

Annex I - Programme Decision

1. Expected Outcomes & Indicators for Outputs

Expected Outcome(s): Strengthening of the cooperation between the police in the Schengen Member States

Output

Cooperation between Romania and Norway in fighting criminal itinerant groups and human trafficking strengthened.

Output indicator(s)	Baseline	Target	Source of Verification
Number of Romanian police officers posted to Norway.	0	30	Internal reports and statistics
Number of Romanian and Norwegian police officers participated in workshops/seminars on the prevention and investigation of crime committed by itinerant criminal groups.	0	300	Internal reports and statistics
The total number of registered information exchange between the Romanian and Norwegian police increased (per year, 2012-2016).	269	400	Internal reports and statistics

Output

Cooperation with neighbouring non-Schengen countries on combating illegal migration and human smuggling improved.

Output indicator(s)	Baseline	Target	Source of Verification
Number of study visits conducted to/from Romania and neighbouring non-Schengen countries.	0	4	Follow-up reports
Number of handbooks of best practices in investigating organized crime networks involved in smuggling of migrants developed.	0	1000	The handbook itself

Expected Outcome(s):

Improved capacity to prevent and combat cross-border and organized crime, including trafficking in human beings and itinerant criminal groups

Output

The knowledge of how to improve the relationship between the police and the Roma communities strengthened.

Output indicator(s)	Baseline	Target	Source of Verification
Number of police officers trained on countering hate crime.	0	40	Project reports
Number of police officers trained in advanced interviewing techniques.	0	40	Project reports
Number of police officers trained in the field of preventing and countering victimization in Roma communities.	0	300	Project reports
Number of people informed through prevention campaigns.	0	2000	Project reports

Output

The Romanian police's capacity to fight economic crime improved.

Output indicator(s)	Baseline	Target	Source of Verification
Number of institutions with improved technical capacity.	0	4	Project reports
Number of specialists trained in fighting economic crime.	0	150	Project reports

Output

The capacity of the Department for Intelligence and Internal Protection of Ministry of Internal Affairs improved.

Output indicator(s)	Baseline	Target	Source of Verification
Number of institutions with improved technical capacity.	0	1	Activity reports Financial statement
Number of police officers trained on combating cross-border and organised crime.	0	110	Activity reports

2. Conditions**2.1 General**

2.1 General

- 1) Bilateral, outcome and output indicators shall be further developed and discussed in the Cooperation Committee and shall be reported on in the annual programme report.
- 2) The details of use of the bilateral fund, the selection procedures and criteria for awarding support from the fund, the maximum grant amount and the grant rate and any other relevant details shall be further developed by the Programme Operator and agreed with the donor programme partner in the Cooperation Committee prior to the disbursement of any funds from the bilateral fund.
- 3) The communication plan shall be discussed in the Cooperation Committee.
- 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) 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.
- 6) The National Focal Point shall ensure that the Programme Operator ensures that any residual or extracted material from project activities is reused, recycled, treated and/or deposited in an environmentally sound manner.
- 7) 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):
 - 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;
 - 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
 - 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, use of that equipment for the overall objectives of the project after the project completion would serve no economic purpose.

The National Focal Point shall furthermore ensure that the programme Operator keeps a list of the excepted equipment for each project.

- 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.

10) The National Focal Point shall ensure that the Programme Operator ensures that there is no funding overlap with activities financed by other sources.

11) At least 15% 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.

12) A concise plan on the manner in which the allocation of at least 15% 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.

2.2 Pre-eligibility

1) Expenditures under the pre-defined project 1 “Strengthening police cooperation between Romania and Norway in fighting criminal itinerant groups and human trafficking” shall not be eligible prior to the signature of the partnership agreement with the Norwegian Directorate of Police.

2) Expenditures under the pre-defined project 3 “Trafficking in human beings. Cooperation with the Council of Europe on the implementation of the recommendations in the Greta-report” shall not be eligible before the content of the pre-defined project, including inter alia indicators and the budget, has been agreed between the project promoter and the Council of Europe and approved by the NMFA.

3) Expenditures under the pre-defined project 4 “Integrated approach to the prevention of victimization in Roma communities” shall not be eligible prior to the signature of the partnership agreement with the Organisation for Security and Co-operation in Europe (OSCE).

