European Commission

Study on the extent to which and how Member States used the ESF and the ERDF in the programming periods 2007–2013 and 2014–2020 to support their justice system

Member State Chapter Romania

optimity ADVISORS

Vitosha Research

Justice and Consumers

EUROPEAN COMMISSION

Directorate-General for Justice and Consumers
Directorate C: Fundamental Rights and Rule of Law
Unit C1 — Justice policy and rule of law

Contact: Gabor Magyar

E-mail: JUST-C1-POLICY@ec.europa.eu

European Commission
B-1049 Brussels

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List of abbreviations

Abbreviation in English (as used in the report)	Full name/title in English	Full name/title in original language
AIR	Annual Implementation Report	Raport National de Implementare
ANABI	National Agency for Confiscated Assets	Agenţia Naţională de Administrare a Bunurilor Indisponibilizate
CSM	Supreme Council of Magistracy	Consiliul Superior al Magistraturii
CVM	Cooperation and Verification Mechanism	Mecanismul de Cooperare si Verificare
ECRIS	Electronic Court Records Information System	Sistemul Informatic de Evidenţă al Curţilor
ICT	information and communications technology	Tehnologia de Informaţie şi Comunicare
JHA	Justice and Home Affairs	Justiţie şi Afaceri Interne
MoJ	Ministry of Justice	Ministerul Justiţiei
NRSF	National Strategic Reference Framework	Cadru Naţional de Referinţă
OP	Operational Programme	Program Operaţional
PA	Priority Axis	Axă Prioritară
PHARE	Poland and Hungary: Assistance for Restructuring their Economies	
POCA	Operational Programme Administrative Capacity	Programul Operaţional Capacitate Administrativă 2014–2020
PODCA	Operational Programme for the Development of Administrative Capacity	Programul Operaţional Dezvoltarea Capacităţii Administrative 2007-2013
POC	Operational Programme for Competitiveness	Programul Operational Competitivitate
POS CCE	Operational Programme for Increasing the Economic Competitiveness	Programul Operational Sectorial Creșterea Competitivității Economice
SCAP	Strategy 2014 to 2020 on Strengthening the Public Administration	Strategia pentru Consolidarea Administrației Publice 2014–2020
SMBR	Better Regulation Strategy	Strategia privind Mai Buna Reglementare 2014–2020

Document checklist

Document type	Title in English	Title in original language	Does the document exist?		Did the researcher have access to the document?		Does the document refer to the justice system?	Is it reviewed and summarised in the MS chapter in the relevant period(s)?	Is it included in the summary table?
			2007–2013	2014–2020	2007–2013	2014–2020			
National Strategic Reference Framework (NSRF)	National Strategic Reference Framework (NSRF)	Cadru Naţional Strategic de Referinţă	Yes	N/A	Yes	N/A	No	Yes	Yes
Partnership Agreement (PA)	Partnership Agreement (PA)	Acord de Parteneriat	N/A	Yes	N/A	Yes	Yes	Yes	Yes
Operational Programme (OP)	OP for Development of Administrative Capacity (PODCA) 2007–2013	Programul Operaţional Dezvoltarea Capacităţii Administrative (PODCA) 2007–2013	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
Operational Programme (OP)	OP for Increasing the Economic Competitiveness 2007–2013 (POS CCE)	Programul Operational Sectorial Creșterea Competitivității Economice 2007–2013 (POS CCE)	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
Operational Programme (OP)	Operational programme Administrative Capacity 2014–2020 (POCA)	Programul Operational Capacitate Administrativa 2014–2020 (POCA)	N/A	Yes	N/A	Yes	Yes	Yes	Yes
Operational Programme (OP)	OP Competitiveness 2014–2020 (POC)	Programul Operational Competitivitate 2014–2020 (POC)	N/A	Yes	N/A	Yes	Yes	Yes	Yes
Needs assessments	Functional Review for the Judiciary, under SOP PODCA, 2012	Analiza Functionala a Sectorului Justitiei în România	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Needs assessments	CVM reports[1]		Yes	Yes	Yes	Yes	Yes	Yes	Yes
Country Specific Recommendations	European Semester Country Specific Recommendations (2013; 2014; 2015; 2016)	European Semester Country Specific Recommendations	Yes	Yes	Yes	Yes	No	Yes	Yes
Country Specific Recommendations	Working document of the Commission's services in view of CSR	Working document of the Commission's services in view of CSR	Yes	Yes	Yes	Yes	Yes	Yes	Yes, as excluded in the ISS
Action Plans	Action Plan for implementing the Strategy for the Development of the Judicial System 2015–2020	Planul de Actiuni pentru implementarea Strategiei de dezvoltare a sistemului judiciar pentru perioada 2015–2020	N/A	Yes	N/A	Yes	Yes	Yes	Yes

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[1] Cooperation and Verification Mechanism reports are annual documents that reflect four benchmarks set for Romania in 2007. The emphasis of the reports changes every year, depending on the political situation and the crisis of the moment. They are not linked to any financial mechanisms.

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			2007–2013	2014–2020	2007–2013	2014–2020			
Evaluation plan	Evaluation Plan for the Partnership Agreement 2014–2020	Plan de Evaluare pentru Acordul de Parteneriat	N/A	Yes	N/A	Yes	No	Yes / No	Yes, as excluded in ISS
Evaluation plan	Evaluation plan POCA 2014–2020	Planul de Evaluare POCA	N/A	Yes	N/A	Yes	No	Yes / No	Yes, as excluded in ISS
Ex-ante evaluation	Ex Ante for Operational Programme Administrative Capacity 2014–2020	Evaluare Ex Ante pentru POCA	N/A	Yes	N/A	Yes	Yes	Yes	Yes
Ex-ante evaluation	Ex Ante for Operational Programme Competitiveness 2014–2020	Ex Ante pentru POC	N/A	Yes	N/A	Yes	No	Yes / No	Yes, as excluded in ISS
Interim evaluation	SOP PODCA interim evaluation 2013	Interim evaluation PODCA	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
Final evaluation	SOP PODCA final evaluation 2014	Final evaluation PODCA	N/A	Yes	N/A	Yes	Yes	Yes / No	Yes, as excluded in ISS
Annual Implementation Reports (AIR) PODCA 2007–2013)									
2007	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
2008	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
2009	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
2010	AIR	RAI	Yes	N/A	Yes	N/A	Yes	Yes / No	Yes, as excluded in ISS

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			2007–2013	2014–2020	2007–2013	2014–2020			
2011	AIR	RAI	Yes	N/A	Yes	N/A	Yes	Yes / No	Yes, as excluded in ISS
2012	AIR	RAI	Yes	N/A	Yes	N/A	Yes	Yes / No	Yes, as excluded in ISS
2013	AIR	RAI	Yes	N/A	Yes	N/A	Yes	Yes	Yes[2]
2014	AIR	RAI	Yes	N/A	Yes	N/A	Yes	Yes	Yes, as excluded in ISS
2014	Final Implementation Report	Raport Final de implementare	Yes	N/A	Yes	N/A	Yes	Yes	Yes, as excluded in ISS
Annual Implementation Reports (AIR) POS CCE 2007–2013									
2007	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
2008	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
2009	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS

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[2] The AIR 2013 is the most relevant document as this is the year that the projects were completed, and it therefore presents the most complete information, which is still quite limited as AIR do not report on individual projects. All other AIRs either present incomplete information while the projects were still ongoing (AIRs 2010–2012), or repeat the same information (AIR 2014 and Final Implementation Report).

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			2007–2013	2014–2020	2007–2013	2014–2020			
2010	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
2011	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
2012	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
2013	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
2014	AIR	RAI	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
Annual Implementation Reports (AIR) (Administrative Capacity 2014–2020)									
2015	AIR	RAI	N/A	Yes	N/A	Yes	No	Yes / No	Yes, as excluded in the ISS
Annual Implementation Reports (AIR) (OP Competitiveness 2014–2020)									
2015	AIR	RAI	N/A	Yes	N/A	Yes	No	Yes / No	Yes, as excluded in the ISS
Annual Progress Reports			N/A	N/A	N/A	N/A	N/A	N/A	N/A

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			2007–2013	2014–2020	2007–2013	2014–2020			
Annual Work Programme (AWP)			N/A	N/A	N/A	N/A	N/A	N/A	N/A
Any other relevant study previously undertaken									
Calls for proposals	Call for Projects Ideas (IP4 / 2016) Support for actions to strengthen strategic integrated management at the level of the judiciary and to strengthen the capacity of institutions in the judiciary.	Cererea de proiecte nr. IP 4/2016 (MySMIS POCA/88/1/3) – Sprijin pentru acțiunile de consolidare a unui management integrat strategic la nivelul sistemului judiciar și pentru consolidarea capacității instituțiilor din sistemul judiciar	N/A	Yes	N/A	Yes	Yes	Yes	Yes
Calls for proposals	Call for proposals: Support for actions to improve access to justiceCP3/2017	Cererea de proiecte nr. CP 3/2017 – 'Sprijin pentru acțiuni de îmbunătățire a accesului la justiție'	N/A	Yes	N/A	Yes	Yes	Yes	Yes
Consultation of stakeholders			N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monitoring Committee (MC) – Decision			N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monitoring Committee (MC) – Minutes			N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monitoring Committee (MC) – Other			N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monitoring Committee (MC) – Report			N/A	N/A	N/A	N/A	N/A	N/A	N/A
National Reform Programme	National Anti-corruption Strategy 2012–2015		N/A	Yes	N/A	Yes	Yes	Yes	Yes
	National Anti-corruption Strategy 2016–2020		N/A	Yes	N/A	Yes	Yes	Yes	Yes

