

ACTION PLAN
For the Implementation of the Strategy for Ensuring the Independence and Integrity of Justice Sector for 2020–2023

**Strategic direction I. INDEPENDENCE, ADMINISTRATION, INTEGRITY AND
ACCOUNTABILITY OF JUSTICE SECTOR STAKEHOLDERS**

Objective 1.1. Strengthening the independence and administration of the Judiciary and the Prosecutor's office

Expected result:

1. Strengthened independence of the Judiciary and the Prosecutor's Office and of their governing bodies (Superior Council of Magistracy and Superior Council of Prosecutors) consolidated;
2. Reinforced mechanisms for accountability and integrity of justice sector stakeholders;
3. Improved efficiency of court activities and of prosecution offices;
4. Reinforced institutional capabilities of judicial administration authorities and of prosecution offices.

Specific objective	Action	Deadline for implementation																Output indicators	Responsible institutions	Cost (thousand MDL)
		2020				2021				2022				2023						
		I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV			
1.1.1. Increase the independence of the Justice system	a) Amend the Constitution in the part related to: - initial appointment of judge in office prior to reaching the age limit, by ruling out the 5-year term; - appointment of judges at the Supreme Court of Justice by the President of the Republic of Moldova; - suspend judge's seniority of at minimum of 10 years in order to be appointed as a judge at the Supreme Court of																	Adopted draft for amending the Constitution	Ministry of Justice	

3. Improved system of taxation and social safeguards;
4. Revised/regulated tariffs for delivered services.

Specific objective	Action	Deadline for implementation																Output indicators	Responsible institutions	Cost (thousand MDL)
		2020				2021				2022				2023						
		I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV			
1.2.1. Merge a series of organizational aspects for justice related professions	a) Analyse the legal framework in the part related to organizing the activities of justice related professions, in view of establishing similar rules, when appropriate, review the suitability of including all provisions in a single law																	1. Analysis conducted and recommendations made	Ministry of Justice	
	b) Analyse the accreditation practices for providers of initial and continuous training of mediators and of initial training practices of authorized administrators																	Analysis conducted, initiated proposals to amend the regulatory framework, when appropriate	Ministry of Justice	
	c) Regulate the procedure for record keeping, preparation, storage and hand over of bailiff archives																	Approved Regulation	Ministry of Justice, National Union of Bailiffs	
	d) Ensure publication in the State Register on legal acts of normative acts issued by professional organizations of justice related professions																	1. Established mechanism for professional organizations of justice related professions to submit to the State Register on legal acts of normative acts issued 2. Published normative acts	Ministry of Justice, Professional bodies of justice related professions	
	e) Develop a methodical paper for merging bailiff work practices (guidelines, commentary to the enforcement Code, etc.)																	1. Comments on the enforcement code developed 2. Guidelines/ methods for each procedure (based on the list) drafted and approved	National Union of Bailiffs	
	f) Develop quality standards																	1. Standards developed and	Notary Chamber	

	for notary provided services																		approved 2. Developed and functional mechanism for monitoring the observance of standards		
	g) Conduct an analysis on developing a concept for merged methodologies for forensic/judicial expertise, when appropriate, amend the legal framework																				
	h) Capitalize on the potential of judicial experts from individual and associate offices, by establishing practices ordering forensic expertise conducted by judicial experts, particularly at parties' request																		Information disseminated among judges on ordering expertise by judicial experts from individual and associate offices and by parties 2. Rate of decisions/motions ordering expertise conducted by experts from individual judicial expert offices 3. Growing number of ordered expertise	Ministry of Justice, Superior Council of Magistracy	
1.2.2. Strengthen the mechanisms for access to profession and disciplinary and civil liability of representatives of related professions	a) Amend the Law no 1260/2002 on the legal profession in order to: - set clear merit-based criteria for access to legal profession; - strengthen the mechanism for disciplinary liability; - reinforce the system for civil liability in the legal profession, etc.																		2. Draft to amend the regulatory framework, developed and adopted	Ministry of Justice	
	b) Amend the Law No. 113 /2010 on bailiffs (increased bailiff accountability, strengthen the control procedure etc.)																		Government approved draft law submitted to the Parliament	Ministry of Justice	
	c) Review the array of disciplinary violations and the																		Government approved draft law submitted to the Parliament	Ministry of Justice	

