

Programme proposal

EEA and Norwegian Financial Mechanisms 2009 – 2014

Contents

1	GUIDANCE	4
2	LEGAL FRAMEWORK	4
3	PROGRAMME PROPOSAL	5
3.1	EXECUTIVE SUMMARY	5
3.2	BASIC INFORMATION	6
3.3	RELEVANCE OF THE PROGRAMME.....	6
3.4	PROGRAMME MOTIVATION AND JUSTIFICATION	7
3.4.1	<i>Challenges and needs analysis.....</i>	7
3.4.2	<i>Public and private structures relevant to the Programme area</i>	9
3.4.3	<i>Legislation relevant to the Programme area.....</i>	10
3.4.4	<i>State aid and public procurement.....</i>	11
3.4.5	<i>Justification for the Programme strategy.....</i>	13
3.5	PROGRAMME OBJECTIVES AND INDICATORS.....	15
3.5.1	<i>Objective of Programme (expected impact)</i>	15
3.5.2	<i>Programme expected outcome.....</i>	15
3.5.3	<i>Programme outputs.....</i>	17
3.6	TARGET GROUPS OF THE PROGRAMME	22
3.7	RISK AND UNCERTAINTY.....	22
3.8	BILATERAL RELATIONS	25
3.8.1	<i>Donor programme partner(s)</i>	25
3.8.2	<i>Donor partnership projects.....</i>	25
3.9	PRE-DEFINED PROJECTS	26
3.10	SMALL GRANT SCHEMES	28
3.11	CROSS CUTTING ISSUES.....	28
3.11.1	<i>Good governance</i>	28
3.11.2	<i>Environmental considerations.....</i>	29
3.11.3	<i>Economic sustainability.....</i>	30
3.11.4	<i>Social sustainability.....</i>	30
3.11.5	<i>Gender equality</i>	31
3.12	PROJECT MONITORING BY THE PROGRAMME OPERATOR.....	31
3.13	INFORMATION AND PUBLICITY.....	33
3.14	MANAGEMENT	33
3.14.1	<i>Management structure</i>	33
3.14.2	<i>Timeline</i>	35
3.14.3	<i>Calls</i>	36
3.14.4	<i>Project selection</i>	37
3.14.5	<i>Financial management.....</i>	38
3.14.6	<i>Modification of projects</i>	40
3.15	BUDGET	41
3.15.1	<i>Budget headings.....</i>	41
3.15.2	<i>Advance payment.....</i>	44
3.16	OVERVIEW OF ANNEXES REQUIRED TO THE PROGRAMME PROPOSAL	45
3.17	SIGNATURES.....	45

1 Guidance

The Programmes of the EEA and Norwegian Financial Mechanisms shall fit under the Programme areas that have been agreed in the relevant, country-specific MoU. Programme proposals will only be accepted if they are submitted by the entity agreed between the Financial Mechanism Committee or the Norwegian Ministry of Foreign Affairs (NMFA) on the one hand, and the National Focal Point on the other.

The Programme proposal shall be signed by the authorised representative(s) of the entity submitting the proposal. In addition, every page of the proposal, and every page of any annexes submitted with the proposal, shall be initialled by the same representative(s). The proposal is also signed by the National Focal Point and any Programme Partner(s) involved in the implementation of the Programme.

The Programme proposal should not exceed 30 pages, excluding Annexes and the Statistical attachment.

The Statistical attachment consists of an Excel sheet that is being introduced as an interim procedure before submission of proposals through a web-based solution becomes possible in the second half of 2011. The purpose of the Statistical attachment is to facilitate the uploading of certain data required for management of the funding during appraisal and implementation. Do not attempt to alter the formats and settings of the Statistical attachment as this will make the data transfer impossible and will lead to a request for re-submission in the proper format.

Where the Programme proposal template and the Statistical attachment require data to be entered in the same format, it is the responsibility of the entity submitting the proposal to ensure identical text and figures are provided.

Please ensure that the Programme proposal is written in proper English. Proposals with English language of a standard that would lead to misunderstandings will be returned for correction.

By signing and submitting the Programme proposal, the Programme Operator accepts that the FMO may publish a summary of the proposal on its website and that the proposal may be subject to disclosure under the Freedom of Information Acts of the EEA EFTA States.

Any technical problems or errors in the Statistical attachment should be notified without delay to the FMO by writing to: reporting@efta.int.

2 Legal framework

The Programme proposal must comply with the *Protocol 38b* to the EEA Agreement, the *Regulation on the implementation of the European Economic Area (EEA) Financial Mechanism 2009-2014* or the *Regulation on the implementation of the Norwegian Financial Mechanism 2009-2014*, and the Memorandum of Understanding (MoU) agreed between the Donor State(s) on the one hand, and the Beneficiary State on the other.

A detailed step-by-step guideline on how to complete each section of the Programme proposal form can be found in chapter three of the *Programme Operators' Manual (POM)*. The headings in the Programme proposal form correspond to the headings in the *POM*.

3 Programme proposal

3.1 Executive summary

Cross-border organised crime is considered as one of the major threats to human security, impeding the social, economic, political and cultural development of societies worldwide. It is a multi-faceted phenomenon and has manifested itself in different activities, such as trafficking in human beings, counterfeiting, cybercrimes, trafficking of cultural goods, firearms and drug trafficking. Cross-border organised crimes do not stop at national borders or at the external borders of the European Union. International and proactive approaches are needed and should be applied by all involved institutions in order to achieve maximum impact of the fight against cross-border crimes.

The objective of this Programme Proposal is to increase citizen's security through improvement of the efficiency of cooperation between law enforcement authorities in the Schengen Member States in fighting organised crime, including trafficking in human beings.

The implementation of the Programme is expected to lead to the achievement of the following programme outcomes:

1. Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen *acquis*;
2. Strengthening of the cooperation between the police in the Schengen Member States;
3. Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups;
4. Improved cooperation between the authorities and relevant stakeholders, including non-governmental organisations, in assisting victims of trafficking.

The first outcome is aimed at strengthening national capacities for efficient use of EU information-sharing instruments through competence-building measures and financial support. The outcome will be achieved also by introduction of new up-to-date communication services which will improve the interaction between the law enforcement services in combating organised crime, trafficking in human beings and itinerant criminal groups.

The Programme will encourage close cooperation between the competent police authorities in Schengen Member States on issues related to application of the Schengen *acquis* and the Schengen Information System, including preparation for SIS II and practical aspects of the usage of the information systems in the fight against cross-border and trafficking in human beings. Selected projects covering such issues should lead to fulfilment of the second objective of the Programme related to strengthening of the cooperation between the police in the Schengen Member States.

The third outcome envisages two programme outputs which are strictly related to achieving the main purpose of the Programme area. The first output aims at improving the effectiveness of the counteraction to cross-border and organised crime through increasing knowledge and skills of law enforcement officers and magistrates in prevention and investigation, financial support and enhancing bilateral cooperation and interaction between Bulgaria and another Schengen or EEA member state in activities related to combating cross-border and organised crime. Another output contributing toward achievement of this outcome is the increased security in the main

transport corridors as a measure against cross-border smuggling and trafficking in human beings, as well as itinerant criminal groups.

The forth outcome will be achieved with the implementation of initiatives for interagency cooperation between the national law enforcement authorities and civil society with the aim of assisting victims of trafficking.

The target groups of this Programme Proposal are primarily law enforcement officers but also prosecutors, investigators and police officers who are directly engaged in combating cross-border and organised crime. Another important target group which will ultimately benefit from the implementation of projects under the Programme are victims of trafficking. The achievement of the programme outcomes will not be possible without the active involvement of the civil society.

As a Donor partnership programme, this Programme will facilitate and strongly encourage actions related to strengthening bilateral relations between Bulgaria and Norway, and in particular, actions should facilitate networking, exchange, sharing and transfer of knowledge, technology, experience and good practices between public entities in both countries. A Cooperation Committee consisting of representatives from the Programme Operator and the donor programme partners was established by an order of the minister of interior.

3.2 Basic information

- **name of the Programme:** Schengen Cooperation and Combating Cross-border and Organised Crime, including Trafficking and Itinerant Criminal Groups
- **name of Programme area addressed (refer to the MoU):** Schengen Cooperation and Combating Cross-border and Organised Crime, including Trafficking and Itinerant Criminal Groups
- **name of the Programme Operator:** Ministry of Interior of Republic of Bulgaria
- **name and country of origin of Programme partner(s) (if applicable):** Norwegian Police Directorate (POD) with the support of the Council of Europe (CoE)

3.3 Relevance of the Programme

The implementation of actions foreseen in this Programme will contribute to the reduction of economic and social disparities in the European Economic Area and to strengthening bilateral relations between Norway and Bulgaria through financial contributions for establishment of close cooperation between the competent authorities of each country and encouraging partnership at project level. The Programme will lead to improvement of the efficiency of cooperation between law enforcement authorities of Bulgaria and other Schengen countries with view to overcoming the consequences of the global economic crisis and its negative effect on the economic and social situation in Bulgaria which is by far the key factor contributing to the changes in general, cross-border and organised crime.

The foremost task of all European countries is enhancement of security through a clear and comprehensive response to the cross-border and organised crime by ensuring more effective European law enforcement cooperation. To this end, this Programme introduces a coherent set of actions aimed at achieving the overall objective in the area of Schengen cooperation and combating cross-border and organised crime through: improving the capacity and competencies of law enforcement agencies to investigate, reveal and prosecute cases of organised crime, including trafficking; adoption of measures aimed at improving international cooperation and

exchanges of best practices; supporting the development, improvement and efficient use of necessary technical infrastructure through financial support, sharing of technical expertise and competence-building measures; strengthening the national capacities for efficient use of EU information-sharing instruments; support international networks on an operational level to ensure rapid exchanges of information for investigative purposes as well as regular sharing of best practices; training activities and investment in relevant equipment.

Combating cross-border and organised crime is regulated in a wide range of national, European and international legal acts because of its international nature and the extent to which affects both the economic and social development of the countries.

The main national enactments are the Bulgarian Penal Code, Criminal Procedure Code, Ministry of Interior Law and the Rules for its Implementation. Combating cross-border and organised crime is also reflected in a number of Decisions of the Council of Europe, International Conventions, Regulations and Directives.

An advantage of the Programme is its corresponding attitude to the Schengen membership as a part of national priorities through strengthening the bilateral relations between Bulgaria and Norway as well as cooperation among Schengen Member States.

3.4 Programme motivation and justification

3.4.1 Challenges and needs analysis

During the past decade cross-border and organised crime threats have taken on an increasing importance and have become central to the national and EU policy debates on domestic security and citizen safety. The dynamics of globalisation led to growing cross-border flows of people, goods, money and information. On the other hand, the global economic crises was followed by a rise of certain types of criminality, which soon translated into unprecedented levels of transnational organised crime across Europe. Further to that, the growing complexity of financial markets created opportunities for some hitherto unknown criminal phenomena.

According to the report *Europol Review 2010*, “the biggest security threats come from terrorism, international drugs trafficking, trafficking in human beings, counterfeiting of the euro currency and payment cards, fraud, corruption and money laundering, as well as other activities related to the presence of organised crime groups in the economy. New dangers are also accumulating, in the form of cybercrime, VAT fraud and other sophisticated crimes which abuse modern technology and the freedoms offered by the EU’s internal market. All of these have been declared priority areas by the European Union’s Council of Ministers.”

These priorities were also embodied in the Stockholm Programme, whereby the European Council expressed its conviction that “the enhancement of actions at European level, combined with better coordination with actions at regional and national levels, are essential to protection from trans-national threats. Terrorism and organised crime, drug trafficking, corruption, trafficking in human beings, smuggling of persons and trafficking in arms, among others, continue to challenge the internal security of the EU. Cross-border widespread crime has become an urgent challenge which requires a clear and comprehensive response. Action of the Union will enhance the work carried out by Member States’ competent authorities and improve the outcome of their work.”

