

Annex I - Programme Decision

1. Expected Outcomes & Indicators for Outputs

Expected Outcome(s): Domestic violence reduced

Output

Counselling centres for perpetrators/Perpetrator programmes set up or supported in line with international standards

Output indicator(s)	Baseline	Target	Source of Verification
Number of counselling centre for perpetrators / perpetrator programme set up or supported	3	4	Project reports
Number of perpetrators accessing the services of the supported counselling centres/programmes per semester	0	5	Project reports

Output

New services reflecting specific needs of vulnerable groups and European standards on victim services created

Output indicator(s)	Baseline	Target	Source of Verification
Number of victims from vulnerable groups accessing the services per semester	0	30	Project reports

Output

Awareness on the harmful effects of domestic violence raised

Output indicator(s)	Baseline	Target	Source of Verification
% of population who acknowledge the existence of the law on domestic violence in place in Romania	61	70	Survey

Output

Professionals (including the judiciary) trained on how to deal with DV in the context of the provisions of the new law on domestic violence

Output indicator(s)	Baseline	Target	Source of Verification
Number of working instruments (e.g. guidelines, handbooks etc.) for the use of the specialists working with DV cases created	0	2	Project reports
Number of professionals trained on DV	0	500	Project reports

Expected Outcome(s): Victims of trafficking supported

Output

Training of the specialists dealing with THB provided (including NGOs)

Output indicator(s)	Baseline	Target	Source of Verification
Number of specialists trained	0	135	Project reports Training attendance list

Output

National assistance system evaluated in accordance with the national Standards for Specialized Assistance Services provided to trafficking victims as well as international standards

Output indicator(s)	Baseline	Target	Source of Verification
Number of reports elaborated	0	1	Project reports

Output

National prevention campaign on THB targeting the Roma and other vulnerable communities

Output indicator(s)	Baseline	Target	Source of Verification
Number of prevention events organised	0	15	Project reports

2. Conditions**2.1 General**

1) The National Focal Point shall ensure that the Programme Operator ensures that Project Promoters who have, in line with this Agreement, received an exception from the general rule in Article 7.3.1(c) of the Regulation with respect to any equipment (the excepted equipment):

- a. Keep the excepted equipment in their ownership for a period of at least five years following the completion of the project and continue to use that equipment for the benefit of the overall objectives of the project for the same period;
- b. Keep the excepted equipment properly insured against losses such as fire, theft and other normally insurable incidents both during project implementation and for at least 5 years following the completion of the project; and
- c. Set aside appropriate resources for the maintenance of the excepted equipment for at least 5 years following the completion of the project. The specific means for implementation of this obligation shall be specified in the project contract;

provided however that the Programme Operator may release any Project Promoter from the above obligations with respect to any specifically identified excepted equipment where the Programme Operator is satisfied that, having regard to all relevant circumstances, continued use of that equipment for the overall objectives of the project would serve no useful economic purpose. The National Focal Point shall furthermore ensure that the Programme Operator keeps a list of the excepted equipment for each project.

2) The National Focal Point shall ensure that the Programme Operator ensures that Project Promoters:

- Keep any buildings purchased, constructed, renovated or reconstructed under the project in their ownership for a period of at least 5 years following the completion of the project and continue to use such buildings for the benefit of the overall objectives of the project for the same period;
- Keep any buildings purchased, constructed, renovated or reconstructed under the project properly insured against losses such as fire, theft and other normally insurable incidents both during project implementation and for at least 5 years following the completion of the project; and
- Set aside appropriate resources for the maintenance of any buildings purchased, constructed, renovated or reconstructed under the project for at least 5 years following the completion of the project. The specific means for implementation of this obligation shall be specified in the project contract.

3) Bilateral, output and outcome indicators shall be reported on in the annual programme report.

4) The National Focal Point shall ensure that any public support under this Programme complies with the procedural and substantive state aid rules applicable at the time when the public support is granted. The National Focal Point shall, by way of the programme implementation agreement, ensure that the Programme Operator maintains written records of all assessments concerning compliance with state aid rules, particularly decisions to award grants and set grant rates, and provides such records to the NMFA upon request. The approval of the Programme by the NMFA does not imply a positive assessment of such compliance.

