

Interim Evaluation No. R/SR/JHA/0104



Programmes covered:

- SR-0108 Strengthening the Independence of the Judiciary
- SR-0110.01.01 Training for the Judiciary in the Competition Field
- 2002/000-610.01 Support to the Civil Service Office
- 2002/000-610.02 Unallocated Institution Building Facility
- 2002/000-610.19 Implement the Schengen Action Plan and Continue to Upgrade the Infrastructure at the EU Future External Borders
- 2002/000-610.21 Support for the Implementation of the Dublin Convention
- 2002/0000-610.22 Strengthening the Effectiveness of Investigation and Prosecution Procedures
- 2003-004-995-01-01 Modernisation of the Slovak Civil Service and Public Service
- 2003-004-995-01-02 Support to the Public Administration Reform
- 2003-004-995-01-03 Fight against Corruption
- 2003-004-995-01-04 UIBF – Social and Economic Costs of Illicit Drugs Used in the SR
- 2003-004-995-01-04 Unallocated Institution Building Facility
- 2003-004-995-03-19 Strengthening the Reception Capacities for Asylum Seekers in the SR
- 2003-004-995-03-20 Establishment of EURODAC in the SR
- 2003-004-995-03-21 Modernisation of Technical Equipment at the Slovak International Airports
- 2003-004-995-03-22 Strengthening the Efficiency of the Judiciary
- 2003-004-995-01-23 Compliance with EU Criteria on Police Co-operation and the Fight against Crime
- 2003-004-995-03-24 Combating Money Laundering

**Interim Evaluation of the
European Union
Pre-Accession Instrument
Phare**

The Slovak Republic

**Sector: Justice and Home
Affairs**

Author:



Date: 22 September 2004

Controlled copy.....of.....

Signed:.....



This report has been prepared as a result of an independent evaluation by MWH being contracted under the Phare programme.
The views expressed are those of MWH and do not necessarily reflect those of the Government Office of the Slovak Republic.

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EXECUTIVE SUMMARY

The Slovak Republic – Justice and Home Affairs

Monitoring Reports: M/SR/JHA/04016 issued on 10 May 2004, M/SR/JHA/04004 (CSO) issued on 10 May 2004, M/SR/FAC/04002 issued on 5 May 2004, M/SR/JHA/04002 (PAR) issued on 17 May 2004.

Interim Evaluation Report: R/SR/JHA/0104

A) Background and scope of the evaluation

The purpose of this Interim Evaluation is to assess the performance of on-going Phare support under the Justice and Home Affairs Monitoring Sector, assisting Slovakia in the area of justice, public administration, fight against crime, corruption, drugs, and law enforcement, preparation for Schengen border management, asylum and migration. This Evaluation covers Phare support allocated for the years 2001, 2002 and 2003, approximately totalling a sector allocation of 25.8 M€ from Phare and 5.1 M€ from national sources. The applied interim evaluation methodology is based on the following four main evaluation criteria: *relevance*, *efficiency*, *effectiveness*, *sustainability* and on *impact*¹.

B) Main evaluation findings and conclusions

In general, all projects under evaluation are relevant, clearly addressing identified problems and identified needs of the Justice and Home Affairs sector. Similarity of activities has been identified in the case of developing an asylum database; here projects with very similar content, implemented for the Ministry of Interior and the Ministry of Justice, are being simultaneously funded under Phare 2002. The design of individual sectoral interventions often suffers from too general objectives and inadequate indicators. A part of the design problems can be also attributed to the rigidity of the Phare system and insufficient local planning experience, leading to long periods between fiche formulation and physical implementation.

The activities undertaken within the sector follow objectives and support official governmental policies/reforms taking place in Slovakia. In some cases, these reforms are well presented in strategy documents. Sometimes however, these are absent and action plans setting out individual activities and timelines are missing, as in the area of public administration and judicial reform. Twinning assistance provided to the judiciary could not be used optimally because the project was based on assumptions which were not fulfilled. The 2002 twinning for investigators encountered some co-operation problems that have prevented the carrying out of the originally planned activities.

Efficiency is mixed and needs to be improved. Most of the sectoral interventions have suffered from delays. In particular, the efficient use of Phare funds by the Ministry of Interior is sometimes insufficiently secured and in the case of the 2002 Schengen programme, 0.5 M€ is

¹ *Relevance*, whether the design of the project targets the needs of beneficiaries; *Efficiency*, whether the same results could have been achieved at lower costs; *Effectiveness*, whether the project purpose has been achieved; *Sustainability*, whether project benefits are likely to continue after external funding ends; *Impact*, the extent to which the benefits received by the beneficiaries had a wider overall effect.

expected to be lost. Phare capacities at the Ministry of Interior are still insufficient and there are too often major difficulties in preparing and amending technical documents in a timely and professional manner. The Ministry also seems to perform rather poorly in providing information about availability of EU funds to its client institutions. In some interventions, poor local absorption capacity adversely influenced the efficient delivery of the assistance. Proper project reporting needs to be improved for some twinning activities.

Overall governmental co-ordination of the public administration reform process in Slovakia would be welcome but is even missing between the related Phare activities of the Ministry of Interior and of the Civil Service Office. Installation of the equipment delivered for the Judicial Academy is held up because the beneficiary institution has still not been set up. Also, the 2002 twinning for investigators has experienced difficulties: the senior management of the Unit of the Fight against Organised Crime within the Police Presidium has not demonstrated commitment, and some of the activities could not be performed since there has been insufficient will to co-operate from the Slovak side.

The effectiveness of the majority of the evaluated projects is adequate. Among others, the 2002 Dublin Convention programme already brought valuable effects such as the Amendment of the Asylum Act and the opening of the Dublin Station. Some partial effects have also resulted from the 2002 Schengen twinning but the outstanding equipment purchase is dependent upon last minute contracting, and the planned assistance to enhance the green border facilities under this project is unlikely to materialise.

The Civil Service Office has already benefited from the 2002 assistance and adopted a new structure as well as operational guidelines. It is not easy to demonstrate the actual benefit of the 2001 twinning for the judiciary, since effectiveness of the given recommendations will need local political support to materialise as approved legal changes. The 2002 twinning for investigators can already show some results in the form of proposed legal changes which could be partly attributed to the project activities. More visible and quantifiable results are likely to be achieved after the completion of the information systems for Law Enforcement Agencies where a significant reduction of time for data exchange is expected.

Most sectoral investment projects show good forecasts with regard to sustainability, such as the 2003 asylum and migration related interventions or the 2002/ 2003 information system projects for Law Enforcement Agencies. However, the evaluation of sustainability is difficult for the 2002 Schengen project, due to a rather unclear situation with regard to tendering of most of the equipment and works, plus delays in some twinning parts. In general, the individual institution building projects have positive prospects that the supported institutions will be capable to improve their performance after the assistance has finished.

For the 2003 EUROPOL project, however, only few sustainability measures have been incorporated in its design. In the area of the judiciary, sustainability of legal results is secured through adopted legislation with the exception of ethics. The effects of judicial training activities are likely to be sustained due to the fact that the knowledge of EU law has become an inevitable demand for judges and the need for further specialisation has also been recognised. Provided that the Judicial Academy becomes finally operational, the investment in training, trainers and equipment will be sustained.

Upon successful completion all the interventions under review will in the longer term have positive impact on the society as a whole, particularly when tackling national priority areas, such as public administration and judicial reform or the fight against crime. The interventions focusing on the implementation of the Dublin Convention and the Schengen Border Management should also have a clear impact; however even at this stage some of the potential impact of the 2002 Schengen support will be lost due to inefficient project management.

C) Main recommendations

Addressed to Ministry of Interior

- To review status and quality of the Transition Facility project proposals; to actively promote this assistance internally and to invite the Ministry's client units to participate in the scheme;
- To submit an official statement explaining the precise starting date and timing of the Austrian part of the 2002 Schengen twinning; if such statement cannot be provided in due time feasible reallocations should be envisaged and/or this twinning part should be cancelled;
- In the event of loss of funds to under the 2002 Schengen programme, to provide an explanation, showing how and when the non-contracted parts of the concerned programme will be realised; in case of loss of funds adequate lessons for future programming and implementation should be drawn;
- For the EUROPOL National Unit to identify measures for increased effectiveness and sustainability of the 2003 EUROPOL project, such as systematic follow-up of study visits, increased dissemination of the gained know-how and identification of logical follow-ups;
- To actively initiate co-operation with the Association of Towns and Municipalities and other similar bodies as regards the 2003 Public Administration Reform programme; the final project design should be mutually agreed with representatives of local government bodies who should closely participate in implementing the project;
- To improve information flow within the MoI's Phare structures;
- To clarify difficulties encountered with co-operation at the Unit of the Fight against Organised Crime within the Police Presidium and to report corrective measures introduced;
- To seek all opportunities for sufficient funding (preferably from state budget but also from Transition Facility) for the equipment of police offices all over the country as well as for the information system development, thus ensuring the future effective data exchange among Law Enforcement Agencies;

Addressed to Ministry of Interior and Civil Service Office

- Involved project managers of both institutions should attend each other's Steering Committee/Monthly Meetings in order to be regularly informed about project progress; Presence of the Co-ordinator for Central Government Reform should be also considered;

Addressed to Civil Service Office

- To start implementing the upcoming 2003 programme only after completion of the current 2002 Twinning activities;

Addressed to Ministry of Interior and Ministry of Justice

- Both Ministries should organise common steering committees for the similar 2002 projects focusing on asylum databases, to ensure good co-ordination of individual activities, necessary to ensure compatibility of both systems;

Addressed to Aid Co-ordination Unit

- For project proposals referring to governmental strategies/ national concepts/strategy papers, to require copies of these documents and to judge whether the institutional commitment proposed for the intervention is realistic and sufficient;

D) Performance rating

Component/ Project	Relevance	Efficiency	Effectiveness	Sustainability	Impact	Verbal overall rating
2002/006-610.19	1	-1	-1	0	0	U
2003-004-995-03-21	1	0	1	1	1	S
Schengen Border Management	1	-1	-1	0	0	U
2002/000-610.21	1	1	1	1	1	S
2002/000-610.02	1	-1	0	1	1	S
2003-004-995-03-19	1	0	1	1	1	S
2003-004-995-03-20	1	1	1	1	1	S
2003-004-995-01-04	1	0	0	0	0	S
Asylum and Migration	1	1	1	1	1	S
2003-004-995-03-23	1	-1	1	1	1	S
2003-004-995-03-24	1	0	0	1	1	S
2003-004-995-01-04	0	0	-1	-1	0	U
2003-004-995-01-03	1	1	1	1	1	S
2003-004-995-01-04	1	1	1	1	1	S
Fight Against Crime	1	-1	0	1	1	S
2002/000-610.01	1	1	1	1	1	S
2003-004-995-01-01	1	0	0	0	0	S
2003-004-995-01-02	1	0	0	0	0	S
Public Administration	1	1	1	1	1	S
SR-0108	0	1	-1	0	0	S
2003-004-995-01-02	1	0	0	0	0	S
SR-0110.01.01.0015	1	0	1	1	1	S
Justice	1	1	1	1	1	S
2002/000-610.22	1	0	1	1	1	S
2002/000-610.02	1	1	1	1	1	S
2003-004-995-01-04	1	1	1	1	1	S
Prosecution and Law Enforcement	1	1	1	1	1	S
Taking into account the contextual constraints on the evaluation, the sector overall is rated to be 'SATISFACTORY'						
Justice and Home Affairs Monitoring Sector	1	0	1	1	1	S

Ratings guide: -2 unacceptable; -1 poor; 0 sufficient/adequate; +1 good; +2 excellent.

HS - Highly Satisfactory, S- Satisfactory, U-Unsatisfactory, HU-Highly Unsatisfactory.

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PREFACE

This Interim Evaluation Report covers Phare assistance to the Justice and Home Affairs sector in the Slovak Republic under the following programmes:

2002/000-610.02 Unallocated Institution Building Facility (UIBF) - Special Documentation Software for Migration Office (MO) for Analysis of the Countries of Origin; 2002/000.610-19 Implement the Schengen Action Plan and Continue to Upgrade the Infrastructure at the EU Future External Borders; 2002/000.610-21 Support for the Implementation of the Dublin Convention; 2003-004-995-01-04 UIBF - Improvement of the Readiness of the Police of the Slovak Republic for Accession to the EUROPOL and Improving the Administrative Structure in the Field of Migration in the Light of the Slovak Republic's EU Membership; 2003-004-995-03-19 Strengthening the Reception Capacities for Asylum Seekers in the SR; 2003-004-995-03-20 Establishment of EURODAC in the SR; 2003-004-995-03-21 Modernisation of Technical Equipment at the Slovak International Airports; 2003-004 -995-03-23 Compliance with EU Criteria on Police Co-operation and the Fight against Crime (DNA); 2003-004-995-03-24 Combating Money Laundering; 2003-004-995-01-03 Fight against Corruption; 2003-004-995-01-04 UIBF – Social and Economic Costs of Illicit Drugs Used in the SR; SK-0108 Strengthening the Independence of the Judiciary; 2003-004-995-03-22 Strengthening the Efficiency of the Judiciary; 2002/000-610.02 UIBF - Reinforcement of Judicial Capacity in the Area of Penal Matters; 2002/000-610.01 Support to the Civil Service Office (CSO); 2003-004-995-01-01 Modernisation of the Slovak Civil Service and Public Service; 2003-004-995-01-02 Support to the Public Administration Reform (PAR); 2002/0000-610.22 Strengthening the Effectiveness of Investigation and Prosecution Procedures; 2002/000-610.02 UIBF - Increasing the Security of Information and Data Processing among Law Enforcement Agencies (LEAs), Development of Information System under the Condition of the Corps of Prison and Court Guard; and 2003-004-995-01-04 UIBF - Development of IS within the Fight Against Corruption Programme under the Conditions of the Sector of Prisons.

This Interim Evaluation Report has been prepared by MWH² during the period from June to August 2004 and reflects the situation at 23 July 2004, the cut-off date for the Report. The factual basis is provided by the following Monitoring Reports, covering the period from 1 January to 30 April 2004:

- M/SR/JHA/04016 prepared by the Ministry of Interior and issued on 10 May 2004,
- M/SR/JHA/04004 prepared by Civil Service Office and issued on 10 May 2004,
- M/SR/FAC/04002 prepared by Department of Fight against Corruption, Office of Government and issued on 5 May 2004,
- M/SR/JHA/04002 prepared by the Ministry of Interior and issued on 17 May 2004.

Other findings are based on analysis of the Financing Memoranda, 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. Financing Memoranda, Project Fiches, etc. The report is intended to provide management information for the benefit of the Joint Monitoring Committee (JMC) and other involved parties. It draws conclusions and puts

² Authors: Dagmar Gombitova, Dietmar Aigner and Short Term Technical Expert Viera Gazikova. This Report has been reviewed by Dietmar Aigner (MWH Interim Evaluation Cell) and by Peter Hall (MWH Headquarters).

forward recommendations. It provides a general assessment of programmes or components under consideration and included in the corresponding Sectoral Monitoring Report.

Comments requested on the draft version were received from the following parties:

Parties invited	Comments received
Ministry of Justice	yes
Ministry of Interior/ Bureau of European Affairs and Foreign Relations	yes
Ministry of Interior/ Public Administration Reform	yes
Civil Service Office	yes
Office of General Prosecution	no
Office of Government/ Aid Co-ordination Unit	yes
Office of Government/ Fight Against Drugs	no
Office of Government/ Fight Against Corruption	no
Ministry of Finance/ Central Finance and Contracting Unit	no
Ministry of Finance/ National Fund	no
European Commission Representation	yes

Where possible, the Evaluators have integrated the comments received into the report. Dissenting views are in Annex 5.

The findings and recommendations of this Interim Evaluation Report have been formally debriefed in Bratislava on 21 September 2004, following an invitation of the Office of the Government of the Slovak Republic/ Aid Co-ordination Unit.

