

Nov 8. 9. 14

VLADA REPUBLIKE HRVATSKE

NACRT
PRIJEDLOG ZAKONA BR.

**PRIJEDLOG ZAKONA O POTVRĐIVANJU MEMORANDUMA O SUGLASNOSTI O
PROVEDBI EGP FINANCIJSKOG MEHANIZMA ZA RAZDOBLJE OD 2009. DO
2014. IZMEĐU REPUBLIKE HRVATSKE I KRALJEVINE NORVEŠKE, ISLANDA I
KNEŽEVINE LIHTENŠTAJNA**

Zagreb, rujan 2014.

**PRIJEDLOG ZAKONA O POTVRĐIVANJU
MEMORANDUMA O SUGLASNOSTI O PROVEDBI EGP FINANCIJSKOG
MEHANIZMA ZA RAZDOBLJE OD 2009. DO 2014. IZMEĐU REPUBLIKE
HRVATSKE I KRALJEVINE NORVEŠKE, ISLANDA I KNEŽEVINE
LIHTENŠTAJNA**

I. USTAVNA OSNOVA ZA DONOŠENJE ZAKONA

Ustavna osnova za donošenje Zakona o potvrđivanju Memoranduma o suglasnosti o provedbi EGP financijskog mehanizma za razdoblje od 2009. do 2014. između Republike Hrvatske i Kraljevine Norveške, Islanda i Kneževine Lihtenštajna (u nastavku teksta: Memorandum o suglasnosti) sadržana je u članku 140. stavku 1. Ustava Republike Hrvatske (Narodne novine, broj 85/2010 – pročišćeni tekst i 5/2014 – Odluka Ustavnog suda Republike Hrvatske).

II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI

U članku 6. stavku 2. Akta o uvjetima pristupanja Republike Hrvatske i prilagodbama Ugovora o Europskoj uniji, Ugovora o funkcioniranju Europske unije i Ugovora o osnivanju Europske zajednice za atomsku energiju (u daljnjem tekstu: Akt o pristupanju), koji je sastavni dio Ugovora o pristupanju Republike Hrvatske Europskoj uniji, utvrđena je obveza Republike Hrvatske da pristupi sporazumima koje su sadašnje države članice i Europska unija sklopile ili potpisale s jednom ili više trećih zemalja ili s međunarodnom organizacijom, te utvrđeni uvjeti pristupanja takvim sporazumima. U stavku 5. istog članka Akta o pristupanju, utvrđeno je da se Republika Hrvatska obvezuje pristupiti Sporazumu o Europskom gospodarskom prostoru u skladu s člankom 128. tog Sporazuma.

Vlada Republike Hrvatske je 28. veljače 2013. godine donijela Odluku o pokretanju postupka za sklapanje Sporazuma o sudjelovanju Republike Hrvatske u Europskom gospodarskom prostoru (Klase: 022-03/13-11/21, Urbroja: 50301-21/21-13-2), koja je naknadno izmijenjena Odlukom o izmjenama Odluke o pokretanju postupka za sklapanje Sporazuma o sudjelovanju Republike Hrvatske u Europskom gospodarskom prostoru 30. siječnja 2014. godine (Klase: 022-03/13-11/21, Urbroja: 50301-21/21-14-5), te 19. ožujka 2014. godine Odlukom o izmjenama Odluke o pokretanju postupka za sklapanje Sporazuma o sudjelovanju Republike Hrvatske u Europskom gospodarskom prostoru (Klase: 022-03/13-11/21, Urbroja: 50301-21/21-14-2).

Dana 13. siječnja 2011. godine Odbor financijskog mehanizma je, u skladu s člankom 8.8. Protokola 38.b Sporazuma o Europskom gospodarskom prostoru, usvojio Uredbu o provedbi financijskog mehanizma Europskog gospodarskog prostora (EGP) 2009. do 2014. Navedena Uredba propisuje pravila vezana za provedbu EGP financijskog mehanizma za razdoblje od 2009. do 2014.

U cilju provedbe EGP financijskog mehanizma za razdoblje od 2009. do 2014., Republika Hrvatska, Kraljevina Norveška, Island i Kneževina Lihtenštajn i sklopile su 29. travnja 2014. Memorandum o suglasnosti, kojim su određeni uvjeti potrebni za isporuku pomoći Islanda, Kneževine Lihtenštajna i Kraljevine Norveške, pravila i postupci u vezi s isplatom vezanom za ovu pomoć, kao i uvjeti pod kojima će se tom pomoći upravljati.

U svrhu ostvarivanja prioriteta odabranih za financiranje u razdoblju od 2009. do 2014. godine, pomoć Islanda, Kneževine Lihtenštajna i Kraljevine Norveške u okviru financijskog mehanizma usmjerena je na (i) program za nevladine organizacije i (ii) program lokalne i regionalne inicijative za smanjenje nejednakosti na nacionalnoj razini i promicanje socijalne uključenosti.

EGP financijski mehanizam provodi se putem Memoranduma o suglasnosti o provedbi EGP financijskog mehanizma za razdoblje 2009. do 2014. godine, što podrazumijeva da institucije nadležne za upravljanje navedenim Mehanizmom raspolažu sredstvima Islanda, Kneževine Lihtenštajna i Kraljevine Norveške. Praćenje i evaluacija EGP financijskog mehanizma i programa provode se u svrhu sustavnog nadzora nad provedbom i procjene učinka dogovorenih aktivnosti i mjera, te služe kao korektivni mehanizam u slučaju neispunjavanja predviđenih rezultata ili nepoštivanja dogovorenih rokova. Praćenje projekata financiranih sredstvima Islanda, Kneževine Lihtenštajna i Kraljevine Norveške obavlja se putem Nacionalne fokalne točke i Program operatora. Za poslove financijskog upravljanja zadužen je Nacionalni fond Ministarstva financija koji djeluje kao riznica za prihvrat sredstava Europske unije, odobravanje prijenosa sredstava operativnim strukturama ili krajnjim korisnicima, te za financijsku kontrolu utrošenih sredstava.

Vlada Republike Hrvatske donijela je na sjednici održanoj 17. travnja 2014. godine Odluku o pokretanju postupka za sklapanje Memoranduma o suglasnosti o provedbi EGP financijskog mehanizma za razdoblje od 2009. do 2014. između Republike Hrvatske i Islanda, Kneževine Lihtenštajna i Kraljevine Norveške (klase: 022-03/14-11/35, urbroja: 50301-05/05-14-3).

S obzirom da je 30. travnja 2014. istekao financijski mehanizam i mogućnost korištenja sredstava koja su njime predviđena za Republiku Hrvatsku, predmetnom Odlukom je prihvaćeno ugovaranje stupanja na snagu Memoranduma o suglasnosti dan nakon datuma njegova posljednjeg potpisa te je isti stupio na snagu 30. travnja 2014. godine.

Memorandum o suglasnosti potpisali su 24. travnja 2014. u Bruxellesu veleposlanik Islanda g. Thorir Ibsen i veleposlanik Kneževine Lihtenštajna g. Kurt Jaeger, te zamjenik ministra regionalnoga razvoja i fondova Europske unije g. Jakša Puljiz i državna tajnica Ministarstva vanjskih poslova Kraljevine Norveške gđa Ingvild Næss Stub, 29. travnja 2014. godine u Zagrebu.

Memorandum o suglasnosti ne zahtijeva donošenje novih ili izmjenu postojećih zakona, ali financijski obvezuje Republiku Hrvatsku, te podliježe potvrđivanju po članku 18. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96).

III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI OVIM ZAKONOM

Zakonom se potvrđuje Memorandum o suglasnosti o provedbi EGP financijskog mehanizma za razdoblje od 2009. do 2014. između Republike Hrvatske i Kraljevine Norveške, Islanda i Kneževine Lihtenštajna, kako bi njegove odredbe u skladu s člankom 141. Ustava Republike Hrvatske (Narodne novine, broj 85/2010 - pročišćeni tekst) postale dio unutarnjeg pravnog poretka Republike Hrvatske.

Memorandum o suglasnosti predstavlja pravnu osnovu za financiranje projekata koje je Republika Hrvatska predložila u okviru EGP financijskog mehanizma za razdoblje od 2009.

do 2014. Predmetnim Memorandumom o suglasnosti uređuju se uvjeti potrebni za isporuku pomoći Kraljevine Norveške, Islanda i Kneževine Lihtenštajna pravila i postupci u vezi s isplatom vezanom uz ovu pomoć, kao i uvjeti pod kojima će se tom pomoći upravljati.

Memorandum o suglasnosti sadrži Prilog A „Nacionalne strukture upravljanja i kontrole“, u kojem se utvrđuje sustav upravljanja i kontrole korištenja programa, odnosno tijela i njihova uloga u provedbi EGP financijskog mehanizma za razdoblje od 2009. do 2014. i Prilog B „Provedbeni okvir“, koji detaljno utvrđuje financijske parametre provedbenog okvira, riješava posebna pitanja, te utvrđuje sadržajne parametre provedbenog okvira, gdje su navedeni predefinirani projekti koji će biti financirani.

IV. OCJENA SREDSTAVA POTREBNIH ZA PROVEDBU ZAKONA

Provedba ovoga Zakona zahtijevat će dodatna financijska sredstva iz državnog proračuna Republike Hrvatske u svrhu sufinanciranja projekata čija provedba proizlazi iz Memoranduma o suglasnosti.

Vrijednost koja je predviđena darovnicom Kraljevine Norveške, Kraljevine Lihtenštajn i Islanda Republici Hrvatskoj iznosi 35.427.500 kuna.

Iznos sufinanciranja će osigurati tijela državne uprave, te lokalne samouprave i uprave u svojim proračunima. Ukupna vrijednost sufinanciranja iznosi 6.651.254,6 kuna, od čega će 2.277.394,6 kuna osigurati tijela državne uprave, a 4.373.860 kuna osigurati će Grad Šibenik.

U fiskalnoj 2014. godini za izvršenje Memoranduma o suglasnosti potrebno je osigurati ukupno 3.705.547,98 kuna, od čega će se 3.442.710,4 kuna financirati iz EGP financijskog mehanizma dok će se 262.837,58 kuna osigurati iz Državnog proračuna Republike Hrvatske.

