

Standard Summary Project Fiche for the Transition Facility

1. Basic Information

- 1.1 **CRIS Number: 2004/006-245-05-02**
- 1.2 ***Twining Number: LV/2004/JH/02***
- 1.3 **Title: Dispute Resolution systems and provision of training for legal practitioners**
- 1.4 Sector: Justice and Home Affairs
- 1.5 Location: Latvia

2. Objectives

2.1 Overall Objective(s):

To improve functioning and capacity of the judiciary in Latvia

2.2 Project purpose:

To reduce backlog in civil cases;
To reduce court costs

2.3 Justification

Comprehensive Monitoring report on Latvia's preparation for membership (2003)

"The new government recognised the need for reform of the judiciary as a priority, (...). Latvia needs, however, to take urgent action to ensure continued and effective implementation of the reform."(p. 12)

"The necessary legislative basis for the reform, the new Law on Judicial Power, (...), as well as implementing regulations are, however, still pending and its implementation requires further strengthening of administrative capacities."(p.13)

"The entry into force of the Administrative procedure (adopted in 2002) was delayed to February 2004, (...)"(p.13)

Commission Report (2002): Latvia

"As mentioned in previous Reports, lengthy pre-trial detention, a related issue stemming from the backlog of cases, has continued to pose a serious problem. While fundamental measures to address the problem are still pending, (...) Decisive further measures are needed to further improve this situation."

Monitoring report on the implementation of commitments made in the accession negotiations by Latvia, 15 May 2003

"Latvia needs acceleration of court proceedings, reduction on the number of pending cases, adequate enforcement of judgements. One of the activities within mentioned purpose is to reduce the length of court proceedings."

European Commission Strategy Paper and Report 2003

“The legislative framework still remains to be completed and the increasing backlog of court cases should be reduced. (...) Further significant efforts to strengthen the de facto independence, efficiency and quality of the judiciary are needed.”

3 Description

3.1 Background and justification:

For the past years the burden on Latvian courts has been enormous. The Comprehensive Monitoring Report of 2003 states: “The situation with pending court cases has improved. The number of pending criminal cases went down to 4 423 in July 2003 (compared to 5 062 in July 2002) and 19 003 civil court cases were pending as of July 2003 (compared to 22 829 in July 2002).” The court system is currently handling a large throughput of cases while also increasing output to reduce the backlog. In addition, while the average length of civil court cases in 2002 was 5,8 months, it increased in 2003 to 6,4 months, but in many courts cases are scheduled several years in advance.

In the near future, the indicators mentioned in the first paragraph will be effected by the newly adopted legislation - the Law on Administrative Procedure, the Law on Judiciary and the Law on Criminal Procedure - alongside the obligations deriving from EU membership. It is predicted that the mentioned legislative changes and EU membership will increase the need for the judiciary to operate more efficiently as the number of submitted claims will rise. Simultaneously, the government continues to implement a serious and sustained judicial reform. A cornerstone of the judicial reform has been the establishment of the Court Administration. But further action is needed to widen the operational capability of Latvian courts, in order to establish new systems to address the significant number of pending cases. The proposed project will supplement the action of the Latvian government by introducing mediation, arbitration or counseling (these are the possible elements of a Dispute Resolution System within this project) or all of the above as an integral part of the Latvian court system.

It has been acknowledged that simplified procedures such as Dispute Resolution system would help the judiciary to deal with claims more cost- and time-efficiently and consequently would reduce court costs and improve the current situation with court delays. The Dispute Resolution system will be established as an integral part of the Latvian judicial system.

The training of judges continues to be a priority and directly affects smooth functioning of the judicial system. Additional knowledge on criminal and civil Community law has to be delivered to judges, and where appropriate, prosecutors, in order to address further capability of Latvian judicial system to properly implement European legislation. Lack of knowledge on European law may present an obstacle to the effective functioning of the Latvian judiciary within the common EU judicial area, and it is recognized by the Latvian government that further training has to be delivered for judges, and where appropriate, prosecutors. The responsibility for implementing training programs for judges lies within the newly established Court Administration.

