforcement Agency
MM	Monthly Meeting
M&E	Monitoring and Evaluation
MoF	Ministry of Finance
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoLSAF	Ministry of Labour, Social Affairs and Family
MoU	Memorandum of Understanding
MS	Member State
NGO	Non-governmental Organisation
NPBP	National Plan for Border Protection
NPFAD	National Plan for Fight against Drugs
OIS	Office for Inspection Services, Ministry of Interior SR
OoG	Office of Government
PF	Project Fiche
PIS	Personal Information System
PPF	Presidium of the Police Force
RTA	Resident Twinning Adviser
SAP	Schengen Action Plan
SC	Steering Committee
SIS	Schengen Information System

SMSC	Sectoral Monitoring Sub-Committee
SPO	Senior Programme Officer
SR	Slovak Republic
SW	Software
TA	Technical Assistance
TF	Transition Facility
ToR	Terms of Reference
TW	Twinning
TWL	Twinning Light
UIBF	Unallocated Institution Building Facility
WO	Wider Objective

MAIN REPORT

FINANCIAL AND CONTRACTUAL DATA OF THE SECTOR JUSTICE AND HOME AFFAIRS

Project Number	Title	Beneficiary	Contract			Transition Facility Support			Co-financing		
			Start of Contract	Finish of the Contract /Expiry of Contracting	Expiry of Disbursement	Allocated €	com %	dis %	Allocated €	com %	dis %
COMPONENT 1 : JUSTICE AND PROSECUTION											
2004/016-764.03.01	Strengthening of the Judicial system	MoJ	01/2006	15/12/2006	15/12/2007	480,000	41.30	16.67	–	–	–
	Twinning Light Project Training of Judges on New Legislation		13/01/2006	13/07/06	15/12/2007	100,000	99.96	79.97	–	–	–
	Twinning Light Project Creation of a New System for the Evaluation of the Workload of Judges and Courts		–	15/12/2006	15/12/2007	150,000	0.00	0.00	–	–	–
	Technical Assistance Promoting Civil Mediation		27/03/2006	15/12/2006	15/12/2007	100,000	98.28	0.00	–	–	–
	Technical Assistance Legal Conscience		–	15/12/2006	15/12/2007	130,000	0.00	0.00	–	–	–
2005/017-464.03.02	Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia	MoJ	–	15/12/2007	15/12/2008	460,000	0.00	0.00	20,000	0.00	0.00
	Twinning Light Project		–	15/12/2007	15/12/2008	250,000	0.00	0.00	–	–	–
	Supply Contract		–	15/12/2007	15/12/2008	60,000	0.00	0.00	20,000	0.00	0.00
	Service Contract		–	15/12/2007	15/12/2008	150,000	0.00	0.00	–	–	–
2004/016-764.08.03 UIBF 2004	Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA	General Prosecution Office	07/04/2006	15/12/2006	15/12/2007	199,999	97.85	58.71	–	–	–

COMPONENT 2 : FIGHT AGAINST CRIME, CORRUPTION AND DRUGS											
2004/016-764.03.02	Support to the implementation of the National Programme for the Fight Against Drugs 2004-2008	Office of Government	07/2005	15/12/2006	15/12/2007	1 500,000	86.67	4.64	700,000	92.85	51.43
	Twinning Project		13/07/2005	15/12/2006	15/12/2007	800,000	100.00	44.38	100,000	100.00	30.00
	The Grant Scheme		15/03/2006	15/12/2006	15/12/2007	500,000	100.00	60.00	550,000	100.00	60.00
	Technical Assistance (Training)		-	15/12/2006	15/12/2007	45,000	0.00	0.00	25,000	0.00	0.00
	Technical Assistance (SW)		-	15/12/2006	15/12/2007	155,000	0.00	0.00	25,000	0.00	0.00
2005/017-464.03.03	Continued Support to the Fight against Corruption in the SR	Office of Government	-	15/12/2007	15/12/2008	700,000	0.00	0.00	-	-	-
	Twinning Light Project		-	15/12/2007	15/12/2008	180,000	0.00	0.00	-	-	-
	Twinning Light Project		-	15/12/2007	15/12/2008	160,000	0.00	0.00	-	-	-
	Twinning Light Project		-	15/12/2007	15/12/2008	260,000	0.00	0.00	-	-	-
	Technical Assistance		-	15/12/2007	15/12/2008	100,000	0.00	0.00	-	-	-
2005/017-464.03.04	Reinforcement of capacities to fight corruption among police officers	MoI (Police)	-	15/12/2007	15/12/2008	680,000	0.00	0.00	-	-	-
	Twinning Light Project		-	15/12/2007	15/12/2008	250,000	0.00	0.00	-	-	-
	Technical Assistance		-	15/12/2007	15/12/2008	430,000	0.00	0.00	-	-	-
COMPONENT 3 : SCHENGEN BORDER MANAGEMENT											
2004/016-764.08.03 UIBF 2004	Implementation of the Schengen Action Plan - The Accompaniment Measures at the Internal Borders	MoI (Police)	31/08/2005	04/2006	15/12/2007	165,000	99.95	79.96	-	-	-
2005/017-464.03.01	Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security	MoI (Police)	05/2006	15/12/2007	15/12/2008	600,000	99.98	4.23	-	-	-
Total for the Sector						3,645.000	67.46	34.11	720,000	90.27	50.00

Source: Perseus by cut-off date 18 September 2006

1. SECTORAL BACKGROUND AND SCOPE OF EVALUATION

1.1 Sectoral Background

1. This Interim Evaluation (IE) Report is the first of the series of reports to cover the Transition Facility (TF) assistance to Slovakia, namely the Justice and Home Affairs (JHA) Sector, one of the three existing monitoring sectors for the TF and Phare support in the Slovak Republic (SR). The programmes under review are closely linked to the respective EU documents, such as the 2003 Country Monitoring Report (CMR), the Memorandum of Understanding (MoU) on the TF 2004 – 2006 Implementation and other sector-related documents, such as the National Programme for the Fight against Drugs (NPFAD) or the Schengen Action Plan (SAP).

1.2 Scope of Evaluation

2. The JHA monitoring sector for the TF part covers several 2004 and 2005 projects, which were split for the evaluation purposes into the following three Components:

- ❑ Justice and Prosecution
- ❑ Fight against Drugs and Corruption
- ❑ Schengen Border Management

1.2.1 Performance of Activities³

Component 1 Justice and Prosecution

2004/016-764.03.01 Strengthening of the Judicial System, 2004/016-764.08.03 Unallocated Institution Building Facility (UIBF) 2004: Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA, 2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia (JAS)

Activities and Outputs

3. The focus of the 2004 Judiciary project is to provide further training to judges on the EU *acquis* and improve efficiency of legal proceedings, both civil and commercial. The 2004 UIBF Prosecution project aims at enhancement of functioning of the Slovak prosecution via development and implementation of the new Software (SW) in its network of offices. The 2005 JAS project provides further support to the establishment and operation of the JAS through the transfer of know-how and experience, development of the relevant SW and set-up of the library.

Effects

4. From the 2004 Judiciary assistance the Twinning Light (TWL) sub-project aiming at further training of judges finished mid July this year. Under this IT assistance up to 300 judges, prosecutors, high-court officials and other relevant people have been trained in the EU commercial law, penal matters, the no-criminal area, family law. Further almost 30 trainers

³ For more detailed information on activities, outputs and effects, please see Annex 5

have been provided training under the Training of Trainers (ToT) activities. The massive reach of training efforts should materialise in the improved work of the Slovak judiciary and prosecution, especially when dealing with the EU law and the work of the JAS. The Technical Assistance (TA) focused on mediation was another sub-project at the implementation phase. The preparatory phase has been completed with first activities being commenced, such as training sessions for various groups of general public and experts or promotion and training materials being completed, such as videotapes or handbooks. Though it is too early to report on concrete effects, this TF intervention due to its successful start has good chances to contribute to raise awareness about mediation in Slovakia. The rest of the judiciary assistance, namely the Twinning Light (TWL) on workload of judges and the TA on arbitration were at the pre-implementation phase to bring any effects.

5. The UIBF 2004 Prosecution project has proceeded from its analytical phase of vast of its tasks into their implementation. The concrete areas which have been supported so far include, for instance the structured documents, the registry administration, migration of data or the EU warranty arrest. The complementary training sessions have commenced with its ToT element in August 2006. Only after successful implementation of all the planned activities, the project could show its effects in speeding up and improving the quality of the work of the relevant law enforcement agencies (LEA)s, notably the prosecution. Moreover, after its final completion, the system should be the best in the EU.

6. As the 2005 JAS project is in the pre-implementation stage, no effects can be reported. When realised, we expect that it will contribute to the improvement of the training system for the Judiciary in the Slovak Republic and enhancement of the ability of Slovak judges to apply the EU law.

Component 2 Fight against Drugs and Corruption

2004/016-764.03.02 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008, 2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR, 2005/017-464.03.04 Reinforcement of Capacities to Fight against Corruption among Police Officers

Activities and Outputs

7. The 2004 Fight against Drug (FAD) project aims at strengthening of capacities of all key stakeholders involved in FAD and enhancement of their co-operation, co-ordination and communication. The 2005 Fight against Corruption (FAC) project deals with complex national corruption issues and should provide the guidelines, training and a study on the anti-corruption activities. The 2005 Fight against Corruption among Police Officers (FACPO) aims at building an effective system for the detection of corruption through the installation and operating information and analytical system (IAS).

