

ROMÂNIA



CONSILIUL SUPERIOR AL MAGISTRATURII PLENUL

HOTĂRÂREA nr. 272
din 6 aprilie 2006

Având în vedere nota Direcției Integrare Europeană, Relații Internaționale și Implementarea Programelor PHARE nr. 627/DIERIIPP/29.03.2006 privind aprobarea termenilor de referință pentru Consiliul Superior al Magistraturii, Institutul Național al Magistraturii și Școlii Naționale de Grefieri, din cadrul exercițiului Phare 2005;

În temeiul dispozițiilor art. 24, alin. 3, lit. a) și alin. 4, coroborat cu art. 34 din Legea nr.317/2004 privind Consiliul Superior al Magistraturii, republicată;

PLENUL CONSILIUL SUPERIOR AL MAGISTRATURII;

H O T Ă R Ă Ș T E

Art.1 -. Aprobă termenii de referință pentru activitățile incluse în Programul Phare 2005 pentru Consiliul Superior al Magistraturii, Institutul Național al Magistraturii și Școlii Naționale de Grefieri, în vederea consolidării cadrului instituțional și a politicilor celor trei instituții de a acorda o formare profesională de calitate magistraților și grefierilor, precum și la îmbunătățirea comunicării dintre cetățeni și sistemul judiciar, asigurarea accesului la informații de interes public din cadrul sistemului, cu respectarea dispozițiilor privind protecția datelor personale.

Art.2 - Prezenta hotărâre se comunică Direcției de Integrare Europeană, Relații Internaționale și Implementarea Programelor Phare din cadrul Consiliului Superior al Magistraturii pentru luarea măsurilor legale.

Data în București, la data de 6 aprilie 2006.

PREȘEDINTE,

Judecător Iulian GÎLCĂ



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1. BACKGROUND INFORMATION

1.1. Beneficiary Country:

Romania

1.2. Contracting Authority

Central Finance and Contracting Unit (CFCU)

1.3. Relevant country background

At its meeting in Luxembourg in December 1997, the European Council decided that the Accession Partnership would be the key feature of the enhanced pre-accession strategy, mobilizing all the forms of assistance to the candidate countries within a single framework. In this manner, the Community targets its assistance towards the specific needs of each candidate so as to provide support for overcoming particular problems with a view to accession.

On 25 April 2005 Romania signed its Treaty of Accession to the European Union. The fundamental objective is that Romania accomplishes all the commitments provided by the Treaty and its Annexes, in order to be in line with the best European practices, including in the field of the Judiciary.

In order to meet the requirements of membership, Romania is committed to continue the reform of the relevant sectors, in line with the recommendations of the Comprehensive Monitoring Report issued by the European Union on 25 October 2005 and with the overall sector strategy and objectives established in the Accession Partnership 2003 and the Roadmap for Romania.

In order to fully implement the reform of the judiciary, a number of institutional building activities need to be undertaken and certain tools have to be established in order to implement and monitoring the EU standards on justice. Issues that require immediate strengthening are:

- Increasing the independence of the Judiciary
- Developing the professionalism of the Judiciary
- Improving the administration and access to justice
- Improving the management of courts.

The revised *Accession partnership with Romania (2003)* recommended the following measures in the field of justice:

“Develop and implement a strategy for the reform of the judiciary that will:

- i) Ensure full independence in particular by: establishing a transparent system for recruiting and selecting magistrates, abolishing the provision allowing senior officials to be appointed judges without having to pass an exam and introducing transparent legal procedures for removing judges from office and for sanctioning them for misconduct;
- ii) Enhance the professionalism of the judiciary in particular by: improving training programs in the National Institute for the Magistracy (NIM); strengthening the ability of the Training Centre for Clerks to deliver both initial and in/service training; and developing training for other legal professionals such as lawyers, notaries, bailiffs, court clerks and staff of the Ministry of Justice.

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- iii) Improve the administration of courts in particular by: modernising case management and filing system; developing clear criteria for case assignment; systematic introduction of Alternative Dispute Resolution; extending access to free legal aid; and upgrading court equipment and infrastructure...."

The **Roadmap for Romania (December 2002)** emphasized the necessary steps for the implementation of the acquis and the continuation of the judicial reform:

- the effective independence of the judiciary; (point 2.2.)
- adoption of a national strategy for the functioning of the judiciary addressing the requirements of full independence, ethics, training of magistrates, organization of courts and international cooperation on judicial matters (point 2.2)

Since the adoption of the former **Strategy for the Reform of the Judiciary 2003 – 2007**, that represented the fundament of the Multi Annual Programme Fiche 2004-2006, a series of important developments took place within the Judiciary, the most relevant being the adoption of the legislative package comprising Law no. 303/2004 on the statute of the magistrates, Law no.304/2004 on the organization of the Judiciary and Law no. 317/2004 on the Superior Council of Magistracy.

All these elements, and also the closure of the negotiations with the EU, in view of the accession in January 1st, 2007, made it necessary to reconsider the Strategy for the Reform of the Judiciary, as well as to update and extend it for the period 2005 -2008. On March 30th, 2005, the **updated Strategy and Action Plan** have been adopted by the Government, with the endorsement of the Ministry of Public Finances in order to secure the financing of the measures (Government Decision no. 232/2005).

Every action included in the Strategy pursues the following principles, the observance of which is essential for achieving a modern judiciary:

- Strengthening the rule of law,
- Ensuring a true separation and balance of state powers, by strengthening the independence of the Judiciary,
- Respect for human rights,
- Ensuring full institutional and legislative compatibility with the judicial systems in Europe and with the Acquis communautaire,
- Ensuring the basis for judicial cooperation with a view to the integration within the European area of freedom, security and justice,
- The adoption of the European best practices on the functioning of the judiciary,
- Ensuring the transparency of the justice act,
- Strengthening the dialogue with the civil society and the involvement thereof in the reform of the judiciary.

The updated Reform Strategy contains distinct provisions concerning transparency, whose observance is essential for a modern Judiciary: "The judicial system should fulfil its role of public service both by accomplishing the act of justice and by establishing a new type of relationship with the citizens. Ensuring transparency in communication and facilitating access to information will be supported by the Offices of Information and Public Relations within Courts and the attached Prosecutors' offices. Information of public interest will be accessed on the websites of the judicial institutions (SCM, Ministry of Justice, High Court of Cassation and Justice, Prosecutors' office attached to the High Court of Cassation and Justice, etc.). In addition, orientation guides will be drafted in order to facilitate the citizen's access to justice, along the practice already established in several Courts. These offices will also ensure the media access in order to render an objective and complete information on the act of justice, while strictly observing the regulations in force regarding personal data protection."

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However, the **preliminary report of the peer review mission from June 2005** still pointed out some disfunctionalities concerning the relation with mass media: "In all the meetings judges, when asked to point out external hurdles to the independence, mentioned bad relations with the media. The example was brought of harsh criticism from press against a non final decision made by a court. In the meeting with the representatives of the SCM the information was provided that during 2005 six complaints have been filed by individual magistrates that deem to have been unduly attacked by the media. Also were reported cases of criticism made by politicians against non final judges' decisions. The recent amendments to the law no. 304/04 provide that the director of the information and public relations office, who shall act also as spokesperson, may be a judge or a prosecutor designated by the head of office or a journalistic graduate or a specialist in communications, appointed by way of a contest or examination. The expert deems that it would be good to have a such a specialist in the office as an advisor but the director and spokesperson should always be a magistrate due to the technical complexity of the information that is to be provided."

1.4. Current state of affaires in the relevant sector

The Superior Council of Magistracy is now the sole body responsible for the magistrates' careers and the practical organization of the courts and prosecutor offices, whose competences and activity are regulated by the provisions of the Law no. 317/2004, republished. The Superior Council of Magistracy is composed of 19 members: 14 magistrates elected in the General Assemblies of the judges and prosecutors in December 2004 for a non-renewable 6-years mandate, 3 members *ex officio* (the Minister of Justice, the General Prosecutor of the Prosecutor Office attached to the High Court of Cassation and Justice and the president of the High Court of Cassation and Justice) and 2 representatives of the civil society, elected by the Senate. Out of the 19 members of the Council, 6 of them (including the president and the vice-president) have permanent activity. The SCM administrative capacity has continued to strengthen: out of 263 positions only 30% of them are now vacant.

One of the key issues that the Reform Strategy addresses is the transparency of the act of justice and its main targets in this respect are to improve the communication between the participants in the act of justice and judiciary and to ensure free access to public interest information within the judiciary, with respect to the protection of personal data.

It is well known the fact that the Romanian judicial system is not a very credible one.

The World Bank's corruption diagnosis, carried out in 2002, indicates that courts are the second lowest-ranking institution in the country (after custom offices) in the public's level of confidence¹. The same report mentions that only a small part of this perception is based on the respondents' experience, most of them founding their opinions on different information sources, such as mass-media and the experiences of their neighbors, friends, and families. More than 50% of the respondents of the Bank's surveys in 2002 and 2005 and nearly 70% of enterprises believe that all or most of the judiciary is corrupt.

An INSOMAR study in 2003 indicates an interesting fact: 75, 3% of the investigated population considered that the corruption problem in Romania should be solved by the Government. Only 4, 9% of the interviewed population considered that the judiciary should also deal with the corruption problem. This reflects a wrong public perception that the judiciary does not have an essential function in preventing and controlling corruption.

¹ World Bank, *Diagnostic Surveys of Corruption in Romania* (2002)

Terms of reference

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¹ World Bank, *Diagnostic Surveys of Corruption in Romania* (2002)

Terms of reference

Moreover, the Transparency International survey on the magistrates' perception on the independence of the judiciary, conducted in August – September 2005, reflects a very high percent of magistrates (73, 9%) identifying mass-media as the main factor of interference in the act of justice.

A vicious circle was created between the aggressive attitudes of the press regarding pending cases (journalists' verdicts given before a case is solved) and the tendency of the magistrates – as reflected in the above-mentioned study – to avoid press, in order to prevent such inappropriate public attitudes.

The lack of efficient, correct and direct communication within judiciary and between judiciary and the civil society or the state institutions is also one of the important causes of this state of facts. Nevertheless, the insufficient training of the spokespersons and the unsatisfying logistic are causes of the negative public perception on justice and the improper relation between judiciary and mass-media.

In the organizational framework of the judicial system in Romania is provided that every court and prosecutor office has a spokesperson (who is a judge or a prosecutor) and public relations and information offices, including civil servants.

The constant concerns of all institutions involved in the process of reform had been materialized in a series of measures, such as:

- providing detailed information of public interest and updating thereof on the official websites of central institutions: Superior Council of Magistracy, Ministry of Justice, High Court of Cassation and Justice, courts of appeal, prosecutor offices attached to the courts of appeal, National Anticorruption Department, National Institute of Magistracy, National School of Clerks or the Prosecutor Office attached to the High Court of Cassation and Justice;
- establishing the courts' web portal, containing relevant information about all courts of appeal in the system: presentation, organization, sessions list and files on some of the courts websites, jurisprudence, public information data and other information of public interest. This information is uploaded and updated directly by the courts;
- the process of court automatization encountered important developments: 90% of the equipments procured in January 2006 were already delivered, thus ensuring that every judge and prosecutor in place has access to his/her personal computer. The process of connecting the computers to the internet is ongoing.
- organizing on a yearly basis a survey to be carried out by an independent body on the perception of the independence by the Romanian magistrates. In 2005 the survey was carried out by Transparency International, the study being presented in October 2005.
- organizing "open door" events, by inviting citizens to court premises. A similar event took place on the 25 October 2005 when citizens were invited to visit the courts' premises and were given general information about the organization and functioning of the courts;
- training the spokespersons, through the continuous training program of the National Institute of Magistracy, especially on topics related to the relation with mass media, in the detriment of PR topics. These initiatives should be completed by including a larger number of magistrates within the continuous training by organizing training seminars in the field of public relations and also training for civil servants and clerks involved in public departments within the courts.

Nevertheless, the development of a PR communication strategy, in order to improve not only the relation between participants in the act of justice and judiciary, but also the relation between the entire civil society (mass media, non-governmental organizations, all citizens) and judiciary, judiciary and main state institutions, is a very important issue. The Strategy has to be elaborated until the end of December 2006 through a World Bank program.