5) At least 10% of the total eligible costs of the Programme shall target the improvement of the situation of the Roma population. The fulfilment of this condition shall be reported on, through the use of quantitative and qualitative data, inter alia, in the annual and final programme reports as well as a semi-annual report submitted six months from the submission date of the annual programme report.

6) The Programme Operator shall inform and coordinate its actions with the Operator of the NGO Programme in Romania in order

to avoid overlap and to seek and achieve synergies.

7) A concise plan on the manner in which the allocation of at least 10% of the total eligible costs of the Programme to target the improvement of the situation of the Roma population is to be achieved, shall be submitted to the NMFA for approval no later than three months from the signature of the Programme Agreement.

8) The National Focal Point shall ensure that the Programme Operator ensures that an ex ante control of public procurement procedures and documentation carried out within projects implemented under the Programme is carried out by a competent independent entity, other than the respective project promoter.

9) The National Focal Point shall ensure that Article 7.16 of the Regulation, as well as national and European Union law on public procurement are complied with at any level in the implementation of the programme and the projects. The National Focal Point shall, by way of the Programme Implementation Agreement, ensure that the Programme Operator maintains written records of all assessments concerning the organization of procurement procedures and compliance with procurement rules, and provides such records to the NMFA upon request. The approval of the Programme by the NMFA does not imply a positive assessment of such compliance. When competitive procurement procedures are applied, the National Focal Point shall ensure that the Programme Operator ensures that Project Promoters in their tender documents do not describe the object of the contract in a manner which could restrict fair competition, e.g. by reference to trade marks, patents or origin, unless such references are specifically authorized by law.

2.2 Pre-eligibility

Not applicable.

2.3 Pre-payment

Not applicable.

2.4 Pre-completion

Not applicable.

2.5 Post-completion

Not applicable.

2.6 Other

Not applicable.

3. Eligibility of costs

3.1 Eligibility of costs - period

Eligibility of costs (excluding prog prep costs): 03/06/2013-30/04/2017

Eligibility of programme proposal preparation costs: 23/03/2012-02/06/2013

3.2 Grant rate and co-financing

Programme estimated total cost (€)	€4,705,882
Programme estimated eligible cost (€)	€4,705,882
Programme grant rate (%)	85.0000%
Maximum amount of Programme grant (€)	€4,000,000

3.3 Maximum eligible costs (€) and Advance payment amount (€)

Budget heading	Eligible expenditure	Advance payment*
Programme management	€350,588	€53,000
Domestic violence reduced	€3,795,882	€150,000
Victims of trafficking supported	€410,000	€250,000
Fund for bilateral relations	€82,810	€25,000
Complementary action	€16,765	€5,000
Preparation of programme proposal	€2,778	€15,000
Reserve for exchange rate losses	€47,059	€10,000
	€4,705,882	€508,000

* The advance payment is composed of €431,800 in grant amount and €76,200 in co-financing.

3.4 Retention of management costs

Retention of management costs - percentage of the management costs	10.00%
Retention of management costs - planned Euro value	€29,800

3.5 Small Grant Scheme

Not applicable

Annex II - Operational Rules

1. Eligibility

1.1 Eligible measures (sub-measures if any):

The Programme Operator is the Romanian Ministry of Justice. The Council of Europe and the Norwegian Police Directorate are the Donor Programme Partners.

The programme will address the issues of domestic violence and trafficking in Romania through improving victim support services, raising awareness among the general population, as well as improving law enforcement and prosecution response to domestic violence. The programme will see bilateral cooperation between Norway, Romania and the Council of Europe.

The programme will be implemented by way of:

- Two pre-defined projects
- A call for proposals "Supporting the network of units in the framework of the Law on domestic violence"
- A call for proposals "Awareness and sensitizing activities", consisting of two sub-calls: "Actions undertaken for increasing the awareness and understanding among the general public on the harmful effects of domestic violence in a gender-sensitive way" and "Actions undertaken for increasing the awareness and understanding among the Roma population on the harmful effects of domestic violence in a gender-sensitive way"
- A call for proposal "Training activities for the professionals activating in the field of domestic violence"

1.2 Eligible applicants:

The rules on eligibility of applicants are set in Article 6.2 of the Regulation.