U fiskalnoj 2015. godini za izvršenje Memoranduma o suglasnosti potrebno je osigurati ukupno 13.077.744,42 kuna, od čega će se 11.613.190,72 kuna financirati iz EGP financijskog mehanizma dok će se 1.464.553,7 kuna osigurati iz Državnog proračuna Republike Hrvatske.

U fiskalnoj 2016. godini za izvršenje Memoranduma o suglasnosti potrebno je osigurati ukupno 14.297.652,96 kuna, od čega će se 14.049.683,44 kuna financirati iz EGP financijskog mehanizma dok će se 247.969,52 kuna osigurati iz Državnog proračuna Republike Hrvatske.

U fiskalnoj 2017. godini za izvršenje Memoranduma o suglasnosti potrebno je osigurati ukupno 6.263.484,96 kuna, od čega će se 6.015.515,44 kuna financirati iz EGP financijskog mehanizma dok će se 247.969,52 kuna osigurati iz Državnog proračuna Republike Hrvatske.

U fiskalnoj 2018. godini za izvršenje Memoranduma o suglasnosti potrebno je osigurati ukupno 360.464,28 kuna, od čega će se 306.400 kuna financirati iz EGP financijskog mehanizma dok će se 54.064,28 kuna osigurati iz Državnog proračuna Republike Hrvatske.

Troškovi sufinanciranja će ulaziti u redovna proračunska sredstva pojedinog tijela državne uprave.

V. PRIJEDLOG ZA DONOŠENJE ZAKONA PO HITNOM POSTUPKU

Temelj za donošenje ovoga Zakona po hitnom postupku nalazi se u članku 204. Poslovnika Hrvatskoga sabora (Narodne novine, broj 81/2013).

Obzirom da je Memorandum o suglasnosti stupio na snagu dan nakon datuma njegovog posljednjeg potpisa, potrebno je po hitnom postupku donijeti Zakon, kako bi se omogućilo potvrđivanje Memoranduma o suglasnosti.

Donošenje Zakona po hitnom postupku potrebno je iz razloga kako bi njegove odredbe postale dio unutarnjeg pravnog poretka Republike Hrvatske. Donošenjem Zakona po hitnom postupku dodatno bi se osigurala provedba projekata iz EGP financijskog mehanizma za razdoblje od 2009. do 2014.

Obzirom na prirodu postupaka potvrđivanja međunarodnih ugovora, kojim država i formalno izražava spremnost da bude vezana već potpisanim međunarodnim ugovorom, kao i na činjenicu da se u ovoj fazi postupka ne mogu izvršiti izmjene ili dopune teksta međunarodnog ugovora, predlaže se donošenje ovoga Zakona po hitnom postupku, objedinjujući prvo i drugo čitanje.

**KONAČNI PRIJEDLOG ZAKONA
O POTVRĐIVANJU MEMORANDUMA O SUGLASNOSTI O PROVEDBI EGP
FINANCIJSKOG MEHANIZMA ZA RAZDOBLJE OD 2009. DO 2014. IZMEĐU
REPUBLIKE HRVATSKE I KRALJEVINE NORVEŠKE, ISLANDA I KNEŽEVINE
LIHTENŠTAJNA**

Članak 1.

Potvrđuje se Memorandum o suglasnosti o provedbi EGP financijskog mehanizma za razdoblje od 2009. do 2014. između Republike Hrvatske i Kraljevine Norveške, Islanda i Kneževine Lihtenštajna (u nastavku teksta: Memorandum o suglasnosti), potpisan u Bruxellesu 24. travnja 2014. i u Zagrebu 29. travnja 2014., u izvorniku na engleskom jeziku.

Članak 2.

Tekst Memoranduma o suglasnosti iz članka 1. ovoga Zakona, u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik, glasi:

MEMORANDUM O SUGLASNOSTI O
PROVEDBI EGP FINANCIJSKOG MEHANIZMA ZA RAZDOBLJE OD
2009. DO 2014.

između

REPUBLIKE HRVATSKE,
u daljnjem tekstu: "država korisnica"

i

KRALJEVINE NORVEŠKE,
ISLANDA,
KNEŽEVINE LIHTENŠTAJNA,
u daljnjem tekstu: "države donatori"

u daljnjem tekstu zajedno: "stranke",

BUDUĆI DA Protokol 38.b Sporazuma o EGP-u, ugrađen u Sporazum o EGP-u Sporazumom između Europske unije, Islanda, Kneževine Lihtenštajna i Kraljevine Norveške o EGP financijskom mehanizmu za razdoblje od 2009. do 2014., uspostavlja financijski mehanizam (u daljnjem tekstu: "EGP financijski mehanizam -a za razdoblje od 2009. do 2014.") putem kojeg će države donatori pridonijeti smanjenju gospodarskih i socijalnih razlika u Europskom gospodarskom prostoru;

BUDUĆI DA Sporazum o sudjelovanju Republike Hrvatske u Europskom gospodarskom prostoru mijenja i dopunjuje te čini Protokol 38.b putem Dodatka primjenjivim *mutatis mutandis* na Republiku Hrvatsku, uz određene iznimke;

BUDUĆI DA EGP financijski mehanizam za razdoblje od 2009. do 2014. ima za cilj ojačati odnose između država donatora i države korisnice na uzajamnu korist njihovih naroda;

BUDUĆI DA su odlukom Povjerenstva država članica EFTA-e br. 5/2010/SC od 9. prosinca 2010. države donatori dali Odboru za financijske mehanizme, osnovanom odlukom Povjerenstva država EFTA-e br. 4/2004/SC od 3. lipnja 2004., mandat za upravljanje EGP financijskim mehanizmom za razdoblje od 2009. do 2014.;

BUDUĆI DA će unaprijeđena suradnja država donatora i države korisnice pridonijeti osiguravanju stabilne, mirne i napredne Europe, utemeljene na dobrom upravljanju, demokratskim institucijama, vladavini prava, poštivanju ljudskih prava i održivom razvoju;

BUDUĆI DA stranke potvrđuju da se Republika Hrvatska pridružuje EGP financijskom mehanizmu za razdoblje od 2009. do 2014. u vrlo kasnoj fazi i da to predstavlja iznimnu situaciju s ozbiljnim vremenskim ograničenjima za provedbu EGP financijskog mehanizma a za razdoblje od 2009. do 2014. u Hrvatskoj;

BUDUĆI DA stranke pristaju uspostaviti okvir za suradnju kako bi se osigurala učinkovita provedba EGP financijskog mehanizma za razdoblje od 2009. do 2014.;

SPORAZUMJELE SU SE o sljedećem:

Članak 1. **Ciljevi**

1. Opći ciljevi EGP financijskog mehanizma za razdoblje od 2009. do 2014. su doprinijeti smanjenju gospodarskih i socijalnih razlika u Europskom gospodarskom prostoru i jačanju dvostranih odnosa između država donatora i država korisnica putem financijskih doprinosa u prioritetnim sektorima navedenima u stavku 2. Sukladno tomu, stranke ovog Memoranduma o suglasnostisuglasnosti nastoje za financiranje odabrati programe koji doprinose postignuću ovih ciljeva.

2. Financijski su doprinosi dostupni u sljedećim prioritetnim sektorima:

- (a) zaštita okoliša i upravljanje njime;
- (b) klimatske promjene i obnovljiva energija;
- (c) civilno društvo;
- (d) ljudski i društveni razvoj; i
- (e) očuvanje kulturne baštine.

Akademsko se istraživanje može financirati iz sredstava ako je usmjereno na jedan od prioritetnih sektora.

Članak 2. **Pravni okvir**

Ovaj Memorandum o suglasnosti tumači se zajedno sa sljedećim dokumentima koji, zajedno s ovim Memorandumom o suglasnosti, čine pravni okvir EGP financijskog mehanizma za razdoblje od 2009. do 2014.:

- (a) Protokol 38.b uz Sporazum o EGP-u o EGP financijskiom mehanizmu za razdoblje od 2009. do 2014.;
- (b) Dodatak Protokolu 38.b Sporazuma o EGP-u;
- (c) Uredba o provedbi EGP financijskog mehanizma za razdoblje od 2009. do 2014. (u daljnjem tekstu: „Uredba”) koju su donijele države donatori u skladu s člankom 8.8. Protokola 38.b;
- (d) programski ugovori koji će biti sklopljeni za svaki program; i
- (e) bilo koje smjernice koje je usvojio Odbor za financijske mehanizme u skladu s Uredbom.

Članak 3. **Financijski okvir**

1. U skladu s člankom 1. Dodatka Protokolu 38.b Sporazuma o EGP-u, Protokol 38.b se primjenjuje *mutatis mutandis* na državu korisnicu.
2. U skladu s člankom 2. Dodatka Protokolu 38.b Sporazuma o EGP-u, državi korisnici se dodjeljuje ukupni iznos od 5,000.000 € u razdoblju koje teče od 1. srpnja 2013. do 30. travnja 2014., uključujući i taj datum; on će biti raspoloživ za dodjeljivanje iz jedinstvene tranše od datuma stupanja na snagu Sporazuma o sudjelovanju Republike Hrvatske u Europskom gospodarskom prostoru, ili sporazuma o privremenoj primjeni Sporazuma, do 30. travnja 2014.
3. U skladu s člankom 8.7 Protokola 38.b i člankom 1.8 Uredbe, troškovi upravljanja država donatora obuhvaćeni su gore navedenim sveobuhvatnim iznosom. Daljnje odredbe povezane s tim utvrđene su u Uredbi. Neto-iznos koji se stavlja na raspolaganje državi korisnici je 4.625,000 €.

Članak 4. **Uloge i odgovornosti**

1. Države donatori stavljaju na raspolaganje sredstva za potporu prihvatljivim programima koje je predložila država korisnica i koje je odobrio Odbor za financijske mehanizme, u okviru prioritetnih sektora navedenih u članku 3.1 Protokola 38.b i programskih područja navedena u Prilogu B ovom Memorandumu o suglasnosti. Države donatori i država korisnica mogu se savjetovati o mogućim i posebnim programima prije nego što pošalju formalni prijedlog programa Odboru za financijske mehanizme.
2. Država korisnica jamči puno sufinanciranje programa koji ostvaruju korist od potpore iz EGP financijskog mehanizma za razdoblje od 2009. do 2014. u skladu s Prilogom B i programskim ugovorima.
3. Odbor za financijske mehanizme upravlja EGP financijskim mehanizmom za razdoblje od 2009. do 2014. i odlučuje o dodjeli financijske pomoći u skladu s Uredbom.