1.5. Related programs and other donor activities:

i) Phare RO 04/IB/JHA-01 - Twinning arrangements for the Superior Council of Magistracy –Developing the relations of SCM, courts and prosecutor offices with the public, mass media and other actors implicated in the judiciary

The related activities which are to take place within this Phare program are *one seminar and two workshops* on the following topics: “The public image of the Justice system in Romania and elsewhere in the European Union and what this image is built upon – in a comparative European perspective”, “Fostering Public Relations and Media contacts by judicial institutions – methods and experiences in a comparative European perspective”, “Media training for spokespersons of the SCM and the courts and prosecutor’s offices” and an *Internship* for 2 members of the press and public relations unit of the SCM.

ii) Romania – Judicial Reform Project (Ln 4811-RO) – Development of PR communication strategy, in collaboration with World Bank (the overall objective of the project is to assist the Superior Council of Magistracy in developing a comprehensive PR communication strategy). The activities which will be carried out within this project refer to:

iii) Phare 2005 - Building an independent judiciary in Romania, Task 1.1 –“ Assistance to the High Court of Cassation and Justice” – one of the activity comprised in the framework of this project address the improvement of the public relation office activity of the High Court of Cassation and Justice

2. CONTRACT OBJECTIVES AND EXPECTED RESULTS

2.1. Overall Objective

Improving the administration and access to Justice.

2.2. Specific objectives

Increasing the transparency of the courts and prosecutor offices activity.

2.3. Results to be achieved by the Consultant

Result 1: The public relations activity of public information offices, auxiliary services of the courts and prosecutor offices – archives, registry office– improved.

Result 2: The relations between magistrates and litigants considerably improved.

Result 3: The relation of the judiciary with mass media improved.

3. ASSUMPTIONS AND RISKS

3.1. Assumptions underlying the project intervention:

- Good project management; no tendering delays;
- Reliable Technical Assistance and supply partners;
- Identification of suitable candidates for training;

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- Ability of contracted experts to design and implement training for targeted groups in specific areas;
- Availability of skilled and motivated training staff
- Continuity of the PR personnel in place.

3.2. Risks

- Availability of the targeted groups to participate in the program;
- Good rate of retention of trainers.

4. SCOPE OF WORK

4.1. General

4.1.1. Project Description

The Phare Program 2005 will provide support in order to strengthen the independence, professionalism, administration and management of the judicial system. The Program will focus on the following priorities: building an independent judiciary in Romania, building a professional judicial system, improving the administration and access to Justice, building an efficient management system.

Reform of Justice is linked to the improvement of the quality of the act of justice but also to the improvement of the public perception of how the act of justice is fulfilled. The measures of the Strategy for the reform of the Judiciary for 2005-2007 and of the Action Plan for the implementation of the Strategy regard mainly the improvement of the act of justice.

In order to achieve the general objective and the results described above, the project will focus on the following aspects:

4.1.1.1. The large number of magistrates, staff of the different departments of courts and prosecutor offices, spokespersons and other personnel of the central institutions within the judiciary involved in public and mass media relations require a permanent training effort. Given their mission and the specific tasks they have to carry out in fulfilling their duties, as well as the low trust in the judiciary of the public and mass media, it is of great importance that they should be thought the best methods of communication and the best practices in this field, which will undoubtedly be reflected upon the way in which the act of justice is perceived by the public and mass media.

Training magistrates is of high importance for improving the communication process within the court room. The training of magistrates should be focus on the best techniques of public relations in order to remove the communication miss functions in the relation with the litigants, thus contributing to enhance the public trust in the judiciary.

The media is an essential communication tool for the judiciary. The impact of the training must increase the visibility and transparence of the act of justice and provide perspectives on pertinent issues. This component aims to provide spokespersons and other civil servants involved on these issues with comprehensive training materials, design and develop training courses to maximize communication skills for low-trust, high-concern communication issues.

Aside from the relations with the journalists, the courts and prosecutor offices – the court clerks, civil servants working within specific departments, such as Registry office and Archive need to train the staff for working with litigants. They need to acquire specific communication and information techniques

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intended to improve the public perception upon the judiciary and to enhance to access to the act of justice for the actors involved.

In this process the trainees will benefit from the expertise of foreign highly trained professionals/academics and representatives of NGOs.

4.1.1.2. The project will offer support in the elaboration of practical guides related to the specific activities carried out by spokespersons and the staff of the public relations offices of the courts and prosecutor offices, journalists, concerning the basic rules of the procedural and substantial civil, criminal and commercial law and litigants. This initiative is intended to clarify and contribute to a better understanding of the activity and role of all counterparts.

In order to improve the access to public information, the Superior Council of Magistracy drafted and published judicial guidelines for citizens. Although the guides were elaborated by good practitioners, there were several complaints of the litigants that the information therein is not accessible enough and not very well structured. To meet the specific needs of the litigants it is important, in order for them to understand the complex mechanisms of delivering the act of justice, that juridical orientation guides should be elaborated, on different topics, both regarding procedural and substantial law, in an accessible and well structured form.

4.1.1.3. In the framework of the present project, a series of mediated meeting will take place between the spokespersons and the representatives of mass media. This aims to give all those involved the opportunity to analyze the current situation, to come up with their own practical solutions for enhancing the collaboration and also to rebuild relationships and establishing a working environment which will benefit both actors involved. There will be established pilot courts and prosecutor offices where there will be held regular meeting of spokespersons and journalists for a determinate period of time, followed by an evaluation of the impact of these meetings upon the relations with the press.

4.1.1.4. This project aims to create a working environment which will consolidate the relations with mass media and which will also contribute to the improvement of the activity carried out by the spokespersons. This will ensure the adequate facilities for a proper functioning of these offices and for improving the communication and information process. The clear and modern way to display the relevant information for the citizens involved in pending cases would be improved by the info-desks at the courts' premises.

4.1.1.5. The libraries of the courts and prosecutor offices will be endowed with new legal titles and also with works related to the specific activities carried out by spokespersons and the staff of the different departments of courts and prosecutor offices involved with public relations.

4.1.2. Geographical area to be covered

The impact of the project will be nationwide.

4.1.3. Target groups

Magistrates, spokespersons of the courts and prosecutor offices, SCM, MoJ, Prosecutor Office attached to the High Court of Cassation, the staff of the different departments of courts and prosecutor offices involved with public relations.

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4.2. Specific activities

Activity 1 - Training magistrates, all personnel involved at the level of courts and prosecutor offices in the public relations and spokespersons of the courts, prosecutor offices, SCM, MoJ, Prosecutor Office attached to the HCCJ,

4.2.1.1. Training of the above mentioned categories will be delivered in the following domains:

- Public relations, for magistrates in place.

Training courses/seminars/workshops will be organized for groups of 30 participants. There will be a total of 20 seminars organized in centers all over the country, mainly the premises of the courts of appeal or other appropriate locations (i.e. the training centers of the National Institute of Magistracy in Timisoara, Sovata and Barlad). Phare experts will be joined (if necessary) by Romanian experts.

- Public relations for all personnel of the public relations and public information offices, as well as other departments of courts, such as the archive and registry offices.

Training courses/seminars/workshops will be organized for groups of 30 participants. There will be a total of 15 seminars organized in centers all over the country, mainly the premises of the courts of appeal or other appropriate locations (i.e. the training centers of the National School of Clerks in Timisoara, Sovata and Barlad). Phare experts will be joined (if necessary) by Romanian experts.

- Mass media relations, for spokespersons of the courts, prosecutor offices, SCM, MoJ, Prosecutor Office attached to the High Court of Cassation and Justice and the personnel of the public relations and public information offices

Training courses/seminars/workshops will be organized for groups of 30 participants. There will be a total of 12 seminars organized in the appropriate locations in Bucharest. Romanian experts, journalists and representatives of NGOs will join Phare experts on delivering this training (if necessary).

4.2.1.2. Training activity and exchange of experience with similar institutions from other European countries is a long term objective aiming to address the assimilation of the best practices in this field and to enhance the quality of the human resources within the judiciary: internships (6 weeks each) for 10 spokespersons to similar institutions in Europe.

Activity 2 – Elaboration of practical guides concerning the best practices in the field of public and mass media relations for spokespersons, journalists and litigants

4.2.2.1. Elaboration and publication of guides, booklets, manuals and other materials that will support the activity of the spokespersons;

4.2.2.2. Elaboration and publication of guides, booklets, manuals and other materials with practical information for journalists, concerning the basic rules of the procedural and substantial civil, criminal and commercial law and information about the institutions within the Judicial system.

4.2.2.3. Elaboration and publication of judicial orientation guides for litigants with all the information linked to the Romanian judiciary and with personalized information for every court of appeal and prosecutor offices attached to it.

Activity 3 – Assessing the existing situation in the field of the relation between spokespersons and journalists and establishing of 2 pilot courts and 2 pilot prosecutor offices

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- 4.2.3.1. Elaboration of an evaluation report of the existing local relation with mass media and prospective measures to be implemented for improvement;
- 4.2.3.2. Establishing pilot courts and prosecutor offices (2 courts and 2 prosecutor office) where there will be held regular meeting (a minimum of 3 meetings) between spokespersons and journalists for a determinate period of time. The meetings will be held by an expert in mediation.
- 4.2.3.3. Elaboration of an evaluation report after the establishment of the pilot courts and prosecutor offices in order to assess the improvements achieved for the way in which delivering the act of justice is perceived by the public and the media.

Activity 4 – Endowing the offices of spokespersons within the courts and prosecutor offices and the courts' of appeal premises

- 4.2.3.1. This program is intended to offer support in endowing the offices of spokespersons within the courts and prosecutor offices in order to create an appropriate environment and to facilitate the communication between the spokesperson and the representatives of mass media.

The endowment component will focus on procurement of the following equipments:

- practical and modern furniture (round tables for conferences, bookcases for legal documentation and other appropriate furniture)
- digital tape recorders and other appropriate tools commonly used in this activity

- 4.2.3.2. In order to allow a modern, rapid and efficient access to general information related to the activity and the schedule of the courts, the program will support the endowment with info-desks for all the courts of appeal (15).

Activity 5 – Endowing the libraries of the courts and prosecutor offices with new titles related to public and mass media relations

Endowment of the courts and prosecutor offices libraries with titles related to public and mass media relations.

3.1. Project management

3.1.1. Responsible body

The Central Finance and Contract Units (CFCU) will be responsible for the tendering, contracting, administration, accounting, payments and financial reporting, acting as Implementing Agency.

3.1.2. Management structure

The Project Implementation Unit (PIU) within the Superior Council of Magistracy will retain the technical responsibility of the project implementation, as Implementing Authority.

A Steering Committee composed of 5 members will be set up and will be responsible for the overall decision of the project. The members will consist of: one member of the Superior Council of Magistracy, one PIU representative, the CFCU representative, the European Commission Delegation representative and the Consultant's representative.

4. LOGISTIC AND TIMING

4.1. Location

The location for the operational base for the project is Bucharest, Romania.

4.2. Commencement date and Period of execution

The intended commencement date is January 2007 and the period of execution of the contract will be 20 months from this date.

5. REQUIREMENTS

5.1. Personnel

5.1.1. *Key experts*

All experts who have a crucial role in implementing the contract are referred to as key experts. The profiles for the key experts for this contract are as follows:

Key expert 1: Team Leader – required to assist Superior Council of Magistracy on a permanent base for 16 months

Qualifications and skills

- University Degree PR and mass media relations
- University Degree Law will be viewed favorably;
- Excellent management skills, including managing a team composed of international and local specialists and organizing and overseeing administrative and logistical support;
- Excellent communication and social abilities;
- Excellent command of English;
- Good command of French will be viewed favorably;
- Knowledge of the Romanian judiciary and language will be viewed favorably;
- Computer literate;
- Capacity to demonstrate innovative approach by abstracting from own experience and adapting the needs, constraints and culture of the beneficiary.

General professional experience

- Minimum 10 years experience in the public relations and mass-media relation or as an academic in this area (public relations and mass-media addressed to the judiciary will be viewed favorably);
- Relevant regional experience.

Specific professional experience

- Good knowledge of the public communication area, the public and mass media relation and minimum 5 years of practical experience in this field;

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- Minimum 3 years experience in project and budget management;
- Previous experience in developing training programs and providing relevant training on specific fields, particularly for magistrates and the auxiliary personnel of the judiciary system.

Key Expert 2: Senior Expert

Qualification and skills

- University Degree PR and mass media relations
- University Degree Law will be viewed favorably;
- Excellent communication and social abilities;
- Excellent command of English
- Excellent command of French language will be viewed favorably;
- Computer literate.

General professional experience

- Minimum 10 years experience in public relations and mass-media relation or as an academic in this area (public relations addressed to the judiciary will be viewed favorably)

Specific professional experience

- Previous experience in developing training programs and providing relevant training on specific fields, particularly for magistrates and the auxiliary personnel of the judiciary system;
- Good knowledge of the public communication area, the public relations or mass media relation and minimum 3 years of practical experience in this field.