GLOSSARY OF ACRONYMS

ACU	Aid Co-ordination Unit
AMO	Anti-Monopoly Office
AP	Accession Partnership
BAP	Border and Alien Police
BOC	Bureau of Organised Crime
CFCU	Central Finance and Contracting Unit
CSO	Civil Service Office
ECR	European Commission Representation
EU	European Union
FIU	Finance Intelligence Unit
FM	Financing Memorandum
FSI	Forensic Science Institute
FWC	Framework contract
HW	Hardware
IA	Indicator of Achievement
GPO	General Prosecutor Office
HCO	Higher Court Official
IB	Institution Building
IE	Interim Evaluation
IT	Information Technology
JAS	Justice Academy of Slovakia
JC	Judicial Council
JHA	Justice and Home Affairs
JMC	Joint Monitoring Committee
LEA	Law Enforcement Agency
MO	Migration Office
MoF	Ministry of Finance
MoI	Ministry of Interior
MoJ	Ministry of Justice
MR	Monitoring Report
NPAA	National Programme for the Adoption of the Acquis Communautaire
PAA	Pre-Accession Adviser
PAO	Programme Authorising Officer
PA	Public Administration
PAR	Public Administration Reform
PRAG	Practical Guide for Phare, ISPA and SAPARD
SAC	Sector Aid Co-ordinator
SPO	Senior Programme Officer
SIRENE	Supplementary Information on National Entry
SIS	Schengen Information System
SKK	Slovak Crowns
SMSC	Sectoral Monitoring Sub-Committee
SR/SK	Slovak Republic
SPO	Senior Programme Officer
STTE	Short Term Technical Expert
SW	Software
TA	Technical Assistance
TC	Twinning Covenant
ToR	Terms of Reference
TW	Twinning
TWL	Twinning Light
UIBF	Unallocated Institution Building Facility

FINANCIAL AND CONTRACTUAL DATA OF THE SECTOR JUSTICE AND HOME AFFAIRS

Number	Title	Beneficiary	Contract		Phare			Co-financing		
			start	expiry	allocated M€	com %	dis %	allocated M€	com %	dis %
COMPONENT 1 - SCHENGEN BORDER MANAGEMENT										
2002/000-610.19	Implement the Schengen Action Plan and continue to upgrade the infrastructure at the EU future external borders	MoI			5.800	7	3	1.764	0	0
	Twinning		28/10/03	28/04/05	0.400	97	47	0	0	0
	Supply of data processing and communication equipment		-	-	4.900	0	0	1.634	0	0
	Rehabilitation works – green border temporary detection facilities and posts		-	-	0.390	0	0	0.130	0	0
	TA – Rehabilitation works – green border temporary detection facilities and posts		-	-	0.110	0	0	0	0	0
2003-004-995-03-21	Modernisation of technical equipment at the Slovak international airports	Police	-	-	1.500	0	0	0.520	0	0
	Supply of camera monitoring systems		-	-	1.500	0	0	0.520	0	0
COMPONENT 2 – ASYLUM AND MIGRATION										
2002/000-610.21	Support for the implementation of the Dublin Convention	MoI	-	-	1.200	87	75	0.197	38	0
	Twinning		14/07/03	14/10/04	0.500	97	63	0	0	0
	Support to the implementation of the Dublin Convention		03/06/04	03/09/04	0.365	61	61	0.122	0	0
	Equipment for Dublin Regulation		-	-	0.080	0	0	0	0	0
	Equipment for EURODAC ³		06/02/04	06/05/04	0.225	100	100	0.075	100	

	Development of Asylum Database (MoJ)		14/06/04	14/05/05	0.110	97	0	0	0	0
2002/000-610.02 UIBF	Special documentation software for Migration Office for analysis of the countries of origin	MoI	25/05/04	25/01/05	0.080	99.8	0	0	0	0
2003-004-995-03-19	Strengthening the reception capacities for asylum seekers in the SR	MO	-	-	1.900	0	0	0.634	0	0
	Supply of technical equipment for five refugee camps		-	-	0.150	0	0	0.050	0	0
	Transformation of a former military facility into a new reception centre for refugees		-	-	1.750	0	0	0.584	0	0
2003-004-995-03-20	Establishment of EURODAC in the SR	Police	-	-	0.900	85	85	0.224	0	0
	TWL		-	-	0.110	0	0	0	0	0
	Supply		06/02/04	06/05/04	0.790	97	97	0.224		
2003-004-995-01-04 UIBF	Improving the administrative structure in the field of migration in the light of the Slovak Republic's EU membership	MoI	-	-	0.160	0	0	0	0	0
COMPONENT 3 – FIGHT AGAINST CRIME AND CORRUPTION										
2003-004-995-03-23	Compliance with EU criteria on police co-operation and fight against crime	Police	-	-	1.800	0	0	0.600	0	0
	TWL		06/07/04	06/02/05	0.150	0	0	0	0	0
	DNA Laboratory adaptations - works		-	-	0.200	0	0	0.100	0	0
	Supply of technology for establishment of national DNA database		-	-	1.000	0	0	0.500	0	0
2003-004-995-03-24	Combating Money Laundering	Police	-	-	1.000	8	0	0.277	0	0
	TWL		05/05/04	05/01/05	0.084	100	0	0	0	0
	Supply of hardware for FIU		-	-	0.069	0	0	0.277	0	0
	Supply of special software for FIU		-	-	0.847	0	0	0	0	0

³ Includes also a part of the 2003 EURODAC supply.

2003-004-995-01-04 UIBF	Improvement of readiness of the Police of SR for accession to EUROPOL	Police	-	-	0.180	0	0	0	0	0
2003-004-995-01-03	Fight Against Corruption	OoG			0.900	15	0	0	0	
	Transparency of functioning of State Administration and Public Self-Administration		-	-	0.400	0	0	0	0	0
	Fine-tuning of the legislative framework and sharing EU MS experience with new anticorruption institutions in Slovakia		-	-	0.350	0	0	0	0	0
	Analysis of training of professional journalism in Slovakia		26/05/04	01/01/05	0.150	92	0	0	0	0
2003-004-995-01-04 UIBF	Social and Economic Costs of Illicit Drugs Used in SR		-	-	0.199	n.a.	0	0	0	
COMPONENT 4 – PUBLIC ADMINISTRATION										
2002/000-610.01	Support to the Civil Service Office	CSO	-	-	1.700	98	40	0	0	0
	Twinning		21/05/03	20/05/05	1.500	100	39	0	0	0
	IT support systems development		16/09/03	15/07/04	0.159	100	60	0	0	
	Supply of hardware and software for the personnel management information system of the CSO		13/05/04	20/07/04	0.040	87	0	0	0	0
2003-004-995-01-01	Modernisation of the Slovak Civil Service and Public Service	CSO	-	-	1.700	0	0	0	0	0
	TA to CSO		-	-	1.700	0	0	0	0	0
2003-004-995-01-02	Support to the Public Administration Reform	MoI	-	-	1.100	0	0	0		0
	Design and implementation of process of administrative decentralisation - twinning		-	-	0.550	0	0	0	0	0
	Design and delivery of pilot projects on info and communication system of selected regional governments - TA		-	-	0.350	0	0	0	0	0

	Practical organisation of delivery of training programme and edition of training materials –TA FWC		-	-	0.200	0	0	0	0	0
COMPONENT 5- JUSTICE										
SR0108	Strengthening the independence of the judiciary	MoJ	-	-	1.075	99	61	0.075	0	0
	Twinning		20/12/02	31/07/04	0.765	100	57	0	0	0
	Equipment supply		25/11/03	25/02/04	0.205	98	90	0.075	0	0
	Conference on ethics		28/11/03	30/06/04	0.030	100	0	0	0	0
SR0110.01.01.0015	Training of the judiciary in the competition field	MoJ	21/11/03	19/10/04	0.035	100	80	0	0	0
2003-004-995-03-22	Strengthening the efficiency of the judiciary	MoJ	-	-	1.600	0	0	0.446	0	0
	Legislative advisory expertise on amendments of the commercial, bankruptcy law and civil code procedure - TA		-	-	0.300	0	0	0	0	0
	Development of ad hoc software for the management and archiving system - FWC		-	-	0.030	0	0	0	0	0
	HW supply for the management and archiving system		-	-	1.270	0	0	0.446	0	0
2003-004-995-01-04 UIBF	Reinforcement of judicial capacity in the area of penal matters	MoJ	-	-	0.200	0	0	0	0	0
COMPONENT 6 – PROSECUTION AND LAW ENFORCEMENT										
2002/000-610.22	Strengthening the effectiveness of investigation and prosecution procedures	GPO	-	-	2.100	100	2	0.404	98	0
	Twinning	MoI	12/12/03	11/01/05	0.400	100	10	0	0	0
	Equipment for prosecutor offices	GPO	14/06/04	14/08/04	1.200	100	0	0.404	98	0
	Development of information system for exchange of criminal information and data processing among all prosecutor offices		05/07/04	05/08/05	0.500	100	0	0	0	0
2002/000-610.02 UIBF	Increasing the security of information and data processing	MoJ	15/06/04	14/01/05	0.200	88	0	0	0	0

	among LEAs									
2002/000-610.02 UIBF	Development of information system under the condition of the Corps of Prisons and Court Guard	MoJ	21/11/03	31/05/04	0.200	98	80	0	0	0
2003-004-995-01-04 UIBF	Development of information system within the fight against corruption programme under the conditions of the sector of prisons	MoJ	-	-	0.200	0	0	0	0	0

Phare 2001: commitment deadline 31/12/03; disbursement deadline 31/12/04

Phare 2002: commitment deadline 30/11/04; disbursement deadline 30/11/05

Phare 2003: commitment deadline 30/11/05; disbursement deadline 30/11/06

Source: Perseus by cut-off date 23 July 2004

1. SECTORAL BACKGROUND AND SCOPE OF EVALUATION

1.1 Sectoral Background

1. This Interim Evaluation (IE) report covers Phare support under the Justice and Home Affairs (JHA) sector, one of the three monitoring sectors for Phare assistance in Slovakia. The individual programmes under evaluation are closely linked to the priorities set out in the Accession Partnership (AP) and the National Programme for Adoption of the *Acquis* (NPAA) valid at the time of the programmes' preparation.

1.2 Scope of Evaluation

2. The JHA monitoring sector covers an extensive number of projects financed from Financing Memoranda (FM) 2001, 2002 and 2003 relating to the area of justice and home affairs, public administration reform, fight against crime and law enforcement, preparation for Schengen border management, and asylum and migration with the bulk of the assistance being earmarked for the implementation of Schengen Action Plan and Dublin Convention. For the purpose of the IE, the individual projects under the sector were grouped into the following Components:

- Schengen Border Management
- Asylum and Migration
- Fight Against Crime and Corruption
- Public Administration
- Justice
- Prosecution and Law Enforcement

1.2.1 Performance of Activities

This section provides a basic overview of activities, outputs and effects. For more detailed information on the individual Components please see Annex 6 of the Report.

Component 1 – Schengen Border Management

2002/000-610.19 Implement the Schengen Action Plan and Continue to Upgrade the Infrastructure at the EU Future External Borders, 2003-004-995-03-21 Modernisation of Technical Equipment at the Slovak International Airports

Activities and Outputs

3. The 2002 Schengen programme is intended to strengthen the control and management capacities at the Slovak external border, including visa policy, management of international airports, improvement of the green border infrastructure, and establishment of the national part of the Schengen Information System (SIS), via twinning (TW), supply and works. The 2003 Airports programme aims at protecting the future EU external borders via the installation of a camera monitoring system at the three international airports.

Effects

4. The only project under this Component which has delivered any effects so far is the 2002 Schengen TW where the MoI is going to implement recommendations made by the French Pre-Accession Adviser (PAA) and his team, focusing on a new territorial split of border posts and on the establishment of a Central Management Office for the Eastern border in Sobrance. The TW also assisted in preparing projects for the Schengen Facility, of which two have been approved in mid-June 2004 by the inter-ministerial steering committee. More effects may be identified once the Plan for Technical Protection of the Future External Border has been completed and adopted by the MoI. The Austrian side of the TW, focusing on airports and visa policy, has been delayed, and thus no effects can be reported at this stage. There are also no effects yet for the heavily delayed supply part (4.9 M€) or the green border rehabilitation works. The 2003 Airports project remains still at its pre-implementation stage.

Component 2 - Asylum and Migration

2002/000-610.21 Support for the Implementation of the Dublin Convention, 2002/000-610.02 Special Documentation Software for Migration Office for Analysis of the Countries of Origin, 2003-004-995-03-19 Strengthening the Reception Capacities for Asylum Seekers in the SR, 2003-004-995-03-20 Establishment of EURODAC in the SR, 2003-004-995-01-04 Improving the Administrative Structure in the Field of Migration in the Light of the Slovak Republic's EU Membership

Activities and Outputs

5. The 2002 Dublin Convention programme aims at reinforcing implementation of the new Asylum Act and at meeting the requirements of the Dublin Convention, to be delivered through TW, delivery of equipment and software (SW) development. The 2002 UIBF project on Documentation Software is closely linked to the implementation of the relevant Dublin Regulation and is expected to contribute to the efficient processing of asylum applications by upgrading of the information technology (IT) tools of the Migration Office (MO). The 2003 Asylum investment programme is intended to increase the reception capacities by the establishment of a new reception facility in Humenne (Eastern Slovakia) and by enhancing the equipment of the five existing facilities. The 2003 EURODAC intervention is to set up the EURODAC system in Slovakia through the provision of hardware (HW), SW development and training, thus ensuring full compatibility with other EU countries. The 2003 UIBF - Administrative Structure project focuses on creation of all necessary conditions for the efficient implementation of the migration and asylum policies and legislation, in accordance with the obligations resulting from the EU membership.

Effects

6. Assistance from the 2002 Dublin TW has materialised with the opening of the Dublin Station in May 2004; its staff have been trained and the corresponding action plan has been completed. Phare assisted also with procurement of equipment for the Dublin Station. Since opening, the Station has been able to process about 50 cases and is currently considered to be the best functioning of all 10 New Member States (NMS). However, some effects of the assistance have been lost due to insufficient absorption capacity at the MO. Consequently, MO staffing levels have to increase, but the Station will only be fully staffed (20 people) by the end of 2004. Legal assistance under the TW has advised: (i) on the Amendment to the Asylum Law, which came into force as of 1 March 2004, and (ii) also the ministerial ordinance on the implementation of the Dublin Regulation and EURODAC, valid by 1 May 2004. Slovakia was

the first country amongst NMS to ratify the Dublin Convention in March 2004. For the 2003 EURODAC project, the delivered equipment is still awaiting the complementary twinning light (TWL) which has not started yet. The remaining assistance under this Component is still at the pre-implementation or early implementation stage.

Component 3 - Fight against Crime and Corruption

2003-004-995-03-23 Compliance with EU Criteria on Police Co-operation and Fight Against Crime (DNA), 2003-004-995-03-24 Combating Money Laundering, 2003-004-995-01-04 UIBF - Improvement of the Readiness of the Police of the SR for Accession to EUROPOL, 2003-004-995-01-03 Fight Against Corruption, 2003-004-995-0104 UIBF Social and Economic Costs of Illicit Drugs Used in SR

Activities and Outputs

7. The 2003 Fight Against Crime intervention is intended to assist Slovakia in establishing a national DNA database and exchanging DNA results as required by the EU, through the setting up and equipping of DNA laboratories, together with staff training. The 2003 Money Laundering programme aims at the enforcement of the *acquis* in the field of combating large-scale financial crime, through training staff from the Bureau of Organised Crime (BOC) and by providing of specialised HW and SW for the Finance Intelligence Unit (FIU). The 2003 EUROPOL project should strengthen the capacity of the Police Corps for implementing the EUROPOL Convention through training and awareness raising for police officers and local decision makers. The 2003 Fight Against Corruption programme should contribute to decreasing rates of corruption in the public administration. TA projects should be implemented, thus increasing transparency in public administration, improving the respective legal framework and the operations of new anti-corruption institutions. The already contracted project is focused on the development of appropriate training curricula for journalists. The 2003-UIBF Drugs activity should develop the methodology and carry out the analysis for an assessment of the social and economic costs of illicit drugs.

Effects

8. No substantial effects have materialised yet for any of the projects under this Component. The 2003 Fight Against Crime project only started at the beginning of July 2004. The TWL under 2003 Money Laundering started in May 2004; first training sessions have been organised and a manual for large-scale financial investigations has been submitted by the TWL experts. The twinning partner for the 2003 EUROPOL TWL has just been selected. The actual implementation of training project of 2003 Fight Against Corruption will start in September and the 2003 UIBF -Drugs project is about to be signed.

Component 4 - Public Administration (PA)

2002/000-610.01 Support to the Civil Service Office, 2003-004-995-01-01 Modernisation of the Slovak Civil Service and Public Service, 2003-004-995-01-02 Support to the Public Administration Reform (PAR)

Activities

9. The Component, intended to strengthen the capacity of the public administration services, is implemented through the Civil Service Office (CSO) and the MoI/ Section for Public Administration. CSO is currently implementing the 2002 Support to the Civil Service

Office programme. It consists of a TW, assisting the newly established CSO, technical assistance (TA) for developing a Personal Information System and some small IT supply. The 2003 Modernisation of the Slovak Civil Service programme is to support the implementation of the Civil Service Law and the local Strategy for the Reform of Public Sector Employment; it is still under preparation. The 2003 Support to PAR programme for the MoI should be implemented through three projects: a TW, dealing with structures and mechanisms for the efficient functioning, co-ordination and co-operation of state administration is under preparation; currently the twinning covenant (TC) is awaiting approval (see Annex 6). Furthermore, there will be two TA projects, one on information and communication systems of the decentralised public administration, and one on strengthening the administrative capacity of the decentralised public administration following the transfer of administration competencies.

Effects

10. The 2002 Support to the CSO TW has produced various analyses, strategic papers and manuals covering the wide scope of the CSO's activities. Based on the TW recommendations, measures have been already introduced into CSO's daily operations. The structure of the Office has changed and staff have gained experience in preparing strategic documents, in formulating the CSO vision and mission, and in the drafting and implementing of the required local regulations. Horizontal training needs were also analysed. The detailed specification for the development of a Personal Information System was prepared and the System has been developed. After compulsory registration and testing, this System should permit immediate access to information that is currently scattered in nearly 400 service offices all over the country and, hitherto, difficult to collect. None of the 2003 interventions under this Component has started.

Component 5 - Justice

SR-0108 Strengthening the Independence of the Judiciary, SR-0110.01.01.0015 Training for the Judiciary in the Competition Field, 2003-004-995-03-22 Strengthening the Efficiency of the Judiciary, 2003-004-995-01-04 UIBF – Reinforcement of Judicial Capacity in the Area of penal Matters

Activities

11. This Component aims at strengthening the independence and efficiency of the Judiciary. 2001 Judiciary support has been provided through TW, dealing with the position/independence of the judiciary, introduction of out-of-court settlements and training activities for Slovak judges in applying Community law. These training activities are being complemented by small 2001 training project for judges, specifically dealing with EU competition law. The upcoming 2003 Judiciary assistance should concentrate on the amendment of the Civil Procedure Code (the part dealing with administrative law, expected to be adopted in 2004), and on Commercial and Bankruptcy laws.