4. Odboru pomaže Ured za financijske mehanizme (u daljnjem tekstu: "UFM"). UFM je odgovoran za svakodnevne operacije EGP financijskog mehanizma za razdoblje od 2009. do 2014. i služi kao kontaktna točka.

Članak 5.

Određivanje nadležnih tijela

Država korisnica ovlašćuje Nacionalnu fokalnu točku da djeluje u njezino ime. Nacionalna fokalna točka odgovorna je za postizanje ciljeva EGP financijskog mehanizma za razdoblje od 2009. do 2014. te provedbu EGP financijskog mehanizma u državi korisnici u skladu s Uredbom. U skladu s člankom 4.2 Uredbe, Nacionalna fokalna točka, tijelo za ovjeravanje, tijelo za reviziju i odgovarajuće nacionalno tijelo nadležno za pripremu i podnošenje izvješća o nepravilnostima određeni su u Prilogu A.

Članak 6.

Višegodišnji programski okvir

1. U skladu s člankom 2.1 Uredbe, stranke su se sporazumjele o provedbenom okviru koji se sastoji od sljedećih financijskih i sadržajnih parametara:

- (a) popis dogovorenih programskih područja, financijski doprinos EGP financijskog mehanizma za razdoblje od 2009. do 2014. po programskom području;
- (b) određivanje programa, njihovih glavnih usmjerenja i rezultata, po potrebi, kao i svih pojedinosti povezanih s ciljnim skupinama, zemljopisnim područjima ili ostalim pitanjima;
- (c) određivanje Program operatora, ako je potrebno;
- (d) poticaji za jačanje dvostranih odnosa između država donatora i države korisnice, uključujući određivanje programskih područja u kojima će se pripremiti programi partnerstva za davanje sredstava opisani u članku 3.2, određivanje partnera u programima davanja sredstava, raspodjela sredstava za takve programe te one programe, ili njihove komponente, koji se odnose isključivo na projekte partnerstva za dodjelu sredstava;
- (e) u posebnim slučajevima, određivanje unaprijed definiranih projekata koji trebaju biti uključeni u relevantne programe;
- (f) određivanje malih shema za dodjelu bespovratnih sredstava, po potrebi.

2. Provedbeni okvir izložen je u Prilogu B.

Članak 7.

Godišnji sastanci

U skladu s člankom 2.3 Uredbe, održava se godišnji sastanak između Odbora za financijske mehanizme (OFM) i Nacionalne fokalne točke. Godišnji sastanak omogućava OFM-u i Nacionalnoj fokalnoj točki da razmotre napredak postignut tijekom prethodnog izvještajnog razdoblja i usuglase se o bilo kojim mjerama koje je potrebno provesti.

Članak 8.

Izmjena priloga

1. Prilog A može biti predmetom razmatranja na godišnjim sastancima. Izmjene i dopune Priloga A dogovorene na godišnjim sastancima ne zahtijevaju službenu izmjenu ovog Memoranduma o

suglasnosti. Takve izmjene i dopune biti će potvrđene putem razmjene pisama između OFM-a i Nacionalne fokalne točke.

2. Prilog B može se izmijeniti putem razmjene pisama između OFM-a i Nacionalne fokalne točke.

Članak 9.

Kontrola i pristup podacima

Odbor za financijske mehanizme, Odbor revizora EFTA-e i njihovi predstavnici imaju pravo provoditi bilo koju tehničku ili financijsku misiju ili reviziju koju oni smatraju potrebnom za praćenje planiranja, provedbe i praćenja programa i projekata kao i korištenja sredstava. Država korisnica pruža svu potrebnu pomoć, podatke i dokumentaciju.

Članak 10.

Načela upravljanja

1. Provedba ovog Memoranduma o suglasnosti u svim je aspektima uređena Uredbom i njezinim naknadnim izmjenama i dopunama.

2. Ciljevi EGP financijskog mehanizma za razdoblje od 2009. do 2014. provode se u okviru bliske suradnje država donatora i države korisnice. Stranke su suglasne primjenjivati najviši stupanj transparentnosti, odgovornosti i troškovne učinkovitosti, kao i načela dobrog upravljanja, održivog razvoja, ravnopravnosti spolova i jednakih mogućnosti u svim fazama provedbe EGP financijskog mehanizma za razdoblje od 2009. do 2014.

3. Država korisnica poduzima proaktivne mjere kako bi osigurala postupanje u skladu s navedenim načelima na svim razinama provedbe EGP financijskog mehanizma za razdoblje od 2009. do 2014.

Članak 11.

Stupanje na snagu

Ovaj Memorandum o suglasnosti stupa na snagu dan nakon datuma njegovog posljednjeg potpisa.

Ovaj Memorandum o suglasnosti potpisan je u četiri izvornika na engleskom jeziku.

Potpisano u Zagrebu dana 29. travnja 2014.
Za Republiku Hrvatsku

Potpisano u Brusselsu dana 24. travnja 2014.
Za Island

Jakša Puljiz, zamjenik ministra

Thorir Ibsen, veleposlanik

Potpisano u Brusselsu dana 24. travnja 2014.
Za Kneževinu Lihtenštajn

Kurt Jaeger, veleposlanik

Potpisano u Zagrebu dana 29. travnja 2014.
Za Kraljevinu Norvešku

Ingvild Næss Stub, državna tajnica

Nacionalne strukture upravljanja i kontrole

1. Nacionalna fokalna točka

Sektor za programe Europske unije u sklopu Uprave za strateško planiranje Ministarstva regionalnoga razvoja i fondova Europske unije djeluje kao Nacionalna fokalna točka.

Sektor za programe Europske unije izravno odgovara zamjeniku ministra koji djeluje kao voditelj Nacionalne fokalne točke.

Uloge i odgovornosti Nacionalne fokalne točke propisane su u Uredbi, posebice u njezinom članku 4.3.

2. Tijelo za ovjeravanje

Sektor za poslove Nacionalnog fonda u sklopu Državne riznice Ministarstva financija djeluje kao tijelo za ovjeravanje. Državna riznica je upravna organizacijska jedinica unutar Ministarstva financija odgovorna za izradu, konsolidaciju te izvršavanje proračuna, državno računovodstvo i upravljanje javnim dugom.

Sektor za poslove Nacionalnog fonda izravno odgovara pomoćniku ministra i državnom rizničaru koji vrši dužnost načelnika tijela za ovjeravanje. Državni rizničar odgovara ministru financija.

Uloge i odgovornosti tijela za ovjeravanje propisane su u Uredbi, posebice u njezinom članku 4.5.

3. Tijelo za reviziju

Agencija za reviziju sustava provedbe programa Europske unije (ARPA) djeluje kao tijelo za reviziju. ARPA je pravna osoba i funkcionalno je neovisna od ostalih nadležnih tijela i tijela koja sudjeluju u upravljanju i provedbi EGP i Norveškog financijskog mehanizma.

ARPA je izravno odgovorna ravnatelju ARPA-e koji djeluje kao upravitelj tijela za reviziju. Ravnatelja ARPA-e imenuje ministar financija.

Tijelo za reviziju može, u skladu sa stavkom 2. članka 4.6 Uredbe, imenovati neovisnog i ovlaštenog revizora za provedbu revizije u skladu sa stavkom 1. točkom (a) do stavka 1. točke (c) članka 4.6 Uredbe. Bez obzira na takav odabir, odgovornost za provedbu tih zadataka snosi tijelo za reviziju.

Uloge i odgovornosti tijela za reviziju propisane su u Uredbi, posebice u njezinom članku 4.6.

4. Nacionalno javno tijelo nadležno za pripremu i podnošenje izvješća o nepravilnostima

Služba za suzbijanje nepravilnosti i prijevара (SSNP) u sklopu Ministarstva financija djeluje kao nacionalno javno tijelo nadležno za pripremu i podnošenje izvješća o nepravilnostima.

SSNP je izravno odgovorna voditelju službe za suzbijanje nepravilnosti i prijevvara koji djeluje kao upravitelj nacionalnog javnog tijela nadležnog za pripremu i podnošenje izvješća o nepravilnostima. SSNP je ustrojstvena jedinica Ministarstva financija. Voditelj Službe za suzbijanje nepravilnosti i prijevvara odgovara pomoćniku ministra u Ministarstvu financija.

Uloge i odgovornosti SSNP-a, u svojstvu nacionalnog javnog tijela nadležnog za pripremu i dostavljanje izvješća o nepravilnostima, propisane su u Uredbi, posebice u njezinom članku 11.3.