5.1.2. Other experts

CVs for experts other than the key experts are not examined prior to the signature of the contract. They should have been included in tenders.

The Consultant shall select and hire other experts as required according to the profiles identified in the Organization & Methodology. These profiles must indicate whether they are to be regarded as long-term/short-term and senior/junior so that it is clear which fee rate in the budget breakdown will apply to each profile. All experts must be independent and free from conflicts of interest in the responsibilities accorded to them.

The selection procedures used by the Consultant to select these other experts shall be transparent and shall be based on pre-defined criteria, including professional qualifications, language skills and work experience. The findings of the selection panel shall be recorded. The selection of experts shall be subject to approval by the Contracting Authority.

Note that civil servants and other staff of the public administration of the beneficiary country cannot be recruited as experts, unless prior written approval has been obtained from the European Commission.

5.1.3. Support staff and backstopping

Backstopping costs are considered to be included in the fee rates.

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The support staff to be provided by the Consultant and the costs of support staff must also be included in the fee rates of the experts.

5.2. Office accommodation

Office accommodation of a reasonable standard of approximately 10 square meters for each expert working on the contract is to be provided by the Consultant.

The costs of the office accommodation are to be covered by the fee rates of the experts.

5.3. Facilities to be provided by the Consultant

The Consultant shall ensure that experts are adequately supported and equipped. In particular it shall ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support its activities under the contract and to ensure that its employees are paid regularly and in a timely fashion.

The Consultant shall provide the experts with appropriate IT and office equipment (work stations, printers, telephone, fax, copy machine a.o.) and adequate logistical support, in order to ensure the success of the contract.

If the Consultant is a consortium, the arrangements should allow for the maximum flexibility in project implementation. Arrangements offering each consortium member a fixed percentage of the work to be undertaken under the contract should be avoided.

5.4. Equipment

No equipment is to be purchased on behalf of the Contracting Authority/beneficiary country as part of this service contract or transferred to the Contracting Authority/beneficiary country at the end of this contract. Any equipment related to this contract which is to be acquired by the beneficiary country must be purchased by means of a separate supply tender procedure.

5.5. Incidental expenditure

The Provision for incidental expenditure covers the eligible incidental expenditure incurred under this contract. It cannot be used for costs which should be covered by the Consultant as part of its fee rates, as defined above. Its use is governed by the provisions in the General Conditions and the notes in Annex V of the contract. It covers:

- Travel costs and subsistence allowance for missions to be undertaken as part of this contract from the base of operations in the beneficiary country;
- Rental for appropriate locations in the beneficiary country;
- Translation facilities;
- Logistic support for the activities within the project (teaching materials and manuals for seminars, promotion materials, including brochures);
- Protocol expenditure for training seminars.

The Provision for incidental expenditure for this contract is 600,000 EUR. This amount must be included without modification in the Budget breakdown.

Terms of reference

Any subsistence allowance to be paid for missions undertaken as part of this contract from the base of operations in the beneficiary country must not exceed the per diem rates published on the web site http://europa.eu.int/comm/europeaid/index_en.htm at the start of each mission.

5.6. Expenditure verification

The Provision for expenditure verification relates to the fees of the auditor who has been charged with the expenditure verification of this contract in order to proceed with the payment of the pre-financing installments if any and/or interim payments if any.

The provision cannot be decreased but can be increased.

6. REPORTS

6.1. Reporting requirements

An inception report and a detailed work plan for all components and phases of the project will be submitted, at the latest two months after the start of the consultant's assignment; it will particularly cover for each of the components:

- a definition and scheduling of the project activities to be undertaken;
- detailed training scheme;
- details of EU inputs (both human and material) to be furnished in relation to the activities detailed in the terms of reference;
- a detailed planning of the project activities and inputs for the first six months of the project implementation.

For the elaboration of the inception report in due time, the Romanian authorities will provide in due time all needed information to the Consultant.

Interim progress reports must be prepared every six months during the period of execution of the contract. They must be accompanied by a corresponding invoice, the financial report and expenditure verification. The Interim progress report will detail:

- the project progress;
- difficulties encountered in the course of the project implementation and proposed solutions to overcome difficulties;
- results accomplished during the reporting period, resources used as well as recommendations and requests and planning of the project activities for the forthcoming period.

There must be a final progress report and final invoice at the end of the execution period. The draft final progress report must be submitted at least one month before the end of the period of execution of the contract. The final report will contain:

- an analysis of the completed project phase;
- the results of the internal evaluation undertaken;
- recommendations for ensuring an efficient proceedings of the project activities on the local counterparts.

Each report shall consist of a narrative section and a financial section. The financial section must contain details of the time inputs of the experts, of the incidental expenditure and of the provision for expenditure verification. The final report must be accompanied by the final invoice, the financial report and an expenditure verification report.

Terms of reference

6.2. Submission and approval of progress reports

Four copies of the progress reports referred to above must be submitted to the Project Manager identified in the contract. The progress reports must be submitted in English. The Project Manager is responsible for approving the progress reports.

7. MONITORING AND EVALUATION

7.1. Definition of indicators

- trained magistrates, personnel involved at the level of courts and prosecutor offices in the public relations, spokespersons of the courts, prosecutor offices, SCM, MoJ, Prosecutor Office attached to the High Court of Cassation and Justice;
- practical guides concerning the best practice in the field of public and mass media relations for spokespersons, journalists and litigants elaborated and published;
- establishment of pilot courts and prosecutor offices introducing the principle of mediation of the relation between spokespersons and journalists and final assessment report with the improvements achieved and the practical consequences for the way in which delivering the act of justice is perceived by the public and the media;
- offices of spokespersons endowed;
- info-desks purchased for the 15 courts of appeal;
- new titles regarding public and mass media relations purchased for the libraries of courts and prosecutor offices and available for the use of spokespersons, journalists, magistrates and litigants.

7.2. Special requirements

Project promotion

In accordance with the Financing Memoranda signed each year between the European Commission and the Romanian Government regarding the national Phare allocations, the beneficiaries of the Phare project have the obligation to take a certain number of measures in order to promote the project.

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1. BACKGROUND INFORMATION

1.1. Beneficiary country

Romania

1.2. Contracting Authority

Central Finance and Contracts Unit within the Ministry of Public Finance,
44, Mircea Vodă Blvd, sector 3, Bucharest, Romania
Phone: +4021315 35 31; Fax: +4021 315 35 36
PAO Carmen ROȘU, director CFCU

1.3. Relevant country background

Romania is facing now a complex reform in order to strengthen the independence, professionalism, administration and management of the judicial system. Complex legislative measures are correlated with institutional measure and initiatives of improving the human resources.

With the approaching of the date of Romanian accession to the EU, a number of institutional building activities need to be undertaken and certain tools have to be established in order to implement and monitor the EU standards on justice.

Issues that require immediate strengthening are:

- Increasing the independence of the Judiciary
- Developing the professionalism of the Judiciary
- Improving the administration and access to justice
- Improving the management of the courts

The revised Accession partnership with Romania (2003) recommended the following measures in the field of justice:

"- Develop and implement a strategy for the reform of the judiciary that will:

- i) Ensure full independence in particular by: establishing a transparent system for recruiting and selecting magistrates, abolishing the provision allowing senior officials to be appointed judges without having to pass an exam and introducing transparent legal procedures for removing judges from office and for sanctioning them for misconduct;
- ii) Enhance the professionalism of the judiciary in particular by: improving training programs in the National Institute for the Magistracy (NIM).....

- The Regular Report for Romania (October, 2004) stated that: "In addition to formal changes such as legislation and organisational structures, an environment should be created in which senior judges can develop a working culture corresponding to their new responsibilities for defending the independence of the judiciary in practice, for guaranteeing the efficient application of the rule of law and for ensuring high professional standards across the system....

- The quality of judgments also remains a problem The heavy workload of judges, their limited access to case law, a lack of information about new legislation, poor circulation of information within the judicial system and a lack of training and specialisation explain this situation.....

- In the European Union Common Position Paper (December, 2004), the EU stresses: "the establishment of an independent, honest, reliable, transparent and efficient judiciary is of paramount importance. This notably requires substantial financial resources and a clear long-term political commitment, as well as an efficient use of physical and financial resources, a sufficient number of well-qualified staff, objective and transparent recruitment, evaluation and promotion

procedures relying on national standards established by the Superior Council of the Magistracy....

- The EU also underlines that "the independence and integrity of the courts are of crucial importance for the functioning of a democratic society and that further efforts in this field must be given the highest priority. In addition to the changes in legislation and organisational structures, an environment and a working culture must be developed that protect the independence of the judiciary, guarantee the efficient application of the rule of law and ensure high professional standards across the judicial system"
- The EU strongly encourages Romania to ensure that "all necessary efforts are made to accelerate the recruitment and training of magistrates (judges and prosecutors) and other judicial staff. This will help reduce the current heavy workload of judges and will contribute to reducing both the duration of court proceedings and the serious problem of backlogs. In particular, the EU urges Romania to provide the National Institute of Magistracy with the necessary budgetary means allowing it to take up its tasks as prescribed by the new laws, as well as to provide it with high quality staff with practical experience, a modern and practice-oriented curriculum and a stable management so that it can meet the demands in terms of initial and continuous training and recruitment of magistrates. The EU invites Romania to report regularly on progress made."
- Since the adoption of the former Strategy for the Reform of the Judiciary 2003 – 2007, that represented the fundament of the Multi Annual Programme Fiche 2004-2006, a series of important developments took place within the Judiciary, the most relevant being the adoption of the legislative package comprising Law no. 303/2004 on the statute of the magistrates, Law no.304/2004 on the organization of the Judiciary and Law no. 317/2004 on the Superior Council of Magistracy.
- All these elements, and also the closure of the negotiations with the EU, in view of the accession in January 1st, 2007, make it necessary to reconsider the Strategy for the Reform of the Judiciary, as well as to update and extend it for the period 2005 -2008. On March 30th, 2005, the updated Strategy and Action Plan have been adopted by the Government, with the endorsement of the Ministry of Public Finances in order to secure the financing of the measures (Government Decision no. 232/2005).

Although the provisions of the three laws, as adopted in July 2004, created the basis for reform, their implementation has proven that further amendments are necessary in order to improve the efficiency and accountability of the Judiciary. This is the reason why, both the Government Legislative Programme for 2005 – 2008, adopted in January 2005, as well as the updated Action Plan for the implementation of the Strategy for the Reform of the Judiciary provide for drafting a law to amend the legislative package for the reform of the judiciary.

1.4. Current state of affairs in the relevant sector

Upon the coming into force of the legislative package, the Superior Council of Magistracy formally took over the Minister of Justice's competences related to the organization and functioning of the National Institute of Magistracy, the public institution, with juridical personality, responsible for the initial and continuous training of judges and prosecutors. NIM is under the coordination of the SCM. The autonomy of this professional training institution has, thus, been strengthened.

Starting with the entering into force of the three new laws on judiciary, the NIM legal competencies have been amended. The main tasks of NIM are the initial training for judges and prosecutors, continuous training for sitting magistrates as well as training for trainers according to the law". In order to implement the new law provisions, NIM elaborated in 2004 four documents strategy aiming at ensuring its sustainable development for the next four years:

- the initial training strategy 2004-2007

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- the continuous training strategy 2004-2007
- the strategy for the recruitment and training for trainers 2004-2007
- the strategy for magistrates' training on IT topic 2004-2007

The above-mentioned documents have been approved by the plenum of Superior Council of Magistracy in November 2004.

The initial training system was reformed, more specifically a number of subject matters were reorganised, training methods were unified, other training courses were introduced in specific areas such as human rights, family law, justice for minors, and the general approach focused more on practical issues (Decision of the Scientific Council of 30 September 2004). The number of classes devoted to human rights has increased and cover one study year, just like community law. NIM's initial training programme also covers foreign languages and IT. The practicality of initial training for justice auditors of the first study year it is proved by the total number of 720 hours for seminars and 272 hours of lectures. On 9 March 2005, NIM's Scientific Council decided to decentralise practical work for justice auditors of the 2nd study year in Timișoara, Iași and Craiova.

Thus, in September 2004, following a public and a transparent procedure, 32 new trainers were included in the initial trainers network. On October 15th 2004, the SCM approved the list of 120 **initial training** trainers (including the 32 new trainers). Also, the NIM has recruited and organised (within the PHARE Programme RO 02/IB/JH/10) training programmes for 114 future trainers for continuous training, in several specialized fields (human rights, intellectual property, magistrates' role, labour law, judicial cooperation, competition law, consumers' law, etc).