	professions																		related professions 4. No. of lawyers, bailiffs, judicial experts, interpreters, authorized administrators trained	Justice, professional bodies/organizations	
1.3.3. Improvement of professional training for court staff	Training of court personnel and of prosecution offices on internal managerial control																		1. Number of trainings held 2. Trained court staff responsible for planning / reporting	Superior Council of Magistracy, Superior Council of Prosecutors, National Institute of Justice	
1.3.4. Ensuring specialization of judges and prosecutors	a) Identify the specialization needs for judges and prosecutors																	1. Conducted analysis of merits/matters in issue a legal case/ areas identified	Superior Council of Magistracy, Superior Council of Prosecutors, National Institute of Justice		
	b) Continue the process of specialization of judges and prosecutors. Adapting the relevant IT systems according to the specialization of judges and prosecutors																	2. Judges /judging panels established, in line with the areas identified	Superior Council of Magistracy, Superior Council of Prosecutors		

Total funding

Objective 1.4. Strengthen the integrity and responsibility in the Justice sector

Expected Result

Ensured integrity in the Justice sector

Specific objective	Action	Deadline for implementation																Output indicators	Responsible institutions	Cost (thousand MDL)
		2020				2021				2022				2023						
		I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV			
1.4.1. Strengthen	a) Adjust the legal framework in order to streamline the																	1. Draft law developed and	Ministry of Justice	

the mechanism for ensuring the integrity of judges and prosecutors	ordinary and extraordinary evaluation of judges, including in terms of their interests and integrity																	submitted to the Venice Commission for review/legal opinion	Superior Council of Magistracy				
	b) Adjust the legal framework in order to streamline the ordinary and extraordinary evaluation of prosecutors, including in terms of their interests and integrity																		2. Public consultations organized with participation of interested parties.	3. Adopted draft law.	Superior Council of Magistracy		
1.4.2. Enforce and promote/raise awareness about integrity standards and anti-corruption measures in the Justice sector	a) Improve SCM's and SCP's practice of in order to rule out situations where signs of lack of integrity are not reported to competent authorities																		1. Draft law developed and submitted to the Venice Commission for review/legal opinion	2. Public consultations organized with participation of interested parties.	3. Adopted draft law.	Ministry of Justice, Superior Council of Prosecutors	
	b) Analyse the practice in disciplinary cases against judges and prosecutors, as well as other stakeholders in the justice sector, in order to exclude situations where lack of integrity is tolerated																		1. Assessment of institutional integrity (based on survey results <i>supra</i>) and approved institutional integrity plans	2. Annual number of cases of lack of integrity / signs reported		Superior Council of Magistracy, Superior Council of Prosecutors	
	c) Strengthen the capacities of courts and prosecutors to manage integrity issues																		1. Analysis of disciplinary practice performed, cases identified, recommendations made			Superior Council of Magistracy, Superior Council of Prosecutors	
																			1. Trainings held on identification, prevention and treatment of corruption risks	2. No. of training beneficiaries		Superior Council of Magistracy, Superior Council of Prosecutors, National Integrity	

																		victims of domestic violence	Forensic Medicine Centre	
2.1.2. Develop and implement improved policies to provide legal aid and to assess the quality aid provided	a) Review categories of persons benefiting from state guaranteed legal aid																	1. Regulatory framework reviewed; 2. Defined eligibility / assessment criteria to determine case relevance; 3. Decreased number of documents requested for ascertaining the financial status; 4. Categories of persons benefiting from state guaranteed legal aid established based on non-discriminatory criteria 5. Disaggregated statistical data regarding the persons who have benefited from state guaranteed legal aid annually elaborated and published on the NCSGLA website; 6. Perception surveys; organized annually The results analyzed and published on the NCSGLA website.	Ministry of Justice, National Council for State Guaranteed Legal Aid	
	b) Develop a mechanism for providing partially free qualified legal aid																	1. Mechanism developed and implemented	Ministry of Justice, National Council for State Guaranteed Legal Aid	
	c) Develop and test a single electronic platform designed to send, receive & process requests for state guaranteed legal aid																	Functional electronic platform	National Council for State Guaranteed Legal Aid	
	d) Develop and improve the mechanism for recovering																	1 Established mechanism to recover expenses associated	Ministry of Justice, National	

