

# **EVALUATION ROADMAP**

Roadmaps aim to inform citizens and stakeholders about the Commission's work to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to share any relevant information that they may have.

TITLE OF THE EVALUATION	Thematic Evaluation of EU support for Rule of Law in neighbourhood countries and candidates and potential candidates of enlargement (2010-2017)
LEAD DG - RESPONSIBLE UNIT	DG NEAR
INDICATIVE PLANNING (PLANNED START DATE AND COMPLETION DATE)	Q2 - 2018
Additional Information	https://ec.europa.eu/neighbourhood-enlargement/policy/policy-highlights/rule-of- law_en

The Roadmap is provided for information purposes only. It does not prejudge the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the document, including its timing, are subject to change.

# A. Context, purpose and scope of the evaluation

#### Context

This evaluation is part of the DG NEAR multiannual Evaluation plan and it to be launched in 2017. It is in line with the EU Better Regulation<sup>1</sup> which emphasises the need of systemic and timely evaluation of European Commission programmes, activities, instruments and non-spending activities in order to demonstrate accountability and to promote lesson learning to improve policy and practice.

Respect for human dignity and human rights, liberty, democracy, equality and the rule of law are the common values enshrined in Article 2 of the Treaty on European Union<sup>2</sup>, on which the European Union (EU) is based. Respect for these principles is a condition for membership of the Union. These values and principles have from the outset been at the center of the enlargement process, in particular through the Copenhagen criteria<sup>3</sup>. Following the fifth enlargement, 2 negotiation chapters are now dedicated to rule of law issues (23 – Judiciary and fundamental rights and 24 – Justice Freedom and Security). Their opening and closing has been subject to a strengthened benchmarking system to guide the reforms and the alignment with EU rules. In its external policies, including in the Neighborhood region, the Union's action "shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law." (Article 21 of the Treaty on European Union).

Enlargement partners<sup>4</sup> receive support under the **Regulation (EU) No 231/2014 establishing an Instrument for Pre-accession Assistance (IPA II<sup>5</sup>)**. Assistance under this Regulation is provided in accordance with the enlargement policy framework defined by the European Council and the Council and taking due account of the **Enlargement Strategy** and the **Annual Reports**<sup>6</sup> published by the European Commission.

The Communications accompanying the annual reports (previously called "progress reports") assess progress

<sup>&</sup>lt;sup>1</sup> <u>http://ec.europa.eu/smart-regulation/index\_en.htm</u>

<sup>&</sup>lt;sup>2</sup> http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012M/TXT

<sup>&</sup>lt;sup>3</sup> http://eur-lex.europa.eu/summary/glossary/accession\_criteria\_copenhague.html?locale=en

<sup>&</sup>lt;sup>4</sup> IPA II beneficiaries –Albania, Bosnia and Herzegovina, Montenegro, Kosovo\*, the former Yugoslav Republic of Macedonia, Serbia and Turkey. \* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICI Opinion on the Kosovo declaration of independence. The Localandia equipartment has desided to put the EU accession proportion on held. In this

Kosovo declaration of independence. The Icelandic government has decided to put the EU accession negotiations on hold. In this context, the European Commission, in agreement with the Icelandic government, has suspended preparatory work on IPA for the period 2014-2020. As a consequence Iceland will not be covered by this evaluation.

<sup>&</sup>lt;sup>5</sup> https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial\_assistance/ipa/2014/231-2014\_ipa-2-reg.pdf

<sup>&</sup>lt;sup>6</sup> https://ec.europa.eu/neighbourhood-enlargement/instruments/overview\_en

made and issue recommendations which are translated into policy and financial priorities The "Enlargement Strategy and Main Challenges 2013-2014<sup>7</sup>" launched the principle of "fundamentals first", strongly linking the rule of law, economic governance and public administration reform and inviting candidates and potential candidates of enlargement to prioritise progress in these areas to secure a better preparation for their future accession to the EU in terms of enhancing their capacity to undertake the necessary reforms to align their political, institutional, legal, administrative and economic systems with the rules, standards, policies and practices in the Union. Subsequently, also financial assistance was geared towards supporting the implementation of the "fundamentals first" principle. In November 2015, the European Commission set out a medium-term strategy for EU enlargement policy to cover the period of the mandate of this Commission. It was endorsed by the Council in December 2015<sup>8</sup>. The 2016 Communication <sup>9</sup> took stock of progress in the implementation of that strategy and issued further recommendations as regards specific candidates and potential candidates of enlargement and on certain thematic issues, including as regards areas that support the rule of law.

