



TONY VERHEIJEN
Country Manager

October 17, 2016

H.E. Ms. Nela Kuburović
Minister
Ministry of Justice
Government of the Republic of Serbia
Nemanjina 22-26
11000 Belgrade

Your Excellency,

*Re: Republic of Serbia
Multi-Donor Trust Fund for Justice Sector Support
Implementation Support Mission Aide Memoire: September 16 to 30, 2016*

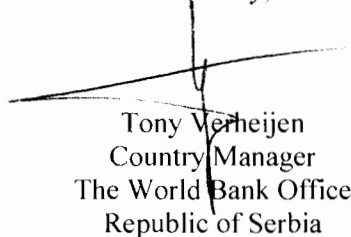
The World Bank implementation support mission for the Multi-Donor Trust Fund for Justice Sector Support (MDTF-JSS) project visited Serbia from September 16 to 30, 2016. The World Bank team was led by Ms. Georgia Harley (Justice Reform Specialist and Task Team Leader) and comprised the following experts: Ms. Nicole Ridley (Court Registry Expert), Mr. Srdjan Svirčev (Public Sector Specialist), Ms. Marina Matic (Justice Reform Expert), Mr. Nenad Milić (Communications and Online Transparency Consultant), and Ms. Bisera Nurković (Program Assistant).

The objectives of the mission were to:

- a. monitor the implementation of ongoing activities (analyses of non-core functions in the judiciary, victims support, prosecution budget planning, prosecution strategic planning, various training activities);
- b. commence new activities (the inaugural court rewards program, analysis of opportunities to improve commercial court registries, improving court websites);
- c. host a MDTF-JSS Management Committee meeting; and
- d. supervise the implementation of the MDTF-JSS government-executed grant and update the results framework.

These purposes were achieved. The MDTF-JSS continues to make progress in supporting the justice sector to strengthen its performance in line with EU benchmarks. Prior to the mission, the Bank had opportunity to meet with you and to discuss the reform agenda and ways in which the MDTF-JSS can support it. The grant component of the MDTF-JSS has been increased to 4.7 million USD, and the project implementation unit is preparing the rollout of new activities. Of note, the Bank and the Supreme Court of Cassation have launched an inaugural rewards program to incentivise performance in first instance courts. The MDTF-JSS website <http://mdtfjss.org.rs/en> has been updated with information about project activities, reporting and results. For more information, see the attached Aide Memoire.