Effects

8. Some effects to be reported from the 2004 TW intervention, as it has been implemented for more than a year with up to 50 training activities and 6 study visits to Member States (MS) realised. The Residential Twinning Adviser (RTA) and his team completed also several assessment reports, including recommendations how to improve the Drug Demand Reduction System at the national and also local levels. Also a group of key experts in the area of drug topic has been identified and its capacities built. The key players in FAD improved their co-

operation, which should together with other outputs positively influence implementation of the NPFAD. Another running sub-project is the Grant Scheme (GS) with 14 grants awarded to Non-governmental Organisations (NGO) and other eligible entities active in anti-drug activities under the 1st round and the 2nd round being announced just recently. Tangible effects could be reported however only after the cut-off as the first grant activities are designed to commence in fall this year but should have a positive effect on the whole chain of the drug problem. The TA sub-project for the Drug Information Portal (DIP) was at the pre-implementation stage at the time of this IE for any effects to be shown.

9. There are no effects to be reported due to the pre-implementation phase of the 2005 FAC and a slow progress in its preparation from the side of the Office of Government (OoG). No effects can be reported also for the 2005 FACPO project, where the finalisation of the pre-implementation phase takes place. A delay here was caused, among others, by the Central Finance and Contracting Unit (CFCU).

Component 3 Schengen Border Management

2004/016-764.08.03 UIBF 2004: Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders, 2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security

Activities and Outputs

10. The UIBF 2004 Schengen aims at assistance to Slovakia in internal border surveillance management, as part of the Schengen *acquis* and in the field of documentary fraud. The 2005 Schengen aims at finalisation of the implementation of the Schengen Action Plan (SAP), setting up of the Integrated Model of Border Security and the protection of external border with Ukraine.

Effects

11. The 2004 Schengen, which has been completed in April this year, managed to bring some tangible outputs, such as the inputs into the National Plan of Border Protection (NPBP), namely its internal border part, or the setting up of network of contact persons in the area of fight against documentary fraud. The Border and Aliens Police (BAP) also benefited from the Charter of Diffusion and Transmission of Operational Information and a paper on Common Commissariats which should serve its reform purposes. Full effects from the 2004 Schengen should materialise once the NPBP to be approved by the Government early next year and ultimately when Slovakia enters the Schengen area in 2007/08.

12. The 2005 Schengen has started before summer 2006 with a kick-off meeting and the inception phase. Therefore, no effects can be observed yet. Its first activities focused on the external border protection should start in September and the initial effects of the project should become visible during the Schengen evaluation later this year.

2. EVALUATION RESULTS

2.1. Relevance

Component 1 Justice and Prosecution

13. The 2004 Judiciary project has a rather complex architecture of four sub-projects with only limited potential inter-linkages, such as the mediation and arbitration parts. The assistance is being delivered via a combination of twinning light arrangements and technical assistance. The TF intervention covers among others popular areas, such as training of judges or improvement of effectiveness of courts. The 2004 assistance to the JAS represented the first intervention to the existing Academy (though the preparation of JAS has been supported under Phare also before), and as such being relevant. It brings new knowledge and practical experience from EU countries to judges, prosecutors and other relevant audience in several areas of the EU Law, such as Civil, Commercial, Bankruptcy or Competition ones. This sub-project at the same time included the Institution Building (IB) element in the form of ToT, where a group of future trainers had been prepared to work for the JAS. Other sub-projects seem to be relevant as well, such as the TWL focusing on the Evaluation of the Workload of Judges, where the qualitative criterion should be added to the quantitative one when assessing the work of courts and judges. The new evaluation system should be then practically tested at pilot courts. Also the TF intervention aimed at Promotion of Mediation is being relevant, representing a follow-up activities of the previous Ministry of Justice (MoJ) work (using, for instance the same sample pilot courts) and also bi-lateral assistance, namely the US and British ones. The mediation as a part of alternative dispute resolution has together with arbitration potential to decrease the overload of courts in Slovakia, which is still a pressing problem being widely recognised. The sub-project seems to be well-designed using different communication vehicles for promotion of mediation (such as video tapes or handbooks) and being focused on different segments, such as chambers of professionals, students or public when delivering the information on mediation. The 2004 Arbitration assistance with a local civil association co-ordinating the project represents a rather ambitious sub-project for the planned 8-month duration. It combines different activities, such as expert missions, working meetings, study visits, seminars, conferences, lectures, elaboration of publications and media presentations and will require a perfect planning from the side of the civil association and the contractor. Also a common ground and potential linkages with the neighbouring mediation sub-project seem not to be established nor the potential synergy effects, especially in its civil part.

14. The 2005 JAS assistance should help in correct implementation of the EU law and increased ability of Slovak judges in communication with the European Court of Justice (ECJ), through dissemination of knowledge and experience, research and the establishment of a library. The design of this project is clear and reflects needs of its beneficiaries.

15. The 2004 Prosecution project is a rather technical one, aimed at SW development for the General Prosecution (GP) and its offices in connection with re-codification of the Penal Code. It could be considered as a transitional stage in IB of LEAs, thus being relevant. However

covering purely costs of local experts with limited transfer of foreign know-how from EU sources remains questionable. The activities seem to be designed logically, including the complementary training for then GP staff in using the new SW. Also the established Steering Committee (SC) seems to work well due to its well chosen composition and ability to take relevant decisions.

Component 2 Fight against Drugs and Corruption

16. The 2004 FAD project is the biggest in evaluated JHA Sector regarding the allocation of resources (M€ 1.5) being designed in a classical form of TW, TA and GS. The project remains relevant (as was the previous Phare assistance), as the drug problem, especially among young people in Slovakia represents a threat (with, for instance almost 30 percent of young people aged 15-19 consuming marijuana⁴). At the same time the new Government has declared commitment to follow the EU strategy to combat Drugs for 2005 – 2012 and the EU Action Plan for 2005-2008.⁵ The TW part covers a relevant area of the implementation of the 3rd edition of the NPFAD for 2004- 2008 for 18 months. It is clearly over-ambitious with about 50 activities, 6 study visits and several final beneficiaries, covering both the national and local level. Such a logistically demanding project would have required a strong administrative support from the side of key beneficiary – the General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control (GSBMDDDC) or outsourcing of the logistic activities, for instance in a form of a separate TA. Instead the administrative burden is almost fully on the shoulders of the RTA and his assistant with a limited support from the side of the General Secretariat (GenSec), often substituting RTA's transfer of valuable expertise by low value-added activities. Absorption capacity besides the GenSec has proven to be a problem in some sectors, namely the low participation of the MoI.

The TA sub-project represents another technical intervention into SW development for the GenSec, the Army Police and also includes a training element for the regional drug coordinators and representatives of higher territorial units. However it lacks clear complementarities among its components. On the other hand the design of the GS seems to be well thought, with well defined eligible activities to be financed from grants. The assistance covers the whole chain of the drug problem and also organisations, mostly Non-governmental Organisations (NGO)s with a right to obtain a grant.

17. Fight against Corruption (FAC) remains an important task of each new EU member state. This holds also for Slovakia with the Corruption Perception Index (CPI)⁶ of 4.3⁷ in 2005, compared to for instance Austria with the CPI of 8.7, the Netherlands that of 8.6 and Germany that of 8.2 in the same year. The 2005 FAC should deal with a relevant and complex issue of fight against corruption in Slovakia often emphasised in the EU documents, such as the CMR, as well, and should be implemented in a comprehensive environment. Its technical parts, such as the project design, the overall objective, project purpose, results, activities, objectively verifiable indicators and sources of verification are well formulated. A less attention has been paid to the analysis of external factors and the corresponding assessment of a risk, which are often difficult to predict.

⁴ The State of Drug Addiction and Drug Control in the SR, National Monitoring Centre, 2005

⁵ The Government's Manifesto of 1 August 2006

⁶ CPI Score relates to perceptions of the degree of corruption as seen by business people and country analysts and ranges between 10 (highly clean) and 0 (highly corrupt).

⁷ See the Annual Transparency International CPI Report 2005 at: <http://www1.transparency.org/cpi/2005/cpi2005>

Among important changes, which took place recently in Slovakia are (i) the elections in June 2006, (ii) issue of a new programmatic statement of the government that does not state the fight against corruption as a priority of the new government, (iii) changes in the institutional set-up of bodies fighting corruption (i.e. a proposal to cancel the Special Court and the Special Prosecution), and (iv) unclear situation with in this area for the Department of Fight against Corruption at the OoG (i.e. only one person is working at this department at the moment of this evaluation, all other left the Office). These changes have not been reflected in the project documentation yet. However, they significantly influence the project preparation and implementation (i.e. local absorption and implementation capacities, which may declined compared to the original situation).

One of crucial areas is the fight against corruption among public servants, such as police, as these should combat crime and corruption. The establishment of effective information exchange related to corruption, detection of the current corruption situation in the police force and its elimination is a part of the Action Plan of the Fight against Corruption⁸. The 2005 FACPO deals with this issue. It is relevant and technically well prepared. Due to its repressive function, cooperation of the Office of Inspection Services with other relevant bodies in this area can take place only to a certain extent.

Component 3 Schengen Border Management

18. The 2004 UIBF Schengen is clearly relevant with the approaching date of the Slovakia's accession to the Schengen area in 2007 (or possibly later pending on the Brussels' decision and preparation of the Schengen Information System II). The project follows the previous heavy EU assistance to this field, including the sources from the Schengen Facility. Its focus has been logically designed to cover the implementation of the Schengen *acquis*, particularly its internal borders part and the consequent reform of the BAP. The project was rather demanding, taking into account its limited duration of 8 month and missed the assumption on the political will to make a strategic decision with regard to the adoption of the BAP Strategy. The latter had a concrete consequence, when the previous senior officials of the MoI were rather reluctant to approve the NPBP. As with the rest of the UIBF projects, the respective Project Fiche (PF) is rather general and the particular log frame is missing defining, among others the relevant Indicators of Achievement (IA)s.