The training of magistrates remains a priority of NIM policy, especially for sitting magistrates that will have soon to apply the EU law. Further assistance is therefore needed for enhancing the NIM own efforts in accomplishing its role related to the magistrates' career.

Moreover, each December, starting with the training programme for 2006, the continuous training program is announced for the coming year and is published on the NIM website. The continuous training programme for 2005 was approved by the SCM on March 2nd 2005, and for 2006 was approved by the SCM on November 30, 2005 and also, the programmes are published on the NIM website and sent to courts and prosecutors' offices. The new NIM website also introduced a new way of making the NIM seminars known to magistrates. Starting with April 2005, the magistrates may enlist on line to the seminars organised by the NIM.

In November 2004 and in February 2005, NIM premises were extended (4 supplementary offices). In the reference period, the NIM purchased 15 computers, a laptop, a video projector, a multifunctional copying machine and a binding machine. In April 2005 the NIM dormitory for auditors of justice was cabled in order to connect it to the Internet. Furthermore, the NIM new website was significantly improved. Also, steps have been taken for transforming the NIM library into a centre for legal research.

1.5. Related programmes and other donor activities:

1. **Phare RO 9705-01** - Technical Assistance for NIM provided training, procurement and institutional building;
2. **RO 98/IB/JH/01/04** - The training component covered 'General training in EC Law';
3. **Phare RO-9905-01** continued the components of Phare 97 in terms of training, procurement, and institutional building;

4. **Phare 1999 Horizontal Programme** "Building Capacity for Training of Judges in EC Law" provided training for 24 judges in EC law and to support the elaboration of a EC practical manual for judges;
5. **Netherlands Helsinki Committee in co-operation with SSR** (Dutch training center for the magistrates), provided training on the ECHR, EU law and ethics for magistrates and NIM trainers (training-of-trainers) and material support
6. **Twinning covenant RO02/IB/JH/10** provided a National Strategy of NIM, in-service-training in line with EU-requirements drafted and approved by the NIM; Improvements in the in-service training curricula of NIM effectuated and approved by the NIM; a system of trainers for in-service training of magistrates in line with EU-model set up and functioning; training for up to 700 magistrates in both EC and national matters in line with EU standards delivered; legal documentation on best practices, jurisprudence and relevant EU legislation for each training seminar designed.
7. **PHARE 2003/005-551.04.16** "Support for the improvement of the justice for minors" - Twinning and Investment.
8. **TAIEX programme**: 20 seminars in the field of EC law for approximately 100 magistrates.

NIM benefits from support of the other donors:

- **Luxembourg Ministry of Foreign Affairs** approved a 2 year project for training of magistrates in the area of Freedom, Security and Justice consisting in 10 seminars (2004-2005);
- 2 training workshops on justice for minors were organised in January and February 2005 by the NGO "Social Alternatives" Association – Iași", with the financial support of the UK Embassy in Bucharest, and with the participation of 25 magistrates;
- **The German Foundation for International Legal Co-operation (IRZ)** offers continuous training for sitting judges in fields like bankruptcy and human rights;
- **The American Bar Association (ABA CEELI)** provides training on ethics, anticorruption and access to public information;
- **The International Labour Organisation (ILO)** offers specific continuous training for magistrates involved in judging labour cases;
- **The Federal Police and Justice Department of the Helvetic Confederation** provides training of trainers in the field of criminal law, ethics, justice for minors and court management etc.;
- **UNICEF** supported the organisation of the second edition of the Summer School for the European Magistrates (2005).
- **The PAL II program, developed with the World Bank**, provides technical assistance for the National Institute of Magistracy regarding the initial training as well as the continuous training and has two components: "Technical assistance for developing tests checking general knowledge, logic, juridical reasoning and synthesis"(the contest for admission to NIM) and "Technical assistance for developing and enhancing the professionalism of the trainers' network within the National Institute of Magistracy in order to improve the teaching techniques". Also, steps have been taken for transforming the NIM library into a centre for legal research. This objective is included in a programme developed with the World Bank.

2. OBJECTIVE, PURPOSE & EXPECTED RESULTS

2.1. Overall objective

The overall objective of the project of which this contract will be a part is as follows:

Building a professional judicial system

2.2. Purpose

The purpose of this contract is as follows:

Continuation of the assistance provided to the National Institute of Magistracy (NIM)

2.3. Results to be achieved by the Consultant

- Result 1 - The magistrates/trainers trained on various topics of EU affairs
- Result 2 - The multi-disciplinary teams on justice for minors further trained
- Result 3 - The NIM library endowed with legal documentation

3. ASSUMPTIONS & RISKS

3.1. Assumptions underlying the project intervention

- good project management; no tendering delays;
- good rate of retention of trainers and magistrates;
- reliable Technical Assistance and supply partners;
- identification of suitable candidates for training;
- ability of contracted experts to design and implement training for targeted groups in specific areas;
- availability of skilled and motivated magistrates (training) staff;

3.2. Risks

- availability of magistrates to participate in the programme;
- good rate of retention of trainers and magistrates;

4. SCOPE OF THE WORK

4.1. General

4.1.1. Project description

Building a professional judicial system represents a priority of the reform of the judiciary. Among its components, the further development of NIM, by improving its institutional capacity and training policy, is essential. The Phare Programme 2005 is aimed to strengthen the already achieved developments accomplished through Phare 2004. The present project aims at strengthening the professional skills of the Romanian magistrates. The results envisaged by this specific objective are:

- a. trained magistrates/trainers on various topics of EU affairs and on IT skills and English/French legal terminology;
- b. a strengthened NIM network of trainers;
- c. the legal documentation on best practices, jurisprudence and relevant EU legislation for each training modules elaborated and disseminated for the use of NIM trainers and magistrates;
- d. NIM library endowed with new titles.

a. The recent legislative modifications operated in line with the EU relevant standards have to be accompanied by relevant training activities of the magistrates. An intensive and specific training is fundamental in certain areas in order to meet the continuous training needs of the Romanian magistrates and also of the NIM's trainers.

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The training courses aim at helping the magistrates acquire thorough legal knowledge on national and international substantive law as well procedure, without repeating what has already been taught to them while at university. The training courses will offer a practical view on various law agencies and also a European standpoint on law. The NIM continuing training program includes obligatory foreign language and IT classes.

Under the project the sitting magistrates will be trained on EU law within the continuous training component focused on topics covering banking and business law, new crime areas (counterfeiting, piracy, cyber crime), assurance law and the protection of the financial interests of the EU funds, private law, competition, the procedure in front of the European Court of Justice, discrimination, labor law, administrative law, taxation law, court management, relation with mass-media and freedom of expression and also, in the field of organised crime sector, such as: money laundering, corruption, economic crimes, etc. Because of the specialization trend affecting not only the body of judges, but also the whole body of prosecutors, a specialised training is more appropriate. However, the magistrates needs both common training on EC law (general level) and also specific training for issues related to the strict investigative activity (complex economic-financial and organized crime, cyber crime, homicide, intellectual property rights, money laundering, traffic of drugs, means of investigating terrorist acts etc). The present project aims at fulfilling these needs. The training seminars on IT skills (especially the ECRIS application: case integrated management modules for courts and a legislative library; the application for randomly posting of cases integrated in the ECRIS application, and the legislative data base included in the legislative library module in ECRIS) and English/French legal terminology for sitting magistrates will be organised. Legal documentation on best practices, jurisprudence and relevant EU legislation for each training modules will be developed

Training courses will be organised for groups of 20 participants. For each field there will be one initial and one follow up seminar repeated in two training centres (Timisoara, as well as in the NIM headquarters– in order to ensure the unitary training for the magistrates of all courts of appeal) . Romanian trainers will join Phare experts on delivering this training.

Under the project, NIM will organise an international competition between auditors on “How to prepare a file in front of the ECJ”. The competition will last one week and a team consisting of 4 members – 3 trainees and one trainer – from each magistracy school shall be invited. The participants in this competition will have to present a paper/ two papers and each team may choose one or two subjects. The length of each paper may be up to 20 pages (equiv. of 10500 words) and, after the conclusion of the competition, all papers will be collected in a manual. The winning teams for each section will be decided by an international jury assessing both papers and their oral presentation.

b. The large number of magistrates and the continuous approximation of the national laws require a permanent national and international training effort. The approach of focusing on train the trainer's concept in structuring the in-service-training strategy means the improvement of the knowledge of the trainers and their further involvement in all the training courses for the magistrates, especially in EC Law. Training will focus mainly on improving the skills of trainers for both judges and prosecutors, the training sessions being focused mainly on developing the teaching skills of the “training network” members. The present project aims at providing intensive continuous training, concentrating on the judges who will function in the specialised sections/panels in the justice for minors field.

The NIM network of trainers is made up of an existing network of around 80 trainers, created through the Order of the Ministry of Justice no. 924/26.03.2004 and also a network of

Terms of reference

approximately 114 trainers created or are to be created under the ongoing Phare Twinning Project RO/02/IB/JH-10 "Continuation of the assistance for NIM and TCC"

Under the Phare Project 2005, the trainers belonging to the multi-disciplinary on justice for minors and also the other trainers of NIM's will be trained and will participate as moderators at training seminars for the sitting magistrates, on the justice for minors topics. Also, the trainers will participate on training seminars in both substantive law as well as in teaching skills. Training courses will be organised for groups of participants with a nation-wide coverage. The training sessions are to be developed in series of 2 seminars (1 train the trainers session, 1 training seminar for sitting magistrates – 5-7 trainers, plus 15-20 other sitting magistrates as participants), organised in the regional training centres in Timisoara, Sovata and Barlad, as well as in the NIM headquarters.

This component aims at consolidating the NIM trainers' network, by having trainers able to teach assigned courses, including modules related to the impact of the *acquis communautaire* on the national legislation. Thus, the dissemination of the knowledge and experience acquired through Phare projects training and the further sustainability of the programme will be ensured.

c. The project will offer support in the elaboration of the legal documentation on best practices, jurisprudence and relevant EU legislation for each training modules covering the new crime areas, private law, competition, the procedure in front of the European Court of Justice, discrimination, labor law, administrative law, taxation law, court management, relation with mass-media and freedom of expression and also, in the field of organised crime sector, such as: money laundering, corruption, economic crimes, etc., designed for NIM continuous trainers, but also addressed to all sitting magistrates (judges and prosecutors).

d. In the framework of the present project, the NIM library will be endowed with new legal titles, in the fields such as: money laundering, economic crimes, anti-corruption, fight against traffic of human beings, fight against terrorism, EC law, private law, competition, the procedure in front of the European Court of Justice, discrimination, labor law, administrative law, taxation law, court, justice for minors etc., updated until 2005-2006, to help trainers and future magistrates in improving their knowledge in the respective fields.

4.1.2. Geographical area to be covered

The impact of the project will be nationwide.

4.1.3. Target groups

Sitting judges and prosecutors from all levels of jurisdiction, throughout the country.

4.2. Specific activities

4.2.1. Result 1 - The magistrates/trainers trained on various topics of EU affairs

Activities:

1. Training of magistrates (judges and prosecutors) in EU law within the continuous training component delivered by NIM, in the following domains:

- banking and business law
- new crime areas (counterfeiting, piracy, cyber crime),
- assurance law,
- protection of the financial interests of the EU funds,

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- private law,
- competition law,
- the procedure in front of the European Court of Justice,
- discrimination law,
- labor law,
- administrative law,
- taxation law,
- court management,
- relation with mass-media,
- freedom of expression.

2. Training of the sitting magistrates focused on topics covering the organised crime sector, such as: money laundering, corruption, economic crimes, traffic of drugs, traffic of human being.

3. Legal documentation on best practices, jurisprudence and relevant EU legislation for each training modules will be developed

4. Training on IT skills and English/French legal terminology for sitting magistrates.

Training courses will be organised for groups of 20 participants. For each field there will be one initial and one follow up seminar repeated in two training centres (Timisoara, as well as in the NIM headquarters). Romanian trainers will join Phare experts on delivering this training.

5. Training activity and exchange of experiences with other judicial institution from other European countries is a long-term objective aiming to address the quality of the human resources within the judiciary system: 2 internships (2 weeks each) for sitting magistrates and NIM trainees will be organise for NIM trainers and trainees to similar institutions in Europe.