2.3 Pre-payment

Not applicable.

2.4 Pre-completion

Not applicable.

2.5 Post-completion

Not applicable.

2.6 Other

3. Eligibility of costs

3.1 Eligibility of costs - period

Eligibility of costs (excluding prog prep costs): 17/06/2013-30/04/2017

Eligibility of programme proposal preparation costs: 24/03/2012-16/06/2013

3.2 Grant rate and co-financing

Programme estimated total cost (€)	€6,235,294
Programme estimated eligible cost (€)	€6,235,294
Programme grant rate (%)	85.0000%
Maximum amount of Programme grant (€)	€5,300,000

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

Budget heading	Eligible expenditure	Advance payment*
Programme management	€45,873	€5,000
Strengthening of the cooperation between the police in the Schengen Member States	€3,832,271	€1,216,790
Improved capacity to prevent and combat cross-border and organized crime, including trafficking in human beings and itinerant criminal groups	€2,242,516	€1,049,948
Fund for bilateral relations	€94,215	€12,500
Complementary action	€6,000	€0
Preparation of programme proposal	€0	€0
Reserve for exchange rate losses	€14,419	€0
	€6,235,294	€2,284,238

* The advance payment is composed of €1,941,602 in grant amount and €342,636 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	€3,899

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 Internal Affairs. The Donor Programme Partner is the Norwegian National Police Directorate (POD).

The programme consists of six pre-defined projects:

- 1) Strengthening police cooperation between Romania and Norway in fighting criminal itinerant groups and human trafficking.
- 2) Cooperation in the field of illegal migration and protection of human rights.
- 3) Trafficking in human beings. Cooperation with the Council of Europe on the implementation of recommendations in the GRETA report.
- 4) Integrated approach to the prevention of victimization in Roma communities.
- 5) Fighting cross-border economic criminality at the Schengen border.
- 6) Strengthening of information cycle management in fight against the organized crime and illegal migration for increasing the European security.

1.2 Eligible applicants:

Not applicable.

1.3 Special rules on eligibility of costs:

Costs are eligible in accordance with Chapter 7 of the Regulation. The following exception will apply:

By way of exception from Article 7.3.1(c) of the Regulation, the entire purchase price of new 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.

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, which shall not exceed 5%, shall be set in accordance with a methodology provided by the Programme Operator.

In accordance with Article 7.3.2 of the Regulation and by way of exception from Article 7.3.1 (b) of the Regulation, the travel and subsistence allowances for staff taking part in pre-defined project No. 1 "Strengthening police cooperation between Romania and Norway in fighting criminal itinerant groups and human trafficking" will be in line with the scales specified in Annex I of the European Commission Decision C(2008) 6215 'General implementing provisions adopting the Guide to missions for officials and other servants of the European Commission'.

2. Financial parameters

2.1 Minimum and maximum grant amount per project:

Not applicable.

3. Selection of projects

3.1 Selection procedures:

Not applicable.

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

Not applicable.

3.3 Selection criteria:

Not applicable.

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 Promoters in a timely manner.

Payments to the Project Promoters will take the form of advance payments, interim payments and final balance payments. The advance payments shall not exceed 50% of the projects total grant amount and shall be based on estimated cash flow needs as set out in the Project Contracts.

Interim payments to the Project Promoters are made on the basis of approved interim reports.

Pre-financing provided through advance payments or interim payments shall be measured against all incurred eligible expenditure reported in interim or final reports for the final balance.

Total pre-financing provided to projects cannot exceed 80% of the projects grant amount. Each additional payment shall only be made after the Programme Operator verifies that 70% of any previous pre-financing provided has been incurred by the Project Promoter.

The deadlines for submitting and assessing interim financial reports will be set in the project contract. The Project Promoter 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 5% 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 and the Organization for Security and Co-operation in Europe, advance payments and all subsequent payments to the project from the Programme are sufficient to ensure that the pre-financing requirements of the Council of Europe and the Organization for Security and Co-operation in Europe can be met and that all payments due from the project promoter to the Council of Europe and the Organization for Security and Co-operation in Europe are made without delay.

