

**MULTI-DONOR TRUST FUND FOR JUSTICE SECTOR SUPPORT PROJECT IN
SERBIA (MDTF-JSS)**

Implementation Support Mission

AIDE MEMOIRE

1-7 December, 2015

1. A World Bank implementation support mission for the MDTF-JSS visited Serbia from 1 to 7 December 2015. The mission was led by Ms. Georgia Harley (Justice Reform Specialist and Task Team Leader) and was joined in Belgrade by Mr. Srdjan Svirčev (Public Sector Specialist), Ms. Marina Matić Bošković (Consultant), and supported by Mr. Kornel Dražilov (Program Assistant). The objectives of the mission were to finalize any outstanding issues regarding the extension of the MDTF-JSS; commence preparatory work for Bank-executed activities planned for 2016; ensure implementation readiness for recipient-executed 2016 activities; and host a management committee meeting. It was agreed to defer the Management Committee meeting to early 2016, in light of the busy schedules of Serbian stakeholders towards the end of 2015. The team thanks the stakeholders we met during the mission for their generosity of contribution and active leadership of MDTF-supported activities. A list of persons met is at Annex 1.

KEY FINDINGS AND AGREED NEXT STEPS

2. The MDTF-JSS continues to support justice sector stakeholders to strengthen system performance in line with EU benchmarks. In December 2015, the MDTF-JSS was extended for three years, enabling the project to continue supporting the Serbian judiciary through to December 2018. Activities for 2015 are being implemented, and planning for 2016 activities is on track. It will be important for the PIU to remain proactive in the coming period to ensure that various stakeholder activities are implemented effectively and that results are monitored.

3. At the conclusion of the mission, the following Action Plan was agreed.

ITEM	NEXT STEP	RESPONSIBILITY	TIMEFRAME
1.	High Judicial Council to send request for training on case management systems	HJC	January 2016
2.	Fill vacancies for local consultants at SCC to support harmonization of case law and automation reforms	PIU	February 2016
3.	Update MDTF-JSS work plan and upload to website	World Bank	February 2016
4.	Update procurement plan and training plan for 2016-2018	PIU	February 2016
5.	Deliver the next series of peer-exchange workshops	World Bank	February 2016

ITEM	NEXT STEP	RESPONSIBILITY	TIMEFRAME
6.	Develop a draft results monitoring framework for the MDTF-JSS grant	PIU	February 2016
7.	Process additional financing for the Government-executed MDTF-JSS grant	World Bank	March 2016
8.	Approval of the draft Free Legal Aid Law	MOJ/Government	March 2016
9.	Commence activities to support Commercial Courts, based on needs assessment	PIU	March 2016
10.	Share draft analysis on victims support analysis	World Bank	April 2016
11.	Share draft analyses on access to justice (small claims analysis, lawyers analysis)	World Bank	April 2016

MDTF-JSS EXTENSION AND ADDITIONAL FINANCING

4. Following the mission, the MDTF-JSS was extended for a period of three years from December 2015 to December 2018. Amendments to the Administration Agreements were signed between the World Bank and each of the existing donors – **Denmark, Slovenia, Spain, Sweden and Switzerland**. The Grant Agreement was extended with the Government of Serbia by exchange of letters between the Bank and the Serbian European Integration Office (SEIO). The authorities agreed the project will seek to increase the grant amount (the recipient-executed component) in early 2016 to further foster stakeholder ownership of the reform implementation in coming years.

5. The Embassy of the Netherlands re-joined the MDTF-JSS with a contribution of EUR 300,000. Their first tranche of EUR 100,000 was received in December 2015. The contribution was announced on the MDTF-JSS website, Bank website and on social media. The Netherlands was a contributor to the MDTF-JSS from 2008 to 2011 and continued to attend Management Committee meetings periodically as an observer. The Administration Agreement between the World Bank and the Delegation of the European Union to Serbia expired in 2015. The number of MDTF-JSS donor members thus remains at six.

6. The purpose of the MDTF-JSS extension is to intensify implementation support to the sector in the coming years, to build on and leverage the results achieved to date and ensure their sustainability. Future programming will focus more on Government-executed implementation than on Bank-executed advisory services. The MDTF-JSS will focus more attention on support for Access to Justice, given that the dedicated Access to Justice sub-component has a large undisbursed balance. Consultations and analytic work highlight pressing needs in this area which the MDTF-JSS is well-placed support.

7. The project’s design will remain flexible to meet emerging needs. The Chapter 23 Accession Action Plan awaits approval and, once finalized, will likely be updated from time to time in the course of negotiations. MDTF-JSS programming can respond to needs that emerge throughout the EU integration process, including as-yet-unforeseen beneficiary requests. The World Bank agreed to ensure appropriate alignment with emerging donor programs, including

IPA-financed projects whose terms of reference are not yet available and IPA 2015, adjusting activities based on the Inception Reports of those projects. The Management Committee will continue to provide strategic oversight to enable activities to be delivered to meet those needs.