19. The 2005 Schengen project can be characterised as relevant. It supports the culmination of activities aimed at a successful entry of Slovakia into Schengen area. Its design addresses the needs of the beneficiaries in this area, such as management of the future external border, management of migration flows and international police cooperation. These are reflected in the six main activities. It has proper initial timing and local absorption capacities. Although the timing of the first activity might be potentially negatively influenced by a delay of a tender related to the practical implementation of the protection device at the external border with Ukraine. Moreover, the project builds on the previous EU twinning contracts in this area, which ensures a certain continuity of activities, outputs and results. As the inception phase has just been finalised, we expect that the inception report, including the actualised working plan and the logframe will be available in short notice so that we can still use it for this IE.

2.2. Efficiency

⁸ Adopted by the Slovak Government in November 2000.

Component 1 Justice and Prosecution

20. Efficiency of the 2004 JAS sub-project shows pretty good results, when all the planned activities have been delivered in the form of training sessions and also a study visit. The selection of the twinning light partner, namely Germany, could be evaluated positively due to similarity of their legislation to the Slovak one, thus allowing also smooth transfer of the relevant practical experience in the EU law areas. Participation of judges and other trainees was satisfactory also due to planning of the training sessions well in advance. Only in some cases some delays occurred in delivery of training programmes from the side of the twinning partners. Also the co-operation of the MoJ and the JAS worked well for the TF intervention, combining the long-term experience of the MoJ when managing the EU funds and specific expertise of the Academy as a training institution. The Mediation sub-project was at the implementation stage at the time of this IE. Its activities have progressed mostly in production of promotion materials and preparation of training mostly for higher court officials and professional chambers. Predictions of efficiency are good only the participation of the university students at the planned lectures remains questionable as their presence could be based only on the voluntary principle. The other two sub-projects of the 2004 Judiciary assistance were at the pre-implementation phase of for any results to be reported, however due to their ambitious design both the Evaluation of the Workload of Judges and the Arbitration would require good planning for all the planned activities to be implemented, especially the latter. Delays in their preparation raise concern, especially when a need for re-tendering occurs and no time would be left to repeat the tender process.

21. The start of the 2005 JAS project is being delayed. The institutional twinning partner - the MoJ, carrying out the overall responsibility for the project, faces a shortage of skilled technical personnel, especially for the SW part, to prepare the project tender documentation. Despite this, there is an intention to supply books for the library by the end of 2006. This is because of the planned application of the requirements of the Public Procurement Act (electronic communication) and implementation of the IS system at the MoF, introduction of which may delay this activity even more.

22. The 2004 UIBF Prosecution project has suffered from delays at its start, caused mostly by lengthy procedures from the side of the Central Finance and Contracting Unit (CFCU) at the Ministry of Finance (MoF) during the approval process. Also the capacities to manage the EU funds at the GP are very limited with the Director of the Information Technology (IT) Department fulfilling also the role of the Senior Programme Officer (SPO), thus being clearly overloaded. In spite of the above-mentioned drawbacks, the project activities, especially the various phases of the SW development were well advanced at the time of this Report with no big criticism on the performance of the local contractor.

Component 2 Fight against Drugs and Corruption

23. The 2004 FAD project has suffered from some problems when evaluating its efficiency, especially its TW part. As mentioned in the relevance criterion, the need for the logistic support of the numerous activities was clearly underestimated at the design stage and hasn't been resolved during the TW implementation from the side of the key beneficiary – the GSBMDDDC. The expert knowledge of the RTA and his potential to transfer the valuable

know-how in the area of FAD is therefore underused and wasted, as he has to devote his capacities to administrate the project activities instead (such as accommodation arrangements for training participants). With this regard it is almost surprising that more than 50 project activities have been implemented without remarkable delays. Also the TW reporting is at the high level, providing good basis for the Monitoring and Evaluation (M&E) needs. The GS sub-project has suffered from some delays at its start due to tedious approval process from the side of the MoF/CFCU, which caused consequent later start of the grant activities as well. Moreover, lengthy administrative procedures do not fit into the 3rd sector culture as the grantees are used to a more flexible environment. On the other hand the Scheme is well prepared with, for instance all the grant proposals being evaluated by independent experts before being submitted to the Grant Commission for the supported activities and entities to fall under the pre-defined eligibility. The preparation of the TA sub-project seems to be unnecessary delayed due to time needed for technical specifications of the special SW for the Army Police with potential difficulties in late tendering and no possibilities for re-tendering as mentioned earlier.

24. We expect the 2005 FAC project might not be implemented efficiently, as the implementation capacity (i.e. limited capacities and uncertainty at the Department of Fight against Corruption at the OoG) decreased significantly. Moreover, the preparation of the project documents, such as the Detailed Project Fiche (DPF) has been significantly delayed. The 2005 FACPO might be implemented efficiently. The Office for Inspection Services, i.e. the implementing authority, has shown an active and flexible attitude in the pre-implementation phase, which will be important for the quality of the day-to-day management of the project. For illustration, TWL had to be reduced from the originally proposed 8 months and Euro 250,000 to 6 months and Euro 180,000. Despite that the project implementation is delayed, which has been caused mainly by the CFCU, the implementing authority has an ambition to start the TWL still this year.

Component 3 Schengen Border Management

25. The 2004 UIBF Schengen TWL benefited from the same French partner assisting the BAP as before and also later under the TF 2005 assistance. Therefore, clear saving of time and resources on the otherwise needed inception activities and the emersion process could be reported. The TWL has finished earlier this year, completing the bulk of the planned activities; however the available final report does not provide clear links among the implemented activities, outputs achieved and the appropriate goals fulfilled in a managerial and understandable form. The weak fluency of the English language of the Project Leader has worsened the possibilities of his communication and is mostly dependent on the interpreting services of his assistant. Also the project monitoring has suffered from lack of information due to low participation of the BAP representatives at the Monthly Meetings (MM) organised at the MoI. However, the situation should improve with the 2005 TW, as from now on the RTA to be invited to the MM as well to inform on the progress of the 2005 TW.

26. The quality of day-to-day management of the 2005 Schengen project seems reasonable, including management of risk in response to changing circumstances. For illustration, the RTA visited the new Minister of Interior shortly after elections in order to ensure the political support to the project and approval of the NPBP. Recently, a potential delay in the first activity of the project has been signalled. The practical implementation of the protection device at the

external border (financed mostly from the Schengen Facility) should start already at the beginning of 2006 and should allow to develop the human resources in view of installations and technical infrastructures by the end of 2006. This activity represents a crucial part of the implementation of this TW as is the first requirement of Slovakia's accession in the Schengen area. If such a delay actually materialises, it may negatively influence the implementation of the project. The activities to avoid such a situation are taking place. It seems that the coordination and monitoring of the start of the project has been concentrated mainly with project management. The OoG and the CFCU were not invited to the introductory project meeting in June 2006 and there was no representative of this project present at the monitoring meeting held at the Ministry of Interior on 4 July. Contribution of the most local institutions and the Government seems to be in line with planned, although a concern about a passive involvement of the Ministry of Foreign Affairs⁹ has been raised during the SC meeting in September. This holds also for a junior TW partner from Austria. The project office (location and equipment), RTA and his assistant are well settled. This might be to a large extent determined by the fact that this project is the last one in the chain (i.e. the follow-up) of similar ones in this area.

2.3. Effectiveness

Component 1 Justice and Prosecution

27. From the 2004 Judiciary project some effects are to be reported from the JAS sub-project, as it has managed to deliver a *comprehensive training* on different areas of the EU. The training has clearly enhanced the knowledge of judges, prosecutors, higher court officials and has a potential that they will perform their roles better, including *implementation of the EU acquis*, as defined in the respective Immediate Objective (IO) (see also Annex 1). Also the ToT has helped to prepare a group of trainers for future transfer of know-how and at the same time equipped them with relevant training materials. We can report on 1/6 of the Slovak judges to be trained under the TF intervention. However, the monitoring information on the respective IA, though being valid and measurable, is not available at the time of this IE. It is too early to comment on the tangible effects of the other three sub-projects of the 2004 TF assistance, with only the Promotion of Mediation being under implementation. However, due to its design, even at this stage we can predict its positive contribution to the defined IO aimed at reduction of court proceedings. The effectiveness of this TF assistance could be secured once the mediation is more widely used in practice and recognised both by the public and professionals, notably judges. The design of the sub-projects focused on the Evaluation of the Workload of Judges and also Arbitration has a potential to positively influence the present long proceedings of courts as defined in the respective IO, especially the latter one as being a part of the alternative dispute resolution.

28. As the 2005 JAS project is in the pre-implementation phase, no effects can be reported yet. However, when realised, we expect that it will achieve its IO aimed *at the transfer of professional and methodological experiences and the improved functioning and organisation of JAS*. The proposed seminars, internships and a new library should lead to a decreased

⁹ Ministry of Foreign Affairs is one of the beneficiaries, its activities focus on the education of the consular staff in the field of documentary fraud detection.

number of cases with erroneous EU law application brought to the ECJ, and should positively influence also functioning and organisation of JAS. The internships at the ECJ should make JAS lecturers capable to provide training on the procedures at ECJ. All this should be reflected in annual reports of the Judiciary Council and the Judges Association, and perceived positively by clients of the JAS.

29. The 2004 UIBF Prosecution project seems to be well on track to achieve some tangible effects. This TF support should contribute to a more effective work of LEAs, particularly the Prosecution, as required also by the new Penal Code (such as the shortened 48-hour proceedings). However, for full effect of the TF and other EU interventions to materialise, the co-operation of all key parties of the triangle is needed in processing the electronic files. The MoI is currently developing its own system in the area of investigation files management, which will in future require inter-connection with the MoJ and the GP parts.

Component 2 Fight against Drugs and Corruption

30. The 2004 FAD project, especially its TW component via its impressive number of activities has managed to improve co-operation and co-ordination of key stakeholders active in FAD on the national and local levels. Moreover, it has trained a key group of drug experts, thus also contributing to the implementation of the NPFAD, as envisaged in the respective IO. We are pretty optimistic when forecasting also contribution of the GS, as being well planned and managed to the same objective in the area of drug prevention, treatment, rehabilitation and harm reduction. The TA should also bring concrete effects, especially in better awareness and information processing about FAD. However, the construction of the respective IA (non-quantifiable) does not allow its use for the evaluation purposes (see Annex 1).