These challenges require more effective measures for crime prevention and enhancement of the European law enforcement cooperation. Strengthening cooperation in the implementation

of Schengen acquis and in the use SIS systems will have a direct influence on the competence-building and exchange of experience among law enforcement officers in charge with the international information-sharing systems.

A strategic analysis of the situation in the country is required in the area of combating cross-border and organised crime on the basis on a statistical data and a comparative analysis over the last few years with view to defining the size and the scope of the problem, involving stakeholders and competent target institutions in solving the problem.

Leading investigations through applying specific knowledge and experience, assisting victims by providing referring, support, protection and reintegration in the frames of the functional competence, the application of leading European practices as a result of the Bulgarian membership in the EU and using modern equipment in the field shall have a significant impact on combating against cross-border organised crime, especially by reducing the timeframe for conducting the investigations; achieving just convictions for the perpetrators; confiscation of the property gained from criminal activities; increasing trust in institutions engaged in countering cross-border and organised crime; guaranteeing the rights and covering the needs of the victims of crimes.

The insufficient technical equipment in the specialised law enforcement units is one of the barriers for more effective approach towards the full implementation of the EU common strategy in the field of Schengen acquis and counteraction to cross-border and organised crime. The international financial crisis, the restrictions in the financing of the investigative police bodies, and cuts in the budget in the sphere of security have had a negative impact on the police work by reducing the possibilities for professional qualification of staff and modernisation of the equipment of the bodies involved in combating cross-border organised crime. Provision of the necessary technical equipment will facilitate the criminal investigations and will shorten the time for identifying of the perpetrators which is a very important precondition for timely collecting and submitting to the court of the relevant evidences.

The need for improvement of the professional capacity grows up because of the lack of experience and knowledge of the analogical European programs, depriving the institutions and the competent authorities from the possibility to take advantage using them and for achieving better results in countering cross-border and organised crime.

At the moment the European Union and the Nordic states are countries of final destination for a large immigration flow resulting from the current situation in the north part of Africa and Asia and originating from countries like Somalia, Turkey, Pakistan, Iraq, and Afghanistan. According to information provided by Frontex, *“the people-smuggling route has shifted systematically through the Central Mediterranean to the Eastern Mediterranean route, with the Greek-Turkish border representing the focal point of facilitators’ actions by mid-2010.”* This process led to an increasing pressure of the illegal migration and cross-border crimes in the trans-border region of Bulgaria and Greece, especially the green border and the main transport corridors connecting the two countries which are the main route of: illegal migration; trafficking in pregnant women for the purpose of babies selling; trafficking in women for sexual exploitation; smuggling of people; sex tourism; trafficking in third country nationals through Greece to the Nordic countries for better paid jobs; trafficking in synthetic drugs and heroin; trafficking in persons for the purpose of labour exploitation.

Large investments have been made for strengthening the national capacities for surveillance and control of the EU external borders. However, the abovementioned changes in crime trends

require decisive actions for increasing citizens' security by improving the technical capacities of the law enforcement structures. Investments are also needed for development of the communication infrastructure as well as for equipping the motorway police whose area of responsibility includes the Pan-European Transport Corridor No IV connecting countries from Europe with Greece, Turkey, the Near East and Asia.

The MoI and its structures have large experience in implementing programmes and projects funded by EU and other donors: Phare programme, Transition Facility, Schengen Facility, European Return Fund and External Borders Fund, World Bank projects, ISEC, and programmes funded by the ESF and ERDF. Projects funded by MATRA Programme and Norway Grants 2004-2009 have contributed to the improvement of the capacities of Bulgarian law enforcement bodies.

International Operational Cooperation Directorate has a previous experience with project realized in "MATRA" Programme and also the Bulgarian- Switzerland Programme and in both of them the results show that the close cooperation (as trainings, meeting, seminars, etc.) is the proper way of improvement of the work of the parties involved.

The successful implementation of the project, entitled "Enhancing the Bulgarian – Norwegian response to trafficking in human beings" must be mentioned as a fruitful experience in the field of countering cross-border and organised crime, in particular in the field of combating trafficking in human beings. The project was supported by a grant from Norway through The Norwegian Cooperation Programme for Economic growth and Sustainable development in Bulgaria.

An extension of the communication network is also envisaged as a continuation of a project related to establishment of a communication network along the Bulgarian-Turkish border which was funded by the Norwegian Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria 2004 - 2009.

3.4.2 Public and private structures relevant to the Programme area

Ministry of Interior, Bulgaria

International Operational Cooperation Directorate (IOCD) is a specialised administrative directorate within the Ministry of Interior of Republic of Bulgaria. IOCD is directly subordinated to the General Commissioner of MoI. IOCD is entrusted with the organization and coordination of international exchange of operational information, methodological assistance for the international operative police interaction. IOCD is responsible for carrying out cooperation and information exchange with law enforcement bodies of foreign countries and international organizations. IOCD is a single contact point for international operational cooperation on bilateral basis through Interpol, Europol, SIRENE and the liaison officers' network.

General Directorate Combating Organised Crime (GDCOC) is a centralised general structure within the Ministry of Interior of the Republic of Bulgaria for combating and dismantling the criminal activity of local and transnational criminal structures. It is managed by a director and two deputy directors. GDCOC has eleven divisions separated on units and eight independent units. The Directorate carries out independently or jointly with other specialised bodies activities of operation and search, informational and organizational nature to combat organised crime.

The *General Directorate of Border Police* of the Ministry of the Interior also has a specialised team dealing with human trafficking, which is part of the Unit for Counteracting Cross-border Crimes.

The Communication and Information Systems Directorate is a specialised administrative within the MoI responsible for the establishment, support and development of communications and communication systems within the ministry; organises the cooperation and the technical compatibility of the communication and information systems with those of other national or international bodies; develops and supports the constant functioning of N.SIS, etc.

The Commission for Establishment of Property Acquired from Criminal Activity is a specialised state authority in charge of inspecting the property of persons of significant value about which grounded supposition may be made that it has been acquired from criminal activity, and against him punitive prosecution has started for crime under the Penal Code.

The National Commission for Combating Trafficking in Human Beings, the Prosecutor's Office of the Republic of Bulgaria and its subdivision, **the National Investigation Service** and its regional divisions are structures that are also closely linked to the issues related to combating cross-border and organised crime, including trafficking and itinerant criminal groups.

NGOs have played a key role in the field of action against trafficking in human beings and child pornography in Bulgaria over the years, through carrying out awareness-raising activities, training and research, providing assistance to victims, and participating in international projects.

The National Police Directorate of Norway and **the Council of Europe** will also be closely connected with the implementation of the present programme.

3.4.3 Legislation relevant to the Programme area

For the last few years the Bulgarian government has adopted and improved the basic legislative acts and the subordinate legislation related to Schengen acquis and combating organised crime.

The efficient and effective application of the legislation is a process requiring well planned actions and coordination among all national authorities and relevant stakeholders. A common understanding of the substance of the adopted amendments and awareness-raising activities are also important in this process.

The main national enactments in the field of cross-border organised crime are the Bulgarian Penal Code, Criminal Procedure Code, Ministry of Interior Law and the Rules for its Implementation.

Other relevant national and EU laws in the field of *combating THB* include: Law for Combating THB; Law for financial compensation of persons victims of crime; Law for confiscation of property gained through criminal activity; Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011; Council Framework Decision 2002/629/JHA of the Council from 19 July 2002 on countering THB and the Plan of the EU for best practices, standards and procedures for countering and preventing THB; Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflict of jurisdiction in criminal proceedings; Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child; the 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention of UN against transnational organised crime; Convention of the Council of Europe for countering THB from 2005; Framework Decision 2002/629/JHA; Council conclusion of 24-25 April 2002 on the approach to apply regarding EN approximation of penalties; Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States; the Convention of UN against transnational organised crime and the protocols with it; the Convention of the Council of Europe about laundering, tracing and

confiscating the property gained through crime from 1990; Council Framework Decision 2001/500/JHA of 26.06.2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime; Council Framework Decision 2005/212/JHA of 24.02.2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property; Directive 2004/81/EC provides for the issue of a residence permit to victims of trafficking in human beings who are third-country nationals; Directive 2004/38/EC of the European Parliament and of the Council of 29.04.2004 on the rights of the citizens of the Union and their family members to move and reside freely within the territory of the Member States; Council Framework Decision 2001/220/JHA of 15.03.2001 on the standing of victims in criminal proceedings establishes a set of victims' rights in criminal proceedings, including the right to protection and compensation; the 1989 UN convention for children's rights.

Relevant national and EU laws in the field of combating *Trafficking of cultural goods* are: the Cultural Heritage Act; The Paris Convention of 17.11.1970 – The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property – the one of the major initiatives relating to the protection of the global heritage; the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, signed on 24.06.1995 in Rome, is another significant international act, relating to crime against cultural property; The European Convention on the Protection of the Archaeological Heritage of Europe, usually referred to as the Malta Convention, signed in Valletta (Malta) on 16.01.1992 is a significant document, regarding the archaeological heritage of the Member States; Council Regulation (EC) № 116/2009 of 18 December 2008 on the export of cultural goods (OJ L39, 10.02.2009, p.1); Council Directive № 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State and by the countries belonging to the European Economic Area (including Iceland and Norway); The Conclusions of the Council of the European Union of 3 November 2008 on preventing and combating the illicit trafficking in cultural goods (14224/2/08 REV 2 CRIMORG 166 ENFOPOL 191) – nonbinding act.

Relevant national and EU laws in the field of combating *Cyber Crimes* are: Electronic Communications Act; Electronic Document and Electronic Signature Act; E-commerce Act; E-governance Act; Convention on Cyber Crimes; Stockholm Programme; Framework Decision of the European Commission on 2005 for coordinating laws across Europe on hacking, viruses and denial of service attacks; Lisbon Treaty on 1 December 2009.

In the field of *Counterfeiting*: Law on Credit Institutions; Law on private security business; Regulations of the Bulgarian National Bank; Framework Agreement of the Council of 28 May 2001; Attitude of the European economic and social committee about the "Fight against frauds and counterfeiting of non-cash payment instruments" (2009/C 100/04) of 17 January 2008; Directive 2007/64/EO of EU Parliament and the Council of 13 November 2007; International Convention for the Suppression of Counterfeiting Currency of 20 April 1929; Council Regulation 1338/28 June 2011 to determine the measures necessary to protect the euro against counterfeiting; Council Regulation 1339 extending Regulation 1338.

Tackling cross border and organised crime is not only a national and European, but also an international priority. Thus the legislation regulating the combat cross-border and organised crime is very extensive.

3.4.4 State aid and public procurement

State aid

Any state aid under this Programme will fully comply with the national regulations in this area as well as with Articles 107 and 108 TFEU applicable to certain categories of horizontal state aid.

The Minister of Finance is the national authority in charge of the supervision, transparency and coordination of the state aid at national, regional and municipal level.

The Programme Operator shall be responsible for ensuring compliance with the state aid regulations at any level in the implementation of this programme. The Programme Operator shall be responsible for the identification of project and actions which fall under the regulations for state aid. In case state aid is granted, the Programme Operator shall submit notifications to the Minister of Finance who shall transmit it to the European Commission. The Minister of Finance shall consider and assess the notifications of state aid with regards to compliance with the European Union and Bulgarian legislation in the sphere of state aid.

Relevant information shall be sent by the Programme Operator to the National Focal Point.

With the purpose of complying with relevant European and national legislation in this area, the Programme Operator shall:

- Report cases of granted state aid to the Minister of Finance;
- Notify in advance the Minister of Finance of any intention to grant state aid;
- In cases when the aid falls within the scope of block exemption, the Programme Operator shall coordinate in advance the planned state aid with the Minister of Finance;
- Supervise the application of Articles 107 and 108 TFEU related to the *de minimis* aid;
- Notify the Minister of Finance when the aid falls within the scope of the *de minimis* rules three days before granting it;
- Keep register of the state and *de minimis* aid granted by taking full responsibility for the authenticity of the data therein, and upon request shall provide access to a representative of the Minister of Finance to the register.