Sincerely,



Tony Verheijen
Country Manager
The World Bank Office
Republic of Serbia

Attachment: *Aide Memoire*

cc: Mr. Dragomir Milojević, President, Supreme Court of Cassation
Mr. Janko Lazarević, Deputy President, Supreme Court of Cassation
Ms. Zagorka Dolovac, Public Prosecutor, Republic Public Prosecution Office
Mr. Čedomir Backović, Assistant Minister, Ministry of Justice
Ms. Slavica Jelača, Assistant Minister, Ministry of Justice
Ms. Majda Kršikapa, Secretary of the Administrative Office, High Judicial Council
Ms. Mirjana Puzović, Head of the President's Office, Supreme Court of Cassation
Ms. Sonja Prostran, Monitoring and Evaluation Specialist, MDTF-JSS Support to the Court of Cassation
Mr. Tomo Zorić, Secretary of the Administrative Office, State Prosecutorial Council
Mr. Branko Stamenković, Head of the Special Prosecution Office for High Tech Crime
Ms. Marijana Santrač, Senior Advisor for International Cooperation, State Prosecutorial Council
Mr. Srdjan Majstorović, Deputy Director, Serbian European Integration Office
Mr. Miloš Delić, Advisor, Serbian European Integration Office
Mr. Nenad Vujić, Director, Judicial Academy
Mr. Lazar Lazović, President, Association of Judicial and Prosecutorial Assistants
Mr. Žak Pavlović, President, Association of Judicial Associates of Serbia
H.E. Mr. Philippe Guex, Ambassador, Embassy of the Swiss Confederation
H.E. Mr. Miguel Fuertes Suárez, Ambassador, Embassy of the Kingdom of Spain
Mr. Morten Skovgaard Hansen, Charge d'Affaires, Royal Danish Embassy
Mr. Juan Ignacio Iquino Lafuente, Counselor, Embassy of the Kingdom of Spain
Mr. Emilio Ramos Jara, Counsellor, Embassy of the Kingdom of Spain
Ms. Ursula Läubli, Director of Cooperation, Swiss Cooperation Office
Mr. Petar Vasilev, National Program Officer, Swiss Cooperation Office
Mr. Torgny Sveifungsson, Head of Development Cooperation Department, Embassy of Sweden
Ms. Nataša Zoranović Divić, Program Officer, Embassy of Sweden
Mr. Oskar Benedikt, Deputy Head of Delegation, Delegation of the European Union
Mr. Holger Schroeder, Head of Cooperation, Delegation of the European Union
Mr. Nicolas Bizel, Head of Operations I, Delegation of the European Union
Mr. Enrico Visentin, Delegation of the European Union
Ms. Mirjana Cvetković, Legal Officer, Delegation of the European Union
Ms. Jannicke Bain, First Secretary, Royal Norwegian Embassy
Ms. Mari Timenes Nordmo, Second Secretary, Royal Norwegian Embassy
Mr. Jurij Mesec, Legal Expert, Department for International Cooperation and EU Law, Ministry of Justice, Republic of Slovenia
Ms. Maja Klemencic Turk, Coordinator, Department for International Cooperation and EU Law, Ministry of Justice, Republic of Slovenia
Ms. Sanja Torov, Policy Officer, British Embassy
Ms. Nataša Radović, Good Governance Program Manager, British Embassy
Mr. Brian Le Duc, Team Leader, Judicial Efficiency Project
Ms. Onny Jalink, Head of Regional Rule of Law Unit, Royal Netherlands Embassy
Ms. Aleksandra Kalinić, Policy Officer, Development Cooperation Department, Royal Netherlands Embassy
Mr. Aleksandar Momirov, Senior Policy Advisor, Rule of Law Unit, Royal Netherlands Embassy
Ms. Azza El Abd, Mission Director, USAID
Ms. Ivana Ramadanović, Legal Officer, OSCE
Ms. Paulina Gomulak, Alternate Executive Director, The World Bank

bcc:

Messrs./Mmes. Fozzard, Harley, Matić, Padilla, Svirčev (GGO15); Daruwalla, Oliveros (GGO03); Crnomarković (GGO21); Verheijen, Dražilov, Ivanović, Nurković, Vuković Tasić (ECCYU)

Serbia DL, MDTF-JSS Task Team, ECAVP Managers, ECA Safeguards, WBDocs

**MULTI-DONOR TRUST FUND FOR JUSTICE SECTOR SUPPORT PROJECT
IN SERBIA (MDTF-JSS)**

Implementation Support Mission

AIDE MEMOIRE

September 16 to 30, 2016

1. A World Bank implementation support mission for the MDTF-JSS visited Serbia from 16 to 30 September 2016.¹ The objectives of the mission were to:

- a. monitor the implementation of ongoing activities (analyses of non-core functions in the judiciary, victims support, prosecution budget planning, prosecution strategic planning, various training activities);
- b. kick start new activities (the inaugural court rewards program, analysis of opportunities to improve commercial court registries and improving court websites);
- c. host a Management Committee meeting;
- d. supervise the implementation of the MDTF-JSS government-executed grant and update the results framework.

The team thanks the stakeholders we met during the mission for their generosity of contribution and active leadership. A list of persons met is at **Annex 1**.

KEY FINDINGS AND AGREED NEXT STEPS

2. The MDTF-JSS continues to make progress in supporting the justice sector to strengthen its performance in line with EU benchmarks. Prior to the mission, the Bank team met with the new Minister of Justice, H.E. Ms. Nela Kuburović, to discuss the reform agenda and ways in which the MDTF-JSS can support it. A Management Committee meeting was held on Tuesday 20 September, 2016. Minutes of the meeting are at Annex 2. The grant component of the MDTF-JSS has been increased to 4.7 million USD, and the project implementation unit is preparing the rollout of new activities. The MDTF-JSS website <http://mdtfjss.org.rs/en> has been updated with information about project activities, reporting and results.