31. Provided that the 2005 FAC project preparation documentation is actualised and the project is successfully implemented, it should lead to an improvement of the corruption perception index from 4.3 (year 2005) to 4.5-5 at the end of the project. Moreover, the project could have in the long-term a positive impact on the Slovak society, especially in the area of public administration, judicial reform and fight against crime. However, we expect that the project purpose, as presented in the current PF, might not be achieved, as a sequence of external factors intervened. Among these factors are: the elections in June 2006, followed by an issue of a new Government's Manifesto that does not state the fight against corruption as a priority of the new government, leading in turn to changes in the institutional set-up of bodies fighting corruption, and consequently unclear situation in this area for the Department of Fight against Corruption at the OoG, which has recently become understaffed.

32. When implemented, we assume that the 2005 FACPO project should fulfil its IO, which is 'Availability of fully functional IAS for central and regional units of the Office for Inspection Service'. IAS should enable automatic collection, storage and processing of information taking place currently in a slow and labour intensive manner. For instance, the information on policemen suspected of a crime is delivered from regions to the central database once a month on a CD, then downloaded and processed in a rather timely manner, as there are several unconnected databases supporting the process. The IAS should decrease the time for analytical processing of information from several days to several minutes. This is an enormous time saving that might be crucial in an effort to solve a corruption case.

Component 3 Schengen Border Management

33. The 2004 Schengen TWL being completed has brought some valuable concrete effects, such as the setting up the core group of contact persons in the area of fight against documentary fraud. The work of the trained network of about 10 BAP's staff was recognised earlier this year. Since April 2006 the Slovak courts and the Prosecution have considered the technical analysis of false documents drawn up by the BAP experts as a formal evidence for execution of criminal proceedings. Also the BAP has made use of the Charter of Diffusion and Transmission of the Operational Information, the input into the Common Commissariats and Mobile Units as part of its reform process. However the overall NPBP as an umbrella document to include the internal borders part was still waiting for the approval of senior officials and the Government at the time of this Report for effects to fully materialise. The indicative date for the approval of the Government has been set for January 2007.

34. We expect that the 2005 Schengen project is going to be successfully implemented and the project purpose '*integration of the Schengen acquis and setting up of the Integrated Model of Border Security within the Border and Aliens Police Office*' materialised. The 6 activities of the project directly support the achievement of this. For instance, under the activity 2 (i.e. Strengthening of the Slovak Criminal law in the field of the fight against illegal immigration) amendments to the Slovak Criminal law will be published. Further, despite a potential delay related to the activity 1, the project is on track, with some activities, such as the visit & review of the Sobrance centre and educational activities initiated.

2.4 Sustainability

Component 1 Justice and Prosecution

35. Sustainability of the 2004 Judiciary project shows mixed prospects, with more positive for the assistance to the JAS, as it is now a functioning training institution with almost two years of practical experience. The group of the trainers of the 2004 TF JAS intervention should form a core staff of trainers. Moreover, the new Government has expressed its commitment to broaden the Academy with new premises being renovated in Trencianske Teplice and to be finished next year, showing the growth potential of the JAS. Also the feedback from seminars shows good satisfaction of participants with the lectures and raises hopes for sustainable outcomes of the delivered know-how backed by the follow-up materials. At the time of this IE the situation with sustainability of the rest of the 2004 Judiciary project was rather unclear due to their stage of implementation. The key building blocks for satisfactory sustainability seem to be in place, as the relevant Act on Mediation has been enforced since September 2004, the group of potential mediators should be broader and the TF sub-project has good perspectives for its successful implementation. However, sustainability of the potential effects, such as the broadly raised awareness could be evaluated only on the later stage when people really use mediation and mediators in practice. The TF assistance to be followed up also by a Ministry of Labour, Social Affairs and Family (MoLSAF) project in the area of mediation in divorce cases. Similar predictions as above could be made with regard to the Arbitration sub-project, with even longer backing in legislation (since July 2002), as it also requires more widely use in real life to show some sustainability. Also the Evaluation of the Workload of Judges sub-project is far from the implementation phase for effects to be sustainable; we can only speculate that

better evaluation criteria should contribute to more objective split of work among judges and consequently shorten the current processing time to an acceptable level.

36. Also a follow-up TF 2005 JAS project shows a good perspective for maintaining sustainability of its outcomes. There is a solid ownership of the project and its objectives by JAS and the MoJ, and the financial support by the new Government. Moreover, the JAS should be supported from other EU sources, namely the European Social Fund in training of judges from the Bratislava region. We may also expect that good quality training on the procedures at the ECJ and the library resulting from this project, as well as the development of seminars in line with needs of participants, should attract judges to participate in the JAS activities also in the future.

37. The effects of the 2004 UIBF Prosecution intervention could be sustainable, once the PATRICIA Information System is fully used by the Prosecution and its office, especially when processing electronic penal files, once the all phases of the SW development are completed. Also the follow-up training should contribute to effectiveness and sustainability of the project's outputs. However, further rollout phase and maintenance of the system would require substantial increase of the IT staff at the GP or outsourcing of these activities.

Component 2 Fight against Drugs and Corruption

38. Assessment of the sustainability of the 2004 FAD project is rather difficult, especially in the areas of the improved co-operation and co-ordination among key stakeholders active in FAD, as has been the key part of the respective TW. On the other hand, the project puts lot of emphasis on making use of the available feedback. For instance, the assessment forms have been formalised and the information processed via a special SW to serve the follow-up purposes, including the content of the final conference. Also the commitment of the new Government to stick to the EU strategy in the area of FAD is promising, together with the planned MoLSAF project in the area of rehabilitation. However, there are some concerns with regard to sustainability of the training efforts when preparing the group of core drug co-ordinators on the regional level, as the situation with further functioning of the state administration on the regional level was rather unclear at the time of this IE. The sustainability of the TA and GS sub-projects was rather unclear due to their early implementation and pre-implementation stages. We can only predict at least some sustainability of the TA assistance in SW development due to its technical character and stable financing of the potential beneficiaries. For the GS the same forecast is based on the well thought design of the Scheme, especially its eligibility criteria. However, sustainability of some NGOs is under threat in the view of the plans of the MoF to abolish the possibility of donating 2 percent of tax to the 3rd Sector by legal subjects.

39. We expect that the sustainability of the 2005 FAC project might be rather limited. This is determined by a decreased institutional capacity for project preparation and implementation by the OoG. As the institutional set-up of corruption fighting institutions is changing (i.e. a proposal to abolish the Special Court, as well as the uncertain position of the OoG), it seems that the project is not embedded properly in the local institutional structure anymore. Consequently, there is a limited ownership of objectives and their potential achievements by the main beneficiary of the project.

The effects of the 2005 FACPO project could be sustainable when the IAS is implemented and fully used by police officers, as it will make their work faster and more effective. The proposed training under the TWL part of the project should contribute to the sustainability of the project outcomes.

Component 3 Schengen Border Management

40. Expectations with regard to sustainability of the 2004 UIBF Schengen are rather positive, though the key strategic document to encompass the main outputs of the TF TWL intervention was still at the commenting stage at the time of this IE. However the new Government seems to be committed to fulfil all the requirements of the Schengen *acquis*, including the approval of the NPBP, as declared also in its recent Policy Manifesto.

41. Because of the nature of this project, we expect that the positive outcomes of the 2005 Schengen TW will continue after the external funding ends (a part of activities related to this TW is financed also from the Schengen Facility, which remains available after the finalisation of this project). We expect also that the successful finalisation of the implementation of the SAP and setting-up of the Integrated Model of Border Security in the Slovak Republic may generate a positive long-term, sustained impact on the development of the SR and the EU in general. This is supported by a clear ownership of this project we observed by BAP, the actual policy and corresponding budget allocations in the SR and the EU, as well as the responsibility of beneficiary institutions for this area.

2.5 Impact

Component 1 Justice and Prosecution

42. We can expect that after the completion of the relevant 2004 Judiciary sub-projects focused on assessment of the workload of judges, mediation and also arbitration, these would positively contribute to the fulfilment of the respective Wider Objective (WO) aimed at *improvement of the efficiency of the Slovak judiciary*. All the interventions should ultimately decrease the administrative burden of judges and the workload of courts, using among other tools the alternative dispute resolution. However, the whole process of acceptance of mediation and arbitration among public and professionals would require also changes in culture, which represents a long-term process. Also the 2004 JAS sub-project shows good result in its impact on the quality of the Slovak judiciary. It transfers the know-how on the EU law to a substantial number of more than 300 judges, prosecutors and other court personnel and also secures the multiplication effect via a trained group of trainers of the JAS.

43. We can expect that also the transfer of experiences on professional and methodological aspects of training in the judiciary under the 2005 JAS project will contribute to the achievement of the respective WO. The availability of a solid methodological training basis, including a library, is an important condition of *the improvement of the training system for the judiciary in Slovakia and enhanced ability of Slovak judges to apply EU law* (the project's WO). Moreover, we expect that this project will have a positive impact not only on the Judiciary but also at the end at the whole society in Slovakia.

44. Predictions of impact of the 2004 UIBF Prosecution project, especially in the longer term perspective are rather unclear, depending on many variables, such as completion of the complementary system from the side of the MoI or the definition of the EU interface. We can only hope that after the completion of all the planned phases of the series of LEA projects, Slovakia should have the best European system in the electronic processing of penal files among Police, Prosecution and Courts.