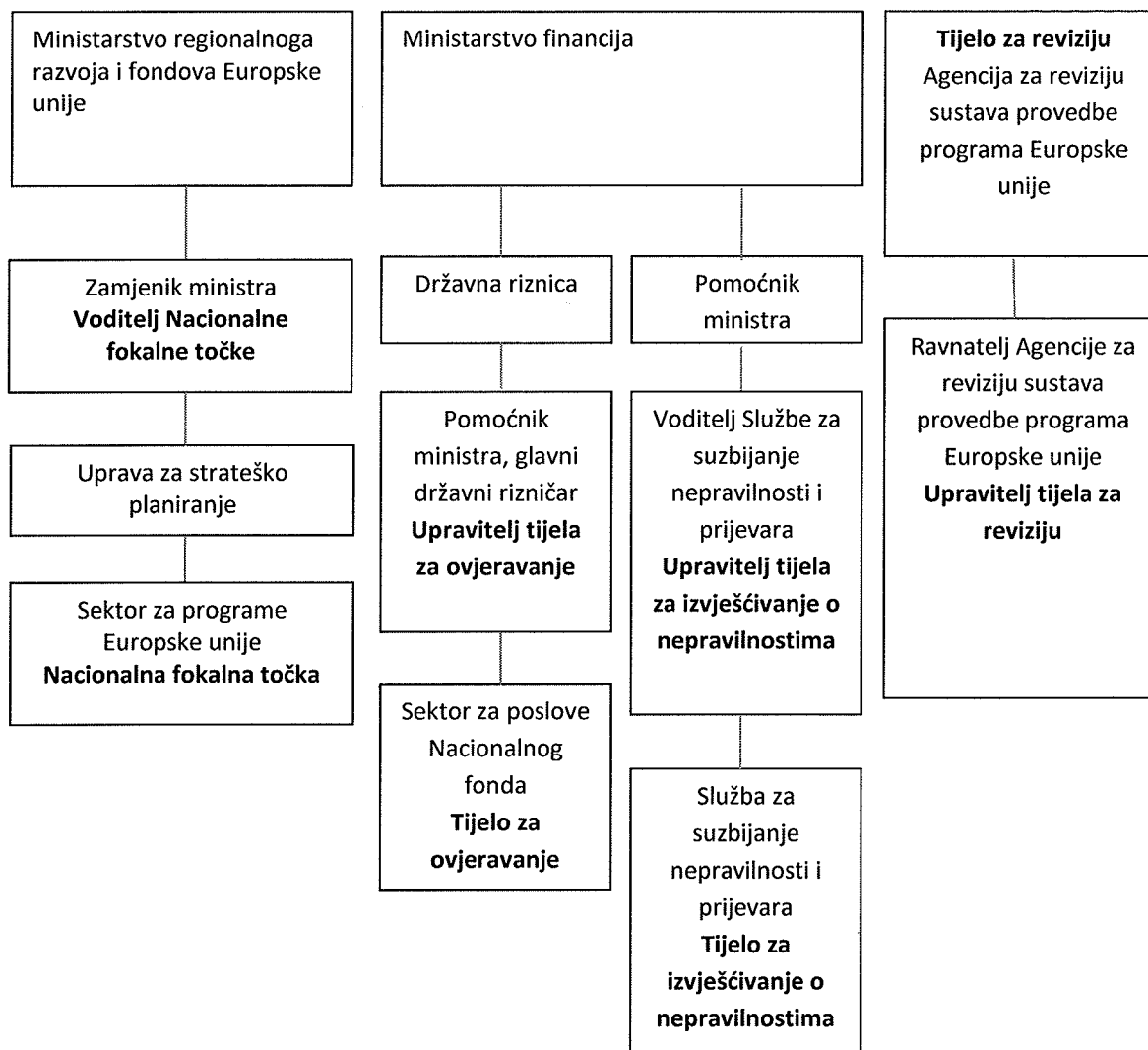
5. Nadzorni odbor

Nadzorni odbor uspostavlja se u roku od šest mjeseci od potpisivanja Memoranduma o suglasnosti. Njegova je uloga određena u Uredbi, posebice u njezinom članku 4.4.

6. Strateško izvješće i godišnja programska izvješća

S obzirom na članke 2.2 i 5.11 Uredbe te s obzirom na ulogu Nacionalne fokalne točke kao Program operatora, Nacionalna fokalna točka OFM-u podnosi objedinjeno strateško izvješće i godišnje programsko izvješće. Objedinjeno izvješće šalje se OFM-u najkasnije do 31. siječnja svake godine. Stranke će nastojati održati godišnji sastanak u četvrtom tromjesečju svake godine.

7. Organizacijska shema



PRILOG B**Provedbeni okvir**

U skladu s člankom 2.1 Uredbe, stranke ovog Memoranduma o suglasnosti sporazumjele su se o provedbenom okviru izloženom u ovom Prilogu.

1. Financijski parametri provedbenog okvira

Hrvatska	Doprinos FM-a
Programsko područje	EGP-a
Fond za nevladine organizacije	946.800 €
Lokalne i regionalne inicijative za smanjenje nejednakosti na nacionalnoj razini i promicanje socijalne uključenosti	3,404.264 €
Ostale alokacije	
Tehnička pomoć državi korisnici (čl. 1.9)	75.000 €
Fond za bilateralne odnose na nacionalnoj razini (čl. 3.5.1)	198.936 €
Neto-iznos alokacija za Hrvatsku	4,625.000 €

2. Posebna usmjerenja

Dvostrani odnosi država donatora i Hrvatske jačaju se s ciljem poticanja dugoročne suradnje, također i putem partnerstva na razini projekata u svim podržanim programskim područjima.

Fond za dvostrane odnose na nacionalnoj razini naveden u tablici iznad, će biti proveden zajedno s fondom za dvostrane odnose na programskoj razini, navedenim u članku 3.6 Uredbe. Ukupna alokacija za ta dva fonda iznosi najmanje 250.000 €. Iz fonda za dvostrane odnose na nacionalnoj razini dodijeliti će se 100.000 € aktivnostima kojima se promiče razvoj suradnje Islanda i Hrvatske u okviru geotermalne energije.

Pri procjeni prijedloga programa uzeti će se u obzir relevantni standardi Vijeća Europe povezani s ljudskim pravima i upravljanjem (kao što su oni koje prate CPT, GREKO, GRETA, ECRI itd.), uključujući Konvenciju za zaštitu ljudskih prava i temeljnih sloboda.

Zbog ograničenog vremenskog okvira raspoloživog za pripremu provedbe EGP financijskog mehanizma za razdoblje od 2009. do 2014. u Hrvatskoj, stranke su se sporazumjele da prvi datum prihvatljivosti izdataka za tehničku pomoć i pripremu programa bude 1. veljače 2014. Nadalje, stranke su suglasne da su, u skladu sa stavkom 4. članka 7.14 Uredbe, izdaci nastali za projekte prihvatljivi do 30. travnja 2017.

Stranke su suglasne da se, s obzirom na mali iznos alokacije, potpora pruža kroz dva programa: Program za NVO-ove i Program EGP Financijskog mehanizma.

3. Sadržajni parametri provedbenog okvira

Programi opisani u nastavku trebaju biti pripremljeni i, podložno odobrenju OFM-a provedeni u državi korisnici.

A. Programsko područje: Sredstva za nevladine organizacije

<i>Program:</i>	Program za NVO-ove
<i>Cilj:</i>	Jačanje razvoja civilnog društva i unapređivanje doprinosa socijalnoj pravdi, demokraciji i održivom razvoju
<i>Program operator:</i>	Ured za financijske mehanizme nadležan je za provođenje programa u skladu s člankom 5.13 Uredbe
<i>Iznos bespovratnih sredstava za program:</i>	946.800 €
<i>Posebna usmjerenja:</i>	Program se provodi zajedno s alokacijama za Potporu civilnom društvu u sklopu Norveškog financijskog mehanizma.

B. Program EGP financijskog mehanizma

<i>Upravitelj programa:</i>	Nacionalna fokalna točka
<i>Iznos bespovratnih sredstava za program:</i>	3,404.264 €
<i>Programsko područje:</i>	Lokalne i regionalne inicijative za smanjenje nejednakosti na nacionalnoj razini i promicanje socijalne uključenosti
<i>Cilj:</i>	Jačanje društvene i gospodarske povezanosti na nacionalnoj, regionalnoj i lokalnoj razini
<i>Unaprijed definiran projekt I:</i>	iNavis, hrvatski državni resursni centar za energetiku, ekološka, morska i nautička istraživanja i poslovne inovacije
<i>Promotor projekta:</i>	Grad Šibenik
<i>Iznos bespovratnih sredstava za program:</i>	1,719.513 €
<i>Posebna usmjerenja:</i>	Cilj je projekta razviti centar iNavis u Šibeniku. Projekt bi trebao omogućiti razvoj istraživanja, znanstvenih aktivnosti i poslovanja te bilateralnu suradnju unutar centra iNavis.
<i>Unaprijed definiran projekt II:</i>	Projekt integriranih škola, Vukovar i Knin

Promotor projekta: Hrvatsko Ministarstvo znanosti, obrazovanja i sporta

Iznos bespovratnih sredstava za program: 1,300.000 €

Posebna usmjerenja: Cilj projekta je društveni oporavak multietničkih zajednica nakon proživljenih sukoba i postizanje više razine razumijevanja, poštovanja i suradnje između manjinskih skupina i većinske skupine. Radna grupa koju je oformilo Ministarstvo znanosti, obrazovanja i sporta, a koja se sastoji se od Agencije za odgoj i obrazovanje (AZOO), Zajedničkog vijeća općina, Srpskog narodnog vijeća i Nansen dijalog centra, bit će službeno uključena u planiranje projekta i potporu prijedloga projekta.

MEMORANDUM OF UNDERSTANDING
ON THE IMPLEMENTATION OF THE EEA FINANCIAL MECHANISM
2009-2014

between

THE REPUBLIC OF CROATIA,
hereinafter referred to as the “Beneficiary State”

and

THE KINGDOM OF NORWAY,
ICELAND,
THE PRINCIPALITY OF LIECHTENSTEIN,
hereinafter referred to as the “Donor States”

together hereinafter referred to as the “Parties”,

WHEREAS Protocol 38b to the EEA Agreement, incorporated into the EEA Agreement by the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on the EEA Financial Mechanism 2009-2014, establishes a financial mechanism (hereinafter referred to as the “EEA Financial Mechanism 2009-2014”) through which the Donor States will contribute to the reduction of economic and social disparities in the European Economic Area;

WHEREAS the Agreement on the participation of the Republic of Croatia in the European Economic Area amends and makes Protocol 38b applicable via an Addendum *mutatis mutandis* to the Republic of Croatia, with certain exceptions;

WHEREAS the EEA Financial Mechanism 2009-2014 aims to strengthen relations between the Donor States and the Beneficiary State to the mutual benefit of their peoples;

WHEREAS by decision of the Standing Committee of the EFTA States No. 5/2010/SC of 9 December 2010 the Donor States have given the Financial Mechanism Committee, established by a decision of the Standing Committee of the EFTA States No. 4/2004/SC of 3 June 2004, a mandate to manage the EEA Financial Mechanism 2009-2014;

WHEREAS the enhanced co-operation between the Donor States and the Beneficiary State will contribute to securing a stable, peaceful and prosperous Europe, based on good governance, democratic institutions, the rule of law, respect for human rights and sustainable development;

WHEREAS the Parties recognise that the Republic of Croatia joins the EEA Financial Mechanism 2009-2014 at a very late stage and that this constitutes an exceptional situation with severe time constraints on the implementation of the EEA Financial Mechanism 2009-2014 in Croatia;

WHEREAS the Parties agree to establish a framework for cooperation in order to ensure the effective implementation of the EEA Financial Mechanism 2009-2014;

HAVE AGREED on the following:

Article 1 **Objectives**

1. The overall objectives of the EEA Financial Mechanism 2009-2014 are to contribute to the reduction of economic and social disparities in the European Economic Area and to the strengthening of bilateral relations between the Donor States and the Beneficiary States through financial contributions in the priority sectors listed in paragraph 2. Accordingly, the Parties to this Memorandum of Understanding shall endeavour to select for funding programmes that contribute to the achievement of these objectives.

