

**REPUBLIC OF SERBIA**  
**MULTI DONOR TRUST FUND FOR JUSTICE SECTOR SUPPORT**  
**TF071444**

**BTOR**  
*Technical Mission, November 6 to 11, 2014*

1. **This BTOR summarized main findings from the Technical Mission to Belgrade from November 7 to 11, 2014.** The mission was led by Mr. Klaus Decker (Senior Public Sector Specialist, task team Leader MDTF-JSS, GGODR) and was joined in Belgrade by Mr. Srdjan Svircev (Public Sector Specialist, GGODR) and Marina Matic (Consultant). Ms. Hermina Vukovic Tasic (Program Assistant, ECCYU) supported the mission from the Country Office.

2. **The objectives of the mission were to:**

- Continue dialogue with authorities and donors,
- Host an MDTF-JSS Management Committee Meeting
- Supervise the implementation of the recipient executed activities under the MDTF-JSS, and
- Address any current implementation issues.

3. **The team met with officials from the Ministry of Justice (MOJ), justice sector stakeholders and development partners.** The team expresses its gratitude to all the stakeholders met. A non-exhaustive list of people met is attached as **Annex 1**.

4. **Key findings and agreed next steps are summarized in the table below.**

<b>Activity</b>	<b>Next Steps &amp; Time Frame</b>	<b>Responsibility</b>
Finalization of the Functional Review Report	The Bank team to include comments received from all stakeholders and to finalize Report by the end of November, 2014	WB Team
Clearance of the Functional Review Report	The Bank team to submit final version of the Functional Review Report for management approval, end of November 2014	WB Team
Revision and Update of the Program Framework for the MDTF-JSS	The Bank team to update Program Framework for the MDTF-JSS to include planned activities for 2015 as well as possible activities to be funded under the MDTF until 2017, January 2015	WB Team, MOJ, International partners
Extension of RAFU at the MOJ until December 31, 2015	The MOJ to share with the MC members request for extension of support until end of November, 2014. The MC members to provide feedback on the request proposal by December 5, 2014.	MOJ, WB, MC members
Review request for creation of the RAFU at the Supreme Court of Cassation	The Supreme Court of Cassation, together with the MOJ, to prepare TORs for consultants which will be deployed at the Supreme Court of Cassation, end of November 2014. The MC members to review request and provide comments by December 5, 2014.	Supreme Court of Cassation, MOJ, WB Team, MC members

## DIALOGUE WITH DONORS

5. **The World Bank Team met with several donors active in the MDTF-JSS to explore possibilities for additional funding.** The interest of international partners to support judicial reform remains very high. The relevance of MDTF-JSS as a vehicle for donor support has been recognized both by Serbian judicial authorities and international partners. The team met with the representatives from Swiss development Cooperation Office (SDC), Swedish International Development Agency (SIDA) and representatives from the Dutch Embassy to discuss funding possibilities. At this stage, while Action Plan for Chapter 23 is still not approved by the EC, donors are not in position to commit to additional financing.

6. **The Functional Review (FR), together with the government's Action Plan for Chapter 23, identifies key priorities for reform in the Serbian Judiciary.** It has been agreed that once the Action Plan is approved by the European Commission, and based on the recommendations from the FR, the Bank Team in cooperation with the Serbian judicial authorities, will prepare a list of priority interventions which could be supported through the MDTF. This list will be included in the MDTF-JSS Program Framework which will be finalized in January 2015.

7. **Under the existing agreement between the WB, donors and MOJ, the MDTF-JSS will close on December 31, 2015.** However, based on the progress with implementation of the Recipient Executed Activities and possibilities for additional funding for continuing engagement in the reform of Serbian judiciary, the Bank Team will request the extension of the MDTF until December 31, 2017.

## DIALOGUE WITH JUDICIAL AUTHORITIES

8. **The MOJ is finalizing Action Plan for Chapter 23.** Based on the comments received from the EU Commission, the MOJ will prepare a revised Action Plan which will be shared with the EU in early December. The MOJ expressed their gratitude to the Bank Team for preparing Serbia Functional Review, which was used as the key analytical document in preparation of the Action Plan for Chapter 23.

9. **The MOJ will request continuation of support for the RAFU.** AM Backovic is satisfied with the provided support from the RAFU consultants and, due to increased workload and responsibilities for implementation of the Action Plan for Chapter 23, he will request an extension until the December 31, 2015. The request for support was made officially at the MC meeting on November 10, 2014.

