

Zuzana Matyášová  
Director  
International Relations Department  
Ministry of Finance of the Czech

Brussels, 22 November 2019

**Subject: Addendum to Programme Agreement**

Dear Mrs Matyášová

Please find enclosed the Addendum to the Programme Agreement for the Programme "Justice"

The Addendum is produced in two copies. Please return to the Financial Mechanism Office one copy of the Addendum, signed by the representative of the National Focal Point, at your earliest convenience.

If you have any questions regarding this matter, please do not hesitate to contact Senior Legal Officer Reka Kenesei on email: [rke@efta.int](mailto:rke@efta.int) or telephone: +32 (0)2 211 1847.

Yours sincerely,



Henning Stirø  
Director  
Financial Mechanism Office



## **ADDENDUM**

to

**Norwegian Financial Mechanism 2014-2021**

### **PROGRAMME AGREEMENT**

for the financing of the Programme “Justice”  
hereinafter referred to as the “Programme Agreement”

between

The Norwegian Ministry of Foreign Affairs  
hereinafter referred to as the “NMFA”

and

The Ministry of Finance of the Czech Republic  
hereinafter referred to as the “National Focal Point”,  
representing the Czech Republic,  
hereinafter referred to as the “Beneficiary State”  
together hereinafter referred to as the “Parties”

Article 1

1. The Annexes to the Norwegian Financial Mechanism Programme Agreement for the financing of the Programme “Justice” are replaced by the Annexes sent with this addendum.
2. The modifications contained in the new versions of Annex I and Annex II to the Programme Agreement entered into force on 22 November 2019.

Article 2

1. This addendum and the Annexes accompanying it constitute an integral part of the Programme Agreement. Except from the modifications stated above, the Programme Agreement remains unchanged.

Signed in Brussels on ..... *22/11-2019* Signed in .....on.....

For the NMFA

For the Focal Point

*H. Styrø*  
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Henning Styrø  
Director

Financial Mechanism Office

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Zuzana Matyášová  
Head of NFP/Director  
International Relations Department  
Ministry of Finance of the Czech Republic

## Annex 1 to the Programme Agreement

<b>Programme Operator and Partners</b>	
Programme Operator:	Ministry of Finance of the Czech Republic
Donor Programme Partner:	Norwegian Correctional Service (KDI)
IPO:	Council of Europe (CoE)
Other Programme Partners(s):	Ministry of Justice of the Czech Republic

Programme Objective		Improved correctional system							
PA	Outcome	Expected programme results	Indicator	Unit of measurement	Source of verification	Frequency of reporting	Baseline value	Baseline year	Target value
PA19	Outcome 1	Enhanced cooperation in the criminal justice and social system	Common educational system for inter-departmental training related to prison and post-prison care set up Level of cooperation in criminal justice and social system employees Level of satisfaction with training services provided within the new system	Binary Scale 1-5 Scale 1-5	Memorandum of systematic cooperation, Course syllabi, contracts with lecturers Survey results	Annually (APR) Annually (APR) Annually (APR)	No 0 0	N/A N/A N/A	Yes 4 4

	Framework for common education developed	Binary	Inter-departmental education modules annotations	Semi-annually	No	N/A	Yes
Output 1.1	Common penitentiary and post penitentiary educational system launched	Number of inter-departmental training courses developed	Project Promoters' records, Course syllabi	Semi-annually	0	N/A	7
		Number of participants in inter-departmental trainings. (disaggregated by gender)	Project Promoters' records, Attendance sheets	Semi-annually	0	N/A	1400
Output 1.2	Training related to alternative sentences carried out	Number of stakeholders involved in networking <sup>1</sup>	Project Promoters' records, Attendance sheets	Semi-annually	0	N/A	15
		Number of judiciary staff trained in application of alternative sentences (disaggregated by gender)	Project Promoters' records, Attendance sheets	Semi-annually	0	N/A	80

<sup>1</sup> Number of stakeholders involved in networking expresses the number of different types of institutions (public, non-governmental, private etc.) involved in networking within criminal justice and social system (e.g. Ministry of Justice, Ministry of Labour and Social Affairs, Courts, Public Prosecutor Offices, Prison Service, etc.).