In the Neighbourhood context<sup>10</sup>, the main components of the EU interventions are underpinned by:

- The European Neighbourhood Policy (ENP), which was launched in 2004 on the basis of the Communication "Wider Europe" (COM(2003)104)<sup>11</sup>, then substantially revised in 2011 to design a response to the events of the Arab Spring ("A new response to a changing Neighbourhood" -COM(2011)303<sup>12</sup>). A major novelty of this revised approach was the so-called 'more for more' principle, whereby additional political and democratic reform efforts by partner countries were to be rewarded with additional financial and other support.
- The ENP Review in 2015, which led to the adoption of a Joint Communication in November 2015 (JOIN(2015)50)<sup>13</sup>, setting out a new framework for building more effective partnerships between the EU and its neighbours, and supporting stabilisation as a top priority. The review reinforced the principle of flexibility in order to accelerate assistance and to ensure it is better adapted to rapidly evolving political circumstances and priorities.
- At country level, the **ENP action plans**<sup>14</sup> (or Association Agendas for Eastern Partner countries), which set out the partner country's agenda for political and economic reforms, with short and medium-term priorities of 3 to 5 years, as well as the Human Rights Country Strategies, jointly adopted by EU Delegations and endorsed by the Council since 2012<sup>15</sup>. Following the 2015 review, action plans have been replaced in some cases by the joint agreement on partnership priorities;
- In terms of financial assistance, under the European Neighbourhood Instrument, the **Multi-annual programming documents** 2010-2013<sup>16</sup> and 2014-2017<sup>17</sup>, and the consecutive various **annual actions** programmes<sup>18</sup>, both bilateral and regional, which are defining the priorities and envelope of EU financial support for each partner and for regional/multi-countries actions.
- At implementation level, the Commission Staff Working Document "Tool-Box: a Rights-Based Approach, encompassing all Human Rights for EU development cooperation" (SWD 152/2014)<sup>19</sup> and its related Conclusions adopted by the Council on 19 May 2014<sup>20</sup>, as well as the various EU Guidelines on human rights issues<sup>21</sup>;

The accession process today is more rigorous and comprehensive than in the past, reflecting the evolution of EU policies as well as lessons learned from previous enlargements. The Copenhagen criteria - which each

<sup>&</sup>lt;sup>7</sup>https://ec.europa.eu/neighbourhood-

enlargement/sites/near/files/pdf/key documents/2013/package/strategy paper 2013 en.pdf <sup>8</sup>https://ec.europa.eu/neighbourhood-

enlargement/sites/near/files/pdf/key\_documents/2015/20151110\_strategy\_paper\_en.pdf <sup>9</sup>https://ec.europa.eu/neighbourhood-

enlargement/sites/near/files/pdf/key\_documents/2016/20161109\_strategy\_paper\_en.pdf

<sup>&</sup>lt;sup>10</sup> ENI partner countries – Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, Palestine\*, Syria, Tunisia and Ukraine. \*This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

<sup>&</sup>lt;sup>11</sup> http://eeas.europa.eu/archives/docs/enp/pdf/pdf/com03\_104\_en.pdf

<sup>&</sup>lt;sup>12</sup> https://ec.europa.eu/research/iscp/pdf/policy/com\_2011\_303.pdf

<sup>&</sup>lt;sup>13</sup>https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/neighbourhood/pdf/key-documents/151118\_jointcommunication\_review-of-the-enp\_en.pdf

<sup>&</sup>lt;sup>14</sup> https://eeas.europa.eu/headquarters/headquarters-homepage/8398/enp-action-plans\_en

<sup>&</sup>lt;sup>15</sup> http://www.consilium.europa.eu/uedocs/cms\_data/docs/pressdata/EN/foraff/131181.pdf

