

**MEMORANDUM OF UNDERSTANDING
ON THE IMPLEMENTATION OF THE EEA FINANCIAL MECHANISM
2004-2009**

between

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

and

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

together hereinafter referred to as the “Parties”,

WHEREAS the Agreement of 14 October 2003 on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area (hereinafter referred to as the “EEA Enlargement Agreement”) is applicable as of 1 May 2004;

WHEREAS Protocol 38a to the EEA Agreement, incorporated into the EEA Agreement by the EEA Enlargement Agreement, establishes a financial mechanism through which the EFTA States will contribute to the reduction of economic and social disparities in the European Economic Area (hereinafter referred to as the “EEA Financial Mechanism”);

WHEREAS by decision of the Standing Committee of the EFTA States No. 4/2004/SC of 3 June 2004 the EFTA States have established a Financial Mechanism Committee, which shall manage the EEA Financial Mechanism (2004-2009);

WHEREAS the EEA Enlargement Agreement and the EEA Financial Mechanism will strengthen relations between the EFTA States and the Slovak Republic to the mutual benefit of their peoples;

WHEREAS the enhanced co-operation between the EFTA States and the Slovak Republic 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 agree to establish a framework for cooperation in order to ensure the effective implementation of the EEA Financial Mechanism;

HAVE DECIDED to conclude the following Memorandum of Understanding (hereinafter referred to as the “MoU”):

Article 1

(Objectives)

In accordance with Article 1 of Protocol 38a, the EFTA States have established the EEA Financial Mechanism in order to contribute to the reduction of economic and social disparities in the European Economic Area. Accordingly, the Parties to this MoU shall endeavour to select for funding, projects that contribute to the achievement of that objective.

Article 2

(Legal Framework)

This MoU, agreed between the EFTA States and the Slovak Republic, shall be read in conjunction with and subject to the conditions in the following documents, which constitute the legal framework of the EEA Financial Mechanism:

- Protocol 38a to the EEA Agreement (hereinafter referred to as “Protocol 38a”), establishing the EEA Financial Mechanism,
- the Rules and Procedures on the implementation of the EEA Financial Mechanism (hereinafter referred to as the “Rules and Procedures”) and subsequent amendments thereof. The Rules and Procedures are adopted by the EFTA States in accordance with Article 8 of Protocol 38a,
- the Grant Agreements, which will be concluded between the Financial Mechanism Committee and the Beneficiary State for each project.

Article 3

(Financial Framework)

1. In accordance with Article 2 of Protocol 38a, the EFTA States will commit € 600 million to the EEA Financial Mechanism in annual tranches of € 120 million over the period running from 1 May 2004 to 30 April 2009, inclusive.
2. In accordance with Article 5 of Protocol 38a, a total of €32.340.000 shall be made available to the Slovak Republic over the period referred to in Paragraph 1.
3. In accordance with Article 8 of Protocol 38a, the management costs of the EEA Financial Mechanism shall be covered by the amounts referred to above. Further provisions to this effect are set out in the Rules and Procedures.
4. In accordance with Article 6 of Protocol 38a, a review will be carried out in November 2006 and again in November 2008 with a view to reallocating any non-committed available funds for high priority projects from any Beneficiary State.

Article 4

(Roles and Responsibilities)