Component 2 Fight against Drugs and Corruption

45. The predictions of achievement of the WO of the 2004 FAD in the area of *support to an efficient implementation of the NPFAD 2004-08...* are optimistic mostly for the TW sub-project. It is well on the track to contribute to drug demand and supply reduction via strengthening the relevant capacities on national and local levels (with about 500 people trained) and again using the multiplication effect of the ToT efforts. Assessment of the impact of the GS and the TA is rather pre-mature; however we can predict their positive contribution with impact on people in need for the GS assistance and awareness raising and drug crime prevention for the TA intervention.

46. The 2005 FAC project will not in its current form lead to the expected impact. It may contribute to the achievement of the WO *'combat corruption in a more efficient and specialised manner'* only to a limited extent. This situation is a result of a sequence of external factors leading to the changing institutional set-up and an uncertainty about the position of the main project beneficiary, the OoG, in the area of the fight against corruption.

47. We can predict that a faster and more effective access to information facilitated by the implementation of the IAS under the 2005 FACPO project should clearly contribute to the establishment of *an effective system for the detection of corruption among the Slovak Police Force at the Office for Inspection Service and strengthening fight against corruption and organised crime* (WO). In the future, there is a potential to interconnect parts of databases, especially that on finished cases, to others, such as the Army Police and Prosecution. Moreover, the project could serve as a model approach to investigation to other Law Enforcement Agencies by providing complex information.

Component 3 Schengen Border Management

48. The 2004 UIBF Schengen Project will definitely have an impact when measured via its contribution to the defined WO *to lead BAP to the state of conformity with the Schengen acquis, enabling its integration of the internal border protection into its organisation and functioning*. The TWL has brought concrete recommendations how to fulfil the SAP in the internal borders part and also has assisted the BAP in its reform process. However, more concrete impact to be reported after successful accession of Slovakia to the Schengen space, possible in a short-term period.

49. We expect that the 2005 Schengen project will contribute to *meeting all the requirements by the time of entry of the Slovak Republic into the Schengen area* (WO). This should be

consequently reflected also in the favourable opinion of the Schengen Evaluation Commission and have a positive wider overall effect on the whole Slovakia. Furthermore, it may speed up economic and social development of the country, which will in turn affect positively that in the EU.

2.6 Specific issues

50. There were no specific issues during this IE.

3 CONCLUSIONS AND RECOMMENDATIONS

3.1 Conclusions and Recommendations

3.1.1 *Relevance*

51. The TF assistance to the JHA Sector is relevant. It covers mostly the identified needs in the corresponding EU documents, such as the CMR, the TF Planning Document and other Slovak policy and programme documents, for instance national strategies in the field of fighting drugs and corruption or the SAP implementation. Also key areas of the JHA assistance, such as training of judges, FAD or implementation of the Schengen *acquis* have now policy backing in the new Government's Policy Manifesto. This does not hold for corruption, which is no longer the Government's priority. Consequently, 2005 FAC may have to be reformulated, depending whether the OoG will remain the national coordinator for fight against corruption or not. Many of the reviewed projects include a strong IB component, as envisaged in the main goals of the TF assistance, such as the 2004 JAS, 2005 JAS or FAD twinning arrangements. Also the priority areas of the know-how transfer are reflected in most of the TF interventions. This holds strongly for JAS 2005, 2005 FACPO and 2005 Schengen. However, in some cases, such as the 2004 UIBF Prosecution, EU funds were purely used for the coverage of costs of local expertise, though otherwise not affordable by the GP. As in the past some of the projects are clearly over-ambitious, such as the 2004 FAD TW with number of activities planned on both national and regional level for a broad audience of beneficiaries and heavy need for logistic support. Consequently, a demanding design required among others a good absorption and management capacities, which seemed to cause some difficulties besides the 2004 FAD also in implementation of the both Schengen projects for BAP.

52. The quality of the respective project documents, mostly PF has improved compared to the previous Phare period. However, we are still witnesses of very broad definition of mostly WOs and non-measurable IAs. The above mentioned is particularly worrying for the UIBF projects, where often no logframes exist with the defined WOs, IOs and corresponding IAs, together with assumptions and risks.

3.1.2 *Efficiency*

53. Efficiency of the reviewed Sector shows mixed results. The pre-implementation phase of many projects has suffered from delays. They have been caused by several factors: (i) well-known lengthy approval procedures from the side of the CFCU when applying the Extended De-centralised Implementation System, (ii) a rather technical character of some of the TF inputs, such as the 2004 FAD TA, (iii) a limited technical capacities for the preparation of the project tender documentation at the institutional twinning partner side, as with 2005 JAS, but also by a decreased technical capacity of the main beneficiary, as with 2005 FAC. Delays in preparation of project documents, especially for the 2004 projects and their parts put at risk successful implementation of the TF activities, as they leave no time for re-tendering. Overall the commitment and disbursement rates for the Sector with 67 and 34 percent respectively show pretty disappointing results. From the 2005 Programme only one project was committed at the time of this IE. Performance of contractors and twinning partners shows vastly good results. It is highly praised by the respective beneficiaries, such as in the case of the 2004 JAS and FAD, where in the case of the latter perfect planning, implementation (including heavy

logistic support) and reporting on more than 50 activities requires lot of the RTA's effort. Some weaknesses on the other hand are to be reported from the 2004 Schengen UIBF, as the respective reporting due to the poor form and non-managerial style do not allow proper monitoring and evaluation of the outputs reached and goals achieved, especially for non-Schengen specialists. Moreover, a potential delay in the first activity of the 2005 Schengen has been signalled. The delay will materialise in case that related activities financed from the Schengen Facility will be delayed. Such a situation would negatively influence the project implementation.

3.1.3 Effectiveness

54. Effectiveness of most of the projects under review or its forecast shows good results, especially for the 2004 Sub-programme, where for instance tangible effects could be reported from the JAS TWL delivering a comprehensive training for judiciary people or the Schengen assistance in fight against documentary fraud and inputs into NPBP in the field of internal borders. Also good prospects for effectiveness exist due to their design and also performance of key stakeholders for the mediation initiatives and the IS for the GP, together with the FAD TW and the GS, pending on the successful implementation of all the planned activities.

3.1.4 Sustainability

55. Sustainability seems to be secured for some of the completed interventions, such as the 2004 JAS and Schengen ones. The JAS is a growing institution with a sufficient back up from the new Government and the implementation of NPBP being a top priority under the Schengen accession process explicitly mentioned in the recent Policy Manifesto. Consequently, 2005 JAS and 2005 Schengen show also a good perspective for maintaining sustainability of their potential outcomes. As the 2005 FACPO should make work of police officers faster and more effective, it shows a potential for sustainability too. Many interventions haven't reached the sustainable status yet. Their rather intangible character, such as promotion of new forms of alternative dispute resolution or improvement of co-ordination and co-operation in the area of FAD prevents prediction of sustainability at this stage. Particular concerns exist with regard to sustainability of the ToT element of the 2004 FAD TW a group of regional drug co-ordinators has been trained due to unclear future of their employment at the regional state administration offices in Slovakia in the view of the planned public administration reform and expected abolishment. As the institutional set-up of corruption fighting institutions is changing and it seems that there is a limited ownership of objectives and their potential achievements by the main beneficiary of the project, we expect that the sustainability of the 2005 FAC project might be rather limited.

3.1.5 Impact

56. We can expect that most of the TF projects will contribute to the fulfilment of their respective WOs, also due to their broad definition, such as the 2004 Judiciary project. Also an impressive reach of the 2004 FAD project provokes positive evaluation of the impact on the NPFAD implementation. It might be too ambitious to expect broader impact of some limited intervention, especially in the form of an UIBF, such as the Prosecution one, often pending on

the progress of complementary IS developments in other sectors or even on the EU level. Because of a sequence of recent external factors we expect that the 2005 FAC will not in its current form lead to the expected impact.

Conclusion	Recommendation	Output	Reference/ Paragraph	Responsibility	Deadline
<p>All UIBF Projects The UIBF projects often miss log frames with the identified objectives and indicators of achievement</p>	If not present in project documents, the respective IRs to include proper log frames, including WOs, IOs, IAs assumptions and risks to serve M&E purposes.	UIBF log frames completed	19,52	ACU/SPO/CFCU/ contractors /twinning partners	asap
<p>2004/016-764.08.03 UIBF Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders The quality of reporting on project's outputs and corresponding objectives is poor, not allowing proper M&E</p>	The RTA for the 2005 Schengen to improve reporting, providing it in a managerial style, including a structured form allowing clear identification of the outputs reached and the progress achieved in fulfilment of the respective project's goals.	Improved quality of reports	25,53	RTA/SPO/Project Leader	asap
<p>2004/016-764.03.02 Support to the Implementation of the National Programme for the Fight Against Drugs 2004-2008 Sustainability of the ToT activities, especially of the trained regional drug co-ordinators is unclear in the view of abolishment of the regional state administration offices</p>	GSBMDDDC together with the MoI and other responsible institutions to present the ACU a document showing the future role of the trained regional drug co-ordinators and their possible employment at the higher territorial units.	Sustainable status of regional drug co-ordinators	38,55	GSBMDDDC	asap

Conclusion	Recommendation	Output	Reference/ Paragraph	Responsibility	Deadline
<p>2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR Significant changes caused by a chain of external factors have not been reflected in the project documentation yet</p>	<p>Assess the position of the OoG as the main beneficiary of this project and reformulate the project accordingly. OoG should remain the main beneficiary only if it continues to coordinate activities related to fight against corruption in SK in the future. This needs to be reflected in strengthening of capacities of the Department of Fight against Corruption. In the case that the OoG does not fulfil this function anymore, we recommend to explore a possibility to bring the project under another key player in this area, such as the MoI or MoJ, which should become the main beneficiary.</p>	<p>Proposal for the main project beneficiary Actualised project documentation</p>	17,51	ACU/SPO/CFCU	asap
<p>2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security A delayed implementation of the activity 1 in case of delayed related activities financed from the Schengen Facility.</p>	<p>In case of the delayed related activities financed from the Schengen Facility we recommend to actualise the work plan of the project so the activity 1 will be implemented properly. In case that some parts cannot be implemented, the RTA should prepare a proposal for reallocation of resources to remaining activities that need strengthening, or propose additional activities in line with actual needs and after the consultation with the beneficiary twinning partners.</p>	<p>Updated work plan, incl. time schedule</p>	26,53	RTA/MoI	asap

