

JUSTICE PROGRAMME

Norwegian Financial Mechanism 2014-2021

Operational rules (Annex II)

1. Programme summary

This Annex sets out the operational rules for the programme. The programme agreement is based on the MoU, the concept note, and comments made by the NMFA. Commitments, statements and guarantees, explicit as well as implicit, made in the concept note, are binding for the National Focal Point and the Programme Operator unless otherwise explicitly stipulated in the annexes to this programme agreement.

The Programme Operator is the Ministry of Justice. The Norwegian Courts Administration (DA) is the Donor Programme Partner. The Council of Europe (CoE) is the International Partner Organisation (IPO).

The *programme objective*, “**Strengthened Rule of Law**”, shall be attained through two outcomes:

- The programme shall support the outcome “**Increased effectiveness and efficiency of the judiciary**” (**Outcome 1**) by way of 3 pre-defined projects:
 - “Reconstruction of the Municipal court building in Split and promotion of e-services” (PDP 1),
 - “Revising the methodology of the evaluation of judges’ performance” (PDP 3),
 - “Reinforcing the system of court-annexed mediation” (PDP 4).
- The programme shall support the outcome “**Improved correctional services**” (**Outcome 2**) by way of one pre-defined project:
 - “Strengthening human rights protection and public safety through improving capacities of the Croatian Probation Service (PDP 2).

2. Eligibility

2.1 Eligible applicants:

Not applicable.

2.2 Special rules on eligibility of costs:

Costs are eligible in accordance with Chapter 8 of the Regulation.

3. Bilateral relations

3.1 Bilateral relations

The Programme shall contribute to strengthening bilateral relations between Croatia and Norway.

The further use of the funds for bilateral relations allocated to the programme shall be agreed in the Cooperation Committee.

4. Selection of projects and financial parameters*4.1 Open calls and availability of funds (including number of calls, duration of calls, and estimated size):*

Not applicable.

4.2 Selection procedures:

Not applicable.

4.3 Project grant rate:

Project grant rates for the pre-defined projects are set in Section 5.1.

5. Additional mechanisms within the Programme*5.1 Pre-defined projects*

There will be four pre-defined projects implemented under the programme:

- 1) “Reconstruction of the Municipal court building in Split and promotion of e-services”

Project Promoter:	Sector for Judicial Infrastructure within the Directorate for Strategic Development, Information and Capital Investments in Judiciary of the Ministry of Justice
Donor project partner:	Norwegian Courts Administration
Other project partners:	Not applicable
Programme outcome the project contributes to:	‘Increased effectiveness and efficiency of the judiciary’
Total maximum eligible project costs:	€ 9,950,000
Project grant rate:	100%
Maximum project grant amount:	€ 9,950,000

The project will improve the effectiveness of the court system through upgrading the court infrastructure in Split and enhance the level of satisfaction with Croatian judicial system both for citizens and court employees. The project will also include the component on reinforcing and promoting e-services within the judicial system available to citizens. To increase efficiency and effectiveness of judiciary, with special emphasis on human capacities, secondment of judges to European Court of Human Rights in Strasbourg is envisaged in cooperation with the Council of Europe.

The Norwegian Courts Administration (NCA) will support the project by providing experiences from use of e-services within the Norwegian judiciary. The NCA will also host study visits to Norway where NCA and MoJ experts will analyse the Norwegian e-services and collect recommendation for future services. Independent Croatian experts (Market and PR experts) will carry out the analysis and provide recommendations for improving existing and introducing new e-services within the Croatian judiciary considering the recommendations from the study visit.

The project will include the following main activities:

- Reconstruction of the infrastructure at the Municipal Court in Split, including equipment,
 - Secondment of judges to the European Court of Human Rights in Strasbourg for a duration of 12 months,
 - Reinforcement of the e-services in the judicial system through analysis with recommendations of improvements, awareness-raising campaign to increase the citizens' use of e-services and bilateral cooperation through e.g. study visits and sharing of best practises.
- 2) “Strengthening human rights protection and public safety through improving capacities of the Croatian Probation Service”

Project Promoter:	Directorate for Prison System and Probation of the Ministry of Justice
Donor project partner:	Directorate of the Norwegian Correctional Service
Other project partners:	Not applicable
Programme outcome the project contributes to:	‘Improved correctional services’
Total maximum eligible project costs:	€ 2,100, 000
Project grant rate:	100%
Maximum project grant amount:	€ 2,100, 000

The project will secure the implementation of electronic monitoring into the Croatian criminal justice system and the advancement of the Risk Assessment System which probation officers use for performing their daily duties. The project will also strengthen the capacity of the correctional services in Croatia., including the cooperation with other stakeholders.

The Directorate of the Norwegian Correctional Service will support the project e.g. by engaging experts in all phases of the introduction of electronic monitoring.

The project will include the following main activities:

- Implementation of electronic monitoring system of sentenced persons through e.g. establishment of an electronic monitoring center and necessary equipment to perform electronic monitoring,
- Bilateral activities including sharing of best practises, training and conferences
- Improvement of the probation service’s material and technical working conditions through e.g. upgrading of offices,

- Improvement of Risk Assessment System (RAS) as a foundation for planning and executing probation tasks for the enforcement of correctional measures and sentences
- Strengthened cooperation between the prison and probation system through implementation of a pilot projects which includes e.g. mutual exchange of deployment of officers.