Effects

12. Various reports have been produced by the 2001 Justice TW experts, focusing mainly on comparison of the legal framework of judiciary operations (with an emphasis on ethics) in various countries as well as on compliance of the Slovak legislation with the *acquis*. Similar outputs have been delivered in relation to the operation of higher court officials (HCO). Introduction of the mediation procedure – originally initiated by a UK bilateral project - continued under the 2001 TW through further adjustment to the respective draft law, which has recently been approved by the Parliament. An international conference and other awareness

raising activities took place. Up to 200 judges were trained in Community Law. The purchase of 2001 judicial hardware was completed in February 2004. The majority of it is being used; however, the equipment dedicated to Justice Academy of Slovakia (JAS) is still unpacked since the JAS is not yet operational. Training in EU competition law has been initiated by the Anti-Monopoly Office under the 2001 Competition Field project and is being delivered to 18 judges from the Supreme and Regional Courts in Bratislava. The 2003 projects under this Component are still at a preparatory stage or awaiting approval.

Component 6 - Prosecution and Law Enforcement

2002/000-610.22 Strengthening the Effectiveness of Investigation and Prosecution Procedures, 2002/000-610.02 UIBF – Increasing the Security of Information and Data Processing among LEA's, Development of Information System under the Conditions of the Corps of Prisons and Court Guard, 2003-0004-995-01-04 UIBF – Development of Information System within the Fight Against Corruption Programme under the Conditions of the Sector of Prisons

Activities

13. The MoI TW part of the 2002 Investigation and Prosecution programme focuses on structure, operation, information flow and co-ordination of the investigation procedures under newly adopted local legislation, whilst the corresponding equipment supply and information system development are earmarked for the General Prosecutor Office (GPO). The 2002/ 2003 UIBF projects are closely connected and intend to improve the electronic information exchange among local LEAs, an undertaking that has been supported by previous Phare assistance.

Effects

14. The comparison of the investigation procedures under the 2002 Prosecution TW has resulted in a number of proposals that should significantly improve and speed up the process from the time the crime is committed until a court decision is taken. A revised procedure for immediate presentation/execution has been prepared by the TW and incorporated into the law awaiting approval. Furthermore, an operational manual for investigators is under preparation and the main deficiencies in the current IT systems have been identified. The 2002 UIBF project addressed to the Corps of Prisons is proceeding well; the first data exchange between the Corps' central office, local police and court was tested in April 2004. Other 2002 LEA security and data processing activities have just started and the corresponding 2003 intervention is under preparation.

2. EVALUATION RESULTS

2.1 Component 1 – Schengen Border Management

2.1.1 Relevance

15. The design of the 2002 Schengen intervention has a logical structure, including an institution building (IB) element in the form of a TW, a supply part, a works and a complementary TA for rehabilitation works for the green border. It is relevant but suffers from several design weaknesses. Owing to a lack of flexibility, the equipment specified in 2001 appears to be outdated, and some has already been purchased through the national budget. Although the project fiche (PF) contains a conditionality asking for verification of actual needs for the equipment/investment part prior to launching tendering, the actual check came at a very late stage, creating difficulties to implement the necessary changes in time. The complementarity of different financial resources, such as Schengen Facility, national budget and Phare has not been thought out properly by the beneficiary, which caused problems even at the pre-implementation phase. Only now is a harmonised plan being prepared by the beneficiary (with the help of the 2002 Schengen PAA) to co-ordinate the different sources of funding. Also, unresolved land ownership issues and missing project documentation for the works part of the programme has resulted in delays, and eventually a need to change the PF. The TW, especially the Austrian side (focusing on airports and visa policy) has been seriously delayed, notably because of the unfulfilled conditionality, requesting resolution of the legal basis and the relevant competencies regarding airports management, prior to the start of this TW part.

16. The 2003 Airports programme covers investment with a minor training element and has no difficulties in its design. Being closely linked to the outcomes of the 2002 Schengen project, however, it is endangered through the requirement that of timely availability of outputs from the 2002 Schengen TW (especially its Austrian part).

2.1.2 Efficiency

17. Regarding the 2002 Schengen programme, the only project which is almost fully committed is the TW. However, its Austrian part has still not started. At the IE cut off date, the actual start day was not set due to a mixture of unclear reasons, ranging from internal problems between the co-operating partners to the missing legal basis regarding division of competencies among the international airport management. The French part has experienced delays due to external factors, such as a late decision on the side of Commission Services Headquarters regarding the future (Schengen Information System (SIS) II application for the Schengen members, and also land ownership problems for the reconstruction of some border posts. Also, the quality of the TW reporting is rather poor. No steering committee was formed for the project; however the PAA participates very actively at the Schengen intra-ministerial committee. The investment part shows very disappointing progress. Tendering of the supply part (4.9 M€) may have been approved only at the cut-off date of this IE. The allocated 0.5 M€ for rehabilitation works of the green borders will not be contracted. The main reason for the supply part's contracting difficulties is a combination of poor design, ignoring the complementarity of Phare and other funds available for Schengen, and also of poor flexibility in managing the urgently needed project changes by the MoI. Timely realisation of the 2003

Airports programme has been adversely influenced by the delay of the 2002 Schengen TW, since its start is closely linked to the outcomes of the 2002 activities.

18. There remains some general concern as regards the efficient use of Phare funds under the auspices of the MoI. The current Sectoral Aid Co-ordinator (SAC) at the MoI is the Director of the Department of EU Affairs and Foreign Relations, thus Phare co-ordination represents only about ten percent of his working time. The present Director was appointed only in November 2003, and as all five Phare Project Managers are also relatively new, the team is at the beginning of its learning curve, with little collective memory and experience in the project cycle management. Fluctuations in MoI staff and inexperience may have been the main reason for the present problems in some of the MoI Components, for instance the 2002 Schengen project. Although the project was drafted some years ago, it took the present MoI Phare team about half a year to implement the required changes to the PF. The co-ordination and monitoring functions of the SAC have been delivered mostly through monthly meetings where, besides MoI Project Managers and Senior Programme Officers, the Ministry of Justice (MoJ), European Commission Representation (ECR), the Central Finance and Contracting Unit (CFCU), Aid Co-ordination Unit (ACU) and beneficiary institutions should take part. However since the attendance at these meetings is variable and key stakeholders often do not participate at all, the overall efficiency of the MoI monitoring function is questionable. The MoI performs poor in providing information about the availability of EU funds (notably Transition Facility – TF) within the Ministry and to its subordinate institutions, and thus does not sufficiently encourage its client units to provide enough qualitative proposals to absorb the available funding.

2.1.3 Effectiveness

19. With regard to the 2002 Schengen programme, only the French TW part has led to effects, such the recommendation for restructuring the Border and Alien Police (BAP) and the twinner's assistance for the Schengen Facility project preparation. Other outputs of the assistance, such as the Plan of the External Protection of the Ukraine Border will need some time to materialise in a tangible way as it was only submitted to the MoI at the end of June 2004. The majority of the programme is heavily delayed with no activities being implemented yet or being a candidate for cancellation, such as the green border rehabilitation works. Provided the current delays can be accommodated, then apart from the green border parts, the programme activities are expected to fulfil most of its project purpose. The 2003 Airports programme has not started yet, but because of its clear design it is likely that its project purpose, focusing on improved control at airports, will be achieved.

2.1.4 Sustainability

20. The 2002 Schengen programme is likely to be sustainable, notably due to the local priority given to the implementation of Schengen measures with a view to ensure full and effective protection of the EU's external border in Slovakia by 2007. However as most of its activities have been delayed, or their implementation is to some extent still problematic (or about to be cancelled), their sustainability cannot be predicted at this stage. Longer-term sustainability of the TW activities will require the successful use of the Schengen Facility; as a first step, therefore, a harmonised plan on the use of the different schemes for Schengen preparation activities will need to be approved by the relevant bodies later this year. The remaining TW activities, such as assistance in adaptations for SIS II and operating the Supplementary Information on National Entry (SIRENE) Office should be sustainable once

implemented. Sustainability of the 2003 Airports programme will depend on stable future financing for the priority airports.

2.1.5 Impact

21. The 2002 Schengen programme will mostly, but not fully, deliver its impact when referring to its overall objective focusing on ‘*implementation of the Schengen Action Plan and continuation in the upgrade of the infrastructure at the EU future external borders*’ since some green border rehabilitation works are not likely to materialise. Investment under the 2003 Airports programme should positively contribute ‘*to upgrading security surveillance at the Slovak international airports*’, as stipulated in the relevant overall objective.

2.2 Component 2 - Asylum and Migration

2.2.1 Relevance

22. The design of the 2002 Dublin Convention programme has the standard architecture of a TW, which is very well designed, and of a supply part with a separate list of equipment for EURODAC. However, the planned TA for development of an asylum database for the MoJ seems to be very similar to the 2002 UIBF project on Special Documentation SW for the MO. The conditionality for the 2002 Dublin Convention programme asks for sufficient administrative staff to be trained under the TW, which still remains difficult. The assumption about good co-operation among all parties – especially between the MO and the BAP has not been fulfilled, leading to a proposal for a separate 2003 UIBF project (Improving the Administrative Structure in the Field of Migration), mainly to develop and stimulate co-operation between MO and the BAP.

23. The 2002 UIBF – Special Documentation SW for the MO is complementary to the 2002 Dublin Convention intervention. It was designed to cover costs for the development of the asylum database, including the necessary staff training. As already noted, it is unusual that a similar separate Project exists with almost the identical content for the MoJ under Phare 2002. Though the Terms of Reference (ToR) request harmonisation of the similar work intended for the MoJ, the actual need for two parallel projects in the same area remains unclear.

24. Both the 2003 Asylum and 2003 EURODAC have a straightforward design focusing mostly on technical equipment for recipient institutions, all being closely linked to the implementation of the Dublin Convention. Clear conditionalities have been set, such as completion of works for the refugee camp in Humenne prior to delivery of the equipment for the ‘Asylum’ project, or supply of EURODAC before the start of the corresponding TWL. The second part of the 2003 UIBF - Administrative Structure in the Field of Migration is designed to fill the gap (as also identified by the 2002 Dublin project) in communication and co-ordination between the MO and the BAP, both having to manage migration and asylum in Slovakia. Whilst showing relevant objectives, this activity, to some extent, can be also seen as some kind of mediation process for bringing the MO and BAP into co-operation.

2.2.2 Efficiency

25. The 2002 Dublin Convention programme performs relatively well, particularly when compared to other assistance parts under the MoI auspices. Because of lower prices for some of the items included in the supply of equipment envisaged in the respective PF, currently only 61 percent of the allocation has been committed. The savings shall be partly used to fund an additional supply tender (0.080 M€), already endorsed by ECR in May 2004. The remaining

savings shall be reallocated to other purposes in the context of the 2003 UIBF. The TW is running excellently with a very committed PAA, who is also strong on the project reporting side. Therefore, the decision to extend the TW for three extra months at no additional costs should be evaluated positively. The only difficulty for the TW is the limited absorption capacity on the side of MO and Dublin Station, which is not likely to improve until the end of this year. The key problem of efficiency for the 2002 Special Documentation SW for MO is its similarity with the related MoJ project, both developing a database for asylum seekers according to their countries of origin. The project is almost fully committed with no serious delays expected in its implementation. However, both asylum database projects will need close co-ordination of their respective activities since the planned exchange of information between the two databases will depend on a sufficient degree of compatibility of both systems. The 2003 Asylum programme has suffered from delays at the pre-implementation phase due to poorly prepared tender dossiers for a part of its works (new refugee camp in Humenne) together with long-lasting approval procedures at the side of the ECR. The 2003 EURODAC project is one of the few already running 2003 interventions. Its TWL proposal was unsuccessful and later changed into a TA request, due to low interest on the side of other Member States. The TA request was also unsuccessful because of the poor quality of commercial bids. It has again been re-drafted as a TWL with one potential country to apply. The Forensic Science Institute (FSI) seems to be a competent institution to accommodate the assistance with its previous involvement in the 2002 Dublin Convention TW. As the Dublin TW is now being extended, co-ordination between the MO and the FSI is necessary in order to avoid potential duplication of activities. The 2003 UIBF - Administrative Structure activity has not started yet.

2.2.3 Effectiveness

26. The 2002 Dublin Convention programme will produce effective results. The amended Asylum Act has been adopted and came into force as of 1 May 2004. The same has happened with the ministerial ordinance no 31/2004 on implementation of the Dublin and EURODAC Regulations. Slovakia has been the first NMS to ratify the Dublin Convention. By the date of accession, the Dublin Station was open and operational, although all its posts will not be filled until the end of this year. The equipment for the MO to be supplied in September 2004 will effectively improve working conditions there. The 2003 EURODAC supply part has been delivered and after completion of the complementary TWL the assistance should become effective. For the 2002 MoI project developing the Special Documentation SW for MO, the same applies as for the similar 2002 Development of Asylum Database: within above-noted need for compatibility, the asylum database should bring positive effects once it is used in practice.

27. The overall and project objectives are well defined for the 2003 Asylum programme, however the relevant activities have not been launched yet. Despite some delay this assistance likely to meet its goals in increasing the country's reception capacity for asylum seekers. For the 2003 UIBF -Administrative Structure project it is difficult to predict effectiveness. The first effects will materialise only after the completion of the activities in the improved common work in the field of migration and asylum of the MO and the BAP.

2.2.4 Sustainability

28. Under the 2002 Dublin Convention programme, the TW has already brought sustainable outputs: the legal assistance resulted in the Amendment of the Asylum Act and in the ministerial ordinance on Dublin and EURODAC Regulations. Assistance to the Dublin Station

has good prospects for sustainability as well, with the Station opened in May 2004. Sustainability of the 2003 equipment supply for EURODAC will require the complementary TWL activity. The two similar projects, the 2002 Development of Asylum Database and the 2002 UIBF – Special Documentation SW for MO show, in principle, good prospects for sustainability, once the developed databases are operated by trained staff. The 2003 Asylum activities should be sustainable, with the beneficiary institutions being funded continuously from the state or municipal funding. Regarding 2003 UIBF - Administrative Structure, the assistance for the MO and the BAP should be sustainable once the outputs of the working groups, such as implementation action plans and organisational changes, materialise.

2.3 Component 3 - Fight Against Crime and Corruption

2.3.1 Relevance

29. The fight against crime remains a priority area not only for the Government but also for the general public, thus Phare assistance to this area is demand driven and relevant. Due to its design, there should be no serious difficulties in implementing the 2003 Fight Against Crime programme notwithstanding its rather technical and specialised character, combining TA, works and supply. The revised ToR seem to be well drafted and feasible, provided the works part for adaptation of DNA laboratories is not delayed (whose prior completion should have been a pre-condition for equipment delivery). The 2003 Money Laundering intervention - as a follow-up of a two-year horizontal programme in the same area which finished in November 2003 - is designed mainly to equip the Bureau for Organised Crime (BOC) within the Police Presidium, which was established only in January 2004. The assistance is therefore aimed at HW and SW delivery and only a modest part for a TWL. The TWL comprises some seminars, preparation of a complementary manual and a study trip. Inclusion of bespoke SW - which is intended to serve the very specific needs of the financial police - into an ordinary Phare project, however seems to be rather problematic, since the requested derogation from Phare standard contracting procedures raises difficulties in the contracting. 2003 UIBF - EUROPOL is intended to strengthen the capacity of the Slovak National Unit of EUROPOL, since Slovakia will become a member by 1 September 2004. The planned key activities cover seminars for the national EUROPOL staff and several study visits to Member States. More sophisticated capacity building and/ or training activities - which for instance would clearly focus on immediate operational aspects of the Unit or on the professional setting up of a EUROPOL communication network for Slovakia - are however not planned for this new institution. The 2003 Fight Against Corruption programme is fully in line with AP and NPAA priorities, ensuring the timely and effective implementation of the Action Plan to Combat Corruption and the National Programme implemented through specific Action Plans for the Fight Against Corruption. The 2003 UIBF project on Drugs is closely connected with the relevant development of the given governmental anti-drug policy.

2.3.2 Efficiency

30. Efficiency of the 2003 Fight Against Crime programme is poor due to substantial delays. The TWL had to be re-designed into a framework contract (FWC) since there was no interest from the other Member States. Also heavy re-drafting work was needed in the tender dossier preparation due to swaps between the works and supply parts. Regarding the 2003 Money Laundering programme, only the TWL is currently running. It appears to be performing well, however the evaluation of this sub-project was difficult because the ToR were missing. Absorption capacity at the BOC is limited because only about half of its expected staff are in

position, with completion planned by end of 2004. The supply part, in particular the bespoke SW, has caused difficulties since the MoI did not want to apply Phare standard contracting procedures, and the negotiated procedure is still pending. Also the specification for the supply of standard HW and SW has not met the PRAG rules, and thus will cause delays in launching the tendering and the subsequent delivery. 2003 UIBF - EUROPOL has not started yet. 2003 Fight Against Corruption will start only with actual implementation of training activities envisaged for September 2003. The intended communication strategy will require co-ordination with the communication strategy to be implemented within 2003 PAR project implemented by the MoI. The 2003- UIBF Drugs project is about to start implementation.