3. At the conclusion of the mission, the following Action Plan was agreed.

ITEM	NEXT STEP	RESPONSIBILITY	TIMEFRAME
1.	Feedback on the draft results framework	All	October 2016
2.	Feedback on the draft shared services analysis	MOJ, SCC, SPC, HJC	October 2016
3.	Finalize procedure for transport costs for training	PIU	October 2016
4.	Finalize registry assessment for Commercial Courts	World Bank	October 2016

¹ The mission was led by Ms. Georgia Harley (Justice Reform Specialist and Task Team Leader) and comprised Ms. Nicole Ridley (Court Registry Expert), Mr. Srdjan Svirčev (Public Sector Specialist), Ms. Marina Matić (Justice Reform Adviser), Ms. Svetlana Djuković (Public Administration Advisor), Mr. Nenad Milić (Communications and Online Transparency Consultant), Mr. Kornel Dražilov (Research Analyst). The team was supported by Ms. Bisera Nurković (Program Assistant).

5.	Prepare and launch inaugural rewards program	SCC / World Bank	October 2016
6.	Share draft SPC budget analysis	World Bank	October 2016
7.	Finalize SCC annual reporting template	SCC	October 2016
8.	Prepare SPC strategic planning workshop	SPC	October 2016
9.	Update procurement plan for 2016-2018	PIU	October 2016
10.	Prepare training programs and training M&E records	PIU	November 2016
11.	Consider RAFU contract extensions for 2017	World Bank	November 2016
12.	Start analysis on police role in victim support services	World Bank	December 2016
13.	Analysis of courts and the business climate	World Bank	January 2017

UPDATE ON EXISTING ACTIVITIES

Bank-executed activities

4. **The Bank is working closely with the Supreme Court of Cassation (SCC) to launch the inaugural Court Rewards Program.** The program aims to incentivize first instance courts to improve efficiency and productivity in case processing. The program has been formally endorsed and included in the Court Book of Rules. The initiative puts Serbia at the forefront of innovation among judiciaries in Europe in incentivizing court performance.

5. **The design of the program has been developed jointly by the SCC, High Judicial Council, the task team and the World Bank Development Economics Group (DEC).** This year, the SCC will issue two categories of awards: for the largest improvement in backlog reduction and for the largest improvement in the number of resolved cases per judge. Decisions will be based on objective data from case management systems and have been tested and verified by the SCC and the Bank team. In each category, there will be three winning courts, that will each receive a financial award (1st prize 5,000 EUR; 2st prize 3,000 EUR; 3rd prize 2,000 EUR) that they can choose to spend on either: ICT hardware (including desktop computers, monitors, printers, scanners, servers etc.); office equipment (including desks, chairs, conference tables, shelves, clocks, law books etc.); or materials for the beautification of the court (including paint, plants, signage, or materials for repairs). Winning court presidents will be asked to confer with their team regarding the choice of reward and to choose a prize that will improve the performance in their court. Prizes shall be used for the benefit of the court, and rules have been put in place to prevent prizes being monopolized by individuals or used for personal activities. Trophies and plaques will also be awarded to the winners. The SCC will also issue a number of notable mention certificates in recognition of sound achievements. Prizes will be awarded at a ceremony at the Annual Conference of Judges in October 2016. The Bank is supporting a range of communication and dissemination activities to raise awareness of the program among judges, the media, businesses and the general public.

6. **The Bank shared the draft analysis on how to develop shared services for non-core functions in court and prosecutor offices with the MOJ, SCC, SPC, and HJC, and the team awaits feedback.** The report makes recommendations for sharing services in areas such as ICT, security, HR and finance, in ways that will improve service delivery and save costs. Stakeholders

were requested to provide feedback by mid-October 2016, after which the draft will be updated and shared with the MPALSG and the MOF prior to finalization.