3.2 Performance rating

	Relevance	Efficiency	Effectiveness	Sustainability	Impact	Verbal Rating
Justice and Prosecution						
2004/016-764.03.01 Judiciary	1	1	1	0	1	S
2005/017-464.03.01 JAS	1	0	1	0	0	0
2004/016-764.08.03 UIBF 2004 Prosecution	1	1	1	0	0	S
Fight against Drugs and Corruption						
2004/016-764.03.02 FAD	1	-1	1	0	0	S
2005/017-464.03.03 FAC	-1	-1	0	-1	0	U
2005/017-464.03.04 FACPO	1	1	1	0	0	S
Schengen Border Management						
2004/016-764.08.03 Schengen	1	-1	1	1	1	S
2005/017-464.03.01 Schengen	1	0	1	0	0	0
Taking into account the contextual constraints of the evaluation, the overall sector rating is SATISFACTORY						
Total for the JHA Sector	1	-1	1	1	1	S

Rating guide:

Unacceptable	Poor	Sufficient/ Adequate or no rating possible	Good	Excellent
-2	-1	0	+1	+2

Highly Unsatisfactory	Unsatisfactory	No rating possible	Satisfactory	Highly satisfactory
HU	U	N/A	S	HS

ANNEXES

ANNEX 1 INDICATORS OF ACHIEVEMENT

INDICATOR LEVEL	OBJECTIVES	INDICATORS OF ACHIEVEMENT (OBJECTIVELY VERIFIABLE INDICATORS)	REMARKS
COMPONENT 1 : JUSTICE AND PROSECUTION			
2004/016-764.03.01 Strengthening of the Judicial system			
Project Purpose	To provide comprehensive training for judges and Court personnel aiming at a correct and efficient implementation of the EU acquis	Majority of concerned judges at specialized panels of courts participating at the training (80% by the end of the project implementation)	Valid as an indicator;
Project Purpose	To reduce the excessive length of proceedings, in particular in civil and commercial cases	Decreased number of pending cases at courts by 10% by 2007	Baseline is missing, not valid as an indicator;
2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia			
Project Purpose	Improved functioning and organisation of the Judicial Academy of Slovakia	Improved functioning of the JAS positively reflected in annual reports presented by Judiciary Council and Judges association by the end of project	Not specific and not measurable, not valid as an indicator;
Project Purpose	The transfer of the experiences concerning professional and methodological aspects of the training in the judiciary from EU Member State partner having long-lasting experiences	Decreased number of cases brought to ECJ, which were based on erroneous EU-law application by 2008	Not quantified, not valid as an indicator;
2004/016-764.08.03 UIBF 2004 Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA			
2004/016-764.08.03 UIBF 2004: Implement the Schengen Action Plan - The Accompaniment Measures at the Internal Borders			
Project Purpose	Completion of some specific urgent, unforeseen needs identified in the updating of the Comprehensive Monitoring Report, the Peer Reviews and the Action Plan for Administrative and Judicial capacity	Acceleration of the progress within ministries/institutions towards meeting the requirements of the acquis	Not specific, not measurable and not in time, not valid as an indicator;
COMPONENT 2 : FIGHT AGAINST DRUGS AND CORRUPTION			
2004/016-764.03.02 Support to the implementation of the National Programme for the Fight Against Drugs 2004-2008			
Project Purpose	To build up and strengthen the institutional, administrative and professional capacities at all levels of Slovak Public Administrations	Institutional, administrative and professional capacities at all level of Slovak Administrations and Public Services concerned with the fight against drugs as well as in the third sector built up and	Not specific, not measurable and not in time, not valid as an indicator;

	and Public Services concerned with the fight against drugs, as well as in third sector organisations involved – as partners of the public administrations -in the implementation of the projects and activities envisaged in the National Programme	strengthened	
Project Purpose	To enhance communication, co-ordination and co-operation amongst all those involved in the fight against drugs and in the minimising of the negative impact and consequences of drug trafficking and drug addictions (at both the Public and non-governmental sectors)	Communication, co-ordination and co-operation amongst all those involved in the fight against drugs enhanced	Not specific, not measurable and not in time, not valid as an indicator;
2005/017-464.03.03 Continued Support to the Fight against Corruption in the SR			
Project Purpose	Further strengthening of institutional and administrative capacity to prevent and combat corruption	Recommendation of GRECO report fully implemented by the end of project	Not specific enough, an invalid indicator;
Project Purpose	To ensure that specialized Law Enforcement Agencies dealing with corruption are well qualified and more effective in investigating, revealing and decision-making in cases showing the corrupt behaviour	Organizational structures and working methods of corruption services improved	Not specific, not measurable and not in time, not valid as an an indicator;
Project Purpose	Ensure adequate access to justice by improving the capacity of the newly created free legal aid centres	Increase of disclosed crimes related to corruption by the end of project	Not quantified, not valid as an indicator;
Project Purpose	Overview of the evaluation of the regulations and the mechanisms favouring the activities in the field of fight against corruption		
2005/017-464.03.04 Reinforcement of capacities to fight corruption among police officers			
Project Purpose	Information and analytical system (IAS) for central and regional units of the Office for Inspection Service (OIS) installed and fully operational	<ul style="list-style-type: none"> • Immediate access to information for operative-searching activity by means of information and analytical system from all OIS regional units • Direct access to information on family ties, property situation, possession of motor vehicle, the used telephone contacts 	Valid, applicable, measurable but not <i>in time</i> indicators
COMPONENT 3 : SCHENGEN BORDER MANAGEMENT			
2005/017-464.03.01 Finalisation of the Implementation of the Schengen Action Plan and Setting up of the Integrated Model of Border Security			
Project Purpose	Finalize the implementation of the Schengen Action Plan (since it has been under implementation already for some	<ul style="list-style-type: none"> • Completion of the Schengen Evaluation by end of 2007 • Compliance confirmed by EC and Schengen Committee by the end of 2007 	Valid as indicators;

	time) and the setting up of the Integrated Model of Border Security in the Slovak Republic		
Project Purpose	Successful achievement and the operational launching of the general strategy adopted by the Slovak Government within the framework of the fight against irregular immigration and the protection of European Union's external border with the Ukraine	<ul style="list-style-type: none"> • Improvement of the Criminal Law and the criminal procedure, by the end of 2007 • Adoption of an inter-ministerial Act between the Ministry of Interior and the Ministry of Foreign Affairs by the end of 2007 • Adoption of a new text defining the content of the officers training programme by the end of 2007 	<p>Not quantified, not valid as an indicator;</p> <p>Not specific enough, not valid as an indicator;</p> <p>Valid as an indicator.</p>

ANNEX 2 LIST OF INTERVIEWS

INSTITUTION	INTERVIEWEE	DATE
General Prosecutor Office SR Sturova 2 SK-812 85 Bratislava	Mr. Miloslav Hecko* Director of Dept. of Informatics	16 August 2006
Office of the Government SR General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control Cukrova 14 SK-811 08 Bratislava	Mr. Artur Schroers RTA	17 August 2006
Office of the Government SR General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control Cukrova 14 SK-811 08 Bratislava	Ms Janka Hazirova GS Manager	17 August 2006
Office of the Government of the SR Aid Co-ordination Unit Stefanikova 2 SK-813 70 Bratislava	Mr Martin Orth M&E Cell	14 August 2006
Office of the Government of the SR Aid Co-ordination Unit Stefanikova 2 SK-813 70 Bratislava	Ms Denisa Kutyo Programme Manager	21 August 2006
Office of the Government SR General Secretariat of the Board of Ministers for Drug Dependencies and Drug Control Cukrova 14 SK-811 08 Bratislava	Ms Dana Loziova Project Manager	21 August 2006
Ministry of Interior SR Foreign Aid Dept. Pribinova 2 SK-812 72 Bratislava	Ms Nadezda Patoprsta Director, SPO	22 August 2006
Judicial Academy of Slovakia M.R.Stefanika 40 SK-902 01 Pezinok	Ms Zuzana Durisova Director	22 August 2006
Judicial Academy of Slovakia M.R.Stefanika 40 SK-902 01 Pezinok	Ms Katarina Strizova Head of Office	22 August 2006
Judicial Academy of Slovakia M.R.Stefanika 40 SK-902 01 Pezinok	Mr. Peter Hulla Commercial Law Dept.	22 August 2006
Ministry of Interior SR Office for Inspection Service of the Police Force Zahradnicka 93 SK-812 72 Bratislava	Ms Renata Susinova Project Manger	23 August 2006
Police Presidium Racianska 45 SK-812 72 Bratislava	Mr Francois Guillot RTA	23 August 2006
Police Presidium Office of Border and Aliens Police Vajnorska 25 SK-831 03 Bratislava	Mr Michal Borgula Director	23 August 2006
Ministry of Justice SR Phare Implementation Unit Zupne nam 13 SK-813 11 Bratislava	Mr Julius Kralik Director	24 August 2006

Ministry of Justice SR Phare Implementation Unit Zupne nam 13 SK-813 11 Bratislava	Ms Olga Chuda Project Manager	24 August 2006
Office of the Government of the SR Dept. of Fight against Corruption Stefanikova 2 SK-813 70 Bratislava	Ms Veronika Kulikova Project Leader	30 August 2006
ARK ltd Sturova 13 SK-811 02 Bratislava	Mr Vladimir Labath* Director	30 August 2006
Civil Association for Spiritual, Cultural and Social Development and Co-operation Tehelna 1 SK-902 01 Pezinok	Ms. Lubica Kozubova* President	4 September 2006
Police Presidium Office of Border and Aliens Police Vajnorska 25 SK-831 03 Bratislava	Ms Olga Simorova Deputy Director	7 September 2006
Ministry of Finance SR Central Finance and Contracting Unit Stefanovicova 5 SK-813 08 Bratislava	Ms Martina Zuberska* Project Manager	11 September 2006