2. The financial contributions shall be available in the following priority sectors:

- (a) Environmental protection and management;
- (b) Climate change and renewable energy;
- (c) Civil society;
- (d) Human and social development; and
- (e) Protecting cultural heritage.

Academic research may be eligible for funding in so far it is targeted at one or more of the priority sectors.

Article 2

Legal Framework

This Memorandum of Understanding shall be read in conjunction with the following documents which, together with this Memorandum of Understanding, constitute the legal framework of the EEA Financial Mechanism 2009-2014:

- (a) Protocol 38b to the EEA Agreement on the EEA Financial Mechanism 2009-2014;
- (b) The Addendum to Protocol 38b to the EEA Agreement;
- (c) the Regulation on the implementation of the EEA Financial Mechanism 2009-2014 (hereinafter referred to as the "Regulation") issued by the Donor States in accordance with Article 8.8 of Protocol 38b;
- (d) the programme agreements that will be concluded for each programme; and
- (e) any guidelines adopted by the Financial Mechanism Committee in accordance with the Regulation.

Article 3

Financial Framework

1. In accordance with Article 1 of the Addendum to Protocol 38b to the EEA Agreement, Protocol 38b shall apply *mutatis mutandis* to the Beneficiary State.
2. In accordance with Article 2 of the Addendum to Protocol 38b to the EEA Agreement, a total of € 5,000,000 shall be allocated to the Beneficiary State over the period running from 1 July 2013 to 30 April 2014, inclusive; it shall be made available for commitment in a single tranche as from the date of entry into force of the Agreement on the participation of the Republic of Croatia in the European Economic Area or of an agreement to apply the Agreement provisionally and until 30 April 2014.
3. In accordance with Article 8.7 of Protocol 38b and Article 1.8 of the Regulation, the management costs of the Donor States shall be covered by the overall amount referred to above. Further provisions to this effect are set out in the Regulation. The net amount of the allocation to be made available to the Beneficiary State is € 4,625,000.

Article 4

Roles and responsibilities

1. The Donor States shall make funds available in support of eligible programmes proposed by the Beneficiary State and agreed on by the Financial Mechanism Committee within the priority sectors listed in Article 3.1 of Protocol 38b and the programme areas identified in Annex B of this Memorandum of Understanding. The Donor States and the Beneficiary State may consult on possible and specific programmes before a formal programme proposal is submitted to the Financial Mechanism Committee.
2. The Beneficiary State shall assure the full co-financing of programmes that benefit from support from the EEA Financial Mechanism 2009-2014 in accordance with Annex B and the programme agreements.
3. The Financial Mechanism Committee shall manage the EEA Financial Mechanism 2009-2014 and take decisions on the granting of financial assistance in accordance with the Regulation.

4. The Committee shall be assisted by the Financial Mechanism Office (hereinafter referred to as the "FMO"). The FMO shall be responsible for the day-to-day operations of the EEA Financial Mechanism 2009-2014 and shall serve as a contact point.

Article 5 **Designation of authorities**

The Beneficiary State has authorised a National Focal Point to act on its behalf. The National Focal Point shall have the overall responsibility for reaching the objectives of the EEA Financial Mechanism 2009-2014 as well as for the implementation of the EEA Financial Mechanism 2009-2014 in the Beneficiary State in accordance with the Regulation. In accordance with Article 4.2 of the Regulation, the National Focal Point, the Certifying Authority, the Audit Authority, and an appropriate national entity responsible for the preparation and submission of irregularities reports are designated in Annex A.

Article 6 **Multi-annual Programming Framework**

1. In accordance with Article 2.1 of the Regulation, the Parties have agreed on an implementation framework consisting of the following financial and substantive parameters:

- (a) a list of agreed programme areas, the financial contribution from the EEA Financial Mechanism 2009-2014 by programme area;
- (b) identification of programmes, their main focus and outcomes, as appropriate, as well as any specific concerns relating to target groups, geographical areas or other issues;
- (c) identification of programme operators, if appropriate;
- (d) initiatives to strengthening the bilateral relations between the Donor States and the Beneficiary State, including the identification of programme areas in which donor partnership programmes as referred to in Article 3.2 shall be prepared, the designation of donor programme partners, the allocation of funds for such programmes, and programmes, or component thereof, that are dedicated exclusively to donor partnership projects;
- (e) in specific cases, the identification of pre-defined projects to be included in relevant programmes;
- (f) identification of small grant schemes, as appropriate.

2. The implementation framework is outlined in Annex B.

Article 7 **Annual meetings**

In accordance with Article 2.3 of the Regulation an annual meeting shall be held between the FMC and the National Focal Point. The annual meeting shall allow the FMC and the National Focal Point to examine progress achieved over the previous reporting period and agree on any necessary measures to be taken.

Article 8 **Modification of the annexes**

1. Annex A may be subject to review at the annual meetings. Amendments to Annex A agreed upon at the annual meetings do not require a formal change to this Memorandum of Understanding. Such

amendments shall be confirmed through an exchange of letters between the FMC and the National Focal Point.

2. Annex B may be changed through an exchange of letters between the FMC and the National Focal Point.

Article 9

Control and Access to Information

The Financial Mechanism Committee, the EFTA Board of Auditors and their representatives have the right to carry out any technical or financial mission or review they consider necessary to follow the planning, implementation and monitoring of programmes and projects as well as the use of funds. The Beneficiary State shall provide all necessary assistance, information and documentation.

Article 10

Governing Principles

1. The implementation of this Memorandum of Understanding shall in all aspects be governed by the Regulation and subsequent amendments thereof.
2. The objectives of the EEA Financial Mechanism 2009-2014 shall be pursued in the framework of close co-operation between the Donor States and the Beneficiary State. The Parties agree to apply the highest degree of transparency, accountability and cost efficiency as well as the principles of good governance, sustainable development, gender equality and equal opportunities in all implementation phases of the EEA Financial Mechanism 2009-2014.
3. The Beneficiary State shall take proactive steps in order to ensure adherence to these principles at all levels involved in the implementation of the EEA Financial Mechanism 2009-2014.

Article 11

Entry into Force

This Memorandum of Understanding shall enter into force on the day after the date of its last signature.

This Memorandum of Understanding is signed in four originals in the English Language.

Signed in Zagreb on 29 April 2014
For the Republic of Croatia

Jakša Puljiz, Deputy Minister

Signed in Brussels on 24 April 2014
For Iceland

Thorir Ibsen, Ambassador
Signed in Brussels on 24 April 2014
For the Principality of Liechtenstein

Kurt Jaeger, Ambassador

Signed in Zagreb on 29 April 2014
For the Kingdom of Norway

Ingvild Næss Stub, State Secretary

National management and control structures

1. National Focal Point

The Sector for EU Programmes, within the Directorate for Strategic Planning, at the Ministry of Regional Development and EU Funds shall act as the National Focal Point.

The Sector for EU Programmes reports directly to the Deputy Minister who acts as the Head of the National Focal Point.

The roles and responsibilities of the National Focal Point are stipulated in the Regulation, in particular Article 4.3 thereof.

2. Certifying Authority

The Sector for the National Fund within the State Treasury, within the Ministry of Finance shall act as the Certifying Authority. The State Treasury is an administrative organisation in the Ministry of Finance responsible for budget preparation and consolidation, budget execution, state accounting and public debt management.

The National Fund Sector reports directly to the Assistant Minister and State Treasurer who shall act as the Head of the Certifying Authority. The State Treasurer is accountable to the Minister of Finance.

The roles and responsibilities of the Certifying Authority are stipulated in the Regulation, in particular Article 4.5 thereof.

3. Audit Authority

The Agency for Audit of European Union Programmes Implementation System (ARPA) shall act as the Audit Authority.

ARPA has the capacity of a legal person and is functionally independent from all other authorities and bodies that participate in the management and implementation of the EEA and Norwegian Financial Mechanisms.

ARPA reports directly to the Director of ARPA who shall act as the Head of the Audit Authority. The Director of ARPA is appointed by the Minister of Finance.

The Audit Authority may, in line with paragraph 2 of Article 4.6 of the Regulation, choose to appoint an independent and certified auditor to carry out audits according to paragraphs 1(a) through 1(c) of Article 4.6 of the Regulation. Regardless of any such arrangement, the responsibility for the performance of these tasks remains with the Audit Authority.

The roles and responsibilities of the Audit Authority are stipulated in the Regulation, in particular Article 4.6 thereof.

4. National public entity responsible for the preparation and submission of irregularities reports.

The Service for combating irregularities and fraud (SCIF) within the Ministry of Finance shall act as the national public entity responsible for the preparation and submission of the irregularities reports.

SCIF reports directly to the Head of Service for combating irregularities and fraud who shall act as the Head of the National public entity responsible for the preparation and submission of irregularities reports. SCIF is an organizational unit within the Ministry of Finance. The Head of Service for combating irregularities and fraud is accountable to an Assistant Minister in the Ministry of Finance.

The roles and responsibilities of SCIF acting as the National public entity responsible for the preparation and submission of irregularity reports are stipulated in the Regulation, in particular Article 11.3 thereof.