Document type	Title in English	Title in original language	Does the document exist?		Did the researcher have access to the document?		Does the document refer to the justice system?	Is it reviewed and summarised in the MS chapter in the relevant period(s)?	Is it included in the summary table?
			2007–2013	2014–2020	2007–2013	2014–2020			
	National Development Plan 2007–2013		Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
	National Strategy for the Development of the Judicial System 2015–2020[3]		N/A	Yes	N/A	Yes	Yes	Yes / No	Yes, as excluded in ISS
	National Strategy for Strengthening the Integrity in Judiciary		N/A	Yes	N/A	Yes	Yes	Yes / No	Yes, as excluded in ISS
	National Strategy for Consolidating the Public Administration 2014–2020		N/A	Yes	N/A	(Yes)	Yes	Yes / No	Yes, as excluded in ISS
	National Strategy Digital Agenda 2014		N/A	Yes	N/A	Yes	Yes	Yes / No	Yes, as excluded in ISS
Other implementation reports	Final Report of Implementation National Anti-corruption Strategy 2012–2015		Yes	N/A	Yes	N/A	Yes	Yes / No	Yes, as excluded in ISS
Other implementation reports	Implementation Framework for SOP PODCA 2007–2013		Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS
Other – please specify	Romania self-assessment for the Open Government Partnership (OGP), 2014–2016		N/A	Yes	N/A	Yes	No	Yes / No	Yes, as excluded in ISS
Other – please specify	PODCA Implementation Framework Document (2007–2013)	Documentul Cadru de Implementare al PODCA (2007–2013)	Yes	N/A	Yes	N/A	No	Yes / No	Yes, as excluded in ISS

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[3] The documents 'National Strategy for the Development of the Judicial System 2015–2020', 'National Strategy for Strengthening the Integrity in Judiciary', 'National Strategy for Consolidating the Public Administration 2014–2020', 'National Strategy Digital Agenda 2014', 'Final Report of Implementation National Anti-corruption Strategy 2012–2015' and 'Romania self-assessment for the Open Government Partnership (OGP), 2014–2016' refer to the reforms in the judicial sector. However they are national documents, which cover priorities and actions much broader than the ones included in the Operational Programmes; no clear indication is given as to what component of them will be financed from EU structural funds. Therefore, these documents were reviewed, but 'excluded' as they did not display relevant information for this study.

1. Introduction

Member State	
Country Expert Name	SORIN IONITA
Data Collection Period Task 2	1–23 Jul 2017
Number of regions/OPs covered	Projects supporting the justice system were funded under three OPs: 2007–2013: • OP for the Development of Administrative Capacity (ESF): **2 projects** • OP Increase of Economic Competitiveness (ERDF): **1 project** 2014–2020: • OP Administrative Capacity 2014–2020 (ESF): **6 projects**

Documents at the programming level in Romania are generally available online. The main government website is http://www.fonduri-ue.ro/ , but it is built mostly for functional, not analytic purposes. The documents for the past funding periods are mostly bureaucratic, for the needs of interacting with the donor. There is little effort on the part of the Romanian authorities to summarise them and make the results more transparent and intelligible for ordinary users, or the public, or to point out when important changes in OPs were made during the implementation stage. Language-wise the documents are not consistent, with texts in a mixture of Romanian and English.

At the project level the full documentation is not publicly available, but the small number of projects implemented (three during the first cycle) makes the task easier in spite of this: the data were obtained on request from the MA and the beneficiaries. In the second programming period, no project contract was signed up until the time of this research, competitive or non-competitive; however, six projects have their evaluations completed and are almost certain to be approved, so their description was included based on data provided by the MA.

The intervention logic in the Romanian justice sector with ESF and ERDF instruments was different in the two funding cycles. For 2007–2013, although the Ministry of Justice had been designated as an eligible institution, the sector as such did not represent a priority for funding. The focus was on administrative reform and the MoJ only appeared among the stakeholders consulted and as the member of the Monitoring Committee. In the middle of the funding cycle, as explained in the relevant section, the decision was taken to finance a strategic evaluation of the sector and two mid-sized projects through the ESF, as well as a third one from the ERDF. In brief, the programming period begun with no clear plan to assist the judiciary and no need assessment, but mid-course the need assessment was made (as a standalone project), to serve as a basis for the second programming cycle, and two other small pilot projects were implemented in the Ministry of Justice. The most important impact was achieved with the Functional Analysis performed in the first project, which led to the adoption of a public policy and government action plan that is still in operation.

For 2014–2020 the judiciary was included explicitly, alongside the public administration, as a strategic beneficiary of ESF support through OP Administrative Capacity. Two broad dimensions of reform are envisaged: internal reforms meant to make the institutions of the judiciary perform better (priority 1); and increasing their transparency and accessibility to the public, in order to bolster trust and participation (priority 2). The first set of projects under each priority were about to be selected at the time of writing this report (mid-2017). The six non-competitive projects likely to be funded (full description in relevant section) respond directly to the needs identified in the sector assessment (Functional Review) and included in the government Strategy and Action Plan for judicial reform.

Table 1 presents a list of the relevant judicial institutions included in the justice system.

Table 1: Overview of the justice system

Institutions and bodies of the judiciary[4]		Other institutions and bodies that are part of or supporting the justice system[5]	
English	**Original language**	**English**	**Original language**
Civilian courts system: - High Court of Cassation and Justice - Courts of Appeal - County courts and the Bucharest Municipal Court - District courts	Sistemul instanţelor civile: - Înalta Curte de Casaţie şi Justiţie - Curţi de apel Judeţene şi Tribunalul municipiului Bucureşti - Judecătorii	Ministry of Justice - National Trade Register Office - National Administration of Penitentiaries - Probation services - The National Institute for Forensic Expertise	Ministerului Justiţiei: - Registrul Comerţului - Administraţia Naţională a Penitenciarelor - Serviciul de Probaţiune - Institutul Naţional de Medicină legală
Specialised courts: - commercial courts - court for children and family matters	Tribunale specializate: - Comerciale - Tribunale pentru minori şi familie	Mediation Council	Consiliul de Mediere
Military court system - Military tribunals - Territorial Military Tribunal - Military Court of Appeal	Justiţia Militară - Tribunale Militare - Tribunale Militare - Teritoriale Curţi de Apel Militare	- National Authority for Consumer Protection (ADR) - National Authority for Confiscated Assets (ANABI) - National Agency for Cadaster	- Autoritatea Naţională de Protecţie a Consumatorilor - Autoritatea Naţională de Administrare a Bunurilor Confiscate - Agenţia Naţională de Cadastru şi Publicitate Imobiliară

Public Prosecution Service:
- Prosecutor's Office attached to the High Court of Cassation and Justice
  - National Anticorruption Directorate (DNA)[6],
  - Directorate for Investigating Organised Crime and Terrorism (DIICOT)[7]
- prosecutor's offices attached to courts of appeal
- prosecutor's offices attached to tribunals
- prosecutor's offices attached to the tribunal for children and family matters
- prosecutor's offices attached to district courts
- prosecutor's offices attached to military courts
	Parchetele publice:
	- Parchetul de pe lângă Inalta Curte de Casaţie şi Justiţie
	- Direcţia Naţională Anticorupţie
	- Direcţia pentru Investigarea Criminalităţii Organizate şi Terorismului
	- Parchetele de pe lângă Curţile de Apel
	- Parchetele de pe lângă tribunale
	- Parchetele de le lângă judecătorii
	- Parchetele militare
		Centre for Alternative Dispute Resolution in the Banking Field (CSALB)	Centrul pentru Soluţionarea Alternativă a Litigiilor in Domeniul Bancar (CSALB)

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[4] i.e. the judiciary as defined in the national legal framework and following the definition used for the purpose of this study.

[5] i.e. justice system as defined for the purpose of this study

[6] The DNA is responsible for investigating and prosecuting corruption and is headed by a chief prosecutor.

[7] The DIICOT is responsible for investigating and prosecuting organised crime and terrorism. It is headed by a chief prosecutor acting under the coordination of the Prosecutor-General of Romania.

Institutions and bodies of the judiciary[4]		Other institutions and bodies that are part of or supporting the justice system[5]	
English	Original language	English	Original language
Superior Council of Magistracy - National Institute of Magistracy - The National School for Clerks	Consiliul Superior al Magistraturii Institutul Naţional al Magistraturii Scoala Naţională de Grefieri	National Union of Romanian Bars	Uniunea Naţională a Barourilor
Judicial Inspectorate	Inspecţia Judiciară	National Union of Romanian Notaries	Uniunea Naţională a Notarilor
		National Union of Judicial Bailiffs	Uniunea Naţională a Executorilor Judecătoreşti
		Constitutional Court of Romania[8]	Curtea Constituţională
		RA Association of Judges	Uniunea Naţională a Judecătorilor
		Prosecutors' Association	Asociaţia procurorilor

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[8] The Constitutional Court of Romania acts as an independent constitutional jurisdiction and is not part of the ordinary court system.

Table 2: Stakeholders contacted for Task 2

Name of institution in English	Name of institution in original language	Relevance to the study (MA, IB, beneficiary, part of target group, other)	Position (if known)	Method of information request (email exchange/phone call, etc.)	Did you hear back from the stakeholder? (y/n)	Date of conversation/email exchange
Romania (RO)[9]						
Management Authority PODCA	Autoritatea de Management PODCA	MA	Expert in AM POCA (and previously AM PODCA)	Email	Yes	14 July 2017
Ministry of Justice	Ministerul Justiţiei	Beneficiary	Director in the Ministry of Justice	Email	Yes	21 July 2017
Management Authority POCA	Autoritatea de Management POCA	MA	General Director in the Ministry of Regional Development, Public Administration and EU Funds, head of AM POCA	Email	Yes	14 July 2017

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[9] The Expert also mentioned that his requests were also combined with calls and visits in person in the relevant ministries. All necessary information was gathered during the first round of contacts with the beneficiaries.

2. Funding Period 2007–2013

2.1. The needs of the Member State relating to the national justice system

The need to reform and strengthen the judiciary was a strong conditionality in the period leading up to Romania's accession to the EU. Justice and Home Affairs was the last chapter closed before the 2007 accession, and the European Commission introduced additional safeguards for the post-accession period (the Cooperation and Verification Mechanism, CVM) which is still in place today. The 2013 County Specific Recommendations (CSRs) stated for Romania to "step up efforts to improve the quality, independence and efficiency of the judicial system in resolving cases, and fight corruption more effectively."[10] There were numerous PHARE (pre-accession) projects supporting reform of the judiciary, as well as a number of community projects after accession.