7. **The Bank has finalized the analysis on establishment of victim support services.** The analysis is available here – http://www.mdtfjss.org.rs/en/mdtf_activities/2016/-analysis-on-serbia-s-alignment-with-the-eu-directive-2012-29-#.V_bGfEIrLX4. During the mission, the team agreed with stakeholders on next steps for support. The Bank will continue to partner with Victim Support Europe (VSE) to conduct: a mapping of all victim support services currently offered in Serbia; an analysis of police responsibilities; a comparative analysis of Finnish and French models for victims support, given their relevance to Serbia’s context; an analysis of funding models, given the importance of fiscal sustainability to the viability of the support system. These activities have been agreed with the EU Delegation to ensure that analytic work lays the foundation for future IPA financing, due to come online in 2018.

8. **The MDTF-JSS is co-funding with the IFC a series of training and capacity building conferences activities focusing on case law harmonization in commercial cases.** Topics have focused predominantly on bankruptcy proceedings, but also on privatization, enforcement, civil rights, and corporate crime. Further information is available here – http://www.mdtfjss.org.rs/en/mdtf_activities/2016/western-balkans-debt-resolution-and-the-mdtf-jss-projects#.V_bHOkIrLX4. Further trainings are scheduled through 2016 and 2017.

9. **The Bank team is working with the SCC to improve the quality and transparency of its annual reports.** The Judicial Performance Expert and the SCC leadership team are developing a new reporting template that will transform the SCC annual reports from 300+ pages of narrative and complex tables to a 50-page analysis of the judiciary’s performance, recent achievements and future plans. The template and reporting arrangements is expected to be finalized during the next mission in mid-October 2016. The Bank expert will also partner through ‘twinning’ with the new SCC statistician during the next mission.

10. **The team has worked closely with the incoming State Prosecutorial Council (SPC) on a range of institutional reforms.** The team has developed an outline of a 5-year Action Plan for the SPC, based on interviews with the SPC members, as well as management and staff of the Administrative Office. The Report also made recommendations for future directions, possible area of support and next steps. It is available here – http://www.mdtfjss.org.rs/en/mdtf_activities/2016/the-mdtf-jss-worked-together-with-the-state-prosecutorial-council-spc-to-develop-an-outline-for-the-spc-s-5-year-action-plan#.V_bH3EIrLX4. In October 2016, the team will facilitate a strategic planning workshop with the SPC. The SPC aims to finalize its strategic plan this calendar year. Related to this, the SPC has requested a functional review of the prosecution service, noting that the prosecution did not have sufficient data to be analyzed at the time of the *Judicial Functional Review* in 2013. During the mission, the team developed an outline for the functional review that will be discussed during the strategic planning workshop. The Bank also delivered technical assistance on prosecution budgeting, as the SPC is expected to develop its budget plan for the next calendar year. The draft budget report will be available in October 2016.

11. **The team is working with the SCC to improve court websites.** The team has conducted an analysis of the 95 existing court websites, including their internet presence, financing and development, contents and services, user interface, compatibility, design and identify, content management, hosting and human resource arrangements. The report makes recommendations and

is available here – http://www.mdtfjss.org.rs/en/mdtf_activities/2016/analysis-of-court-web-sites-in-the-republic-of-serbia#.V_bM-kIrLX4. The courts have requested the MDTF-JSS to upgrade the court websites based on a template, and the team is developing specifications for this. It became apparent after the mission that the MOJ may have overlapping plans here, and further consultation is required. A similar process is planned with the prosecution service.

12. **The Bank team is conducting an analysis of the commercial court registries, including opportunities to improve efficiency and user satisfaction at the registries.** During the mission, the Registry Expert visited the commercial registries in Belgrade, Čačak, Pančevo, Kragujevac, Niš and Novi Sad. The draft report will be available shortly and will form the basis of future MDTF-JSS support to commercial registries.

13. **Following consultations with Bank and IFC staff and stakeholders, the team agreed to conduct an analysis of the extent to which the courts constrain the business climate in Serbia.** The analysis will be conducted through 2016 and available in early 2017.

14. **The Judge’s Forum has proposed to partner with the MDTF-JSS to conduct an analysis of old cases of small value, to identify reform opportunities to expedite small claims processing.** During the mission, it was agreed that the Forum would examine the relevant procedures for conducting such an analysis, develop a methodology and submit a proposal to the Bank.