ANNEX 3 LIST OF DOCUMENTS REFERRED TO IN THE INTERIM EVALUATION

Name of Originator	Date	Title of Document
European Commission	2003	Comprehensive Monitoring Report on Slovakia's Preparedness for the EU Membership
European Commission	2004	Commission Decision of Financial Contribution of Transition Facility for Strengthening Institutional Capacity to the Slovak Republic
European Commission/Office of the Government SR	August 2004	Memorandum of Understanding on the Implementation of the TF 2004 – 2006 (in Slovak only)
European Commission	2004	Planning Document Transition Facility 2004-2006, Slovak Republic
European Commission	December 2003	Programming and Implementation Guide – Transition Facility
European Commission/Office of the Government SR	2004-2005	Project Fiches for TF Programmes 2004 and 2005
European Commission/Office of the Government	July 2006	Financial Proposal on the Implementation of the TF 2006
Government of the Slovak Republic/ General Secretariat of the Committee of Ministers for Drug Dependencies and Drug Control	1997	National Programme for Fight Against Drugs and its updates
MWH Consortium	June 2006	Phare and CBC ex-post evaluation 1999-2001
Ministry of Finance SR	September 2006	Financial Tables for TF 2004 and 2005 Programmes
Office of the Government SR	August 2006	Government's Manifesto
Office of the Government/Aid Co-ordination Unit	April 2006	Monitoring Report M/SR/JHA/06012
Office of the Government/Aid Co-ordination Unit	May 2006	Implementation Status Report of the EU Phare and TF Programmes Co-financed by the Slovak Republic
Office of the Government/Aid Co-ordination Unit	May 2006	Minutes from the SMSC - JHA
CFCU	August 2006	Financial and Contractual data for the Sector
EMS Consortium	March 2003	R/SK/JHA/03.044 Interim Evaluation
D&D Consulting	March 2006	R/SR/JHA/0106
D&D Consulting	May 2006	Country Interim Evaluation Smamry
German Foundation for International Legal Co-operation/Ministry of Justice SR	January 2006	Twinning Light Contract 2004/01676403-01-0001 Training of Judges on New Civil, Commercial, Competition and Bankruptcy Legislation
German Foundation for International Legal Co-operation/Ministry of Justice SR	August 2006	Final Report 2004/01676403-01-0001 Training of Judges on New Civil, Commercial, Competition and Bankruptcy Legislation
ARK – ltd.	April 2006	Inception Report 2004/016-764-03-01Promotion of Mediation of Civil Disputes to both Professional and Lay Public
Ability Development	June 2006	Inception Report 2004/01676408-03-01-0004 Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA
Ability Development	July 2006	Minutes from the Steering Committee Meeting

		2004/01676408-03-01-0004 Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA
Government of the Slovak Republic/ General Secretariat of the Committee of Ministers for Drug Dependencies and Drug Control	2005	The State of Drug Addiction and Drug Control in the Slovak Republic
Government of the Slovak Republic/ General Secretariat of the Committee of Ministers for Drug Dependencies and Drug Control	2005	Methodology Guideline for regional drug coordinators
Federal Ministry of Health of the Federal Republic of Germany/Office of the Government	2005	Twinning Contract SK 2004/IB/JH/01 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008
Federal Ministry of Health of the Federal Republic of Germany	November 2004- August 2006	Quarterly Reports Nr. 1 – 4 SK 2004/IB/JH/01 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008
Federal Ministry of Health of the Federal Republic of Germany	August 2006	Status Report SK 2004/IB/JH/01 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008
Office of the Government/CFCU	March 2006	Memorandum of Understanding for the Grant Scheme 2004/16-764-03-02 Support to the Implementation of the National Programme for the Fight against Drugs 2004-2008
Ministry of Interior of the French Republic and Ministry of Interior of the SR	August 2005	Twinning Light Contract Nr.2004/01676408-0301-0001 Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders
Ministry of Interior of the French Republic	July 2006	Final Report Nr.200401676408-0301-0001 Implementation of the Schengen Action Plan – The Accompaniment Measures at the Internal Borders

Documents requested but not made available (with reasons): none

ANNEX 4 RECOMMENDATIONS FROM PREVIOUS INTERIM EVALUATION

Interim Evaluation Report No. R/SR/JHA/0106 issued on 15 March 2006

- :
- Phare 2002 – 2003 projects
- Schengen Border Management
 - Asylum and Migration
 - Fight against Crime
 - Public Administration
 - Justice, Prosecution and Law Enforcement

Recommendation	Accepted	Responsibility for Follow-up	Deadline	Details of action/ Remarks
2003-004-995-03-21 Modernisation of the Airports: The MoI should initiate a meeting of the established working group (Ministry of Transport, MoI, MO, and Airport Authority) to propose alternatives for the equipment installation. As soon as the privatisation process for the airport is completed and the new owner is announced, negotiations should be initiated to make sure that the supplied monitoring system is installed and effectively utilised.	Yes	Ministry of Interior	As soon as possible	The ACU received a letter from the Ministry of Transport confirming the deadline of 15 September for the installation of the camera system. Privatisation of the airports, namely the Bratislava one has been stopped and the situation with the Kosice one is rather unclear. The facilities for the installation of the camera monitoring system were completed by 15 September 2006 with the installation of the equipment to be followed accordingly.
2002/000-610-02 Special Documentation Software for MO: Two options should be considered: 1) MoI and MoJ should find a mutually beneficial solution for the common use and further development of one database, most likely of the one existing at the MO. In such case the MoI/ MO together with the MoJ – asylum courts should assess the most convenient technical and prompt solution, to enable also the restricted access of judges to the database and the MoI needs to provide staff for the MO for managing these tasks. 2) Provided that such an access is not realistic due to security reasons it should be considered to establish a Documentary Centre which would serve purposes of relevant ministries/central state administration bodies. Such Documentary Centre has to be sufficiently equipped and staffed in order to secure administration and technical support for the further development of the database.	Partly	Ministry of Interior/ Migration Office/ Ministry of Justice	As soon as this is legally and technically possible	The Ministry of Justice is not able to utilise the database operated by the Migration Office because of legal and technical obstacles. That is why the Ministry of Justice decided to run its own database for the time being. When the legal and technical circumstances change, the Ministry of Justice will reconsider the possibility of a common use of the Migration Office's database.
2002/000-610-01 Support to Civil Service Office and 2003-004-995-01-01 Modernisation of the Slovak Civil Service: Based on the expected further	Yes	Aid Coordination	After the adoption of	The CSO has been abolished as of 1 June 2006 and part of its

<p>changes in the Civil Service Law, possibly leading to severe institutional consequences for the CSO, the ACU should assess in detail the likelihood for effective delivery and sustainability of this 2003 project.</p> <p>Pending on the institutional situation of the CSO, immediate considerations should be given to adequate corrective measures, including also request for extension, re-orientation of project activities to more prospective project users (e.g. MOLSAF) and/ or cutting of activities/ budgets which became redundant.</p>		Unit	the new amended legislation	competencies transferred to the MoLSAF and other ministries. The Phare project has been shifted to the MoLSAF with the PF being modified. Also a new list of activities is under preparation, together with possible budget cuts.
<p>2002/000-610-02 and 2003-004-995-0104 UIBF – LEA: The ACU should reconsider the approval of the so-called LEA 3 phase, to be financed from Transition Facility funds, provided that no sufficient guarantee for timely completion of the overall system can be received from the MoI. The MoI should internally agree (with the working group – future users) the conditions and functionalities of the LEA system, including feasible deadlines. Subsequently, discussions should take place with the LEA partners and agreements should be reached on further details of the co-operation (e.g. documents to be exchanged, security issues). The agreed detailed proposal - confirmed by the inter-sectoral committee - containing financial provisions, individual tasks, persons responsible and deadlines indicating how the MoI will proceed with the establishment of its internal system – should then be submitted to the ACU. Based on the quality of the proposal a decision should be taken on further provision of external funds. Implementation of the submitted plan should be closely monitored by the ACU.</p>	Yes	Aid Coordination Unit/ Ministry of Interior	With immediate effect	<p>The importance of the LEA for the Slovak Republic was highlighted. This was demonstrated – inter alia – by high national co-financing. All stakeholders are indeed aware of risks involved in the implementation of the LEA. That is why the Ministry of Interior established an inter-ministerial working group to coordinate the LEA.</p> <p>The LEA 3 project was not approved under TF 2006, however plans exists for its inclusion into the TF UIBF 2006 envelope.</p>
<p>2003-004-995-0104 UIBF Social and Economic Costs of Illicit Drugs: The General Secretariat should liaise with the Statistical Office in order to formally establish official co-operation and thus enable exchange of relevant data and information. The General Secretariat should also initiate the incorporation of the duty to collect necessary data by individual central state administration bodies through the Methodological Instruction of the Ministry of Finance on the direction of programme budgeting (No. 14/2004), collection of data for the calculation of the costs of illicit drugs. At the same time it should specify necessary details to make sure that correct data are provided. Calculations should be made in accordance with EC recommendations as regards methodology and frequency.</p>	Yes	General Secretariat of the Committee of Ministers for Drug Addiction and Drug Control	With immediate effect	<p>The General Secretariat has initiated a meeting with the Statistical Office to be followed-up by the end of 2006 and their co-operation and exchange of data have improved. Their co-operation continues under the 2004 TW aimed at implementation of the National Programme for Fight against Drugs.</p>

ANNEX 5 SECTORAL BACKGROUND AND SCOPE OF EVALUATION

Component 1 Justice and Prosecution

2004/016-764.03.01 Strengthening of the Judicial System

The follow-up EU assistance to the MoJ is split into two TWLs and two TAs.