By way of further specification, the following entities will be eligible to apply:

- Under the call for proposals "Supporting the network of units in the framework of the Law on domestic violence" eligible applicants are national and local public institutions; non-commercial and/or non-governmental organisations in partnership with public institutions; inter-governmental organisations operating in Romania.
- Under the call for proposals "Awareness and sensitizing activities" eligible applicants are national and local public institutions; non-commercial and/or non-governmental organisations; inter-governmental organisations operating in Romania.
- Under the call for proposals "Training activities for the professionals activating in the field of domestic violence" eligible applicants are national and local public institutions; non-commercial and/or non-governmental organisations; inter-governmental organisations operating in Romania.

1.3 Special rules on eligibility of costs:

The eligibility of costs is determined by reference to Chapter 7 of the Regulation. The rules on eligibility of costs shall apply equally and without limitation to both Project Promoters and project partners.

By way of exception from Article 7.3.1(c) of the Regulation, the entire purchase price of new and second hand equipment will be eligible in projects where the equipment is installed at the end of the project and the utilisation of the equipment starts after the closure of the project and/or in those cases where the equipment's use after project completion is limited to activities in line with the project's objectives.

In-kind contributions made in accordance with Article 5.4.5 of the Regulation may be made for projects implemented by NGOs, as defined in Article 1.5.1(m) of the Regulation. Such contributions shall not amount to more than 50% of the co-financing provided by Project Promoters. The basis for the calculation of the unit prices for voluntary work required by Article 5.4.5 of the Regulation will be official data on minimum and average salary in the economy at national level, as established by the National Commission for Prognosis, in force when the call for proposal is launched. Depending on the type of work, two different levels of prices shall be used:

- In the case of administrative work/unskilled labour, the gross minimum wage in the economy at national level (including the required social security contributions required by the national legislation) will be taken into consideration;
- In the case of complex/specialised work, the gross average wage in the economy at national level (including the required social security contributions required by the national legislation) will be taken into consideration.

Indirect costs in projects shall be claimed in accordance with the Regulation and in particular, Article 7.4.1 thereto. Where a flat-rate is applied, this shall be set in line with Article 7.4.1(b) of the Regulation and the level of the flat rate shall be set in accordance with a methodology provided by the Programme Operator.

2. Financial parameters

2.1 Minimum and maximum grant amount per project:

The minimum amount of grant assistance applied for under the call for proposals "Supporting the network of units in the framework of the Law on domestic violence" is €170,000; the maximum amount is €500,000.

The minimum amount of grant assistance applied for under the call for proposals "Awareness and sensitizing activities" - "Actions undertaken for increasing the awareness and understanding among the general public on the harmful effects of domestic violence in a gender-sensitive way" is €170,000; the maximum amount is €211,765.

The minimum amount of grant assistance applied for under the call for proposals "Awareness and sensitizing activities" - "Actions undertaken for increasing the awareness and understanding among the Roma population on the harmful effects of domestic violence in a gender-sensitive way" is €170,000; the maximum amount is €377,647.

The minimum amount of grant assistance applied for under the call for proposals "Training activities for the professionals activating in the field of domestic violence" is €170,000; the maximum amount is €250,000.

2.2 Project grant rate:

Grants from the programme may amount to 100% of total eligible project costs in the case of projects where the project promoter is a national or local public institution. In all other cases the grant from the programme will not exceed 90% of total eligible project costs. When setting the project grant rate, all applicable National and EU rules on State Aid shall be complied with. The remaining costs of the project shall be provided or obtained by the Project Promoter.

3. Selection of projects

3.1 Selection procedures:

The selection procedures for projects shall in all cases be in accordance with Chapter 6 of the Regulation. The experts referred to in Article 6.5.2 of the Regulation shall be impartial and independent of the Programme Operator and the Selection Committee.

3.2 Open calls and availability of funds (including number of calls, duration of calls, and estimated size):

There shall be one call for applications under each of the calls for proposals schemes as follows:

- The call for proposals "Supporting the network of units in the framework of the Law on domestic violence" shall make available €2,225,715.
- The call for proposals "Awareness and sensitizing activities" shall make available €589,412, of which the sub-call "Actions undertaken for increasing the awareness and understanding among the general public on the harmful effects of domestic violence in a gender-sensitive way" shall make available €211,765 and "Actions undertaken for increasing the awareness and understanding among the Roma population on the harmful effects of domestic violence in a gender-sensitive way" shall make available €377,647.
- The call for proposals "Training activities for the professionals activating in the field of domestic violence" shall make available €492,941.

