

IPA III Results Framework Indicator Methodology Note

1. Indicator code and name
<p>IPA III RF 1.6.1.1: Number of legal/administrative acts (incl. at Constitutional level) (a) developed and/or revised (b) implemented with EU support to enhance the effectiveness, accountability and/or transparency of the functioning of democratic institutions</p>
2. Technical details
<p><u>OPSYS and Results Dashboard code:</u> 19313, 19314.</p> <p><u>Unit of measure:</u> Number of (#).</p> <p><u>Type of indicator:</u> <i>Quantitative: Numeric; Actual (ex-post); Cumulative (not annual).</i></p> <p><u>Level of measurement:</u> This is an outcome indicator.</p> <p><u>Disaggregation:</u></p> <p>The indicator is to be disaggregated at intervention and reporting levels according to whether the legal/administrative acts are:</p> <ul style="list-style-type: none"> • developed/revised with EU support, or • under implementation with EU support. <p>Furthermore, where relevant / possible, please disaggregate according to the level of implementation:</p> <ul style="list-style-type: none"> • Fully implemented • Partially implemented • Initial stage of implementation <p>Where possible, disaggregation into legal (primary) and administrative (secondary) acts/measures should be considered.</p> <p><u>DAC sector codes:</u> 15110; 15111; 15112; 15113; 15114; 15125; 15130; 15142; 15150; 15151; 15152; 15153; 15160; 15170; 15180; 15190; 15210; 15220; 15230; 15240; 15250; 15261</p> <p><u>Main associated SDG:</u> 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).</p> <p><u>Other associated SDGs:</u> n/a.</p> <p><u>Associated IPA III Level 1 indicator:</u> Voice and Accountability score (Source: WGI) (Ind. 1.6.1) .</p> <p><u>Associated IPA III Level 3 indicators:</u> none.</p>
3. Policy context and Rationale
<ul style="list-style-type: none"> • IPA III PF: This indicator is included in IPA III Results Framework for its relevance to Window 1 Rule of law, Fundamental rights and Democracy – Thematic priority 6 Democracy. • Chapter of the Acquis. The main concerned chapters of the EU <i>Acquis</i> relative to this indicator are Chapter 23 Judiciary and Fundamental rights and Chapter 24 Justice, Freedom and Security. • This indicator corresponds what was previously IPA Performance framework indicator 2.2 (2020): “Number of legal/administrative acts (incl. at constitutional level) to enhance

the effectiveness, accountability and/or transparency of the functioning of democratic institutions a) adopted and/or b) implemented by national parliaments with EU support”

- The specific objectives of IPA III in the area of Democracy are “*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.*” (IPA III Programming Framework, pp. 19-20).
- 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.*” (Ibid. p. 20)
- The constitutional and legislative spheres in a given country need to ensure the democratic functioning of its institutions. Overall constitutional reforms and/or specific constitutional issues may cover issues such as: balance and relations between the different branches of power, inter-institutional co-operation, emergency powers, parliamentary immunity, ombudsman institutions, role of extra-institutional powers.

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.
 - **Reporting of current value** is done at least once a year: actual latest value on the total number of legal/administrative acts 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.
 - **Final target value:** estimated total number of legal/administrative acts by the target year and according to the applicable definitions provided in section 5 of the note.
- **Intermediate targets (milestones).** A tool has been developed in OPSYS to automate the generation of intermediate targets¹.

¹ 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.

- 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).
- 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 options²) 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.

5. Calculation of values

The value for this indicator is calculated by counting the **number of legal/administrative acts**, using the Technical Definitions and Counting Guidance provided below. Please double check your calculations using the Quality Control Checklist below.

Technical Definitions

- **Legal acts** are considered to be primary legislation and may refer to legislative acts, formal written enactments produced by a legislative body, or to legal documents or regulations.
- **Administrative acts** are considered to be secondary legislation and may refer to those acts required by legislative policy as it is expressed in primary laws enacted by the legislature
- Note that this covers not only measures to improve the legal framework but also measures to improve the institutional and/or policy frameworks (so also changes to bylaws, internal codes of ethics and related documents).
- Legal/administrative acts/measures are part of what in other IPA III RF indicators are referred to as **public policies**. Public policies are understood in the framework of the IPA III RF in a broad manner, including Government programme, strategies and legislations at national or sub-national levels. They include sector or crosscutting reform strategies (including the Government Programme), annual and multi-annual budget and primary and secondary legislation. Sub-national refers to any government entity below the national level, regardless of the political, financial and administrative design of the country.
- **Democratic institutions** are institutions that facilitate and promote the operations of democracy. They are those institutions that make democracy work, for example Parliament, Government, political parties, independent media etc.