However, the justice system as such was not identified as a priority for structural fund support between 2007 and 2013. It is barely mentioned in the NSRF and no specific priorities, objectives or programme-level indicators related to it were set. Instead, judiciary reform is mentioned in the context of business environment improvement, in the sense that 'substantial progress in this regard is still required, particularly concerning the functioning of the judiciary, but the steps taken are in the right direction'.[11] Although the Ministry of Justice appears on the list of stakeholders consulted for the OP Development of Administrative Capacity (PODCA), the judiciary was not initially eligible for financing under any Operational Programme. However, due to the high visibility of the CVM reports and the concerns flagged in them, the government decided in the second part of the cycle to include the justice sector as a priority 'to enable better support of the business environment' (PODCA, AIR 2010). This eventually led to the funding of three projects in the justice sector in the first budget cycle (two under PODCA and one under OP for Increase of Economic Competitiveness – POS CCE).

2.2. Planning stage: The extent to which the Member State programmed support to the justice system through ESF and ERDF

2.2.1. High-level objectives related to justice set in the programming documents

No specific objectives related to justice are mentioned in the NSRF or in any of the OPs for the 2007–2013 programming period.

The Ministry of Justice is mentioned as a potential beneficiary within the OP Development of Administrative Capacity under the section 'Partnerships', which refers to a consultation meeting that took place in 2006, before the OP was approved, alongside many other institutions. The Ministry was also mentioned in relation to another meeting, which was held by the Managing Authority (MA) with 'potential beneficiaries' in January 2007, as well as subsequent consultations, and it was included in the Monitoring Committee of PODCA. However, there was no clear follow-up from these meetings and as a result the Ministry does not appear in the OP as a clearly identified beneficiary, although in principle it was eligible for funds as an institution.

Neither PODCA nor POS CCE included any expected outputs (activities planned), expected results, expected impacts, proposed beneficiaries and target groups related to support to the justice system. Monitoring Committee documents for PODCA and POS CEE are not publicly available. Annual Work Programmes do not exist.

2.2.2. Planned projects listed in the programming documents aiming to support justice

No projects supporting justice were planned during the programming period and therefore there were no specific project selection criteria proposed initially. In the 2007–2013

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[10] Council Recommendation of 9 July 2013 on the National Reform Programme 2013 of Romania and delivering a Council opinion on the Convergence Programme of Romania, 2012-2016; available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013H0730%2817%29

[11] Government of Romania (2007) National Strategic Reference Framework (NSRF), 2007–2013, p. 16.

programming period, in case of PODCA, there were no specific appraisal criteria for the Ministry of Justice or justice system. There were five major criteria used to appraise the projects in the programme[12] (described to the expert during the interview): relevance of project; coherence and sustainability; management capacity; spending effectiveness; and contribution to EU policies.

2.3. Implementation stage: Support to the justice system through ESF and ERDF

2.3.1. Support to the justice system reported at programme level

No specific support related to justice was reported at programme level in Annual Implementation Reports (AIRs) or any evaluation prior to 2010.

However, despite the lack of any mention of support for the justice system in the NSRF or in the OPs, in 2010–2012 a change of course occurred, following extensive discussions between the Romanian government and the EC and the findings presented in the CVM reports. The reports did not explicitly instruct the government to fund specific tasks, but the wide media exposure and societal pressure as a result of the findings presented in the reports, created bottom-up pressure on the government to respond. This led to the approval of two important national documents: the Anti-corruption Strategy and the Strategy for the Development of the Judicial System; they are both mentioned in the chapter.

2.3.2. Support to the justice system reported at project level (Task 2)

The government decided to finance two strategic projects carried out at the central level by the Ministry of Justice through the ESF, under PODCA, and a third one financed through the ERDF, under POS CCE, also by the Ministry of Justice. This was in spite of the fact that none of the two OPs had mentioned the judiciary initially. There was no open call for projects specifically related to the justice sector in this period, and as a result no other proposal submitted by institutions from the sector. The projects were selected under 'ideas for projects' meant for the public administration (IP 5 / 2010 and IP 1/2011, also not mentioning the judiciary) under the objective 'improving the quality and effectiveness of public service delivery'. The selection criteria were: relevance of project; coherence and sustainability; management capacity; spending effectiveness; and contribution to EU policies.

- Judicial Functional Review, completed by 2013 together with the World Bank;

- A publicly available database, administered by the Ministry of Justice, which contains Romanian legislation and has the capability to link with the European legislative portal[13]: N-Lex.

- An e-learning platform for the Ministry of Justice and the judicial system.

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[12] see also below 2.3.2.

[13] Annual Implementation Report SOP PODCA 2013.

Table 3: Overview of projects supporting justice 2007–2013

Project name (in EN)*	Start of project (year)	End of project (year)	Duration of project	Budget allocated[1] in thousand EUR[2]	Budget spent[3] in thousand EUR	Actual EU contribution in thousand EUR	Summary of activities undertaken
OP for the Development of Administrative Capacity 2007RO051PO005 (ESF)							
Functional Review of the Judicial Sector	2012	2013	1	873.09	581.39	N/A	The project had one activity – performing a detailed analysis of the Romanian justice system, which included the following activities: 1. The assessment of the institutional setup and functioning in the judiciary and recommendations for increasing its efficiency; 2. The assessment of the human and budgetary resources in the judiciary and recommendations for improving the efficiency of their use; 3. The assessment of the IT resources of the judiciary (hard and soft), their management procedures and recommendations for increasing efficiency and further development; 4. Assessment and proposals for identifying, preventing and mitigating risks in the judicial system; 5. Information, PR, sustainable development and gender equality; 6. Economic and financial management of the project. The final results of the study were presented to the client (government) in a final workshop and were used as a basis for the programming exercise in the second cycle.
Portal N-Lex implementation	2012	2015	3	3,612.96	3,558.69	N/A	The aim of the project was to develop a legislative electronic application (a legislative website), managed by the Romanian Ministry of Justice, which ensures free access to updated and consolidated legislation, improving the knowledge of the general public as regards the national legislation, and to interconnect it with the N-Lex Portal (http://eur-lex.europa.eu/n-lex/). In order to achieve this, the following main activities were carried out: 1. The legislative application was developed, following the classic phases of software development (business analysis, development, testing and roll-out). This

							activity also implied the public acquisition of a legislative database, along with updating services, as the legislation often suffers modifications. 2. The developed legislative website (http://legislatie.just.ro) was interconnected with the European Portal N-lex, which is the European gateway to the national legislation of the Member States. Thus, the N-Lex Portal retrieves data through a remote connector implemented in the national website. 3. The IT specialists of the Romanian Ministry of Justice were trained in order to manage and maintain the legislative application. 4. Information activities were also carried out (i.e., kick-off and closing conferences, press releases, etc.). In accordance with the rules for implementing projects financed by structural funds, the conferences also tackled horizontal issues (i.e., gender equality and sustainable development), besides the specific topics related to the project. 5. Other horizontal activities, standard to any project, were also carried out such as project and financial management.
OP Increase of Economic Competitiveness 2007RO161PO002 (ERDF)							
E-learning platform with IT specific for the Ministry of Justice and the judiciary in Romania	2012	2014	2	4,132.48	3,875.96	N/A	The aim of the project was to develop an e-learning system to be used to train the personnel of the Romanian judiciary (Ministry of Justice, courts, prosecutor's offices, etc.). In order to achieve this, the following activities were carried out: 1. The e-learning system was developed, following the classic phases of software development (business analysis, development, testing and roll-out). Also, specific e-learning content was elaborated (14 courses pertaining to domains such as: the electronic case management system used by the Romanian judiciary, basic knowledge for the use of computers, Microsoft Office applications, IT security). 2. The necessary hardware for supporting the system was purchased and put in place at the level of the Ministry of Justice. The direct beneficiaries of the project were also endowed with computers (Ministry

							of Justice, all courts in Bucharest, the National School of Clerks, the National Institute of Magistracy, etc.). 3. Trainings were also organised for the users of the system (300 participants from the Ministry of Justice and courts), and for the system administrators (10 IT specialists from the Ministry of Justice). 4. Other horizontal activities, inherent according to the rules for implementing projects financed by structural funds, were also carried out such as: the security audit of the developed system (performed by an independent technical auditor in order to determine the possible security liabilities of the system), the financial audit of the project (performed by an independent financial auditor on the expenses of the entire project), information and visibility measures (e.g., closing conference, press releases etc.).

The Functional Review is included among the documents reviewed for this study and it was used as a needs assessment for the programming period. The legislative database, too, was meant as a pilot for the broader effort to introduce e-justice during the cycle 2014–2020.[14] The e-learning platform continued to function after the completion of the project in 2014 and reports data about users until 2017.

Two out of the three projects were funded through the ESF, which corresponds to the share of funds spent during the period (73% from ESF). All three projects spent smaller sums than initially allocated. As the beneficiary explains, this is due to the economies made in the process of procurement, when equipment and/or services were bought. For the first project (N-Lex) an official addendum to the contract was signed, in order to diminish the budget allocation and allow the Management Authority to use the sums saved in other projects.

Table 4: Number and budget spent (in thousand EUR) of projects supporting justice, funded by ESF and ERDF in the programming period 2007–2013

	Number of projects supporting justice	Budget allocated in thousand EUR	Budget spent in thousand EUR	Actual EU contribution in thousand EUR
ESF	2	4,486.059	4,140.08	N/A
ERDF	1	4,132.478	3,875.96	N/A
Both				
TOTAL	**3**	**8,618.537**	**8,016.04**	N/A

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[14] The information regarding these projects is based on interviews and documents provided by the MA and the representatives of the Ministry of Justice.

Project beneficiaries

All projects had the Ministry of Justice as sole beneficiary, which was eventually considered an eligible institution in the first programming cycle, although the justice sector had not been explicitly included initially.