2.3.3 Effectiveness

31. For the 2003 Fight Against Crime programme, at least some of the activities should be launched later this year and consequently become effective at the FSI. 2003 Money Laundering should meet its purpose by the end of November 2005. However, delivery of the expensive bespoke SW under a negotiated procedure was still uncertain, and has the potential to impair some of the effects of the Phare 2003 assistance to the BOC. For the 2003 UIBF - EUROPOL project, some scepticism remains with regard to its effectiveness. The design provisions are rather vague and the main beneficiary, the newly established National Unit, does not seem to have clear expectations as regards the final effects from this project. 2003 Fight Against Corruption should potentially contribute to some decrease of the rate of corruption through increased transparency, improved legal framework, strengthened operations of relevant institutions and a new professional approach of journalists to tackle corruption problems. Adoption and use of EU standard methodologies for the calculation of the social and economic costs of illicit drugs should be made available through the implementation of 2003- UIBF project on Drugs.

2.3.4 Sustainability

32. 2003 Fight against Crime shows good prospects for sustainability. The 2003 Money Laundering programme, especially its supply part should be self-sustainable. Sustainability of the TWL is mostly secured through the completion of a manual on large-scale financial crimes. The 2003 UIBF - EUROPOL project raises some scepticism when predicting its sustainability because few sustainability measures have been incorporated in its design. Sustainability of 2003 Fight Against Corruption as well as 2003- UIBF Drugs should be ensured provided that the expected results are achieved.

2.3.5 Impact

33. Successful completion of the 2003 Fight Against Crime programme should clearly contribute to an *'exchange (of) DNA profiles analysis in view to fight against crime in a controlled, efficient and systematic way'* as prescribed in the correspondent overall objective. The 2003 Money Laundering programme due to its rather complicated status in tendering could potentially lose some of its intended impact, however a clear contribution towards *'acquis in the field of combating economic crime effectively implemented in the Slovak Republic'* should be fulfilled. Some of the goals of the pre-defined overall objective for the 2003 UIBF- EUROPOL project have become outdated, since Slovakia has already signed the EUROPOL treaty and will become a full member in September 2004. Also, due to its design, the contribution of the TWL to its objective – *'strengthening of the capacity of the Slovak Police Corps in the field of police co-operation and fight against organised crime for accession to the EUROPOL'* is not sufficiently clear, although some increased awareness could be potentially expected from seminars and study visits. It is likely to expect that the successful

implementation of the 2003 Fight Against Corruption activities will contribute in the longer term to the intended decrease of the rate of corruption. 2003- UIBF Drugs is expected to assist in the process of drawing up the national drug strategies, in identifying the real costs of the drug problem and thus to contribute to its prevention.

2.4 Component 4 - Public Administration

2.4.1 Relevance

34. The overall objectives of the interventions refer to *strengthening of the state administration services for the enforcement of the acquis* and in this context are relevant. The purpose of the 2002 Support to CSO programme was consistent with the overall objective. However, its general formulation addressing issues of *professionalism, stability, motivation and ethical behaviour of civil servants, through full implementation of the Civil Service Law*, is rather ambitious in terms of the scope to be covered by the assistance. This deficiency in design is easily understood. At the time the assistance was designed, the role and functions of newly established CSO (April 2002) were not defined. The newly adopted Civil Service Law, created after ten years of preparatory work, laid out only a very basic framework of CSO operations and no executive directives were available. Further development was difficult to plan at that stage and indeed, 13 amendments of the law since its adoption in 2001 have taken place, with the last one bringing a substantial change in its philosophy. Nevertheless, the assistance is fully justified and satisfies the identified needs. Although the project design was a common effort of a group of people, instead of 'traditional one-man show attitude', not all the stakeholders were invited or wanted to participate in this formulation process. However, it is unrealistic to expect that one project can manage a complete institution building undertaking, starting with establishing structures, through mobilising resources, and finishing with installing systems and providing supporting tools. Many of the issues will be tackled but with the available resources it is impossible to cover all in depth. Consequently, the TC prepared after mutual consultations had to be slightly modified during the implementation. The role of the CSO in civil service training delivery is hampered by the lack of a proper and functioning civil service training centre or public administration school, subordinated to the CSO or to the Government. For the time being training can take place in co-operation with training providers and their infrastructure. Activities on systemisation will have to be reassessed depending on the actual legal status of the Civil Service in Slovakia and in accordance with the Civil Service Act and its amendments.

35. The PF of 2003 Modernisation of Civil Service states the project purpose expressed as expected results: *Civil Service Law fully implemented and effectiveness and efficiency in Public Administration improved; Strategy for the Reform of Public Sector Employment Practices fully implemented*. In terms of needs it is relevant but again rather vague, requiring further specification. The ToR for this project are still under preparation.

36. The 2003 Support to PAR programme, to be implemented by MoI, is aimed at *the completion of the process of decentralisation of the public administration with the further development of the administrative structures and mechanisms required for its efficient functioning and the strengthening of the capacity of the decentralised administrations (self-governing regions and municipalities) to properly perform their role in a context of EU membership*. This purpose responds to the current needs. The success of the project will depend substantially on the relationship established with the end-users of the assistance – local

administration/self-government, and on their willingness to participate in the project. Initial discussions with the representatives of local bodies, which will be involved in the project implementation, have been initiated.

37. Although the EU membership has practically stopped bilateral assistance, the effort to co-ordinate bilateral assistance with Phare activities is highly appreciated. The CSO cooperated with bilateral assistance experts during the design stage of the project and some of the experts are currently engaged as short-term experts in the 2002 TW project which can be seen as an effort to create sustainability.

38. Most of the risks and assumptions stated in PF's have materialised. Governmental support to CSO is not obvious. It is not fully understood that this new institution has taken over sensitive personnel policy from the Ministries. The latest amendment of the law cancelled all incentives for civil servants while obligations are retained and, eventually, there is hardly any difference between civil and public servants. Moreover, remuneration schemes were changed and personal liability has been added, which creates confusion and inconvenient frameworks for recruiting and retaining qualified staff. Indicators of achievement (IA), in particular for this sort of IB projects, are traditionally the main design weakness.

2.4.2 Efficiency

39. In general the 2002 Support to CSO programme is running smoothly. When the project started the commitment of CSO staff was low. Cultural differences and operation of public services were gradually understood by the twinner (little delegation of responsibilities, limited communication). A new approach was adopted – work in matching couples and/or small groups and it worked well. Inter-ministerial working groups have been created to involve the respective ministries into the project activities. Although the local circumstances have been changing in comparison with the original plans, the PAA and his team reacted flexibly. All necessary measures were taken to proceed in line with the latest amendment of the law. The risk of low political support has materialised but should not influence the project or CSO operations. The initial idea to implement civil service reform in one big effort did not succeed. However, the process has been initiated and although it may slow down, it will go on. Large amount of work has been carried out and numerous outputs have been provided to CSO through the very good management skills of PAA.

40. A problem with absorption capacity for the 2003 Modernisation of Civil Service programme may occur if the current 2002 TW - finishing in May 2005 - is running simultaneously with the 2003 programme. The CSO staff is already now fully occupied by TW activities along with their daily duties.

41. The 2003 Support to PAR programme, to be implemented by the MoI, is separated from the usual MoI core activities (police and security). The majority of Phare activities are taking place in the non-civilian part of the Ministry (police departments) where also the SAC is located. PAR projects however, are to be implemented by the MoI/ Section of Public Administration located in a different facility, and have little in common with the rest of MoI activities. This sometimes leads to confusions in communication flows as some of the information is communicated via Head of the PAR Section and some through the SAC.

42. More co-ordination efforts are also needed when it comes to inter-institutional co-operation. Although the relevant Ministries are invited to participate at TW activities, very

limited information is shared about general progress of the Phare projects between CSO and MoI, while both institutions are involved in the PAR process, with their Phare projects, having nearly identical overall objectives. An important contribution to both 2003 PAR projects is expected from the MoF. It should be noted that the launch of PAR process in Slovakia since 1999 attracted a lot of (political) attention however, at the later stage, namely after approval of the Civil Service Law, it lost overall co-ordination. The overview of the current status of reform, future steps and deadlines is not communicated. Instead, the government introduced decentralisation - to be completed by 2006 - which should be followed by a reform with the aim of reducing the number of small municipalities.

2.4.3 Effectiveness

43. The objective of the 2002 Support to CSO programme remains too ambitious and will not allow to meet fully and immediately all originally desired results. Some of the outputs have been already adopted by the government and implemented. Although the CSO might not be in a position to use all of the outputs immediately the project is over, it will be left at least with information how to reach this objective. The first steps in establishing professional CSO have been successfully taken and in a long-term, should contribute to this aim. A new structure of CSO, including the new Department for Development, was set out in July 2004. Internal communication has improved and some of CSO staff have grasped the opportunity to gain new experience and knowledge.

44. Consequently the prospects for the effective use of 2003 Modernisation of Civil Service, also located at the CSO, are good in general. Effectiveness of the 2003 Support to PAR intervention will heavily depend on the successful involvement of the local administrations and self-government.

2.4.4 Sustainability

45. As the CSO has been involved in the 2002 Support to CSO programme from the design stage, and due to the efforts of PAA to implement a real 'twinning' there should be no difficulties in sustaining all the benefits gained. The part of the outputs that has been officially adopted within the CSO structure and operations and at the level of the government is sustained. The Head of CSO has been personally involved in TW activities and thus has demonstrated ownership on the assistance. Governmental policy follows the objective to establish professional and impartial civil service, however, political pressures are still strong enough to change how (and when) this objective might be achieved (the number of amendments of the law, without leaving sufficient time to see how it operates in reality, supports this view). The newly established CSO is not recognised as a partner institution, but perceived as the body which took over important personnel policy from the Ministries. The fact that CSO cannot work in isolation and has to interact with all state administration bodies is not well understood.

46. Projections for sustainability as regards the 2003 Modernisation of Civil Service and the 2003 Support to PAR interventions are good.

2.4.5 Impact

47. The 2002 Support to the CSO TW activities will undoubtedly contribute to the achievement of the overall objective. The basis for the professional civil service has been created and the process will continue. However, at this stage it is difficult to estimate the

duration of the process. Both 2003 PAR interventions have the potential to provide valuable impacts.

2.5 Component 5 - Justice

2.5.1 Relevance

48. The design follows the priorities set out in AP and NPAA. The overall objective of the 2001 Justice programme refers to '*reinforcement of administrative and judicial capacity and strengthening of the independence of the Judiciary*'. The project purpose is stated as a result rather than objective - '*operational Judicial Council and increased efficiency of judiciary*'. The overall objective for 2003 Justice is set out as '*meeting the political criteria stated by the Acquis*' and project purpose is consistently but generally stated as '*to continue to strengthen the efficiency of the judiciary*'. Such a general specification of objectives avoids the risk of not being relevant when it comes to implementation. The issue of co-financing, in terms of size and time, has raised discussions between MoJ and European Commission Representation (ECR) which have to be commonly resolved before tendering.

49. At the time of the 2001 Justice programme's design, the first steps to reforming the judiciary were introduced. Although no official document was presented concerning the strategy of the reform of judiciary, several measures were introduced by the MoJ reacting to the public dissatisfaction with the performance of judiciary. The JC has been just established and assistance has been requested to secure real independence of the judiciary as well as to reduce the enormous backlog of cases and the very long period for dispute settlements. The originally identified issues of independence of judiciary, operations of judicial self-government and effectiveness of judiciary became particularly a priority area after the introduction of legal changes in 2003, when a part of the new legal framework for the operation of the judiciary was strongly objected to by the judges. Also, by the date of accession the practical application of EU law has increased the need for training in this area. The beneficiaries/judges were involved in the project activities through the co-operation with the JC, Supreme (Regional and District) Courts and the Association of Slovak Judges (ASJ). Strong ownership of the project has been developed due to the personal involvement of the President of the Supreme Court and JC and the top representatives of the ASJ. The projects were partly building upon previous Phare assistance (1998, 1999) that laid the basis for the establishment of the Judicial Academy of Slovakia (JAS) Phare provided substantial support for the computerisation of the judiciary and this has enabled introduction of the case management, complementary supported by the Swiss government, which has increased transparency and reduced delays at courts. Complementary activities in the area of mediation were introduced by the UK bilateral project that has continued under Phare.

50. The 2001 Justice TW was based on number of assumptions that have not materialised as planned. It was expected that JC would be operational, however, for the first six months of project implementation, the President of JC had not been elected, and under these circumstances, co-operation with this institution could not be properly secured. One of the main partners of twinning, in particular for training activities, JAS has been established by the law, but this institution is still not operational and its Board was appointed only in May 2004. The law on mediation was expected to be adopted much earlier to enable its pilot testing, and not at the time when the project was practically over. Some of the planned activities (for JC) had already taken place before the project started. For these reasons a number of activities had

to be refocused during the implementation, or postponed. Therefore, a portion of the budget was not disbursed and the extension of the project's duration can be now considered.

51. The design of IB projects is not easy and Phare mechanism is rather rigid and inflexible which makes it very complicated to anticipate developments in to the period before implementation. Despite that, the quality of LogFrames could have been better and have provided a useful monitoring tool for the implementers. The indicators set out in the PF are either not related to the project activities or do not provide sufficient quality or quantity to measure the change that can be attributed to the project.

2.5.2 Efficiency

52. Management of the projects has not encountered any substantial difficulties. The 2001 Justice TW was contracted among the first 2001 start-ups, but equipment supply and conference were committed shortly before expiry deadline as well as the 2001 project on Training of Judges in the competition field. The slightly underestimated budget of this project has resulted in a shortened time of training sessions. Activities during the extension period should mainly focus on training activities, including training of trainers, and on support to the Board of JAS. Reporting of TW activities would deserve more attention. Although the outputs are delivered it is difficult to identify them in the official project reports; outputs are mostly reported only in the mission reports of the short-term experts.

53. The 2001 project allocation for equipment purchase also included a parallel co-financing contribution that has not been contracted yet. Additional requirements for the equipment purchase were delivered by JC and MoJ/ Phare Unit, who officially requested co-financing allocation for the purchase. It is expected that the allocation will be committed and disbursed before the expiry date of the planned extension. Although the issues addressed by the TW are appropriate, it is possible that the project allocation is overestimated and the funds have not been used efficiently, reflected in the very low disbursement rate (57%) shortly before the end of the project. Finally, some of the conditions/assumptions for successful implementation have not been fulfilled or happened very late, which substantially limited the optimal use of the assistance.

54. The most critical part of the Component is the 2001 equipment supply for JAS. MoJ decided to adopt the law on JAS in order to secure the autonomy of this institution, but this law turned out to be inflexible and cumbersome. Although the equipment was delivered in February 2004, due to the problems with the establishment of JAS it has not been installed. EC Representation has asked the Minister to resolve this situation and it is expected that JAS will become operational in September 2004. Currently, no major management difficulties can be identified which would adversely influence the efficiency of the 2003 Justice interventions.

2.5.3 Effectiveness

55. Not all the planned 2001 Justice TW benefits have been received, although the assistance delivered was highly appreciated by the beneficiaries. This can be also attributed to the fact that the experts objectively supported the judges' opinions on the current legal framework. It is not clear if the strengthening of the independence of judiciary (spelled out in the constitution) will take place as recommended, and thus if the objective will be achieved. This particularly concerns changes of the sensitive part of the legislation dealing with independence of judiciary, ethics, discipline and personal liability, where a political will is needed for their introduction.

Senior MoJ management did not participate at the final conference; the documents were distributed to relevant decision-makers and in order to seek any feedback.

56. In general terms, training in EU law is likely to have practical effects and should eventually lead to a reduction of fines for decisions non-compliant with EU legislation. However, the development of curricula for JAS training has not taken place yet because of the difficulties with the establishment of JAS. Thus, effectiveness of the training part is still limited. The intention to organise during the TW extension study trips for the Board members of JAS to similar training institutions in France and Greece will up to a certain extent duplicate activities that have already taken place; these funds could be used more effectively for setting-up JAS' key operations.

57. Introduction and further improvement of the operations of Higher Court Officials (HCO), implementation of mediation together relevant training have already contributed to increased effectiveness of the judiciary. In connection with the previous Phare contribution – computerisation - and case management introduced by bilateral assistance, the backlog is likely to be reduced. Pending on the timely acceptance and use of the results from the 2003 Justice interventions by the relevant Slovak officials, perspectives for effective delivery are at present sufficient.

2.5.4 Sustainability

58. Provided that the recommendations of the TW experts are followed, and amendments to the legislation are introduced and approved, the sustainability of the 2001 Justice legal results should be ensured. Although a substantial part of the project outputs have been already taken into account (HCO, mediation), sustainability of the ethics part remains questionable. It is not clear if the MoJ will provide political support and give up some control functions towards the judiciary. Reference to the judiciary reform is frequently made but it is not clear if it consists of the two projects introducing the case management and reduction of number of courts, or if there is a wider concept/strategy. Overall, Phare training activities have been organised since 1996, regional training is taking place and the MoJ provides some additional activities, but a concept of life-long training for judges has not yet been adopted. Consequently, only about 20% of the Slovak judges have received some EU related training so far. Until recently the interest of judges was very limited but EU membership raised now the need and interest of judges. After the reduction of the number of courts and distinction of levels that has been approved now by the Minister of Justice, promising conditions will be created for a specialisation of judges. To secure the continuation of training, a group of trainers has been trained under previous interventions. Sustainability of the 2001/ 2003 training should be guaranteed through this pool of qualified trainers. However their operations depend on the existence of a formal training facility.

