

Action Fiche for Jordan

1. IDENTIFICATION

Title/Number	Support for justice sector reform in Jordan (ENPI/2012/023-471)		
Total cost	EU contribution : EUR 30 million		
Aid method / Method of implementation	Sector Policy Support Programme (SPSP): Sector budget support (SBS): direct centralised management. Project mode: direct centralised management		
DAC-code	15130	Sector:	Legal and Judicial Development

2. RATIONALE AND COUNTRY CONTEXT

2.1. Country context and rationale for SPSP

2.1.1. *Economic and social situation and poverty analysis*

Jordan's economy is one of the smallest in the Middle East, with limited natural resources and a strong dependence upon external aid, tourism, expatriate worker remittances, and the services sector. It faces critical challenges linked to prevalence of poverty (with 13% of the population living below the official poverty level), slow economic growth, corruption, and high level of unemployment, affecting youth in particular (over 30%), which in turn is the cause of "brain-drain". The state is by far the largest employer, with an estimated 80% of public spending towards civil service expenses. The private sector is constituted mostly of micro- and small and medium enterprises (SME) and struggles to unleash its potential for lack of access to credit and conducive business environment. The pressure for economic and social reforms is therefore strong, against the background of increasing public protests claiming for greater social and economic justice.

The combination of global economic slowdown and regional unrest led to diminished growth in Jordan. The government responded by increasing salaries and public subsidies on food and energy. The 2011 budget increased by nearly USD 1 billion, reaching a total of USD 10 billion, with a deficit of USD 1.4 billion. Foreign donors increased their assistance to Jordan, with Saudi Arabia providing nearly USD 1.2 billion, the United States USD 184 million, the EU an estimated EUR 122 million in direct budget support. In 2011, Jordan also received USD 2.8 billion in total foreign aid in the form of cash grants, funds for development projects, loan guarantees, and concessional loans.

2.1.2. *National development policy*

The main objectives of Jordan's national agenda and executive development plan are: growth generation, poverty alleviation, and social inclusion. Until the recent world global crisis Jordan was on target to achieve most of its Millennium Development Goals (MDG).

Jordan now faces increasing pressure from high population growth, scarcity of water, a widening poverty gap between urban and rural areas, and the inability of the economy to absorb large numbers of job seekers. Influx of populations from neighbouring countries have further increased the stress on natural resources and infrastructures.

The National Executive Programme 2010-2012 suggested practical plans to address those issues through the national budget. Poverty policies and intervention are the responsibility of the Ministry of Planning and International Co-operation policies and studies, and monitoring and evaluation departments. The Department of Statistics and the Ministry of Planning and International Co-operation are developing a Living Standards Index that divides the population into: very low, low, middle, high and very high categories.

2.2. Sector context: policies and challenges

(1) Sector context

The Justice sector in Jordan features structural difficulties that hamper access, timeliness and fairness of justice, and a legal and regulatory framework that does not meet international standards. General direction for reform has been given through the National Agenda and a parallel initiative: “*Kulluna al Urdun*” with the establishment of strategies/plans of action in the Justice, Home Affairs and Security sector. The sector was until recently governed by the Judicial Upgrade Strategy (JUST) 2010-2012 under the auspices of the Ministry of Justice. Based on a five-tier structure¹, the strategy fell short of expectations to provide a workable framework for effective reform. Critical impediments included the lack of co-ordination and ownership by the main stakeholders (in particular the Judicial Council), weak monitoring systems; high staff turnover, lack of capacity and of leadership continuity at the Ministry of Justice through frequent Government reshuffles. Moreover, the rejection by Parliament of a number of temporary laws required to provide a legal basis to the JUST strategy, and the stalling of the new Judicial Independence Law weakened its implementation prospects.

Jordan is undergoing a process of reform in the political, social and economic areas, answering popular calls for change expressed through widespread demonstrations since early 2011, with claims for a more democratic and free society and for a fairer system, that respects human rights, the rule of law, and does not tolerate inequalities and corruption. In this context justice sector reform is an urgent priority. The key stakeholders agree on the need to update and strengthen the strategic framework for reform comprehensively: in scope (to ensure full ownership by all key stakeholders); and in content (to include the various building blocks of the justice sector, avoiding corporatism and promoting co-ordination); and on the capacity reinforcements required in order to implement it effectively.

