

REPUBLIC OF SERBIA
MULTI DONOR TRUST FUND FOR JUSTICE SECTOR SUPPORT
(TF071444)

AIDE MEMOIRE
July 14 to 18, 2014

1. **A World Bank team visited Serbia from 14 to 18 July 2014.** The mission was led by Mr. Klaus Decker (Senior Public Sector Specialist GGODR and Task Team Leader for the MDTF) and comprised Ms. Georgia Harley (Public Sector Specialist, GGODR). The team was joined in Belgrade by Mr. Srdjan Svirčev (Public Sector Specialist, GGODR) and was supported from the Country Office by Ms. Hermina Vuković Tasić (Program Assistant, ECCYU).

2. The objectives of the mission were to:

- a. receive feedback on the draft Judicial Functional Review;
- b. host a Management Committee Meeting for the MDTF-JSS;
- c. monitor the implementation of other MDTF-JSS activities.

3. **The team met with officials from the Judiciary, Ministry of Justice (MOJ), justice sector stakeholders and development partners.** The team expresses its gratitude to all the stakeholders met and for their open engagement with the Functional Review process. A list of people met is attached as **Annex 1**.

A. KEY FINDINGS AND AGREED NEXT STEPS

4. **Key next steps are highlighted in the table below.**

Activity	Next Steps & Time Frame	Responsibility
Functional Review Report	Stakeholders to provide feedback on the consultation draft by 31 August 2014	All Stakeholders
Multi-Stakeholder Justice Perception Survey	Workshops for various stakeholder groups to continue after the summer.	World Bank team
Process Maps	Workshops for various stakeholder groups to continue after the summer.	World Bank team
Operationalizing the ICT Strategy	Review of the draft TOR	World Bank team
RAFU Results and Transition	Comments to be provided on RAFU reports. MOJ to provide update on Transition Plan.	MDTF donors MOJ
MDTF Annual Report	Comments to be provided on draft Report	MDTF donors & MOJ

B. JUDICIAL FUNCTIONAL REVIEW

5. **The consultation process for the Serbia Judicial Functional Review remains on track.** Two weeks prior to the mission, the team shared the English language version of the consultation draft with all relevant local institutions, donors and CSOs. During the mission, the team facilitated a series of bilateral meetings, as well as a CSO Forum, to receive feedback. The Serbian translation has been delayed slightly but was shared with stakeholders after the mission.

6. **The general feedback on the draft Functional Review Report has been very positive.** The MOJ and EC confirm that the document will become the definitive reference for the Chapter 23 Accession process. Stakeholders expressed appreciation that they now have in one document a comprehensive and objective analysis of the current functioning of the system, both in terms of its external performance and internal workings, as the baseline for the accreditation process. They also commended the report for shedding new and objective light on previously divisive issues and featuring previously unanalyzed data that can inform future reform efforts. (See Management Committee meeting below.)

7. **Feedback on technical matters has been received from a range of stakeholders, and will be incorporated in coming weeks.** This covers sections relating to affordability of court fees, lawyer discipline, initial and continuing training, governance arrangements in the Supreme Prosecutorial Council, the principle of opportunity, the role of lay judges, reforms relating to bailiffs and notaries, the need for a small claims procedure, legal aid reforms, mediation, appeals data, arrears owed by courts and MOJ, fragmentation of ICT systems and the utility of ageing lists. Further detailed comments are expected, particularly after delivery of the Serbian translation.

8. **Some guidelines were agreed for this consultation phase.** To facilitate productive dialogue, feedback will be conveyed verbally wherever possible via meetings and video-conferences, and the Functional Review team will not engage in rounds of written comments. To continue the current good practice, comments will be received bilaterally and treated confidentially, and the report will not contain direct quotes. Requests to re-consider conclusions or recommendations will be considered if substantiated. Any additional data provided by stakeholders will be considered, so long as it relates to the period from 1 January 2010 up to 30 June 2014. Comments should be provided as soon as possible and no later than 31 August 2014 to enable their incorporation into the final draft.

C. MANAGEMENT COMMITTEE OUTCOMES

9. **A Management Committee Meeting was held on 17 July 2014.** Detailed minutes have been circulated to the meeting participants. The key decision points of the meeting were as follows:

- a. MC members provided positive feedback on the draft Functional Review Report. They expressed satisfaction with the structure, approach and level of detail and confirmed that the product conforms to its Concept Note. More detailed comments will be provided in coming weeks.
- b. Following an MOJ update on the work of the Reform and Accession Facilitation Unit (RAFU), the meeting agreed to continue discussions regarding the RAFU's results and future transition. Specific comments on the recent reports will be provided in writing, and the

meeting requested the MOJ to provide further updates on its Transition Plan, as outlined in the RAFU proposal.

- c. The meeting welcomed the draft Annual Report for the MDTF-JSS and agreed to provide written comments in coming weeks.

10. **It was agreed that the next Management Committee meeting would focus on the finalization and dissemination of the Functional Review Report, the results and transition of the RAFU, as well as the future Program Framework for the MDTF-JSS.** If reforms to legal aid have progressed by this time and are fully costed, the meeting could also consider next steps for MDTF-JSS support to the rollout of the legal aid law under the recipient-executed component.