<sup>&</sup>lt;sup>16</sup>http://collections.internetmemory.org/haeu/content/20160313172652/http://eeas.europa.eu/enp/documents/financing-theenp/index en.htm

<sup>&</sup>lt;sup>17</sup> https://eeas.europa.eu/headquarters/headquarters-homepage/8410/financing-enp\_en

<sup>&</sup>lt;sup>18</sup> https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries\_en

<sup>&</sup>lt;sup>19</sup> http://www.eidhr.eu/files/dmfile/SWD\_2014\_152\_F1\_STAFF\_WORKING\_PAPER\_EN\_V5\_P1\_768467.pdf

<sup>&</sup>lt;sup>20</sup> http://www.consilium.europa.eu/uedocs/cms\_data/docs/pressdata/EN/foraff/142687.pdf

<sup>&</sup>lt;sup>21</sup> http://www.eidhr.eu/library

candidate and potential candidate of enlargement aspiring to join the Union needs to respect - continue to reflect **the core values** on which the EU is founded: democracy, the rule of law, respect for fundamental rights. Learning lessons from previous enlargements, the rule of law has been put at the heart of the enlargement process. However, also the **ENP**, since its inception, strongly promotes a functioning democracy, respect for human rights and the rule of law were affirmed as fundamental pillars of the EU partnership with its neighbours. After 2011, the ENP reaffirmed the rule of law as a key priority, following a new approach based on mutual accountability and a shared commitment to the universal values of human rights, democracy and the rule of law. This "more for more" principle conditioned increased EU support to its neighbours on their progress in building and consolidating democracy and the rule of law. The concept of deep and sustainable democracy retained in the ENP included:

- free and fair elections;
- freedom of association, expression and assembly and a free press and media;
- the rule of law administered by an independent judiciary and right to a fair trial;
- fighting against corruption;
- security and law enforcement sector reform (including the police) and the establishment of democratic control over armed and security forces.

The 2015 ENP Review reaffirmed good governance, democracy, rule of law and human rights as key priorities of the EU and essential requirements to achieve long-term stability in the Neighbourhood region.

<u>The EU support for RoL in IPA/ENI beneficiaries</u> is provided through political and policy dialogue and financial assistance.

EU policy dialogue

At international level, in close cooperation with the Council of Europe and the OSCE (ODIHR<sup>22</sup>).

In its cooperation with IPA beneficiaries the Commission is engaged in policy dialogues:

- at bilateral level, as part of the Stabilisation and Association process and where relevant, the accession negotiations.
- as part of the programming process of IPA assistance, setting specific objectives and priorities for support in: Multi-Annual Indicative Financial Frameworks (MIFFs) and Multi-Annual Indicative Planning documents (MIPDs) (for IPA I<sup>23</sup>); Annual and/or multi-annual (action) programmes;
- Specifically for the 2014-2020 programming period in the framework also of sector reform programmes and for budgetary support.

In its cooperation with **EU Neighbourhood countries** the Commission is engaged in policy dialogue:

- at bilateral level, as part of the Association Agreements or other agreements between the EU and partner countries; and where relevant, through the agreement of ENP Action Plans, Association Agendas or Partnership priorities;
- at regional level in the framework of Eastern Partnership<sup>24</sup>;
- as part of the programming process of ENPI/ENI assistance, setting specific objectives and priorities for support in Country Strategy Papers, Single Support Frameworks – SSF (Multi-annual Indicative Programmes), Annual Action programmes; and more specifically, in the case of budget support programmes;
- EU financial assistance

During 2007-2013, **IPA** assistance under the Component I (Transition Assistance and Institution Building) has provided opportunities for supporting actions aiming at strengthening of democratic institutions, as well as the rule of law, including its enforcement, at promoting and protecting human rights and fundamental freedoms and enhancing the respect for minority rights, at promoting gender equality and non-discrimination and reforming the public administration. IPA II (2014-2020) targets reforms within the framework of pre-defined sectors. These sectors cover areas closely linked to the enlargement strategy, such as democracy and governance, rule of law or growth and competitiveness. This sector approach promotes structural reforms that will help transform a given sector and bring it up to EU standards. It allows a move towards a more targeted assistance, ensuring efficiency, sustainability and focus on results. The bulk of the assistance is channeled through the Action Documents for IPA II Beneficiaries, which are the main vehicles for addressing beneficiary-specific needs in priority sectors as identified in the indicative Strategy Papers. Multi-Country Action Programmes aim at enhancing regional