Table 5: Number of times the following entities were the beneficiary of a project supporting justice, by Fund

	Relevant ministries	Courts and tribunals	National prosecution offices	Professional association of magistrates and bar associations	Registry offices	Regional administration	Specialised training or research institutions	Specialised governance bodies of the judiciary	Others	No information available	Total
ESF	2										**2**
ERDF	1										**1**
Both											**0**
TOTAL	**3**										**3**

Project activities undertaken related to support to justice

The activities mostly included training employees of the stakeholders to perform new tasks and developing IT platforms for them. Apart from the second project (the Functional Review, which was about writing a sectoral report) the other projects included more than one activity: trainings for ministry and court staff, plus hardware / software purchasing, public information and promotion. The activities categorised as 'other' refers to PR and promotional events in the N-Lex portal as well as horizontal activities under the E-learning platform for the MoJ.

Table 6: Number of times a type of activity was undertaken as part of a project supporting justice, by Fund

Project Name	Training	Activities relating to ADR/ODR	Developing/upgrading business processes at courts	Developing/upgrading HR management processes within the judiciary	Introduction of case management system	Digitalisation of court services	Purchase of ICT systems (hardware and software)	Putting in place/upgrading the cooperation and communication within the judiciaries	Development and circulation of best practices	Evaluations and studies	Support to reform initiatives	Upgrading physical infrastructure at courts	Others	No information available	Total
ESF	1						1	1		1			1		5
ERDF	1						1						1		3
Both															0
TOTAL	2						2	1		1			2		8

Most funds were invested in training a large number of staff and end users of the new software platforms and products.

Project final recipient related to support to justice

Table 7: Number of times the following entities were the final recipient of a project supporting justice, by Fund

	Courts and Tribunals	Relevant ministries	Registry offices	Regional administration	National prosecution offices	Professional association of magistrates and bar associations	Specialised governance bodies of	Others	No information available	Total
ESF	1	2								3
ERDF	1	1			1					3
Both										
TOTAL	2	3								6

Project outputs, results and impacts related to support to justice

The indicators reported are project-specific and reported in the final project documentation, without mentioning the programme-level indicators. The project fiches obtained from the MA and the beneficiary (MoJ) do not distinguish precisely between output, results and impact indicators for the three projects.

- For the project **Judicial Functional Review (JFR)**, the accomplishment indicator was defined as 'independent analysis covering all four points mentioned and including actionable recommendations, delivered and approved by the Ministry of Justice'., Once approved by the Ministry of Justice, the JFR became an important resource for the sectoral reforms within the framework of EU support as well as outside it. According to the beneficiary the JFR was the first analysis to address the entire judiciary and was used by the government as a needs analysis of the sector in the programming exercise for the 2014–2020 budget cycle.

- The **N-Lex portal** was monitored on two dimensions: 1. legislative database application developed, installed and functional; and 2. existing and functional interconnection with the European portal N-lex. The summary of the impact as described by the beneficiary is: from an economic and social point of view, the impact of the project is mainly to give citizens and other entities (including the EU through interconnection with the European N-Lex Legislation Portal) unrestricted (free of charge) access to a national legislative database (the Legislative Portal), managed by the Ministry of Justice, encompassing the normative acts in a consolidated and updated version, which has led to a better knowledge of the Romanian legal framework – an essential condition for ensuring an adequate environment for the development of legal relationships of any kind.

- The **E-learning platform** was monitored (a) at the end of the project and (b) at the end of year 3 following the completion of the project, according to: 1. Number of e-courses developed and used; 2. Number of operators from the judiciary trained to use the system; and 3. Number of users of the e-learning system.

The three projects were not formally evaluated ex-post, as the beneficiary indicated. Their obligation was to report on the sustainability of results as follows:

- **Judicial Functional Review:** the obligation was to implement the recommendations through a clearly defined public policy. This policy was formalised

into the Strategy for the Development of the Judicial System, and the associated Action Plan. Both documents are presented in the 2014–2020 section below.

- **N-Lex portal:** the obligation is to ensure that the legislative database is updated by the beneficiary (the Ministry) after the period covered by the project ends. This should happen in February 2018; the Ministry of Justice included in its current draft budget the resources for this purpose.

- **E-learning platform**: the obligation is to utilise the platform in the existing structure for at least five years after the end of the project, a deadline which expired in January 2017.

The projects had the following output indicators:

Output indicators Judicial Functional Review

- Independent analysis covering all four points mentioned and including actionable recommendations, delivered and approved by the Ministry of Justice:

  o Report analysing the institutional organisation and functioning of the judicial system, including recommendations for increasing efficiency;

  o Report on the human and budgetary resources in judiciary, including recommendations for improving the efficiency of their use;

  o Report analysing the IT resources of the judiciary (hard and soft), their management procedures, including recommendations for increasing efficiency and further development;

  o Report with analysis and proposals for identifying, preventing and mitigating risks in the judicial system

Output indicators N-Lex portal:

- The developing of the e-application;

- National legislative database purchased and implemented in the application

Output indicators E-learning platform:

- E-learning platform for the Ministry of Justice and the judiciary in Romania;

- Digital content (e-learning courses) available in the platform - 13 courses;

- Hardware and Software

Some of the above-mentioned indicators, which fit the study predefined indicator categories, have been summarised in the table below. The 3 indicators for the E-learning platform project do not match any of the study's indicator categories and have therefore not be included in the table below. For example, the indicator "Digital content (e-learning courses) available in the platform" counts number of courses, rather than number of participants, as per the provided study category.

Table 8: Project output indicators and data

Aggregate indicator	Unit of measurement	Baseline, if available	Target, if available	Reported value, if available	N=
PODCA					
PA 1: Improvements of structure and process of the management of the public policy cycle					
SPA 1.3 Improving the organisational effectiveness					

No. of digitised registers supported for development/improvement	Number	N/A	N/A	2	2
SPA 1.1 Improving the decision-making process at the politico-administrative level					
No. of evaluations undertaken	Number	N/A	N/A	1	1
POS CCE					
PA 3: ITC for public and private sectors					
SPA 2 Development and the increase of efficiency of the public e-services; Support of the development of e-learning					
N/A	N/A	N/A	N/A	N/A	N/A

The projects had the following result and impact indicators:

Result and impact indicators Judicial Functional Review:

- Independent analysis covering all four points mentioned and including actionable recommendations, delivered and approved by the Ministry of Justice

Result and impact indicators N-Lex portal:

- E-application allowing free access of the citizens (and other entities) to the national legislative database / Legislative database application developed, installed and functional;

- Existing and functional interconnection with the European portal N-lex

Result and impact indicators E-learning platform:

- Developing and putting into production the e-Learning IT system that will provide electronic on-line training services, allowing access to a range of interactive course modules with specific content of interest to the judiciary as well as other Relevant information, including administrators and users.

- Delivery and installation of hardware and software equipment (licenses, servers, computers, etc.) at the level of the beneficiary institutions.

Some of the above-mentioned indicators, which fit the study predefined indicator categories, have been summarised in the table below.

Table 9: Result/ impact indicators and data

Aggregate indicator	Unit of measurement	Baseline, if available	Target, if available	Reported value, if available	N=
PODCA					
PA 1: Improvements of structure and process of the management of the public policy cycle					
SPA 1.3 Improving the organizational effectiveness					
No. of newly developed/upgraded systems to access case law	number	N/A	N/A	2	2

2.4. Relevant output and result indicators

2.4.1. Programme indicators

No indicators relating to justice were reported.

2.4.2. Annex XXIII data

There is no Annex XXIII data to be reported for Romania.

2.5.   Budget information

Overall budget information for projects supporting the justice system funded through the ESF and ERDF was generally available. However, there is no universally accepted taxonomy for project budget owners to classify budgets according to type of activity or final recipient. Moreover, many projects involve multiple activities and/or multiple final recipients. Whether and how budgets for these complex projects are analysed by activity or final recipient varies across project owners and countries. This militates against using reported data to make meaningful comparisons between projects and Member States.

For the purpose of this study, the researchers have therefore created a high-level taxonomy in order to enable an analysis of budget allocations for activities and final recipients of the identified projects funded through the ESF and ERDF supporting the justice system. Information from interviews and documents has been used to apply this taxonomy and allocate budgets based on the main focus of the projects as well as the final recipients.

In cases where it has not been possible to determine budget allocations for projects with **multiple final recipients**, these have been classified as 'multiples' (further details and explanations have been provided in the text below). Where a project had **multiple activities** and/or included activities which did not fall under one of the focus categories, the categorisation of that project reflects its aim and not necessarily all individual activities undertaken in the context of this project. This approach is further explained in the Final Report.

Table 10: Budget spent in thousand EUR by project focus category undertaken

	Improving internal processes	Digitalisation & ICT	Training & Raising awareness	Research and evaluation	Activities related to ADR/ODR	Upgrading physical infrastructure	No information available
ESF		3558.69		581.39			
ERDF		3875.96					
Both							
TOTAL		7434.65		581.39			

As shown in Table 10, the majority of allocated financing supported 'Digitalisation & ICT'. A smaller share of the total budget spent also supported 'Research and evaluation'.

Table 11: Budget spent in thousand EUR by final recipient

	Courts and Tribunals	Relevant ministries	Registry offices	Regional administration	National prosecution offices	Professional association of magistrates and bar associations	Specialised governance bodies of the judiciary	Others	No information available	Multiple
ESF		581.39								3,558.69
ERDF										3,875.96
Both										
TOTAL		581.39								7,434.65

Relevant ministries and Courts and Tribunals appear together as final recipients in two of the three relevant projects, identified for the specific programming period in Romania. Thus, the budget spent for these projects is categorised under 'Multiple' in Table 11. For the remaining project, the 'Functional Review of the Judicial Sector', 'Relevant ministries' are identified as the sole final recipient.