The Constitutional amendments of 2011 included provisions to reinforce the separation of powers and the independence of the judiciary, creating the

¹ 1. Enhance judicial independence and integrity; 2. Improve efficiency; 3. Increase effectiveness of litigation procedures; 4. Upgrade court services and infrastructure; 5. Improve channels of communication with partners and stakeholders.

Constitutional Court, and establishing the Judicial Council as an independent institution². Subsequently the Judicial Council, in co-operation with the Ministry of Justice, published a new judicial authority strategy in March 2012³. The new strategy has yet to be tested, notably on the extent to which it addresses the present weaknesses of the justice sector and includes all its relevant stakeholders, such as the Ministry of Social Development (mainly responsible for Juvenile Justice), the Constitutional Court, the Jordan Bar Association, and civil society. The draft new judicial authority law is expected to provide it with the legal and administrative basis for implementation.

Government commitment to reforming the sector is furthermore reflected in several declarations by the King stressing the need to enhance the independence of the judiciary⁴ and welcoming the Judicial Council strategy. The Ministry of Justice has re-started the JUST exercise through a committee appointed to draft an updated strategy. A new law on juvenile justice, prepared under the auspices of the Ministry of Social Development, is expected to be adopted shortly.

In this context an intervention to support current reforms is deemed highly relevant and fully in line with the commitments undertaken by Jordan and the EU under the advanced status. The new Action Plan dedicates a full section to the objective of continued "*enhancing of the independence and impartiality of the judiciary, upgrading its quality and strengthening its administrative capacity*"⁵. The above elements point to a strong will to reform the system, which renders viable the option to proceed through budget support modality. However, prior to its mobilisation, the partners agree that issues pertaining to strategic framework and capacity must have been successfully addressed, through a preparatory project, providing technical assistance to the key stakeholders (SPRING⁶ project "Support to the justice sector in meeting the required criteria for sector policy/budget support"⁷).

(2) *Main findings of the assessment of the sector budget and its medium term financial perspectives*

In 2008, a law regulating the State budget was enacted, which marked a new era in budget preparation based on result-oriented budgeting, making Jordan the first country in the region to apply this concept. The Ministry of Finance initiated an Overarching Financial Management Reform Strategy 2010-2013, comprising the

² Constitutional amendments have substantially strengthened the role of the judiciary (see in particular amendments to Articles 7 and 8, expanding civil liberties and strengthening human rights; to Article 27, asserting the independence of judicial power; to Article 58 establishing a Constitutional Court). Amendment to Article 98 gives the Judicial Council a constitutional status, while the new Article 71 transfers the function of adjudicating challenges to the validity of elections of members of the Chamber of Deputies from the Chamber to the judiciary.

³ Judicial Authority – The Strategy of Building (2012–2014).

⁴ Jordantimes.com - 30 September 2011- King renews commitment to judicial reform.

⁵ New EU-Jordan European Neighbourhood Policy Action Plan, adopted on 26 October 2010, underpinning the 'advanced status relations'.

⁶ Support for partnership, reforms and inclusive growth, C(2011)6828 of 26 September 2011.

⁷ This technical assistance project will be mobilised from mid 2012 onwards, implemented throughout the process of finalisation of the present sector support programme (in particular to finalise the policy indicators matrix) and until the technical assistance component accompanying the budget support will be in place.

strategies of the Ministry of Finance General Budget Department, and Income and Sales Tax Department.

The 2011 estimated budget for the Ministry of Justice amounted to JOD 51.78 million, i.e. up 11.7% from 2010's estimates, but down 2.5% from 2009's. This increase was largely due to the increase for *salaries* (+ 18.2% compared with 2010, + 23.5% with 2009), which remains the main budget item (64.1% in 2011). For 2011, total expenditures were earmarked following three main programmes: *Administrative and support services* (44.35%; + 6 points compared with 2010); *Order and justice* (52.8%; - 5 points), while 2.85 (- 1 point) were allocated to the *Jordanian Judicial Institute*. The expenditure budget of the Ministry of Justice has remained stable in the past years, comprising 0.88% of the State budget for 2009, 0.79% for 2010 and 0.82% for 2011.