Public procurement

All issues related to public procurement carried out by the Programme Operator or a Project Promoter receiving a project grant under this Programme shall be regulated by the Law on Public Procurement, in force as of April 6, 2004 and its following amendments. The provisions of the Law on Public Procurement are in full compliance with the relevant European law and the EU directives in the area of public procurement. The law and the subordinate legislation include provisions guaranteeing the principles of publicity and transparency, free and fair competition, as well as equality and non-discrimination.

The Minister of Economy, Energy and Tourism carries out the state policy in the sphere of public procurement. The Public Procurement Agency established with the Minister of Economy, Energy and Tourism supports the minister in implementing the state policy in the sphere of public procurement in Bulgaria and ensures the efficiency and lawfulness of the public procurement system in Bulgaria.

Implementation of all phases of this Programme shall be carried out strictly in accordance with the applicable public procurement rules. The Programming Operator shall guarantee that all project contracts and partnership agreements related to the implementation of a project financed under this Programme shall be in conformity with the provisions of Directive

2004/18/EO, Regulation (EO) № 1564/2005 and/or the principles of the EU Treaties, where applicable, as well as Article 7.16 of the Regulation on the implementation of the Norwegian Financial Mechanism 2009-2014 (the Regulation).

The Programme Operator shall carry out ex-ante control of the documentation of the tenders launched by the beneficiaries (project promoters) under the NFM.

3.4.5 Justification for the Programme strategy

The strategy chosen for the purposes to implement the approved Programme shall consist of coherent set of activities such as involvement of the project partners and potential project promoters in the procedures aiming at preparation of projects.

The analysis of the challenges and the policy framework in the field of Schengen Cooperation and combating cross-border and organised crime in Bulgaria reveal the need of further efforts towards prevention combating organised crime, human trafficking and corruption through investments and competence-building measures.

To achieve this, the Programme Operator determined through consultation with relevant stakeholders (national authorities and NGOs) and in accordance with the Regulation for implementation of the NFM the following strategy:

Objective of the Programme: Increase citizen's security through improvement of the efficiency of cooperation between law enforcement authorities in the Schengen Member States in fighting organised crime, including trafficking in human beings

Projects under this Programme Proposal shall all contribute towards the following **expected outcomes**:

1. Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis;
2. Strengthening of the cooperation between the police in the Schengen Member States;
3. Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups;
4. Improved cooperation between the authorities and relevant stakeholders, including non-governmental organisations, in assisting victims of trafficking.

The fulfilment of the selected outcomes shall be achieved through the implementation of **nine outputs** which are thought as projects (pre-defined in the process of development of the programme proposal or expected following two calls for proposals):

To Outcome 1:

1. Strengthening national capacities for efficient use of EU information-sharing instruments and application of Schengen-relevant laws through competence-building measures and financial support;
2. Extending the communication infrastructure of Mol (pre-defined project);

To Outcome 2:

3. Improvement of cooperation methods and structures for the effective implementation of the Schengen acquis (pre-defined project);
4. Improving the Asset Recovery System in Bulgaria (pre-defined project);

5. Strengthening of the cooperation between the Programme Operator and the Donor Programme Partners;

To Outcome 3:

6. Joint Efforts for Combating Cross-Border Organised Crime (pre-defined project);
7. Strengthening national capacities in order to increase security in the main transport corridors and to counteract to trafficking in human beings and itinerant criminal groups

To Outcome 4:

8. Increasing the effectiveness of referral, support, protection and reintegration of victims of THB, through the practical application of the Transnational mechanism – further development of the capacity of the national authorities and NGOs;
9. Increasing the effectiveness of referral, support, protection and reintegration of victims of THB, through the practical application of the Transnational mechanism – improving the cooperation and mutual understanding among authorities and relevant stakeholders at national and international level, incl. implementation of pilot cases (the last two outputs shall be achieved through the implementation of one pre-defined project).

Regarding eligibility of expenditures incurred during the implementation of a project, the Programme Operator shall apply the provisions of Chapter 7 of the Regulation on the implementation of the Norwegian Financial Mechanism 2009-2014.

The following **specific rules regarding some eligible costs shall also be applied:**

- Actual cost of new or second hand equipment shall be eligible in cases where the nature and/or the context of its use justify such treatment by the Programme Operator. The application of this exception shall be regulated in the programme agreement and shall comply with the applicable rules on state aid.

The exception shall be applied to projects proposed by state bodies focusing on investments in equipment and/or infrastructure of great significance for the achievement of the relevant outputs and outcomes in the programme area and of proved sustainability after the conclusion of the project. In such cases project promoters shall ensure that the financial support provided to the project generates the maximum benefits to its target group and final beneficiaries. Correspondingly, actual cost of equipment operated by law enforcement agencies and used solely for the purposes of their work shall also be eligible;

- Indirect costs (overheads) for projects shall be eligible on the basis of the actual costs borne by the Project Promoters and project partners that have an analytical accounting system or on the basis of a flat rate of 10% of the total eligible direct costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the Project Promoter. Overheads identified according to the second method (10% flat rate) do not need to be supported by accounting documents;

- Payments of the project grant to the Project Promoters shall take the form of advance payments of 30% of the total budget, interim payments of 50% of the budget and payments of the final balance of the rest 20%.

3.5 Programme objectives and indicators

3.5.1 Objective of Programme (expected impact)

Programme area: Schengen Cooperation and Combating Cross-border and Organised Crime, including Trafficking and Itinerant Criminal Groups

Programme objective: Increase citizen's security through improvement of the efficiency of cooperation between law enforcement authorities in the Schengen Member States in fighting organised crime, including trafficking in human beings

3.5.2 Programme expected outcome

#	Outcome	Indicator	Description	Indicator value		Source of verification
1	Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis	Number of law enforcement officers trained in Schengen-relevant laws and the use of Schengen-relevant equipment; Percentage of the coverage area of the TETRA radio system in the regions of Kardjali and Smolyan ensured	The outcome is aimed at strengthening national capacities for efficient use of EU information-sharing instruments and application of Schengen-relevant laws through competence-building measures and financial support. The outcome will be achieved also by introduction of new up-to-date communication services which will improve the interaction between the law enforcement services in combating organised crime, trafficking in human beings and itinerant criminal groups.	Baseline	Target	Quarterly project progress reports, monthly meetings for monitoring programme and project progress, check of all project supporting documents, on-site visits
				0 0%	200 40%	
2	Strengthening of the cooperation between the police in the Schengen Member States	Number of bilateral meetings with the Norwegian police; Number of trainings/seminars held; Number of bilateral meetings with partner countries	The Programme will encourage close cooperation between the competent police authorities in Schengen Member States on issues related to application of the Schengen acquis and the Schengen Information System, including preparation for SIS II and practical aspects of the usage of the information systems in the fight against cross-border and trafficking in human beings. Development of the asset recovery system in Bulgaria based on sharing knowledge and experience with other Schengen Member States and/or international organisations will	Baseline	Target	Quarterly project progress reports, monthly meetings for monitoring programme and project progress, check of all project supporting documents, on-site visits; annual reports of the PO
				0 0 2	2 29 26	

			be supported. The outcome will be achieved through elaboration and implementation of donor partnership projects on these issues. Actions aimed at strengthening the cooperation between the PO and the DPPs will also be supported.			
3	Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups	Number of law enforcement officers trained to prevent and combat cross-border and organised crime	The outcome envisages improvement of the effectiveness of the counteraction to cross-border and organised crime through increasing knowledge and skills of law enforcement officers and magistrates in prevention and investigation and enhancement of the bilateral cooperation and interaction between Bulgaria and partner country (ies) in activities related to combating cross-border and organised crime. Achieving increased security in the main transport corridors as a measure against cross-border smuggling and trafficking in human beings, as well as itinerant criminal groups will also be pursued.	Baseline	Target	Quarterly project progress reports, monthly meetings for monitoring programme and project progress, check of all project supporting documents, on-site visits
				0	260	
4	Improved cooperation between the authorities and relevant stakeholders, including non-governmental organisations, in assisting victims of trafficking	Number of cooperation projects/activities between the national law enforcement authorities and civil society with the aim of assisting victims of trafficking; Number of victims of trafficking assisted	Implementation of the cooperation mechanism between the national authorities and civil society with the aim of assisting victims of trafficking will be encouraged, with strong emphasis on the practical application of the cooperation through realisation of joint actions for assisting victims of trafficking. Improvement of the bilateral and multilateral cooperation in assisting victims of trafficking. Implementation of 10 pilot cases and at least 10 victims of trafficking assisted.	Baseline	Target	Quarterly project progress reports, monthly meetings for monitoring programme and project progress, check of all project supporting documents, on-site visits
				0 0	1 10	

The indicators for each outcome were chosen so as to provide a reliable tool for measuring progress, revealing changes after implementation of activities, and assessing the performance against the defined outcome. The indicators were also selected on the basis of the extent to which

they may be used to identify whether the programme is pursuing the correct results, failing to achieve the results, or performing better than expected against the targets set. By measuring indicators on a regular basis, this will provide an opportunity to make the necessary adjustments and increase the likelihood of achieving the desired outcomes. Existing sources for collecting and analysing data were also considered in the process of selection with view to guaranteeing cost effectiveness.

Most indicators were predesigned by the FMO and consulted through the NFP with relevant stakeholders. Additionally, with the purpose of ensuring focus on achieving measurable and reliable performance and improvement, a consultation was carried out within the Ministry of Interior among potential Project Promoters whose comments were communicated to the NFP.

3.5.3 Programme outputs

Outcome	Output	Output indicator	Indicator value		Description
Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis	Strengthening national capacities for efficient use of EU information-sharing instruments and application of Schengen-relevant laws through competence-building measures and financial support	Number of law enforcement officers trained	Baseline	Target	Improving the capacities of the Bulgarian authorities to use efficiently the EU information-sharing instruments and apply the Schengen-relevant law by promoting activities such as further and continuous training, information sharing, exchange of experience among Schengen Member States and providing financial support
			0	200	
	Extending the communication infrastructure of MoI	Percentage of the coverage area of the TETRA radio system in the regions of Kardjali and Smolyan ensured	Baseline	Target	This pre-defined project envisages extension of the TETRA network of the Bulgarian MoI in the southern part of the country for provision of secure and reliable communications for management, control and interaction in the region. The network will provide coverage in towns, transport corridors and tourist sites as well as in the border area. The network will also provide access to the Schengen Information System for regional police and border police stations in the southern region.
			0	40%	
Strengthening of the cooperation between the police in the Schengen Member States	Improvement of cooperation methods and structures for the effective implementation of the Schengen acquis	Number of bilateral meetings with the Norwegian police	Baseline	Target	The output will be achieved with the implementation of a pre-defined partnership project aimed at strengthening the cooperation between the police in the Schengen Member States and developing long-term cooperation between Norway and Bulgaria. The Project will accelerate the effectiveness of law enforcement authorities in the implementation of the Schengen acquis and will enable the Bulgarian
		Number of trainings/seminars held	0	2	
			0	8	