	legal aid expenses																		with state guaranteed legal aid; 2. NCSGLA regional offices connected to databases in order to verify the information on applicant's ability to pay for state guaranteed legal aid	Council for State Guaranteed Legal Aid, Ministry of Finance	
	e) Develop quality standards for state guaranteed legal aid services, methodological guidelines for lawyers																		1. Standards developed, approved and applied; 2. Methodological guidelines per categories of cases developed, approved and published	National Council for State Guaranteed Legal Aid	
	f) Institutionalize and implement a mechanism for external monitoring of the quality of state legal aid																		1. Institutionalized and applied mechanism 2. Rate of cases of inadequate legal aid from the number of cases monitored	National Council for State Guaranteed Legal Aid	
	g) Review of procedural mechanisms that would ensure an adequate balance between prosecution and defence from the principle of Equality of Arms																		1. Amended legal framework	Ministry of Justice, Lawyers' Union, Prosecutor General's Office	
	h) Develop and strengthen the paralegal network by reviewing the mechanism of: - Selection, contracting and remuneration; - Initial and continuous training; - Accountability.																		1. Revised mechanism for selection, contracting 2. Initial and continuous training organized 3. Paralegal network extended annually with xxx units / in xxx rural / urban areas	National Council for State Guaranteed Legal Aid, Ministry of Finance, Ministry of Justice, Local public authorities	
2.1.3. Optimize the performance of data information	a) Digitize the process of filing applications for qualified state legal aid																		Improved filing mechanism to apply for qualified state legal aid	National Council for State Guaranteed Legal Aid	

system of the state guaranteed legal aid system	b) Digitize the process of activity reporting by lawyers and paralegals																Improved mechanism for activity reporting by lawyers and paralegals	National Council for State Guaranteed Legal Aid	
2.1.4. Clear and transparent tariffs set providing state guaranteed legal aid services	a) Review regulatory framework on the size and payment of providers of state guaranteed legal aid																Reviewed amount and payment of lawyers and paralegals providing state guaranteed legal aid.	Ministry of Justice, National Council for State Guaranteed Legal Aid	
	b) Incremental increase of the conventional unit based on which lawyers are paid for qualified legal aid services																1. Conventional unit increase to 50 MDL by the year 2021.	Ministry of Justice, National Council for State Guaranteed Legal Aid	
	c) Increase the amount of payment to public lawyers and mediators for services provided																1. Budget adjusted to changes 2. Increased amount of fixed pay	Ministry of Justice, Ministry of Finance, National Council for State Guaranteed Legal Aid	
2.1.5. Improve the mechanism of rendering translation services in the activity of courts, prosecution bodies, criminal investigation authorities	a) Adjust data from the State Register of authorized interpreters and translators to ensure an best way to identify persons who work as interpreters / translators																Register revised quarterly	Union of authorized translators, Ministry of Justice	
	b) Establish a mechanism for providing translation services in court proceedings through video conference system																1. Amended legal framework 2. Centre created / when appropriate specially equipped room ; 3. Required equipment purchased.	Ministry of Justice, Superior Council of Magistracy	