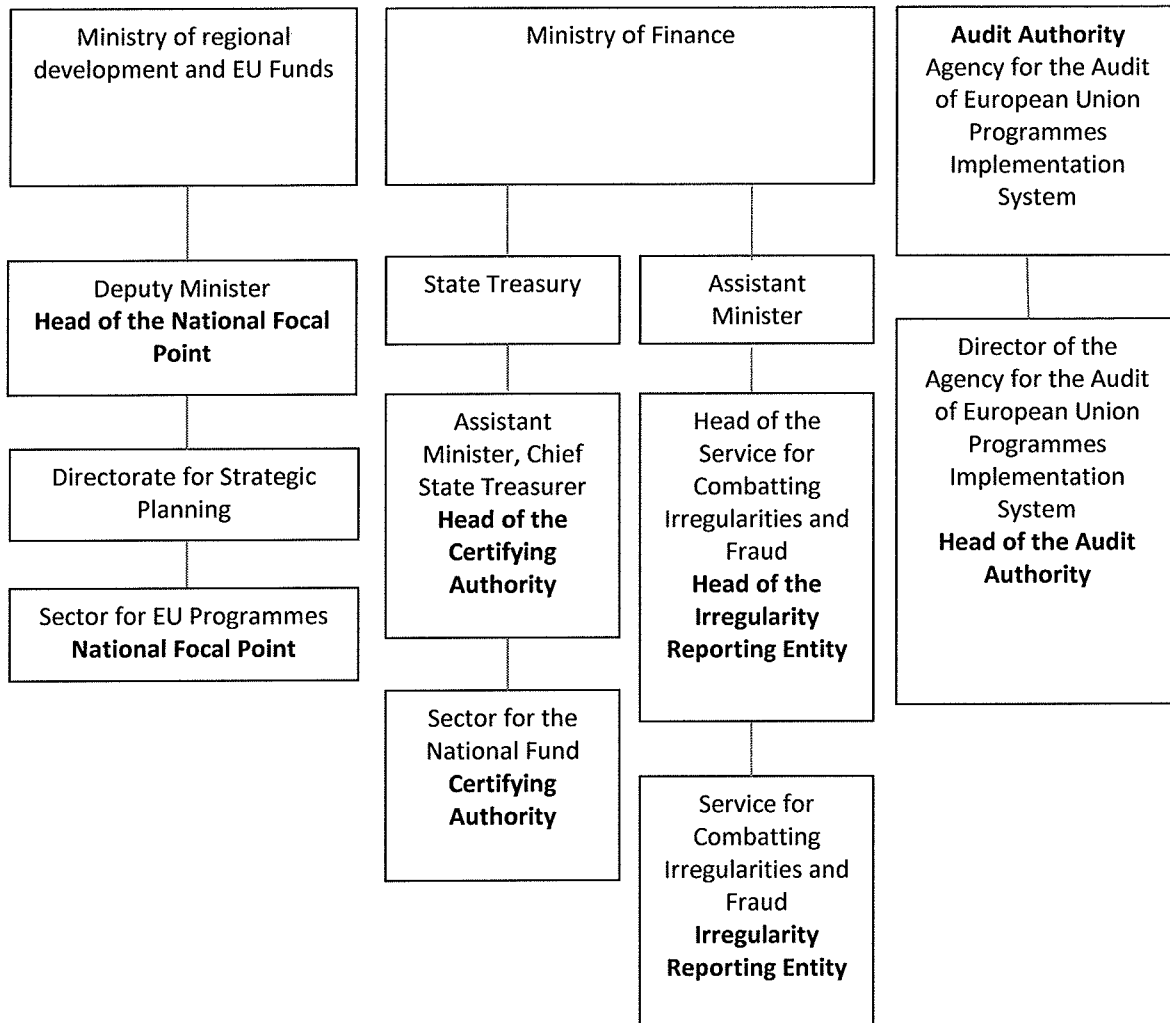
5. Monitoring Committee

The Monitoring Committee shall be established with six months of the signing of the Memorandum of Understanding. Its role is stipulated in the Regulation, in particular Article 4.4 thereof.

6. Strategic Report and annual programme reports

With reference to Articles 2.2 and 5.11 of the Regulation, and in light of the role of the National Focal Point as Programme Operator, the National Focal Point shall submit to the FMC a combined Strategic Report and annual programme report. The combined report shall be submitted to the FMC no later than 31 January each year. The Parties shall endeavour to hold the annual meeting in the fourth quarter of every year.

7. Organigram



ANNEX B**Implementation framework**

In accordance with Article 2.1 of the Regulation, the Parties to this Memorandum of Understanding have agreed on an implementation framework outlined in this annex.

1. Financial parameters of the implementation framework

Croatia	EEA FM contribution
Programme area	
Funds for Non-Governmental Organisations	€ 946,800
Local and Regional Initiatives to Reduce National Inequalities and to Promote Social inclusion	€ 3,404,264
Other allocations	
Technical assistance to the Beneficiary State (Art. 1.9)	€ 75,000
Fund for bilateral relations at national level (Art. 3.5.1)	€ 198,936
Net allocation to Croatia	€ 4,625,000

2. Specific concerns

Bilateral relations between the Donor States and Croatia shall be strengthened with the aim of stimulating long-term cooperation, including through partnership at project level in all programme areas supported.

The fund for bilateral relations at national level referred to in the table above shall be implemented jointly with the funds for bilateral relations at programme level referred to in Article 3.6 of the Regulation. The total allocation to the two funds shall amount to no less than € 250,000. The fund for bilateral relations at national level shall allocate € 100,000 to activities to promote the development of cooperation in geothermal energy between Iceland and Croatia.

The appraisal of programme proposals will take due account of relevant human rights- and governance-related standards of the Council of Europe (such as those monitored by CPT, GRECO, GRETA, ECRI etc.), including the Convention for the Protection of Human Rights and Fundamental Freedoms.

Due to the limited timeframe available for the preparation of the implementation of the EEA Financial Mechanism 2009-2014 in Croatia, the parties agree that the first date of eligibility of expenditure for Technical Assistance and for preparation of programmes shall be 1 February 2014. Furthermore, the parties agree that in accordance with paragraph 4 of Article 7.14 of the Regulation, expenditures incurred in projects may be eligible until 30 April 2017.

The Parties agree that with respect to the small size of the allocation, the support will be provided through two programmes: The NGO Programme and a EEA Financial Mechanism Programme.

3. Substantive parameters of the implementation framework

The programmes described below are to be prepared and, subject to FMC approval, implemented in the Beneficiary State.

A. Programme Area: Funds for Non-Governmental Organisations

<i>Programme:</i>	NGO Programme
<i>Objective:</i>	Strengthened civil society development and enhanced contribution to social justice, democracy and sustainable development
<i>Programme Operator:</i>	The Financial Mechanism Office is entrusted with operating the programme in line with Article 5.13 of the Regulation
<i>Programme grant:</i>	€ 946,800
<i>Specific concern:</i>	The programme shall be implemented jointly with the allocation to Civil Society Support under the Norwegian Financial Mechanism.

B. EEA Financial Mechanism Programme

<i>Programme Operator:</i>	National Focal Point
<i>Programme grant:</i>	€ 3,404,264
<i>Programme Area:</i>	Local and Regional Initiatives to Reduce National Inequalities and to Promote Social inclusion
<i>Objective:</i>	Strengthened social and economic cohesion at national, regional and local levels
<i>Pre-defined project I:</i>	iNavis, Croatian national resource centre for energy, environmental, marine and maritime research and business innovation.
<i>Project Promoter:</i>	City of Šibenik
<i>Project grant:</i>	€ 1,719,513
<i>Specific concerns:</i>	The aim of the project is to develop the iNavis centre in Šibenik. The project should be related to develop research and study activities, business development and bilateral cooperation within the iNavis centre.
<i>Pre-defined project II:</i>	Integrated Schools Project, Vukovar and Knin

Project Promoter:

Croatian Ministry of Science, Education and Sports.

Project grant:

€ 1,300,000

Specific concerns:

The aim of the project is social recovery of the post conflict and multi-ethnic communities and a higher level of understanding, respect and cooperation between minority groups and the majority. The task force formed by the Ministry of Science, Education and Sports, consisting of the Education and Teachers Training Agency, Joint Council of Municipalities, Serbian National Council and Nansen Dialogue Centre shall be formally involved in the planning of the project and support the project proposal.

Članak 3.

Financijske obveze koje nastaju za Republiku Hrvatsku na temelju Memoranduma o suglasnosti iz članka 1. ovoga Zakona podmiruju se u okviru proračunskih sredstava za 2014., 2015., 2016., 2017. i 2018. godinu.

Članak 4.

Za provedbu ovoga Zakona nadležni su: Ministarstvo regionalnoga razvoja i fondova Europske unije, Ministarstvo financija (Nacionalni fond), Ministarstvo znanosti, obrazovanja i sporta i Grad Šibenik.

Članak 5.

Memorandum o suglasnosti stupio je na snagu 30. travnja 2014. godine.

Članak 6.

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

OBRAZLOŽENJE**Uz članak 1.**

Člankom 1. utvrđuje se da Hrvatski sabor potvrđuje Memorandum o suglasnosti o provedbi EGP financijskog mehanizma za razdoblje od 2009. do 2014. između Republike Hrvatske i Kraljevine Norveške, Islanda i Kneževine Lihtenštajna, sukladno članku 140. stavku 1. Ustava Republike Hrvatske čime se iskazuje formalni pristanak Republike Hrvatske da bude vezana ovim međunarodnim ugovorom.

Uz članak 2.

U članku 2. sadržan je tekst Memoranduma o suglasnosti iz članka 1. ovoga Zakona u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

Uz članak 3.

Članak 3. sadrži odredbe o osiguranju financijskih sredstava potrebnih radi izvršavanja Memoranduma o suglasnosti iz članka 1. ovoga Zakona.

Uz članak 4.

Člankom 4. Određuju se središnja tijela državne uprave nadležna za provedbu ovoga Zakona.

Uz članak 5.

Člankom 5. utvrđuje se dan stupanja na snagu ovoga Memoranduma o suglasnosti.

Uz članak 6.

Člankom 6. utvrđuje se dan stupanja na snagu ovoga Zakona.

PRILOG: Preslika teksta Memoranduma o suglasnosti u izvorniku na engleskom jeziku.