					<p>police to develop their infrastructure and capacity, as well as to strengthen the coordination in the Schengen Area in this field.</p> <p>According to the official list with priority activities of the Ministry of Interior for the period 2012-2013 the completion of the Bulgaria's accession process to the Schengen area and the implementation of the Schengen acquis is listed as first priority in the field of international cooperation.</p> <p>The donor partnership project will be implemented in partnership with the National Police Directorate and the National Criminal Investigation Service of Norway.</p>
	Project on improving the Asset Recovery system in Bulgaria (AR-Bulgaria)	Number of bilateral meetings with partner countries	Baseline	Target	<p>A pre-defined project on issues related to divestment of profits and property acquired from criminal activity was set forth in the Memorandum of Understanding on the Implementation of the NFM 2009-2014 between Bulgaria and partner countries.</p> <p>This project will aim at: ensured implementation of the new regulatory and institutional framework of the Asset Recovery in Bulgaria; improved coordination and cooperation with national and international institutions involved in the implementation and support of the asset recovery system in Bulgaria; improved IT and Software system supporting the Asset Recovery System in Bulgaria.</p> <p>The donor partnership project will be implemented in partnership with the Council of Europe.</p>
		Number of trainings/seminars held	2 0	21 21	
	Strengthening of the cooperation between the Programme Operator and the Donor Programme Partners	Number of bilateral meetings with partner countries	Baseline	Target	<p>The implementation of this programme shall lead to establishment and strengthening of the cooperation between the Ministry of Interior of Bulgaria as Programme Operator on one hand and the National Police Directorate of Norway and the Council of Europe as Donor Programme Partners, on the other hand. Actions aimed at facilitation of networking,</p>
			0	5	

					exchange, sharing and transfer of knowledge, technology, experience and good practices between the PO and the DPPs shall be carried out with view to achieving the main objectives of the Programme and the NFM 2009-2014. These actions shall be financed through the funds allocated for preparation of programmes, management costs incurred by the PO, funds for bilateral relations and complementary actions as well as costs related to the participation of DPPs in the preparation and implementation of the programme (Art. 1.8 of the Regulation).
Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups	Joint Efforts for Combating Cross-Border Organised Crime	Number of police officers, police investigators and prosecutors trained and using modern investigative tools for combating cross border organised crime;	Baseline	Target	<p>The main priority issues to be addressed in this area with the implementation of a pre-defined project are:</p> <ul style="list-style-type: none"> - Improved knowledge and skills of law enforcement officers and magistrates in prevention and investigation of cross-border organised crimes such as THB, cyber-crime, counterfeiting (skimming), and trafficking in cultural goods; - Improved effectiveness of cross-border organised crime investigations as a result of appropriately equipped units within GDCOC; - Appropriately equipped Undercover Division within GDCOC as a tool for more successful tackling with cross-border organised crime; - Strengthened and effective coordination, cooperation and mutual understanding between the Bulgarian and Partners' law enforcement authorities and supporting the dissemination of good practices in the field of combating cross-border organised crime.
			0	240	
	Strengthening national capacities in		Baseline	Target	Improving the capacity of the law enforcement

	order to increase security in the main transport corridors and to counteract to trafficking in human beings and itinerant criminal groups	Number of law enforcement officers at the Motorway Police Groups trained;	0	20	structures to prevent and counteract to trafficking in human beings and itinerant criminal groups in-depth of the country by increasing security in the main transport corridors crossing the southern part of the country.
Improved cooperation between the authorities and relevant stakeholders, including non-governmental organisations, in assisting victims of trafficking	Increasing the effectiveness of referral, support, protection and reintegration of victims of THB, through the practical application of the Transnational mechanism – further development of the capacity of the national authorities and NGOs	Number of representatives of the competent authorities and relevant stakeholders trained	Baseline	Target	<p>A pre-defined project elaborated and implemented jointly by the law enforcement authorities, the National Commission for Combating Trafficking in Human Beings and NGOs will be supported. The project should aim at achieving both outputs of the relevant outcome through:</p> <ul style="list-style-type: none"> - Enhancement of the capacity and Improvement of knowledge and skills of the state institutions engaged in combating THB and NGOs, in particular for carrying and helping the victims of trafficking, through the practical application of the Transnational Referral Mechanism (TRM) between Bulgaria, and partner countries. The TRM connects the entire process of directing the victims starting from the initial identification, through support in their returning in the countries of origins and if required through the transit countries. This includes the cooperation between different governmental institutions and NGOs; - Improvement of the effectiveness of the daily work and coordination between all of the involved institutions in the area of protection, psychological and physical recovering and reintegration of victims of trafficking as a result of appropriate equipped institutions on central and regional level; - Implementation of 10 pilot cases of mutual interest between Bulgaria and project partners in accordance with the practical application of TRM and establishment of set of services for protection and reintegration of victims of trafficking (10 victims with long-term reintegration and 50 victims with short-
			0	130	
	Increasing the effectiveness of referral, support, protection and reintegration of victims of THB, through the practical application of the Transnational mechanism – improving the cooperation and mutual understanding among authorities and relevant stakeholders at national and international level, incl. implementation of pilot cases	Number of pilot cases for application of the Transnational mechanism implemented; Number of victims of trafficking assisted	Baseline	Target	
			0 0	10 10	

					term reintegration).
--	--	--	--	--	----------------------

The outputs were defined on the basis of analysis of the current situation, gaps and needs as regards to Schengen cooperation and counteracting cross-border and organised crime as well as on the basis of meetings and consultations organised by the Programme Operator with all stakeholders, including donor programme partners and potential project promoters.

The indicators were selected in order to provide a clear and realistic measurement of the extent to which the short and midterm goals of the programme, i.e. the outputs, were achieved. The baseline and target numbers were selected on the basis of average data available from reports and information systems of the relevant law enforcement services. Another consideration in setting indicators is the expected funding and existing capacity, budgets, personnel, and facilities throughout the programme implementation period. Indicators, baselines and targets are set to be feasible given all of the abovementioned considerations as well as the organizational capacity of potential Project Promoters to deliver activities and outputs. All figures are set for the whole programme implementation period and consulted with Project Promoters.

3.6 Target groups of the Programme

Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis: Target groups are Civil servants/Public administration staff, in particular law enforcement officers in charge for implementation of Schengen related procedures;

Strengthening of the cooperation between the police in the Schengen Member States: target groups are Civil servants/Public administration staff, in particular law enforcement officers from SIRENE Bureaus of the partner countries, as well as the officials of the Commission for establishing of property acquired from criminal activity;

Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups: Target groups are prosecutors, investigators and police officers who are directly engaged in combating cross-border and organised crime; and ultimately, victims of cross-border crimes, such as vulnerable ethnic (Roma) and age groups (children);

Improved cooperation between the authorities and relevant stakeholders, including non-governmental organisations, in assisting victims of trafficking: Civil servants/Public administration staff, NGOs, and ultimately, vulnerable groups (in particular the Roma community, women, children).

In the process of preparation of the Programme, special attention was focused on the potential impact of the envisaged actions on target groups. In order to ensure effectiveness and transparency in the implementation of the Programme, the Programme Operator shall use and encourage the Project Promoters to use information and publicity activities aimed at involvement of a wide range of stakeholders. These activities may include information days, workshops, meetings, conferences, round tables, internet, media presentations, brochures or other printed materials, etc.

3.7 Risk and uncertainty

Risk management is a process which includes identification, assessment and control of all potential instances and situations which may have negative impact on the achievement of objectives and Programme's expected outcomes.

Risk identification is the first phase of the risk management process. The phase should consist of thorough analysis of all instances which are most likely to occur, jeopardise and therefore potentially have highest impact on the achievement of the Programme's expected outcomes.

Identification of risk factors

Identification of risk factors is based on distinguishing:

- all relations of the organisation with external to it subjects such as other organisations, contractors, final beneficiaries and governmental or other state bodies;

- the Programme Operator's internal capacities and expertise during the entire process of Programme cycle management.

The following table summarises the some common external and internal risk factors which may affect the Programme's expected outcomes:

No	External	Internal
1	Lack of good organisation and sufficient capacity of the Project Promoters.	The staff of the Programme Operator is insufficient or not well qualified
2	Insufficient or lack of communication and coordination between the stakeholders;	Lose or bad management of the Programme Operator's databases
3	Introduction of new or change of existing Bulgarian, EU, Norwegian or other regulations related to the implementation of the Programme	Delay in the preparation of tender documentation
4	Change in the organisation of the law enforcement authorities in the stakeholder's country;	Delay in the process of decision taking resulting from complex internal procedures related to the implementation of the Programme
5	Weakness or incapability of all potential contractors to fulfil their obligation or contract provisions	Bad management of the financial allocations by the Programme Operator
6	Delay in the process of decision taking by competent authorities when related to deciding legal cases	

The following table presents the main risk factors that may affect the achievement of the Programme's expected outcomes:

Outcome nr.	Outcome	Description of risk	Assessment		Risk mitigation plan
			Likelihood [low/medium/high]	Impact [low/medium/high]	
1	1. Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis	Lack of good organization for the preparation of the seminars and trainings	Low	Medium	Good coordination between all concerned parties in the process of implementation
1	2. Development and improvement of structures, systems and technical equipment in order to improve the implementation of the	Delay in the preparation of tender documentation and in the implementation of public procurement procedures; delay in the contractor selection and conclusion of contracts;	Medium	High	Strict observance of the time schedule designed to prepare and hold the tender procedures

	Schengen acquis				
2	1. Strengthening of the cooperation between the police in the Schengen Member States	Lack of good organization for preparation of tender documentation in time and in good quality and for the implementation of public procurement procedures	Low	Medium	A good organization of the tender procedures will be set up in accordance with the National law on public procurement
2	2. Strengthening of the cooperation between the police in the Schengen Member States	Lack of good organization for the preparation of the seminars and visits	Low	Low	Good communication and cooperation between the different structures organising the seminars and visits
3	1. Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups	Lack of good organization for preparation of tender documentation in time and in good quality and for the implementation of public procurement procedures	Low	Medium	A good organization of the tender procedures will be set up in accordance with the National law on public procurement
3	2. Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups	Weaknesses in the process of contract implementation by the contractors	Low	Medium	Preliminary in-depth investigation of the potential contractor
4	1. Improved cooperation between the authorities and relevant stakeholders, including non-governmental organisations, in assisting victims of trafficking	Lack of good organization for preparation of tender documentation in time and in good quality and for the implementation of public procurement procedures	Low	Medium	A good organization of the tender procedures will be set up in accordance with the National law on public procurement
4	2. Improved cooperation between the authorities and relevant stakeholders, including non-governmental organisations	Weaknesses in the process of contract implementation by the contractors	Low	Medium	Preliminary in-depth investigation of the potential contractor

3.8 Bilateral relations

Strengthening bilateral relations between Bulgaria and Norway is an overall objective of the Norwegian Financial Mechanism 2009-2014. The bilateral relations between both countries will be facilitated and encouraged through carrying out the Programme in partnership with the National Police Directorate of Norway and the Council of Europe.

This donor partnership programme shall encourage and facilitate networking, exchange, sharing and transfer of knowledge, technology, experience and good practices between public entities in Norway and Bulgaria.

3.8.1 Donor programme partner(s)

In order to contribute to the overall objective of strengthening the relations between Norway and the Beneficiary State, the preparation and implementation of the programme will be carried out in partnership with two donor programme partners: the National Police Directorate of Norway and the Council of Europe. The partners were actively involved in the development of the programme proposal by providing expert advice on issues related to Schengen cooperation, cross-border and organised crime, and asset recovery system as well as programme management and evaluation. Combining financial resources and international expertise of all donor programme partners would lead to more achievable outcomes.

The donor programme partners were also invited to participate in the Cooperation Committee as formal meeting place during preparation and implementation of the Programme. The Committee shall advise on selection criteria and the texts for call for proposals, advise on possible project partners in Norway, review progress made towards achieving the outcomes and the objective, examine the results of the implementation of the programme, review the annual programme reports and advise the programme operator of any revision of the programme likely to facilitate the achievement of the programme's objective and expected outcomes.

This programme shall further develop on the achievements of the partnership projects with Norwegian law enforcement and legal entities within the frameworks of the Norwegian Cooperation Programme 2004-2009.

3.8.2 Donor partnership projects

The Programme Operator shall encourage the establishment of Donor Partnership Projects. Some of the projects envisaged in the frameworks of this programme shall be carried out in partnership with one or more organisations and entities in the Donor State. The identification of potential partners shall be based on the already established contacts or facilitated by the Programme Operator through funds for bilateral relations at programme level.

The Programme Operator shall within the Programme set aside 1.5% of the eligible expenditure of the Programme for both measures:

- a) 0.5 % or 30 000 euro of the Norwegian contribution for 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; and
- b) 1.0 % or 60 000 euro of the Norwegian contribution for networking, exchange, sharing and transfer of knowledge, technology, experience and best practices between Project Promoters and entities in Norway.