3.2 Linked activities:

The problem of judiciary, *inter alia*, lengthy and cumbersome litigation was addressed within the following Phare projects:

- Phare 1998 project “Court System Reform” (November, 1999 – August, 2001). The main objectives of this project included 1) a new law “On Sworn Court Bailiffs, 2) training of judges on the application of the EU and international law.
- Phare 2003 project “Strengthening the Capacity of Latvian Judiciary” (LV/2003/IB/JH-02) (started in September, 2003). The main objectives of this project include: 1) establishment of the Court Administration, 2) human resource development, especially with a close regard to training of judge candidates, 3) improvement of civil procedure rules.

3.3 Results:

Component I

A wide range discussion on dispute resolution systems; consultation on preferable set-up of the system to be introduced; analysis of necessary legislative changes and budgetary provisions; elaboration of a strategic plan for implementation dispute resolution in courts; delivery of training and assessment of results.

- New methods of dispute resolution established;
- Officials have undergone training according to the work plan (*see activity 4 of Component I*)
- Judicial system is operationally capable of resolving disputes more cost- and time-efficiently

Component II

- Judges and prosecutors have undergone training on European civil and criminal law
- Trained officials are more efficient in applying legal norms

3.4 Activities

Component I¹

- Conduct informative seminars and/or conference on Dispute Resolution systems;
A discussion targeted at all judges, representatives of the advocacy and appropriate administrative staff on Dispute Resolution systems according to best EU or a particular memberstates practices will promote awareness and knowledge on Dispute Resolution systems in general. It is essential for building a constructive approach to determining the features (which legal practitioners will conduct the dispute resolution operations, will dispute resolution be compulsory before a court litigation, involvement of private sector, etc.) of the Dispute Resolution system to be introduced in Latvian courts.
- Assist in discussions and deliver analysis and highlight essential after-effects of all discussed aspects of the Dispute Resolution system to be introduced in Latvian courts; During this activity the RTE should employ his experience and knowledge regarding Dispute Resolution systems. It would be his/hers responsibility to come forward with

¹ Preparations for the activities of Component 1 would be the responsibility of a work group established prior to the start of the project. Members of the work group (officials from the MoJ, judges, advocates, and other legal practitioners) will exchange information on the project activities and divide competencies within the whole project and conduct other preparatory work, such as preparation of relevant documentation needed for the introduction of mediation and developing a draft strategy for implementing the project.

analytical conclusions about after-effects and the effectiveness of discussed possible outcomes of the project for the Latvian court system.

- Assistance in discussion on legislation and necessary legislative and administrative changes;
This activity will be carried out simultaneously with the discussions and analysis in the framework of the previous activities of the Component I. The RTE will consult on the necessary legislative base for the Dispute Resolution system to be introduced in Latvian courts. The beneficiary taking into account the previously held discussions will carry out the administrative changes.
- Elaborate a work plan for the implementation of Dispute Resolution system in Latvian courts and state the financial provisions;
The action plan should resemble the necessary administrative and legislative changes and the training programmes that will be delivered and the target groups of training programmes, as well as a part with financial provisions. The accounting should be done in line with the priorities and features of the Dispute Resolution system that were put forward in the discussion stage. The discussion on budgetary provisions should be a part of this activity and the beneficiary will ensure that financial resources are earmarked for maintaining Dispute Resolution system.
- Assist the work group in writing the amendments to the Civil Procedure and other legislative acts according to the work plan;
Under this activity all necessary legislative changes will be made with the help and expertise of the RTE.
- Training of the new specialists according to the work plan;
The number of people to be trained and the number trainees will be specified during the discussion stage when the expert/s becomes familiar with the situation in Latvian courts.
- Training of trainers according to the work plan;
This activity will ensure a follow-up of the project and the trainees of this activity will be training personnel from the Court Administration.
- Compiling all training material, ensure its translation into Latvian and insertion into the training curricula of Latvian legal practitioners;
- Assessment report on the work of the new specialists;
The trainers of the new Dispute Resolution specialists will assess the work of the new specialists and give comments for further improvements.