Government-executed activities

15. **The Analysis of Court Fee Waivers has been finalized, and the team delivered a presentation of the report and proposed next steps.** The report is available here – http://www.mdtfjss.org.rs/en/mdtf_activities/2016/report-from-the-presentation-of-the-analysis-of-court-fee-waiver-system-in-serbia-september-6-2016#.V_bK8EIrLX4.

16. **The Backlog Reduction Plan has been finalized with targets and indicators.** A retreat was convened to support the Backlog Reduction Working Group to consider and finalize the plan. The updated plan is available here <http://www.vk.sud.rs/sites/default/files/attachments/Zakljuci%20od%2004-04-16.pdf>).

17. **The Minister of Justice has approved the draft Free Legal Aid Law.** The draft is currently under consideration of the new Government. The MOJ will continue to keep the team apprised of developments.

18. **Based on the HJC and SPC training needs analysis and the recommendations of the Judicial Functional Review, the PIU is working with the Judicial Academy to deliver a series of training activities across the sector.** Some trainings have been conducted, with more planned through 2016 and 2017. An issue has arisen regarding the procedure for reimbursement of travel costs, and the PIU should resolve this as a matter of priority.

19. **In addition to these trainings, the MOJ has requested support to rollout proposed amendments to the Law on Protection against Family Violence, which is a high priority for the new Government.** The MDTF-JSS agreed to support an awareness campaign and accreditation training for judges. The PIU will work with the MOJ and the Judicial Academy to implement these. Further training and activities may be proposed in 2017.

20. **The Ministry of Justice has requested support to conduct targeted analyses in areas relating to the Chapter 23 accession process.** These include analysis relating to the regime for

personal data protection, efficiency in criminal proceedings, and access to justice for persons with disabilities, along with an awareness campaign for the latter. The MOJ has also requested a six-month extension of the RAFU. The Bank is considering these requests.

21. **Progress toward the project's development objective remains satisfactory.** The increased momentum within the sector since the increase in the grant amount is accelerating implementation progress.

List of Stakeholders Met

Name	Title, Organization
Mr. Radomir Ilić	State Secretary, Ministry of Justice
Mr. Čedomir Backović	Assistant Minister, Ministry of Justice
Ms. Slavica Jelača	Assistant Minister, Ministry of Justice
Ms. Snežana Andrejević	Judge, Supreme Court of Cassation
Ms. Mirjana Puzović	Head of the Office of the President of the Supreme Court of Cassation
Ms. Majda Kršikapa	Secretary General, High Judicial Council
Mr. Tomo Zorić	Secretary General, State Prosecutorial Council
Ms. Tatjana Lagumdžija	Member of State Prosecutorial Council
Ms. Svetlana Nenadić	Member of State Prosecutorial Council
Ms. Tamara Smrkulj	Budget Section, State Prosecutorial Council
Mr. Nenad Vujić	Director, Judicial Academy
Ms. Ljiljana Krejović	MDTF-JSS Procurement Specialist, PIU
Ms. Sonja Prostran	MDTF-JSS Consultant Monitoring and Evaluation Specialist at Supreme Court of Cassation
Mr. Milan Bajić	MDTF-JSS Consultant Monitoring and Evaluation Specialist at Supreme Court of Cassation
Mr. Predrag Mitrović	MDTF-JSS Consultant Monitoring and Evaluation Specialist at Supreme Court of Cassation
Ms. Ursula Läubli	Director of the Swiss Cooperation Office
Mr. Petar Vasilev	National Program Officer, Swiss Cooperation Office
Mr. Matthew Jordan	Second Secretary, Head of Policy and Programs, British Embassy Belgrade
H.E. Mr. Leo D' aes	Ambassador, Embassy of Belgium in Serbia
Mr. Ewoud ROES	First Secretary - Political and Economic Section, Embassy of Belgium in Serbia
Ms. Emila Spasojević	Advisor, Office of the Commissioner for Equality
Mr. Nebojša Djuričić	Judge, Judges Forum
Mr. Miroslav Nikolić	President, Appellate Commercial Court
Mr. Jovan Kordić	President, Commercial Court in Belgrade
Ms. Milovanka Mikić	Head of the Court Registry, Commercial Court in Belgrade
Mr. Igor Matijević	Financial Sector Specialist, IFC
Mr. Speranca Jančić	President, Commercial Court in Pančevo
Ms. Snežana Bogičev	Head of the Court Registry, Commercial Court in Pančevo
Mr. Dragan Bosilj	President, Regional Chamber of Commerce Pančevo
Mr. Slobodan Reža	President, Bar Association Pančevo