3. Funding Period 2014–2020

3.1. The needs of the Member State relating to the national justice system

The needs and related priorities for the judiciary reforms for the period 2014–2020 were based on:

1. Cooperation and Verification Mechanism (CVM) reports: the Partnership Agreement (PA) specifically states that 'The issues related to the judiciary that need to be addressed are raised in the last CVM Reports'.[15] These reports follow four pre-established benchmarks:

   - Ensure a more transparent and efficient judicial process, notably by enhancing the capacity and accountability of the Superior Council of Magistracy; Report and monitor the impact of the new civil and penal procedures codes
   - Establish, as foreseen, an integrity agency with responsibilities for verifying assets, incompatibilities and potential conflicts of interest, and for issuing mandatory decisions on the basis of which dissuasive sanctions can be Building on progress already made, continue to conduct professional, non- partisan investigations into allegations of high- level corruption;
   - Take further measures to prevent and fight against corruption, in particular within local government.

2. Judicial Functional Review funded by the ESF and carried out by the World Bank in 2013, alongside the related Court Optimisation study.[16] These documents function as needs assessments and cover the whole country.

The specific needs of the justice system were determined in these two assessments and subsequently referred to in the PA. The assistance for the sector was designed in the OP Administrative Capacity (POCA) 2014–2020[17] in accordance with the following list of needs:

- Increasing the efficiency of justice as a public service: ensuring a smooth implementation of new codes, quality indicators and an optimum workload at court level, introducing improvements to judicial statistics, better coordination between the key actors within the judiciary and improving the strategic management of the justice system;
- Strengthening the institutional capacity of the justice system, especially key actors (including the newly created office for assets recovery), to enable it to better carry out its functions;
- Ensuring the integrity of the justice system through more targeted, swift and proactive disciplinary investigations;
- Ensuring the transparency of the justice system through a full electronic database of court decisions and a complete digitisation of the judiciary in Romania (by implementing e-files);
- Ensuring access to justice by providing adequate courts premises (courtrooms, court archives) and continuing with awareness campaigns on major legislative changes, better legal aid services, increased online access to courts' activities and services, by developing specialised e-tools;
- Improving the quality of justice by training all practitioners involved in the justice system (judges, prosecutors, lawyers, clerks, staff from the probation/prison system);

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[15] PA, p. 139

[16] World Bank (2013) *Romanian Judicial Functional Review*. Performed under PODCA 2007–2013, financed by ESF. http://documents.worldbank.org/curated/en/743471468104952374/Romania-judicial-functional-review . The Court Optimisation Study was funded by the World Bank (no EU funds involved) and had the Supreme Court of Magistracy (CSM) as a beneficiary.

[17] Romanian Government (2017) Operational Programme Administrative Capacity (POCA), 2014–2020. http://poca.ro/cadru-strategic/prezentare-poca-2014-2020

- Promoting ICT to modernise the justice system through further developments aimed at improving strategic management, accountability, transparency and efficiency of the judiciary, and thereby enhancing access to justice.

3. The Strategy for the Development of the Judicial System – and the associated Action Plan[18] – were developed jointly by the Ministry of Justice, Superior Council of Magistracy, and the Public Ministry with its specialised structures, namely the National Anticorruption Directorate and the Directorate for investigating organised crime and terrorism, High Court of Cassation and Justice. However, this was published after the finalisation of the PA and POCA, so its recommendations are not referred to in the programming documents. POCA will support part of the measures included in the Action Plan (see section 3.2.2.), but the majority of them will be financed from the state budget.

The National Reform Programmes do not include specific information on justice. **Country Specific Recommendations** adopted in the context of the European Semester each year have summarised the issues highlighted in the CVM reports. For example, the recitals of the 2014 CSRs as well as the Recommendations themselves referred to the need to continue "to improve the quality and efficiency of the judicial system"[19], and to "ensure the effective implementation of court decisions"[20].

For 2015 and 2016, the CSR documents only included recitals mentioning justice, and not actual recommendations on the justice system. The recitals also referred back to the CVM and justice-related areas covered by these.

3.2. **Planning stage**: The extent to which the Member State programmed support to the justice system through ESF and ERDF

3.2.1. High-level objectives related to justice set in the programming documents

The PA includes as *Proposed Priorities for Funding* for the Justice sector (under TO 11) the following[21]:

- 15. Ensure a performing strategic management of the judicial system;
- 16. Further capacity building support to all key justice institutions for a proper implementation of the new Codes and the new legislation, including the European acquis, including probation services and prison administration;
- 17. Continuous training programmes in order to improve professional and managerial skills of judicial staff;
- 18. Support innovative measures for further facilitating access to justice and improving the quality of justice, including measuring of public trust (using various tools such as opinion polls and surveys, public campaign of information, but also the publication of judicial decisions and the public access to them);
- 19. Investments in the physical and IT infrastructure of the justice system in order to comply with the main objectives of the Strategy for the development of the above-mentioned needs;
- 20. Support to improve the capacity of anti-corruption administrative national system and independent monitoring and evaluation mechanisms;
- 21. Support for enhancing integrity within the judiciary through risk-based analyses and tailor-made preventative programmes;

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[18] http://www.just.ro/planul-de-actiune-pentru-implementarea-strategiei-pentru-dezvoltarea-sitemului-judiciar-2015-2020/

[19] COUNCIL RECOMMENDATION of 8 July 2014 on the National Reform Programme 2014 of Romania and delivering a Council opinion on the Convergence Programme of Romania, 2014; available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014H0729%2821%29

[20] Ibid.

[21] PA, p. 188

- 22. Strengthen the overall efficiency of the national system for tracing, managing and recovering assets originating from crime.

Furthermore, OP Administrative Capacity (POCA) and OP Competitiveness (POC) include specific provisions for justice support, as indicated below. There were preliminary discussions about having the Ministry of Justice as an Intermediary Body (IB) for an Axis dedicated to the judiciary, but eventually none was created: POCA combines the measures for judiciary with those for the public administration in general, in the following programme structure.

OP Administrative Capacity – ESF

OP name in English	OP Administrative Capacity (POCA)
CCI	2014RO05SFOP001
Relevant funds for the OP	ESF
Total OP budget (EC and national contribution) EUR	EUR 658,296,768
PA 1 Effective public administration and judicial system	EUR 388,625,825
PA 2 Accessible and transparent public administration and judiciary	EUR 223,492,528

Support for the justice system is provided through the OP Administrative Capacity financed by the ESF in line with thematic objective no. 11 '*Strengthening the institutional capacity of public authorities and stakeholders and the efficiency of public administration*'. POCA 2014–2020 is managed by the Ministry of Regional Development and Public Administration and is a continuation (in terms of Management authority and personnel) of the OP for the Development of Administrative Capacity 2007–2013 (PODCA). The overall objective of POCA 2014–2020 is to create a modern public administration, capable of facilitating socio-economic development, through competitive public services, investments and quality regulations, and professional human resources, thus contributing to the implementation of reform measures and achieve Europe 2020 objectives.

The following priority axes and specific objectives (SO) within the POCA 2014–2020 relate explicitly to justice.

Priority Axis 1: 'Effective public administration and judicial system' (59% of the funds)

SO 1.3 Developing and implementing standard systems and efficient and modern management tools of the institutions within the judiciary.

Priority Axis 2: 'Accessible and transparent public administration and judiciary' (34% of the funds)

SO 2.3 Ensuring transparency and increased integrity in the judicial system to improve access and quality of services provided to its level;

Out of the EUR 658 million of the OP, about EUR 100 million is (informally) earmarked for interventions in support of the judiciary on priority axes 1 and 2 combined; the breakdown between them will be roughly 50/50.

Expected outputs (activities planned):

Under **PA1** of POCA, the planned activities include:

- setting up a strategic and operational management system, including a revision of the legal instances workload and a more efficient use of resources;
- development of the justice system's statistical system;
- improving magistrate recruitment, appraisal and promotion procedures; setting up a training system for justice system staff; setting up internal standards;
- adapting/improving case management IT solutions, including expanding/ improving/ reconfiguring the existing systems for case management and functions such as

statistical analysis, e-archives, automatic writing after dictation; analysing available data on corruption; and a database of professionals.

Under **PA2**, the planned activities include:

- training on new codes, insolvency, public procurement, combating corruption and criminality, mediation, asset confiscation;
- raising awareness about legal rights, strengthening legal assistance and mediation services and alternatives to litigation settlement and execution of decisions;
- developing IT solutions to facilitate access to case files (e-file) and upgrading of the organisation of the National Trade Registrar and insolvency procedures.

Expected results and impacts related to support to justice systems for both Priority axes are presented below:

- Established coherent vision of the strategic management of the justice system; finalised implementation process of the new codes (civil / criminal, civil procedural / criminal procedural); optimised organisation and functioning of courts and prosecutors' offices; improved detention conditions and increased social reintegration of inmates.
- Stronger legal framework, institutional and administrative capacity within the justice system (including courts and prosecutors' offices); enhanced national asset recovery system and procedures valorification of proceeds of crimes;
- Enhanced integrity of the judicial system by promoting anti-corruption measures and standards of professional ethics; modernised statute of legal professions (mediators, arbitrators, lawyers, experts, notaries, insolvency practitioners, bailiffs, translators and interpreters) in order to strengthen ethical standards;
- More relevant motivated decisions published; improved mechanisms for providing information to parties and access to documents in the court in a timely manner, including through the development and access of the public to the e-file services.
- Strengthened legal aid system and improved communication within the justice system;
- Reduced length of judicial proceedings; unified jurisprudence; interdisciplinary training of participants in the administration of the act of justice; improved law enforcement.

Proposed beneficiaries:

- Central institutions of the judicial system (CSM, Judicial Inspectorate, High Court of Cassation and Justice, Public Prosecution Service, Prosecutor's Office attached to the High Court of Cassation and Justice, National Anticorruption Directorate (DNA), Directorate for Investigating Organised Crime and Terrorism (DIICOT), National Institute of Magistracy, The National School for Clerks, Ministry of Justice and subordinated/coordinated bodies)
- Ministry of Justice
- Courts, prosecutor's offices, professional associations
- Higher education institutions, including Law Schools
- Civil society.

Proposed target groups:

- Staff from the institutions within the judicial system
- Representatives of professional associations
- Staff from other public institutions related to activity of the judicial systems
- Staff from other public institutions from central or local level including decision-makers
- Citizens.