Having in mind the specifics of the programme area as well as the established contacts between relevant structures of Norway and Bulgaria, a strong emphasis shall be placed on further development and strengthening the bilateral cooperation through the second measure.

The Project Operator shall assess applications for funds for bilateral relations submitted by Project Promoters and shall decide on whether applications are approved or rejected. The procedures for selection of applications shall comply with applicable rules on state aid and public procurement (as described in pts. 4.4 and 14.4 of this Programme). Grants provided from the funds for bilateral relations shall be in the range from € 5 000 to € 20 000 per Project Promoter. In exceptional and duly justified cases, the Programme Operator may decide on a different grant rate depending on the expected costs of the donor partnership project.

3.9 Pre-defined projects

Bulgaria has pursued a new police reform which has delivered significant results as regards reorganisation of the competent police directorates and integration of operative and investigative police work. In order to achieve further results in organised and trans-border crime, Bulgaria should continue its efforts for police reform. This will require establishing effective operational cooperation with national authorities and relevant bodies in partner countries, as well as investment in equipment and specialised training. The pre-defined projects identified within this programme represent the continuous efforts of the Bulgarian authorities in this regard.

Given the state monopoly in the Justice and Home Affairs area, the following pre-defined projects were determined in the process of preparation of the programme (ID number, formed by the numbers of the corresponding outcome and output, and Pre-Defined Project's name):

- PDP-3001.02.1 Extending the communication infrastructure of Mol;

Project promoter is the Communication and Information Directorate of Mol which, in accordance with Art. 150g of the Rules for Implementation of the Ministry of Interior Law, is the only entity responsible for the establishment, maintenance and development of communications within the ministry. The project was selected as pre-defined in order to respond to the urgent need for improving the technical capabilities of the law enforcement agencies in the fight against trafficking in human beings and goods. The project will have a feasible effect towards the achievement of the first outcome of this programme "Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis" through enhancing police cooperation and security at the border with Greece (regions of Kardjali and Smolyan) while at the same time guarantying free movement of persons at the internal border. It will also complement the outcomes of the project named "Expansion of the communication infrastructure of the Ministry of Interior" funded under the Norwegian Cooperation Mechanism and focusing on completion of a nodal communication system (main nodes Burgas, Varna, Yambol and Haskovo) which is used not only as a basis of the Mol backbone (IP network) but also as a connection to SIS;

- PDP-3002.01.1 Improvement of cooperation methods and structures for the effective implementation of the Schengen acquis;

Project promoter is the International Operative Cooperation Directorate of Mol. Project partners are the National Police Directorate together with the National Criminal Investigation Service of Norway. The project will contribute to the achievement of the second outcome "Strengthening of the cooperation between the police in the Schengen Member States" through

improvement of police cooperation and development of long-term cooperation between Norway and Bulgaria. The project is in line with the priorities of the Ministry of Interior set for the period 2012-2013 according to which the completion of the Bulgaria's accession process to the Schengen area and the implementation of the Schengen acquis are of utmost importance in the field of international cooperation. This project will accelerate the effectiveness of law enforcement authorities in the implementation of the Schengen acquis and will enable Bulgarian police forces to develop their infrastructure and capacity, as well as to strengthen the coordination in the Schengen area. The project will also complement and upgrade the results of a project funded under the Bulgarian-Swiss Cooperation Programme to reduce economic and social disparities within the enlarged European Union named "Schengen issues: Development of personnel capacities and awareness rising";

- PDP-3002.02.1 Improving the Asset Recovery System in Bulgaria (defined in the Memorandum of Understanding);

Project promoter is the Commission for Establishing of Property Acquired from Criminal Activity (CEPACA) and project partner is the Council of Europe. The project will contribute to the achievement of the second outcome "Strengthening of the cooperation between the police in the Schengen Member States" through improving coordination and cooperation with national and international institutions involved in the implementation and support of the asset recovery system in Bulgaria. The overall purpose of the project is increasing citizens' security through improvement of the efficiency of cooperation between law enforcement authorities in Schengen countries in fighting economic and organised crime;

- PDP-3003.01.1 Joint Efforts for Combating Cross-Border Organised Crime;

Project promoter is the General Directorate Combating Organised Crime, Ministry of Interior, Bulgaria. The project fits into the third programme outcome "Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups" through envisaging actions aimed at enhancing the capacity of GDCOC to fight organised and cross-border crime and promoting coordination, cooperation and mutual understanding among law enforcement agencies in Bulgaria and Partner countries. The project will lead to increased number of qualified law enforcement personnel, improved technical capacity to combat cross-border organised crime and reaching higher level of compliance with EU best practices in the field. This project should be considered as a logical result of the successfully implemented project "Enhancing the Bulgarian-Norwegian response to trafficking in human beings" supported by the Norwegian Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria. The main purpose was to increase the efficiency of the Bulgarian Ministry of Interior and other institutions involved in anti-trafficking activities to prevent and combat trafficking in human beings (THB) mainly for the purpose of sexual exploitation.

- PDP-3004.0102.1 Increasing the effectiveness of referral, support, protection and reintegration of victims of THB, through the practical application of the Transnational mechanism.

Project promoter is the General Directorate Combating Organised Crime, Ministry of Interior, Bulgaria. Project partners are government and non-government organisations and involvement of international organisations and/or relevant institutions from other Member States or EEA countries will also be examined. The project will lead to the achievement of outcome 4: "Improved cooperation between the authorities and relevant stakeholders including non-

governmental organizations, in assisting victims of trafficking” by promoting cooperation among national and international, governmental and non-governmental organisations in referring, helping, protecting and reintegration of victims of trafficking. The project will be implemented in partnership with the National Commission for Combating Trafficking in Human Beings which in accordance with the provisions of the Law on Combating Trafficking in Human Beings, is responsible for the organisation and coordination of the national actions performed by governmental and non-governmental organisations for prevention and counteraction to trafficking of people.

Pre-defined projects were presented and endorsed by the Cooperation Committee of PA30 on its first meeting held in January 2012. The Committee also provided advice and comments on the proposed pre-defined projects and the programme which were taken into account in the process of further development of the projects with view to facilitating the achievement of the programme’s expected outcomes. In accordance with the provisions of Article 5.5.3 of the Regulation on the implementation of the Norwegian Financial Mechanism 2009-2014, the pre-defined projects shall be appraised by the PO before the conclusion of the project contracts.

Detailed information on the Pre-Defined Projects in compliance with the requirements set in Article 5.5.2 of the Regulation is provided in *Annex II of the Programme Proposal*.

3.10 Small grant schemes

Not applicable.

3.11 Cross cutting issues

3.11.1 Good governance

The programme will aim at reducing the economic and social disparities in the European Economic Area and strengthening bilateral relations between Norway and the Republic of Bulgaria. The PO shall ensure that all main principles of good governance shall be applied at any level of the implementation of the Programme.

The programme and the projects under this programme will be developed and implemented with the participation and inclusiveness of all relevant stakeholders, including governmental and non-governmental organizations, directly or through other institutions. To this end, representatives of Donor Partners and NGOs shall be invited to events organised by the Programme Operator or, when applicable, by Project Promoters in order to support or contribute to the programme implementation and share expertise. Donor partners will actively participate in the monitoring and organization of the programme and the projects through appointed participants in the envisaged steering committee meetings. All monitoring reports will be coordinated with them and their remarks and opinion will be considered.

The accountability of the programme and of the projects shall be ensured by strict monitoring performed by the Programme Operator, Project promoters and Partners. The correct disbursement of the awarded grants will be confirmed in auditing reports prepared by independent auditors. For the purpose of the implementation of the programme, a separate bank account managing only the funds from the Grant will be envisaged.

The principles of transparency and accountability will also be met by providing all participants in the projects activities with feedback forms, where they can evaluate the usefulness of the implemented workshops and point out the most interesting and practice related topics. In this

way the Project Partners will get acquainted with the problems and issues of interest for the participants, and thus could address them more precisely.

Transparency will be ensured also by following strictly the provisions and regulations of the Bulgarian national law, especially in conducting procedures related to public procurement. All necessary actions will be undertaken by the authorized organizations and subjects in order to avoid mismanagement and irregularities. Information about the NFM and the Grant will be given in every activity.

The effectiveness and efficiency of the programme will be guaranteed by the proper and timely implementation of all the projects and project activities. Through enhancing the professional competency and technical capacities, the MoI will improve its quality of work and thus create much safer public environment. The application of the most comprehensive tactics and techniques of investigation combined with modern equipment and established international cooperation channels will lead the Ministry of Interior of Bulgaria to European level of actions against cross-border organised crime.

All supply, service or work contracts necessary for projects implementation shall be signed after procurement procedure according the Bulgarian public procurement legislation and the Programme Operator shall take care to avoid any conflict of interest.

Contracts shall be implemented by the Project promoter in association with a contractor selected after a procurement procedure carried out in accordance with the National Procurement legislation (Public Procurement Act or the Assignment of Small Public Procurement Ordinance.)

One of the main policies that the Ministry of Interior respects is a zero tolerance towards corruption and corruption practices. In accordance with this policy, the Ministry of Interior is led by the National Strategy for Combating Corruption adopted with the National Assembly's Decision № 671/01.10.2001 and the Programme of its implementation. The main objective of the strategy is to reduce the existing corruption and corruption risks in Bulgaria by coordinated measures of all administrative structures, with the active participation of civil society and the media.

"Internal Coordination Committee to combat corruption within the Ministry of Interior" was established to determine the strategy and organization of work. The Committee is chaired by the Deputy Minister responsible for overall supervision and control of interaction in combating organised crime and corruption.

"Internal Security" Directorate within the Ministry of Interior was established as specialized structure and entrusted with the responsibilities of operative search, information, analytical and organisational activities related to prevention, interception, detection of disciplinary violations committed by the ministry's officials.

The Ministry of Interior has implemented projects related to reduction and prevention of corruption financed by the EU and other external donors.

3.11.2 Environmental considerations

The Programme will respect and undertake environmental considerations in order to avoid any harmful direct and indirect environmental impacts. Environmental considerations include strategies, development guidelines and land use plans related to green spaces, nature conservation and biodiversity, flooding, air and water quality, green design and climate change.

The EU legislation aims at integration of environmental considerations into all EU policies. The programme and the projects will encourage new environmentally friendly technologies.

The activities of all the projects under this programme will not generate hazardous waste, in case of waste it will be recycled according to the national legislation or reused. All the activities will be planned by undertaking the location of environmentally sensitive areas such as National parks and other protected areas, important archaeological and cultural sites, vulnerable ecosystems that provide important ecosystem services or with species threatened by extinction.

The activities of all projects will not cause soil, water or air pollution, including climate change, have not direct or indirect impacts and threats on the nature and do not involve the risk of accidents with potential environmental impacts like oil spills and chemical spills. The implementation of the Programme doesn't lead to any health and safety risks.

The activities of all projects in this programme do not result in policy initiatives which may affect the environment such as changes in agricultural, water, energy, and transport policies.

3.11.3 Economic sustainability

New and innovative technologies can contribute to economic growth in different ways. Better technology can enable higher output with the same amount of raw materials - or even less. It also helps to reduce environmental pollution and to use free resources from economic growth, providing greater opportunities for growth of our economies in the long run, while respecting the restrictions on the environment.

The economic sustainability will be enhanced via this programme by its effects in terms of economic development at national level by organised crime's reduction that would lead to more financial resources in the state budget and capacity to create a favourable environment to the development and provision of key services.

Improvement of technical equipment of project promoters will lead to saving money, time and resources for conducting identification, investigations and more precise prosecution of the perpetrators. Also, it will sustain the international cooperation in the field through providing more accurate data and information.

Well trained experts who are technically equipped at the desired level would be more efficient in executing counteraction to cross-border and organised crimes, application of relevant legislation and best practices to achieve better results.