Ms. Marija Adžemović	President, Commercial Court in Čačak
Ms. Danica Vesović	Head of the Court Registry, Commercial Court in Čačak
Mr. Miodrag Aleksić	Member, Bar Association Čačak
Ms. Tanasković Gordana	Head of Department, Chamber of Commerce Čačak
Ms. Ljiljana Milovanović	Expert Witness, Chamber of Commerce Čačak
Mr. Branislav Jovović	President, Commercial Court in Kragujevac
Ms. Nada Kamber	Head of the Court Registry, Commercial Court in Kragujevac
Mr. Predrag Lučić	President, Regional Chamber of Commerce Kragujevac
Mr. Božidar Stanković	President, Commercial Court in Niš
Ms. Milica Krstić Pecić	Head of the Court Registry, Commercial Court in Niš
Mr. Slobodan Sremčev	President, Commercial Court in Novi Sad
Ms. Ana Bešker	Head of the Court Registry, Commercial Court in Novi Sad
Ms. Gordana Ćuk	General Secretary, Chamber of Commerce Novi Sad
Ms. Ljiljana Pavlović	Head of the Department for Legal and General Affairs, Chamber of Commerce Novi Sad
Mr. Slobodan Šoškić	President, Bar Association Belgrade
Mr. Stevan Kriško	Head of the Court Registry, I Basic Court in Belgrade
Mr. Milan Marinović	President, Misdemeanor Court in Belgrade



**Management Committee Meeting for the Multi-Donor Trust Fund for Justice Sector
Support in Serbia
Tuesday 20 September 2016, 1pm, World Bank office, Belgrade
Draft Minutes**

1. Participants

Name	Title, Organization
Mr. Čedomir Backović	Assistant Minister, Ministry of Justice
Ms. Darja Koturović	Consultant for Access to Justice, Ministry of Justice
Ms. Milica Kolarović-Bojović	Consultant for the reform of criminal justice, Ministry of Justice
Ms. Marijana Santrač	Senior Advisor for International Cooperation, State Prosecutorial Council
Mr. Olu Andersson	Counselor, Embassy of Sweden
Ms. Nataša Zoranović Divić	National Program Officer, Embassy of Sweden
Mr. Aleksandar Momirov	Senior Policy Advisor, Embassy of the Kingdom of the Netherlands
Ms. Olivera Purić	Consultant, Swiss Cooperation Office
Ms. Chloé Milner	Regional Governance Advisor, Swiss Cooperation Office
Mr. Petar Vasilev	National Program Officer, Swiss Cooperation Office
Mr. Srdjan Majstorović	Deputy Director, Serbian European Integration Office
Ms. Marija Oros Janković	Independent Advisor, Serbian European Integration Office
Ms. Majda Kršikapa	Secretary General, High Judicial Council
Mr. Janko Lazarević	Deputy President, Supreme Court of Cassation
Ms. Ljiljana Krejović	Procurement Specialist, PIU
Mr. Predrag Mitrović	Monitoring and Evaluation Consultant, SCC
Mr. Matthew Jordan	Second Secretary, British Embassy Belgrade
Mr. Ewoud ROES	First Secretary, Embassy of Belgium in Serbia

2. Update & discussion of recent progress

a. Bank executed advisory services:

Updates were provided by Georgia Harley, Srdjan Svircev, Marina Matic and Kornel Drazilov. See updated MDTF-JSS website for details.

b. Government-executed implementation:

Updates were provided by Ministry of Justice, Supreme Court of Cassation, High Judicial Council & State Prosecutorial Council. See presentation for details at www.mdtfjss.org.rs.

3. Looking forward

b. Update of MDTF-JSS Results Framework:

The Bank presented the updated draft results framework. The meeting agreed to provide comments within 2 weeks.

c. Feedback / suggestions for improvement:

The Dutch Embassy volunteered to highlight MDTF achievements in strategic communications.