Component II

- Prepare training material for training on topics of civil and criminal Community law;
All topics for training within this component will be specified at or before the expert selection rounds. At the time of writing the fiche it is clear that training will be needed on Legal aid in civil and commercial matters, European Arrest warrant, and ship pollution regulations.
- Deliver training on topics of civil and criminal Community law;
The target groups of the training will be all judges (in all cases) and selected prosecutors (when the topic is relevant for prosecutors).

- Summarize all training material of the seminars to be inserted in the training curricula of legal practitioners;
All training material will have to be translated in Latvian and compiled to be added to the training curricula and materials of the Latvian legal practitioners.

Means:

Twinning Covenant

Component I

Resident Twinning Expert (RTE) (18 m/m)

His/hers main responsibility will be to participate in the work group put together for the implementation of the Dispute Resolution system. An extensive experience and analytical approach regarding Dispute Resolution are the main features that should characterize the RTE. The most responsible part of RTEs job will be assisting in writing the amendments to the civil procedure and other legislative acts.

Short-term experts (STE) (total input 10 m/m)

The STE will participate in the first activity of the Component with bringing information regarding Dispute Resolution systems. They will also provide RTE with assistance in elaborating the work plan for the introduction of Dispute Resolution systems. It will also be their responsibility to prepare training material and assist in delivering the training programs (incl. Training of trainers program). A STE will compile all training material; ensure its translation and insertion into the training curricula of Latvian legal practitioners.

Component 2

STE (4 m/m)

The STEs should be knowledgeable and experienced in those spheres of Community law in which the beneficiary would like to receive training. The STEs will have to prepare training material, conduct seminars, and ensure the translation into Latvian and compiling of the training material.

3.4 Lessons learned:

Following the experience gained from the implementation of previous PHARE projects (see 3.2. Linked activities) it is clear that success of implementation of projects often depend on the level of commitment and ownership of the project beneficiary. Following lessons have been identified during previous Phare projects, which will be carefully taken into account during implementation of current project:

- The responsible institution has to maintain on the high level project ownership, especially with regard to overall management and coordination of the project. The project co-ordination team should ensure all necessary administrative and informative support for a successful implementation of all project activities;
- The success of the project to the great extent is related to the ability of RTE to understand the local situation and to be flexible in implementation of the project. Successful implementation of innovations in a judicial system to a large extent rely on the ability of implementing experts to understand the local situation as judicial systems vary in different countries;

- It is compulsory that all training material be translated into Latvian, compiled and inserted in training curricula of Latvian legal practitioners. Training material will ensure sustainability of project results after the completion of the project;
- There should be strong motivation and commitment from the training participants to acquire knowledge, to attend training sessions, to provide input in the training;

4 Institutional Framework

The project will be implemented in the following institutional framework:
Main responsibility for the project lies with the Ministry of Justice (MoJ).

Responsibility for project activities regarding Component I will lie with the Ministry of Justice and the Court Administration. The Judicial Counsel will hold advisory role in the project.

Responsibility for project activities regarding Component II will lie within the Court Administration as the responsible institution for training of judges.

Changes in the afore-described institutional framework resulting from the project are not foreseen.

5 Detailed Budget

	Transition Facility	Support				
	Investment Support	Institution Building	Total TF (=I+IB)	National Cofinancing*	IFI *	TOTAL
Contract I Twinning Covenant		727 800	727 800	72 780*		800 580
Total		727 800	727 800	72 780		800 580

* Parallel co-financing - will be applied for covering of office costs for experts, infrastructure facilities and travel costs for national counterparts.

