

ANNEX 2 to the Commission Decision approving, for Croatia, the multi-annual programme and the annual programme for

2013 for the European Refugee Fund and the co-financing for 2013 from that Fund

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ANNUAL PROGRAMME 2013

**EUROPEAN REFUGEE FUND**

- Initial version
- Revised version (04/12/2013) following dialogue with the Commission
- Version revised for other reasons

**MEMBER STATE: REPUBLIC OF CROATIA**  
**FUND: EUROPEAN REFUGEE FUND**  
**RESPONSIBLE AUTHORITY: MINISTRY OF THE INTERIOR**  
**PERIOD COVERED: 01/07/2013 – 31/12/2013**

**1. GENERAL RULES FOR SELECTION OF PROJECTS TO BE FINANCED UNDER THE PROGRAMME**

The Ministry of the Interior (hereinafter: the MoI) is the authority responsible for the implementation of the two Funds of the General Programme Solidarity and Management of Migration Flows – European Return Fund and European Refugee Fund. Within the MoI the tasks of the responsible authority are carried out by the Independent Sector for European Integration and International Affairs (hereinafter: the Independent Sector). The Independent Sector is organisationally directly subordinate to the Minister of the Interior and will coordinate the actions of bodies involved in management, control and implementation of European Refugee Fund in Croatia. The Independent Sector will monitor the actions as well.

Asylum policy in the Republic of Croatia is regulated by the Asylum Act (Official Gazette N. 79/07, 88/10), defining conditions of the asylum procedure, rights and obligations of asylum seekers, refugees, third-country nationals under subsidiary or temporary protection in the Republic of Croatia. In line with national legislation the authority responsible for the asylum procedure is the MoI, Directorate for Administrative and Inspection Affairs, which, in accordance with the national law, has administrative powers (de jure monopoly) for the implementation of tasks laid down in the Annual Programme in relation to the asylum procedure.

Proposals of potential actions for annual programmes are submitted to the responsible authority - the Independent Sector. Proposals of individual actions include description and reasons for the submission of proposals, project value analysis, the needs and impacts of the actions, as well as goals and indicators. The Independent Sector reviews whether the proposed actions meet the conditions for eligibility (eligible subject,

eligible duration, defined goals/indicators, conformity with the multi-annual programme, etc). After review, the Independent Sector submits the annual programme draft for approval to the Minister of the Interior. The Minister of Interior will approve and sign the annual programme.

Considering that the responsible authority shall mostly perform tasks of an executing body in charge of the actions co-financed within the European Refugee Fund, it shall be ensured that the audit authority shall not act within the scope of the responsible authority. The audit authority is Agency for the Audit of European Union Programmes Implementation System.

When the MoI acts as executing body, implementing actions in the legal competence of the Directorate for Administrative and Inspection Affairs, a plan of activities for the implementation of the actions shall be adopted. The plan of activities shall determine eligible activities, goals, indicators and the amounts allocated. Implementation of those activities will be in line with the provisions of the act regulating public procurement, and in accordance with implementing regulations issued on the basis of this act, as well as with internal rules.

The contract award procedure can, depending on the assessed contract value and the number of potential subcontractors, be implemented in any of the following ways: an open procedure; a selection procedure by the prior establishment of the required qualification; a negotiated procedure (with/without the prior publication of the contract notice); an invitation to tender (after or without prior publication); or through a small purchase or in any other way specified by the law. The most suitable service provider is selected in a transparent manner and in accordance with the procedure prescribed. The procurement procedures are made public. In respect of the value of the contracts defined in the public procurement regulations, calls for tender are published on the public procurement portal. All publications and relevant documents contain an indication of the presence of EU co-financing (e.g. the EU logo and Fund specification).

The envisaged timeframe for the implementation of the public procurement procedures for the 2013 Annual Programme's activities will be aligned with the annual public procurement plans so that all costs will arise during the eligibility period, i.e. between 1 July 2013 and 30 June 2015.

## **2. ACTIONS TO BE SUPPORTED BY THE PROGRAMME UNDER THE PRIORITY 1 - Implementation of the principles and measures set out in the Community acquis in the field of asylum, including those related to integration objectives**

### **2.1.1 ACTION 1: Providing free legal aid for asylum seekers during the procedures**

#### **1. Purpose and scope of the action:**

- Continuous implementation of legal protection of asylum seekers during the procedure and providing legal representation in second and third instance procedures.

## 2. Expected grant recipients

- The grant recipient is the Directorate for Administrative and Inspection Affairs which, in accordance with the national law, has administrative powers (de jure monopoly) for the implementation of tasks in relation to the asylum procedure.

In the Republic of Croatia, in line with national asylum legislation, asylum seekers, are entitled to free legal aid during the procedure. In that sense, the right to free legal aid will be provided during the procedure of deciding on the asylum application.

Asylum seekers are selecting one of legal representatives from the list of providers of free legal aid. The criteria for composing the List are set up in the Ordinance on free legal assistance during the asylum procedure (OG 32/2012). According to the procedure prescribed in the Ordinance, the last public call for proposals for the selection of legal representatives to be put on the List was published on 19 September 2012, OG 104/2012.

## 3. Where appropriate, justification regarding project(s) implemented directly by the responsible (delegated) authority

In line with national legislation the authority responsible for the asylum procedure is the MoI, Directorate for Administrative and Inspection Affairs, which, in accordance with the national law, has administrative powers (de jure monopoly) for the implementation of tasks laid down in the Annual Programme.

## 4. Expected quantified results and indicators to be used

Indicators:

- Number of legal representations (please put an estimate of the numbers),
- Number of decisions on asylum applications (idem).