1. The EFTA States shall make funds available in support of eligible projects proposed by the Slovak Republic and agreed on by the Financial Mechanism within the priority sectors listed in Article 6 of this MoU.
2. The Beneficiary State shall assure the full co-financing of projects that benefit from support from the EEA Financial Mechanism.
3. The EEA Financial Mechanism Committee shall manage the EEA Financial Mechanism and take decisions on the granting of financial assistance.
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 and shall serve as a contact point.
5. The Slovak Republic has authorized the Office of the Government of the Slovak Republic to act on its behalf as its national focal point. It shall have overall responsibility for the management of the EEA Financial Mechanisms activities in the Slovak Republic, including financial control and audit and serve as a contact point. Its managerial setup is contained in Annex A.
6. Tasks related to the financial flows and system of financial management are fulfilled by the Ministry of Finance as described in Annex A.
7. The Office of the Government of the Slovak Republic shall be responsible and accountable for the identification, planning, implementation and monitoring of projects as well as for the use of funds under the EEA Financial Mechanism in accordance with the Rules and Procedures. It shall report on these activities to the FMO. Any irregularities shall be reported to the FMO without delay. The Supreme Audit Office of the Slovak Republic carries out independent control activities.
8. As a general rule, the gathering of project applications shall be carried out by open calls for proposals.
9. The Office of the Government of the Slovak Republic shall ensure that the project promoters are fully committed and equipped to ensure successful project implementation.

Article 5

(Annual Meetings and Reporting)

1. In order to ensure the effective implementation of the EEA Financial Mechanism, the Parties agree to hold annual meetings between the Financial Mechanism Committee and the Focal Point. The Focal Point shall at the meeting present an annual report, which shall amongst other things address:

- the progress made towards the achievement of the overall objective of the EEA Financial Mechanism,
 - the progress of project identification in the Beneficiary State,
 - the reporting of ongoing project implementation against established criteria,
 - financial progress pertaining to commitments and disbursements,
 - fields of intervention and measures for the following year.
2. The Office of the Government of the Slovak Republic shall organise the meetings, in cooperation with the FMO. The Commission of the European Communities may be invited to observe the meetings.
 3. The minutes of the meetings shall be drafted by the Office of the Government of the Slovak Republic.
 4. The first meeting shall be held no later than one year after the entry into force of this MoU.

Article 6

(Priority Sectors)

1. In accordance with Article 3 of Protocol 38a, grants shall be available for projects in the following priority sectors:
 - (a) Protection of the environment, including the human environment, through, inter alia, reduction of pollution and promotion of renewable energy;
 - (b) Promotion of sustainable development through improved resource use and management;
 - (c) Conservation of European cultural heritage, including public transport, and urban renewal;
 - (d) Human resource development through, inter alia, promotion of education and training, strengthening of administrative or public service capacities of local government or its institutions as well as the democratic processes, which support it;
 - (e) Health and childcare.
2. Academic research may be eligible for funding in so far as it is targeted at one or more of the priority sectors.

Article 7

(Programming Framework)

1. With a view to ensuring effective use of the EEA Financial Mechanism funding and without prejudice to Article 6 above, particular attention shall be given

to the fields of intervention outlined in the programming framework in Annex B to this MoU.

2. Annex B shall be subject to review in the annual meetings referred to in Article 5 above.

Article 8

(Specific Forms of Grant Assistance)

1. In accordance with the Priority Sectors referred to in Article 6 and with particular attention given to the fields of intervention outlined in the Programming Framework referred to in Article 7, the Parties have agreed to establish, within the overall amount referred to in Article 3, the Specific Forms of Grant Assistance listed in Annex C.

2. The Parties shall conclude Grant Agreements laying down the terms and conditions of each grant commitment.

3. Annex C shall be subject to review in the annual meetings referred to in Article 5 above.

Article 9

(Control and Access to Information)

The EEA 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 projects as well as the use of funds. The Slovak Republic shall provide all necessary assistance, information and documentation.

Article 10

(Coordination)

The Slovak Republic and the FMO shall closely coordinate the use of the EEA Financial Mechanism with the use of the Norwegian Financial Mechanism. All projects submitted to the Mechanisms shall be consistent with the Slovak Republic's national priorities and relevant arrangements with the European Union.

Article 11

(Governing Principles)

1. The implementation of this MoU shall in all aspects be governed by the Rules and Procedures of the EEA Financial Mechanism and subsequent amendments thereof.
2. The Parties agree to apply the highest degree of transparency and accountability in the implementation of the EEA Financial Mechanism, as well as objectives and principles of good governance, sustainable development and gender equality.