6 Implementation Arrangements

6.1 Implementing agency

Implementing agency of the project will be the Central Finance and Contracting Agency of the Ministry of Finance (CFCA). CFCA will be responsible for the financial and administrative management of the project in accordance with the Extended Decentralised Implementation System (EDIS).

Central Finance and Contracting Agency –Director Mr. A.Eberhards
1 Smilšu street, Riga, Latvia, LV-1050
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Fax: +371 7094348

Programme Authorising Officer (PAO) – Deputy State Secretary of the Ministry of Finance Mrs. I. Vasaraudze

1 Smilšu street, Riga, Latvia, LV-1050
 Tel: +371 7095545;
 Fax: +371 7095421

The overall responsibility on technical implementation is under the Ministry of Justice (MoJ):

SPO – State Secretary of the Ministry of Justice - Mr. Mārtiņš Bičevskis
 36 Brivibas street, Riga, Latvia, LV-1536
 Tel: +371 7036802
 Fax: +371 7220521

6.2 Twinning

Contact persons for the Twinning will be:

Project co-ordinator of the Ministry of Justice - Mr. Kārlis Eņģelis
 36 Brivibas street, Riga, Latvia, LV-1536
 Tel: +371 7036785
 Fax: +371 7211720
 E-mail: karlis.engelis@tm.gov.lv

6.3 Non-standard aspects

There will be no non-standard aspects regarding implementation of the project. Ratio: if during project implementation the project cost for some reasons will decrease, the Transition Facility financing will also decrease proportionally.

6.4 Contracts

Contract I - Twinning Covenant: **727 800** (parallel co-financing);

7 Implementation Schedule

	Start tendering/call of proposals	of for Start of Project activity	Project completion
Contract I Twinning Covenant	II Quarter, 2004	I Quarter, 2005	III Quarter, 2006

8 Sustainability

Sustainability of the results achieved by the project will be ensured by implementation of the project findings and their application to real-life situations.

9 Conditionality and sequencing

There are no preconditions for starting the project.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format;
2. Detailed implementation chart;
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period);

ANNEX 1 Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project: Dispute Resolution systems and provisions of training for legal practitioners		
	Contracting period expires 15 December 2006	Disbursement period expires 15 December 2007
	Total budget : 800 580	TF budget : 727 800

Overall objective	Indicators of Achievement	Sources of Information	
To improve functioning and capacity of the judiciary in Latvia	<ul style="list-style-type: none"> ▪ Evidence of use of Dispute Resolution as alternative to court-based litigation in resolving disputes 	<ul style="list-style-type: none"> ▪ Government reports; ▪ Official statistics; ▪ A public survey conducted by the MoJ and Marketing & public opinion research centre 	
Project purpose	Indicators of Achievement	Sources of Information	Assumptions
To reduce backlog in civil cases; To reduce court costs	<ul style="list-style-type: none"> ▪ 45 mediators trained and prepared for service by end of the project; ▪ Plan for further developing of Dispute Resolution system elaborated by the end of the project; ▪ Court delays reduced (<i>see</i> sources of Information); ▪ Backlog in cases reduced (<i>see</i> sources of Information) 	<ul style="list-style-type: none"> ▪ Project outputs (training evaluations, distribution lists etc.); ▪ Endorsements of publications from beneficiary ministries and target groups ▪ Feedback from publicity campaign ▪ Statistical report on duration of proceedings in civil and criminal cases; ▪ Statistical report on civil cases in the first instance (2005;2006); ▪ Statistical report on civil cases in the appellate court (2005;2006); ▪ Statistical report on criminal cases 	<ul style="list-style-type: none"> ▪ Involved institutions are committed to the project

