

## IPA III Results Framework Indicator Methodology Note

### 1. Indicator code and name

**IPA III RF 1.1.1.4:** Number of Venice Commission recommendations systematically and fully implemented with EU support

### 2. Technical details

**OPSYS and Results Dashboard code:** 260086.

**Unit of measure:** Number of (#).

**Type of indicator:** *Quantitative: Numeric; Actual (ex-post); Cumulative (not annual).*

**Level of measurement:** The indicator should be associated to an **outcome** level result.

**Disaggregations:**

Please disaggregate according to the level of implementation:

- Fully implemented
- Partially implemented
- No implementation

Where relevant / possible, please disaggregate according to the area into which the recommendation falls:

- Democratic institutions and fundamental right or
- Constitutional Justice and Ordinary Justice or
- Election, referendums and political parties or
- Other.

At programme/window level, disaggregation is possible by IPA beneficiary country.

Note that only those recommendations whose implementation has in some way been influenced by EU financial support, can be counted against this (outcome) indicator.

**DAC sector codes:** 15110; 15111; 15112; 15113; 15114; 15125; 15130; 15142; 15150; 15151; 15152; 15153; 15160; 15170; 15180; 15190

**Main associated SDG:** **SDG 16:** Governance, Peace and Security, more specifically targets 16.10 (Public access to information and protect fundamental freedoms) and 16.b (Promote and enforce non-discriminatory laws and policies for sustainable development). .

**Other associated SDGs:** n/a

**Associated IPA III Level 1 indicator:**

- Functioning of judiciary (source: European Commission - Enlargement Reports) (Ind. 1.1.1)
- Functioning of the justice system (Source: CEPEJ Dashboard, DG JUST) (Ind.1.1.2).

**Associated IPA III Level 3 indicators:** None.

### 3. Policy context and Rationale

- **IPA III PF: Window 1** Rule of law, Fundamental rights and Democracy. The indicator is relevant for the whole of Window 1 but in particular for **Thematic priority 1** Judiciary, **Thematic Priority 5**: Fundamental Rights and **Thematic Priority 6** Democracy.
- **Chapter of the Acquis.** The main concerned chapters of the EU *Acquis* relative to this indicator are **Chapter 23** Judiciary and Fundamental rights and **Chapter 24** Justice, Freedom and Security. However, the indicator responds most directly to the Political Criteria and Rule of Law elements of the Enlargement process and in particular the areas of: “Democracy” and “Functioning of Democratic Institutions”.
- The Rule of Law is one of the three pillars of the Council of Europe and is linked not only to the protection and the promotion of Human Rights, but also to Democracy. In 2016, the Commission drafted an operational tool for assessing the level of Rule of Law compliance in any given state, and this led to the elaboration of the Rule of Law Checklist, based on the five core elements of the Rule of Law: i) legality; ii) legal certainty; iii) prevention of abuse/misuses of powers; iv) equality before the law and non-discrimination; and v) access to justice. All elements which are summarised in the specific objective of IPA III in the area of Judiciary (Window 1 - TP 1) “to further improve the independence, accountability, quality and efficiency of the judicial systems of each beneficiary”. (IPA III Programming Framework, p.13)
- “A functioning democracy is at the heart of the Copenhagen political criteria. [...] The specific objectives of IPA III [under Thematic Priority 6 is] to ensure democratic institutions are properly resourced and function in line with constitution, principles of effective government as well as recommendations of the Venice Commission. IPA III support in this area also aims at guaranteeing the effective scrutiny of legislation, the compliance of the electoral legislation with the international and European standards and that effective parliamentary procedures are in place. Democratic institutions must be inclusive of the plurality of groups in society and must promote the equal distribution of power. This includes ensuring constructive dialogue across the political spectrum, notably within the parliaments. Governments need to ensure that the opposition has the possibility to fully perform its role. In addition, the opposition needs to engage constructively in the democratic process. Support will focus on enhancing parliamentary accountability, oversight of the executive, and democratic scrutiny.”( IPA Programming Framework, pp.19-20)
- “Electoral reform, at central and local level, is required in many of the beneficiaries in line with international standards and to meet the specific recommendations of bodies such as Office for Democratic Institutions and Human Rights (ODIHR) and the Venice Commission. Elections should be transparent, inclusive and credible, and IPA III will continue to assist in implementing the recommendations of election observation missions, related to long-standing weaknesses identified throughout the electoral observation cycles. Proper functioning of democratic institutions remains a key challenge in most of the beneficiaries. The central role of parliaments, and constructive cross-party dialogue also need to be embedded in the political culture. Parliamentary accountability, oversight of the executive and democratic scrutiny need to be enhanced. For this purpose, IPA III will also support reforms to the rules for the public and private financing of political parties, which need substantial revision”. (Idem, p.20)

#### 4. Values to report

All of the following values must be determined according to the definitions provided in Section 5 below.