	in order to ensure effective compliance with the right to liberty.																	of the Prosecution service and courts; 3.Recommendations drafted and implemented;		
	d) Regulate cross-sectorial cooperation in cases of children with behavioural problems (deviant behaviour), in order to implement the Law 299/2018																	Established mechanism of for cooperation	Ministry of Justice, Ministry of Health, Labour and Social Protection, Ministry of Interior	
2.1.7. Streamline the mechanisms to enforce court decisions	a) Streamline mechanisms to trace debtors' assets and/or to use legally binding actions in view of fulfilling obligations set forth in enforcement documents																	1. Regulatory framework developed and applied 2. Report on qualitative indicators of actual executions generated and published* (NB, comparable to 2014-2015)	Ministry of Justice, National Union of Bailiffs	
	b) Streamline the procedure for selling goods seized by bailiffs																	Amended legal framework	Ministry of Justice, National Union of Bailiffs	
	c) Amend the legal framework in order to establish a grace period for the debtor for the voluntary execution of the court decision the initiation of enforcement																	Amended legal framework	Ministry of Justice, National Union of Bailiffs	
	d) Build a platform to online auction sales of forfeited assets																	1. Technical concept drafted and approved. 2. Regulation on the procedure and the use of platform developed and approved. 3. Information system developed and implemented.	Ministry of Justice, National Union of Bailiffs	

	e) Create conditions for eliminating contact of minors with adults during pre-trial detention			1. Prison cells with separate entryways within penitentiary institutions	Ministry of Justice	
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Total funding

Objective 2.2. Continue the process of optimizing the judicial system and the prosecution service

Expected result

1. Streamlined court system and prosecution service;
2. Uniform/consistent management system developed in courts and prosecution bodies

Specific objective	Action	Deadline for implementation																Output indicators	Responsible institutions	Cost (thousand MDL)
		2020				2021				2022				2023						
		I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV			
2.2.1. Continue the process of court optimization	a) Analyse the judicial map in order to identify needs to review constituencies in terms of their compliance with the system need but also litigants' needs, when appropriate amend the Law no 76/2016																	1. Analysis conducted and recommendations made; 3. Amended judicial map, where appropriate	Ministry of Justice, Superior Council of Magistracy	
	b) Implement a plan for construction/renovation of re-organized courts in line with the Law No 76/2016 on the reorganization of courts																	1. 50% of construction / renovation plan of court buildings implemented	Ministry of Justice Superior Council of Magistracy	
	c) Review the Law No.789/1996 on the Supreme Court of Justice in order to remove obsolete provisions and legislative parallelism, or when appropriate, abrogate them by including rules specific for the organization and functionality of SCJ in the general regulatory framework																	Draft developed and adopted		

	the reporting judge to issue a written report, at the stage of assessing the admissibility of an appeal, which should state factual circumstances found by lower level courts, their rulings and alleged reasons for claiming illegality																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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Specific objective	Action	Deadline for implementation																Output indicators	Responsible institutions	Cost (thousand MDL)
		2020				2021				2022				2023						
		I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV			
2.4.1. Develop mechanisms / programs for informing and educating the public regarding access to justice and the competence of authorities in the justice sector	a) Create a mechanism for court prompt feedback to medial requests, including by appointing liaison persons			■	■	■	■	■	■									1. Mechanism developed and approved 2. A of qualified / specialized personnel unit set up in each court 3. No trained persons	Superior Council of Magistracy, courts	
	b) Improve communication of justice sector stakeholders by implementing communication strategies and compliance with common communication principles					■	■	■	■									1. Communication strategy - drafted and approved 2. Communication strategy implemented in each court 3. No monthly press releases per court	Superior Council of Magistracy, courts	
	c) Develop the web page of the Superior Council of Prosecutors and ensure publication of all decisions adopted			■	■	■	■											1. Developed web page 2. 100% published SCP decisions	Superior Council of Prosecutors	
	d) Review the opportunity of setting up information centers within courts tasked to give litigants appropriate directions getting the litigants, providing guidance or answers to procedural questions					■	■	■	■	■	■	■	■					1. Study / research of the courts in which it is necessary to create the centres, / courts identified 2. Information centres established in courts identified according to the study / research 3. Mechanism to engage law students / volunteers established and used 4. No annual centre users per court	Superior Council of Magistracy, courts	
	e) Continue to inform litigants justices and the general public about court reorganization, litigants' procedural rights and the expected benefits of court optimization through					■	■	■	■	■	■	■	■	■	■			1. Communication plans developed 2. Information campaigns rolled out every six months at national level	Superior Council of Magistracy, Ministry of Justice	