2.5.5 Impact

59. It is likely that the introduction of mediation, enforcement of changes related to the operations and training of HCO and judges under Phare 2001/ 2003 will eventually contribute to the reinforcement of administrative and judicial capacity results and, in the longer term, will result in reduction of costs, shortened time of court procedures and disputes settlements, and thus reduce public dissatisfaction. The independence of the judiciary is secured in the constitution; however, due to the turbulent political development since its establishment in 1993, there have been attempts to disturb the balance between powers of the MoJ and independence of the judiciary. Provided that recommendations of the experts are followed

there should be no further doubts about the independence of the judiciary, their fair judgements and/or possible misuse of justice in political affairs.

2.6 Component 6 - Prosecution and Law Enforcement

2.6.1 Relevance

60. The assistance for prosecution and law enforcement is fully justified in terms of relevance. The Regular Report 2001 called for accountability and transparency of the investigation procedure, pointing out that the investigation and prosecution system constituted one of the main weaknesses of the judicial system in Slovakia, as the whole procedure is very long, complex, duplicated and rather cumbersome. Legislative measures were introduced by the Government and complementary support is being provided by Phare with an overall objective '*to strengthen administrative capacity in the fight against crime*'. The 2002 Investigation and Prosecution TW is being implemented in compliance with this objective but is not very specific '*to implement the institutional model of investigation procedures based on the newly adopted Code of Criminal Procedure in line with EU requirements*'. The second part of the programme provides IT support for the efficient and timely exchange of criminal information and data processing among prosecutors, police, prisons and judges and thus addresses very urgent needs of LEA. Complementary assistance for this purpose has been provided from state budget sources for the purchase of HW and SW development and also Phare 2003 will continue. The Government approved the methodology for the proceedings and the analysis of the co-operation at electronic exchange of information on the penal agenda and agreed project implementation in July 2002.

61. The 2002 TW is implemented in close co-operation with police investigators and prosecutors. The project activities, mostly the study trips, were organised to bring some knowledge, experience and inspiration. Initially, these have covered the whole spectrum of investigator's activities but later concentrate on more specific issues. The TC was prepared after mutual consultation but little is known about the ideas behind it as implementation started when the new structure was introduced, and people have changed. Some changes in activities were introduced during implementation concerning the two crime cases stated in TC. The effort to initiate co-operation in this area with the Department for Organised Crime, managed by the Vice-president of the Police Presidium and the Chairman of the Steering Committee, has not succeeded. The letter written in this respect remained unanswered and the reason is not known. An effort was made to quantify the IA but although statistics are available the increased number of successfully prosecuted crime cases could not be attributed to TW activities.

2.6.2 Efficiency

62. The 2002 Investigation and Prosecution programme is the first Phare project for the Office of Judicial and Criminal Police and therefore limited experience with project management is available. Although the Director of the Office is personally involved in the project activities, the senior management did not show much commitment to the project. (The Vice-President, being a Chairman of the Steering Committee, usually appears just for the official opening of meetings.) Quarterly reporting obligations of the PAA are fulfilled however there is also a need to clearly state outputs to make sure that the beneficiary understands what has been delivered.

63. The overall management structure of Phare within the MoI appears to be diverse, inflexible and - being located in three different facilities - poor in communications. The

executive staff - nominated Senior Project Officers (SPO) located at the Bureau for International Police Co-operation - work well. However, it could be questioned if this Office is the best place to locate the PAA when the actual partner is at a different place.

64. The 2002 and 2003 information system projects are running smoothly and are managed without any substantial problems. One of the projects is a common initiative of the MoJ, GPO and MoI and provides one of the few positive examples of co-operation among Slovak state institutions.

2.6.3 Effectiveness

65. It is likely that the 2002 Investigation and Prosecution TW will bring effects. However, it is the first initiative and provides orientation as well as solutions for specified problems. The positive result attributed to this project is the change in people's thinking when they saw that things can be done differently, more quickly and effectively. The project was not set up with clear understanding of the project logic because, for example, one of the identified outputs '*new structure of justice and criminal police established from January 2004*' has actually happened because the law was adopted, and at the time it was implemented the TW partner had not arrived in the country.

66. To some extent, the 2002 programme has contributed to the incorporation of the immediate involvement of prosecutors into the proceedings⁴ in the re-codification of the Penal Code (currently under Parliamentary approval). The courts are currently identified as a bottleneck firstly, because they decide if sufficient evidence is provided and so far they often required technical expertise, this take time, and secondly courts are heavily overloaded and cannot act immediately. Nevertheless, such a procedure was tried out in France and information was disseminated by the participants. Operational manuals should be an important output that is expected to bring benefits. Finally, the project will provide concise guidance on how to proceed and secondly it will unify reporting procedures that differ due to different requirements from prosecutors.

67. The 2002/ 2003 information system projects are mostly a follow-up of the 2000 Phare project, which initiated the idea of electronic data exchange among LEA (MoJ, courts, Corps of Prisons, GPO and police). The 2002 IT project on LEA should deal with the security and encryption of the overall data exchange. The current supply contract should equip all prosecutor offices. Internal information systems are being developed within the Corps of Prisons (the completed 2002 project with a follow-up under 2003 to be launched) and GPO (just started their 2002 project). The MoJ (courts) information system has been developed from state funds⁵. Despite traditional difficulties in co-operating (as reflected in the structure - internal systems are/will be built for every single institution and links have been created to enable specific data exchange), this is an example of a well co-ordinated effort among local institutions and should revolutionise data exchange, which is currently too cumbersome and insecure. Successful completion of the LEA activities will very much depend on the MoI, which currently lacks both an up-to-date internal information system and the equipment to operate such a system.

2.6.4 Sustainability

⁴ Within 24 hours of the crime being committed, the offender is taken to the court and sentenced; the investigator immediately forwards the information to the prosecutor when he starts to act.

⁵ Phare substantially assisted to equip courts and MoJ.

68. The likelihood of the sustainability of the 2002 Investigation and Prosecution TW results is relatively high. Provided that legal changes are approved they are sustained. The manual should secure uniformity of certain procedures. However, the ownership of the TW is not clearly demonstrated yet. It is clear that changing from an old-fashioned investigation process means first of all changing people's minds and this is a long-term process. The 2002/ 2003 IT parts of the Component should bring sustainable results provided that necessary governmental budgetary support is secured.

2.6.5 Impact

69. Although the various Phare 2002/ 2003 Component activities should contribute to the achievement of the overall objective, at this stage it would be too pre-mature to judge whether the objective will be fully achieved, and to what extent it is attributable to Phare activities.

2.7 Special Issues

70. This IE report has been prepared during the final period of the on-going audit process for the accreditation of the External Decentralised Implementation System (EDIS) for Slovakia. There have been clear indications for Slovakia that a negative opinion on the EDIS introduction is expected, which consequently could lead to the temporary termination of the Phare contracting process by the end of July/ beginning of August 2004. If such a blocking decision is taken it is not possible to predict how long it will take to remove all identified EDIS deficiencies, but adverse consequences for the Phare 2002 allocation, reaching its commitment deadline by the end of November 2004, have to be expected.

3. CONCLUSIONS AND RECOMMENDATIONS

3.1 Conclusions and Recommendations

3.1.1 *Relevance*

71. In general all projects under evaluation are relevant, clearly addressing identified problems and needs of the JHA sector. For instance, assistance to Schengen border management remains highly relevant taking into account the ambitious goal set by the Slovak officials to join the Schengen system by 1 January 2007. Similarity of activities has been identified in the case of developing an asylum database, separately implemented for MoJ and MoI, and both funded under the 2002 Phare programme. Here, close co-ordination of the two separated projects will be indispensable if the projects shall be successful. The design of individual JHA interventions often suffers from the usual weaknesses, such as too general objectives and inadequate indicators. A part of the design problems can be also attributed to the rigidity of the Phare system and insufficient local planning experience, leading to long periods between PF formulation and physical implementation. Insufficient attention has been paid to the intervention logic for formulating more advanced IB projects. Individual project design is still too much a formal exercise without the contribution and involvement of all relevant stakeholders.

72. The activities undertaken within the sector are based on objectives, supporting official governmental policies/reforms taking place in Slovakia. In some cases, these reforms are well presented in strategy documents, sometimes however these are absent and detailed action plans setting out individual activities and timelines are missing, as in the area of PAR or judiciary reform. Availability of such documents could facilitate the design process. Insufficient absorption capacity has too often not been recognised at the design stage and thus leads to implementation difficulties later. The upcoming 2003 assistance for the CSO raises some concerns about the available absorption capacities unless it will start only after termination of the current 2002 TW. TW assistance provided to the judiciary could not be used fully because the project was based on the assumptions which were not fulfilled. The TW for investigators encountered some co-operation problems that have prevented the carrying out of the originally planned activities.

3.1.2 *Efficiency*

73. Efficiency of the projects under evaluation is mixed and should have been improved. Most of the sectoral interventions have suffered from delays in implementation. In particular, the efficient use of Phare funds by the MoI is sometimes not sufficiently secured: the low commitment and disbursement figures at the time of the IE are disappointing and, in the case of the 2002 Schengen programme, 0.5 M€ is expected to be lost. Phare capacities at the MoI are still insufficient and there are too often major difficulties in preparing and amending technical documents in a timely and professional manner. The MoI also seems to perform rather poorly in providing information about availability of EU funds within the Ministry and to its subordinate institutions, notably in the case of the Transition Facility, which is mostly earmarked for the JHA sector. Timely contracting of some of the TWs in the sector has suffered from a lack of interest from other Member States, which leads to the need for re-drafting.

74. In some interventions poor local absorption capacity has adversely influenced the efficient delivery of the assistance. Proper project reporting seems to represent a problem for some of the TW activities, for instance in the case of the 2002 Schengen programme. The PAR programmes of CSO and MoI do not share information about the progress made. Overall co-ordination of the PAR process in Slovakia would be beneficial, but is absent. Installation of the equipment delivered for JAS is still held up since the beneficiary institution has still not been set up. Also, the 2002 TW project for investigators has experienced difficulties: the senior management of the Bureau of Judicial and Criminal Police of the Presidium of Police Force has not demonstrated commitment and some of the activities could not be performed because there has been insufficient will to co-operate from the Slovak side.

3.1.3 Effectiveness

75. In judging the effectiveness of the sectoral JHA assistance the often vague formulation of the project purposes has to be taken into account, as well as the very limited possibility to use the Indicators of Achievement. The effectiveness of the majority of the evaluated projects is adequate. The 2002 Dublin Convention programme has already brought some tangible effects, such as the Amendment of the Asylum Act or opening of the Dublin Station. Some partial effects have also resulted from the 2002 Schengen TW but the second TW part has not started, the outstanding equipment purchase is dependent upon last minute contracting, and the planned assistance to enhance the green border facilities under this programme is unlikely to go ahead.

76. The CSO, being in the middle of its 2002 TW implementation has already benefited from the assistance and adopted a new structure as well as several guidelines used for the daily operations of the Office. This sets a good basis for its further professional development. Effective delivery of the 2003 PAR programme for the MoI will depend on close involvement of the benefiting local governments/ administrations. It is not easy to demonstrate the actual benefit of the 2001 TW for the judiciary, since the effectiveness of the crucial TW recommendations will need local political support to materialise as approved legal changes. The 2002 TW project for investigators already shows some results in the form of proposed legal changes which could be partly attributed to the project activities. Visible and quantifiable results are likely to be achieved after the completion of the IT systems for LEAs, where a significant reduction of time for data exchange is expected. Effective operation of the system will depend on the provisions made by all the co-operating LEA parties.

3.1.4 Sustainability

77. The prospects for sustainability are in general considered as being good. However, the 2002 Schengen programme, due to an unclear situation with regard to tendering of most of the equipment and works, plus delays in some TW part, makes evaluation of sustainability difficult at present. In general, most sectoral investment projects, such as the 2003 Asylum or 2003 Airports interventions, show good forecasts with regard to sustainability. Also, individual IB projects are having positive effects on the supported institutions which are likely to improve their performance after the assistance has finished. For the 2003 UIBF - EUROPOL project, however few sustainability measures have been incorporated into its design.

78. In the area of judiciary, sustainability of results is secured through the adopted legislation, with the exception of ethics. The effects of judicial training activities are likely to be sustained due to the fact that the knowledge of EU law becomes an inevitable requirement for judges, and the need for further specialisation has been also recognised now. Provided that the JAS becomes operational, the investment in training, trainers and equipment will be

sustained. The 2002 TW for prosecutors will also bring sustainable results through the adoption of expected legal changes. The operations of the harmonised IT systems for LEA data exchange should be self-sustainable.

3.1.5 Impact

79. No principal concerns are raised in connection with the expected impact. All interventions under review will have positive impact on the society as a whole, particularly when tackling national priority areas, such judicial reform, PAR or fight against crime. The interventions focusing on the implementation of the Dublin Convention should also have some positive impact on the ever-increasing group of immigrants to Slovakia, as the domestic citizens are influenced by overall asylum policy with its cultural and economic implications. The Schengen support as originally designed will also have a positive impact on the society, notably once Slovakia becomes a member of the Schengen system (currently planned for 2007); however some of the potential impact will be lost due to inefficient project management.

80. In the medium and long-term, all MoI projects will produce some positive impact, provided that the individual activities can be contracted and implemented. A clear contribution of the 2002/ 2003 PAR interventions to the establishment of a professional civil service is identifiable but it should be realised that this is a long-term goal linked with the process of the change from traditional thinking. The same applies for the 2002 TW project for investigators. In the field of judiciary all the achieved results are expected to contribute to a reinforcement and development of the local judicial capacity.

Recommendations table

Conclusion	Recommendation	Output	Reference/ Paragraph	Responsibility	Deadline
Similar projects exist for the MoJ (2002/000-610.21 Development of asylum database) and the MoI (2002/000-610.02 Special SW for MO for analysis of country of origin).	In order to ensure close co-ordination of project activities – notably in the context of the necessary compatibility of both databases - the MoJ and the MoI/ Migration Office should organise common Steering Committees for these two projects, one preferably taking place during the project start up and the second one during the finalisation phase.	Improved efficiency	22, 23, 25, 71	MoJ and MoI/MO	According to the Steering Committee schedule
The MoI seems to perform rather poorly in providing actively information about the availability of EU funds (notably TF) within the Ministry and towards its subordinated client institutions.	The MoI should review status and quality of project proposals to be forwarded under the TF. The MoI should actively promote the TF assistance internally and should invite its client units to participate in the scheme in order to create a pool of qualitative proposals, potentially eligible for TF funding.	Improved programming for the TF	18, 73	MoI	With immediate effect
The Austrian part of the 2002 Schengen twinning has still not started due to rather unclear reasons and a threat exists that the potential effects of this part of the project will be lost.	The MoI together with the PAA should submit an official statement to the ACU/ECR explaining the precise starting date and timing of the Austrian part of the twinning, including milestones to be achieved until its completion. If such a binding statement cannot be provided in due time feasible reallocation of the concerned part of the twinning budget should be envisaged, otherwise the twinning part at risk should be cancelled.	Improved efficiency and effectiveness of the Schengen twinning	15, 16, 17, 75	MoI	With immediate effect
Regarding the Phare 2002 Schengen project focusing on Rehabilitation of the Green Border the allocation of 0.5 MC is about to be lost.	In the event of loss of Phare funds, the MoI should provide the ACU/ECR with a written explanation, showing how and when the non-contracted parts of the Schengen project will be financed and realised. In case of loss of funds the MoI should critically review its performance and draw adequate lessons for its future programming and implementation.	More efficient use of Phare funds by the MoI	17, 19, 21, 73	MoI	With immediate effect
Regarding the 2003 UIBF - EUROPOL project few measures have been incorporated in its design to guarantee sufficient effectiveness and sustainability.	The MoI/ Europol National Unit should identify measures for increased effectiveness and sustainability, such as systematic follow-up of the benefits expected from study visits, increased dissemination of the know-how gained from the training and/or identification of logical follow-up activities, to be reported by the end of the project.	Increased effectiveness and sustainability	29, 31, 32, 77	MoI/Europol National Unit	With immediate effect
The upcoming 2003 CSO programme	The CSO should carefully reassess the available resources	Avoid	40, 72	CSO	As soon as

raises some concerns in terms of available absorption capacities at the CSO. The CSO, as a relatively small office, may encounter difficulties when running two big projects simultaneously.	for the 2003 programme and if possible should commence implementation of the 2003 Programme only after completion of the current 2002 twinning activities, to make sure that the project remains manageable and absorbable for the CSO.	simultaneous realisation of substantial Phare Programmes			the new contract is launched
Active involvement of all the relevant stakeholders would provide better conditions for successful implementation of the 2003 PAR programme, to be managed by the MoI.	In order to ensure the smooth implementation of the 2003 PAR programme the co-operation with the Association of Towns and Municipalities and other similar bodies should be actively initiated by the MoI. Details of the project design should be mutually agreed, in order to ensure ownership. Representatives of local government bodies should participate at Steering Committee or monthly meetings. Since the available training possibilities can not cover all numerous local government structures, a pilot operation of training schemes could be considered for those local governments that show obvious interest to participate.	Programme effectively implemented in co-operation with local governments, pilot schemes run for co-operating local governments	36,44, 71, 76	MoI	With immediate effect
The present Phare management structure at the MoI, covering both PAR and Police projects that have very little in common, does not provide sufficient communication among all involved stakeholders.	The MoI should establish clear communication flows within the Ministry's Phare structure as well as in relation to other relevant institutions (ACU, ECR etc.). Communication rules should be respected and reinforced to make sure that information is provided to the bodies concerned and on time.	Established communication/information flows	41, 42, 74	MoI	With immediate effect
The overall governmental co-ordination of PAR in Slovakia is absent. The programmes of CSO and MoI, both dealing with important PAR activities, do not share the information about the progress made.	In the absence of the overall PAR co-ordination, CSO and MoI project managers could be invited to attend each other's Steering Committee/monthly meetings in order to be regularly informed about project progress. The presence of the Co-ordinator for Central Government Reform from the Office of Government should be also considered. Despite this action has been already agreed it has not been taking place so far; therefore, agreed arrangements should be reinforced.	More efficient co-ordination	42, 74	CSO, MoI	With immediate effect
The top management of the Unit for Fight against Organised Crime within Police Presidium has not demonstrated sufficient commitment and some of the twinning activities could not be performed because there was not enough will on the Slovak side to co-operate with their twinning partners.	The SAC at the MoI should investigate and clarify encountered difficulties with co-operation at the Unit for Fight against Organised Crime within Police Presidium and formally inform ACU and ECR about measures introduced, to ensure that the project is implemented in the most effective manner.	More efficient co-operation ensured	61, 62, 68, 74	MoI	With immediate effect
Successful operations of the IT system for electronic exchange of data among LEA	To ensure the effective operation of the data exchange among LEAs the MoI should seek all the possible	Proposals of projects	67, 68, 76	MoI	As soon as twinning

will depend on the provisions made by all the co-operating parties. For the time being, MoI is missing an adequate internal system as well as the HW enabling to operate the system in the police offices all over the country.	opportunities to ensure that sufficient funding (preferably from state budget but also - if sufficiently justified and agreed - from the Transition Facility) is available for the equipment of police offices all over the country as well as for the information system development in line with the proposal of the twinning activities.	(technical specification and IT system development) and their funding ensured			activities are completed (expected in October/ November 2004)
The activities undertaken within Phare are following objectives, which are supporting official governmental policies/reforms taking place in Slovakia. In some cases these reforms are presented in strategy documents but sometimes even this is absent.	For project proposals referring to governmental strategies or any other national concept or strategy paper, the ACU should require copies of the document (if possible with an appended action plan setting out activities and their deadlines) in order to judge whether the institutional commitment is sufficient enough to guarantee that activities undertaken by Phare/Transition Facility are complementary and sufficiently co-financed, thus allowing secure completion of the project.	Terms and conditions of commonly financed future projects clarified	49, 58, 72	ACU	At the time of submission of project proposals