(3) *Co-ordination process with the beneficiary country and/or other donors*

The Ministry of Planning and International Co-operation manages and co-ordinates all donor intervention in Jordan including with the concerned line Ministries. Donors involved (notably USAID, France) agree on the need to support the justice sector reform and to closely co-ordinate interventions; justice is among the core themes of the EU DAG⁸ work; the present programme is compatible in design and timetable with others in this field. It is expected to substantially reinforce policy dialogue with Jordanian counterparts on justice, feed the European Neighbourhood Policy (ENP) EU-Jordan subcommittee on Justice and Home Affairs, as well as provide a response to the mutual commitments laid out in the ENP Action Plan for Jordan.

(4) *Assessment of institutional capacity*

Until recently, the justice sector has been strongly influenced by the executive power. The changes promoted by the reform depend upon the adequate stakeholders capacity to implement them, among which the Ministry of Justice and the Judicial Council. The preparatory project will provide a comprehensive needs assessment and a first response to address them.

(5) *Overall framework for performance monitoring for the implementation of sector policies and strategies*

Past reform attempts have suffered from poor performance monitoring, co-ordination and leadership. The prominent role of the Ministry in judicial matters also raised concerns in terms of separation of powers and independence of the judiciary. Recent policy development illustrate that these shortcomings have been acknowledged. The preparatory project will aim to strengthening the co-ordination role of the Ministry of Justice and the Judicial Council over their respective services and areas of responsibility, including the set up of clear monitoring systems; to foster co-ordination and fine-tuning of policies among all judicial actors. This will not necessarily imply the adoption of a unified, single, sector strategy document. However, it will require a strong commitment by the key-players in the judicial field towards integration of policies between themselves on the one hand, and with other relevant institutional actors on the other hand, namely the Constitutional Court, the

⁸ EU Development assistance group, meeting monthly on on-going and future co-operation and policy.

Ministries of Interior and of Social Development (responsible for prisons and juvenile justice respectively), the Jordan Bar Association and civil society.

(6) *Macroeconomic framework*

A stability-oriented macroeconomic policy is under implementation, and is expected to be in place during Sector Budget Support (SBS) implementation. Moreover, the Jordanian economy showed signs of progressive recovery in 2010 and 2011. In 2011, GDP registered a modest 2.4% growth in the second quarter. The International Monetary Fund (IMF) expects economic recovery to continue progressively to reach an estimated 4.5% growth then re-adjusted to an estimated 3.5% growth in 2011 to account for the impact of the Arab Spring, unrest in the region and slower global economic recovery. Fiscal prudence and credible monetary management, combined with strong supervision and regulation of the financial sector are expected to provide a solid platform for gradual recovery to continue. Nonetheless, the near-term outlook is subject to considerable uncertainty related to the impact of world commodity price developments, the full economic extent of regional and domestic unrest, and the pace of recovery of the Gulf Co-operative Council countries, which account for a large share of Jordan's foreign direct investment, remittances, grants, and tourism receipts. The IMF reported that the Jordanian banking system has been little affected by the global financial crisis, and remains sound because of prudent financial oversight and proactive supervision by the Central Bank of Jordan which shielded banks. Moreover, the monetary stance is considered appropriate and banks' macro prudential indicators strong.