3) “Revising the methodology of the evaluation of judges’ performance”

Project Promoter:	Directorate for Organisation of Judiciary of the Ministry of Justice
Donor project partner:	Norwegian Courts Administration
Other project partners:	State Judicial Council
Programme outcome the project contributes to:	‘Increased effectiveness and efficiency of the judiciary’
Total maximum eligible project costs:	€ 400,000
Project grant rate:	100%
Maximum project grant amount:	€ 400,000

The project will improve the system of performance of judges. The project will conduct an analysis of the existing evaluation system in Croatia, including consultations with relevant stakeholders and study visit(s) to EU countries to perform a comparative analysis of different evaluation systems. The project will include recommendations for the improvement of and the following amendment of the methodology on the evaluation system of judges’ performance. Additional activities will be defined during project implementation.

The NCA will support the project by providing advice in the initial analysis of the current system of evaluation of judges’ performance in Croatia, the comparative analysis of the system of evaluation of judges’ performance in three European countries and in the elaboration of recommendations for improvement of the current evaluation scheme.

The project will include the following main activities:

- Elaboration of an analysis of the existing system of evaluation of judges, including meetings with relevant stakeholders,
- Elaboration of a comparative analysis of evaluation of performance of judges in other EU member states,
- Elaboration of the recommendations for the improvement of the Methodology of the evaluation of judges' performance and the implementation of these recommendations,
- Organization of the conference for the presentation of recommendations for improving the Methodology of the evaluation of judges' performance to the relevant stakeholders.

4) “Reinforcing the system of court-annexed mediation”

Project Promoter:	Directorate for Civil, Trade and Administrative Law of the Ministry of Justice
Donor project partner:	Norwegian Courts Administration
Other project partners:	Judicial Academy
Programme outcome the project contributes to:	‘Increased effectiveness and efficiency of the judiciary’
Total maximum eligible project costs:	€ 1,500,000

Project grant rate:	100%
Maximum project grant amount:	€ 1,500,000

The project will enhance the use of mediation as a conflict resolution mechanism in courts in Croatia and thus improve the efficiency of the judicial system. The project will seek to improve the current system through identifying weaknesses, identifying best practises through comparative studies and bilateral cooperation and implement recommendations suggested through the project.

The Norwegian Courts Administration (NCA) will support the project by providing advice in the analysis of the existing mediation system in comparison with other European states and in the sociological-legal examination of the reasons behind the underutilization of mediation. The NCA will also conduct and host study visits to Norway as far as this is deemed relevant for the implementation of the project.

The project will include the following main activities:

- Analysing the existing mediation system in comparison with other European states will be carried out to highlight the possibilities for improving the Croatian mediation system,
- Examining the sociological-legal reasons behind the underutilization of mediation,
- Developing a manual on court-annexed mediation,
- Training of professional staff,
- Popularizing mediation among the citizens through awareness raising campaign.

5.2 *Financial Instruments*

Not applicable

6. Programme Management

6.1 Payment flows

The Programme Operator shall ensure that payments to projects are made in a timely manner. Interim and final payments to the projects shall be based on approved project reports.

Payments of the project grant shall take the form of interim payments and a final payment. There will be no advance payments to the Project Promoters from the Programme Operator because the programme consists of pre-defined projects and the Project Promoters are internal organizational units within the Ministry of Justice.

The approval of project interim and final reports shall take place within the terms and deadlines determined in national regulations.

The periodicity of reporting periods, and deadlines for reporting will be further detailed in the description of the Programme Operator's management and control systems.

6.2 Verification of payment claims

Programme Operator will verify that the expenditures declared by Project Promoters have been incurred and comply with the Regulation, the Programme Agreement, as well as applicable national and European Union law and that the financial contribution is used exclusively for the programme and its projects and according to the Programme Agreement.

Verifications to be carried out by the Programme Operator shall cover administrative, financial, technical and physical aspects of the project, as appropriate and be in accordance with the principle of proportionality.

Verifications shall include the following procedures:

* administrative verifications in respect of incurred expenditures reported by Project Promoter to be carried out before approval of each interim and final project report.

* on-the-spot verifications.

The procedures for administrative and on-the-spot verifications shall be further detailed in the description of the Programme Operator's management and control systems.

6.3 Monitoring and reporting

The Programme Operator shall monitor, record and report on progress towards the programme's outcomes in accordance with the provisions contained in the legal framework. The Programme Operator shall ensure that suitable and sufficient monitoring and reporting arrangements are made with the project promoters in order to enable the Programme Operator and the NFP to meet its obligations to the donors.

When reporting on progress achieved in Annual and Final Programme Reports, the Programme Operator shall disaggregate results achieved as appropriate and in accordance with instructions and templates received from the FMO.

6.4 Programme administrative structures

The tasks of the Programme Operator shall be carried out by the Sector for Strategic Development and Projects within the Directorate for Strategic Development, Informatisation and Capital Investments in Judiciary of the Ministry of Justice. Independence and functional separation from the following Directorates of the Ministry of Justice, acting as project promoters, shall be ensured:

- Directorate for Prison System and Probation of the Ministry of Justice – acting as project promoter for pre-defined project no. 2 “Strengthening human rights protection and public safety through improving capacities of the Croatian Probation Service”;
- Directorate for Organisation of Judiciary of the Ministry of Justice - acting as project promoter for pre-defined project no. 3 “Revising the methodology of the evaluation of judges’ performance”; and
- Directorate for Civil, Trade and Administrative Law of the Ministry of Justice - acting as project promoter for pre-defined project no. 4 “Reinforcing the system of court-annexed mediation”

7. Communication

7.1 Communication

The Programme Operator shall comply with Article 3.3 of the Regulation, the Information and Communication Requirements in Annex 3 of the Regulation and the Communication plan for the programme.

8. Miscellaneous

Not applicable.