4.2 Verification of payment claims

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

Verification and approval of interim and final reports will be based on information on financial status and project progress contained in the reports, and on additional information to be submitted together with the reports. The Programme Operator will conduct a 100% check of the costs reported as incurred by the Project Promoter.

In case of verification of expenditure incurred by the donor project partners, the Council of Europe and the Organisation for Security and Cooperation in Europe, 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 the 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 Promoter and on-site monitoring visits. On-site monitoring visits shall be carried out in cooperation with technical experts and financial officers.

The aim of the on-the-spot checks is to make sure that the project is implemented in accordance with the requirements of the Regulation and the project contract, 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.

Project Promoters shall be required to report on project 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 project progress, fulfilment of project outputs, information on tender procedures, project time schedule, project modifications, fulfilment of project conditions if relevant and risk management;
- b) the financial progress of the project, 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 project and contain information on cross-cutting issues relevant to the project, fulfilment of project conditions and sustainability of the project. It shall also include summary information on financial management and findings from the final financial audit (if applicable).

In addition at least one programme review shall be carried out during the programme implementation. The review shall focus on effectiveness and efficiency of the programme in achieving outputs and outcomes and relevance of projects in relation to the programme outcomes and strategies.

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 Programme Operator will set aside not less than 1.5 % of the total programme budget to a Fund for Bilateral Cooperation.

The details of use of the bilateral fund, the selection procedures and criteria for awarding support from the fund, the maximum grant amount and the grant rate and any other relevant details shall be developed by the Programme Operator and agreed with the Donor Programme Partner in the Cooperation Committee.

The Programme Operator shall ensure that the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE) can benefit from the bilateral fund.

5.2 Complementary action

Complementary actions in line with the Regulation shall be organised by the Programme Operator, in line with the objectives of the Programme, in order to strengthen co-operation between the Programme Operator and similar entities within the Donor States and the Beneficiary States. These will include the exchange of experience and best practice related to the implementation of the Programme.

The Programme Operator shall ensure that the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE) can also benefit from the activities organised under the complementary action.

The plan for the use of the fund for Complementary action will be discussed and decided upon in the Cooperation Committee.

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 projects. The amounts that will be granted from the reserve will be calculated at the final settlement of the projects.

5.4 Small Grant Schemes

Not applicable.

6. Pre-defined projects

The programme consists of six pre-defined projects.

Project 1: Strengthening police cooperation between Romania and Norway in fighting criminal itinerant groups and human trafficking.

Project promoter: General Inspectorate of the Romanian Police
 Donor Project Partners: Norwegian National Directorate of Police
 Estimated total eligible project cost: €3,376,667
 Grant rate: 100%
 Max. contribution from the Programme: €3,376,667

The project will fund operational cooperation between Romanian and Norwegian police as well as the strengthening of the technical capacity of the Romanian police.

The pre-defined project will include the following activities:

- Secondment of Romanian police officers to Norway, workshops in Romania/Norway on the sharing of experiences on the modus operandi of Romanian criminal groups operating e.g. in Norway. Training on interrogation and investigation techniques as well as strategic analysis.
- The purchase of equipment to improve the Romanian police's capacity to gather information and evidence: 2 minivans, 65

vehicles (1 per territorial unit of the Directorate for Criminal Investigations and the Directorate for Countering Organized Crime), servers, desktop computers, laptops, portable printers, video-cameras, digital voice-recorders, software licences and the renovation and equipment of at least 4 interrogation rooms in the localities generating most criminality towards Norway.

Project 2: Cooperation in the field of illegal migration and the protection of human rights.

Project promoter: General Inspectorate of the Border Police
 Project partners: The Romanian General Inspectorate of Immigration, the Jesuit Refugee Service (JRS) Romania, Ministry of Internal Affairs of the Republic of Moldova-Border Police Department and National Police of Hungary-Directorate of Law Enforcement
 Estimated total eligible project cost: €170,310
 Grant rate: 100%
 Max. contribution from the Programme: €170,310

Through the Project, Romanian police shall improve its competence and network for combating illegal immigration and also ensuring the rights of asylum-seekers and victims of human trafficking.

The pre-defined project will include the following activities:

- Study visits to/from Romanian and neighbouring countries (Hungary and Moldova).
- Workshop and seminars.
- The development of a handbook of best practices.