(7) *Public Financial Management (PFM):*

The 2010 PFM annual monitoring report and the latest PFM SBS assessment of December 2010 reviewed all the current PFM assessment studies, and concluded that the PFM system in Jordan is sufficiently well-functioning to ensure the proper utilisation of donor funds, including SBS. The 2011 PFM annual monitoring report confirms the positive trend, including efforts to tackle corruption, and to enhance budget transparency. The September 2009 IMF-World Bank (WB) report, *Advancing the PFM Reform Agenda*, updated in January 2011, noted Jordan's commitment to reforms, and the considerable progress made in advancing PFM, actively supported by donors. The trend is very positive as several of the recommendations of the IMF-WB report are currently being implemented as part of the reform process⁹. In addition, the Government of Jordan embarked on significant reform efforts to modernise the internal and external audit of public funds in accordance with international standards. Weaknesses were mainly identified in some institutional and technical aspects of the budget preparation and management, and in capacity constraints in the Ministry of Finance and General Budget Department. The 2011 Public Expenditure and Financial Accountability (PEFA) assessment report concluded that considerable progress has been achieved in PFM for most of its

⁹ The main improvements observed by the SBS missions and IMF-WB report of January 2011 as well as the 2011 PFM annual monitoring report include: strengthened forecasting mechanisms including the adoption of a medium term financial framework, medium term economic framework; results-oriented budgeting; extended application of Treasury Single Account; adoption of Special Data Dissemination Standards; formalised cash-flow mechanism; a new Chart of Accounts applied; and expanded government financial management information system.

performance indicators in the area of budget transparency and the fight against corruption, in line with new eligibility criteria for EU budget support¹⁰.

2.3. Eligibility for budget support

The two criteria pertaining to macroeconomic policy and public financial management are fully met, in Jordan, which is the beneficiary of several budget support programmes.

- 1) The macroeconomic stability eligibility criterion is met (see section 2.2).
- 2) The PFM eligibility criterion is met (see section 2.2) and a credible and relevant programme to improve PFM is under implementation.
- 3) The basis for a sector reform strategy is in place: the publication, in March 2012, of the Judicial Council strategy, the expected adoption of the new law on the Judicial Authority, the planned update of the JUST strategy under the auspices of the Ministry of Justice and the constitutional amendments of September 2011 provide further evidence of a process to establish a legal, enforceable strategic reform framework. The SPRING project "Support to the justice sector" will contribute to complement and fine-tune it, including through addressing the co-ordination and capacity reinforcements by the time of signature of the Financing Agreement for the present intervention.
- 4) Transparency: the General Budget is published and accessible to the general public on the General Budget Department's website since 2009¹¹, in draft and final form once approved by Parliament in Arabic and English. Efforts to improve the information presented in the General Budget include since 2008 the new and more detailed classification of the Chart of Accounts into the General Budget preparation. For 2010, the new Chart of Accounts classification was applied to capital expenditure, which was therefore expressed in terms of the programmes and activities to be funded; in 2011 this was applied also to current expenditure, and for the first time the final accounts were published, which inform on the actual budget expenditure. Moreover, in response to popular requests for greater transparency and accountability, the General Budget Department developed two documents aimed at making the General Budget more accessible to the general public: the General Budget Brief which summarises the 2011 budget in a user-friendly manner; and the Citizen's guide which explains the main features of the General Budget Law and its content and it is written in a language suitable for wide public access.

2.4. Lessons learnt

Past co-operation through the budget support modality has illustrated the need for clear, workable sector strategies to be in place prior to the mobilisation of support; this includes the existence of a clear legal and administrative basis for the reform to be implemented. It has also shown the need for specific training and capacity-building in view of the running of a sector support programme, and for close co-

¹⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "The future approach to the EU budget support to third countries", COM(2011)638 of 13 October 2011.

¹¹ <http://www.gbd.gov.jo/web/Default.aspx>.

operation between the line Ministry and the Ministry of Finance (Budget Department). Past co-operation in the justice sector has shown that the sensitivity of certain topics, the legal and political context, and the tensions crosscutting the region, may imply a risk of reduction of the practical impact of the activities, if not precisely targeted and co-ordinated.