OP Competitiveness – ERDF

OP name in English	OP Competitiveness
CCI	2014RO16RFOP001
Relevant funds for the OP	ERDF
Total OP budget (EC and national contribution) EUR	EUR 1,582,770

| PA 1 | EUR 952,571,099 |
| PA 2 | EUR 630,199,748 |

The OP Competitiveness 2014–2020, managed by the Ministry of European Funds, provides ERDF support under Priority Axis 2 'ICT for a competitive digital economy' for the following types of activities:

- Applications and services for e-government (including e-procurement, e-reform of the public administration, cybersecurity, privacy, *e-justice* and e-democracy).

There is no further information about outputs, results, impacts, beneficiaries or target groups related to justice in the OP. No Annual Work Programmes, evaluation plans and Monitoring Committee documents include information on justice.

In interviews with the stakeholders it was confirmed that support from POC for 'e-justice' will function as a top-up in projects selected under POCA (ESF), for budget items such as purchasing hardware and software. In practice, the projects will be selected by MA POCA and they will get a fraction of their funds from POC once approved. The estimate is that about 15% of the value of these projects will be covered by POC; since the total POCA support for Judiciary is about EUR 100 million, it follows that roughly EUR 15 million are earmarked in POC for this sector.

3.2.2. Planned projects listed in the programming documents aiming to support justice

After the OPs were approved, a separate document called **Action Plan for implementing the Strategy for the Development of the Judicial System 2015–2020**[22] was developed and includes a more detailed list of actions, including ICT measures to support the judiciary. These together include actions pertaining to both POCA and OPC, but also go beyond the framework of EU assistance as such.

The items in this Action Plan are scheduled mainly for the period 2017–2020. Some measures in the Action Plan are specifically meant to be financed from POCA, which means they will be subject to future Calls for projects (competitive and non-competitive). However, the bulk of the actions are to be financed from the national budget (non-EU funds).

The list of actions in the Action Plan designated for financing in POCA are:

Activities	Deadline/ period for implementation	Budget RON million[23]
Integrated strategic management system for the judicial system: solution type 'balance card', and training of 300 people	2020	3.6
Inter-operable module for all the stakeholders, part of the ECRIS V **E**lectronic **C**ourt **R**ecord **I**nformation **S**ystem), with forecast capabilities	2020	unspecified
National risk assessment on types of criminality to inform penal policy	unspecified	unspecified
Training for magistrates (614) and paralegals (60) on new criminal codes	2018	72
Assessment of resources and workloads; new Human Resource Strategy for the judicial system	2017	1.3
Using the ECRIS V system: - analysis of current state - development and training	2020	4.2 127
Video recording system for prosecutor offices: implementation and training	2020	72
Guideline and dissemination of the nomenclature of technical judicial expert specialties	2018	1.1

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[22] See http://www.just.ro/planul-de-actiune-pentru-implementarea-strategiei-pentru-dezvoltarea-sitemului-judiciar-2015-2020/

[23] One euro (approx.) RON 4.5

Activities	Deadline/ period for implementation	Budget RON million[23]
System for psychological examination of magistrates	2018	2.5
Training and technical support for the Supreme Council of Magistracy	2018	5.3
Training for the staff of the National Institute of Magistracy	2018	10.5
Training for the staff in the Ministry of Justice	2017–2020	unspecified
Strengthening of the probation system: a new IT system and trainings	2018–2020	12.5
Training and institutional support for the national Register of Companies (under the MoJ)	2018–2020	4.7
Strengthening the management in the National System of Penitentiaries, including new IT solutions	2019	13.5
IT solutions and training for DIICOT (Directorate for the Investigation of Organised Crime and Terrorism)	2020	2.2
E-documents management system in the Ministry of Justice	2017	2.8
IT solutions and training for the National Authority for Citizenship	2018	9
IT solutions and training for the staff of ANABI (National Agency for the Management of Seized Assets), new management procedures	2018–2020	12.2
Good practices in the confiscation and management of sequestered assets	2018	5.6
Updating and monitoring the implementation of the National Anti-Corruption Strategy in the judicial system, ethical standards, risk indicators, trainings and dissemination	2016–2020	16
E-management of files in courts: new procedures and e-learning for staff	2017–2019	6.9
IT solutions and training for the members of the bailiffs' profession: inter-operability with courts, monitoring of the execution of decisions, electronic archives	2018	8.6
Analysis, improvement and permanent monitoring system of accessibility to judicial assistance	2017–2020	8.4
National network of offices for legal counselling available to citizens	2017–2020	5
Better public communication and crime prevention strategy for the judicial system	2017	8.4

3.3. **Implementation stage**: Support to the justice system through ESF and ERDF

3.3.1. Support to the justice system reported at programme level

Justice-related information with regard to the implementation stage is not available for the 2014–2020 programming period, including from Annual Implementation Reports (AIRs), Progress reports, evaluations and Monitoring Committee Documents. The programmed measures implemented so far consist of the calls presented below, which have already been launched; no project contracts have yet been signed with the MA, so no action has yet reached the implementation stage.

3.3.2. Support to the justice system reported at project level

Under POCA, Priority Axis 1, SO 3 (Developing and implementing standard systems and efficient and modern management tools of the institutions within the judiciary) a non-competitive call for projects (IP4/2016[24]) was launched at the end of 2016 with a deadline in February 2017. The total value of the call was EUR 30 million and the results of the selection are not yet final. The criteria used for project selection and their relative weight were: relevance of project (36/100); implementation methodology (34/100); efficiency of spending (24/100); sustenability (6/100).

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[24] http://poca.ro/solicitare-finantare/cererea-de-proiecte-nr-ip-42016/

The **expected results** of the call are:

- (r1) integrated strategic and operational management system for assisting key decisions in governing the judiciary, and

- (r2) better institutional capacity for performance and quality in judiciary, including for the implementation of the new Codes.

The proposed **target group** are the main institutional stakeholders in the judiciary and law enforcement system. No targets are set for the indicators in the call.

However, at this stage we know that **six projects** were selected under IP4/2016, all submitted by central public institutions, with a total value of EUR 22.4 million, as planned during the programming phase. Their list is presented at 3.4.2 below; contracts are expected to be signed by September 2017. The projects are:

1. Institutional consolidation of the Romanian penitentiary system, submitted by the National Administration of Penitentiaries, with a budget of EUR 2,497,304. The aim is to strengthen the organisational and administrative capacity of the penitentiary system by developing managerial tools and reviewing the Development Strategy.

2. Strengthening the capacity of the Public Ministry to put in place the New Penal Codes in the field of hearings, by the General Prosecutor Office, with a budget of EUR 12,174,559. It is about strengthening the capacity of the Public Ministry to conduct hearings in accordance with the provisions of the new codes by creating an advanced IT system to be used in this field.

3. Strengthening the capacity of the Public Ministry to put in place evidential procedures for computer searches, by the General Prosecutor Office, with a budget of EUR 3,123,743. It is about strengthening the capacity of the Public Ministry in the field of computer searches, in line with the provisions of the new codes, by introducing a unitary set of working methodologies, specialised training of personnel and equipment and computer applications.

4. Development and implementation of an integrated system of strategic management at the level of the judiciary – SIMS, by the Ministry of Justice, with a budget of EUR 2,296,264. It is about improving the efficiency of justice and institutional consolidation of the judiciary by developing an integrated system of strategic management at the level of the judiciary.

5. Strengthening and streamlining the national system for the recovery of claims arising from criminal offences, by National Agency for the Recovery of Frozen Assets, with a budget of EUR 1,540,903. It is about strengthening the capacity of this new agency to increase the recovery of claims arising from crime.

6. Strengthen the administrative capacity of the MoJ by developing a workflow management platform (GPL) and related applications, by the Ministry of Justice, with a budget of EUR 744,045. It is about strengthening the institutional capacity of the Ministry of Justice by modernising and streamlining the work processes and related flows both internally and externally.

A competitive call for proposals was also launched in Feb 2017 (**CP3/2017**[25]) under priority axis 2 (better access to justice, better public information, awareness, mediation) with a total budget of EUR 10 million. Both public institutions from the sector and relevant NGOs are eligible. The closure of the call was postponed until end-April 2017 and eventually 19 proposals were received; the results of the selection have not been announced yet.

The **expected result** of the selected projects is 'increased access to justice by citizens through better information/ training and making available support services to the wider

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[25] http://poca.ro/solicitare-finantare/cererea-de-proiecte-nr-cp-32017/

public'. The proposed **target groups** include staff from the judicial system; staff from central and local administration, primarily those with attributions connected to the judiciary; legal councillors and experts who work in conjunction with the judiciary.

In addition, the **Guide for applicants for IP 9/2017** is currently public for consultation[26]; the call as such has not yet been launched. The call falls under specific objective 2.3 (Ensuring transparency and increased integrity in the judicial system to improve access and quality of services provided to its level) and its estimated value is EUR 54 million. The call is non-competitive and eligible applicants will be institutions from the judicial system.

A similar call under 1.3 was announced for **Feb–March 2018**, with a total value of EUR 29 million, also non-competitive; eligible applicants will be institutions from the judicial system.

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[26] http://poca.ro/ip-92017/lansarea-in-consultare-a-ghidului-solicitantului-nr-ip-92017-mysmis-poca13123/

Table 12: Overview of projects supporting justice 2014–2020[27]

Project name (in EN)*	Start of project (year)	End of project (year)	Duration of the project	Budget allocated[28] in thousand EUR	Budget spent[29] in thousand EUR	Actual EU contribution in thousand EUR	Summary of activities undertaken
OP Administrative Capacity 2014-2020 2014RO05SFOP001 (ESF)							
Institutional consolidation of the Romanian penitentiary system Consolidarea instituțională a sistemului penitenciar românesc	N/A	N/A	N/A	2,497.30	N/A	N/A	Proposed activities: Strengthening the organisational and administrative capacity of the penitentiary system by developing managerial tools and reviewing the Development Strategy.
Strengthening the capacity of the Public Ministry to put in place the New Penal Codes in the field of hearings Întărirea capacității Ministerului Public de punere în aplicare a noilor prevederi ale codurilor penale în domeniul audierilor	N/A	N/A	N/A	12,174.56	N/A	N/A	Proposed activities: Strengthening the capacity of the Public Ministry to conduct hearings in accordance with the provisions of the new codes by creating an advanced IT system to be used in this field.
Strengthening the capacity of the Prosecutor to put in place some evidential procedures for computer searches Întărirea capacității Ministerului Public de punere în execuție a unor procedee probatorii vizând percheziţiile informatice	N/A	N/A	N/A	3,123.74	N/A	N/A	Proposed activities: Strengthening the capacity of the Public Prosecutor in the field of computer searches, in line with the provisions of the new codes, by introducing a unitary set of working methodologies, specialised training of personnel and equipment and computer applications

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[27] Submitted for the call for proposals IP4/2016, all projects in tendering process.