<sup>&</sup>lt;sup>22</sup> http://www.osce.org/odihr/

<sup>&</sup>lt;sup>23</sup> http://eacea.ec.europa.eu/tempus/documents/tempus\_ipa.pdf

<sup>&</sup>lt;sup>24</sup> Platform 1 - "Democracy, good governance and stability"

cooperation (in particular in the Western Balkans) and at adding value to the Action Documents through other multi-beneficiary actions.

**ENPI**<sup>25</sup>/**ENI**<sup>26</sup> multi-annual programming documents have usually dedicated 20-25% of the country allocations to support in the area of Rule of Law, Human Rights and Democracy. The vast majority of ENPI/ENI funding is used for bilateral cooperation, tailor-made to each Neighbourhood partner country. A key element in this context have been in the past the bilateral ENP Action Plans (AP), similar documents (e.g. Association Agendas) and successor documents (Partnership priorities), which are mutually agreed between the EU and each partner country. In addition to bilateral cooperation, ENI funding also supports regional, Neighbourhood-wide<sup>27</sup> and Cross Border Cooperation (CBC)<sup>28</sup> programmes. ENI funds were primarily focused on supporting reform process towards the consolidation of deep and sustainable democracy, the application and enforcement of the rule of law and the protection and enforcement of human rights. Democracy support is also dedicated to reinforce civil society participation in decision making processes, to promote integration of Human Rights issues in national educational systems and increase capacities in democratic citizenship and human rights education, and to promote democratic capacities of young people.

The rule of law is also supported through **other EU instruments** under projects that support democracy and human rights at country-specific, multi-country / regional, or with a global coverage. These instruments are: the Instrument Contributing to Peace and Stability<sup>29</sup>, the European Instrument for Democracy and Human Rights<sup>30</sup> and thematic programmes of the Development Co-operation Instrument<sup>31</sup>,

EU RoL assistance has been implemented through a variety of modalities, i.a.:

- twinning<sup>32</sup>, twinning light, TAIEX<sup>33</sup> and SIGMA<sup>34</sup>;
- technical assistance and capacity building
- grant schemes;
- budget support.

### Purpose and scope

The purpose of this evaluation is to provide an assessment and evidence on the scope and performance of the implemented and on-going EU support for Rule of Law (RoL) in beneficiaries of the IPA and ENPI/ENI instruments. It aims at providing recommendations for the improvement of the programming and implementation of EU support to Rule of Law in line with the principles laid down in the Communication COM(2014) 158 final/2 "A new EU Framework to strengthen the Rule of Law<sup>35</sup>". This Communication underlines that the rule of law is the backbone of any modern constitutional democracy. It is one of the main values upon which the Union is based. This is confirmed by Article 2 of the Treaty on European Union (TEU), as well as by the Preambles to the Treaty and to the Charter of Fundamental Rights of the EU<sup>36</sup>. Article 49 TEU, stipulates that respect for the rule of law is a precondition for EU membership.

The Communication lists a number of key principles that define the core of what the rule of law is and refers to the Venice Commission<sup>37</sup> which detailed these principles. They include: **legality**, which implies a transparent, accountable, democratic and pluralistic process for enacting laws; **legal certainty**; **prohibition of arbitrariness of the executive powers**; **independent and impartial courts**; **effective judicial review including respect for fundamental rights**; **and equality before the law**. In essence, the rule of law is a multi-dimensional concept that ensures that all public powers act within the constraints set out by law, in accordance with the values of democracy and fundamental rights, and under the control of an independent, efficient and professional judicial system .