2.5. Complementary actions

In the framework of EU co-operation co-ordination, under the auspices of the EU Delegation to Jordan, France has undertaken the lead in the justice sector, with a view to enhancing co-operation, preventing overlapping, and creating an integrated and complementary approach based upon a shared analysis of the issues at stake. The most relevant EU projects in the sector are as follows:

- Support to the Juvenile Justice System in Jordan¹² aims at strengthening the legislative and institutional capacity of the judiciary to deal more effectively in line with international standards and norms.
- Support to criminal justice reform in Jordan²³ aims at developing and supporting the implementation of criminal justice policy and strategy, facilitating the necessary review of the penal code; supporting further progress toward full independence of the judiciary, and increasing the effectiveness of justice services.
- Support to the penitentiary reform in Jordan²³ aims at reinforcing the structure and management of the Department of Correctional and Rehabilitation Centers, consolidating inter-institutional co-operation, enhancing partnerships with civil society and private sector on post-care schemes.
- Support to the Anti-Corruption Commission²³ aims at strengthening the capacity of the law enforcement agencies to implement Jordan's commitments under the United Nations Convention against Corruption.
- SPRING programme, Support to the justice sector in meeting the required criteria for sector policy/budget support" which constitutes the first step towards successful implementation of a sector support approach and aims to address critical capacity needs to this end.

2.6. Donor co-ordination

The EU is an active supporter of the Government of Jordan's efforts in co-ordination with the other sector donors, the most important of which being USAID. The Ministry of Planning and International Co-operation calls donor co-ordination meetings on a thematic basis. The EU closely co-ordinates actions and messages with EU Member States through the Development Assistance Group (DAG), which comprises a sub-group on Justice led by France, and with other donors active in the sector, and in particular: the USAID funded "Rule of Law Program", a USD 18 million project that started in 2008 to end in 2013 providing direct technical assistance and training to design and implement institutional changes in the judiciary and Ministry of Justice. This project finishes in 2013 so the EU intervention in Justice should build upon USAID taking into account its strategy and the results achieved.

¹²

C(2008)6087 of 23 October 2008.

Special monitoring and co-ordination will also be ensured with activities to be implemented under the programme Support for the security sector in applying the rule of law. A consistent approach will be promoted between the two sectors as much as possible in the identification and implementation of activities with interlinked and complementary elements, such as human rights, oversight and legislative aspects.

3. DESCRIPTION

The strategy of intervention of the EU in Justice, Home Affairs and Security is based on the Joint Communication of the European Commission and of the High Representative of the EU for Foreign Affairs and Security Policy "*A new response to a changing Neighbourhood*"¹³ and in line with the programme "Support to partnership, reforms and inclusive growth (SPRING)"¹⁴ to support the rule of law and stability in Jordan through a rapid mobilisation of funding to face the important challenges arisen in the region. The strategic response requires two different but co-ordinated approaches for respectively (i) the justice sector and (ii) the home affairs and security sector. The general approach related to the justice sector is based on a gradual intervention in order to enable the Government of Jordan and EU better target and optimise future co-operation in the sector.

The present intervention is designed to support Jordan's reform efforts, as well as its long-term development objectives. It aims to address the present weaknesses of the current reform framework and actors, and to provide an incentive to implement the bold reform steps that are required.

To this end a two-step approach is established to gradually consolidate co-operation with the key stakeholders, reach a clear understanding of the requirements of a sector support approach, and to fulfill them.

A preliminary step will consist in providing the Ministry of Justice and key stakeholders with technical assistance to be deployed from mid 2012 onwards for a period of 24 months, in order to ensure that conditions for budget support are fully understood and implemented and in particular: a) assist in consolidating the national strategy in the justice sector; b) foster capacity-building of the Ministry of Justice and comprehensively co-ordinate policies and strategies of all key players in the judicial field; c) establish an organisational institutional audit as a specific body for monitoring its implementation; d) establish indicators for performance for implementing the strategy and action plan; e) a multiannual budget planning; f) update the legal and judicial framework package concerning all relevant legislation (law and by-laws) governing the judiciary, and its overall co-ordination with the Constitution and respect of Human Rights and EU/International principles and rules. This first step is financed through a separate budget allocation, constitutes a necessary prerequisite to the mobilisation of a budget support programme in the area of justice reform.

The second step, which is the subject of the present Action Fiche will provide sector budget support in support of the policy objectives described in section 3.1.

¹³ COM(2011)303 of 25 May 2011.

¹⁴ C(2011)6828 of 26 September 2011.