6. Organizing an international competition between auditors on "How to prepare a file in front of the ECJ": the contest will have 1 week duration and at least 3 schools of magistracy will be invited to participate with 2 auditors and 1 trainers

4.2.2. Result 2 - The multi-disciplinary teams on justice for minors further trained

Activities:

1. Training for the trainers belonging to the multi-disciplinary teams on justice for minors and also the other trainers of NIM's, by organising the training seminars for sitting magistrates, where Romanian trainers will join the Phare experts in moderating the seminars, on the justice for minors topics.

2. Further training of trainers in both substantive law as well as in teaching skills. Training courses will be organised for groups of participants with a nation-wide coverage. The training sessions are to be developed in series of 2 seminars (1 train the trainers session, 1 training seminar for sitting magistrates – 5-7 trainers, and also 15-20 other sitting magistrates as participants), organised in the regional training centres in Timisoara, Sovata and Barlad, as well as in the NIM headquarters. Each training session will include one topic on didactical skills.

4.2.3. Result 3 - The NIM library endowed with legal documentation

Activities:

Further endowment of NIM library with new legal titles, in the following fields:

- i. money laundering;
- ii. economic crimes;

- iii. anti-corruption;
- iv. fight against traffic of human beings;
- v. fight against terrorism;
- vi. EC law;
- vii. private law,
- viii. competition, the procedure in front of the European Court of Justice,
- ix. discrimination,
- x. labor law, administrative law,
- xi. intellectual property,
- xii. taxation law, court, etc.

updated until 2005-2006, to help both trainers and future magistrates in improving their knowledge in the fields listed above, procurement of documentation/books, including publications of similar institutions in the EU and CEEC, books and journals in line with the development of the curriculum.

4.3. Project management

4.3.1. Responsible body

The Central Finance and Contracts Unit (CFCU) will be responsible for the tendering, contracting, administration, accounting, payments and financial reporting, acting as Implementing Agency.

4.3.2. Management structure

The PIU within the National Institute of Magistracy will retain the technical responsibility of the project implementation being coordinated by the Implementing Authority within the Superior Council of Magistracy.

A Steering Committee composed of 5 members will be set up and will be responsible for the overall decision of the project. The members will consist of: 1. Member of the Superior Council of Magistracy; 2. the PIU's representative; 3. the CFCU's representative, 4. the EC Delegation's representative; 5. the Consultant's representative.

4.3.3. Facilities to be provided by the Contracting Authority and/or other parties

The Consultant will support all the expenditure related to this contract.

5. LOGISTICS AND TIMING

5.1. Location

The location of the operational base for the project is Bucharest, Romania

5.2. Commencement date & Period of execution

The intended commencement date is January 2007 and the period of execution of the contract will be 18 months from this date.

6. REQUIREMENTS

6.1. Personnel

6.1.1. Key experts

All experts who have a crucial role in implementing the contract are referred to as key experts. The profiles of the key experts for this contract are as follows:

Key expert 1: Team Leader – required to assist NIM on a permanent base for 16 months

Qualifications and skills

- University Degree in Law;
- Excellent management skills, including managing a team composed of international and local specialists and organising and overseeing administrative and logistical support;
- Excellent communication and social abilities;
- Excellent command of English;
- Good command of French;
- Computer literate;
- Capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary ;

General professional experience

- Minimum 10 years experience in the judicial system or as an academic in law area;
- Experience in cooperation with non-EU countries

Specific professional experience

- Minimum 3 years experience in project and budget management;
- Minimum 3 years experience in developing training programs and providing relevant training on specific law fields, particularly for magistrates.

Key Expert 2: Senior Expert

Qualifications and skills

- University Degree in Law;
- excellent communication and social abilities;
- excellent command of English and French languages;
- computer literate;

General professional experience

- law graduate with minimum 10 years experience in the judicial system or as an academic in law area;

Specific professional experience

- previous experience in developing training programs and providing relevant training on specific law fields, particularly for magistrates.

6.1.2. Other experts

CVs for experts other than the key experts are not examined prior to the signature of the contract. They should not have been included in tenders.

The Consultant shall select and hire other experts as required according to the profiles identified in the Organisation & Methodology. These profiles must indicate whether they are to be regarded as long-term/short-term and senior/junior so that it is clear which fee rate in the budget breakdown will apply to each profile. All experts must be independent and free from conflicts of interest in the responsibilities accorded to them.

The selection procedures used by the Consultant to select these other experts shall be transparent, and shall be based on pre-defined criteria, including professional qualifications, language skills and work experience. The findings of the selection panel shall be recorded. The selection of experts shall be subject to approval by the Contracting Authority.

Note that civil servants and other staff of the public administration of the beneficiary country cannot be recruited as experts, unless prior written approval has been obtained from the European Commission.

6.1.3. Support staff & backstopping

Backstopping costs are considered to be included in the fee rates.

The support staff are to be provided by the Consultant and the costs of support staff must also be included in the fee rates of the experts.

6.2. Office accommodation

Office accommodation of a reasonable standard and of approximately 10 square metres for each expert working on the contract is to be provided by the Consultant.

The costs of the office accommodation are to be covered by the fee rates of the experts.

6.3. Facilities to be provided by the Consultant

The Consultant shall ensure that experts are adequately supported and equipped. In particular it shall ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support its activities under the contract and to ensure that its employees are paid regularly and in a timely fashion.

The Consultant shall provide the experts with appropriate IT and office equipment (work stations, printers, telephone, fax, copy machine etc) and adequate logistical support, in order to insure the success of the contract.

If the Consultant is a consortium, the arrangements should allow for the maximum flexibility in project implementation. Arrangements offering each consortium member a fixed percentage of the work to be undertaken under the contract should be avoided.

6.4. Equipment

No equipment is to be purchased on behalf of the Contracting Authority / beneficiary country as part of this service contract or transferred to the Contracting Authority / beneficiary country at the end of this contract. Any equipment related to this contract which is to be acquired by the beneficiary country must be purchased by means of a separate supply tender procedure.

6.5. Incidental expenditure

The Provision for incidental expenditure covers the eligible incidental expenditure incurred under this contract. It cannot be used for costs which should be covered by the Consultant as part of its fee rates, as defined above. Its use is governed by the provisions in the General Conditions and the notes in Annex V of the contract. It covers:

- Travel costs and subsistence allowances for missions to be undertaken as part of this contract from the base of operations in the beneficiary country
- Rental for appropriate location where activities within the project will take place;
- Translation facilities;
- Logistic support for the activities within the project (teaching materials and manuals for training seminars, promotion materials, including brochures);

The Provision for incidental expenditure for this contract is EUR **500,000**. This amount must be included without modification in the Budget breakdown.

Any subsistence allowances to be paid for missions undertaken as part of this contract from the base of operations in the beneficiary country must not exceed the per diem rates published on the Web site http://europa.eu.int/comm/europeaid/index_en.htm at the start of each such mission.]

6.6. Expenditure verification

The Provision for expenditure verification relates to the fees of the auditor who has been charged with the expenditure verification of this contract in order to proceed with the payment of pre-financing instalments if any and/or interim payments if any.

This provision cannot be decreased but can be increased.

7. REPORTS

7.1. Reporting requirements

An inception report and a detailed work plan for all components and phases of the project will be submitted, at the latest two months after the start of the consultants' assignment; it will particularly cover for each of the components:

- a definition and scheduling of project activities to be undertaken;
- detailed training scheme;
- details of EU inputs (both human and material) to be furnished in relation to the activities detailed in the terms of reference;
- a detailed planning of project activities and inputs for the first six months of project implementation.

Terms of reference

For the elaboration of the inception report in due time, the Romanian authorities will provide in due time all needed information (e.g. on the trainees, the way of selecting them and guarantees of their stability), needed by the Consultant.

Interim progress reports must be prepared every six months during the period of execution of the contract. They must be accompanied by a corresponding invoice, the financial report and an expenditure verification. The Interim progress reports will detail:

- the project progress;
- difficulties encountered in the course of the project implementation and proposed solutions to overcome difficulties;
- results accomplished during the reporting period, resources utilized as well as recommendations and requests and planning of project activities for the forthcoming project period.

There must be a final progress report and final invoice at the end of the period of execution. The draft final progress report must be submitted at least one month before the end of the period of execution of the contract. The final report will contain:

- an analysis of the completed project phases;
- the results of the internal evaluation undertaken;
- recommendations for ensuring an efficient proceeding of project activities on the side of local counterparts.

Each report shall consist of a narrative section and a financial section. The financial section must contain details of the time inputs of the experts, of the incidental expenditure and of the provision for expenditure verification. The final report must be accompanied by the final invoice, the financial report and an expenditure verification report.

7.2. Submission & approval of progress reports

Four copies of the progress reports referred to above must be submitted to the Project Manager identified in the contract. The progress reports must be written in English. The Project Manager is responsible for approving the progress reports.

8. MONITORING AND EVALUATION

8.1. Definition of indicators

- a sustainable and operational the multi-disciplinary teams on justice for minors trained;
- NIM network of trainers able to disseminate the knowledge acquired to the other sitting magistrates through continuous training;
- the magistrates/trainers trained on various topics of EU affairs and on IT skills and English/French legal terminology;
- legal documentation on best practices, jurisprudence and relevant EU legislation for each training modules will be available and disseminated for the use of NIM trainers and magistrates;
- new legal titles purchased for NIM library and available for the use of NIM trainers and magistrates

8.2. Special requirements

Expertise input from experts coming from institutions similar to NIM, coming from Germany, Spain and France.

Project promotion

Terms of reference

In accordance with the Financing Memoranda signed each year between the European Commission and the Romanian Government regarding the national Phare allocations, the beneficiaries of the Phare project have the obligation to take a certain number of measures in order to promote the project.

TERMS OF REFERENCE

1. BACKGROUND INFORMATION

1.1. Beneficiary Country:

Romania

1.2. Contracting Authority

Central Finance and Contracting Unit (CFCU)

1.3. Relevant country background

The Accession Treaty providing for the accession of Romania to the European Union on 1 January 2007 was signed on 25 April 2005. Until March 2006, 13 EU Member States have already ratified the Accession Treaty. On October 25, a Comprehensive Monitoring Report has been issued by the European Commission. The report acknowledged that Romania continues to meet the political criteria for EU membership, the criterion of being a functioning market economy and vigorous implementing its structural reform programme should enable it to cope with the competitive pressure and market forces within the Union. The report states also that Romania has reached a considerable level of alignment with the *acquis* in most areas.

The final decision whether Romania comply with the accession criteria in order to become Member State as of 1st of January 2007 will be taken following a similar report to be released in April 2006.

1.4. Current state of affairs in the relevant sector

Romania is facing now a complex reform in order to strengthen the independence, professionalism, administration and management of the judicial system.

In the revised *Accession Partnership with Romania (2003)*, among the priorities and immediate objectives identified by the European Commission, are the development and the implementation of "a reform of the judiciary that will:

- i) Ensure full independence in particular by: establishing a transparent system for recruiting and selecting magistrates (...);
- ii) Enhance the professionalism of the judiciary in particular by: improving training programs in the National Institute for the Magistracy (NIM); strengthening the ability of the Training Centre for Clerks to deliver both initial and in/service training; and developing training for other legal professionals such as lawyers, notaries, bailiffs, court clerks and staff of the Ministry of Justice;
- iii) Improve the administration of courts in particular by: modernising case management and filing system; developing clear criteria for case assignment; systematic introduction of Alternative Dispute Resolution; extending access to free legal aid; and upgrading court equipment and infrastructure (...).

The *Roadmap for Romania (December 2002)* emphasized the necessary steps for the implementation of the *acquis* and the continuation of the judicial reform:

- the effective independence of the judiciary; (point 2.2.);

- adoption of a national strategy for the functioning of the judiciary addressing the requirements of full independence, ethics, training of magistrates, organization of courts and international cooperation on judicial matters (point 2.2).

In line with the recommendations, Romania adopted in 2003 a national Strategy for the reform of the Romanian justice system (revised in 2005), and an Action Plan for the implementation of the strategy.

Also, in 2004 a new legislative package, regarding the justice reform (the Law on Judiciary, the Law on the Statute of Magistrates and the Law on organising and functioning of the Superior Council of Magistracy), was adopted. According to this legislative package, the coordination of the National Institute of Magistracy and the National School for Clerks was entrusted to the Superior Council of Magistracy.

The 2005 Comprehensive Monitoring Report of the European Commission showed that the reform aiming at modernising the justice system should continue, so as to ensure the effective enforcement of the acquis. The Report noted that the justice reform is broadly on track but implementation will need to continue in strict accordance with the deadlines laid down in the action plan.