[28] Planned/ committed
[29] Budget actually paid/ disbursed

Project name (in EN)*	Start of project (year)	End of project (year)	Duration of the project	Budget allocated[28] in thousand EUR	Budget spent[29] in thousand EUR	Actual EU contribution in thousand EUR	Summary of activities undertaken
Development and implementation of an integrated system of strategic management at the level of the judiciary – SIMS Dezvoltarea și implementarea unui sistem integrat de management strategic la nivelul sistemului judiciar – SIMS	N/A	N/A	N/A	2,296.26	N/A	N/A	Proposed activities: Actions to improve the efficiency of justice and institutional consolidation of the judiciary by developing an integrated system of strategic management at the level of the judiciary.
Strengthening and streamlining the national system for the recovery of claims arising from criminal offenses Consolidarea și eficientizarea sistemului național de recuperare a creanțelor provenite din infracțiuni	N/A	N/A	N/A	1,540.90	N/A	N/A	Proposed activities: Actions to strengthen the capacity of this new agency to increase the recovery of claims arising from crime.
Strengthen the administrative capacity of the MoJ by developing a workflow management platform (GPL) and related applications Consolidarea capacității administrative a MJ prin dezvoltarea unei platforme de gestiune a proceselor de lucru (GPL) și a aplicațiilor aferente	N/A	N/A	N/A	744.05	N/A	N/A	Proposed activities: Actions to strengthen the institutional capacity of the Ministry of Justice by modernising and streamlining the work processes and related flows both internally and externally.

All projects will be financed through the ESF, but no spending has been executed yet; the projects are at the stage of signing contracts.

Table 13: Number and budget allocated (in thousand EUR) of projects supporting justice, funded by ESF and ERDF in the programming period 2014–2020

	Number of projects supporting justice	Budget allocated in thousand EUR	Actual EU contribution in thousand EUR
ESF	6	22,376.82	N/A
ERDF			
Both			
TOTAL	6	22,376.82	N/A

Project beneficiaries

The six projects envisaged for funding from ESF have only one beneficiary each. However two of the projects are implemented in partnership. These partners take part in the implementation of the project and manage their own share of the budget, but the overall responsibility for the project belongs to the beneficiary.

Table 14: Number of times the following entities is the beneficiary of a project supporting justice, by Fund

	Relevant ministries	Courts and tribunals	National prosecution offices	Professional association of magistrates and bar associations	Registry offices	Regional administration	Specialised training or research institutions	Specialised governance bodies of the judiciary	Others	No information available	Total
ESF	3		2						1		6
ERDF											
Both											
TOTAL	3		2						1		6

The spread of projects across the judicial sector is quite even in the second programming period, in terms of number of projects and budget, unlike in the first period. Furthermore, beneficiaries included not only the Ministry of Justice (including the penitentiaries), but also the Prosecutor's office and other institutions: the National Agency for the Recovery of Frozen Assets. The list of beneficiaries is in line with what was anticipated at the programming stage, in OP and the national strategies. Most funds will go to the network of Prosecutors' offices: central and territorial levels.

Activities of projects in tendering process and of ongoing projects related to support to justice

In terms of types of activity, what predominates is measures of structural reform (management and HR processes) and the investment in new IT platforms necessary for the former. The first three the projects combine more than one activity: improving management processes with investments in IT systems, trainings for staff or even investments in physical facilities (prisons); the last three projects are mostly about capacity building and management processes activities listed as 'other', which include reviewing prison facilities and developing/upgrading HR management processes within the National Agency for the Recovery of Frozen Assets.

Table 15: Number of times a type of activity is foreseen/ongoing as part of a project supporting justice, by Fund

Project Name	Training	Activities relating to ADR/ODR	Developing/upgrading business processes at	Developing/upgrading HR management	Introduction of case management	Digitalisation of court services	Purchase of ICT systems (hardware and	Putting in place/upgrading the cooperation and	Development and circulation of best practices	Evaluations and studies	Support to reform initiatives	Upgrading physical infrastructure at	Others	No information available	Total
ESF	2			3			3					1	2		11
ERDF															
Both															
TOTAL	**2**			**3**			**3**					**1**	**2**		**11**

Project final recipient related to support to justice

The main final recipient of funds is the same as the main beneficiary: the Ministry of Justice, as a coordinator of sectoral reforms, with its subordinated and coordinated branches. Its staff will be involved in four out of six projects, including some where the ministry is not the direct beneficiary. It is followed by the Prosecutor's office and its territorial network.

Table 16: Number of times the following entities were the final recipient of a project supporting justice, by Fund

	Courts and Tribunals	Relevant ministries	Registry offices	Regional administration	National prosecution offices	Professional association of magistrates and bar associations	Specialised governance bodies of the judiciary	Others	No information available	Total
ESF	1	4			3		1	1		**10**
ERDF										
Both										
TOTAL	**1**	**4**			**3**		**1**	**1**		**10**

Project outputs, results and impacts related to support to justice

The six projects selected had not started at the time this report was compiled, so there is no data to report as actual accomplishments on indicators. Although some of the output indicators set for the projects could fall under the study's predefined indicator categories (e.g. number of specialised personel trained), these did not have set baselines and targets and have therefore not been included in the table below. They relate mainly to the development and implementation of management systems in different institution and two indicators refer to institutional consolidation and improved operational capacity:

- An IT system developed for conducting people's hearings and identifying individuals and objects;
- A unitary set of working methodologies, introduced at the level of the Public Ministry, regarding the execution of the computer searches or of the technical-scientific findings regarding computer data of interest in the criminal prosecution;
- Hardware (hardware) and licensed software (software) for computer searches;
- Specialised personnel trained;
- Integrated System of Functional Strategic Management at Judicial Level;
- Personnel in the judiciary system trained in strategic management;
- Macro-analysis document developed to develop the new ECRIS Case Management System;
- Enhanced Operational and Strategic Capacity at Agency level;
- Human Resources Specialized in Identifying, Managing and Valuing Seized Goods;
- Good Practices Identified and Disseminated in Identifying, Confiscating and Recovering Criminal Goods;
- Institutional consolidation of the Ministry of Justice by modernising and streamlining existing working processes, both in terms of interaction between specialised departments, including those with other actors at the level of the judiciary (eg, the courts) , as well as in relation to the external actors involved in the activities related to the judiciary.

Table 17: Project output indicators and data

Aggregate indicator	Unit of measurement	Baseline, if available	Target, if available	Reported value, if available	N=
POCA					
Priority axis 1 Effective public administration and judicial system					
Subpriority 1.3 Developing and implementing standard systems and efficient and modern management tools of the institutions within the judiciary					
N/A	N/A	N/A	N/A	N/A	N/A

The projects have the following result indicators and target values:

1. Institutional consolidation of the Romanian penitentiary system, submitted by the National Administration of Penitentiaries, with a budget of EUR 2,497,304. Indicators applicable are:

- 5S11 (Institutions from the judicial system which introduced instruments and quality & performance standards developed in the programme) = 1;
- 5S50 (Institutions in the judicial system developing standard performance tools and systems) = 1;
- 5S51 (IT Systems / Applications for Case Management and / or Institutional Processes developed / improved) = 1;
- 5S52 (Target group participants in training actions in areas that support quality and institutional performance at the level of the judiciary) = 420.

2. Strengthening the capacity of the Public Ministry to put in place the New Penal Codes in the field of hearings, by the High Prosecutor Office, with a budget of EUR 12,174,559. Indicators applicable:

- 5S11 (Institutions from the judicial system which introduced instruments and quality & performance standards developed in the programme) – 1
- 5S50 (Institutions in the judicial system developing standard performance tools and systems) – 1
- 5S51 (IT Systems / Applications for Case Management and / or Institutional Processes developed / improved) – 1
- 5S52 (Target group participants in training actions in areas that support quality and institutional performance at the level of the judiciary) = 670.

3. Strengthening the capacity of the prosecutor to put in place some evidential procedures for computer searches, by The High Prosecutor Office, with a budget of EUR 3,123,743. Indicators applicable:

- 5S11 (Institutions from the judicial system which introduced instruments and quality & performance standards developed in the programme) – 1
- 5S50 (Institutions in the judicial system developing standard performance tools and systems) – 1
- 5S51 (IT Systems / Applications for Case Management and / or Institutional Processes developed / improved) – 1
- 5S52 (Target group participants in training actions in areas that support quality and institutional performance at the level of the judiciary) = 55.

4. Development and implementation of an integrated system of strategic management at the level of the judiciary – SIMS, by the Ministry of Justice, with a budget of EUR 2,296,264. Indicators applicable:

- 5S10 (Integrated management system introduced for the whole judiciary) – 1
- 5S49 (Institutions in the judiciary involved in the development of the integrated management system) – 4
- 5S52 (Target group participants in training actions in areas that support quality and institutional performance at the level of the judiciary) = 250.

5. Strengthening and streamlining the national system for the recovery of claims arising from criminal offenses, by National Agency for the Recovery of Frozen Assets, with a budget of EUR 1,540,903. Indicators applicable:

- 5S11 (Institutions from the judicial system which introduced instruments and quality & performance standards developed in the programme) – 1
- 5S50 (Institutions in the judicial system developing standard performance tools and systems) – 1

- 5S52 (Target group participants in training actions in areas that support quality and institutional performance at the level of the judiciary) = 430

6. Strengthen the administrative capacity of the MoJ by developing a workflow management platform (GPL) and related applications, by the Ministry of Justice, with a budget of EUR 744,045. Indicators applicable:

- 5S11 (Institutions from the judicial system which introduced instruments and quality & performance standards developed in the programme) – 1
- 5S51 (IT Systems / Applications for Case Management and / or Institutional Processes developed / improved) – 1
- 5S52 (Target group participants in training actions in areas that support quality and institutional performance at the level of the judiciary) = 100.