Article 12

(Entry into Force)

This MoU shall enter into force on the day after the date of the last signature.

The present Memorandum of Understanding is signed in four originals in the English language.

Signed in Brussels on _____

For the Republic of Iceland

Signed in Bratislava on _____

For the Slovak Republic

Signed in Brussels on _____

For the Principality of Liechtenstein

Signed in Brussels on _____

For the Kingdom of Norway,

**MANAGERIAL SET-UP FOR THE IMPLEMENTATION OF THE EEA
FINANCIAL MECHANISM**

The Financing Mechanism Committee manages the EEA Financial Mechanism and decides on the granting of assistance.

The Financial Mechanism Office (FMO) is responsible for the day-to-day implementation of the EEA Financial Mechanism and serves as a contact point.

1. THE NATIONAL FOCAL POINT (NFP) – ÚRAD VLÁDY SR (THE OFFICE OF THE GOVERNMENT OF SR)

In accordance with Government Resolution No. 1002, of 27 October 2004, the Office of the Government of the Slovak Republic will act as the National Focal Point (NFP) for the EEA Financial Mechanism.

The National Focal Point (NFP) has the overall responsibility for the management and co-ordination of the activities of the EEA Financial Mechanism in the Slovak Republic, including the overall responsibility for the use of funds, financial control and audit. In accordance with this Memorandum of Understanding and the Rules and Procedures, its responsibilities include, but are not limited to, the following:

- ensure adoption of the necessary national legal documents on the implementation and monitoring of projects;
- identify and select proposals to be forwarded to the FMO;
- ensure appropriate management, implementation and monitoring of realised projects;
- chair the National Monitoring Committee (NMC);
- ensure regular reporting to the FMO on the implementation of projects financed by the EEA Financial Mechanism, as well as to immediately report any irregularities;
- organise annual meetings with the Financial Mechanism Committee;
- verify expenditures according to Grant Agreements;
- draw up annual reports for submission to the FMO;
- ensure complete and sufficient audit trails in relevant institutions;
- ensure effective financial control and audit of approved projects;
- ensure information and publicity about available funds.

The roles of the NFP and the NMC are described below. The role of the NFP will be elaborated further in grant agreements between the Financial Mechanism Committee and the Beneficiary State.

2. DIVISION OF TASKS

The administrative structure is up to a certain extent based on the structure set up for previous EU programmes (Phare/ISPA). It is made up of the following bodies:

- **The Office of the Government - Department of Regional Development and EU Structural Actions (DRDSA).** The Department is under the direction of the Deputy Prime Minister for European Affairs, Human Rights and Minorities, who is responsible for EU affairs as well as for the co-ordination, preparation and monitoring of the implementation of foreign assistance.
- **The National Monitoring Committee (NMC),** which will monitor the implementation progress of approved projects and provide recommendations to the NFP on the project selection. The Deputy Prime Minister for European Affairs, Human Rights and Minorities will appoint the members of the National Monitoring Committee.
- **The Ministry of Finance – Department of the National Fund (NF),** which is the executive body of the National Authorising Officer (NAO) - State Secretary of the Ministry of Finance responsible for EU funds. It is set up under his direction within the Section of European Affairs. This Department will be a Paying Authority for EEA Financial Mechanism.

2.1 THE DEPARTMENT OF REGIONAL DEVELOPMENT AND EU STRUCTURAL ACTIONS

The Department of Regional Development and EU Structural Actions within the Office of the Government will be responsible for the overall administration, coordination and the use of funds from the EEA Financial Mechanism. In particular, its responsibilities include, but are not limited to, the following:

- handle the administration of the NFP;
- prepare all key documents required by the FMO in co-operation with other entities;
- prepare detailed rules for the preparation, selection, implementation, co-financing, monitoring and evaluation of projects financed by the EEA Financial Mechanism;
- serve as a secretariat of the NMC;
- prepare regular monitoring reports on project implementation;
- organise open calls for proposals and collect project applications;
- provide assessments of project proposals to the NMC;
- submit project proposals approved by the NMC to the FMO;
- assist in the preparation of individual grant agreements;
- ensure overall co-ordination of the EEA Financial Mechanism and EU funds, in co-operation with other relevant national authorities and bodies;
- supervise and control the implementation of projects in accordance with the agreements concluded with the intermediaries and final beneficiaries and carry out necessary controls;

- check requests for reimbursement and verify the authenticity and correctness of submitted documents;
- prepare disbursement requests and submit them to the Paying Authority;
- ensure information and publicity about available funds and inform the general public about projects implemented under the EEA Financial Mechanism;
- keep originals of relevant documents for 10 years after completion of projects.

2.2 NATIONAL MONITORING COMMITTEE (NMC)

The Deputy Prime Minister for European Affairs, Human Rights and Minorities will establish one National Monitoring Committee (NMC) for the EEA Financial Mechanism and the Norwegian Financial Mechanism. The NMC will operate on behalf of the NFP. The NMC is responsible, in particular, for the following:

- provide recommendations to the NFP on which projects are to be submitted to the FMO, and, in the case of Programmes and Block Grants, provide recommendations on the project selection criteria and application process;
- monitor and provide recommendations to the NFP on the project selection process;
- periodically review the project implementation progress;
- monitor compliance with the Rules and Procedures;
- assess and approve periodical reports on the use of financial resources;
- assess the efficiency and effectiveness of the use of financial resources available under both Mechanisms;
- approve the Annual Monitoring Report prepared by the NFP;
- ensure that the NFP is fully informed about the progress of projects and instances of non-compliance with the terms and conditions of the grant.

The Committee shall consist of representatives of:

- The NFP;
- The Paying Authority (Department of National Fund of the Ministry of Finance);
- Relevant line ministries;
- NGOs;
- social and economic partners;
- regional and local governments.

The FMO and, when appropriate, representatives of other institutions and organisations, will be invited to observe the meetings of the Committee.

3. FINANCIAL FLOWS

DEPARTMENT OF NATIONAL FUND OF THE MINISTRY OF FINANCE (NF)

In accordance with Governmental Decree No. 1002, of 27 October 2004, the Department of National Fund (NF) of the Ministry of Finance of the Slovak Republic will act as the Paying Authority, i.e. the central body responsible for transferring funds between the Slovak Republic and the Financing Mechanism Office. Its responsibilities include, but are not limited to, the following:

- open bank accounts in the Slovak State Treasury for the transfer of funds from the EEA Financial Mechanism to the Slovak Republic;
- check disbursement requests submitted by the NFP and verify and certify to the EEA Financial Mechanism the authenticity and correctness of submitted documents;
- request, through the NFP, the transfer of funds from the EEA Financial Mechanism to the NF's bank account on the basis of relevant documentation summarising information on actual expenditures incurred during project implementation or, if appropriate, submit requests for advance payments;
- transfer funds from the bank accounts of the NF to project promoters or intermediaries. Such requests must be supported by documents on payments executed or, if appropriate, by requests for advance payments submitted by intermediary bodies and/or final beneficiaries;
- ensure reimbursement of unused or unduly paid funds to the EEA Financial Mechanism;
- set and adjust the methodology governing financial flows from the EEA Financial Mechanism;
- keep accounts in the NF's information system on all financial transactions realised on the accounts of the Ministry of Finance, which were opened for funds from the EEA Financial Mechanism;
- keep originals of relevant documents for 10 years after completion of projects.

4. FINANCIAL CONTROL AND AUDIT

The financial control and internal audit of the EEA Financial Mechanism resources will be performed according to the Act No. 502/2001 Coll. on Financial Control and Internal Audit and on Amending and Supplementing Certain Acts, as amended by Act No. 618/2004 Coll. (hereinafter referred to as Act. No. 502/2001 Coll., as amended).