<sup>30</sup> http://www.eidhr.eu/

<sup>&</sup>lt;sup>25</sup> http://collections.internetmemory.org/haeu/20160313172652/http://eeas.europa.eu/enp/pdf/pdf/oj\_1310\_en.pdf

<sup>&</sup>lt;sup>26</sup> http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:077:0027:0043:EN:PDF

<sup>&</sup>lt;sup>27</sup> https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/neighbourhood-wide\_en

<sup>&</sup>lt;sup>28</sup> https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/cross-border-cooperation\_en

<sup>&</sup>lt;sup>29</sup> http://ec.europa.eu/dgs/fpi/what-we-do/instrument\_contributing\_to\_stability\_and\_peace\_en.htm

<sup>&</sup>lt;sup>31</sup> http://ec.europa.eu/europeaid/how/finance/dci\_en.htm\_en

<sup>&</sup>lt;sup>32</sup> https://ec.europa.eu/neighbourhood-enlargement/tenders/twinning\_en

<sup>&</sup>lt;sup>33</sup>Technical Assistance and Information Exchange instrument of the European Commission, <u>http://ec.europa.eu/enlargement/tenders/taiex/index\_en.htm</u>

<sup>&</sup>lt;sup>34</sup> Support for Improvement in Governance and Management, http://www.sigmaweb.org/

<sup>&</sup>lt;sup>35</sup> http://ec.europa.eu/justice/effective-justice/files/com\_2014\_158\_en.pdf

<sup>&</sup>lt;sup>36</sup> http://www.europarl.europa.eu/charter/pdf/text\_en.pdf

<sup>&</sup>lt;sup>37</sup> The Venice Commission, officially named the European Commission for Democracy through Law, is the Council of Europe's advisory body on constitutional matters (see http://www.venice.coe.int/WebForms/pages/?p=01\_Presentation)

This evaluation will thus focus on projects in areas such as the judiciary, fundamental rights and democracy that aim(ed) at strengthening the rule of law. Criminal justice will not be covered by this evaluation as it is covered by the on-going evaluation of Support for Security Sector Reform in Enlargement and Neighbourhood countries 2010-2017.

The results of the evaluation will be used to:

- demonstrate whether already on-going/planned IPA (I) II, ENPI/ENI action programmes/interventions in the area of RoL have taken on board the past lessons learnt;
- feed into the reflection on the revision of policies/programmes in view of the recent adoption of the 2030 Agenda for Sustainable Development and new/present policy framework;
- provide recommendations for the European Commission on the best way to approach and improve its support to RoL both in terms of the use of policy dialogue and financial;
- contribute to the preparation/ adjustment of action programmes, namely for IPA II and ENI assistance to the extent possible;
- contribute to the development of a monitoring and evaluation framework, including through indicators for measuring impact in capacity building in Rule of Law and related activities

In accordance with the Better Regulation, the following evaluation criteria will be used: relevance, effectiveness, efficiency, coherence and added value, complemented with impact, sustainability and complementarity.

Based on the description of the Rule of law provided in the Commission's Communication entitled "A new EU Framework to strengthen the Rule of Law", the Enlargement Strategy and the "fundamentals first principle", the relevant objectives pertaining to deep and sustainable democracy, including Rule of law, laid out in various ENP communications, as well as on the work done by the Venice Commission<sup>38</sup> the evaluation will focus on assistance provided to core state institutions: the executive, the legislative, the judiciary and where relevant independent public institutions as well as civil society organisations that work at the service of ensuring the respect of the RoL:

- State institutions and oversight bodies: parliament/legislature; government/the executive, including ministries of Interior, Justice, Labour and Social Affairs, Health etc..., financial management bodies, local authorities
- Justice institutions: justice ministries; prisons the judiciary incl. the Constitutional Court, high Courts as well as ordinary courts and tribunals, the enforcement of court decisions by bailiffs and enforcement agents;
- **Human rights institutions** : Anti-discrimination Commissioners, Ombudsmen/services, national and regional human rights institutions, Minority Councils, data protection Commissioners
- Civil society: including the media, academia and NGOs.