The strengthening of the National School of Clerks (NSC) is a priority within the reform of the Judiciary, aiming to ensure a high level of professional training for court clerks, in order to substantially contribute to an efficient, competent and reasonably fast court resolution of legal disputes.

Set up through Government Decision no. 423/1999, NSC is a public institution with legal personality aimed at training the court clerks and auxiliary staff within courts and prosecutor's offices. Its present denomination was established by the Law on organising and functioning of the Superior Council of Magistracy, adopted in 2004 (its previous denomination was the Training Centre for Clerks – TCC).

The NSC's activity comprises 2 components: the initial training and the continuous training. Besides these 2 components, the School aims at creating and training a network of trainers among the magistrates and clerks working within courts and prosecutor's offices all over the country.

Following the adoption of the Law no. 567/2004, the NSC's initial training program has become the main way of acceding to the court clerk profession. The same law provides the necessity of ensuring a different initial training curriculum for the court clerks with a law university degree (one-year training) and those with an university degree of another specialization or without an university degree (two-years training).

For the academic year 2005-2006, following an admission contest, the School has recruited 100 law-degree trainees; the current initial training runs for one year.

At present, the NSC's main priorities are strengthening its institutional capacity and adapting its training strategy in accordance with the increased number of tasks entrusted to the court clerks and with the envisaged transfer of administrative tasks from judges to clerks.

1.5. Related programmes and other donor activities

1.5.1 Previous PHARE assistance

- PHARE RO 9705-01 - Technical Assistance for NIM and NSC (components of training, procurement, and institutional building)

- PHARE RO 9905.01-01 "Assistance to the National Institute of Magistracy and the Training Centre for Court Court clerks" (components of training, procurement and institution building)

- Twining Covenant RO/02/IB/JH-101 "Further assistance to the developing of the National Institute of Magistracy and the Training Centre for Court Clerks" (expertise for the following matters: drafting and approval of an institutional policy of NSC, guaranteeing autonomous functioning; set up and

functioning of a network of trainers for initial and in-service training in line with EU-models; drafting and approval of a national strategy of SNG for in-service training of court clerks in line with EU requirements; delivering training for up to 420 court clerks in both EC and national legal matters; drafting legal documentation on best practice, procedural techniques and legal provisions)

1.5.2. Ongoing PHARE assistance

- **PHARE RO-2002/000-586.04.17 "Support for the improvement and the enforcement of legislation and judicial decisions on bankruptcy"** - TA aims at improving the skills of syndic (bankruptcy) judges and of other parties (including court clerks) involved in the enforcement of insolvency legislation in order to create a uniform jurisprudence in bankruptcy field;

- **PHARE RO-2003/005-551.04.16 "Support for the improvement of the justice for minors"** – Twinning aims at providing specialized training in this field.

1.5.3. Linked Projects

- a) **The German Foundation for International Legal Co-operation (IRZ)**– assistance on drafting the statute of clerk profession and a strategy for the evolution of clerk profession; training sessions on court management.
- b) **The American Bar Association (ABA CEELI)** – assistance on drafting a code of ethics for clerks; initial and continuous training sessions on ethics.
- c) **US Embassy** - training sessions of court clerks in drafting statistic data reports

2. CONTRACT OBJECTIVES & EXPECTED RESULTS

2.1 Overall Objective

Building a professional judicial system

2.2 Specific Objectives

- Strengthening the professional skills of the clerks

2.3 Results to be achieved by the Consultant

- | | |
|-----------------|---|
| Result 1 | The NSC network of trainers extended and professionally improved |
| Result 2 | Trained sitting clerks |
| Result 3 | The NSC endowed with adequate teaching equipment and legal documentation |

3. Assumptions and risks

3.1. Assumptions underlying the project intervention:

- *good project management; no tendering delays;*
- *reliable Technical Assistance and supply partners;*
- *identification of suitable candidates for training;*
- *ability of contracted experts to design and implement training for targeted groups in specific areas;*
- *availability of skilled and motivated clerks and magistrates (training) staff;*

3.2 Risks

- *good rate of retention of trainers and sitting clerks;*

4. SCOPE OF THE WORK

4.1. General

4.1.1. Project description

The Phare Programme 2005 focuses on the following priorities: building an independent judiciary in Romania, building a professional judicial system, improving the administration and access to Justice and building an efficient management system.

Building a professional judicial system represents a priority of the reform of the judiciary. Among its components, the further development of NSC, by improving its institutional capacity and training policy, is essential.

The present project aims at strengthening the professional skills of the Romanian court clerks. The results envisaged by this specific objective are:

- a. The NSC network of trainers extended and professionally improved
- b. Trained sitting clerks
- c. The NSC endowed with adequate teaching equipment and legal documentation

a. Within the previous Phare Twinning Programme RO/02/IB/JH-10, 92 NSC trainers have been trained in the following fields: civil and criminal procedural law, professional ethics, European Convention of Human Rights, EC law, court management and IT. The Final Report of this Phare program concluded that the network of NSC trainers should be further extended and trained on those topics which do not yet benefit of sufficient previous expertise.

It is imperative that this action continue and thus, training of trainers program must benefit of further extensive financial resources targeted not only to support their professional development as trainers but both strengthening the professional relations between themselves and improving the overall operation of the network. As stated in the Strategy of NSC development, the already established network is to be extended so as to recruit at least one trainer for each training topic of the NSC continuous training program among magistrates and/or court clerks of each court of appeal. Further training on topics equally pertaining to domestic and European Union law, as well as preparation on non-legal but complementary fields of interest is doubtless necessary for the creation of a body of professional trainers. The following topics on which the NSC network of trainers lacks sufficient expertise are envisaged: *commercial law, labour law, family law and judicial protection of minors, public relations and communication, European judicial cooperation in civil and criminal matters.*

Consequently, the present PHARE project shall support in this respect training of trainers sessions for a number of *10 trainers entrusted with the initial training and 50 trainers from the continuous training program.* Their training will include one training of trainers session, one continuous training seminar (they will give presentations on specific topics, for sitting clerks within courts and prosecutors' offices) and one session on didactical skills.

Taking into consideration the aforementioned aspects involved in planning the content of the initial and continuous training program, 2005 PHARE assistance will support the implementation of training seminars for the court clerks who will benefit of the expertise of EU experts on the above mentioned topics as well as the teaching experience of the Romanian trainers previously trained. Since the training of trainers program shall also include continuous training seminars, involving other sitting clerks, the dissemination of knowledge and experience acquired through PHARE projects training and the further sustainability of the programme will be ensured.

b. Since 2000 (when it has started its operation) until present, more than 2000 sitting court clerks have been professionally trained on the continuous training component of the academic pursuit of the NSC.

More importance was given to the NSC within the general process of justice reform, with the increasing and demanding educational efforts. The National School of Clerks now faces the challenge of adapting its training policy to the requirements derived from the envisaged reallocation of tasks between judges and court clerks, as well as from the operation of specialised sections/panels, as a natural response to the tendency manifested at European level. The training strategy shall also take into account the necessity of ensuring a different initial and continuous training curricula for the court clerks with a law university degree, with an university degree of another specialization and clerks without an university degree (according to the article 21 from the Law no. 567/2004), as well as a specific training for clerks working within different departments of courts.

The continuous training sessions will involve the trainers participants to the training of trainers' seminars, in order to ensure the dissemination of the expertise provided by the foreign professionals/academics.

The following aspects shall be taken into consideration: intensive training curricula (including new topics pertaining the domestic law and non-legal, but complementary fields of interest) and study materials, which shall be adequate for the academic background of the trained sitting clerks and for the operation of specialised sections/panels.

c. According to the 2004 Regular Report for Romania, the School has an inadequate location and insufficient facilities given its responsibilities. The 2005 Comprehensive Monitoring Report noted that, since the previous Report, the premises of the School have been extended. Still, due to budgetary constraints, the School does not have "all of the resources needed to fulfil its mandate", meaning that the School remains "overly dependent on international funding". Adequate facilities for modern training activities have to be further provided with an international financial support.

The initial training of future clerks is carried out at the School's premises in Bucharest. The continuous training of sitting clerks is developed at the School's premises and in three regional centres: Sovata, Timisoara and Barlad.

In order to develop modern and professional training, these locations has to be further endowed with additional IT and teaching equipments (especially with audio-video-conference equipment for distance inter-active training).

Not of less importance is the need of providing the School's library with updated sources of legal documentation such as books, journals and courses edited in the EU, helping the NSC trainers to improve their teaching methods and syllabus as well as the NSC trainees and sitting clerks to improve their professional knowledge.

In conclusion, PHARE 2004 assistance is vital for an appropriate development of the National School of Clerks, still a young institution but with an ambitious pursuit of academic objectives.

4.1.2. Geographical area to be covered

The impact of the project will be nationwide.

4.1.3. Target groups

Sitting clerks from all levels of jurisdiction, throughout the country.

4.2. Specific activities

4.2.1 Result 1: Strengthened existing NSC network of trainers

Activities:

A.* Training of trainers belonging to the network created under the 2002 Phare Twinning Programme (RO/02/JH/IB-10) and of the future selected trainers on the following topics:

- i. commercial law;
- ii. labour law;
- iii. family law and protection of minors;
- iv. public relations and communication
- v. European judicial cooperation in civil and criminal matters.

B. Assistance for the development of curricula for continuous training seminars in the fields listed at 4.2.1.A., integrating the knowledge acquired by the trainers following the training provided by short-term experts in Romania;

C. Workshops on didactical techniques and modern techniques of communication addressed to future selected trainers for improving their teaching skills.

Remark: The training courses for trainers will be organised for groups of 12 participants with nation-wide coverage. There will 5 training seminars, one for each topic states above, organised in the regional training centres in Timisoara, Sovata and Barlad, as well as in the NSC headquarters.

4.2.2. Result 2: Trained sitting clerks

Activities:

Continuous training for sitting clerks in the above mentioned fields, moderated by both trainers previously trained and EU experts.

Remark: The training courses will be organised for groups of 20 participants with nation-wide coverage. There will 10 training seminars, two for each topic states above, organised in the regional training centres in Timisoara, Sovata and Barlad, as well as in the NSC headquarters.

4.2.3. Result 3: The NSC endowed with adequate teaching equipment and legal documentation

Activities:

A. Procurement of the following equipment:

- Computers;
- Printers;
- Video-projectors;
- Audio-video-conference equipment for distance inter-active training;

B. Procurement of documentation/books/journals in areas such as:

- Recent development of the Romanian legislation and case-law;
- EU law relevant for the clerk profession;
- Co-operation within EU in the fields of Justice and Home Affairs;
- Modern teaching skills and methods of communication.

4.3. Project management

4.3.1. Responsible body

The Central Finance and Contracts Unit (CFCU) will be responsible for the tendering, contracting, administration, accounting, payments and financial reporting, acting as Implementing Agency.

4.3.2. Management structure

The PIU within the National School of Clerks will retain the technical responsibility of the project implementation being coordinated by the Implementing Authority within the Superior Council of Magistracy.

A Steering Committee composed of 5 members will be set up and will be responsible for the overall decision of the project. The members will consist of: 1. Member of the Superior Council of Magistracy; 2. the PIU's representative within the NSG; 3. the CFCU's representative, 4. the EC Delegation's representative; 5. the Consultant's representative.

4.3.3 Facilities to be provided by the Contracting Authority and/or other parties

The Consultant will support all the expenditure related to this contract.

5. LOGISTICS AND TIMING

5.1. Location

The location of the operational base for the project is Bucharest, Romania.

5.2. Commencement date & Period of execution

The intended commencement date is January 2007 and the period of execution of the contract will be 18 months from this date.

6. REQUIREMENTS

6.1. Personnel

The Consultant should propose a team of experts able to be involved in the achievement of the project objectives. The experts' profile should include a specific experience in the judicial training and practice (average experience 5 years). They must be judges, prosecutors, clerks or law professors, IT experts, specialists in legislative issues and training in the relevant fields required.

6.1.1. Key experts

Key expert I: Team Leader

Qualifications and skills

- University Degree in Law;
- Excellent management skills, including managing a team composed of international and local specialists and organising and overseeing administrative and logistical support;
- Excellent communication and social abilities;
- Excellent command of English;
- Good command of French;
- Computer literate;
- Capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary;

General professional experience

- Minimum 10 years experience in the judicial system or as an academic;
- Experience in cooperation with non-EU countries.

Specific professional experience

- Minimum 3 years experience in project and budget management;
- Previous experience in developing training programs and providing relevant training on specific law fields, particularly for magistrates.
- Previous experience in developing training programs for court clerks will be an advantage.