		in the appellate court (2005;2006).	
Results	Indicators of Achievement	Sources of Information	Assumptions
<p>Component I</p> <ul style="list-style-type: none"> ▪ New methods of dispute resolution established; ▪ Officials have undergone training according to the work plan (<i>see activity 4 of Component I</i>) ▪ Judicial system is operationally capable of resolving disputes more cost- and time- efficiently <p>Component II</p> <ul style="list-style-type: none"> ▪ Judges and prosecutors have undergone training on European civil and criminal law ▪ Trained officials are more efficient in applying legal norms 	<p>Component I</p> <ul style="list-style-type: none"> ▪ Assessment report is available to the public by 1 March, 2006; ▪ Draft amendments elaborated and undergoing one of the stages of approval foreseen by the Latvian law by 1 January, 2007. ▪ DR specialists are working in Latvian courts 	<ul style="list-style-type: none"> ▪ Project reports 	<ul style="list-style-type: none"> ▪ Trained personnel retains their position ▪ Trainees to be trained as trainers are selected after the candidates have been evaluated regarding their motivation to retain their position. Benefits may be negotiated.
Activities	Means		Assumptions
<p>Component I</p> <ol style="list-style-type: none"> 1. Conduct informative seminars and/or conference on Dispute Resolution systems; 2. Assist in discussions and deliver analysis and highlight essential after-effects of all discussed aspects of the dispute resolution system to be introduced in Latvian courts; 3. Assistance in discussion on legislation and necessary legislative and administrative changes; 4. Elaborate a work plan for the implementation of Dispute Resolution system in Latvian courts and state the financial provisions; 5. Assist the work group in writing the amendments to the Civil Procedure and other legislative acts 	<p><u>Twinning:</u></p> <p>Component I</p> <p>RTE – 18 m/m to carry out components I and II;</p> <p>Short-term expertise 6 m/m to assist RTE in different activities (i.e., elaboration of mediation procedures, preparation of seminar, training of mediators, preparation of documentation)</p> <p>12 two-day seminars</p> <p>Component II</p>		<ul style="list-style-type: none"> ▪ Personnel is committed and available for training; ▪ Qualified trainers are available

6. according to the work plan; Training of the new specialists according to the work plan; 7. Training of trainers according to the work plan; 8. Compiling all training material, ensure its translation into Latvian and insertion into the training curricula of Latvian legal practitioners; 9. Assessment report on the work of the new specialists;	STE – 10 m/m to elaborate training programmes, carry out training, compile training material Training seminars – 8 two-day seminars		
Component II 1. Prepare training material for training on topics of civil and criminal Community law; 2. Deliver training on topics of civil and criminal Community law; 3. Summarise all training material of the seminars to be inserted in the training curricula of legal practitioners;			<u>Preconditions</u>

ANNEX 2 Detailed implementation chart

	2004												2005												2006												
Institutional Building	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
Twinning															X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
Resident Twinning expert (RTE) (18 m/m)															X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
Conduct informative seminars and/or conference on Dispute Resolution systems																X	X	X																			
Assist in discussions and deliver analysis and highlight essential after-effects of all discussed aspects of the dispute resolution system to be introduced in Latvian courts																X	X	X																			
Assistance in discussion on legislation and necessary legislative and administrative changes;																X	X	X									X	X	X	X	X	X	X				
Elaborate a work plan for the implementation of Dispute Resolution system in Latvian courts and state the financial provisions																			X	X																	
Assist the work group in writing the amendments to the Civil Procedure and other legislative acts according to the work plan;																				X																	

[illegible]

Short term Twinning expertise (10 m/m)																	X	X	X	X	X	X	X	X	X																
Prepare training material for training on topics of civil and criminal Community law																	X	X																							
Deliver training on topics of civil and criminal Community law;																			X	X	X	X	X	X																	
Summarize all training material of the seminars to be inserted in the training curricula of legal practitioners;																									X	X															

ANNEX 3 Cumulative contracting and disbursement schedule (EUR)

	2005				2006			
	I	II	III	IV	I	II	III	IV
Contract I – Twinning Covenant*								
Contracted total:	727 800							
TF:	727 800							
Disbursed total:		582 240	655 020				727 800	
TF:		582 240	655 020				727 800	

* Parallel co-financing