The budget support will be complemented by technical assistance to the main stakeholders throughout the programme implementation and actions involving civil society organisations active in the field of justice. These interlinked components are expected to provide efficient support to the implementation of reform as well as to promote an inclusive policy dialogue in areas of critical importance to the EU-Jordan partnership in the context of the ENP.

3.1. Objectives

Global objective:

Rule of law – transition to democracy and in particular uphold the principle of separation of powers

Specific objectives:

- 1) To support the development of an efficient, transparent and integrated justice sector in line with democratic principles, good governance and human rights
- 2) To support the independence of the judiciary, its respect for human rights and the rule of law as well as its overall transparency;
- 3) To strengthen the credibility and public confidence in the administration of justice in Jordan.

3.2. Expected results and main activities

The expected results include: sector management and consultative mechanism fully operational; integration of policies and strategies among key-players in the judicial field; operational independence and functioning of the key institutions of the justice sector (including Judicial Council, Constitutional Court); more efficient court system with improved access to justice for the population; increased capacity of judges and lawyers in ad-hoc and new fields with improved case management; modernisation of the Ministry of Justice's work processes; increased independence, transparency and credibility of the administration of justice; rationalised and strengthened juvenile justice system in line with International Conventions; enhancement of the Prosecution, position and functions streamlined, rationalised and co-ordinated with relevant bodies; Probationary system rationalised and modernised in line with EU and International rules and standards; Legal aid system established and operational.

Activities will be geared to achieve the policy benchmarks set out in the programme's policy matrix; indicatively they will entail strengthening of capacities and of co-ordination mechanisms between key-players in the judicial field, and other relevant stakeholders; increasing compliance of legislative framework and policies with international/EU/Council of Europe standards (as well as Jordan's own commitments); strengthening sector-wide consultation and participatory process for updating policies/action plans; improving the independence of the judiciary, access to justice and to quality defence for all; fostering the establishment and the effective operational set up of the Constitutional Court; improving the juvenile justice system in order to make it fully in line with human rights and fundamental freedoms, reflected by international conventions; rationalising the Prosecutor Office and its role

with the police; improving the probationary system and establishing and strengthening a legal aid system.

3.3. Risks and assumptions

Risks:

Further unexpected changes to ministerial personnel and other political level appointments interrupt implementation of programme activities; possible negative effects from regional instability; institutional capacity to implement and monitor the reform remains insufficient (the preparatory project is expected to substantially mitigate this risk).

Assumptions:

Political will to implement justice sector reform (in line with the National Agenda, ENP EU-Jordan Action Plan) and to receive the support of the EU to this end will not be altered; the Government of Jordan will contribute to the proposed activities (human, material and financial resources for the implementation of its strategies/action plans) and will draw strategies/action plans to continue the reform in the justice sector; trained civil servants/stakeholders' staff in the justice sector are willing to accept increased service providing accountability and transparency, and will remain in place; Parliament adopts proposed draft legislation to ensure a valid legislative and regulatory framework is in place for the reform to effectively occur; active co-ordination among the main stakeholders remains consistent; peace and stability will persist in the country.

3.4. Stakeholders

The key stakeholders of the justice sector are: the Government of Jordan represented by its dedicated co-ordination body, the Ministry of planning and international co-operation, the Ministry of Justice, the Judicial Council, the Judicial Institute of Jordan, trainee judges, judges in function, the Jordan Bar Association, national independent institutions, international organisations and specialised civil society organisations.

The key target groups include: legal and law-enforcement professionals, staff at the Ministry of Justice, Judicial Council and Judicial Institute of Jordan, court personnel, Constitutional Court personnel, national independent institutions staff and judges.

3.5. Crosscutting issues

The project's specific objectives directly concern *good governance* issues, with regard to areas of immediate social and economic relevance. The project will also contribute to strengthening the protection of fundamental human rights especially those of vulnerable groups. The active participation of women and substantial gender equality in the project will be encouraged.

4. IMPLEMENTATION ISSUES

4.1. Method of implementation

Direct centralised management through sector budget support and complementary support. A Financing Agreement will be signed with the government of Jordan.

The **budget support** will be untargeted and channelled into the Unified Treasury Account of the Hashemite Kingdom of Jordan.