The NFP has, in accordance with Article 6 of the Rules and Procedures, the duty to provide the FMO with copies of any report that is made by the Supreme Audit Office, the NFP, or any agency tasked with auditing the implementation of the EEA Financial Mechanism, about projects or other activities related to the EEA Financial Mechanism.

The tasks of the Central Harmonisation Unit of the Ministry of Finance of the Slovak Republic (hereinafter referred to as CHU) in the area of financial control and audit of the utilisation of the EEA Financial Mechanism resources are the following:

- managing and coordinating financial control and internal audit of the entire implementation structure;
- developing a methodology for financial control and internal audit on the basis of the respective legislation;
- submitting to the respective authorities a final report on financial controls and internal audits findings on an annual basis, and submitting other relevant information considering financial control and internal audit performed by the control authorities of the Slovak Republic;
- ensuring co-operation regarding controls and audits managed by the Financial Mechanism Committee, the Norwegian Ministry of Foreign Affairs, the EFTA Board of Auditors, and the Office of the Norwegian Auditor General, and providing all necessary information to the above mentioned bodies;
- ensuring archiving and storing of originals of all relevant documentation for 10 years after completion of projects.

The Department of the Financial Control of the EU resources of the Ministry of Finance of the Slovak Republic is responsible for the coordination of planning and performance of financial control of operations under the EEA Financial Mechanism resources in accordance with the Article 3 a) of Act No. 502/2001 Coll., as amended.

The Internal Audit Unit of the EU resources of the Ministry of Finance of the Slovak Republic is responsible for the co-ordination of planning and performance of audit of the managing and control systems of bodies involved in the implementation of EEA Financial Mechanism in accordance with Article 27 (4) of Act No. 502/2001 Coll., as amended.

5. INDEPENDENT CONTROL

The Supreme Audit Office of the Slovak Republic will perform an independent control of expenditures financed from the EEA Financial Mechanism's resources according to Act No. 39/1993 Coll. on the Supreme Audit Office of the Slovak Republic, as amended.

6. APPLICATION PROCEDURE

Applications for projects should be submitted to the NFP, which, after an initial review, forwards the application to the NMC for review. After a positive recommendation from the NMC, and if the NFP is satisfied that the application is in an appropriate format and is in furtherance of the overall goal of the EEA Financial Mechanism, it may forward the application to the FMO with its reasoned opinion. If the NMC recommends against forwarding an application to the FMO, the NFP notifies the applicant about this decision. If the NFP finds that additional information is needed from the applicant for the application to be considered, it will notify the applicant and explain the corrections or additions required.

An estimated timeframe for the review of applications in Slovakia is 3 months.

The NFP notifies the applicant of the approval or rejection of the project by the Financial Mechanism Committee. If the application is approved, the NFP, on behalf of the Beneficiary State, signs a grant agreement with the Financial Mechanism Committee. The NFP then signs a separate agreement with the applicant to ensure correct implementation of the project.