Project 3: Trafficking in human beings. Cooperation with the Council of Europe on the implementation of recommendations in the GRETA-report.

Project promoter: National Agency against Trafficking in Persons
 Project Partner: Council of Europe
 Estimated total eligible project cost: €250,000
 Grant rate: 100%
 Max. contribution from the Programme: €250,000

The aim of the Project is to implement recommendations made by the Group of Experts on Action against Trafficking in Human Beings (GRETA) in its evaluation of Romania. The content of the Project, the detailed budget and the indicators will be developed and agreed by the Project Promoter and the Council of Europe, and approved by the NMFA.

Project 4: Integrated approach to the prevention of victimization in Roma communities.

Project promoter: General Inspectorate of the Romanian Police,
 Project partners: Romanian Academy, - Institute of National Economy and the Organisation for Security and Cooperation in Europe (OSCE)
 Estimated total eligible project cost: €791,550
 Grant rate: 100%
 Max. contribution from the Programme: €791,550

The Project aims at promoting good practices and improving trust between the police and the Roma community.

The pre-defined project will include the following activities:

- The development and conduct of a crime victimization study in Roma communities. The study will be developed together with the Romanian Academy – Institute of National Economy. Two international conferences will be held related to the national victimization study and countering hate crimes.
- A campaign on crime prevention in Roma communities. The exact content will be further developed together e.g. with non-governmental organisation(s) working for Roma.
- Training of police officers on countering hate crime/interview techniques/study visits and other. The training will be based upon the Manual on Police and Roma and Sinti: Good practices in building trust and understanding, which has been developed by the Organisation for Safety and Security in Europe (OSCE).

Project 5: Fighting cross-border economic criminality at the Schengen Border.

Project promoter: Fraud Investigation Directorate, Romanian Police
 Project partners: Prosecutor's Office, National Customs Authority and the Border Police in Romania.
 Police in Moldova
 Estimated total eligible project cost: €800,000
 Grant rate: 100%
 Max. contribution from the Programme: €800,000

The Project will strengthen the Romanian police's capacity to fight cross-border economic crime by improving its technical equipment and by building networks with similar authorities in neighbouring states.

The pre-defined project will include the following activities:

- The exchange of information with the police in Moldova through seminar/workshops/the establishment of networks of specialists.
- Training of police officers on fighting cross-border economic crime. The Project Promoter shall explore the possibility of involving Europol in this activity.
- The purchase of equipment to be used by the Danube Delta Police (1 equipped patrol boat) and at the Head Quarter and/or 8 regional offices of the Fraud Investigation Directorate (17 vehicles, binoculars for night vision, 16 day time surveillance systems, professional cameras, laptops, mobile scanners, mobile printers, GPS modules).

Project 6:

Strengthening of information cycle management in fight against the organized crime and illegal migration for increasing the European security.

Project promoter: Department for Intelligence and Internal Protection (DIIP)
 Project partner: Ministry of Internal Affairs of the Republic of Moldova
 Estimated total eligible project cost: €686,260
 Grant rate: 100%
 Max. contribution from the Programme: €686,260

The Project shall improve the technical capacity of the Department for Intelligence and Internal protection of the Ministry of Internal Affairs.

The pre-defined project will include the following activities:

- The carrying-out of a pre-engineering study for the modernisation of the DIIP's Training Centre, Brasov.
- The purchase of equipment for the Head Quarter and regional offices of the Directorate for Intelligence and Internal Protection (DIIP) (notebooks, multifunctionals, desktops, 4 specialised and equipped vehicles, 2 devices to control against interceptions, 1 system for electronic archiving of communication control etc).
- Training of Romanian police officers in managing ICT-equipment, in fighting illegal migration, cybercrime, trafficking in human beings and other forms of cross-border crime.
- Workshops/seminars on sharing of experience on combating crime with law enforcement services in other European states
- The organisation of study visits to law enforcement institutions in other European states.
- The development of manuals with best practices in countering illegal migration, cybercrime and other forms of cross-border crime.

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 13.11.2012, including all subsequent correspondence and communication between the FMC, 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 15% Roma target set in point 11 of section 2.1 of Annex 1 to this Programme Agreement.