Result:

- Appropriate legal protection of asylum seekers provided during the procedure and legal representation in second and third instance procedures .

## 5. Visibility of EU funding

The actions will be given adequate publicity. All documentation and materials related to the projects shall be marked by the EU logo and a statement indicating the co-financing from the European Refugee Fund. The Ministry of the Interior will properly present the role of the European Refugee Fund also to the beneficiaries when informing them about the implementation of the programme.

The Ministry of the Interior will publish on its website the information on all approved and implemented projects, as well as all decisions and instructions, and also use other means to inform the public.

6. Complementarity with similar actions financed by other EU instruments, if appropriate

Currently Republic of Croatia does not benefit from any EU Fund financing actions in the field of asylum.

However, two operations to be financed by the Transition Facility are being prepared in the field of strengthening capacity in the area of asylum, immigration and fundamental rights: Supply of Equipment for EURODAC- Second Phase, and Reconstruction of Accommodation and Accompanying Facilities in Reception Centre for Asylum Seekers in Kutina. These two operations are of different nature than the actions to be financed with European Refugee Fund assistance.

7. Financial information

The planned financing is 75% EU funds and 25% from the Croatian national budget, since Republic of Croatia is part of the group of Member States in receipt of Cohesion funds.

EU funds	45 717.00 EUR
National budget	15 239.00 EUR
Total	60 956.00 EUR

### **2.1.2 ACTION 2: Providing free interpretations**

1. Purpose and scope of the action

- Asylum seekers are continuously provided with the right to interpretation and translation;

- Informing, in oral and written form, the asylum seekers on the rights and obligations, in a language that they understand.

Croatian Asylum Act prescribes that asylum seekers, during the procedure, have the right to be provided with interpretation and translation into a language that they can understand. Asylum seekers need interpreters' assistance during the interviews with officials and during asylum procedures. Availability of

interpreters contributes to clearer expression of asylum seekers needs, and decreases the number of potential conflicts due to the lack of understanding.

This action would provide means to finance the right of asylum seekers to an interpreter during the whole asylum procedure, with the goal to assure that asylum seekers can follow the procedure in a language that they can understand.

## 2. Expected grant recipients

The grant recipient is the Directorate for Administrative and Inspection Affairs which, in accordance with the national law, has administrative powers (de jure monopoly) for the implementation of tasks in relation to the asylum procedure.

Interpreters/translators are Court interpreters in the Republic of Croatia: the Ministry of Interior will engage interpreters/translators that are already listed in the Court Interpreters/translators List. It is a unique data base of all Court interpreters/translators in Croatia with reference to active Court interpreters/translators enlisted on each Court. Also, the interpreters/translators that already have a contract of engagement with the Ministry of the Interior are also to be used .

## 3. Where appropriate, justification regarding project(s) implemented directly by the responsible (delegated) authority

In line with national legislation the authority responsible for the asylum procedure is the MoI, Directorate for Administrative and Inspection Affairs, which, in accordance with the national law, has administrative powers (de jure monopoly) for the implementation of tasks laid down in the Annual Programme.

## 4. Expected quantified results and indicators to be used

Indicators:

- Number of written translations of decisions and other accompanying materials during the procedure.(please give an estimate of the number)
- Number of interpretations during interviews and other interpretations related to the procedure.(idem)

Result:

- Quality interpretation and translation provided to asylum seekers in the asylum procedure .

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The Ministry of the Interior will publish on its website the information of all approved and implemented projects, as well as all decisions and instructions, and also use other means to inform the public.

6. Complementarity with similar actions financed by other EU instruments, if appropriate

see point 2.1.1.6

7. Financial information

The planned financing is 75% EU funds and 25% from the Croatian national budget, since Republic of Croatia is part of the group of Member States in receipt of Cohesion funds.

EU funds	40 000.00 EUR
National budget	13 333.33 EUR
Total	53 333.33 EUR

Under the financial system in place in the Republic of Croatia, EU funds will be reimbursed to the national budget after a thorough check is made of the request for the transfer of funds by the Certifying Authority. A request for the transfer of funds will be compiled by the Responsible Authority after a check is made of the application for the reimbursement and the accompanying documentation (invitation to tender procedures, contracts, invoices/reports, acceptance reports, reports, confirmations etc.), to be sent by the implementing organisation.

### 3. TECHNICAL ASSISTANCE

Not applicable

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### 4. DRAFT FINANCING PLAN

<b>Annual Programme - Draft Financial Plan</b>
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<b>Table 1 – Overview table</b>
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Member State: REPUBLIC OF CROATIA
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Annual programme concerned: 01/07/2013 – 31/12/2013
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## Fund: EUROPEAN REFUGEE FUND

<i>(all figures in euro)</i>	Ref. priority	Ref. specific priority (a)	EUy Contribution (1)	Public Allocation (2)	Private Allocation (3)	TOTAL (4 =1+2+3)	% EC  (5 = 1/4)	Share of total  (4/total 4)
Action 1: Providing free legal aid for asylum seekers during the procedures	1	N/A	45 717.00	15 239.00	0.00	60 956.00	75%	53.33%
Action 2: Financing interpretations and translations in the asylum procedurs	1	N/A	40 000.00	13 333.33	0.00	53 333.33	75%	46.67%
<b>TOTAL</b>			<b>85 717.00</b>	<b>28 572.33</b>	<b>0.00</b>	<b>114 289.33</b>	<b>75 %</b>	<b>100%</b>

**MINISTER OF THE INTERIOR**

**Ranko Ostojić**