<p>Court and of the European Court of Human Rights; - component signs of misdemeanors (rule out circumstances where it is difficult to determine/classify the nature of action, criminal or misdemeanor)</p>																															
<p>c) Review of the legal framework through which tax authorities are granted the competence to: - issue mandatory decisions for bailiffs; - assess the lawfulness of documents issued by bailiffs; - order appropriation of collected receivables</p>																															
<p>d) Review procedures for enforcing court judgments, in order to simplify/increase efficiency and adapted to the object specified in the writ of execution</p>																															
<p>e) Analyze legal framework and the court case law in order to identify the restricted procedural deadlines established for investigating categories of cases which prevent their efficient investigation and lead to breaches, when appropriate, review the deadlines</p>																															
<p>f) Identify extrajudicial / administrative mechanisms for solving certain categories of cases</p>																															

	c) Improve mechanisms for executing the transactions through which parties agree on amicable settlement of the dispute																1. Analysis of practice to execute reconciliation agreement carried out, recommendations made 2. Changed mechanisms based on recommendations 3. Rate of reconciliation agreements made vs average time	Mediation Council, Ministry of Justice	
	d) Assess the mechanism of mediation functioning in criminal matters and of payment of mediation services from the state budget																1. Monitor mediation implementation in criminal matters and payment of mediation services carried out by the state, report developed 2. Revised mechanism based on findings/ recommendations from the report	Mediation Council, Ministry of Justice, Prosecutor General's Office	
3.2.2. Review of the institution of compulsory judicial mediation in order to simplify civil case reviews in courts and eliminate delays	a) Evaluate the implementation of the institution of judicial mediation and formulate proposals for improvement																1. Monitor the process of implementation of judicial mediation, report made 2. Draft developed to review of judicial mediation in accordance with the findings and recommendations of the report	Mediation Council, Ministry of Justice, Superior Council of Magistracy	
	b) Include mediated cases resulted in settlement agreements as an indicator of judges' performance																1. Modified performance evaluation indicators	Superior Council of Magistracy	
3.2.3. Improve regulatory framework for arbitration	a) Assess the regulatory framework for arbitration in order to identify legislative parallels and conflicting rules																1. Analysis conducted and recommendations made; 2. Amended legal framework	Ministry of Justice, Chamber of Commerce & Industry	
	b) Examine the opportunity of creating a single arbitration regulatory framework																	Ministry of Justice, Chamber of Commerce & Industry	

3.2.4. Promote the benefits of mechanisms for alternative dispute resolution in the business, legal community, in the academic environment and judiciary	Conducting information campaigns and disseminating information on alternative dispute resolution mechanisms																1. Information campaigns carried out	Mediation Council, Chamber of Commerce & Industry	
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Total funding

Objective 3.3. Modernization of the justice sector through the provision of electronic systems and modern equipment and their interoperability

Expected result

1. The Judicial Information System with improved functionalities implemented in all courts;
2. Develop/facilitate electronic communications;
3. Video conference system implemented;
4. Information systems developed and interconnected;
5. Ensured cyber security of information managed by the judicial system.

Specific objective	Action	Deadline for implementation																Output indicators	Responsible institutions	Cost (thousand MDL)
		2020				2021				2022				2023						
		I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV			
3.3.1. Ensure ongoing improvement of the functionalities of the Judicial Information System	a) Perform testing and experimental use of the new functionalities developed in the Judicial Information System (SIJ).																	1. System tested. 2. The experimental exploitation carried out. 3. Implementation of the new JIS version in all courts accepted.	Ministry of Justice, Superior Council of Magistracy	External funding
	b) Monitor functionality of the Integrated Case Management System (ICMS)																	1. Monitoring report on ICMS functionality drafted and submitted to authorities involved. 2. Monitoring report on the	Ministry of Justice	