This experience will be distributed through relevant and proper means, such as trainings in competent institutions engaged with countering these forms of crimes. Effective usage of the technical equipment envisaged shall be ensured for the whole period of its exploitation.

3.11.4 Social sustainability

This programme and the projects implemented under it will fully address social sustainability considerations. The programme will ensure that priorities and needs of various groups in terms of gender, disability, ethnicity, age, sexual orientation, and religious affiliation are respected, promoting equality and non-discrimination.

The improved work of the law enforcement authority will lead to decreasing criminality in the country and thus will enhance the citizen's security which is an essential element as regards social sustainability. Moreover, the Bulgarian Ministry of Interior will come one step further to reaching and implementing best practice established in law enforcement partners in the European Union and the European Economic Area.

The projects' activities will indirectly contribute to the fight against poverty and social exclusion, especially as regards minorities and vulnerable groups.

3.11.5 Gender equality

This programme guarantees gender equality, equal rights and opportunities for men and women in all areas of society and economy. The target groups of the Programme don't include a different share of women and men and the selection of target groups are not based on gender identity or sexuality.

The Programme encourages have equal access to resources of both men and women and provides no division of resources based on gender identity. All activities will be conducted in accordance with criteria that do not allow discrimination based on gender, money, economic power, information, and social position.

The programme doesn't include budget allocations and resources towards activities targeting specific gender groups.

Principles of equality and non-discrimination are set out in the Constitution of the Republic of Bulgaria and further strengthened with the adoption of national laws as part of the process of harmonisation of the national and EU legislation. The Labour Code (promulgated SG. 26/1986) explicitly prohibits all forms of discrimination, privileges, and restrictions based on gender, and introduces the principle of equal pay for women and men. Anti-discrimination provisions in relation to gender are provided for in the Act on Employment Promotion (promulgated, SG. 112/2001), the Social Assistance Act (promulgated, SG. 56/1998 on), Higher Education Act (promulgated, SG. on 112/1995), Law on Defence and Armed Forces of the Republic of Bulgaria (promulgated, SG. 112/1995) and others. The Family Code (promulgated, SG. 47/2009) is based on the principle of "... equality between men and women ...". The Social Insurance Code (promulgated, SG. 110/1999 on) introduces the principles of mandatory and universal provision and equality of persons insured. The Penal Code (promulgated, SG. 26/1968 on) qualify as "crimes against the person" the rape, inciting prostitution and trafficking in human beings, as well as forced sexual activities by imposing official subordination and material dependence. Law on Protection against Discrimination (Promulgated, SG. 86/2003 on) achieved largely under the Schengen acquis in the field of equal treatment, equal pay, equality in employment, protection of pregnant women. The Law on Combating Trafficking in Human Beings (promulgated, SG. 46/2003 on) introduces measures to prevention and protects victims of trafficking. Law on Protection against Domestic Violence Act (Promulgated, SG. 27/2005 on) regulates the relations connected with domestic violence and provides measures to protection against it and assists victims. Under the Ombudsman Act (promulgated, SG. 48/2003), the National Ombudsman and his deputy are responsible for investigating violations of civil rights and freedoms by state or municipal authorities and their administration, including by persons who provide public services.

At present Republic of Bulgaria implements the National strategy for promoting gender equality 2009-2015 that refers to promoting gender equality in all spheres of private and professional life.

This programme is completely in line with the national law that treats gender equality and all the project activities will be implemented accordingly.

3.12 Project monitoring by the Programme Operator

Monitoring of the Programme is performed by the National Focal Point, Programme Operator. The day-to-day monitoring is carried out by the Programme Operator and project promoters.

I. Annual site visit plan

Annual plan for site visits shall be prepared in advance by the end of the previous year. The plan shall encompass excerpt of all entered projects. The excerpt shall be defined on the basis of risk analysis. The selection of projects to be visited on site can be determined by the level of complexity, risk or political significance of the projects.

Criteria for Monitoring Planning related to Site Visits.

- 1) Projects which are deemed to be at high risk for technical, managerial, financial, legal or external reasons should be scheduled for a site visit as soon as possible. Risk assessments should be updated on a quarterly basis and monitoring plans may be altered accordingly.
- 2) Projects exceeding a certain pre-established Euro value should be monitored at least once during the lifetime of the project implementation.
- 3) Projects which have a significant impact on the overall objective of the Programme should be monitored at least once during the life of the project implementation.
- 4) Projects or programmes which are considered of interest to multiple stakeholders should be monitored to learn more on-site regarding project results. Projects or programmes which are particularly innovative should be checked at least once during the implementation cycle.

The Annual site visit monitoring plan shall consist of the following elements:

- a) Describing management: who is responsible for monitoring of the programme;
- b) Explaining the monitoring tools to be used during implementation and how plans are established;
- c) Defining criteria for on-site visits or other elements of programme monitoring.
- d) Explaining simple monitoring planning and risk tracking systems.
- e) Measurement of indicators.

On-site visits which are not planned in the Annual site visit monitoring plan shall be performed when needed.

II. Section Plan for contract/project performance

Draft plan for the performance of every contract/project shall be prepared. The plan for the performance stipulates the basic time indexes upon which is supervised the performance of every contract/project.

1. In the case of established prohibition, poor or non-quality performance of the contract/project, within 7 days a report is to be presented with pointed corrective measures.
2. The corrective measures must be performed and followed.

III. Progress reports

During implementation, and via the progress reports, the Programme Operator or Project Promoter is reporting on progress both in physical and financial terms. As part of reporting, remarks on pre-existing risks and risk control must be provided. Any new risks which threaten implementation must be explained, as well as risk the mitigation strategies.

The annual reports provide an overall picture of how the projects and programmes are implemented and should indicate significant progress toward the planned results. If the

management or implementation is not advancing as planned, it will be imperative to discuss and implement ways to solve problems so that the project or programme can get back on track.

IV. Monthly meetings

Meetings on monthly bases will be organised by the Programme Operator with the Project Promoters in order to monitor the project implementation. During the meetings the Project Promoters will report to the Programme Operators about the main activities carried out during the previous month, problems will be discussed and corrective measures will be formulated in order to solve or avoid problems.

See also Annex III Monitoring Plan.

3.13 Information and publicity

See Annex IV Communication Plan

3.14 Management

3.14.1 Management structure

Programme Operator

The Ministry of Interior was designated to be a Programme Operator (PO) for Programme Area 30 according to Annex B of the Memorandum of Understanding under the Norwegian Financial Mechanism, signed on 17.06.2011. The functions of a PO shall be carried out by International Projects Directorate. Deputy Minister of Interior shall be appointed Head of the PO and carry out overall control of the tasks of the operator.

In its PO capacity for the Norwegian Financial Mechanism, the IPD of Mol is in charge of the day-to-day management of the implementation of the programme under the NFM. The IP Directorate conducts all PO-related tasks as the latter are formulated in the Regulation on the implementation of the Norwegian Financial Mechanism 2009-2014. The IPD conducts all the tasks included in Art.4.7 of the Regulation on the implementation of the NFM 2009-2014.

Legal status of the Programme Operator

The International Projects Directorate is a specialised directorate of the Ministry of Interior, and one of few with a legal entity status. In 2008, the year of the initial establishment of the International Projects Directorate, the latter came into being without the legal entity status. According to the subsequent amendments of the Mol Act adopted in 2009, namely Article 16, Para 4, the IPD has been granted the statute of Legal (Juridical) Person.

The Programme Operator shall be responsible for preparing and implementing the programme in accordance with the principles economy, efficiency and effectiveness.

Most of the officials of the IPD have previous experience in the implementation of a number of programmes funded by EU or other external donors (pre-accession programmes, Transition and Schengen facility and current post-accession instruments). Combining this experience with specific trainings for further qualification shall provide a stable basis for establishment of well-functioning management structure ensuring quality and effectiveness of the implementation of the programme.

The International Projects Directorate is currently a Responsible Authority and manages the implementation of the Annual Programmes of two of the Solidarity and Management of Migration Flows Programme of the EU (Return Fund and External Borders Fund).

The Programming Department (7 working posts, 6 officials appointed) deals with the Norwegian Financial Mechanism in its programming phase. The Department shall be responsible for preparing the programme and project proposals.

The Ex-ante Control Sector (4 working posts, 3 officials appointed) executes preliminary control of technical documentation, control over the implementation of tendering procedures documentation as well as all necessary subsequent control procedures. The officials will cover the ex-ante control activities under the NFM.

The Tendering and Contracts Sector (7 working posts, 5 officials appointed) conducts the organisation and management of the tendering and contracting process.

The Sector “Monitoring and coordination of the implementation” (7 working posts, 6 officials appointed) conducts the management of the post-contracting process.

The Financial Management and Control Sector (4 working posts, 4 officials appointed) deals with the financial management and accounting of the NFM.

The Secretariat unit (3 working posts, 3 officials appointed) deals with all logistical support and documentation keeping issues.

The IPD shall ensure the effective coordination and flow of information in between the PO, Certifying and Audit Authority on one hand, and on the other hand, the cooperation with all stakeholders and partners both in the elaboration phase of programme proposal and in the implementation phase. Furthermore, the PO shall render adequate guidance to all project promoters, potential or pre-defined, of the projects under the programme.

Donor Programme Partners

In order to contribute to the overall objective of strengthening the relations between Norway and the Beneficiary State, the preparation and implementation of the programme will be carried out in partnership with two Donor Programme Partners: the National Police Directorate of Norway and the Council of Europe. The purpose of donor partnership programmes is to facilitate networking, exchange, sharing and transfer of knowledge, technology, experience and good practices between public entities in Norway and Bulgaria. The partners are actively involved in the development of the programme proposal by providing expert advice on issues related to Schengen cooperation and cross-border and organised crime as well as programme management and evaluation. Combining financial resources and international expertise of all donor programme partners would lead to more achievable outcomes. The donor programme partners were also invited to participate in the Cooperation Committee.

Cooperation Committee

A Cooperation Committee consisting of representatives from the Programme Operator and the donor programme partners was established by an order of the minister of interior, Reg. № Iz-2927/21.11.2011. The deputy minister of interior and head of the Programme Operator was designated as a chairman of the Committee. Representatives of the Royal Norwegian Embassy in Sofia and the National Focal Point are invited to participate as observers. The establishment of the Cooperation Committee has inter alia taken into consideration the promotion and observation of the main principles of implementation as set out in Article 1.6 of the Regulation on the implementation of the Norwegian Financial Mechanism 2009-2014. These principles entail the highest degree of transparency, accountability and cost efficiency as well as good governance, sustainable development, gender equality and equal opportunities to be applied in

all implementation phases of the Norwegian Financial Mechanism 2009-2014. Strict measures against corruption should be applied. To this end, the Cooperation Committee engages high level representatives of the relevant stakeholders as members and observers in order to promote development of the strategic cooperation and bilateral relations between Bulgaria and Norway. The Committee is chaired by Deputy Minister of Interior and Head of the Programme Operator or by the Director of the International Projects Directorate, Ministry of Interior and is composed of representatives of structures within the Ministry of Interior of Bulgaria, the National Police Directorate of Norway, and the Council of Europe. Observers are representatives of the Royal Norwegian Embassy in Sofia as well as the National Focal Point.

The meetings of the Cooperation Committee shall be held twice a year. Decisions taken at the Cooperation Committee meetings shall be set out in agreed minutes. The Cooperation Committee shall advise on selection criteria and the texts for call for proposals, advise on possible project partners in Norway, review progress made towards achieving the outcome(s) and objective(s), examine the results of the implementation of the programme, review the annual programme reports and advise the Programme Operator of any revision of the programme likely to facilitate the achievement of the programme's expected outcome(s) and objective(s).