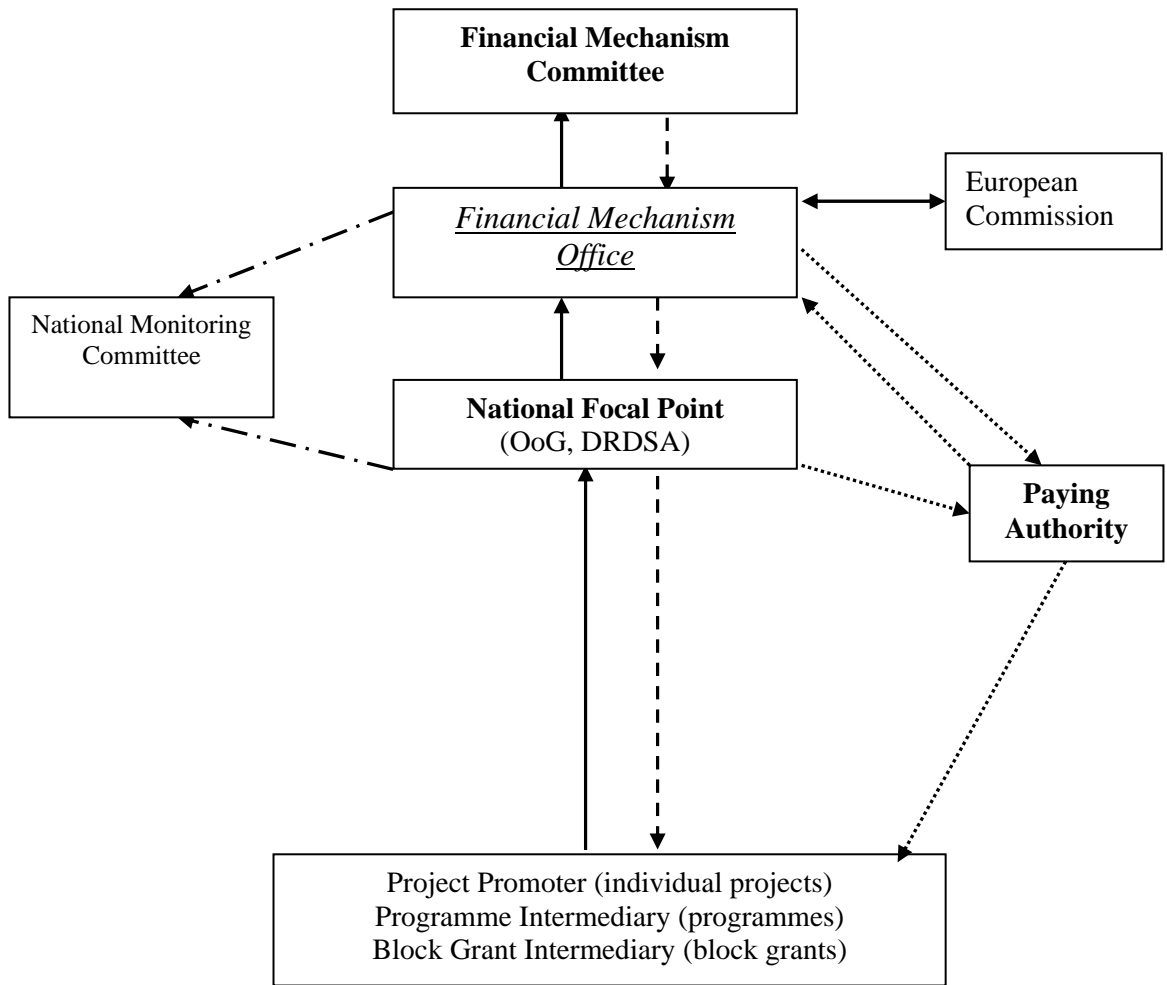
Procurement

Any procurement shall be carried out in accordance with the relevant law applicable in the Slovak Republic.

Language

All communication between the EEA Financial Mechanism and Slovak institutions shall be in English. Original documents in Slovak provided to the Financial Mechanism Office shall be accompanied by translations into English. Documents that do not need to be sent to the Financial Mechanism Office can be prepared in Slovak.

Project implementation chart for all priority sectors



————→	Project Proposal
- - - - -→	Accepted project
-→	Representatives of relevant institutions
.....→	Payments and relevant documents

THE PROGRAMMING FRAMEWORK REFERRED TO IN ARTICLE 7 OF THE MEMORANDUM OF UNDERSTANDING OF THE EEA FINANCIAL MECHANISM

Within the overall framework of the priorities mentioned in Article 6 of the MoU, particular attention shall be given to the focus areas indicated below. The EEA Financial Mechanism aims to strengthen the relations between the Slovak Republic and the EEA EFTA states.