UPDATE ON ACTIVITIES

8. On the Recipient-executed side of the MDTF, the RAFU has helped the MOJ finalize and share the fourth draft of the Chapter 23 Accession Action Plan. The Action Plan shows the linkages between its activities and the Functional Review recommendations. Following the mission on 28 September 2015, the EC approved the Action Plan. This is a significant achievement for the sector, and particularly for the MOJ and RAFU that led the work over many months. In line with extension of the project, local consultants will continue to support work of the MOJ and the Supreme Court of Cassation (SCC). Consultants will provide analytical support in areas important for the EU accession process and will deliver training and facilitate workshops to transfer skills and know how across the sector.

9. Local consultants based at the MOJ have supported a range of legislative reform activities, including the preparation of legal analyses, draft laws and bylaws that are planned in the Chapter 23 Accession Action Plan. The RAFU consultants helped working groups to prepare amendments to the judicial package with the aim to increase transparency (Law on HJC, Law on SPC, Law on Judges, Law on Public Prosecutors, Law on Judicial Academy); first draft of the Strategy for War Crimes; draft Action Plan on National Minorities; public discussions on draft Civil Code; amendments to the Law on Enforcement; bylaws on notaries and mediators; supported preparation of the procurement plan for IT equipment; update of the Action Plan for the National Judicial Reform Strategy and Action plan for the National Anti-Corruption Strategy.

10. The MOJ has prepared an updated version of the draft Free Legal Aid Law which awaits Government approval. The revised version incorporates comments received from the MOJ's normative department and from the members of the working group. The draft builds on the earlier Bank-executed Comparative Analysis of Free Legal Aid and the Fiscal Impact Analysis of Legal Aid Options. The timeline for Government approval is the first quarter of 2016.

11. Technical assistance provided to the SCC shows good results, though resourcing the team continues to be a challenge. Two local consultants have been working with judges, prosecutors and court staff across the judiciary to *inter alia*: implement the SCC backlog reduction strategy; deliver targeted on-the-job training to officers in specialized roles at courts; and prepare draft guidelines for statistical reporting to improve managerial use of case management systems. In the field of case law harmonization, the team has supported workshops on case law harmonization issues, identified lessons learned from recent study tours to Germany and Slovenia, and is developing a case law database. Following the mission, one consultant resigned, leaving one consultant at the SCC, with two vacant posts. These two positions will be advertised early in 2016. The SCC has undertaken to continue efforts to identify at least a 1:3 ratio of local consultants to twinned permanent staff across the court network, to strengthen sustainability, ensure knowledge-transfer and maximize the team's impact across the network.

12. A delegation from the SCC, led by the President Dragomir Milojević, visited Slovenia for a short study tour aimed at learning more about Slovenia's experiences in applying a case weighting methodology. Given that Slovenia and Serbia share a common judicial tradition and history, the Slovenian experience with case weighting is relevant for successful implementation of the activities and measures prescribed by the Action Plan for Implementation of National Judicial Reform Strategy and by the Action Plan for Chapter 23. The Slovenian experience also suggests that case weighting is possible in smaller and medium sized jurisdictions. The mission was organized in partnership with the Slovenian Ministry of Justice and Supreme Court.

13. On the Bank-executed side of the project, knowledge and peer exchange activities continue. In November 2015, the team facilitated two workshops, in Kragujevac and Nis, to share good practices and recommendations regarding service of process¹. In December 2015, the team facilitated a workshop to share good practices and recommendations regarding the use of AVP to schedule hearings in the Appellate jurisdiction in Novi Sad. In 2016, the Bank team will continue to organize working meetings and workshops outside of Belgrade to support dialogue and professional exchange on reform-oriented topics among judicial practitioners. The next series of workshops will focus on ways to improve the service of process and is scheduled for February 2016.

14. The Bank has prepared a Needs Assessment for the Commercial Courts. During this mission, the draft assessment was shared and meetings were held with commercial court stakeholders and the International Finance Corporation to seek stakeholder and donor views. Following the mission, the Needs Assessment was finalized and shared among stakeholders. Some activities to support the Commercial Courts could commence in the first quarter of 2016. Other larger activities may require additional MDTF-JSS contributions to finance.

15. Work has commenced in the comparative analysis of mechanisms to fast-track the resolution of minor civil disputes. This activity was prompted by recommendations from the Serbia Judicial Functional Review. It seeks to apply lessons from the EU Member States that have streamlined the case processing for small claims. A draft analysis will be shared with stakeholders for comments in March/April 2016.