PA19	Outcome 2	Level of satisfaction of prisoners and ex-prisoners with the new services	Scale 1-5	Survey results	Annually (APR)	0	N/A	4
		Percentage of prisoners having access to new services	Percentage	Project Promoters' records	Annually (APR)	N/A	N/A	3.0%
		Percentage of prisoners involved in the mentoring programme who returned back to prison within 2 years after release	Percentage	Project Promoters' records	Annually (APR)	63.0%	2017	50.0%
		Fathers' programme piloted	Binary	Fathers programme manual, Project promoters' records	Semi-annually	No	N/A	Yes
	Output 2.1	Number of prisoners undergoing Fathers' programme	Number	List of prisoners undergoing the programme	Semi-annually	0	N/A	32
		Number of prisoners undergoing pilot run of "Motivation programme"	Number	List of prisoners undergoing the programme	Semi-annually	0	N/A	32





	treatment, case management) provided by NGOs (disaggregated by gender)												
	Treatment services for drug addiction provided by NGO's	Binary	Project Promoters' records	Semi-annually	No	N/A	Yes						
Output 2.3	Number of prisons equipped and renovated to provide treatment <sup>2</sup>	Number	Project Promoters' records, Photo documentation	Semi-annually	0	N/A	7						
	Mentoring services provided by NGO's	Binary	Project Promoters' records	Semi-annually	No	N/A	Yes						
Output 2.4	Number of mentors for post penitentiary care trained (disaggregated by gender)	Number	Project Promoters' records, Attendance sheets	Semi-annually	0	N/A	30						
	Number of prisoners supported by the mentoring services	Number	Project Promoters' records	Semi-annually	0	N/A	230						

<sup>2</sup> it is assumed that the purchase of equipment and renovation will take place not only in the prisons involved in the pilot but also in other prisons to which treatment programmes will be extended.

			(disaggregated by gender)											
Outcome 3	Improved access to alternative measures	Probation Houses used as a new measure to enforcement of alternatives to imprisonment	Binary	Probation case files	Annually (APR)	No	N/A	Yes						
		Programme Centres used as a new measure to enforcement of alternatives to imprisonment	Binary	Probation case files	Annually (APR)	No	N/A	Yes						
PA21	Output 3.1	Capacity for alternative sentencing and conditional release developed	Number of persons receiving conditional release with the obligation to stay in a probation house	Number	Court records	Annually (APR)	0	N/A	40					
			Number of probation houses piloted	Number	Project Promoters' records	Annually (APR)	0	N/A	1					
			Number of programme centres piloted	Number	Project Promoters' records	Annually (APR)	0	N/A	4					
	Output 3.2	Probation houses established	Number of probation houses reconstructed	Number	Project Promoters' records, photo documentation	Semi-annually	0	N/A	1					





**Conditions**

## General

- 1) The National Focal Point shall ensure that the Programme Operator ensures that an ex ante control of public procurement procedures and documentation carried out for the pre-defined projects under section 5.1 of Annex II to the Programme Agreement, is carried out by a competent independent entity, other than the respective project promoter.
- 2) The maximum level of funding available from the total eligible expenditure of the programme for infrastructure (hard measures) shall be 30%.
- 3) For pre-defined project no. 1) under Section 5.1 of Annex II to the Programme Agreement, the National Focal Point shall ensure that the Programme Operator ensures that the appraisal foreseen in Article 6.5.3 of the Regulation is externalised and carried out by a legal entity independent of and unrelated to the Programme Operator and Programme Partner.
- 4) The National Focal Point's responsibilities regarding continuous structured risk assessment described in Article 5.3.3 of the Regulation, and the regular monitoring of the Programme described in Article 5.3.4 of the Regulation shall be externalised and be carried out by a legal entity independent of and unrelated to the National Focal Point as further described in the description of the management and control systems in accordance with Article 5.7.1 of the Regulation. The National Focal Point shall inform the NMFA on the selection of the entity. The methodology followed by this entity shall be developed in cooperation with the National Focal Point. The methodology shall be submitted to the NMFA for review.
- 5) The National Focal Point shall ensure that the Programme Operator ensures that Project Promoters:
  - Keep any buildings purchased, constructed, renovated or reconstructed under the project in their ownership for a period of at least 5 years following the completion of the project and continue to use such buildings for the benefit of the overall objectives of the project for the same period;
  - Keep any buildings purchased, constructed, renovated or reconstructed under the project properly insured against losses such as fire, theft and other normally insurable incidents both during project implementation and for at least 5 years following the completion of the project; and
  - Set aside appropriate resources for the maintenance of any buildings purchased, constructed, renovated or reconstructed under the project for at least 5 years following the completion of the project. The specific means for implementation of this obligation shall be specified in the project contract.

## Pre-eligibility

Not applicable

## Pre-payment

- 1) Prior to disbursing the first payment to the programme, the National Focal Point shall submit to the NMFA the detailed description of the management and control systems of the Programme Operator in English in accordance with paragraph 4 of Article 5.7 of the Regulation.