10. **The Supreme Court of Cassation is requesting support from the MDTF to recruit short-term assistance which would strengthen SCC's analytical capacities.** Based on discussions with the EU Delegation in Serbia, the SCC prepared a request for support which was shared with donors prior to the MC meeting. The request envisages MDTF support in recruitment of up to 3 consultants which would strengthen SCC's analytical capacities in the following areas:

- Consultant for M&E who will assist in monitoring and reporting on the backlog reduction strategy,
- Consultant for unification of court practice,
- Consultant for statistical data analysis.

## THE MANAGEMENT COMMITTEE MEETING

11. **The Management Committee Meeting took place at the WB office on Monday, November 10, 2014.** The President of the Supreme Court of Cassation, Judge Milojevic, elaborated the SCC request for support from the MDTF. Assistant Minister Backovic presented rationale for extension of support of

the RAFU at the MOJ.

12. **The Management Committee decided to request from MOJ a consolidated proposal for extension of the RAFU which will also include additional support envisaged for the SCC.** It has been agreed that the MOJ will revise consultants TORs in accordance with new tasks and will submit to the MC members for comments by the end of November, 2014 (please check Annex 2: Minutes form the MC meeting for decision points). The MC will approve extension of RAFU and revised TORs by email.

#### **PROGRESS TOWARDS PROJECT DEVELOPMENT OBJECTIVE (PDO)**

13. **Progress toward the Project Development Objectives remains satisfactory.** The implementation of Bank-executed activities has greatly intensified in the last year, with progress across all sub-components but with particular focus on delivering the Serbian Judicial Functional Review. The implementation of Recipient-executed activities has also accelerated, and remaining funds under the RFU component will be disbursed via the reformed RAFU. The commencement of the EU screening process will provide additional impetus to reform and likely continue accelerating progress under MDTF activities. Financial management remains satisfactory.

### List of Persons Met

Last Name	First Name	Title/Organization
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#### Government and Justice Officials

Mr. Milojević	Dragomir	President of the Supreme Court of Cassation
Mr. Backović	Čedomir	Assistant Minister, Ministry of Justice and Public Administration
Mr. Stamenković	Branko	Deputy Prosecutor, State Prosecutorial Council
Ms. Puzović	Mirjana	Chief of Cabinet, Supreme Court of Cassation
Mr. Golubović	Miloš	Program Manager, Serbian European Integration Office
Mr. Krejović	Ljiljana	Procurement Specialist, PIU at MOJ

#### International Community

Ms. San Jose	Yolanda	Head of Operations, European Union Delegation
Ms. Vandeputte	Bianca	Program Manager, European Union Delegation
Ms. Cvetkovic	Mirjana	Political Officer, European Union Delegation
Mr. Momirov	Aleksandar	RoL Advisor, Embassy of Netherlands
Ms. Onny	Jalink	Team Leader, Regional RoL Unit at the Netherlands' Embassy in Belgrade
Ms. Perich	Isabel	Country Manager, SDC
Ms. Vasilev	Petar	Program Officer, SDC
Mr. Svenugnsson	Torgny	Head of Aid, SIDA
Ms. Djukic	Mirjana	Program Officer, SIDA
Mr. Iguino Lafuente	Juan Ignacio	Counsellor, Embassy of Spain
Ms. Bain	Jannicke	Counsellor, Embassy of Norway
Mr. Gjengsto	Halvor	Program Manager, IMG

#### World Bank Team

Ms. Harley	Georgia	Public Sector Specialist
Mr. Svirčev	Srdjan	Public Sector Specialist, Program Coordinator
Ms. Vuković Tasić	Hermina	Program Assistant
Ms. Matic	Marina	Consultant

**Minutes of the MDTF0JSS Management Committee Meeting  
November 10, 2014  
10am – 12.45am  
World Bank Office, Belgrade**

**Participants**

Serbian authorities:

- Čedomir Backović - Assistant Minister, MOJ
- Miloš Golubović - SEIO
- Ljiljana Krejovic - PIU, MOJ
- Dragomir Milojević - President, SCC
- Mirjana Puzović - Chief of Cabinet, SCC
- Branko Stamenković – SPC

Donor representatives:

- Jannicke Bain - Counsellor, Embassy of Norway
- Mirjana Djukić - Program Officer, SIDA, Embassy of Sweden
- Halvor Gjengsto - IMG, Norway
- Juan Ignacio Iquino Lafuente - Counsellor, Embassy of Spain
- Aleksandar Momirov - Embassy of the Netherlands
- Yolanda San Jose - Head of Operations I, EU Delegation
- Bianca Vandeputte - Project Manager, Operations I, EU Delegation
- Petar Vasilev - Program Officer, SDC