1 st Sub-project: Twinning Training of Judges on New Civil, Family, Commercial, Competition and Bankruptcy Legislation

Represents another EU intervention to the JAS with the objective to provide training to judges and other relevant groups on the EU *acquis* and a ToT element. The TWL with the German partner had started in January and finished in June 2006. During this period up to 10 training sessions were organised and up to 300 judges, higher court officials and prosecutors trained in different areas of the EU legislation. Participants of training activities have been provided with the relevant materials, namely case studies. Also a study visit to Germany contributed to raising awareness about the best practice in the area of judiciary. The ToT part has managed to prepare up to 30 new trainers who now perform their role of trainers within the JAS staff.

2nd Sub-project Creation of a New System of Evaluation of the Workload of Judges and Courts

Should take a form of a TWL again and besides development of realistic evaluation criteria which would include also a qualitative assessment of workload of judges includes also an evaluation of court operation via testing the new evaluation procedure at up to five sample courts. The TWL activities to include the know-how transfer via a study tour to a well-developed MS in this area.

At the time of this IE the tendering procedure is progressing with the selection of the TWEL partner to be completed by the end of September 2006.

3rd Sub-project Promotion of Mediation of Civil Disputes to both Professional and Lay Public

Is being delivered via a local TA with the contract signed end of March this year. The sub-project aims at raising awareness about mediation in civil cases through production of communication vehicles (such as leaflets or video tapes), publications to libraries, , handbooks, organisation of working group meeting for the large concerned public, presentations for professional organisations, training for judges and participating institutions at the selected district courts in Bratislava, Banska Bystrica, Poprad and Kosice and finally a pilot application of mediation in civil cases. The Inception Report (IR) was finished end of June 2006 specifying, among others elaboration of different promotion materials. Video tapes for public and also for training purposes, together with handbooks to be finished in September; also first training activities for court officials,

professional chambers or students of secondary schools and universities to commence the same month and to be completed in November 2006.

4th Sub-project Improvement of Legal Conscience within the Commercial and Civil Community

Another TA should contribute to improvement of quality of arbitration proceedings and increased awareness about arbitration in property disputes and speeding up these cases, together with improvement of knowledge connected with making agreements resulting in increased quality of business. Activities to include transfer of know-how by EU experts, esp. from arbitration courts, internship of local arbitrators in EU countries, seminars, trainings, media activities, etc. ToRs are being finalised together with an NGO and tendering has commenced mid September. First activities should start then accordingly in November 2006.

2004/016-764.08.03 UIBF 2004: Development of the Software for Implementation for Penal Procedure Code Recodification into IS PATRICIA

The project for the GP represents another stage in SW development enabling creation and exchange of electronic files among police, prosecution and courts. It is a direct reaction to recodification of the Penal Code, which has come into force early this year and implements new proceedings, such as the shortened one or mediation or the EU warranty arrest. The project aims at implementation of the required changes into the existing IS Patricia. The project includes up to 10 tasks, stemming from implementation of changes due to recodification, electronic interconnection of registry administration and the existing system called Patricia, data migration or the EU warranty arrest, logging in using USB tokens or training. The project with the local contractor has started in April 2006 and to be completed in December this year. The Inception Report was submitted in June this year and the project is progressing according to the schedule.

2005/017-464.03.01 Support to the Finalisation of the Setting-up of the Judicial Academy of Slovakia (JAS)

The project provides further support to the establishment and operation of the JAS. It will be implemented through a TWL, supply of services for development of specialised software and supply of books. The project is in the pre-implementation phase. Originally it should start in January 2006. The delay is caused by a shortage of skilled technical personnel to prepare the tender documentation at the MoJ, which is the institutional twinning partner of the project.

TWL comprises 5 main activities focused on transfer of know-how and experience. These are: (i) provision of training seminars and workshops at the JAS, (ii) elaboration of an analysis of the new training system for judges and prosecutors in Slovakia, (iii) organising limited internship for 10 JAS representatives, (iv) organising 1 month and 2 weeks internships at the European Court of Justice for 4 lectures at the JAS, (v) setting-up the library of the JAS.

Component 2 Fight against Drugs and Corruption

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

Twinning

An 18-month German TW focuses on the (i) strengthening /development of capacities of the Drug Demand Reduction System on the national level, (ii) strengthening and further development of capacities of the National Drug Supply Reduction System and finally (iii) development of capacities for the Drug Demand Reduction System at the local level/ strengthening of co-operation among involved stakeholders.

The TW has started in summer last year and to be completed early 2007. During numerous training sessions more than 500 people have been trained and more to be exposed to the transfer of know-how till the end of its duration. Participants of training activities have been provided with the relevant handouts. Also a number of study visits to Germany and Czech Republic have been organised for familiarisation with the functioning of different drug-prevention and reduction systems.

TA sub-project

Focuses on enlargement of the DIP created by the GSCMDDDC with link activities of SW development for information collection and processing of drug-related crime. The TA also to support the Army Police with information management tools, complemented with the relevant training. Further training to be provided also to regional drug co-ordinators and representatives of higher territorial units.

At the time of this Report Terms of Reference (ToRs) have been fine-tuned by final beneficiaries and the tender later in September 2006.

GS sub-project

The complementary GS is aimed for NGOs, municipalities and self-governments for drug prevention, treatment, rehabilitation and harm reduction. The Memorandum of Understanding (MoU) between the CFCU and the Office of the Government (OoG) was signed in March this year. The GS guidelines were completed in April and the first round of grants announced with the deadline early May 2006. 31 applications were received out of which the Grant Commission after the assessment of independent experts selected 20 applications and finally 14 were awarded. Implementation of activities to be commenced in fall and to be completed end of September 2007. The 2nd round was announced end of August 2006 with the deadline for submission of applications in October. The whole GS to be closed down in December 2007.

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

The project deals with complex national corruption issues reflected in four main groups of activities. It has been delayed, as the original start of the implementation was planned for February 2006. As many changes influencing the institutional set-up of this project has taken place since the elections in June 2006, the project documentation needs to be actualised and the position of the OoG as the main beneficiary needs to be assessed.

The four main activities are: (i) effective implementation of GRECO recommendations in the field of proceeds of corruption, covering development of guidelines and provision of training for police and investigators, prosecutors and judges, (ii) trainings and transfer of best practices in EU countries to the analytical section of the Bureau of the Fight against Corruption and of the Police Presidency, (iii) specialised trainings for lawyers focused on providing legal aid in cases showing the corrupt behaviour, (iv) study on the impact of the anti-corruption activities in the SR. The first two activities should be implemented through a TWL, while the last two through a TA. The project's intention is to provide the guidelines and models for the Bureau of Fight against Corruption of the Police Presidency; 200 police officers, prosecutors and judges trained (60+40+100), and the study.

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

The project aims at building an effective system for the detection of corruption through the installation and operating information and analytical system. It consists of a TWL and TA and should originally start in January 2006. The delay is caused by delays of the CFCU. The ongoing pre-implementation phase is culminating with the preparation of tender documentation.

Under the TWL OIS staff should be trained through seminars, practical exercises and a study visit. The TA should provide: (i) an internet application enabling public relations with the Police, (ii) online analysis of information by OIS officers, (iii) establishment of direct SW linkage between existing components, (iv) functional information and analytical system put into operation.

Component 3 Schengen Border Management

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

The French TWL for the MoI - the BAP aimed at transfer of know-how necessary for internal border protection after lifting the internal borders, as a necessary prerequisite for integration into the Schengen area; reform of the BAP and other related issues, such as false documents. The TF intervention was completed in April 2006 after 8 months of duration. The FR was published mid July 2006 and reported on the achieved results, such as an analysis of the situation of BAP, its structures. A special note has been prepared on Mobile Units to be created within each regional BAP directorates. 3 study visits to France were organised for mainly BAP representatives to get familiar with the MS border management. The French team also elaborated the Operational Information Transmission and Diffusion Charter to serve the organisational reform of BAP, including establishment of Regional Headquarters and takes into account the launching of the Schengen Information System in March 2007. Under training activities a pool of resource persons has been created in the field of documentary fraud. As of April 2006, courts and prosecution recognised technical analysis made by under the TW trained analysts. Also

a Plan for establishment Common Commissariats has been drafted under the TW and the first Slovak-Austrian contact point being created in Kittsee. However, a comprehensive border protection strategy is still waiting for the Government's approval.

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

This twinning project started before summer. The twinning contract was signed on 23 May 2006 and the kick off meeting took place on 19 June 2006. Twinning partners are French/full time RTA and Austrian (junior position).

It consists of six main activities: (i) support to the Police Force Presidium, especially to the BAP Office, (ii) Adjustment of the Criminal law and of the criminal procedure to the requirements of the fight against illegal immigration and against the networks of the illegal immigration, (iii) support and assistance to the Police Force Presidium for strengthening of the reaction capacity of the BAP Office, (iv) working out of the training program aimed at detection of the false administrative documents for the relevant consular staff of the Slovak Ministry of Foreign Affairs as well as for the district policemen in charge of issuing administrative documents, (v) support and assistance to the Police Force Presidium in order to strengthen the international cooperation and to adjust the Slovak legislation to the principles of Schengen Acquis in this field, (vi) support and assistance to the Police Force Presidium in implementation of the training program for the Aliens Police staff. All these activities support the effort to fulfil all EU requirements by the time of entry of the Slovak Republic into the Schengen area.

ANNEX 6 DISSENTING VIEWS

Ministry of Finance/CFCU

Para 13

'It is not really possible to create linkages between the mediation and arbitration projects. Though being both forms of alternative dispute resolution, they have different contents and are focused on different court cases and target groups'.