MEMORANDUM OF UNDERSTANDING
ON THE IMPLEMENTATION OF THE EEA FINANCIAL MECHANISM
2009-2014

between

THE REPUBLIC OF CROATIA,
hereinafter referred to as the "Beneficiary State"

and

THE KINGDOM OF NORWAY,
ICELAND,
THE PRINCIPALITY OF LIECHTENSTEIN,
hereinafter referred to as the "Donor States"

together hereinafter referred to as the "Parties",

WHEREAS Protocol 38b to the EEA Agreement, incorporated into the EEA Agreement by the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on the EEA Financial Mechanism 2009-2014, establishes a financial mechanism (hereinafter referred to as the "EEA Financial Mechanism 2009-2014") through which the Donor States will contribute to the reduction of economic and social disparities in the European Economic Area;

WHEREAS the Agreement on the participation of the Republic of Croatia in the European Economic Area amends and makes Protocol 38b applicable via an Addendum *mutatis mutandis* to the Republic of Croatia, with certain exceptions;

WHEREAS the EEA Financial Mechanism 2009-2014 aims to strengthen relations between the Donor States and the Beneficiary State to the mutual benefit of their peoples;

WHEREAS by decision of the Standing Committee of the EFTA States No. 5/2010/SC of 9 December 2010 the Donor States have given the Financial Mechanism Committee, established by a decision of the Standing Committee of the EFTA States No. 4/2004/SC of 3 June 2004, a mandate to manage the EEA Financial Mechanism 2009-2014;

WHEREAS the enhanced co-operation between the Donor States and the Beneficiary State will contribute to securing a stable, peaceful and prosperous Europe, based on good governance, democratic institutions, the rule of law, respect for human rights and sustainable development;

WHEREAS the Parties recognise that the Republic of Croatia joins the EEA Financial Mechanism 2009-2014 at a very late stage and that this constitutes an exceptional situation with severe time constraints on the implementation of the EEA Financial Mechanism 2009-2014 in Croatia;

WHEREAS the Parties agree to establish a framework for cooperation in order to ensure the effective implementation of the EEA Financial Mechanism 2009-2014;

HAVE AGREED on the following:

Article 1

Objectives

1. The overall objectives of the EEA Financial Mechanism 2009-2014 are to contribute to the reduction of economic and social disparities in the European Economic Area and to the strengthening of bilateral relations between the Donor States and the Beneficiary States through financial contributions in the priority sectors listed in paragraph 2. Accordingly, the Parties to this Memorandum of Understanding shall endeavour to select for funding programmes that contribute to the achievement of these objectives.

2. The financial contributions shall be available in the following priority sectors:

- (a) Environmental protection and management;
- (b) Climate change and renewable energy;
- (c) Civil society;
- (d) Human and social development; and
- (e) Protecting cultural heritage.

Academic research may be eligible for funding in so far it is targeted at one or more of the priority sectors.

Article 2

Legal Framework

This Memorandum of Understanding shall be read in conjunction with the following documents which, together with this Memorandum of Understanding, constitute the legal framework of the EEA Financial Mechanism 2009-2014:

- (a) Protocol 38b to the EEA Agreement on the EEA Financial Mechanism 2009-2014;
- (b) The Addendum to Protocol 38b to the EEA Agreement;
- (c) the Regulation on the implementation of the EEA Financial Mechanism 2009-2014 (hereinafter referred to as the "Regulation") issued by the Donor States in accordance with Article 8.8 of Protocol 38b;
- (d) the programme agreements that will be concluded for each programme; and
- (e) any guidelines adopted by the Financial Mechanism Committee in accordance with the Regulation.

Article 3

Financial Framework

1. In accordance with Article 1 of the Addendum to Protocol 38b to the EEA Agreement, Protocol 38b shall apply *mutatis mutandis* to the Beneficiary State.
2. In accordance with Article 2 of the Addendum to Protocol 38b to the EEA Agreement, a total of € 5,000,000 shall be allocated to the Beneficiary State over the period running from 1 July 2013 to 30 April 2014, inclusive; it shall be made available for commitment in a single tranche as from the date of entry into force of the Agreement on the participation of the Republic of Croatia in the European Economic Area or of an agreement to apply the Agreement provisionally and until 30 April 2014.
3. In accordance with Article 8.7 of Protocol 38b and Article 1.8 of the Regulation, the management costs of the Donor States shall be covered by the overall amount referred to above. Further provisions to this effect are set out in the Regulation. The net amount of the allocation to be made available to the Beneficiary State is € 4,625,000.

Article 4

Roles and responsibilities

1. The Donor States shall make funds available in support of eligible programmes proposed by the Beneficiary State and agreed on by the Financial Mechanism Committee within the priority sectors listed in Article 3.1 of Protocol 38b and the programme areas identified in Annex B of this Memorandum of Understanding. The Donor States and the Beneficiary State may consult on possible and specific programmes before a formal programme proposal is submitted to the Financial Mechanism Committee.
2. The Beneficiary State shall assure the full co-financing of programmes that benefit from support from the EEA Financial Mechanism 2009-2014 in accordance with Annex B and the programme agreements.
3. The Financial Mechanism Committee shall manage the EEA Financial Mechanism 2009-2014 and take decisions on the granting of financial assistance in accordance with the Regulation.

4. The Committee shall be assisted by the Financial Mechanism Office (hereinafter referred to as the "FMO"). The FMO shall be responsible for the day-to-day operations of the EEA Financial Mechanism 2009-2014 and shall serve as a contact point.

Article 5

Designation of authorities

The Beneficiary State has authorised a National Focal Point to act on its behalf. The National Focal Point shall have the overall responsibility for reaching the objectives of the EEA Financial Mechanism 2009-2014 as well as for the implementation of the EEA Financial Mechanism 2009-2014 in the Beneficiary State in accordance with the Regulation. In accordance with Article 4.2 of the Regulation, the National Focal Point, the Certifying Authority, the Audit Authority, and an appropriate national entity responsible for the preparation and submission of irregularities reports are designated in Annex A.

Article 6

Multi-annual Programming Framework

1. In accordance with Article 2.1 of the Regulation, the Parties have agreed on an implementation framework consisting of the following financial and substantive parameters:

- (a) a list of agreed programme areas, the financial contribution from the EEA Financial Mechanism 2009-2014 by programme area;
- (b) identification of programmes, their main focus and outcomes, as appropriate, as well as any specific concerns relating to target groups, geographical areas or other issues;
- (c) identification of programme operators, if appropriate;
- (d) initiatives to strengthening the bilateral relations between the Donor States and the Beneficiary State, including the identification of programme areas in which donor partnership programmes as referred to in Article 3.2 shall be prepared, the designation of donor programme partners, the allocation of funds for such programmes, and programmes, or component thereof, that are dedicated exclusively to donor partnership projects;
- (e) in specific cases, the identification of pre-defined projects to be included in relevant programmes;
- (f) identification of small grant schemes, as appropriate.

2. The implementation framework is outlined in Annex B.

Article 7

Annual meetings

In accordance with Article 2.3 of the Regulation an annual meeting shall be held between the FMC and the National Focal Point. The annual meeting shall allow the FMC and the National Focal Point to examine progress achieved over the previous reporting period and agree on any necessary measures to be taken.

Article 8

Modification of the annexes

1. Annex A may be subject to review at the annual meetings. Amendments to Annex A agreed upon at the annual meetings do not require a formal change to this Memorandum of Understanding. Such

amendments shall be confirmed through an exchange of letters between the FMC and the National Focal Point.

2. Annex B may be changed through an exchange of letters between the FMC and the National Focal Point.

Article 9

Control and Access to Information

The Financial Mechanism Committee, the EFTA Board of Auditors and their representatives have the right to carry out any technical or financial mission or review they consider necessary to follow the planning, implementation and monitoring of programmes and projects as well as the use of funds. The Beneficiary State shall provide all necessary assistance, information and documentation.

Article 10

Governing Principles

1. The implementation of this Memorandum of Understanding shall in all aspects be governed by the Regulation and subsequent amendments thereof.
2. The objectives of the EEA Financial Mechanism 2009-2014 shall be pursued in the framework of close co-operation between the Donor States and the Beneficiary State. The Parties agree to apply the highest degree of transparency, accountability and cost efficiency as well as the principles of good governance, sustainable development, gender equality and equal opportunities in all implementation phases of the EEA Financial Mechanism 2009-2014.
3. The Beneficiary State shall take proactive steps in order to ensure adherence to these principles at all levels involved in the implementation of the EEA Financial Mechanism 2009-2014.

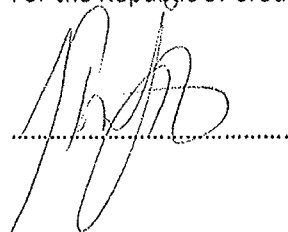
Article 11

Entry into Force

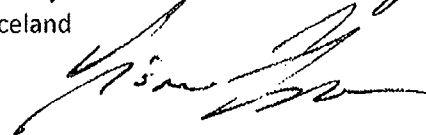
This Memorandum of Understanding shall enter into force on the day after the date of its last signature.

This Memorandum of Understanding is signed in four originals in the English Language.

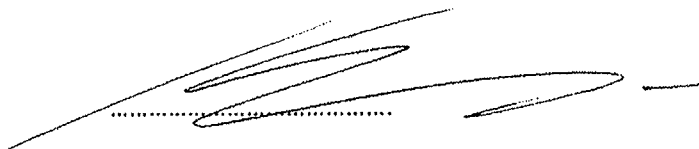
Signed in Zagreb on 29.4.2014.
For the Republic of Croatia



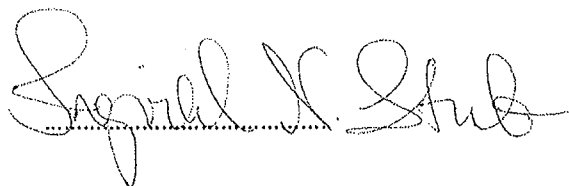
Signed in Reykjavik on 24th April 2014
For Iceland



Signed in Vaduz on 24th April 2014
For the Principality of Liechtenstein



Signed in Zagreb on 29th April 2014
For the Kingdom of Norway



National management and control structures

1. National Focal Point

The Sector for EU Programmes, within the Directorate for Strategic Planning, at the Ministry of Regional Development and EU Funds shall act as the National Focal Point.

The Sector for EU Programmes reports directly to the Deputy Minister who acts as the Head of the National Focal Point.