	PRIORITY AREA	FOCUS AREAS
1	Protection of the environment	<ul style="list-style-type: none"> • Improvement and development of infrastructure for water protection and management • <u>Improvement of air quality and reduction of greenhouse gases in Slovakia</u> • Improvement of waste management at municipality level • <u>Reduction and safe management of old environmental burdens</u> • <u>Reduce the loss of biodiversity and preserve natural habitats</u>
2	Promotion of sustainable development	<ul style="list-style-type: none"> • Promotion of renewable energy sources • Improvement of municipal street lighting for energy saving • Reconstruction of heat distributions and central sources of heat operated by public enterprises for energy saving • <i>Promotion of the use of bio fuels and alternative energy resources as secondary source of energy at municipality and regional level</i> • <u>Promotion of food safety</u> • <u>Environmental education on all levels of public administration including support to environmental information activities</u> • <i>Traffic administration and safety</i>
3	Conservation of the European cultural heritage	<ul style="list-style-type: none"> • Integrated protection and development of objects of cultural heritage • Protection, presentation and improvement of conditions for movement control of movable cultural heritage objects • Cultural heritage as a basis for local and regional development
4	Human resource development	<ul style="list-style-type: none"> • Mobility of students, lecturers, experts and scientists • Development of professional and life-long education • Establishing youth centres for after-school activities including, preventive actions against drug abuse • Integrated education and work for disabled and young people with special needs • Programmes to mainstream gender equality • <i>Improve and modernise public service capacities of regional and local authorities and their institutions through e.g. ICT measures</i> • <i>Support social integration schemes for minority groups</i>

		<ul style="list-style-type: none"> • <i>Enabling women and young girls to enter the workforce through job-creating programmes and innovation schemes</i>
5	<i>Health and childcare</i>	<ul style="list-style-type: none"> • Transformation from institutions to foster homes • Programmes to support children with special needs in difficult family situations • Development of social services for family treatment • Improve quality of social and health services in municipalities • Improve healthcare in prisons • Development of National Health Programmes • Education of managers and personnel in the health sector • Support for good quality maternity health care and family planning services • Protection and support for victims of family violence, such as support to shelters
6	Research	<ul style="list-style-type: none"> • <i>Research activities within all the eligible areas of the EEA Financial Mechanism</i>

**SPECIFIC FORMS OF GRANT ASSISTANCE REFERRED TO IN ARTICLE 8 OF
THE MEMORANDUM OF UNDERSTANDING OF THE EEA FINANCIAL MECHANISM**

The parties have agreed on the following grant schemes to be further developed for final approval.

I. NGO FUND

The fund will support non-governmental, non-profit organisations that promote issues in the public interest. It could support the strengthening of NGOs as an active partner in the public debate and the involvement of NGOs in areas related to Annex B as well as the decision making-process of projects. Special attention will be given to the development and compliance of environmental standards and activities with a view to foster sustainable development in all areas defined in Annex B.

Other target areas are strengthening the multicultural environment in local communities, the protection of human rights and anti-discrimination efforts as well as support to children and youth with specific problems.

II. TECHNICAL ASSISTANCE FUND FOR IMPLEMENTATION OF FINANCIAL MECHANISMS

The fund will be developed to support all stages of the management of the Financial Mechanisms – application assessment, project selection, implementation, monitoring, evaluation, financial control and auditing. This technical assistance fund will cover the additional activities related to the management of the Financial Mechanisms, including publicity measures and information activities, translation and interpretation services and organising National Monitoring Committee sessions.

III. RESEARCH FUND

The fund will support activities in the priority areas defined in annex B.

The activities will include co-operation between EEA EFTA and Slovak researchers.

IV. FUND FOR SUPPORT OF CO-OPERATION AMONG SCHOOL/SCHOLARSHIPS

A grant scheme will be developed to support co-operation programmes for training courses for students, lectures and experts of secondary school, high school and universities between relevant institutions in Slovakia and the EEA EFTA States.

V. SEED MONEY FUND

The fund will focus on technical assistance to the development of project applications that will be presented for co-financing from the EEA Financial Mechanism.