																		level of use of ICMS drafted and submitted to authorities involved.		
	c) Development, testing, experimental exploitation and implementation of new JIS functionalities, when appropriate.																	1. Purchased development services. 2. Development done. 3. Functionality testing performed. 4. The experimental exploitation of the functionalities made. 5. Developed functionalities implemented in all courts	Ministry of Justice	State budget
	d) Review SCM regulations on the operation of Integrated Case Management System																	1. Proposals developed and submitted. 2. Draft amendments to the regulations, developed and approved.	Superior Council of Magistracy, Ministry of Justice	
	e) Implement electronic court statistical reporting																	1. Electronic statistical reporting implemented in all courts. 2. Number of analysis reports of the judicial performance developed and published.	Superior Council of Magistracy, Ministry of Justice	
	f) Development by the Superior Council of Magistracy of a regulatory framework for electronic reporting of judicial statistics																	Regulatory framework drafted and approved	Superior Council of Magistracy	
3.3.2. Facilitate public access to justice by use of IT	Ensure continuous improvement of functionalities of the National Courts' Web Portal.																	1. Updating the content of the courts portal, done; 2. Number of page visitors (traffic); 3. Features available on web page facilitating access of persons with special needs on the portal implemented; 4. Number of activities to promote the portal of	Ministry of Justice, Superior Council of Magistracy	State budget

																		application		
	d) Gradual expansion of videoconference application to other categories of cases																	1. Feasibility study with proposals to expand the implementation of the application for reviewing other categories of cases, carried out. 2. Amended legal framework	Ministry of Justice, Superior Council of Magistracy	
	e) Ensure ongoing training of users on the use video conferencing application.																	1. No of organized trainings 2. No of trained persons	Ministry of Justice	State budget
3.3.5. Develop e-Enforce and e-Arrest platforms	a) Draft regulatory framework for design of e-Enforce IS																	Regulatory framework drafted and approved	Ministry of Justice, National Union of Bailiffs	
	b) Develop, test, experimental exploitation and implementation of e-Enforce IS																	1.Purchased development services 2. Development done 3.Feature testing, completed 4. Experimental feature exploitation carried out	Ministry of Justice, National Union of Bailiffs	
	c) Draft regulatory framework for design of e-Arrest IS																	Regulatory framework drafted and approved	Ministry of Justice, Ministry of Interior, Prosecutor General's Office, National Anti-corruption Center	
	d) Develop, test, experimental exploitation and implementation of e-Arrest																	1.Purchased development services 2. Development done 3.Feature testing, completed 4. Experimental feature exploitation carried out		

<p>3.3.6. Ensure interconnecti on of information systems of the law enforcement bodies</p>	<p>a) Carrying out an assessment of the information systems held by the authorities in the justice sector on fulfillment of requirements provided by law in relation to: - organizational interoperability; - semantic interoperability; - technical interoperability.</p>																<p>1. Assessment made. 2. Report with recommendations for improvement, drafted and submitted to involved authorities</p>	<p>Ministry of Justice, Ministry of Interior, Prosecutor General’s Office, National Anti-corruption Center E-Governance Agency</p>	<p>External funding</p>
	<p>b) Adapt IT systems to requirements provided by law in relation to: - organizational interoperability; - semantic interoperability; -technical interoperability</p>																<p>No of actions to ensure the interoperability, carried out</p>	<p>MOJ PG MI E-Governance Ministry of Justice, Ministry of Interior, Prosecutor General’s Office, National Anti-corruption Center, E-Governance Agency</p>	
	<p>c) Ensure the extension of IT system interconnections of justice sector authorities</p>																<p>Number of authorities in the justice sector with information systems that exchange data through the joint government platform extended</p>	<p>Ministry of Justice, Ministry of Interior, Prosecutor General’s Office, National Anti-corruption Center, E-Governance Agency</p>	
<p>3.3.7. Implement cyber security consolidation policies</p>	<p>Ensure procurement and use within the judicial system of a system to monitor JIS vulnerabilities</p>																<p>1. Purchased equipment 2. System implemented for checking JIS vulnerabilities throughout the entire judicial system.</p>	<p>Ministry of Justice</p>	<p>External funding</p>