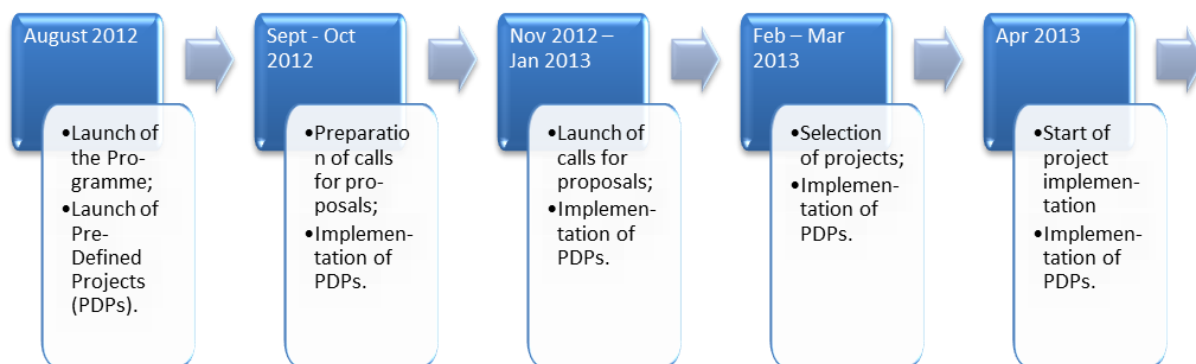
See also Annex V Management Structure.

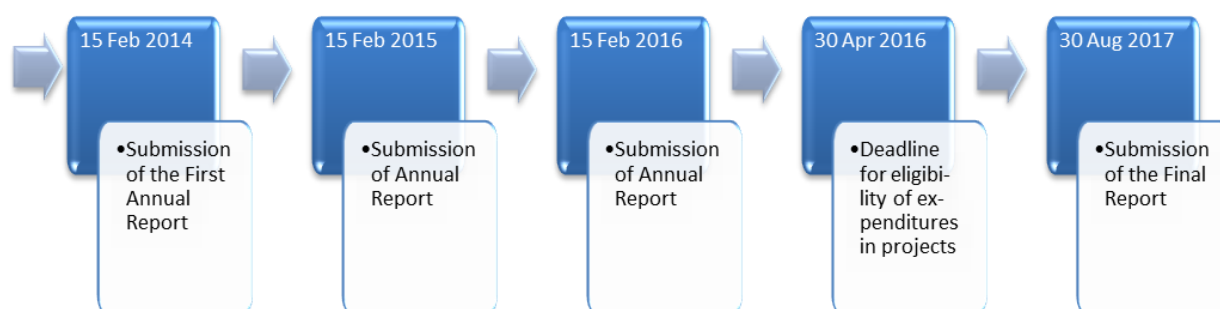
3.14.2 Timeline

If approved, the expected launch of the Programme is August 2012.

Calls for proposals shall be organised by the PO. The preparation of the calls shall continue no longer than two months until the end of October 2012. Launching of calls shall take place in November 2012. The calls shall be published on the website of the PO and in media ensuring wide publicising and reaching a wide range of stakeholders. After the announcement of the call, the PO may organise an information campaign for potential project promoters. The NMFA and the NFP shall be informed of all calls for proposals at least two weeks in advance of the announcement. Calls shall include a clear and reasonable deadline which, in accordance with the Regulation on the implementation of the NFM 2009-2014, must be at least two months from the date of the publication of the announcement and shall last until the end of January 2013. Two months are provided for the project selection process which is expected to be completed in March 2013. Start of projects selected through calls for proposals is expected in the second quarter of 2013 at the earliest. The Donor programme partners will be consulted at each stage of implementation of the programme.

All major steps in the implementation of the programme are illustrated in the following chart:





3.14.3 Calls

No	Programme Outcomes	Indicative amount in this call for proposals in euro	Minimum/maximum grant amounts EUR (VAT included)	Publication period of the call for proposals		Selection Period	
				Planned start date (mm/yy)	Planned end date (mm/yy)	Planned start date (mm/yy)	Planned end date (mm/yy)
1	1. Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis	278 514,00	278 514,00/ 278 514,00 euro	11/12	01/13	02/13	03/13
2	2. Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups	500 000,00	170 000,00/ 500 000,00 euro	11/12	01/13	02/13	03/13

The International Projects Directorate at the Ministry of Interior (the Programme Operator) shall provide potential project promoters with clear and detailed information for any open call for proposals, including documents pertaining to the open calls published on the IPD-Mol web page <http://www.dmp.mvr.bg/default.htm>, easily accessible via <http://www.eufunds.bg/en/page/811> and <http://www.eeagrants.bg/>. The call will be published languages including all required information following Art. 6.3 of the Regulation on the implementation of the Norwegian Financial Mechanism 2009-2014.

In addition, in order the information for the opening of any of the abovementioned calls for proposals to reach all potential applicants, IPD-Mol shall initiate its publication in a nationwide daily/weekly newspaper simultaneously with its web publication.

The Programme Operator shall organize and hold an information day for the beneficiaries in order to clarify the requirements under the specific call (incl. how to be developed, the deadlines, the permissible methods of submission and any other issue which might be of project promoters' interest). Details for each information day (date, place, etc.) shall be published on the IPD-Mol web page <http://www.dmp.mvr.bg/default.htm> in 3 days after the publication of the respective call.

Moreover, IPD-Mol shall inform the NMFA and the NFP of any open calls and forward call documents in English at the latest two weeks before they are launched, in order for this information to be published on the website of the financial mechanisms

<http://www.eufunds.bg/en/page/811> and <http://www.eeagrants.bg/> according to Annex 4 “Information and Publicity requirements”.

The eligible applicants for the above-listed call for proposals are:

1. *Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis:*

Applicants: Ministry of Interior of Republic of Bulgaria or structures within the Ministry as well as inter-governmental organizations operating in Bulgaria and having competence in the area of the call;

2. *Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups:*

Applicants: Ministry of Interior of Republic of Bulgaria or structures within the Ministry as well as inter-governmental organizations operating in Bulgaria and having competence in the area of the call.

3.14.4 Project selection

In accordance with Article 6.4 of the Regulation on the implementation of the NFM 2009-2014, the Programme Operator shall establish a *Selection Committee*. The Selection Committee shall recommend projects to be funded within the programme. The Selection Committee shall consist of at least three persons possessing the relevant expertise. At least one of them shall be external to the Programme Operator. The NMFA and the NFP shall be invited to participate in the meetings of the Selection Committee as observers. The donor programme partner shall be invited in the meetings in an advisory capacity.

The following *selection criteria* shall be applied in the evaluation of applications:

1. Formal criteria: full package of the required documents for application should be submitted by potential Project Promoters;
2. Administrative and eligibility compliance: applications should meet specific requirements including, among others, deadline for submission, eligibility of the applicant and partners, compliance with programme's outcomes and outputs, minimum and maximum amount of grant and co-financing rate, information and publicity measures envisaged, etc.
3. Criteria related to the quality of the project proposals (technical and financial appraisal): applications should meet specific requirements as regards the quality of the proposed project such as conformity with the programme's objective, outcomes and outputs; justification and methodology; project sustainability; experience and capacity of the Project Promoter to implement the project; budget, cost effectiveness and value for money.

Detailed list of the selection criteria applied in a specific call for proposals shall be included in the guidelines for applicants provided by the Programme Operator.

The procedure for selection of projects shall be carried out in accordance with the *principles* of publicity and transparency; fair competition; and equal treatment and non-discrimination.

Grants shall be awarded through *procedures for selection of projects*.

The procedure for selection of projects will be an open, competitive selection procedure with a specified deadline for application. In this procedure the proposals shall be evaluated and ranked

in descending order according to the appraisal received, and projects shall be approved for funding in the order of their appraisal up to the limit of the funds allocated for the respective call. The open procedure has the following stages:

- each candidate shall submit an application/project proposal, prepared in accordance with the Guidelines for Applicants;
- assessment of the proposals received by Selection Committee;
- approval of proposals that will receive grants.

All procedures shall be carried out according to guidelines for applicants, application forms and other relevant documents required by the Programme Operator. The *appraisal of the projects* shall be performed in two stages:

1. Appraisal of the administrative and eligibility compliance; and
2. Technical and financial appraisal.

The administrative check shall be performed through filling in a scoreboard for administrative compliance. The Selection Committee shall assess the administrative compliance of the project proposals observing the formal criteria and the administrative requirements defined in the scoreboard. In the process of evaluating the administrative compliance, the Selection Committee may require from the applicants to submit any missing information needed for the objective assessment of the proposal. The assessment of the eligibility compliance of the project proposal is based on eligibility criteria defined in the Guideline for applicants. Applicants whose applications are rejected at this stage shall be informed and given a reasonable time to appeal that decision.

Applications that meet the administrative and eligible criteria shall be reviewed and given technical and financial appraisals. Specific criteria and, where applicable, relative weight of every criterion, for this stage of the projects' appraisals shall be developed by the Programme Operator and applied by the Selection Committee.

A *conflict of interest* situation is deemed to be presented when a person involved in the selection process has direct or indirect interest that are or appear to be incompatible with the impartial or objective exercise of the functions related to the selection process. The Programme Operator shall take every reasonable measure to prevent conflict of interest situation from occurring. If a conflict of interest situation nevertheless occurs, the PO shall take all necessary measures to prevent that such a situation affects the integrity of the selection process.

3.14.5 Financial management

The Monitoring and Coordination of the Implementation Sector (MCIS) of IPD shall be responsible for the control on the technical execution of contracts, monitoring and on-the-spot checks as well as for the first stage of verifications of financial transactions initiated by the contractor/the project promoter through payment request and documents proving contract execution.

Both ex-ante and ex-post verification include administrative, financial and technical on-the-spot verifications. Ex-ante verification comprises 100% of the expenditures while ex-post verification includes on the spot checks of a representative sample of all completed projects.

The MCIS is responsible for ex-ante verification of payments.

The Financial Management and Control Sector execute financial management and payments. The experts approving the expenditure papers and payment requests are different from those executing accounting and payment.

The payment authorization is done through the system of double signature, both independent of payment execution which ensures scrutiny upon all financial transactions. The two sets of signatures are required for the approval of a financial transaction.

Disbursement of funds will only be realized upon signature by each set of duly authorised persons.

Validation of each payment will be done through the "four eyes control" system.

Level 1: Initiation of financial transactions is done by the Monitoring and Coordination of Implementation Sector –IPD after receiving a request for payment from the contractor/project promoter. Verification eligibility and compliance with the contract is carried out first by the Monitoring and Coordination of Implementation Sector of IPD and then by the Financial Management and Control Sector of IPD. After registering a request for payment, the responsible Financial expert 1 from the sector "Financial management and control" prepares the necessary documentation for its execution; checks the availability of funds; checks the payment dossier for compliance with contracts; performs quantity, price and quality checks.

Level 2: Following the EU best practice, second validation of the payment requests shall be performed by a Financial Controller from Material Inspections Unit-Mol - department external to the IPD structure.

Level 3: The second signatory (B-signature) - Financial expert 2 reviews the prior pre-payment process by checking the Payment dossier and authorises the payment by signing payment orders. Financial expert 2 is not involved in checking of invoices and claims under the contracts. The Head of the Financial Sector does not have right of second signature.

Level 4: The final approval of the payment will be done by the Director of the IPD.

The Payment Orders are stamped and are sent by Financial Controller from Material Inspections Unit - Mol - department external to the IPD structure to the Bank through electronic banking services where they are registered. Thus the Financial controller is directly involved in the process of payment cycle.

When payments are executed and bank statements received in the IPD the Accountant (Financial expert 3) enters the relevant information in the accounting information system.

Upon this final registration of the payment, the Payment dossier is closed by the Head of the Financial Sector.

The Programme Operator is in charge of the introduction and application of the good financial practice principles in the implementation of the programmes and projects. Therefore, the Programme Operator confirms that the final beneficiaries and other organizations involved in the implementation of supported actions maintain a separate accounting system or hard copies for all the financial information related to the project activities in conformity with the national accounting standard.

The double-signature internal Financial Management and Control System (FMCS) at Mol ensure scrutiny upon all financial transactions. Two pairs of signatures are required for the approval of a financial transaction.