The **complementary support** will be implemented partly through services contracts. Expertise will be provided in sector management and strategy sub-areas, including legislative drafting, provision of training, seminars, workshops, studies/services, visibility and other actions related to capacity-development of key justice institutions, to help them implement reforms effectively.

Complementary actions with civil society organisations will also be supported by means of grants awarded through call for proposals contributing to public awareness and understanding of the justice sector reform and foster civil society involvement in policy dialogue.

4.2. Procurement and grant award procedures

1) Contracts

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question. Participation in the award of contracts for the present action shall be open to all natural and legal persons covered by the European Neighbourhood and Partnership Instrument (ENPI). Further extensions of this participation to other natural or legal persons by the concerned authorising officer shall be subject to the conditions provided for in Article 21(7) of the ENPI Regulation.

2) Specific rules for grants

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EU external actions. The maximum possible rate of co-financing for grants is 80%. Full financing may only be applied in the cases provided for in Article 253 of the Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget of the EU.

- Financing in full (derogation to the principle of co-financing): the maximum possible rate of co-financing for grants is 80%. Full financing may only be applied in the cases provided for in Article 253 of the Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget of the European Union.

4.3. Indicative budget and calendar

The EUR 30 million allocated to this action are indicatively broken down as follows:

Untargeted budget support: a total amount of EUR 27 million to be disbursed indicatively in three instalments as follows. The first one is a fixed tranche of EUR 5 million, to be disbursed upon signature of the Financing Agreement in 2013. The second and third instalments (indicatively up to a maximum of EUR 11 million) will be variable tranches, to be disbursed, tentatively, in the second semesters of 2015 and 2016. General conditions for the disbursement of all tranches cover all the eligibility criteria for budget support, including related to satisfactory progress in (i) the implementation of the partner country sector policy and strategy, (ii) the maintenance of a stability-oriented macroeconomic policy, and (iii) the implementation of its programme to improve public financial management. All requests for tranche release shall be accompanied by supporting information on these matters. The specific reform benchmarks for tranche release apply to individual tranches in addition to general conditions which are applicable to all tranches. A set of specific indicators with benchmarks related to the two tranches will be agreed upon to measure the progress of the justice reform. The level of performance achieved for each indicator will be assessed by independent monitoring missions prior to the disbursement of the two variable tranches. The amount not disbursed due to non-compliance with conditions could be carried over for a subsequent year if these conditions are eventually met.

Complementary support: an amount of EUR 1.8 million for technical co-operation support and capacity-building to be implemented throughout the programme duration.

Complementary actions with civil society: an amount of EUR 0.2 million is reserved for grants to civil society organisations active in the field of justice to be implemented throughout the programme duration. Those grants will be provided through one call for proposals.

Other: an amount of EUR 1 million is foreseen for programme monitoring, evaluation and audit, and visibility (EUR 0.6 million) and contingencies (EUR 0.4 million). The contingency allocation may only be used with the prior approval of the European Commission.

Foreseen operational duration is 66 months as from signature of the Financing Agreement. Timing for procurement

It is expected that the tender procedure for technical assistance will be launched before signature of the Financing agreement and that the assistance will be operational around mid-2014. The call for proposals for civil society organisations will be launched at the beginning of 2015. The monitoring of the budget support component will be done every year and the evaluation and audit throughout the whole implementation period.

4.4. Performance monitoring and criteria for disbursement

The proposed budget support programme will be subject to a number of reform benchmarks set out in the policy matrix of indicators. The reform benchmarks and

indicators are linked to results in the areas listed under section 3.2 and reflect the objectives set out in the strategy for the reform of the judiciary, to be consolidated and completed to include in particular specific indicators pertaining to the juvenile justice sector and to constitutional justice.

The Government of Jordan is responsible for the implementation of this programme. The Ministry of Planning and International Co-operation, the Ministry of Justice and the Judicial Council are responsible for the co-ordination mechanisms between the different ministries, public institutions and other partners involved. An appropriate permanent internal system will be set up for the day-to-day technical and financial monitoring of this programme, which will also inform the EU Delegation to Jordan about the progress of each component of the reform. This information is based on regular meetings, progress reports, and impact assessments.