- **Reporting values in the logframe:**
  - **Baseline value:** The value assumed by the indicator at time t0, against which progress will be assessed.

<ul style="list-style-type: none"> <li>– <b>Reporting of current value</b> is done at least once a year: actual latest value on the total number of Venice Commission recommendations by the time of reporting and according to the applicable definitions provided in section 5 of the note. Values will be reported cumulatively across the whole implementation period.</li> <li>– <b>Final target value:</b> estimated total number of Venice Commission recommendations by the target year and according to the applicable definitions provided in section 5 of the note.</li> <li>• <b>Intermediate targets (milestones).</b> A tool has been developed in OPSYS to automate the generation of intermediate targets<sup>1</sup>. <ul style="list-style-type: none"> <li>– For outputs, the intermediate targets are generated using a linear interpolation between the baseline and target values because it is assumed that outputs materialise sooner and more progressively over implementation (than outcomes).</li> <li>– For outcomes, the expected progression over the course of implementation will vary across interventions. During the creation of a logframe, the expected outcome profile must be selected (OPSYS offers four options<sup>2</sup>) and this selection triggers the generation of intermediate targets for all 30 June and 31 December dates between the baseline and target dates for all output and outcome quantitative indicators. All automatically generated intermediate targets values and dates can be subsequently modified by the Operational Manager or the Implementing Partner with the approval of the Operational Manager.</li> </ul> </li> </ul>
5. Calculation of values
<p>The value for this indicator is calculated by counting the number of Venice Commission recommendations implemented, using the Technical Definitions and Counting Guidance provided below. Please double check your calculations using the Quality Control Checklist below.</p> <p><u>Technical Definitions</u></p> <ul style="list-style-type: none"> <li>• <b>Venice Commission recommendations:</b> The <b>Venice Commission</b>, officially <b>European Commission for Democracy through Law</b>, is an advisory body of the Council of Europe (CoE), composed of independent experts, created in 1990. (<a href="https://www.venice.coe.int/WebForms/pages/?p=01_Presentation&amp;lang=EN">https://www.venice.coe.int/WebForms/pages/?p=01_Presentation&amp;lang=EN</a>). The Venice Commission’s primary task is to provide states with legal advice in the form of “legal</li> </ul>

<sup>1</sup> This has been done in the framework of the **Intervention Performance Assessment**. Two composite indicators have been developed to provide an overall assessment of an intervention’s current implementation and future prospects. These scores will be calculated for all NEAR interventions participating in the annual results data collection exercise.

- The **implementation score** reflects the relevance, efficiency and effectiveness already achieved by the intervention. The information on relevance is provided by the Operational manager’s response to a question in a survey. The information on efficiency and effectiveness is provided by the logframe data, if sufficiently available, or the response to a question in a survey, if not.
- The **risk score** reflects expectations regarding the most probable levels of relevance, efficiency, effectiveness and sustainability to be achieved by the intervention in the future. In this case, all the information is provided by the Operational manager’s responses to questions in a survey.

<sup>2</sup> a. Constant: The outcomes are achieved continuously throughout implementation; b. Accelerating: The outcomes are achieved towards the end of implementation; c. At the end: The outcomes are mostly achieved at the end of implementation; d. None of the above.

opinions” on draft legislation or legislation already in force which is submitted to it for examination.

- The action of the Commission is based on the three ground principles of the European constitutional heritage: democracy, human rights and the rule of law, which at the same time form the basis of activities of the Council of Europe. These principles have their expression in three key areas of action of the Commission:
  - Democratic institutions and fundamental right
  - Constitutional Justice and Ordinary Justice
  - Election, referendums and political parties.

**Implemented** means what it says. However, for purposes of this indicator the relevant body that provides the recommendation shall confirm if implementation of their recommendation is fully implemented, partially implemented or in its initial stage of implementation.