3.2 Performance rating

Component/ Project	Relevance	Efficiency	Effectiveness	Sustainability	Impact	Verbal overall rating
2002/006-610.19	1	-1	-1	0	0	U
2003-004-995-03-21	1	0	1	1	1	S
Schengen Border Management	1	-1	-1	0	0	U
2002/000-610.21	1	1	1	1	1	S
2002/000-610.02	1	-1	0	1	1	S
2003-004-995-01-19	1	0	1	1	1	S
2003-004-995-03-20	1	1	1	1	1	S
2003-004-995-01-04	1	0	0	0	0	S
Asylum and Migration	1	1	1	1	1	S
2003-004-995-03-23	1	-1	1	1	1	S
2003-004-995-03-24	1	0	0	1	1	S
2003-004-995-01-04	0	-1	0	-1	0	U
2003-004-995-01-03	1	1	1	1	1	S
2003-004-995-01-04	1	1	1	1	1	S
Fight Against Crime	1	-1	0	1	1	S
2002/000-610.01	1	1	1	1	1	S
2003-004-995-01-01	1	0	0	0	0	S
2003-004-995-01-02	1	0	0	0	0	S
Public Administration	1	1	1	1	1	S
SR-0108	0	1	-1	0	0	S
2003-004-995-01-02	1	0	0	0	0	S
SR-0110.01.01.0015	1	0	1	1	1	S
Justice	1	1	1	1	1	S
2002/000-610.22	1	0	1	1	1	S
2002/000-610.02	1	1	1	1	1	S
2003-004-995-01-04	1	1	1	1	1	S
Prosecution and Law Enforcement	1	1	1	1	1	S
Taking into account the contextual constraints on the evaluation, the sector overall is rated to be 'SATISFACTORY'						
Justice and Home Affairs Monitoring Sector	1	0	1	1	1	S

Ratings guide: -2 unacceptable; -1 poor; 0 sufficient/adequate; +1 good; +2 excellent.

HS-Highly Satisfactory, S- Satisfactory, U-Unsatisfactory, HU-Highly Unsatisfactory.

ANNEXES

ANNEX 1

Indicators of Achievement

Immediate Objectives (Project Purpose)	Indicators of Achievement (Objectively Verifiable Indicators)	Remarks
Component 1- Schengen Border Management		
2002/000.610-19 Implementation of the Schengen Action Plan and Continue to Upgrade the infrastructure at the EU Future External Borders		
Adoption of Category I of the provision of the Schengen <i>Acquis</i>	Until 1 May 2004	No indicator defined
Strengthened Control and Management of Slovak-Ukraine Border	124 recruited police staff until 31.12.2004	Valid as indicator, however to be fully applicable besides adding the quantities and deadline, the baseline to be defined as well
Establishment of the national part of the Schengen Information System	Creation of SIS consisting of N-SIS and Sirene until 30 December 2006	Valid as indicator, to be fully applicable besides the deadline, the qualitative characteristics to be included as well
2003-004-995.03.21 Modernisation of Technical Equipment at the SR Airports		
To control and monitor the facilities of the Slovak international airports (Bratislava, Košice, Poprad-Tatry)	To increase detection of suspicious targets (persons, luggage) at international airports	Not valid or applicable as indicators
Component 2 – Asylum and Migration		
2002/000.610-21 Support for the Implementation of the Dublin Convention		

Immediate Objectives (Project Purpose)	Indicators of Achievement (Objectively Verifiable Indicators)	Remarks
Preparation of the organisational, personal, legal and material conditions for the implementation of the Dublin Convention in the close connection with the entry of the Slovak Republic to the future Schengen area	Remaining <i>acquis Communautaire</i> in the field of asylum adopted in the new asylum act and relating acts and respective measures	Valid as indicator, in order to be applicable, quantitative measures to be added
	Building up the Department of Documentation and Foreign Co-operation as a key working place with appropriate prepared staff and technical equipment for the support of the asylum procedure and international co-operation	Valid as indicator, in order to be applicable, quantitative measures to be added
2003-04-995-03-19 Strengthening Reception Capacities for Asylum Seekers in the SR		
Capacities to receive refugees and process asylum applications in line with the EU <i>acquis</i> and international agreements ensured	By the end of 2004 overall asylum reception capacity in SR will meet the effective demand as reflected in data on asylum seekers and use of reception capacities Maximum processing time for applications equal or below the limits set by the Act on Asylum by the end of 2004	Valid and applicable as indicators
2003-004-995.03.20 Establishment of EURODAC in the SR		
Institutional capacities concerning the EURODAC to effectively implementing the Dublin Convention prepared	Processing time for asylum request (Dublin cases) in line with EU requirements by the end of 2004	Valid and applicable as indicator
Component 3 - Fight Against Crime and Corruption		
2003-004-995.03.23 Compliance with EU Criteria on Police Co-operation and Fight against Crime (DNA)		
Setting-up of a national DNA profiling database of suspicious persons	Number of profiles – 14.000 (minimum for effective operation) by 30.11.2005	Valid and applicable as indicator
Setting-up of a national DNA profiling database from crime scenes	Number of profiles – 7.000 (minimum for effective operation) by 30.11.2005	Valid and applicable as indicator
2003-004-995.03.24 Combating Money Laundering		

Immediate Objectives (Project Purpose)	Indicators of Achievement (Objectively Verifiable Indicators)	Remarks
Operational capacity for Financial Intelligence Unit (FIU) of the Bureau of the Financial Police meets the requirements of the <i>Acquis</i>	Full staff number and technical equipment available by 30.11.2005	Valid and applicable as indicator
2003-004-995.03.24 Fight Against Corruption		
Increase of public involvement in fighting corruption and decreased areas where corruption can occur	Number of problematic areas in state administration decreased	Not sufficiently specified
Component 4 - Public Administration		
2002/000-610.01 Support to the Civil Service Office		
To strengthen the capacity of the State Administration services by improving the professionalism, stability, motivation and ethical behaviour of Civil servants, through full implementation of the Civil Service Law.	Decreased divergence between CS in Slovakia and EC 'Civil Service Baseline' requirements	'Civil Service Baseline' requirements are not known
	Existing of coherent inter-institutional CS strategy	Output indicator
	Existence of CS enforcement and management structures	Could be applied provided that further specification of structures is described
	Number of existing State employees who have become "permanent civil servants" by the end of the project	This figure has no direct link with the project and too many factors can influence such figures to use them as benchmarks
	Code of ethics adopted and disciplinary framework for its enforcement developed.	Output indicator
	New pay system developed and CS remuneration improved.	Output indicator
	New CS and personnel management system (including fully operational CSO) in place	Output indicator
2003-004-995-01-01 Modernisation of the Slovak Civil Service and Public Service		
Civil Service Law fully implemented and effectiveness and efficiency in Public Administration improved Strategy for the Reform of Public Sector Employment Practices fully implemented	Civil Service offices will be operating wholly within the articles of the Civil Service Law	Valid but it should be automatically assumed that the law is applied when it is valid
	Targets for value for money, manpower and quality being met	More detailed specification of 'targets' would be required
	All public administration employees operating within similar terms and conditions of employment	The formulation of the indicator is imprecise and would need a specification
	Improved recruitment and retention rates in civil service offices and in the whole public administration	Could be considered valid provided the data are made available
2003-004-995-01-02 Support to the Public Administration Reform		

Immediate Objectives (Project Purpose)	Indicators of Achievement (Objectively Verifiable Indicators)	Remarks
Completion of the process of decentralisation of the public administration with the further development of the administrative structures and mechanisms required for its efficient functioning and the strengthening of the capacity of the decentralised administration (self-governing regions and municipalities) to properly perform their role in a context of EU membership	Reform of PA completed	It has been explained to the evaluator that the PAR is an on-going process and therefore can not be completed.
Component 5 - Judiciary		
SR-0108 Strengthening the Independence of the Judiciary		
Judicial self-administration is operational and the efficiency of the judiciary is operational	Presidents and Vice-Presidents of courts appointed by the Judicial Council	No direct relationship to the assistance being delivered.
	Number of pending cases at courts decreased by 30%	Indicator applicable, quantified, however without sufficient specification (basis, progress target date).
2003-004-995-03-22 Strengthening the Efficiency of the Judiciary		
Continue to strengthen the efficiency of the judiciary	Substantial improvement of the efficiency of the judiciary reflected in decreased number of pending cases at the courts	More specific quantification of 'substantial' expressed via comparison of pending cases before and after the project would be more helpful. However, based on the available planning documents the assistance will have no direct relation to the number of pending cases.
SR-0110 Twinning Light Facility		
Completion of some specific urgent, unforeseen tasks emerging in the course of the accession negotiations or to other high priority tasks identified in the AP and NPAA	Acceleration of the process within ministries/institutions towards meeting the requirements of the acquis	In such a general concept, the indicators can not be set out for various diverse projects in a proper manner. The stated indicator is too general and impossible to justify

Immediate Objectives (Project Purpose)	Indicators of Achievement (Objectively Verifiable Indicators)	Remarks
Component 6 - Prosecution and Law Enforcement		
2002/0000-610.22 Strengthening the effectiveness of investigation and prosecution procedures		
Implementation of the institutional model of investigation procedures based on the new adopted Code of Criminal Procedure in line with EU requirements Efficient and timely exchange of criminal information and data processing among prosecutors, police and judges	Increased number of successfully prosecuted serious crime cases in 2004 in comparison to 2003	There is no direct link to the project activities
	LEAs capable of efficient communication on organised crime-related matters	Provided that 'efficient communication' means that system is fully operational., the date should be specified when this should take place
	Rates for successful prosecution of anti-corruption, economic and financial crime, organised crime increased in 2004 in comparison to 2003	Could be used as an indicators but at the end of 2004 the effects are hardly to be seen as the system should be operational only at the end of 2005
	Decreased average time of other criminal procedure in comparison to 2003	Valid but not earlier then 2006, provided that data on average time are available
2002/000-610.02 Unallocated Institution Building Facility 2003-004-995-01-04 Unallocated Institution Building Facility		
Completion of some specific urgent, unforeseen needs identified in the course of the accession negotiations, the NPAA, the preparation of the Action Plan for Administrative and Judicial capacity and the Peer Review	Acceleration of the progress within ministries/institutions towards meeting the requirements of the acquis to time constraints set out in the FM	Not applicable, too wide scope of different projects

ANNEX 2

List of Interviews

INSTITUTION	INTERVIEWEE	DATE
Migration Office of the SR Pivonkova 6 SK-812 72 Bratislava	Ms. Ludmila Bohusova SPO	08.07.2004
Police Presidium /Europol National Unit Budysinska 2/A SK-812 72 Bratislava	Ms. Eva Boudova Liaison Officer	09.07.2004
Ministry of Interior Section of Public Administration Drienova 22 826 86 Bratislava	Ms. Eva Chmelova SPO	07.07.2004
Ministry of Interior/Department of Foreign Affairs and European Integration Pribinova 2 SK-812 72 Bratislava	Mr. Ladislav Csanyi Advisor	06.07.2004
Migration Office of the SR Pivonkova 6 SK-812 72 Bratislava	Ms. Rahela Dosen PAA	08.07.2004
Police Presidium Budysinska 2/A SK-812 72 Bratislava	Mr. Francois Guillot PAA	09.07.2004
Ministry of Interior Department of Foreign Affairs and European Integration Pribinova 2 SK-812 72 Bratislava	Mr. Jaroslav Horvath SAC	06.07.2004
General Prosecutor Office SR Head of Department of Informatics Sturova 2 812 85 Bratislava	Mr. Miloslav Hecko Director	20.07.2004
Police Presidium Office of Justice and Criminal Police Racianska 45 812 72 Bratislava	Mr. Milan Janicek Director	28.07.2004
Ministry of Justice Zupne namestie 13 814 90 Bratislava	Mr. Denis Jardel PAA	09.07.2004
Civil Service Office Dr. Vl. Clementisa 10 821 02 Bratislava	Mr. Mikael W. Johansen PAA	01.07.2004
Supreme Court Zupne namestie 13 814 90 Bratislava	Mr. Milan Karabin President	14.07.2004
Directorate General of Corps of Prisons and Court Guard Informatics Department Chorvatska 3 813 04 Bratislava	Mr. Juraj Klepac Director	20.07.2004
Ministry of Justice Head of Phare Implementation Unit Zupne namestie 13 814 90 Bratislava	Mr. Julius Kralik SAC	06.07.2004 23.07.2004 *19.07.2004

Office of the Government of the SR Aid Co-ordination Unit Namestie slobody 1 SK-813 70 Bratislava	Ms. Denisa Kutyo Programme Manager	29.06.2004
Civil Service Office General Department Dr. Vl. Clementisa 10 821 02 Bratislava	Mr. Ludovit Macak Head of Department	13.07.2004
Forensic Science Institute of the Police Force Biology Department Sklabinska 1 SK-812 72 Bratislava	Mr. Jan Matusek Director	06.07.2004
The Association of Slovak Judges Regional Court Sturova 29 041 51 Kosice	Ms. Jarmila Maximova Vice-president	21.07.2004
Antimonopoly Office Legal Department Drienova 24 826 86 Bratislava	Mr. Maros Mihina	15.07.2004
Forensic Science Institute of the Police Force EURODAC Department Sklabinska 1 SK-812 72 Bratislava	Ms. Zuzana Nemethova SPO	06.07.2004
Presidium of the Slovak Police Forces Bureau for International Police Co-operation Budyšinska 2/a 831 03 Bratislava 3	Mr. Rene Parra PAA	19.07.2004
Police Presidium Europol National Unit Budysinska 2/A SK-812 72 Bratislava	Mr. Lubos Pazicky Director	09.07.2004
Ministry of Justice Department of civil law legislation Zupne namestie 13 814 90 Bratislava	Ms. Janka Pristavkova Director	08.07.2004
Presidium of the Slovak Police Forces Bureau for International Police Co-operation Budyšinska 2/a 831 03 Bratislava 3	Mr. Dusan Ruman Project coordinator	19.07.2004
Ministry of Justice Division of Foreign Relations and Human Rights Zupne namestie 13 814 90 Bratislava	Ms. Eva Rupcova Director	09.07.2004
Representation of the European Commission Phare Transition Team Palisady 29 SK-811 06 Bratislava	Mr. Adolfo Sanchez Task Manager	13.07.2004
Bureau for Combating Organised Crime Financial Intelligence Unit Racianska 45 SK-812 72 Bratislava	Mr. Ivan Snirer SPO	12.07.2004
Ministry of Justice Zupne namestie 13 814 90 Bratislava	Ms. Jana Stubnova	12.07.2004
Police Presidium Budysinska 2/A SK-812 72 Bratislava	Ms. Katarina Urbanova SPO	09.07.2004

Supreme Court Zupne namestie 13 814 90 Bratislava	Mr. Tomas Valovic Judge	14.07.2004
Ministry of Justice Strategy and Development of IS Zupne namestie 13 813 11 Bratislava	Mr. Rudolf Vadovic Manager	16.07.2004
Representation of the European Commission Phare Transition Team Palisady 29 SK-811 06 Bratislava	Ms. Denisa Zilakova Task Manager	13.07.2004
Civil Service Office Dr. Vl. Clementisa 10 821 02 Bratislava	Ms. Vierošlava Zuffova Project Manager	13.07.2004
Ministry of Interior Drienova 22 826 86 Bratislava	Mr. Peter Zvara Project Manager	07.07.2004