16. The MOJ requested that the MDTF-JSS expand its engagement in support to victim support, including a comparative analysis and a legal and institutional assessment. A terms of reference was prepared in consultation with stakeholders and an international expert is currently being sourced to work closely with the task team. Following the mission, a consultant was identified who will work closely with the task team to deliver the activity. A first draft analysis will be shared with stakeholders for initial comments by April 2016.

17. The MOJ also requested support in conducting a human resources analysis of support staff in the judicial sector. This analysis will build on the Human Resources Chapter of the Serbia Judicial Functional Review and provide a deeper analysis of the number of support staff and their

¹ More information about the workshop in Kragujevac can be found at <http://mdtfjss.org.rs/en/news/2015/how-to-increase-efficiency-with-service-of-process-examples-from-misdemeanor-court-in-novi-sad-workshop-in-kragujevac#.VpzTXdJVhBc>, and information from workshop in Nis is available at <http://mdtfjss.org.rs/en/news/2015/how-to-increase-efficiency-with-service-of-process-examples-from-misdemeanor-court-in-novi-sad-workshop-in-kragujevac-november-11-2015#>

allocation across the sector, and will identify areas where regulations could be tightened or amended. The analysis will include all administrative staff in courts and prosecutors' offices, and at the MOJ, the administrative offices of the HJC and SPC and the Judicial Academy. The analysis will not cover judges, prosecutors and judicial and prosecutorial assistants. The aim of this analysis is to assist the MOJ, SCC and the Council in the process of determining the required number of employees in Serbian judiciary in line with the Law on Maximum Number of Employees in the Public Sector. The Bank is finalizing consultations on the scope of this analysis. The activity will take approximately three months and be completed by May 2016.

18. Stakeholders continue to request AVP and SAPS training. A draft terms of reference has been prepared but consultations have not yet been finalized. The request for additional training came from court presidents and judges and is endorsed by the SCC and approved by the MDTF-JSS Management Committee. The HJC undertook to send an official request by the end of January 2016. Once the request for support is received the training could be procured within three months.

19. The department for IT at the MOJ is going through a restructuring process. The former Sector for ICT is now transformed into an ICT Department. The Department will continue to implement previously initiated activities in close cooperation with the Sector for Material and Financial Affairs and Sector for EU Integration and International Projects. One of the local consultants at the MOJ has been seconded to the newly established ICT Department to support the transition.

20. The project's financial management arrangements continue to be satisfactory. An audit of financial statements for 2014 was found to be acceptable to the World Bank and consistent with the Bank's own findings of financial management supervision. The auditors issued clean audit opinion and did not identify any issues on which to provide recommendations in the management letter. Quarterly financial reports continue to be submitted on time and are considered reliable. There remains approximately 300,000 USD undisbursed in the Government-executed grant (the recipient-executed component). This should suffice for the next quarter while the Bank processes the additional financing paperwork that is required to increase the grant amount for the extended period of the project.

21. Progress toward the project's development objective remains satisfactory. The increased momentum within the sector since the finalization of the Chapter 23 Accession Action Plan is expected to accelerate implementation progress in the coming years. The extension of the MDTF-JSS is seen as critical to providing support to the sector as it moves to the next phase, which will focus on implementing reforms in line with the agreed plans.

List of Persons Met

Name	Title, Organization
Mr. Čedomir Backović	Assistant Minister, Ministry of Justice
Ms. Slavica Jelača	Assistant Minister, Ministry of Justice
Ms. Mirjana Puzović	Head of the Office of the President of the Supreme Court of Cassation
Mr. Miroslav Nikolić	President, Appellate Commercial Court
Mr. Jovan Kordić	President, Commercial Court in Belgrade
Mr. Torgny Svenungsson	Counsellor, Country Manager, Development Cooperation Division, Embassy of Sweden
Ms. Svetlana Nesović	Program Officer, Development Cooperation Division, Embassy of Sweden
Ms. Onny Jalink	Head of the Regional Rule of Law Unit, Embassy of the Kingdom of the Netherlands
Mr. Aleksandar Momirov	Senior Policy Advisor, Embassy of the Kingdom of the Netherlands
Ms. Aleksandra Kalinić	Development Cooperation Officer, Embassy of the Kingdom of the Netherlands
Mr. Marko Pjević	Project Management Specialist, USAID
Mr. William Bartlett	Senior Research Fellow, London School of Economics
Mr. Jeff Skarin	Democracy & Governance Officer, USAID
Ms. Ljiljana Krejović	Procurement Specialist, PIU
Mr. Dragan Obrenović	RAFU Consultant, Senior ICT Advisor - Court Automation and Caseload Statistics Specialist
Ms. Sonja Prostran	RAFU Consultant Monitoring and Evaluation Specialist
Mr. Igor Matijević	Financial Sector Specialist, IFC