Key Expert 2: Senior Expert

Qualifications and skills

- University Degree in Law;
- Excellent communication and social abilities;
- Excellent command of English and French languages;
- Computer literate;

General professional experience

- Law graduate with minimum 10 years experience in the judicial system or as an academic;

Specific professional experience

- Previous experience in developing training programs and providing relevant training on specific law fields, particularly in court management.

6.1.2. Other experts

The Consultant shall select and hire other experts as required according to the profiles identified in the Organisation & Methodology. These profiles must indicate whether they are to be regarded as long-term/short-term, international/local and senior/junior so that it is clear which fee rate in the budget breakdown will apply to each profile. For the purposes of this contract, international experts are considered to be those whose permanent residence is outside the beneficiary country while local experts are considered to be those whose permanent residence is in the beneficiary country.

The Consultant should pay attention to the need to ensure the active participation of local professional skills where available, and a suitable mix of international and local staff in the project teams. All experts must be independent and free from conflicts of interest in the responsibilities accorded to them.

The selection procedures used by the Consultant to select these other experts shall be transparent, and shall be based on pre-defined criteria, including professional qualifications, language skills and work experience. The findings of the selection panel shall be recorded. The selection of experts shall be subject to approval by the Contracting Authority.

6.1.3. Support staff & backstopping

Backstopping costs are considered to be included in the fee rates.

The support staff are to be provided by the Consultant and the costs of support staff must also be included in the fee rates of the experts.

6.2. Office accommodation

Office accommodation of a reasonable standard and of approximately 10 square metres for each expert working on the contract is to be provided by the Consultant.

The costs of the office accommodation are to be covered by the fee rates of the experts.

6.3. Facilities to be provided by the Consultant

The Consultant shall ensure that experts are adequately supported and equipped. In particular it shall ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support its activities under the contract and to ensure that its employees are paid regularly and in a timely fashion.

The Consultant shall provide the experts with appropriate IT and office equipment (work stations, printers, telephone, fax, copy machine etc) and adequate logistical support, in order to ensure the success of the contract.

If the Consultant is a consortium, the arrangements should allow for the maximum flexibility in project implementation. Arrangements offering each consortium partner a fixed percentage of the work to be undertaken under the contract should be avoided.

6.4. Equipment

No equipment is to be purchased on behalf of the Contracting Authority / beneficiary country as part of this service contract or transferred to the Contracting Authority / beneficiary country at the end of this contract. Any equipment related to this contract which is to be acquired by the beneficiary country must be purchased by means of a separate supply tender procedure.

6.5. Incidental expenditure

The Provision for incidental expenditure covers the eligible incidental expenditure incurred under this contract. It cannot be used for costs which should be covered by the Consultant as part of its fee rates, as defined above. Its use is governed by the provisions in the General Conditions and the notes in Annex V of the contract. It covers:

- Travel costs and subsistence allowances for missions to be undertaken as part of this contract from the base of operations in the beneficiary country;
- Rental for appropriate location where activities within the project will take place;
- Translation facilities;
- Logistic support for the activities within the project (teaching materials and manuals for training seminars, promotion materials, including brochures);
- Protocol for the international conference.

The Provision for incidental expenditure for this contract is EUR 215,000. This amount must be included **without modification** in the Budget breakdown.

Any subsistence allowances to be paid for missions undertaken as part of this contract from the base of operations in the beneficiary country must not exceed the per diem rates published on the Web site http://europa.eu.int/comm/europeaid/index_en.htm at the start of each such mission.

7. REPORTS

7.1. Reporting requirements

An inception report and a detailed work plan for all components and phases of the project will be submitted, at the latest two months after the start of the consultants' assignment; it will particularly cover for each of the components:

- a definition and scheduling of project activities to be undertaken;
- detailed training scheme;

- details of EU inputs (both human and material) to be furnished in relation to the activities detailed in the terms of reference;
- a detailed planning of project activities and inputs for the first six months of project implementation.

For the elaboration of the inception report in due time, the Romanian authorities will provide in due time all needed information (e.g. on the trainees, the way of selecting them and guarantees of their stability), needed by the Consultant.

Interim progress reports must be prepared every six months during the period of execution of the contract. They must be accompanied by a corresponding invoice. The Interim progress reports will detail:

- the project progress;
- difficulties encountered in the course of the project implementation and proposed solutions to overcome difficulties;
- results accomplished during the reporting period, resources utilized as well as recommendations and requests and planning of project activities for the forthcoming project period.

There must be a final progress report and final invoice at the end of the period of execution. The draft final progress report must be submitted at least one month before the end of the period of execution of the contract. The final report will contain:

- an analysis of the completed project phases;
- the results of the internal evaluation undertaken;
- recommendations for ensuring an efficient proceeding of project activities on the side of local counterparts.

In addition, an updated financial report must be submitted with each of the above progress reports. The updated financial report must contain details of the time inputs of the experts and of the incidental expenditure. The final progress report must be accompanied by the final invoice and an audit certificate confirming the final certified value of the contract.

7.2. Submission & approval of progress reports

Four copies of the progress reports referred to above must be submitted to the Project Manager identified in the contract. The progress reports must be written in English. The Project Manager is responsible for approving the progress reports.

8. MONITORING AND EVALUATION

8.1. Definition of indicators

- 200 sitting clerks trained and able to do their work;
- the NSC network of trainers extended and able to disseminate the knowledge acquired to the other sitting clerks through continuous training;
- 60 trainers trained with good results, and retained;
- equipments and legal documentation purchased and in place

8.2. Special requirements

Project promotion

In accordance with the Financing Memoranda signed each year between the European Commission and the Romanian Government regarding the national Phare allocations, the beneficiaries of the Phare project have the obligation to take a certain number of measures in order to promote the project.

ANNEX II: TERMS OF REFERENCE

1. BACKGROUND INFORMATION

1.1. Beneficiary country

Romania

1.2. Contracting Authority

Central Finance and Contracts Unit

1.3. Relevant country background

Romania is facing now a complex reform in order to strengthen the independence, professionalism, administration and management of the judicial system, having in mind the commitments assumed at the closure of the Negotiation Chapter 24 on Justice and Home Affairs.

The Strategy for the Reform of the Judiciary for 2005 – 2007 contains the objectives to be achieved in order to modernize the judicial system, accompanied by concrete measures of accomplishment, for which deadlines have been provided and financial needs have been assessed.

The strategic objectives covered by the Strategy address the following:

- Guaranteeing the effective independence of the judiciary;
- Ensuring the quality of the act of justice and the efficiency of the Judiciary;
- Guaranteeing the free access to justice;
- Strengthening the penitentiary system according to the European standards;
- The Protection of Victims and the Social Reinsertion of Offenders (P.V.S.R.O.);
- The Prevention of and the Fight against Corruption within the Judiciary.

The Romanian judicial system has four levels of courts: courts of first instance, tribunals (at the county level), courts of appeal, and the High Court of Cassation and Justice. At each of these levels, the courts have prosecutors' offices attached to them. In general, cases enjoy a judgment in substance in the court of first instance and two degrees of judicial redress: appeal on facts and appeal on law.

1.4. Current state of affairs in the relevant sector

The High Court of Cassation and Justice is the supreme court in the judicial courts hierarchy of Romania and has as principal competence to try the appeal in cassation and to ensure the unitary interpretation and application of the law by the other courts. In this regard, the High Court of Cassation and Justice has the jurisdiction of solving appeals in the interest of law.

According to the new Law no. 304/2004 on the organization of the judiciary, as amended by Law no. 247/2005, the High Court of Cassation and Justice is organized in:

- **4 chambers:**

- The Civil and Intellectual Property Chamber;
- The Criminal Chamber;
- The Commercial Chamber;
- The Chamber of Administrative and Fiscal Contentious.
- **The Panel of 9 judges;**
- **The Joint Chambers.**

The Chambers of the High Court of Cassation and Justice try judicial review against decisions rendered by the courts of appeal and against other decisions; the Criminal Section shall try, in first instance, trials and requests assigned by law to the competence of first instance of the High Court of Cassation and Justice.

At the same time, according to their competence, the Chambers of the High Court of Cassation and Justice have jurisdiction for solving:

- requests for removal of cases from one court to another, for the reasons provided for by the codes of procedure;
- conflicts of competence, in the cases provided by law;
- appeals lodged against non-final decisions or court acts, of any kind, against which it may not be appealed by any other means, and whose course has been interrupted before the courts of appeal;
- any other requests provided by law.

The Panel of 9 judges solves appeals and requests in cases tried in first instance by the Criminal Chamber of the High Court of Cassation and Justice and other cases assigned to it by law; it also acts as a second degree disciplinary court for judges and prosecutors.

The High Court of Cassation and Justice is reunited in **Joint Chambers** for:

- trying appeals in the interest of law;
- solving, according to the law, notifications for changing the jurisprudence of the High Court of Cassation and Justice;
- notifying the Constitutional Court with a view to examining the constitutionality of laws before their promulgation.

According to the **Regulation on the administrative organization and functioning of the High Court of Cassation and Justice**, the following compartments are functioning within the supreme instance:

- The Directorate of Legislation, Studies, Documentation and IT;
- The Clerk's office;
- The Economic-Financial and Administrative Department;
- The Public Relations Office;
- The International Relations Office;
- The Compartment of Internal Public Audit.

The Board of the High Court of Cassation and Justice is represented by:

- The President;
- The Vice-president;
- The Managing College.

At present, there are 110 judges and 71 assistant magistrates appointed at the High Court of Cassation and Justice. The Public Relations Office is composed of 1 assistant magistrate, 1 counsellor and 3 clerks.

Training of judges and assistant magistrates is a priority of the **Reform of the Judiciary**, which states that "Taking into account that an efficient justice is not only an independent one, but also a competent one, the law grants a particular importance to the *continuous training and periodic evaluation of magistrates*" (para. 7.1).

Romania, as an acceding country, already applies EC law in some specific fields of law. After the accession, the judges will have to give direct effect to the EC legislation. The reports of various EC experts led to the conclusion that a significant part of the Romanian judges achieved the basic level of Community Law (History, Principles, Institutions, The 4 Liberties, Sources, The Main Procedures). However, many of the judges suggested that they did not have a good understanding of the specific fields of EC law, which fit the needs according to their specialization.

The National Institute of Magistracy, which is under the coordination of the Superior Council of Magistracy, is the training institution that ensures the training of future magistrates (justice auditors), as well as the continuous training during the exercise of the profession – namely the training of the magistrates in-office. However, it does not cover the specific needs of the judges and assistant magistrates functioning at the highest level.

As far as the role of the High Court of Cassation and Justice for ensuring the unitary interpretation and application of law is concerned, according to the Law no. 304/2004, as amended by Law no. 247/2005, the Court has the jurisdiction of solving appeals in the interest of law.

For the same purpose, the High Court of Cassation and Justice ensures the publication of the *Jurisprudence Bulletin* and of the *Cassation Bulletin*, the official review that contain case law, doctrine and information.

On a permanent basis, the High Court of Cassation and Justice ensures the publication on the website of the relevant resumed decisions rendered by the High Court of Cassation and Justice in various fields of law and of the integral text of the decisions rendered by the High Court of Cassation and Justice.

Still, the direct communication between the judges functioning at the High Court of Cassation and Justice and those of courts of appeal, tribunals and courts of first instance need improvements. The same goes for the relation of the High Court with litigants and the media.

1.5. Related programmes and other donor activities:

The project organized with the MATRA-SENTER-ASSER Instituut assistance ended by December 31st, 2001. The overall objective of the project was to create at the level of the High Court of Cassation and Justice an Information Center in the field of EC and international law, by endowing it with IT equipment and books. The website of the court and the putting into function of the case and management file system were also results of this project.

2. OBJECTIVE, PURPOSE & EXPECTED RESULTS

2.1 Overall objective

Developing and sustainable ensuring an independent judicial system in Romania

2.2 Purpose

To increase the institutional capacity of the High Court of Cassation and Justice

2.3 Results to be achieved by the Consultant

Result 1

Judges and assistant magistrates of the High Court and Cassation and Justice trained in EC law

Result 2

The HCCJ role in unifying the jurisprudence strengthened

Result 3

The activity of the Public Relations Office of the HCCJ improved

Result 4

The library of the HCCJ endowed with new titles

3. ASSUMPTIONS & RISKS

3.1. Assumptions underlying the project intervention

- Willingness and active participation of all the parties involved
- The capacity of the HCCJ to implement the recommendations made within the final report
- Good rate of retention of the trained personnel
- Ability of the contracted experts to design and organise the training in EC law

3.2. Risks

- Possibility of HCCJ personnel to participate to trainings

4. SCOPE OF THE WORK

4.1. General

4.1.1. Project description

The project aims at improving the institutional capacity of the High Court of Cassation and Justice towards EU accession. Improving judges and assistant magistrates' knowledge in EC law will be ensured by training seminars in the field, organized in Romania with the participation of foreign experts and the involvement of NIM trainers. In-depth knowledge in EC law will be gained by organising internships in the EU institutions and other Member States institutions. For the same purpose of ensuring continuous training for judges, the project will also ensure the endowment of the library with new titles.