*Telephone interviews are indicated with * and e-mail/fax correspondence with ***

ANNEX 3

List of Documents referred to in the Interim Evaluation

Name of Originator	Date	Title of Document
Ministry of Justice SK/Greece	September 2002	Twinning Covenant SR 01/IB/JHA/01 and SR-0108
STTS	2003/2004	Activity reports for SR 01/IB/JHA/01
PAA	March 2003 to July 2004	Quarterly Report SR 1/IB/JHA/ 1,2,4,5
Ministry of Interior SK/F	December 2003	Twinning Covenant SR 02/IB -JH-04
PAA	April, July 2004	Quarterly report 1,2
Danish School of Public Administration, PAA	March 2003	Twinning Covenant SK 02 OT 01
Danish School of Public Administration	September 2003 to March 2004	Quarterly report 1,2,3
Astec	July 2003 to June 2004	ToR, Inception report and Progress report 1,2,3 on the Establishment of a Personnel Information System for the Management of the Civil Service of the Slovak Republic
CFCU	July 2004	Financial and Contractual data for JHA Sector
EMS Consortium	March 2003	R/SK/JHA/03.044 Interim Evaluation
Government of the Slovak Republic/ European Commission	2001	Financing Memorandum and Project Fiches SK-0108
Government of the Slovak Republic/ European Commission	2002	Financing Memorandum and Project Fiches
Government of the Slovak Republic/ European Commission	2003	Financing Memorandum and Project Fiches
Aid Co-ordination Unit of the Office of Government of the SR	May 2004	Monitoring Report No M/SR/JHA/04016
Aid Co-ordination Unit of the Office of Government of the SR	May 2004	Monitoring Report No M/SR/JHA/04004
Aid Co-ordination Unit of the Office of Government of the SR	May 2004	Monitoring Report No M/SR/JHA/04002
Aid Co-ordination Unit of the Office of Government of the SR	May 2004	Monitoring Report No M/SR/FAC/04002
Office of the Government of the SR	2002 2003	ToR for projects under 2002/000-610.02 & 22 and 2003-004-995-01-01
Office of the Government SR/EU Commission	January 2003	Financing Memorandum 2002
Ministry of Interior SR	May 2004	ToR 2002/000-610.02
Ministry of Interior of the French Republic and Ministry of Interior of the SR	August 2003 – May 2004	Twinning Covenant SK02/IB/JH/01 , Quarterly Report 1 and 2 French part, Interim Report of May 2004, Evaluation Reports of December and June 2004
Netherlands Immigration and Naturalisation Service of the Ministry of Justice and the Ministry of Interior SR	July 2003	Twinning Covenant Nr. SK02/IB-JH-03, Quarterly reports 1-3
Ministry of Interior SR	May 2004	ToR 2002/000.610-21 Development of Asylum Database
Ministry of Interior SR	November 2003	ToR 2003-004-995-01-04
Ministry of Interior SR	November 2003	ToR for TWL 2003-004-995.03.20
Ministry of Interior SR	November 2003	ToR 2003-004-995.03.23
Ministry of Interior SR	April 2004	ToR 2003-004-995-01-04
Ministry of Interior SR	May 2004	Monitoring Report M/SR/JHA/04016
Ministry of Finance SR	July 2004	Contracting Tables

Documents requested but not made available (with reasons):

ToR 2003-004-995.03.24 – not available with the Beneficiary or the ACU

ANNEX 4

Recommendations from previous Interim Evaluation

Interim Evaluation Report No. R/SK/JHA/03.044 on JHA, issued 10 March 2003

Programmes/Components evaluated: SR-0108.01 Strengthening of Judiciary, SK-0008.01 Fight Against Corruption, SK-0008.02 Fight Against Drugs

Recommendation	Applied	Responsibility for Follow-up	Deadline	Remarks
Ministry of Interior is strongly advised to make an immediate action on establishing a sufficiently staffed and educated department dealing with Phare issues, in order to ensure efficient management and effective absorption of the assistance. Immediate improvements are necessary not only with regard to the on-going assistance but much more in conjunction with the upcoming 2002 and 2003 Phare interventions.	Yes	Ministry of Interior	With immediate effect	Staffing numbers at the Ministry have increased and stabilised compared to the time of previous report. Within the Department of European Affairs currently five project managers and one supervisor are available for Phare and TF issues. The Director of the Department of European Affairs and Foreign Relations, appointed in autumn 2003, also acts as the Sector Aid Co-ordinator in charge, besides other ministerial tasks. Due to the ongoing fluctuation at the Ministry, however neither Phare management nor staff can demonstrate sufficient personal experience and knowledge about Phare issues. Consequently, effective management and monitoring of Phare still remains insufficient.
National Fund should improve the collection and record keeping on the co-financing provisions of the individual beneficiaries, in order to ensure timely and proper information of these complementary funds as predefined in the Programme Documentation and allowing efficient monitoring of their actual use.	No	National Fund	With immediate effect	The new Guides on financial management of Phare projects prepared by NF and approved by the Government (17.12.2003) cover also the issue of co-financing. Joint co-financing is to be followed for FM 2001, 2002 and 2003. As of 1 January 2004 the responsibility for financial management of co-financing provisions including record keeping, monitoring and reporting on their actual use became responsibility of CFCU. The data are regularly up-dated and provided every second week during contracting meetings. The only difficulty was encountered when the data were printed in the form of status from Perseus and faxed. The pre-determined background in particular columns is too dark and makes the data illegible.
Aid Co-ordination Unit together with involved implementing authorities should initiate a participatory process in order to refine Indicators of Achievement and making them applicable for monitoring and evaluation purposes. Improvements are particularly requested for SK-0108.01 and SR-0104.02.	No	Aid Co-ordination Unit Office of the Government, line ministries	With immediate effect	No progress has been made in this area. The traditional 'one-man show' approach for the preparation of the PF is clearly insufficient. It is appreciated that determination of quantitative indicators for institution building projects of this type is very unlikely. Despite that some effort could have been made to determine quality of expected results. Discussions with specialists in particular areas and assistance of foreign experts could make good contribution to set out some reasonable indicators/descriptors. The ACU puts more emphasis on indicators during Transition Facility Programming.

ANNEX 5 Dissenting Views

Ministry of Interior SR

Para 17: *'...We do not understand and strongly disagree with the opinion underlined several times in the report that investment component suffers from heavily delay. The contracting period was planned till 30.11.2004 (see the Project Fiche) and this period had considerably been shortened. The project management could not foresee the changes – shortening of the contracting period, European Commission Decision on the management and monitoring of the Schengen Facility - in the preparation phase, not in 2003 and even not at the beginning of 2004 (except the EC Decision on Schengen Facility that came in February 2004) and therefore could not adapt the one and half year prepared strategies for the system of physical and technical border protection (if we are talking only about border equipment) in one or two months. With the aim to make complex approach regarding preparation, co-ordination and implementation of the means of the state budget, Phare funds and Schengen Facility, the indicative list of technical equipment and works component under Project Fiche had been re-drafted.'*

'We do not agree with the statement that ...investment part shows very disappointing progress. Also, the list of reasons explaining supply component difficulties are not acceptable for the Slovak project management, but on the contrary, proper coordination of use of different financial sources, effort not to duplicate and mainly, to use the means effectively lead to the changes required under the 2002 Phare Schengen project underlining the fact that the so-called "guidelines" for the management of Schengen Facility had been approved only in February 2004.'

'We would like to present strong disagreement with the statement that MoI provided poor flexibility in managing the urgently needed project changes. MoI implemented many of the activities originally planned under the Phare project from its own budget because of the urgency rather than to wait on the long way approval procedure set up under Phare, e.g. SPO has to overcome four stage approval procedure to reach a change under Phare project – SPO – SAC – NAC – ECD in Slovakia-EC in Brussels. Moreover, the hardware originally planned for SIS became obsolete, because of the overall change of SIS II philosophy, and until today it is not clear which way the technical solution and functionalities of SIS II will continue depending on the result of Call for Tender in Autumn 2004.'

'We require to delete the sentence: "The allocated 0.5 M€ for rehabilitation works of the green borders will not be contracted." It is not the subject of Interim Evaluation Report to assess whether the amount will or will not be contracted. SPO and beneficiaries just submitted a requirement for modification of the Project Fiche based on the above-mentioned reasons. It is up to EC to decide this.'

Para 22,24: *“The assumption about ...” to be replaced by text: The progress within PHARE 2002 twinning was achieved in co-operation of MO and BAP through agreement on co-operation between MO and BAP that have been made. But the problem identified during the Second monitoring mission (peer review) has to be solved further, therefore a proposal for a separate 2003 UIBF project (Improving the Administrative Structure in the Field of Migration) was submitted, mainly to improve co-operation between MO and the BAP more deeply.’*

ANNEX 6

Annex to Chapter 1 Sectoral Scope and Background of the Evaluation

Component 1 – Schengen Border Management

2002/000-610.19 Implement the Schengen Action Plan and Continue to Upgrade the Infrastructure at the EU Future External Borders

This ambitious Phare intervention for the MoI/ Police Presidium focusing on Slovakia's preparation for Schengen is split into twinning (TW) and supply.

Twinning

The French part of the TW focusing on improvement of management and infrastructure of the Ukraine border plus preparation for Schengen Information System (SIS) II and operation of the SIRENE office, started in November 2003, scheduled for 18 months. After initial assessments made by the Pre-accession Adviser (PAA) and his team, the evaluation report of the Border and Alien Police (BAP) was completed in December 2003 and approved by the MoI in February 2004. Based on this report the Slovak authorities have started to implement reforms of the Office of BAP, including its new territorial split and the establishment of the Department for the Protection of Eastern Border in Sobrance. More organisational changes, including basic units and also the headquarters in Bratislava are expected next year. The PAA and his team also assisted the Police Presidium in preparing projects to be funded from the Schengen Facility. Currently two projects have been approved. The PAA is actively participating at the work of the Steering Committee for Implementation of the System for State Border Protection of Slovakia with Ukraine. Within this work the Plan for Protection of the Slovak State Border with Ukraine was submitted by the end of June as a part of the Integrated Model of Border Security. The BAP has been also assisted in analysis of travel documents' forgery.

Furthermore, study visits to France have been organised, and thus co-operation of peers in the area of illegal migration has been established. The actual building of the border control in Ubla however did not progress due to problems with unsolved land ownership. On the other hand the PAA together with the expert from the International Organisation for Migration made an assessment of fulfilling the standards in the area of epidemiology and health protection of the border guard and alien police staff and detained immigrants. Also activities focused at adaptation for SIS II and operations of the SIRENE Office have been delayed due to missing strategic decision at the Commission Services Headquarters side regarding the new EU wide application for SIS II. At the cut-off of the IE the overall SIS II contractor was expected to be announced by Brussels only in autumn 2004 and timing of the actual national implementation was still unclear. No progress has been achieved on the Austrian part of the TW; the activities focusing on modernisation of airports and visa policy have been seriously delayed due to legislative gaps at the Slovak side including unclear competencies between the MoI and the Ministry of Transportation

and Telecommunications in airport management but also due to some internal financial problems between the French and Austrian twinners.

Equipment and works

Also problems with outdated equipment as defined in the original PF caused problems in implementation of the supply part. Since the PF had been drafted in 2001 and the FM 2002 signed only in January 2003, some of the equipment originally included in the Annex to the PF was in the meanwhile procured from the national budget. In the meantime also some of the items had become obsolete. The MoI therefore requested some changes to be made in the technical specifications of the original PF with some items to be replaced or quantities to be changed. The ECR approved the changes on 8 June 2004. Only at the time of this IE the tendering of this 4.9 M€ supply received approval.

The MoI also plans to request more changes in the two projects formerly aimed at rehabilitation works and TA for green border temporary detection posts and facilities. The reason is being twofold; some of the originally Phare 2002 funded activities (rehabilitation works for border police posts in Ubla and Ulic) are now to be funded from the Schengen Facility. Also, at the time of the PF preparation necessary project documentation and building permits were still missing. That became crucial in the case of Ubla where more land was needed, with however unsolved land ownership. The MoI has prepared a request for funds to be now used for the new information system for the BAP, but also for special equipment to process data on illegal migration and travel documents analysis and vehicles. A similar request was already rejected by the ECR earlier this year. This allocation is expected to be lost (0.5 M€).

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

Activities include, *inter alia*, setting up of monitoring central rooms at each of the three selected international airports, supply and installation of camera monitoring systems and training of the relevant staff. The technical specifications have been commented by the CFCU and the beneficiary. Deliveries are expected only for next year.

Component 2 – Asylum and Migration

2002/000-610.21 Support for the Implementation of the Dublin Convention

The key assistance to the area of implementation of Dublin Convention and Dublin Regulation consists of (i) TW, (ii) delivery of equipment (both IT and office equipment) for the Migration Office (MO), two appeal courts and the Dublin Station – to be completed in September 2004 and, (iii) the development of an asylum database for the MoJ – this contract is in its initial phase and almost identical with a 2002 UIBF - Special Documentation Software (SW) intervention for the MO. The 2002 intervention also includes equipment for EURODAC, which was jointly purchased in April 2004 together with the 2003 EURODAC equipment.

Most of the activities have been implemented under the TW. The originally 12-month intervention has been extended for three months. It focuses (i) on implementation of the Dublin and EUODAC Regulations, (ii) on installing the independent second instance for asylum seekers and finally, (iii) on further approximation to the EU *acquis*. Under the first set of activities study visits to the Netherlands were organised for MO representatives on functioning of the Dublin Station there, and for the Forensic Scientific Institute (FSI) and BAP on practical implementation of the EUODAC Regulation; training on interviewing techniques for the MO and BAP was held, the Action Plan for the Dublin Station written and several pivotal activities including on-hands carried out. The Slovak Dublin Station eventually opened on 3 May 2004. Under the second part of activities training on asylum and on quality of decisions for second instance judges and the MO was organised. A study visit to the Netherlands was arranged for judges from the Supreme Court and a seminar for the MO on representation in courts was held. For the legal assistance an assessment of the state of approximation of asylum legislation was executed by the Dutch experts, which has led to the Amendment of the Asylum Act, approved in spring this year. Also the ministerial ordinance on the implementation of the Dublin Regulation was drafted and presented to the Minister of Interior in March 2004.

Within the three-month TW extension more training will be provided for the personnel of the Dublin Station and the BAP, an audit of the Dublin Regulation will be carried out and seminars for the second independent instance shall be performed as well. The contract for equipment supply for the MoI was signed in early June 2004 and delivery will be completed within three months. The TA for the MoJ was contracted in June 2004 with no actual activities running yet at the time of this IE.

2002/000-610.02 Special Documentation Software for Migration Office for Analysis of the Countries of Origin

The project aims at development and integration of a specific database for the MO for collection and providing information on countries of origin of asylum seekers and at staff training on the use of the new information system. The contract was signed by the end of May 2004 and the database is expected to be operational by the end of 2004.

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

Under this intervention it is intended to build a new refugee camp in Humenne together with the relevant infrastructure. The second part of the project will provide equipment to the existing refugee camps. This equipment will improve communication between headquarters and the five refugee camps. The works part of the project is close to its tendering. The construction works are envisaged to start in autumn 2004. Preparation of technical documentation for the supply part of the project is still with the MoI.

2003-004-995-03-20 Establishment of EURODAC in the SR

Assistance to EURODAC as a tool of the Dublin Convention is split into a TWL part, HW supply and SW development. The project is implemented at the FSI, a part of the MoI. The TWL - scheduled for three to four months - includes (i) training of trainers for eight future trainers, which should then be able to train about 150 border police persons, (ii) completion of guidelines for the use of EURODAC and, (iii) a study trip to an old Member State. The original TWL had to be re-drafted into a TA activity since no TW partner had been found. Later on, the TA proposal had again to be re-defined into a TWL since no company offer met the criteria. If the partner selection is successful this time, the TWL could start in September 2004. The HW and SW parts of EURODAC were delivered in April 2004 and put into operation.

2003-004-995-01-04 Improving the Administrative Structure in the Field of Migration in the Light of the Slovak Republic's EU Membership

This project is being implemented jointly by MO and BAP via two working groups, representing key stakeholders in the area of asylum and migration. The first working group, covering all necessary steps in implementing organisational changes of the administrative structures will participate in seminars and study trips; the main outcome should be a detailed action plan for implementation of the agreed recommendations. The second working group will receive similar support for drafting a document in the field of reception of asylum seekers. At the time of this IE the TWL partner was about to be selected and the actual activities should then be launched in September 2004.

Component 3 - Fight against Crime and Corruption**2003-004-995-03-23 Compliance with EU Criteria on Police Co-operation and Fight Against Crime**

Phare assistance is being delivered to the FSI, a beneficiary institution using DNA analysis for identifying criminals. The project contains a FWC (the originally designed TWL had to be re-oriented towards TA) focusing on training in quality assurance, internal and external audit of the FSI DNA facilities, on-site training in a Member State DNA laboratory and specialised DNA workshops for the targeted audience dealing with the DNA analysis (including prosecutors and judges). The contract is expected to start in September 2004. Furthermore, the supply part aims at establishing the national DNA database, at equipping three Slovak laboratories and at the necessary adaptation works. Due to the request for a swap of allocations between works and supply parts both activities have been currently delayed.