World Bank:

- Klaus Decker - Senior Public Sector Specialist and MDTF-JSS TTL, World Bank
- Marina Matić - Consultant, World Bank
- Srdjan Svircev - Public Sector Specialist and MDTF-JSS Coordinator, World Bank

**Management Committee Decision Points:**

**1. The Management Committee agreed in principle to a request for an extension of RAFU consultants in the Ministry of Justice (MOJ) for an additional year and for similar support to the Supreme Court of Cassation (SCC).** It has been agreed that the MOJ will submit a consolidated written request for support to both institutions prepared in close coordination with and based on input from the SCC. The written proposal will be shared with the MC members and will include the following:

1. Detailed explanation of the objectives of the RAFU with budget breakdown;
2. Revised TOR for each RAFU consultant (for those consultants in the MOJ that are requested to be extended and the RAFU consultants in the SCC);
3. Description of RAFU results in 2014, including how the sustainability challenges have been addressed (results of the twinning arrangement, extent to which RAFU consultants

have transitioned to the civil service, possibility of increase of the MOJ's financial contribution);

4. Two page report on results for each RAFU consultant against the 2014 TOR.

The revised proposal will be submitted to the MC within the next two weeks. The MC members will provide comments to the proposal within 10 working days. The final proposal which will address comments from the MC members will be reviewed by email.

**2. The Management Committee asked the World Bank to update and revise the MDTF-JSS Program Framework so it is aligned with the Action Plan for Opening Negotiation for Chapter 23 and the Recommendations of the Serbia Judicial Functional Review.** The Program Framework will take into account priorities of the Serbian authorities and priorities of international partners active in the reform of the Serbian justice sector. The Program Framework will identify areas for possible engagement of the MDTF until the end of 2015 and for the period of a possible extension until 2017 for both Recipient Executed and World Bank Executed Activities. Based on the revised Program Framework MC members will then be able to agree on priorities for additional donor support through the MDTF-JSS.

**3. The Management Committee agreed with the proposal to carry out public dissemination events for the Judicial Functional Review starting in the second half of January 2015.** Based on the input from the EU Commission the MDTF Team decided to postpone public dissemination events until that date. The dissemination events in Belgrade and throughout the country will be carried out in close cooperation with the Serbian stakeholders and all MC members will be informed well in advance about the schedule of events. In the meantime, the final version approved by World Bank management will be shared with the MC members and relevant stakeholders.

#### **AGENDA ITEM 1: CHAPTER 23 ACTION PLAN**

The MDTF-JSS TTL, Klaus Decker, commended the efforts of the MOJ in the development of the draft Action Plan for Chapter 23. Assistant Minister Backovic provided an update on the process of drafting the Action Plan. The first draft was submitted to the European Commission, comments were provided by the EC, a second draft is in the process of preparation and it should be ready in the first week of December. The drafting process was a huge coordination exercise and required additional efforts from the MOJ and the RAFU consultants. The CSOs were included in the drafting process. The MOJ highlighted the importance of the implementability and feasibility of the Action Plan. All other strategies and Action Plans in this area will need to be aligned with it to support EU accession. After finalization of the Action Plan for Chapter 23 the MOJ will have to prepare the negotiation position and agree on the interim benchmarks.

#### **AGENDA ITEM 2: RAFU**

Mr. Decker summarized the proposal for continuation of RAFU support for the MOJ and the new proposal for support to the Supreme Court of Cassation.

The President of the Supreme Court of Cassation, Mr. Milojevic presented a proposal for the establishment of a RAFU in the SCC. The proposal is based on the needs assessment and analysis of the SCC obligations according to the Action Plan for Chapter 23. The proposed RAFU should consist of three consultants:

1. A statistician responsible for data analysis,
2. A monitoring and evaluation expert for the backlog reduction program, and
3. An expert who will support SCC efforts for unification of court practice.

Mr. Decker noted the importance for the MDTF to support the Serbian judiciary beyond the MOJ. Mr. Decker emphasized the need to ensure sustainability of the RAFU in the SCC through implementation of at least the same requirements that apply for the MOJ (transition of consultants to civil servants position, twinning between consultants and current civil servants and minimum contribution of 16% for taxes). In addition, to ensure transfer of knowledge Mr. Decker recommended that the SCC explore the possibility to second judges and assistants interested in these topics to work with consultants from the very beginning.