Furthermore, the whole programme will be subject to an external results oriented monitoring (ROM), carried out by independent specialised consultants directly recruited by the European Commission on specifically established terms of reference. The ROM will start in principle from the sixth month of project activities, and will be finalised at the latest 6 months before the end of the operational implementation phase. The consultants will monitor 1) the performance indicators of the budget support component and 2) the progress of each of the other sub-components. These monitoring missions will base their analysis on the information officially provided by the Ministry of Planning and International Co-operation, and other institutions involved.

The disbursement of the budget support is subject to a number of general and specific performance indicators, which require an in depth assessment prior to the decision to release each tranche.

The general conditions and performance indicators to be described in apply to the disbursement of all tranches of the budget support component of the programme. These cover the eligibility criteria for budget support. All requests for tranche release shall be accompanied by supporting information and documents.

The specific reform benchmarks and performance indicators apply to the disbursement of variable tranches: they relate specifically to the Ministry of Justice and Judicial Council policies, reflect targets mutually agreed upon between the Government of Jordan and the EU Delegation to Jordan, and will be the product of consultations with the various stakeholders of justice strategies: analysis of the chosen performance indicators tells that they are of adequate quality to justify their use for the disbursement of budget support. These performance indicators, will be used to determine the degree to which progress in implementing reforms and strategies has been achieved. The extent to which the targets for the measurement of each specific performance indicator have been reached will inform the decision of the EU Delegation to Jordan regarding the timing and the amount of the disbursement for the variable tranches. To assess the fulfilment of criteria and release disbursements, the EU Delegation to Jordan will mobilise external appraisal expertise. All relevant documentation required for these missions will be provided by the Government of Jordan to the EU Delegation to Jordan ahead of the mission's deployment, and documentation should be in English language.

Provided that the general reform performance indicators have been fulfilled, the amounts to be disbursed in each of the first, second, and third variable tranche payments will be determined according to the method described in detail in Annex 1. The targets and indicators used for the disbursement of budget support will apply for the duration of the programme.

4.5. Evaluation and audit

The SPSP will be subject to annual reviews to assess compliance with conditions/indicators before the disbursement of any instalment and to a final external evaluation, managed by the EU Delegation to Jordan at the end of the programme.

4.6. Communication and visibility

This programme will be implemented in such way that the best visibility shall be given at all times to the support of the EU-Jordan partnership in the project, the achievements of its objectives and results obtained. To give the EU Delegation to Jordan the necessary visibility, public relations and publicising activities shall be conducted in order to highlight the project and contributions in partnership with the Government of Jordan, such as: a press release or press conference upon signature of the financing agreement and disbursement of different tranches; brochures, articles and reports, visits, conferences, seminars and promotion materials, dissemination of results of studies, concluding event at the end of the programme, etc.

Appropriate use will be made of the "Communication and Visibility Manual for EU External Actions"¹⁵ in consultation with the EU Delegation to Jordan, ensuring thus adequate perception of EU efforts among the key stakeholders and beneficiaries. The beneficiary shall invite the EU Delegation to Jordan to visibility events. Communication and visibility activities will aim to increase public awareness and understanding of the policies suggested and of the EU-Jordan partnership.

The reports foreseen in the present document will describe with accuracy the actions and measures taken in respect of information and visibility requirements. Such requirements will be scrupulously respected during events organised within the framework of the project or referring to it as well as for the preparation of all public or official documents produced in the context of the project or related to it. Buildings, displays, equipment, vehicles, promotion material, documentation or letterheads used for the implementation of or provided by the project will visibly and clearly bear the European symbol (blue flag with twelve yellow stars) and the name of the European Union in English and Arabic. Any activity with information or visibility relevance will be prepared in close collaboration with the EU Delegation to Jordan. Communication and visibility plan will be drafted and co-ordinated between the EU Delegation to Jordan and the Government of Jordan in the first semester after signing of the Financing Agreement.

¹⁵

http://ec.europa.eu/europeaid/work/visibility/index_en.htm