2003-004-005-03-24 Combating Money Laundering

This project (main beneficiary Bureau for Organised Crime - BOC) shall be delivered in the form of a TWL, a service contract to acquire bespoke SW and a supply contract for standard HW and SW. The eight-month TWL with the Dutch partner started in May

2004 and so far two training sessions have been organised for the BOC. A manual for the processing of large-scale financial investigations has been completed and submitted to the beneficiary. The special analytical bespoke SW is expected to be contracted via a direct agreement but final approval has not been received yet. Specifications for standard HW and SW have been submitted to the ECR.

2003-004-995-01-04 Improvement of the Readiness of the Police of the SR for Accession to EUROPOL

This TWL intends to assist Slovakia in its accession to EUROPOL (the Slovak Republic should become a full member on 1 September 2004). Besides six seminars on EU, EUROPOL or OLAF topics also eight study visits to peer institutions have to be organised for staff of the Europol National Unit and also for 30 senior officials. The TWL partner has been chosen by the end of June 2004 and activities are expected to start in September 2004.

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

The programme activities will be implemented via three TA projects: 'Transparency in functioning of state administration and public self-administration' is to enhance the transparency of state administration and local self-administration by defining and implementing new tools for disclosing information to the public; the second project 'Fine-tuning of the legislative framework and sharing EU MS experience with new anticorruption institutions in Slovakia' should fill in legislative gaps identified through the previous Phare assistance by appropriate legislation proposals or amendments; the third project 'Analysis of training of professional journalism in Slovakia' is also a follow-up of the previous Phare assistance. It has been recently contracted and implementation will start in September 2004. The activities will comprise a survey of all public-funded academic journalism studies with regard to their curricula, teaching methods, teachers' professional background etc.; and also a proposal for a training curriculum which should improve the detection of corrupt behaviours through mass media, raising eventually public awareness.

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

The project should (i) analyse the current financial flows related to social and economic costs of illicit drugs used in the Slovak Republic and should recommend changes unavoidable for the implementation of the EU standards for the calculation of the social and economic costs of illicit drugs used in the Slovak Republic, (ii) should train a number of Slovak experts, (iii) should develop a manual for the calculation of the social and economic costs of illicit drugs used in Slovak Republic and, (iv) should produce recommendations for the National Programme of the Fight Against Drugs 2004.

Component 4 - Public Administration

2002/000-610.01 Support to the Civil Service Office

Twinning

The EU requirement to establish a body/institution dealing with civil service was in the Slovak context implemented as the establishment of Civil Service Office (CSO) - independent central state administration body. Phare has provided initial assistance to that body with an aim to strengthen the capacity of the CSO. In comparison with the original plans, delivery of the training of civil servants by the CSO/its training institution can only be done in co-operation with training providers. The activity foreseen in the PF could not be carried out. CSO has no training facilities and capacities. Nevertheless, training materials have been developed and co-operation was initiated with private training institutions. An ethics code had been already prepared before project commenced and provision was made to do some follow-up work if needed. Systemisation, mentioned as one of the activities in PF, will be most likely taken over by the ministry of Finance (MoF) but a final decision has not been made yet.

The PF was prepared by CSO with the assistance of a UK bilateral project. However, the development was not quite the same as foreseen. Since the approval of the Civil Service Law up to the cut-off date of this IE 13 amendments were adopted. The latest amendment of the law, approved in October 2003 and valid from January 2004 onwards, was elaborated in accordance with the Strategy on Employment in the Public Sector prepared by the Ministry of Labour and approved by the Government in June 2003. This has changed the philosophy of the Law: the main changes resulted in new competencies for CSO regarding identification of minimum standards of education of civil servants, responsibility for quality assessment in the civil service, establishment of a Personnel Information System for Management of the Civil Service in the SR, new regulations applying for the systemisation process and for the recruitment of civil servants (competencies of recruiting staff for the civil service have been given to the heads of service offices through running internal selection procedures), new system of remuneration of civil servants based on performance related pay. The 2002 TW project facing these changes is assisting with the implementation of the new provisions.

The 2002 programme activities were divided into several areas as follows:

- *Development of CSO*: an overview of the legislation was completed and analysis of the current law was prepared with clear indication of steps to be taken to ensure full implementation of the Civil Service Law. The gap analysis of Service Offices, internal functions and responsibilities as regards the civil service management was prepared in relation to systemisation, recruitment procedures, salary schemes, training activities and ethics. Adjustments of the CSO structure have been initiated. CSO strategy, mission and vision were formulated. Support has been also provided with the preparation of a general concept on implementation of regulations in service offices.
- *Reform of the central state administration*: secondary legislation was reviewed. Advice on the implementation of the Common Assessment Framework was given

and training seminars were held. Assistance was also provided for the systematisation process and the TW assists with the preparation of guidelines on remuneration (Remuneration Strategy for Civil Service). The TW has furthermore assisted CSO in preparing the Concept of Civil Service Training, the Human Resource Management Strategy for Civil Service and the Recruitment Strategy for Civil Service.

- *Preparation of a human resources strategy:* assistance has been provided for the training needs analysis and the Concept for Civil Service Training, approved in January 2004 with an to create a framework for unified approach to training of civil servants on horizontal level. An Assessment of Horizontal Training Needs in the Slovak State Administration was delivered and plans for horizontal training have been established. Since the CSO has no central training unit, this creates difficulties for the overall development of the civil service training. Therefore the report on Institutional Options for Horizontal Civil Service Training in Slovakia provides options for the future development.
- *Establishment of CSO support mechanisms and IT development plan:* a needs analysis was conducted to identify possibilities for IT development. The TW has assisted with the formulation of ToR for the Development of a Personal Information System and of the IT Development Plan for the CSO.

Establishment of a Personnel Information System for the Management of the Civil Service

The global objective of this contract was to establish and implement a Personnel Information System leading to better quality of data and information flow in the field of personnel registration; more effective operation of the personnel departments in the service offices and interaction between the CSO and service offices. The TW experts were closely involved into preparation of the specifications. A database has been developed to cover systemisation, recruitment system and disciplinary accountability. The information system has been completed, tested and relevant CSO staff received training. It is not clear yet when the system is fully operational since the SW still must be officially registered at the Office for the Protection of Personal Data; afterwards it will be taken over by the CSO.

Supply of HW and SW for the Personnel Management Information System of CSO

This small allocation was used for the purchase of a server to ensure operations of the developed SW system. The equipment was delivered and is in use.

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

The ToR for this project are completed and available for candidates.

2003-004-995-01-02 Support to the Public Administration Reform

The 2003 Support to PAR programme should be implemented through a TW project consisting of five components:

- Development of new system and mechanisms required for effective co-ordination and co-operation of bodies of local state administration and territorial self-government;
- Improvement of functionality of new information and communication system of local public administration;
- Development and implementation of new system for the financing of territorial self governments and administrations; fiscal decentralisation;
- Review of the legislation and structures in place as regards to financial management and control in regional and local self governments;
- Enhancement of professional qualifications and capacity of elected representatives and civil servants of the new regional administrations and municipalities.

TC has been submitted to the ECR in March 2004. Subsequently it has to be redrafted in compliance with the new Twinning manual. Currently the TC is awaiting approval.

Furthermore, there will be two TA projects: (i) information and communication system of decentralised public administration, and (ii) strengthening the administrative capacity of decentralised public administration after the transfer of competencies. ToR for both TA activities are to be drafted with assistance of TW experts during the 2003 TW implementation.

Component 5 - Justice

SR-0108.01 Strengthening of the Judiciary

Twinning

The purpose of the 2001 TW was to reinforce the administrative and judicial capacity, to strengthen the independence of judges, to bring judicial self-administration into operation and to increase the efficiency of the judiciary. The activities were split into various sub-projects and in fact the assistance has dealt with (i) the role and position of the Judiciary Council (JC) hand in hand with ethical aspects, (ii) further introduction of the Higher Court Officials, (iii) introduction of mediation and (iv) training activities in relation to the EU law application as well as other above mentioned areas.

Implementation of the TW encountered several obstacles. The President of JC was finally elected only six months after the project's start. One of the main partners – the Judiciary Academy of Slovakia (JAS) has been formally/ by law established but its actual operations have not started yet, while the corresponding assistance project is in the meanwhile coming at its end. The Law on Mediation was supposed to be approved much earlier to continue with pilot testing activities but this approval happened only at the beginning of July 2004, shortly before the end of the project. The majority of activities consisted of the seminars, round table discussions, working group meetings and study trips in order to present and exchange views, knowledge and experience.

(i) The originally proposed activities concerning preparation of the status and operational manual for the JC were already completed before the project's start and therefore

activities had to be re-oriented. The TW experts commented on the existing JC text and provided suggestions for minor changes that are likely to be introduced during next meeting of the JC. Further activities focused on practical issues: promotion, transfer, remuneration, evaluation of judges, dissemination of the knowledge of European law, liability of judges and distinguishing between ethics and discipline. Comparative analyses were carried out and related documents produced. The Conference on Ethics, stated as a separate project, was closely linked to these activities. The conference was attended by 150 judges. The most important outputs and recommendations were delivered to the top management of the MoJ in order to decide upon further steps to be taken.

It became obvious that there is a need to differentiate the concepts of ethics and discipline. As confirmed by the experts the present legal treatment regarding the conjunction of ethics with discipline, the personal responsibility of judges, the composition of disciplinary senates and the procedures for temporary withdrawal from the function of judge, are not in line with the *acquis*. The issue of ethics for judges has been dealt with by several Phare and bilateral project since 1994 but it induced attention on the Slovak side in 1999 only and official Code of Ethics was adopted only in 2001. In relation to ethics and discipline, the question of the workload of judges was discussed. It was also emphasised that no unified principles for the evaluation of the judges and the selection of Higher Court Officials (HCO) based on objective indicators, have been adopted by the JC.

(ii) Introduction of the new position of HCO is a rather new topic (the law covering HCO, court secretaries and probation/mediation officers came into force in 2003)⁶. The experts studied the new law and compared it with other systems. Study trips were done to see the operations of similar professions in Greece and France and to visit their training systems. Based on that, amendments of the law were recommended. The originally planned preparation of curricula and training of HCO did not take place due to the absence of JAS as a partner for these activities. Since the original TW budget was not fully used an extension has been requested. During the extension the main emphasis should be given to training matters.

(iii) The idea of the 'out-of-court settlement' was initiated in Slovakia by a UK bilateral project. Phare assistance was provided for the drafting of the law (approved by the Parliament in July 2004) and for study visits in order to see how the mediation is implemented. Pilot testing has just commenced at five courts. Seminars held in the regions helped to make judges and HCO aware of mediation. An international conference was held for the public and further seminars for judges and HCO will be held in order to agree on the content of the training. Some universities have already included mediation into their curricula.

(iv) The training activities - due to the absence of the JAS - were focused mainly on EU law. Seven seminars were held dealing mostly with preliminary ruling, judiciary co-operation in civil and penal matters, and training of trainers. In total about 250 judges

⁶ Number of HCO at the start of the project was 200 by the end of 2004 there should be 600

received some training. At least a portion of them gained some knowledge on how to apply EU legislation.

The establishment of JAS has been supported by the previous 1999 assistance. The decision was taken by the MoJ to adopt the law on JAS, to be located in Trnava. However, eventually the seat of JAS had to be moved to Pezinok and after unsuccessful tendering of the JAS Director post the law had to be changed. Until now JAS is still not operational. The JAS Board has formally commenced but the actual activities of the Board are expected to start only within the foreseen extension of the project.

Supply of equipment

Office equipment was purchased for the Supreme Court, JC and Council of Judges at eight regional courts. A part of the equipment earmarked for JAS and consisting mainly of computers and teaching equipment was also delivered in February but is still unpacked at the stock in Trnava. It seems that September 2004 is most likely the earliest possible date when the equipment can put into operations.

SR-0110.01.01 Training for the Judiciary in the Competition Field

Because of the organisational changes at the courts introduced by the MoJ, the regional courts will deal from now on with appeals against decisions of the Anti-Monopoly Office (AMO) in the competition field. Therefore AMO initiated a small training project to raise the knowledge of judges in EU competition law. Six training sessions for a group of 18 judges from Supreme and Regional Court Bratislava are being performed.

2003-004-995-01-04 Reinforcement of Judicial Capacity in the Area of Penal Matters

The project is likely to be implemented as a TWL. A proposal submitted by a Belgium partner was not approved yet. Provided that the required adjustments can be done soon approval is likely.

2003-004-995-030-22 Strengthening of the Efficiency of the Judiciary

Except the PF no further documents were prepared yet to launch implementation.

Component 6: Prosecution and Law Enforcement

2002/0000-610.22 Strengthening the Effectiveness of Investigation and Prosecution Procedures

Twinning

The amendment of the Code of Criminal Procedure was approved by the Parliament in June 2002. This amendment introduces changes in procedures that are aimed at simplified penal procedures and reinforced prosecutor control. The TW objective is to assist MoI (Police Presidium) and General Prosecutor Office (GPO) in timely and

adequate implementation of the newly adopted legislation and in introducing new roles for investigators, policemen and prosecutors as regards penal and investigation procedures. The project activities are focused on three areas: (i) effective introduction of the new organisation of the Police Corps, adopted by the MoI, (ii) strengthening of methods and capacities inevitable for effective investigation procedures and operational co-ordination and (iii) evaluation of technical instruments and conditions:

(i) An initial analysis of the legislation and of newly adopted structure has been conducted in order to create more operational system. In general the current number of eight regional offices is considered to be too numerous and too expensive. Study trips were organised to see the similar operations in France and Germany. Findings and recommendations were discussed with the relevant Slovak partners at a conference.

(ii) Similar activities have taken place in relation to co-ordination between institutions involved in investigation procedures. Although the outputs in terms of legal changes might be introduced, the most difficult part to implement will be the one directed towards changes in behaviour and thinking, such as introducing team work of prosecutor and investigator. Conclusions were made that in terms of staffing the number of investigators and prosecutors in comparison to the total population is three times bigger in Slovakia than in France where the number of crimes is higher. Study trips were organised to enable the Slovak investigators to work with their foreign colleagues and to experience how their procedures work. Some of the proposed recommendations have been already incorporated into the law currently to be adopted by the Parliament. The Operational Manual is under preparation.

(iii) The analysis of the IT system was also conducted and supplemented by a study trip to France. Although the preferred model recommended by experts should contain one central database with limited access to specific information, the philosophy of the currently developed communication system for LEAs comprises independent internal systems able to communicate with each other. MoI is currently lagging behind in the development compared to other involved institutions that are well equipped with up-to-date SW and HW technologies.

Equipment for the Prosecutor Offices

The major part of this supply comprises 600 computers that are just being delivered and distributed to all Prosecutor Offices in the country. Additionally, servers have been purchased one back-up server for the Register of Convictions and one server for the GPO, in order to enable central collection of data from district and regional offices and communication in the internal network and for the exchange of information among LEAs.

Development of information system for exchange of criminal information and data processing among all prosecutor offices

Under the previous 2000 Phare assistance a project on exchange of information and data processing among LEAs was realised and its further development requires operation of individual internal systems at GPO, MoJ and MoI. Within the current project, GPO will continue with the development of its internal system and will create new application

modules for document exchange among prosecution offices internally and among LEAs. The project intends to achieve more effective prosecution of criminal cases, to ensure access of regional and district prosecutor offices to the wider system of information and data exchange among LEA, and to ensure access to the information from the Register of Previous Convictions. The project has just commenced.

2002/000-610.02 Increasing the Security of Information and Data Processing among LEAs

The electronic exchange of information on penal agenda among LEAs was approved by the Government in 2002. The initial stage of this project was developed under Phare 2000. The 2000 project resulted in a successful pilot exchange of electronic criminal files among LEA. The aim of the 2002 follow-up project, that has just been launched, is to ensure the security of data transmission among information systems of LEA and encryption of selected documents. Full operation is foreseen by the end of 2005.

2002/000-610.02 Development of Information System under the Condition of the Corps of Prison and Court Guard

During the implementation of electronic exchange information for LEA an access to the data managed by the Corps of Prisons was identified as being missing. Both, prosecutors and judges have to consult the databases of the Corps within the prosecution procedures related to criminal cases including crimes of corruption. Nowadays any request from prosecution or court addressed to the Corps of Prison is dealt with via mail, which takes several weeks, or over the phone which does not appear to be very secure.

The Corps of Prisons elaborated an integrated and uniform conception of the information system, allowing efficient exchange of data with other institutions among LEA. Two thirds of the project obtained state budget funding and the rest was and will be financed from Phare funds. The project's aim is to elaborate particular agendas necessary for the Corps' operations, and to ensure access to information from collected data for the management and exchange of the information among the Corps' working places and LEA. One central database has been created comprising registers of convicted and sentenced persons, data on employees and economic data. This will allow the central office immediate access to data, much quicker data transfer, improved reliability without duplications and provision of statistical data. In April 2004 the first data exchange was tested among the Corps' central office, the police and court at Bratislava's fifth district.

2003-004-995-01-04 Development of Information System within the Fight Against Corruption Programme under the Conditions of the Sector of Prisons

This 2003 follow-up has been designed with an aim to finalise the development of specialised SW for the registration of accused and convicted persons and to implement its roll-out at all prisons. A detailed analysis of chosen economic agenda related to accused and convicted persons should be elaborated as well. HW purchased from state funds is already installed and waiting for the SW installation. The tender evaluation report has been submitted to ECR and is waiting for approval.