Initiation of financial transactions is done by the Monitoring and Coordination of Implementation Sector-IPD after receiving of request for payment from contractor/the project promoter. Verification for eligibility and compliance with the contract is carried out first by the Monitoring and Coordination of Implementation Sector-IPD and then by the Financial Management and Control Sector-IPD in compliance with the principle for separation of functions. The approval of financial transaction is performed by the Director of IPD.

The approval of the supporting documents is performed by the head of PO and payment requests are done by the IPD Director (first signatory) and the financial expert 2 (second signatory). The first and second signatories shall have duly authorised substitutes.

The payment order signed by both signatories is forwarded for execution of payments to an accountant at Financial Management and Control Sector. The payment is registered in the accounting system by the accountant.

The PO shall guarantee the accuracy and the regularity of the payment request, with regard to the eligibility rules for through specific preliminary checks of the its compliance with the conditions of the project contracts.

The PO shall guarantee that products and/or services co-financed by the project have actually been delivered through conducting on-the-spot checks prior to making payments.

Furthermore, the PO shall apply its principles to assure the accuracy, completeness and effective payment of other contributions received from public or private resources.

Project contracts shall include provisions concerning implementation of recommendations deriving from audit activities.

Verifications shall be carried out by the FMC Sector-IPD and by the Financial Controller from Material Inspections Unit-MoI in order to guarantee legality and regularity of transactions. The principles of double signature and separation of functions shall be applied. For each payment request under project contract, the PO shall require submission of a progress report and relevant supporting documents for verification.

3.14.6 Modification of projects

Project modification shall be allowed only in circumstances arising from causes beyond the control and without fault or negligence of the Project Promoter. Adequate explanation of any changes shall be provided in the progress report and/or in the final report for implementation of the project in question.

Project modifications shall be proposed in written form to the Programme Operator by Project Promoters. Project promoters shall submit their request for modification at least one month before the date when the modification is expected to enter into force, unless exceptional circumstances – that are duly justified by the promoter and accepted by the operator – require otherwise. If this provision is not met, any expenses resulting from the modification of the project contract and its annexes shall be borne by the Project Promoter.

All modifications, regardless of their nature, should meet the following general requirements:

- should be well justified;
- should not result from project mismanagement;
- should not alter the main focus of the project, its objective, outcome(s), and outputs;

- should not subvert the competition conditions existing at the time the contract was concluded, nor the equal treatment of applicants/potential project promoters;
- should not put at risk the financial stability of the project.

All modifications except those referring to changes in contact names, addresses, bank accounts, and/or auditors are subject to prior approval by the PO.

Annex to the project contract shall be obligatory for modifications concerning the budget of the project and leading to:

- increase or decrease of more than 10% of the budget for budget heading agreed in the project contract;
- introduction of new budget headings and/or types of expenditure which were not included in the agreed budget.

Changes in timelines for implementation of project activities should be duly justified and consulted with the Programme Operator. Requests for modification of the timeline shall be sent 10 working days before the end of the month in which the activity had to be implemented.

Modifications enter into force following written approval by the PO. The PO shall not approve modifications of the timelines that had already happened or modifications that lead to alternation of the conditions under which the project was selected and raise reasonable doubts about the decision to award a grant.

3.15 Budget

3.15.1 Budget headings

The requested Programme grant rate is: 85%

					Non-eligible expenditure (d)	Total expenditure (e) = (c) + (d)
	EEA FM (a)	National cofinancing (b)	Total eligible expenditure (c) = (a)+(b)			
	€	€	€	% of total	€	€
Programme management	232 721,50	41 068,50	273 790,00	3,88%	0	273 790,00
Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis	2 446 737,24	431 777,16	2 878 514,40	40,78%	0	2 878 514,40
Strengthening of the cooperation between the police in the Schengen Member States	1 377 000,00	243 000,00	1 620 000,00	22,95%	0	1 620 000,00

Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups	1 402 500,00	247 500,00	1 650 000,00	23,37%	0	1 650 000,00
Improved cooperation between the authorities and relevant stakeholders, including non-governmental organisations, in assisting victims of trafficking	357 000,00	63 000,00	420 000,00	5,95%	0	420 000,00
Funds for bilateral relations	90 000,00	15 882,35	105 882,35	1,50%	0	105 882,35
Complementary action	46 544,30	8 213,70	54 758,00	0,78%	0	54 758,00
Preparation of Programme proposal	17 496,96	3 087,70	20 584,66	0,29%	0	20 584,66
Reserve for exchange rate losses	30 000,00	5 294,12	35 294,12	0,50%	0	35 294,12
TOTAL	6 000 000,00	1 058 823,53	7 058 823,53	100,00%	0	7 058 823,53

Costs are calculated on the basis of the planned activities and are allocated in accordance with the timetable described above.

Annual breakdown of the EEA Financial Mechanism contribution

Budget heading	2011	2012	2013	2014	2015	2016	2017	Total
Programme management		34 268	58 017	39 317	39 317	40 251	21 551	232 721
Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis		0	1 603 894	800 343	42 500	0	0	2 446 737
Strengthening of the cooperation between the police in the Schengen Member States		470 851	391 119	308 480	206 550	0	0	1 377 000
Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups		159 776	511 851	377 649	353 224	0	0	1 402 500

Improved cooperation between the authorities and relevant stakeholders, including non-governmental organisations, in assisting victims of trafficking		0	175 000	182 000	0	0	0	357 000
Funds for bilateral relations	0	18 000	18 000	18 000	18 000	18 000	0	90 000
Complementary action	0	9 309	9 309	9 309	9 309	9 308	0	46 544
Preparation of Programme proposal	4 097	13 400	0	0	0	0	0	17 497
Reserve for exchange rate losses	0	3 648	13 836	8 725	3 345	337	110	30 000
TOTAL	4 097	709 252	2 781 026	1 743 823	672 244	67 896	21 661	5 999 999

The breakdown of costs is estimated on the basis of the planned activities as well as the timetable and budget breakdown of the pre-defined projects which cover a large part of the programme.

Detailed budget for the management costs of the Programme Operator

Cost category	2011	2012	2013	2014	2015	2016	2017	Total
Preparation of Programme implementation	0,00	8 500,00	17 000,00	17 000,00	17 000,00	17 000,00	0,00	76 500,00
Project appraisal and selection	0,00	17 000,00	17 000,00	0,00	0,00	0,00	0,00	34 000,00
Payment claim verification, transfer of payments	0,00	255,00	425,00	425,00	425,00	425,00	425,00	2 380,00
Monitoring of projects	0,00	0,00	8 500,00	8 500,00	8 500,00	8 500,00	8 500,00	42 500,00
Audits and on-the-spot verification of projects	0,00	0,00	4 250,00	4 250,00	4 250,00	5 100,00	5 100,00	22 950,00
Promotion and information	0,00	4 250,00	4 250,00	4 250,00	4 250,00	4 250,00	4 250,00	25 500,00
Reporting to donors and national authorities	0,00	425,00	850,00	850,00	850,00	850,00	850,00	4 675,00
Establishment and operation of bank accounts	0,00	722,50	467,50	467,50	467,50	467,50	467,50	3 060,00
Overheads	0,00	3 115,25	5 274,25	3 574,25	3 574,25	3 659,25	1 959,25	21 156,50
Total	0,00	34 267,75	58 016,75	39 316,75	39 316,75	40 251,75	21 551,75	232 721,50

Management costs are calculated in accordance with the *Regulation on the implementation of the Norwegian Financial Mechanism 2009-2014* and are based on actual prices and the experience of the IPD in the implementation of EU funded programmes and projects.

Detailed budget for preparation of Programme proposal

Cost category	Units	Unit cost	Amount (€)
Salaries of staff of the Programme Operator			
Travel and subsistence allowance	8	1 024,24	8 193,93
Feasibility studies, including expert fees			
Translation costs			
Preparation for public procurement and state aid			
Public consultation	2	4 651,52	9 303,04
Total			17 496,97

The costs for preparation of Programme proposal are related to travel and subsistence allowances for four representatives of the Programme Operator for a meeting with DPPs as well as for a public consultation with relevant stakeholders (PO, DPPs, NFP, Norwegian Embassy and potential project promoters' representatives) carried out in the period before 20th February 2012. Additional 10.000 euro are envisaged for consultations and travel and subsistence allowances between the PO and the DPPs in the appraisal period until the date of decision of NFMA to approve the Programme.

3.15.2 Advance payment

Budget heading	Advance requested (€)
Programme management	53 607,00
Development and improvement of structures, systems and technical equipment in order to improve the implementation of the Schengen acquis	534 631,33
Strengthening of the cooperation between the police in the Schengen Member States	601 224,00
Improved capacity to prevent and combat cross-border and organised crime, including trafficking in human beings and itinerant criminal groups	330 393,00
Improved cooperation between the authorities and relevant stakeholders, including non-governmental organisations, in assisting victims of trafficking	58 333,33
Funds for bilateral relations	24 000,00
Complementary action	12 412,00
Preparation of Programme proposal	17 497,00
Reserve for exchange rate losses	8 260,00
TOTAL	1 640 357,67

In accordance with the provisions of Article 8.2.1 of *the Regulation on the implementation of the Norwegian Financial Mechanism 2009-2014*, the estimated advance payments cover the share of the programme expenditure for two full reporting periods. The Ministry of Interior in its capacity of Programme Operator does not have additional resources for implementation of programmes and projects and cannot provide financing for the activities planned in the frameworks of this programme. To this end, the advance payments requested shall provide adequate financial resources guaranteeing the effective contribution to the achievement of the objectives of the Programme.

3.16 Overview of annexes required to the Programme proposal

- I. List of abbreviations
- II. Information on pre-defined projects (if applicable)
- III. Monitoring plan
- IV. Communication Plan
- V. Chart(s) showing the management structure
- VI. CVs of key personnel
- VII. Maps and figures (if relevant)
- VIII. Statistical attachment

3.17 Signatures

For the Programme Operator

I certify that I am duly authorised to sign this proposal on behalf of the Programme Operator, that I have thoroughly reviewed all statements and information provided in this proposal, and that they are correct and accurate. I confirm that this Programme will be carried out as described in this proposal and that the grant requested reflects correctly what is reasonably needed as a minimum for the Programme to proceed and to be completed.

I accept that the FMO may publish a summary of this Programme proposal on its website and that the proposal may be subject to disclosure under the Freedom of Information Acts of the EEA EFTA states.

					Optional second signature		
Name	Dimitar Georgiev						
Position	Deputy Minister of Interior						
Organisation	Ministry of Interior, Bulgaria						
Signature							
	Day	Month	Year		Day	Month	Year
Date							

For the Programme Partner

I certify that I am duly authorised to sign this proposal on behalf of my organisation, and that this organisation agrees to participate in the implementation of this Programme. I have thoroughly reviewed all statements and information provided in this proposal, and they correctly and accurately describe my organisation's roles and responsibilities towards this Programme.

				Optional second signature		
Name						
Position	National Police Commissioner					
Organisation	National Police Directorate, Norway					
Signature						
	Day	Month	Year	Day	Month	Year
Date						

For the Programme Partner

I certify that I am duly authorised to sign this proposal on behalf of my organisation, and that this organisation agrees to participate in the implementation of this Programme. I have thoroughly reviewed all statements and information provided in this proposal, and they correctly and accurately describe my organisation's roles and responsibilities towards this Programme.

				Optional second signature		
Name	Gabiella BATTAINI					
Position	Directorate General of Programmes					
Organisation	Council of Europe					
Signature						
	Day	Month	Year	Day	Month	Year
Date						

For the National Focal Point

I certify that I am duly authorised to sign this Programme proposal on behalf of the National Focal Point, that I have reviewed all statements and information provided in this proposal, and that I confirm that it is in accord with the Memorandum of Understanding.

					Optional second signature		
Name	Tomislav Donchev						
Position	Minister of EU Funds Management and Head of the NFP						
Organisation	Council of Ministers, Bulgaria						
Signature							
	Day	Month	Year		Day	Month	Year
Date							