The EU agreed that the SCC would need assistance and that the MDTF should support it. The EU also noted that MDTF should not limit its technical assistance to MOJ and should include other judicial institutions in Serbia. Same is the position of the SDC and Sweden. All participants insisted on the requirement to ensure sustainability of the RAFU expertise.

Assistant Minister Backovic supported the proposal of President Milojevic and outlined the proposal for a one year extension of RAFU support to the MOJ. Mr. Backovic briefly presented results and the work of the RAFU consultants: preparation of the draft Action Plan for Chapter 23 and 24, support for the preparation of the Action Plans for other chapters, legislative activities and harmonization with the EU acquis.

Ms. Krejovic provided information on the remaining funds and the financial implications if the MOJ RAFU of 12 consultants and the SCC RAFU of 3 consultants were to be supported. If a total of 15 consultants were to be supported roughly 120,000 USD will remain in the recipient executed part of the MDTF-JSS.

The EU confirmed their general support for the RAFU proposal and highlighted that notably the consultants requested for the SCC should be regarded as a bridge towards the future IPA Judicial Efficiency project. The EU requested that the MOJ together with the joint proposal for RAFU provide brief reports for each RAFU consultant against the approved TOR and called the attention to the agreement in the RAFU 2014 proposal that an extension would be decided on a case by case basis, i.e. for each of the 12 consultants individually.

Mr. Decker concluded that the MC in principal agrees to extend support for the RAFU in the SCC and extension of RAFU consultants in MOJ for one year, subject to the discussed requirements to be met.

### **AGENDA ITEM 3: LEGAL AID REFORM**

Assistant Minister Backovic provided a progress update on current activities and an outline of planned activities for legal aid reform. Mr. Backovic explained that the draft Free Legal Aid Law will be submitted to the Government within the next few weeks. He reported that it is planned that the Government will adopt the draft law before the end of November. The draft law extended the definition of eligible recipients of free legal aid based on comments received from EU experts. It is planned that the law will enter into force starting July 1, 2015. The *vacatio legis* will be used for employment of additional staff in municipalities and training program. The MOJ expects that the MDTF will provide support for the training programs for FLA providers and the preparation of relevant bylaws (e.g. fee schedule of providers, register of providers). The justification of the draft Free Legal Aid Law has a part on financial implications of the law.

### **AGENDA ITEM 4: UPDATE FROM OTHER STAKEHOLDERS**

The representative of the SDC, Mr. Vasilev, informed the MC of the SDC's possible plan to commit additional funding for the MDTF. However, any additional pledges will be subject to the approval of a revised Program Framework.

### **AGENDA ITEM 5: FUNCTIONAL REVIEW**

Mr. Decker noted that the Functional Review is in the process of the internal WB approval. He emphasized the relevance, beyond the report itself, of the inclusive process and continuous engagement with all stakeholders to ensure local ownership. Assistant Minister Backovic expressed his appreciation of the quality of the Functional Review and the preparation process.

Based on feedback from the European Commission, public dissemination events in Serbia will be postponed until the second half of January. The schedule for dissemination events will be shared in advance and will be carried out in close coordination with the Serbian authorities to respect local ownership.

### **AGENDA ITEM 6: OTHER MDTF-JSS ACTIVITIES**

Mr. Decker noted that a number of analyses contributed to the Functional Review: Access to Justice Report, Process Maps, Multi-Stakeholder Justice Survey report etc. All these reports are in the process of being finalized and will be circulated to MC members once final.

### **AGENDA ITEM 7: MDTF-JSS PROGRAM FRAMEWORK**

Mr. Decker explained the process of revising the Program Framework and the need to fully align the Program Framework with the Action Plan for Chapter 23 and recommendations of the Functional Review. The members of the MC as well as the beneficiaries will submit their inputs and identify their priorities. The current MDTF end-date is December 31, 2015. However the



revised Program Framework will include an activity plan beyond this date. The Program Framework will outline what can be done with the remaining funds and what can be done with additional funds until the end of 2017.

The EU Delegation suggested that the Program Framework substantiate the relevance of the MDTF and added value of providing support through this mechanism instead of other methods of donor assistance (e.g. bilateral assistance). It was emphasized that in the context of the Ch. 23 Action Plan, also other institutions within the Justice Sector should receive MDTF support.

The meeting agreed that the World Bank team should meet bilaterally to identify priorities of the Serbian authorities and donors and to ensure coordination with SEIO. Information on all ongoing and planned activities to support the justice sector will be collected.