The table below summarised the indicator and target values "5S52 (Target group participants in training actions in areas that support quality and institutional performance at the level of the judiciary)" from all 6 projects. The other indicators did not fit the study's predefined categories as they refer to the development of management systems and improving quality performance.

Table 18: Result indicators and data

Aggregate indicator	Unit of measurement	Baseline, if available	Target, if available	Reported value, if available	N=
POCA					
Priority axis 1 Effective public administration and judicial system					
Subpriority 1.3 Developing and implementing standard systems and efficient and modern management tools of the institutions within the judiciary					
No. of staff who have improved their professional competence			1,925		6

In their current stage (draft concept, contracts not signed) the six projects do not foresee a follow-up, with one exception: the MoJ project 'Development and implementation of an integrated system of strategic management at the level of the judiciary – SIMS' will be followed by another project on implementation of ECRIS V. Their logic is more of a one-off input to the technical capacity of various institutions in the judiciary, meant to contribute either to their setting up (the new National Agency for the Recovery of Frozen Assets) or the modernisation of their management and procedures. The whole POCA programme had a relatively slow start (like the other Romanian OP, in fact). The POCA Evaluation Plan was approved by the MC in November 2015 and revised in October 2017. Evaluations of the interventions financed for the judicial system were foreseen for the first semester 2018.

3.4. Relevant programme output and result indicators

3.4.1. Programme indicators

The following programme indicators were set in POCA for the judicial sector, in relationship with the programme results. For three result indicators (5S13, 5S14 and 5S15) at the moment of POCA approval, there were no baselines and targets set. As part of the general ex-ante conditionality G7, the baseline and the targets for these indicators were set later, in 2015. This resulted in a programme modification, approved in March 2017, when indicator 5S15 was replaced with indicator 5S81.

Programme result	Code	Indicator	unit	Baseline	Target 2023
Integrated strategic and operational management system for assisting key decisions in governing the judiciary	5S10	Integrated management system introduced for the whole judiciary	number	2014	1
Better institutional capacity for performance and quality in judiciary, including for the implementation of the new Codes	5S11	Institutions from the judicial system which introduced instruments and quality & performance standards developed in the programme	number	2014	8
	5S12	Integrated management instruments introduced in courts	number	2014	2
	5S13	The rate of case solving improved in the courts covered by the project	%	2014	114
	5S14	Pending cases reduced in number in courts covered by the project, six months after its completion	number	2014	689,379
	5S81	Discharge rate (Disposition time) improved six months after reaching the purpose of the project (days)	number	2014	128
Improved professional skills and abilities in the judiciary, especially with regard to the new legal codes	5S27	Specialised trainings aimed at unifying judicial practice	number	2014	1,000
Increased access to justice by conducting legal information / education campaigns and offering support services, including	5S28	Implemented cooperation framework for improving the level of information, the access of citizens to judicial assistance and to courts in general	number	2014	1

legal assistance, made available to citizens					
Increased transparency and integrity at the level of the judiciary, according to best practice in the field	5S29	Institutions from the judicial system with standard IT systems which are upgraded / improved / expanded.	number	2014	4
	5S30	Upgraded / improved / expanded IT systems to communicate with the parties in cases, better access to files, information and documentation applicable at the court level and other judicial bodies	number	2014	8
	5S31	Standardized procedures implemented to improve ethics and integrity in the judicial system	number	2014	10
	5S32	Courts with standard monitoring / evaluation instruments for the current activity	number	2014	15

3.5.   Budget information

Overall budget information for projects supporting the justice system funded through the ESF and ERDF was generally available. However, there is no universally accepted taxonomy for project budget owners to classify budgets according to type of activity or final recipient. Moreover, many projects involve multiple activities and/or multiple final recipients. Whether and how budgets for these complex projects are analysed by activity or final recipient varies across project owners and countries. This militates against using reported data to make meaningful comparisons between projects and Member States.

For the purpose of this study, the researchers have therefore created a high-level taxonomy in order to enable an analysis of budget allocations for activities and final recipients for projects funded through the ESF and ERDF supporting the justice system. Information from interviews and documents has been used to apply this taxonomy and allocate budgets based on the main focus of the projects as well as the final recipients.

In cases where it has not been possible to determine budget allocations for projects with **multiple final recipients**, these have been classified as 'multiples' (further details and explanations have been provided in the text below). Where a project had **multiple activities** and/or included activities which did not fall under one of the focus categories, the categorisation of that project reflects its aim and not necessarily all individual activities undertaken in the context of this project. This approach is further explained in the Final Report.

For the 2014–2020 programming period it is also important to note that the majority of projects are still ongoing. The tables below therefore only provide an overview of the **budget allocated** for project activities and final recipients.

Table 19: Budget allocated in thousand EUR by activity foreseen/ongoing

Project Name	Improving internal processes	Digitalisation & ICT	Training & Raising awareness	Research and evaluation	Activities related to ADR/ODR	Upgrading physical infrastructure	No information available
ESF	7,078.52	15,298.30					
ERDF							
Both							
TOTAL	7,078.52	15,298.30					

The majority of funding is provided for Digitalisation & ICT, exclusively under the ESF. Just above EUR 7 million is allocated for improving internal processes within the judiciary. Three of the projects included multiple activities, mainly in the area of purchase of ICT systems, training, and developing / upgrading of physical infrastructure of courts or upgrading of HR management processes.

Table 20: Budget allocated in thousand EUR by final recipient targeted

Project Name	Courts and Tribunals	Relevant ministries	Registry offices	Regional administration	National prosecution offices	Professional association of magistrates and bar associations	Specialised governance bodies of the judiciary	Others	No information available	Multiple
ESF		3,241.35			15,298.30					3,837.17
ERDF										
Both										
TOTAL		3,241.35			15,298.30					3,837.17

National prosecution offices are the major final recipient as per allocated budget in Romania. In addition to relevant ministries, specialised governance bodies of the judiciary and court administrations also appear in Table 20 (as part of projects with multiple final recipients, thus categorised under 'multiple').

4. Overview of existing national and regional data and documentation related to the ESF and ERDF

The judiciary was not regarded as a priority area to be assisted with EU funds in Romania after accession. For the first programming period (2007–2013) there was no need assessment performed on the sector, which was not included initially among the ones eligible for ESF funds. Justice and the judicial institutions were not mentioned in the programming documents, and nor were any projects envisaged. As a result, all the programming documentation from this period is available, but not relevant for the topic of this assessment.

There was a change of course towards the middle of the period, when the decision was made to fund three projects in the area of justice, all of them having the Ministry of Justice as a beneficiary (described in section 2.3 above), including as a target group specialists from the sector such as judges, prosecutors and court staff. Two of them were typical capacity building; the third was a functional analysis of the whole sector, meant to function as a need analysis for the second programming exercise. The documentation for them is available in the form of project fiches, reports at the Management Authority, numerical indicators included in the Annual Implementation Reports from 2011 on, or project websites (where applicable).

In the second programming period (2014–2020) the judiciary was included from the start as eligible for funding, based on the conclusions of the needs analysis (project funded in previous period). The Operational Programme for Administrative Capacity (POCA) lists the judiciary among potential beneficiaries on all its Priority Axes; however the judiciary is mixed up with the public administration (including local governments) on each Axis, so that there is no clear earmarking of sums for the sector. Moreover, POCA had a slow start and by the time this report was compiled (mid-2017) no project contract had been signed yet, competitive or non-competitive.

Finally, there is an important lesson to be learned about how poorly adapted to technical assistance in the area of judiciary the current EU system of reporting, indicators and log frames is. The frameworks of typical ESF programmes of social intervention with many beneficiaries (individuals or communities) do not match the logic of strategic reforms in small and highly specialised public institutions like those of the judiciary. Governments or Management Authorities in Romania were not able to adapt this system of indicators and reporting to the specific task they embarked on, and in consequence the AIRs or the project reports carry forward piles of tables with data which are irrelevant for the success (or failure) of the intervention: territorial distribution of participants/sums; types of 'beneficiaries' as opposed to 'target groups' (hard to distinguish in practice); demographics of participants in projects, etc.

With this caveat, the programming and project-level documentation of the few projects in in the area of judiciary in Romania does exist and access to it was facilitated by both the Management Authorities and beneficiaries, who were open and responsive to our solicitations.

4.1.   Ex-ante evaluations and needs assessments

2007–2013: Not applicable

2014–2020: Available; they reflect well the needs of the sector and propose clear recommendations

4.2.   Programming documents

2007–2013: Not applicable

2014–2020: Available; they discuss the sector at length and create the framework for assisting it with ESF funds

4.3.   Implementation reports

2007–2013: Yes, but the format of the data is of little relevance for the sector

2014–2020: They will exist (no projects yet), but the format of the data is likely to remain irrelevant for the sector

4.4.   Interim and ex-post evaluations

2007–2013: Yes, but the format of the data is of little relevance for the sector

2014–2020: They will exist (no projects yet), but the format of the data is likely to remain irrelevant for the sector

4.5.   Other non-project level documents

2007–2013: Not the case

2014–2020:

- Strategy for the Development of the Judicial System – official act adopted by the Government and revised periodically
- Action Plan for implementing the Strategy for the Development of the Judicial System 2015–2020

4.6.   Project-level data sources

Apart from the documents analysed at the programme level, the sources reviewed for the project-level analysis were:

- The non-competitive call IP 4 / 2016
- The competitive call CP 3 / 2017
- Project fiches and other info about individual projects provided by the Management Authority (PODCA, and then POCA) and the main beneficiary (Ministry of Justice) about the three completed projects for the cycle 2007–2013; plus the six selected projects for the cycle 2014–2020.

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