The evaluation shall:

- Assess the performance (relevance, efficiency, effectiveness, coherence, impact, sustainability and EU value added) of EU support (policy dialogue and financial assistance) to RoL under implementation and/or decided in the period 2010-2017;
- Assess the coherence, complementarity and coordination of EU interventions financed from IPAI/II and ENPI/ENI with other actions financed from other EU instruments and actions carried out by Member States, regional and international donors (state and/or international organisations) for RoL;
- Assess the Intervention logic of IPA II and ENI (2014-2020) programming/planning documents addressing RoL, in terms of their coherence with the new/present policy framework.
- Provide conclusions and recommendations both at policy and financial instrument level on how to further improve the support provided to RoL, including cross-fertilisation between IPA and ENI experiences.

The evaluation will assess to what extent the EU support to these institutions/bodies leads to strengthening of the rule of law in the respective beneficiaries and in particular whether the principles of legality (supremacy of the law), legal certainty, prohibition of arbitrariness, access to Justice before independent and impartial courts, the respect for human rights and the principle of non-discrimination and equality before the law are applied in practice<sup>39</sup>.

<sup>&</sup>lt;sup>38</sup> http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)003rev-e

<sup>&</sup>lt;sup>39</sup> Detailed questions that assist in assessing the respect of these principles can be found in the annex 1 "Checklist for evaluating the state of the rule of law in single states" of the Venice Commission paper on the Rule of Law : <u>http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)003rev-e</u>

# **B. Better regulation**

#### Consultation of citizens and stakeholders [

Given that this thematic evaluation covers one of the fundamental pillars of EU support to the candidates and potential candidates of enlargement and an important sector for the Neighbourhood countries, an on-line open public consultation (OPC<sup>40</sup>) in accordance with the better regulation guidelines will be organised. The 12-week open public consultation is expected to take place at the beginning of the Desk phase, i.e. around mid-2018. The questionnaire will be available as required by the Better Regulation in English, French and German. However, replies can be made in any of the 24 official EU languages. The questionnaire can be accessed via the Commission's central <u>public consultations page</u> and via DG NEAR website<sup>41</sup>. A summary of all consultation activities' results will be published on the consultation page once all consultation activities are closed. The main objective of the OPC will be to gather inputs/views from different stakeholders which can enrich the desk and field work.

Targeted consultation of stakeholders represents a crucial element of the evaluation methodology and will be ensured throughout all evaluation phases. Overall, the aims of the targeted stakeholder consultation are threefold: (i) to get stakeholders involved in the evaluation process and make them more proactive towards the aims of the evaluation; (ii) to use feedback from consultation to make the evaluation process and its outputs more relevant to stakeholders' needs; and (iii) to improve the quality, credibility and future use of the evaluation outputs through consultation and engagement of the various stakeholders.

Inception and desk phases

During the inception and desk phases, the EU and national/regional stakeholders will be consulted via phone/email/face to face discussions based on a comprehensive consultation strategy developed with the support of the contractor. Use of interviews, surveys, questionnaires and other tools will be considered and decided upon during the inception phase. Comments/views will be taken on board from these stakeholders before the finalisation of the Inception and the Desk phase reports.

Field phase

During the field phase the evaluators will visit up to 8 countries.

Final report

A stakeholders' workshop will be held towards the end of the field phase before the elaboration of the draft final report to discuss the findings and preliminary recommendations. The draft final report will be sent for comments to the stakeholders listed above before its finalisation.

Dissemination

A dissemination seminar/conference will be held in Brussels once the evaluation has been completed.

Stakeholders for this evaluation include (to be further be defined during Inception phase):

National/regional stakeholders include (non-exhaustive list):

- National IPA coordinators (NIPAC);
- National Coordinating Units in ENI countries (NCU)
- Operating Structures of participating beneficiaries
- Members of the IPA and Sector monitoring committees
- TAIEX National Contact Points (NCPs)
- Law enforcement institutions
- Civil oversight institutions
- National Human Rights Institutions
- Professional bodies (bar associations)
- Civil Society Organisations, particularly those involved in implementing/monitoring EU financial assistance

International stakeholders (non-exhaustive list):

- UN
- Council of Europe
- OECD
- World Bank

<sup>&</sup>lt;sup>40</sup> http://ec.europa.eu/smart-regulation/guidelines/tool\_50\_en.htm

<sup>&</sup>lt;sup>41</sup> https://ec.europa.eu/neighbourhood-enlargement/node\_en

- Regional Cooperation Council (RCC)
- Other regional/international organisations

EU stakeholders(non-exhaustive list):

- EEAS
- EU Delegations

A Staff Working Document will be prepared once the external evaluation has been completed.