The calls shall be launched no later than in the first quarter of 2014 and make available the total re-granting amounts.

All calls shall be open at least for 2 months.

3.3 Selection criteria

Detailed project selection criteria shall be developed by the Programme Operator and discussed in the Cooperation Committee and shall be subject to the agreement of the Donor Programme Partners. They shall, as a minimum, reflect the following main principles:

- The selection criteria in respect of the call for proposals "Awareness and sensitizing activities" shall ensure that at least €377,647 is allocated to projects seeking to improve the situation of the Roma population.

4. Payment flows, verification of payment claims, monitoring and reporting

4.1 Payment flows

The Programme Operator shall ensure that funds are available for payments to the project in a timely manner.

Payments towards the projects will take the form of advance payment, interim payments and final balance payment. The advance payment shall be set in the financial plan of each project. Interim payments to the projects are made on the basis of approved interim reports.

The deadlines for submitting and assessing interim financial reports will be set in the Project Contracts. The Project Promoters will report to the Programme Operator on incurred expenditures, actual progress and pre-payment forecast through the interim reports.

The Programme Operator may withhold up to 10% of the total grant amount for the payment of the final balance. The payment of the final balance will be disbursed within 15 working days after the approval of the final report.

Notwithstanding the above description of the financial flows, the Programme Operator shall ensure that, in the case of projects implemented in partnership with the Council of Europe, advance payments and all subsequent payments to the project from the Programme are sufficient to ensure that the Council of Europe's pre-financing requirements can be met and that all payments due from the project promoter to the Council of Europe are made without delay.

4.2 Verification of payment claims

Verification and approval of the interim and final reports of the Project Promoters will be conducted by the Programme Operator.

The Programme Operator will duly verify all expenditures declared by the Project Promoters ensuring its correctness and regularity in line with the set procedures.

In case of verification of expenditure incurred by the donor project partner, a report by an independent and certified auditor, certifying that the claimed costs are incurred in accordance with the Regulation, the national law and accounting practices of the donor project partner's country, shall be seen as sufficient proof of costs incurred.

The verification procedures for payment claims will be further outlined in the description of the Programme management and control systems according to article 4.8.2 of the Regulation.

4.3 Monitoring and reporting

The Programme Operator shall continuously monitor the projects through the review of reports submitted by the Project Promoters, on-site monitoring visits and supplementary verifications. On-site monitoring visits may be carried out in cooperation with members of Cooperation Committee.

The aim of the on-the-spot checks is to make sure that the projects are implemented in accordance with the requirements of the Regulation and the project contracts, to verify procurement procedures and the cost efficiency of incurred expenditures and to assess the achievement of sectorial objectives and indicators and the impact of the results of projects. The on-the-spot checks shall cover at least 50% of the projects.

Project Promoters shall be required to report on projects progress and outputs in interim and final reports.

Interim reports shall be submitted every 4 months and shall as a minimum describe:

- a) the technical projects progress, fulfilment of projects outputs, information on tender procedures, project time schedule, project modifications, fulfilment of projects conditions if relevant and risk management;
- b) the financial progress of the projects, including a list of claimed expenditures and requests for payments, and information on any financial audit if relevant.

The final report shall contain the same information as the interim reports. In addition, it shall describe the achievement of the overall objective of the projects and contain information on cross-cutting issues relevant to the projects, fulfilment of projects conditions and sustainability of the projects. It shall also include summary information on financial management and findings from the final financial audit (if applicable).

Irregularities will be handled in accordance with Chapter 11 of the Regulation.

Information on Reporting and Monitoring shall be further outlined in the description of the Programme's Management and Control System according to Article 4.8.2 of the Regulation.

5. Additional mechanisms within the programme

5.1 Funds for bilateral relations

The details of the use of the bilateral fund, the final split between measures A and B, the detailed procedures and criteria for awarding support from the fund, and any other relevant details will be developed by the Programme Operator in cooperation with the Donor Programme Partners and will be subject to the approval of the Cooperation Committee.