The roles and responsibilities of the National Focal Point are stipulated in the Regulation, in particular Article 4.3 thereof.

2. Certifying Authority

The Sector for the National Fund within the State Treasury, within the Ministry of Finance shall act as the Certifying Authority. The State Treasury is an administrative organisation in the Ministry of Finance responsible for budget preparation and consolidation, budget execution, state accounting and public debt management.

The National Fund Sector reports directly to the Assistant Minister and State Treasurer who shall act as the Head of the Certifying Authority. The State Treasurer is accountable to the Minister of Finance.

The roles and responsibilities of the Certifying Authority are stipulated in the Regulation, in particular Article 4.5 thereof.

3. Audit Authority

The Agency for Audit of European Union Programmes Implementation System (ARPA) shall act as the Audit Authority.

ARPA has the capacity of a legal person and is functionally independent from all other authorities and bodies that participate in the management and implementation of the EEA and Norwegian Financial Mechanisms.

ARPA reports directly to the Director of ARPA who shall act as the Head of the Audit Authority. The Director of ARPA is appointed by the Minister of Finance.

The Audit Authority may, in line with paragraph 2 of Article 4.6 of the Regulation, choose to appoint an independent and certified auditor to carry out audits according to paragraphs 1(a) through 1(c) of Article 4.6 of the Regulation. Regardless of any such arrangement, the responsibility for the performance of these tasks remains with the Audit Authority.

The roles and responsibilities of the Audit Authority are stipulated in the Regulation, in particular Article 4.6 thereof.

4. National public entity responsible for the preparation and submission of irregularities reports.

The Service for combating irregularities and fraud (SCIF) within the Ministry of Finance shall act as the national public entity responsible for the preparation and submission of the irregularities reports.

SCIF reports directly to the Head of Service for combating irregularities and fraud who shall act as the Head of the National public entity responsible for the preparation and submission of irregularities reports. SCIF is an organizational unit within the Ministry of Finance. The Head of Service for combating irregularities and fraud is accountable to an Assistant Minister in the Ministry of Finance.

The roles and responsibilities of SCIF acting as the National public entity responsible for the preparation and submission of irregularity reports are stipulated in the Regulation, in particular Article 11.3 thereof.

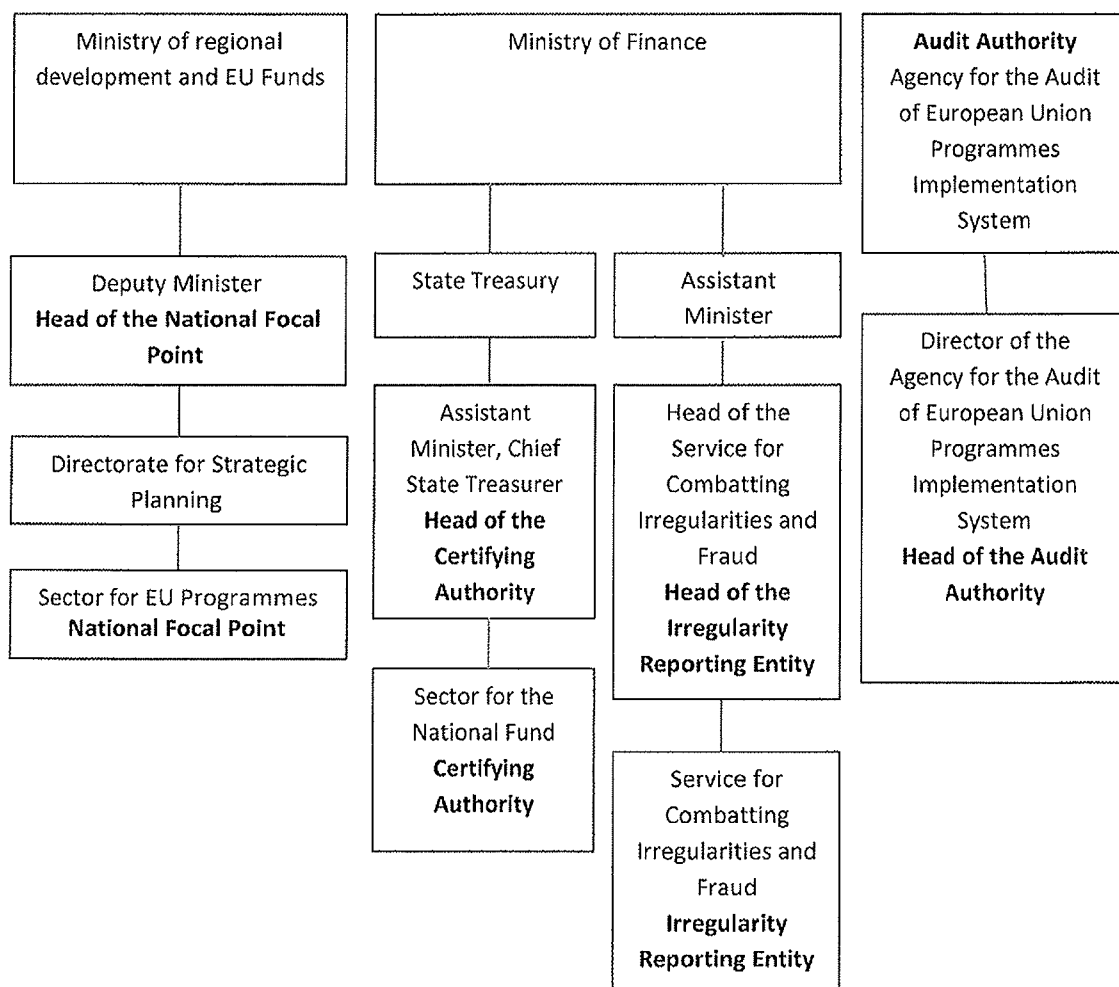
5. Monitoring Committee

The Monitoring Committee shall be established with six months of the signing of the Memorandum of Understanding. Its role is stipulated in the Regulation, in particular Article 4.4 thereof.

6. Strategic Report and annual programme reports

With reference to Articles 2.2 and 5.11 of the Regulation, and in light of the role of the National Focal Point as Programme Operator, the National Focal Point shall submit to the FMC a combined Strategic Report and annual programme report. The combined report shall be submitted to the FMC no later than 31 January each year. The Parties shall endeavour to hold the annual meeting in the fourth quarter of every year.

7. Organigram



Implementation framework

In accordance with Article 2.1 of the Regulation, the Parties to this Memorandum of Understanding have agreed on an implementation framework outlined in this annex.

1. Financial parameters of the implementation framework

Croatia	EEA FM contribution
Programme area	
Funds for Non-Governmental Organisations	€ 946,800
Local and Regional Initiatives to Reduce National Inequalities and to Promote Social inclusion	€ 3,404,264
Other allocations	
Technical assistance to the Beneficiary State (Art. 1.9)	€ 75,000
Fund for bilateral relations at national level (Art. 3.5.1)	€ 198,936
Net allocation to Croatia	€ 4,625,000

2. Specific concerns

Bilateral relations between the Donor States and Croatia shall be strengthened with the aim of stimulating long-term cooperation, including through partnership at project level in all programme areas supported.

The fund for bilateral relations at national level referred to in the table above shall be implemented jointly with the funds for bilateral relations at programme level referred to in Article 3.6 of the Regulation. The total allocation to the two funds shall amount to no less than € 250,000. The fund for bilateral relations at national level shall allocate € 100,000 to activities to promote the development of cooperation in geothermal energy between Iceland and Croatia.

The appraisal of programme proposals will take due account of relevant human rights- and governance-related standards of the Council of Europe (such as those monitored by CPT, GRECO, GRETA, ECRI etc.), including the Convention for the Protection of Human Rights and Fundamental Freedoms.

Due to the limited timeframe available for the preparation of the implementation of the EEA Financial Mechanism 2009-2014 in Croatia, the parties agree that the first date of eligibility of expenditure for Technical Assistance and for preparation of programmes shall be 1 February 2014. Furthermore, the parties agree that in accordance with paragraph 4 of Article 7.14 of the Regulation, expenditures incurred in projects may be eligible until 30 April 2017.

The Parties agree that with respect to the small size of the allocation, the support will be provided through two programmes: The NGO Programme and a EEA Financial Mechanism Programme.

3. Substantive parameters of the implementation framework

The programmes described below are to be prepared and, subject to FMC approval, implemented in the Beneficiary State.

A. Programme Area: Funds for Non-Governmental Organisations

<i>Programme:</i>	NGO Programme
<i>Objective:</i>	Strengthened civil society development and enhanced contribution to social justice, democracy and sustainable development
<i>Programme Operator:</i>	The Financial Mechanism Office is entrusted with operating the programme in line with Article 5.13 of the Regulation
<i>Programme grant:</i>	€ 946,800
<i>Specific concern:</i>	The programme shall be implemented jointly with the allocation to Civil Society Support under the Norwegian Financial Mechanism.

B. EEA Financial Mechanism Programme

<i>Programme Operator:</i>	National Focal Point
<i>Programme grant:</i>	€ 3,404,264
<i>Programme Area:</i>	Local and Regional Initiatives to Reduce National Inequalities and to Promote Social inclusion
<i>Objective:</i>	Strengthened social and economic cohesion at national, regional and local levels
<i>Pre-defined project I:</i>	iNavis, Croatian national resource centre for energy, environmental, marine and maritime research and business innovation.
<i>Project Promoter:</i>	City of Šibenik
<i>Project grant:</i>	€ 1,719,513
<i>Specific concerns:</i>	The aim of the project is to develop the iNavis centre in Šibenik. The project should be related to develop research and study activities, business development and bilateral cooperation within the iNavis centre.
<i>Pre-defined project II:</i>	Integrated Schools Project, Vukovar and Knin

Project Promoter:

Croatian Ministry of Science, Education and Sports.

Project grant:

€ 1,300,000

Specific concerns:

The aim of the project is social recovery of the post conflict and multi-ethnic communities and a higher level of understanding, respect and cooperation between minority groups and the majority. The task force formed by the Ministry of Science, Education and Sports, consisting of the Education and Teachers Training Agency, Joint Council of Municipalities, Serbian National Council and Nansen Dialogue Centre shall be formally involved in the planning of the project and support the project proposal.