D. MDTF-JSS ACTIVITY UPDATE

11. **Other MDTF-JSS activities remain on track, though visibility has reduced due to recent stakeholder focus on the Functional Review.** Much of the work for the Multi-Stakeholder Justice Survey has been completed and a draft report has been prepared which will be finalized over the summer. The 'process maps' have been finalized and await dissemination after the summer. The team agreed to continue discussions on a proposed TOR for an ICT consultant to work under the recipient-executed component of the MDTF-JSS. It also agreed to commence discussions with the MOJ on a proposed TOR to support reform to the fee tariff schedule that would apply to legal aid providers. The draft MDTF-JSS Annual Report has been shared, and members of the MC meeting will provide comments in coming weeks.

E. PROGRESS TOWARDS PROJECT DEVELOPMENT OBJECTIVE (PDO)

12. **Progress toward the Project Development Objectives remains satisfactory.** The objective of the Trust Fund is to provide support for strengthening and advancing the justice sector reform in the Republic of Serbia in order to facilitate its integration to the EU. The implementation of Bank-executed activities has greatly intensified in the last year, with progress across all sub-components but with particular focus on delivering the Serbian Judicial Functional Review. The implementation of Recipient-executed activities has also accelerated, and remaining funds under the RFU component will be disbursed via the reformed RAFU. The finalization of the Serbia Judicial Functional Review and the commencement of the EU accession process will provide additional impetus to reform and likely continue to drive progress under MDTF activities.

F. FINANCIAL MANAGEMENT SUPERVISION

13. **Financial management remains satisfactory.** Following financial management supervision last month, the auditors (KPMG d.o.o Belgrade) carried out an audit of financial statements of the recipient-executed component of the MDTF-JSS for the period from 1 January to 31 December 2013 in accordance with international standards on auditing as per the terms of reference. The audit report provided a clean opinion (no issues identified) on the project's financial statements and the management letter (letter of recommendations) accompanying the audit report did not raise any issues or recommendations. The auditors' findings are in line with the previous Bank's financial management supervision which assigned satisfactory rating during the supervision in June 2013.

List of Persons Met

Last Name	First Name	Title/Organization
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Government and Justice Officials

Mr. Backović	Čedomir	Assistant Minister - Ministry of Justice
Mr. Stamenković	Branko	Head of the Special Prosecutor for High Tech Crime, member of the State Prosecutorial Council
Ms. Krejović	Ljiljana	Procurement Specialist: PIU - MDTF JSS
Mr. Delić	Milan	Serbia European Integration Office
Mr. Golubović	Miloš	Serbia European Integration Office
Ms. Radić	Gordana	Secretary, State Prosecutorial Council
Mr. Marković	Žarko	RoL Advisor OSCE, former member of BGCHR
Mr. Antonijević	Milan	President, YUCOM
Mr. Nedić	Blažo	President, Partner for Democratic Change
Ms. Boljević	Dragana	Judge, President of the Judges Association
Mr. Hadži Omerović	Omer	Judge, Deputy President of the Judges Association
Mr. Mitić-Vranjkić	Konstantin	Judge, Member of the Judges Association
Mr. Vujić	Nenad	Director, Judicial Academy
Mr. Djordjević	Dragoljub	President, Serbian Bar
Mr. Lazović	Lazar	Deputy president, Association of Judicial and Prosecutorial Assistants of Serbia

International Community

Ms. Vandeputte	Bianca	Program Manager, European Union Delegation
Ms. Cvetković	Mirana	Political Officer, EU delegation in Serbia
Mr. Hummer	Hans-Joers	Team Leader - GIZ
Ms. Pavlović	Ljubica	Project Manager - GIZ
Mr. LeDuc	Brian	Chief of party, USAID SPP – Separation of Powers Project
Ms. Lukić	Dragana	Deputy chief of party, USAID JRGA – Judicial Reform and Government Accountability
Ms. Schweiger	Romana	Head of the RoL and HR department - OSCE
Ms. Ramadanović	Ivana	Legal Advisor - OSCE
Mr. Gjengsto	Halvor	Project Manager, IMG
Ms. Momirov	Aleksandar	Embassy of the Kingdom of the Netherlands
Mr. Vasilev	Petar	National Program Officer, Swiss Cooperation Office
Mr. Svenungsson	Torgny	Counselor, Country Manager, Development Cooperation Division, Embassy of Sweden
Ms. Djukić	Mirjana	Program Officer, Development Cooperation Division, Embassy of Sweden

Other (Agencies, NGOs, Community Representatives)

Ms. Logar	Svetlana	Ipsos Strategic Marketing
Ms. Baronijan	Hana	Ipsos Strategic Marketing

World Bank Team

Mr. Verheijen	Tony	Country Manager
Mr. Decker	Klaus	Senior Public Sector Specialist (TTL)
Ms. Harley	Georgia	Public Sector Specialist
Mr. Svirčev	Srdjan	Public Sector Specialist, Program Coordinator
Ms. Vuković Tasić	Hermina	Program Assistant
Mr. Dražilov	Kornel	Program Assistant