#### Counting Guidance

- It is not sufficient for these recommendations to have been subject to compliance: to count against this indicator, IPA support must have played some role in facilitating this compliance.
- **Double counting of recommendations is to be avoided.** If the same recommendation benefits from different interventions, it will have to be counted only once – i.e. at the time when full and systematic implementation is considered to have occurred.
- **Note:** the Venice Commission is an advisory body of the Council of Europe. To avoid double counting and reporting, an intervention cannot count against this indicator and also against Indicator 1.2.3.1 Number of recommendations of relevant Council of Europe bodies (e.g. GRECO, CPT, GREVIO, etc) implemented. For cases of Venice Commission recommendations, it is recommended to use Indicator Ind. 1.1.1.4 only.

#### Quality Control Checklist

1. Has double counting been avoided as indicated in the Counting Guidance above?
2. Have all relevant disaggregations been reported?
3. Has the baseline and final target been encoded with the right dates?
4. Did you encode the latest current value available?
5. Did you use the comment box to inform on the values encoded?

#### 6. Examples of calculations

- In a given country, an EU intervention supports the Country to implement provisions of Venice Commission opinion (that includes different recommendations) on the Law on Legislation, Urban Planning and Integration of Unauthorised Buildings. This involves a recommendation on the extensive re-drafting of the said Law and development of clear procedures, including procedures for address and appeal, relating to its implementation.
- The Venice Commission opinion is given in October 2019.
- IPA supports the re-drafting, starting in 2020: support is completed in November 2022.
- The IP reports against the indicator in its annual reporting in December 2022: 1 (= one recommendation systematically and fully implemented)
- However, in results reporting undertaken in early 2023, this count is disallowed and not aggregated on the grounds that the Venice Commission itself has not confirmed in its report that the opinion (that included the re-drafting of the law) is systematically and fully implemented. This confirmation does not take place until July 2023, and is reported only at end of 2023.

<ul style="list-style-type: none"> <li>• There are in the same country and at the same time other interventions supporting systematic and fully implementation of Venice Commission recommendations.</li> <li>• At the end of 2022, the IP responsible for the relevant project on urban planning legislation counts 1, but this is disallowed. However, let us assume another IP counts 1 and this is confirmed by end of 2022. The aggregate score for the country for this year will be 1; in the next year, the disallowed count will be counted in and again the aggregate cumulative count will be 2 (1 at end of 2022 plus 1 at end of 2023 since by end of 2023 there are no other interventions reporting against the indicator).</li> </ul>
7. Data sources and issues
<p><b>Data sources in the logframe:</b></p> <ul style="list-style-type: none"> <li>• Reported values in the case of this indicator must derive directly from the internal monitoring systems of the relevant EU funded interventions. The information will be generated by implementing organisations (e.g. governments, international organisations, non-state actors, ...) verified against primary sources (e.g. such as Venice Commission Reports or Studies, countries' Official Journals and official records).</li> <li>• Other possible sources include studies carried out in the framework of the interventions and external monitoring and/or evaluation reports.</li> </ul> <p><b>Data sources categories in OPSYS:</b></p> <ul style="list-style-type: none"> <li>• EU intervention monitoring and reporting systems (Baseline and endline studies conducted and budgeted by the EU-funded intervention ; Baseline and endline surveys conducted and budgeted by the EU-funded intervention )</li> </ul>
8. Reporting process & Corporate reporting
<p>Who is responsible for collecting and reporting the data?</p> <ul style="list-style-type: none"> <li>• The implementing partner (i.e. the entity responsible for delivering the results) will need to ensure the counting starts at the lowest level of intervention and is reported upwards and aggregated for the entire intervention in the framework of regular monitoring and reporting systems.</li> <li>• Data verification: <ul style="list-style-type: none"> <li>– For indirect management by beneficiary countries, the National IPA Coordinator will verify the data.</li> <li>– For other modes of implementation, the Operational Manager in HQs/EUD will verify the data.</li> </ul> </li> <li>• It is then the responsibility of DG NEAR' results service to receive and verify data for this indicator from all relevant interventions and to eventually ensure aggregation within and across all IPA Beneficiaries.</li> </ul> <p>This indicator is used for corporate reporting in the following contexts:</p> <ul style="list-style-type: none"> <li>• IPA III via the Annual Report</li> </ul>
9. Other uses
<p><b>IPA III RF 1.1.1.4</b> can be found in the following groups of EU predefined indicators available in OPSYS, along with other related indicators:</p> <ul style="list-style-type: none"> <li>• <b>IPA III RF Window 1: Rule of law, fundamental rights and democracy (IPA III W1)</b></li> </ul>

For more information, see: [Predefined indicators for design and monitoring of EU-funded interventions | Capacity4dev \(europa.eu\)](#)

10. Other issues

None