Counting Guidance

- A legal/administrative act may be reported within the intervention according to successive stages of (a) development/revision and (b) implementation. Note that in such case, the reporting is done under two different indicators a) first, and then b).
- **Possible double-counting**: There is some risk of double counting when the intervention supports the development/revision or implementation of the same legal/administrative act over several reporting periods. To avoid this, the same legal/administrative act must be reported only once against the relevant indicator. There is also a risk of double counting when:
 - Within the same intervention, the legal/administrative act, as per definitions provided in section 3 of this note, is further unpacked into several other instruments, plans or

² 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.

budgets. In this case, the other (accessory) instruments will be considered as being part of an overarching legal/administrative act and must be accounted for just once.

- Within the same intervention, a legal/administrative act, is under implementation with the support of the EU and, as part of the implementation, some other items which may qualify as sub-sets of the legal/administrative act as per definition in section 3 are developed/revised. In this case, there will be no data reported against indicator 1.6.1.1.a.;
- The development/revision OR implementation of the same legal/administrative act is supported through two consecutive interventions (Phase 1 and Phase 2). If the same act benefits from different interventions, it will have to be counted only once as having been developed and (if appropriate) once as having been implemented.

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 is supporting the Government to **develop a new legal act** on the strengthening of the Ombudsman function, **along with three administrative acts** that arrange the relations between the Ombudsman office with a number of other democratic institutions. The intervention also supports the **revision of a fourth, earlier administrative act** on the reporting requirements of the Ombudsman, **as well as the implementation of that earlier act as well as of the new legal act.**

At a given reporting moment, the legal act and one of the new administrative acts have been developed (but not yet implemented), while the drafts of the two other new administrative acts are being debated between various ministries. The revision of the earlier administrative act has been finalised and implemented.

The current values to be reported are:

- Legal / administrative acts developed/revised with EU support: 4 (1 legal act + 3 administrative acts, one of which already in final version and two in draft version – being debated, the revision of the fourth administrative act for which the EU is providing support to implementation is not counted here, see data calculation)
- Legal / administrative acts implemented with EU support: 1 (0 legal acts + 1 administrative act)

7. Data sources and issues

Data sources in the logframe:

- Data for this indicator must derive directly from the intervention, i.e. intervention internal monitoring and reporting systems from implementing organisations (e.g. governments, international organisations, non-state actors) verified against **primary sources** (e.g. such as countries' Official Journals and official records) whenever relevant.
- Other possible sources include studies carried out in the framework of the interventions and external monitoring and/or evaluation reports.

Data source categories specified in OPSYS:

<ul style="list-style-type: none"> • EU intervention monitoring and reporting systems (Progress and final reports for the EU-funded intervention; Database of beneficiaries/participants); • National reports (National legislation; Civil Society reports); • EU intervention monitoring systems (Annual reports; Final reports; ROM reviews; Evaluations)
8. Reporting process & Corporate reporting
<p>Who is responsible for collecting and reporting the data?</p> <ul style="list-style-type: none"> • 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. Where relevant, a narrative explaining how the legal/administrative acts/measures enhance the effectiveness, accountability and/or transparency of the functioning of democratic institutions is to be added. • Data verification: <ul style="list-style-type: none"> ○ For indirect management by beneficiary countries, the National IPA Coordinator will verify the data. ○ For other modes of implementation, the Operational Manager in HQs/EUD will verify the data. • It is then the responsibility of DG NEAR to centrally receive and verify data for this indicator from all relevant interventions and to eventually ensure aggregation within and across all IPA Beneficiaries. <p>This indicator is used for corporate reporting in the following contexts:</p> <ul style="list-style-type: none"> • <i>IPA III via the Annual Report</i>
9. Other uses
<p>IPA III RF 1.6.1.1 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"> • IPA III RF Window 1: Rule of law, fundamental rights and democracy (IPA III W1); • IPA Performance Framework (IPA PF 2) <p>For more information, see: Predefined indicators for design and monitoring of EU-funded interventions Capacity4dev (europa.eu)</p>
10. Other issues
None