The following activities will be supported under the fund for bilateral relations:

A. The search for partners for donor partnership projects prior to or during the preparation of a project application, the development of such partnerships and the preparation of an application for a donor partnership project.

Approximately €2,000 will be allocated to such activities.

B. Networking, exchange, sharing and transfer of knowledge, technology, experience and best practice between Project Promoters and entities in Norway.

Approximately €80,810 will be allocated to such activities.

Costs under the bilateral fund are eligible in accordance with Chapter 7.7 of the Regulation.

5.2 Complementary action

Complementary action under this programme shall be further defined by the Programme Operator in accordance with Article 7.11 of the Regulation. As a minimum, the following activities will be implemented:

- Study visits to Programme Operators in other Norway Grants beneficiary countries with an aim to seek synergies and exchange experiences.

In addition, complementary actions shall also facilitate the participation of all relevant stakeholders in events, seminars and activities agreed with the NMFA.

5.3 Reserve for exchange rate losses

The reserve for exchange rate losses will be used to cover exchange rate losses arising from fluctuations of the RON against the Euro, incurred during the implementation of the Programme and the projects.

The amounts granted from the reserve to the projects will be calculated at the final settlement of the projects' costs and a pro-rata approach between all projects will be applied.

5.4 Small Grant Schemes

Not applicable.

6. Pre-defined projects

Pre-defined project 1

Title: "Best practice model on assistance for victims of trafficking in human beings"

Project Promoter: National Agency against Trafficking in Persons

Donor Project Partner: Council of Europe, Oslo Police (Oslo Politidistrikt)

Project Partners: Bucharest General Directorate for Social Assistance, General Inspectorate of Romanian Police - Institute for Crime Prevention and Research

Maximum grant amount: €410,000

Project grant rate: 100%

Estimated total project cost: €410,000

This project shall contribute to the programme outcome "Victims of trafficking supported".

The project will create an integrated system of support for victims of human trafficking.

The pre-defined project will include the following activities:

1. Improvement and establishment of governmental and civil society partnerships in the field of victim support and assistance;
2. Organising training sessions for specialists in providing victims assistance
3. Evaluation of the national assistance system in accordance with the specific Standards for Specialized Assistance Services provided to trafficking victims approved through the Government Decision 1238/2007; and

4. Awareness raising activities on risks associated with trafficking with a particular focus on Roma communities (at least €178,100 shall be allocated to Roma specific activities).

Pre-defined project 2

Title: "JAD – Joint Action against Domestic violence"

Project Promoter: General Inspectorate of the Romanian Police

Donor Project Partner: Council of Europe and Norwegian Police Directorate

Project Partners: National Institute of Magistracy, Police Academy "Alexandru Ioan Cuza", Institute of National Economy, Public Ministry - Public Prosecutors Office attached to the High Court of Cassation and Justice.

Maximum grant amount: €487,814

Project grant rate: 100%

Estimated total project cost: €487,814

This project shall contribute to the programme outcome "Domestic violence reduced".

The project will enhance the capacity of the judicial authorities in Romania in the field of tackling domestic violence, and discrimination.

The pre-defined project will include the following activities:

1. Elaboration of common training curricula and training materials for law enforcement, prosecutors and judges observing the newly adopted legislative provisions in the field of fighting domestic violence and discrimination;
2. Development of guidelines on tackling domestic violence and discrimination; and
3. Training courses for law enforcement, prosecutors and judges.

7. Modification of the programme

Any modifications of the programme will follow the rules set forth in the Regulation and in Article 2.9 of the programme agreement.

8. Programme proposal version

Any reference to the programme proposal in this programme agreement shall be interpreted as version signed by the PO on 16 November 2012, and shall include all subsequent correspondence and communication between the NMFA, the Financial Mechanism Office, the National Focal Point and the Programme Operator.

9. Miscellaneous

1. Relevant stakeholders should be consulted during the implementation of the programme.
2. The Donor Programme Partners shall, through the Cooperation Committee, follow-up and monitor the implementation of the specific 10% Roma target set in point 5 of section 2.1 of Annex 1 to this Programme Agreement.