Secondly, the project aims at strengthening the role of the HCCJ in unifying the jurisprudence. Therefore, study visits will be organised in homologues institutions in order to find out how these deal with this specific task of a supreme court of justice. Subsequently, the Romanian participants at these study visits, as well as other judges of the HCCJ and the foreign experts will be involved in 15 debates at the courts of appeal in order to share experience about the best practices in realising this task of the HCCJ, and to identify irregularities and propose solutions to these issues. The conclusions of the debates will be included in a report.

Thirdly, in order to improve the HCCJ public relation activities, the personnel of the Public Relations Office will benefit from training in communication skills and techniques. Two info desks will give the opportunity to litigants to get information about their trial by using new technologies.

4.1.2. Geographical area to be covered

Bucharest, 14 towns where courts of appeals are located, and other locations to be agreed by the Consultant and the Beneficiary

4.1.3. Target groups

Judges, assistant magistrates, and the personnel of the Public Relations Office of the HCCJ

4.2 Specific activities

Activities under result 1

- Organizing seminars for judges and assistant magistrates from the High Court of Cassation and Justice on topics of EC law. There will be 10 seminars of 3 days each with the participation of 10 different groups of 30 members each from the HCCJ (total 10 seminars x 3 days each for 300 participants). These seminars, which will be organized in Bucharest, will be focused on the following topics: principles of community law and case law, procedure before the Court of Justice of European Communities and the Court of First Instance: preliminary ruling, role of the national judge in applying EC law; the free movement of goods, persons, services, capitals; EU competition law, insolvency, consumer protection; EU intellectual and industrial property law and case law; judicial cooperation in civil, commercial and criminal matters, particularities of investigation and trial of cyber-crime, trafficking in human beings, terrorism, money laundering, and other identified topics.
- Organizing internships in EU institutions and homologue institutions from Member States; (internships of 2 weeks for 10 persons from the HCCJ).

Activities under result 2

- Organizing a study visit at homologue institutions from Member States; (1 visit with the participation of maximum 10 members from the HCCJ and internships).
- Organizing regional debates with the participation of foreign experts and judges from the HCCJ and the Courts of Appeal on the role of the HCCJ in unifying the jurisprudence. There will be 15 regional debates of 2 days each with the participations of 15 different groups of 30 judges from the High Court of Cassation and Justice, Courts of Appeal, as well as with the participation of foreign experts (total 15 regional debates x 2 days each for 450 persons).
- Drafting a comprehensive report on the conclusions of the 15 regional debates.

Activities under result 3

- Organizing training seminar for the personnel of the Public Relations Office of the HCCJ in order to improve the communications techniques used by its personnel in their activity with the public; there will be 3 seminars of 3 days each for 5 persons.
- Endowing the HCCJ with two info desk; these info desk are necessary in order to improve the public relations activity of the HCCJ.

Activities under result 4

- Endowing the library of the HCCJ with new titles

4.3. Project management

4.3.1. Responsible body

Contracting Authority:

The Central Finance and Contracts Unit (CFCU) within the Ministry of Public Finances will be the Contracting Authority for this project, and, as such, responsible for all procedural aspects of the tendering process, contracting matters and financial management of the project activities.

Implementing Authority

The Implementing Authority for this project will be the Superior Council of Magistracy, which is responsible for the implementation of the project.

The PIU of the Superior Council of Magistracy will be responsible for overall procedural and administrative management of the project. Responsible persons for each component will be appointed from the institution directly involved in the respective activities (High Court of Cassation and Justice).

Contractor

The contractor is responsible for the timely execution of the project and of the work tasks set out in these Terms of Reference.

The delivery of information, data, and feedback on the outputs produced is crucial for the timely implementation of the project. For this reason it is important that the consultant takes the responsibility of making clear written document and data requests indicating the date by which this information is required in order for the project to proceed according to the timetable.

Information and data gathered through this project could be commercially sensitive and it should be stressed that the confidentiality of any such data or information should be respected. Any information and data gathered through this project may only be published with the written approval of the Implementing Authority.

4.3.2. Management structure

Steering Committee will be set up in order to ensure the whole coordination of the project implementation.

The consultant will take part at the meetings of the Steering Committee and will ensure the secretariat of this committee.

A representative of the EC Delegation in Bucharest and a representative of the Contracting Authority will be invited as observers.

5. LOGISTICS AND TIMING

5.1. Location

Bucharest and other locations to be agreed by the Consultant and the Beneficiary

5.2. Commencement date & Period of execution

The intended commencement date is June 2007 and the period of execution of the contract will be 12 months from this date.

6. REQUIREMENTS

6.1. Personnel

6.1.1. Key experts

All experts who have a crucial role in implementing the contract are referred to as key experts. The profiles of the key experts for this contract are as follows:

Key expert 1: Team Leader

The Team Leader will be responsible for all matters relating to the management and implementation of the project, including the coordination of the activities of all the other experts (long-term and short-term). The Team Leader will draw up and monitor work programmes for all other experts.

Qualifications and skills

- University degree
- Excellent inter-personal and communication skills
- Ability to supervise and coordinate all aspects of the contract
- Capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary
- Fluency in spoken and written English
- Excellent computer skills

General professional experience

- Solid background and direct experience in the judicial field of at least 10 years
- Experience with governmental projects
- Relevant experience in organisational management

Specific professional experience

- Previous experience in similar projects

Key expert 2: Senior expert

Qualifications and skills

- University degree
- Excellent inter-personal and communication skills
- Capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary
- Fluency in spoken and written English
- Excellent computer skills

General professional experience

- Solid background and direct experience in the judicial field of at least 8 years
- Participation in similar projects would be a plus
- Experience with governmental projects

Specific professional experience

- Previous working experience of at least 3 years in the high level court of a Member State

Key expert 3: Senior expert

Qualifications and skills

- University degree
- Excellent inter-personal and communication skills
- Capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary
- Fluency in spoken and written English
- Excellent computer skills

General professional experience

- Solid background and direct experience in the judicial field of at least 8 years
- Participation in similar projects would be a plus
- Experience with governmental projects

Specific professional experience

- Experience of at least 5 years in public relations

6.1.2. Other experts

Tenderers are required to propose a pool of short term experts which can be drawn upon to provide dedicated technical assistance in relation to specific issues and tasks.

Tenderers must propose the range of competencies which they feel is necessary to include in the pool of short term experts, providing justification for their inclusion.

All short term experts should have:

- A relevant university degree
- Fluency in spoken and written English
- Experience of team working in international projects
- At least 5 years of relevant professional experience

CVs for experts other than the key experts are not examined prior to the signature of the contract. They should not have been included in tenders.

The Consultant shall select and hire other experts as required according to the profiles identified in these Terms of Reference. These profiles must indicate whether they are to be regarded as long-term/short-term, international/local and senior/junior so that it is clear which fee rate in the budget breakdown will apply to each profile. For the purposes of this contract, international experts are considered to be those whose permanent residence is outside the beneficiary country, while local experts are considered to be those whose permanent residence is in the beneficiary country.

The Consultant should pay attention to the need to ensure the active participation of local professional skills where available, and a suitable mix of international and local staff in the project

teams. All experts must be independent and free from conflicts of interest in the responsibilities accorded to them.

The selection procedures used by the Consultant to select these other experts shall be transparent, and shall be based on pre-defined criteria, including professional qualifications, language skills and work experience. The findings of the selection panel shall be recorded. The selection of experts shall be subject to approval by the Contracting Authority.

Note that civil servants and other staff of the public administration of the beneficiary country cannot be recruited as experts unless prior written approval has been obtained from the European Commission.

6.1.3. Support staff & backstopping

All costs relating to the support which is necessary to ensure the smooth functioning of the contract must be included in the fee rates of the experts.

Backstopping costs are considered to be included in the fee rates.

6.2. Office accommodation

Office accommodation of a reasonable standard and of approximately 10 square meters for each expert working on the contract is to be provided by the Consultant.

The costs of the office accommodation are to be covered by the fee rates of the experts.

6.3. Facilities to be provided by the Consultant

The Consultant shall ensure that experts are adequately supported and equipped. In particular it shall ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support its activities under the contract and to ensure that its employees are paid regularly and in a timely fashion.

The Consultant must ensure that its key experts are provided with the equipment which is necessary for them to be able to carry out their tasks in an effective manner. This includes computer equipment and telephones.

If the Consultant is a consortium, the arrangements should allow for the maximum flexibility in project implementation. Arrangements offering each consortium partner a fixed percentage of the work to be undertaken under the contract should be avoided.

6.4. Equipment

Two info desks and new titles for the endowment of the HCCJ's library will be purchased on behalf of the Implementing Authority (the HCCJ) under this project, by means of a separate supply tender procedure.

6.5. Incidental expenditure

The Provision for incidental expenditure covers the eligible incidental expenditure incurred under this contract. It cannot be used for costs which should be covered by the Consultant as part of its fee rates, as defined above. Its use is governed by the provisions in the General Conditions and the notes in Annex V of the contract. It covers:

- Travel costs and subsistence allowances for missions to be undertaken as part of this contract from the base of operations in the beneficiary country

- Costs of training seminars and regional debates (materials, room and equipment, catering, participants expenses, dedicated interpretation and translation)
- Informative materials (i.e. brochures, leaflets) – design, printing, dissemination
- Costs of the study visit and internships (travel expenses and per diem)

The Provision for incidental expenditure for this contract is 150.000 EUR. This amount must be included without modification in the Budget breakdown.

Any subsistence allowances to be paid for missions undertaken as part of this contract from the base of operations in the beneficiary country must not exceed the per diem rates published on the Web site http://europa.eu.int/comm/europeaid/index_en.htm at the start of each such mission.

7. REPORTS

Reporting requirements

- An Inception Report and a detailed work plan for all components and phases of the project will be submitted, at the latest two months after the start of the consultants' assignment and project implementation.

For the elaboration of the inception report in due time, the Romanian authorities will provide in due time all needed information (e.g. on the trainees, the way of selecting them and guarantees of their stability), needed by the Consultant.

- **Quarterly Progress Reports**, which will detail:

- the project progress;
- difficulties encountered in the course of the project implementation and proposed solutions to overcome difficulties;
- results accomplished during the reporting period, resources utilized as well as recommendations and requests and planning of project activities for the forthcoming project period.

- A **Final Report** for the overall project, which should be submitted in the last month of the implementation of the project; the final report will contain:

- an analysis of the completed project phases;
- the results of the internal evaluation undertaken;
- recommendations for ensuring an efficient proceeding of project activities on the side of local counterparts.

In addition, an updated financial report must be submitted with each of the above progress reports. The updated financial report must contain details of the time inputs of the experts and of the incidental expenditure. The final report must be accompanied by the final invoice and an audit certificate (as defined in Article 30 of the General Conditions and in accordance with the template in Annex VI of the contract) confirming the final certified value of the contract.

The invoices issued by the Consultant must be endorsed by the Implementing Authority.

Submission & approval of progress reports

All reports must be submitted to the Implementing Authority for approval.

The Inception Report, the Progress reports and the Final Report will be, upon their approval by the Implementing Authority, milestones for release of interim and final payments.

One copy of all reports (draft and final), plus electronic version in the English language, should be submitted directly to the EU Delegation, Str. Jules Michelet, 18, Sector 1, Bucharest, Romania, for the attention of the Task Manager.

One copy of all final (approved) reports should be submitted to the CFCU, the Contracting Authority.

8. MONITORING AND EVALUATION

Definition of indicators

- Number of judges and assistant magistrates from the HCCJ trained in EC law
- Number of regional debates on the role of the HCCJ in unifying the jurisprudence organised
- Number of personnel of the Public Relations Office trained
- Info desks purchased
- Number of volumes purchased

Special requirements

Project promotion

In accordance with the Financing Memoranda signed each year between the European Commission and the Romanian Government regarding the national Phare allocations, the beneficiaries of the Phare project have the obligation to take a certain number of measures in order to promote the project.