# Data collection and methodology

Data will be collected mainly during the Inception and Desk phases, but also during the field missions, from different sources, including in particular:

- Programming documents, budget documents (e.g. programme statements), action documents, the EU results framework, annual reports, Results Orientated Monitoring reports and available evaluations.
- International sources of information concerning democracy, human rights, judiciary, justice, corruption, include reports from ENI and IPA partner statistical services, the statistical office of the European Union EUROSTAT, the United Nations and the Organisation for Economic Co-operation and Development and other international organisations/foundations (World Bank, International Monetary Fund, World Economic Forum, Transparency International, and the like).<sup>42</sup>

Some relevant EC evaluations have taken place at national, regional and strategic level. They, together with the relevant performance audits of the European Court of Auditors, will be taken into account in the carrying out of the current evaluation. Hereunder non-comprehensive list of available evaluations/audit reports:

Thematic evaluations<sup>43</sup>:

- External Evaluation of IPA II (2014 mid-2017), published in July 2017
- External Evaluation of ENI (2014 mid-2017), published in July 2017
- External Evaluation of EIDHR (2014 mid-2017), published in June 2017
- Third interim evaluation of IPA assistance, published in 2015
- Thematic Evaluation on IPA Support to Roma Communities, published in 2015
- Thematic evaluation on IPA support to the fight against corruption, published in 2015
- Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans, published in 2013
- Evaluation of the European Union's Support to two European Neighbourhood Policy Regions (East and South) (2004-2010), published in 2013
- Thematic Evaluation of European Commission Support to Justice and Security System Reform, European Commission, November 2011<sup>44</sup>

Country evaluations<sup>45</sup>:

- Evaluation of the EU cooperation with Azerbaijan, to be published end-2017
- Strategic evaluation of the EU cooperation with Georgia (2007-2013), published in 2015
- Evaluation of the European Union's Cooperation with the Hashemite Kingdom of Jordan (2007-2013) -Country Level Evaluation, published in 2015
- Joint strategic evaluation of budget support operations in Morocco (2005-2012), published in 2014
- Strategic evaluation of the EU cooperation with the occupied Palestinian Territory and support to the Palestinian people (2008-2013), published in 2014
- Strategic evaluation of EU cooperation with Ukraine (2002-2009), published in 2010

Audit reports of the European Court of Auditors<sup>46</sup>;

- Special report no 21/2016-EU pre-accession assistance for strengthening administrative capacity in the Western Balkans: A meta audit;
- Special report no.20/2016- Strengthening administrative capacity in Montenegro
- Special report no. 13/2016 EU assistance for strengthening public administration in Moldova

<sup>&</sup>lt;sup>42</sup> The websites of these organisations will be consulted.

<sup>43</sup> https://ec.europa.eu/europeaid/node/80199\_en; http://ec.europa.eu/enlargement/news\_corner/key-documents/index\_en.htm

<sup>44</sup> http://ec.europa.eu/europeaid/how/evaluation/evaluation\_reports/reports/2011/1295\_vol1\_en.pdf

<sup>45</sup> https://ec.europa.eu/europeaid/node/80199\_en; http://ec.europa.eu/enlargement/news\_corner/key-documents/index\_en.htm

<sup>46</sup> http://www.eca.europa.eu/en/Pages/AuditReportsOpinions.aspx?ty=Special%20report&tab=tab4

- Special report no.11/2016 Strengthening administrative capacity in the former Yugoslav Republic of Macedonia: limited progress in a difficult context
- Special report no 4/2013 EU cooperation with Egypt in the Field of Governance
- Special reports 2009/12- The effectiveness of Commission's projects in the area of Justice and Home Affairs for Western Balkans;
- Special Reports 2012/18 European Union's assistance to Kosovo related to the rule of law