## Pre-completion

Not applicable

## Post-completion

Not applicable

<b>Eligibility of costs - period</b>	First date	End date
Eligibility of costs	05/09/2017	31/12/2024

<b>Grant rate and co-financing</b>	
Programme eligible expenditure (€)	€ 7,058,824
Programme grant rate (%)	85%
Maximum amount of Programme grant - EEA Financial Mechanism (€)	€ 0
Maximum amount of Programme grant - Norwegian Financial Mechanism (€)	€ 6,000,000
Maximum amount of Programme grant - Total (€)	€ 6,000,000

Maximum eligible costs (€) and Advance payment amount (€)									
PA	Budget heading	EEA Grants	Norway Grants	Total grant	Programme grant rate	Programme co-financing	Programme eligible expenditure	Advance payment	
PM	Programme management	-	€ 600,000	€ 600,000	85%	€ 105,882	€ 705,882	€ 0	
PA19	Outcome 1	-	€ 681,700	€ 681,700	85%	€ 120,300	€ 802,000	€ 0	
PA19	Outcome 2	-	€ 2,788,800	€ 2,788,800	85%	€ 492,142	€ 3,280,942	€ 0	
PA21	Outcome 3	-	€ 1,929,500	€ 1,929,500	85%	€ 340,500	€ 2,270,000	€ 0	
	Total		€ 6,000,000	€ 6,000,000	85%	€ 1,058,824	€ 7,058,824	€ 0	

Retention of management costs	
Retention of management costs - percentage of the management costs	10%
Retention of management costs - planned Euro value	€ 70,588





## Annex II-Operational rules

### 1. Programme summary

This Annex sets out the operational rules for the programme. The programme agreement is based on the MoU, the concept note, and comments made by the NMFA. Commitments, statements and guarantees, explicit as well as implicit, made in the concept note, are binding for the National Focal Point and the Programme Operator unless otherwise explicitly stipulated in the annexes to this programme agreement.

The Programme Operator is the Ministry of Finance. The Ministry of Justice is the Programme Partner. The Directorate of Norwegian Correctional Services (KDI) is the Donor Programme Partner. The Council of Europe (CoE) is the International Partner Organisation (IPO).

The *programme objective*, “*Improved Correctional system*”, shall be attained through three outcomes:

- The programme shall support the outcome “*Enhanced cooperation in the criminal justice and social system*” (*Outcome 1*) by way of one pre-defined project: “Common Education System – strengthening cooperation in the criminal justice and social system” (PDP 1).
- The programme shall support the outcome “*Services for prisoners improved*” (*Outcome 2*) by way of one pre-defined project: “Strengthening the rehabilitation of prisoners through treatment” (PDP 2) and one call for proposals consisting of two parts: “Support of reintegration of persons conditionally released and released from prison” (Call 1a) aiming to establish a network of mentors, which will support the prison social workers’, social curators’ and probation workers’ work with the target group and “Professional care for imprisoned drug users and its continuity after release” (Call 1b) with the objective of treatment programmes for vulnerable groups with emphasis on drug addicted treatment services and integrated mental programmes.
- The programme shall support the outcome “*Improved access to alternative measures*” (*Outcome 3*) by way of one pre-defined project: “Back to Life” (PDP 3).

### 2. Eligibility

#### 2.1 Eligible applicants:

The rules of eligibility of project promoters and project partners are set in Article 7.2 of the Regulation.

The following limitations shall be placed:

- Only non-governmental organisation (as defined in Article 1.6 n of the Regulation) shall be eligible applicants under the open call (Call 1a and Call 1b).
- Only non-governmental organisation being owners of a certificate of professional competence for facilities and programmes providing addictological professional services awarded by the Government Council for Drug Policy Coordination shall be eligible applicants under the open call (Call 1b)

#### 2.2 Special rules on eligibility of costs:

Costs are eligible in accordance with chapter 8 of the Regulation.

### 3. Bilateral relations

#### 3.1 Bilateral relations

The programme shall contribute to strengthening bilateral relations between the Czech Republic and the Donor States.

The programme shall as appropriate facilitate donor partnership projects by carrying out, inter alia, match-making events and activities in conjunction with launching calls for proposals, as well as by encouraging donor partnership projects in call texts.

The further use of the funds for bilateral relations allocated to the programme shall be agreed in the Cooperation Committee.

### 4. Selection of projects and financial parameters

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

Call	Outcome	Estimated timing of the call	Total available amount	Planned minimum grant applied for	Planned maximum grant applied for
Call for proposals 1a/1b	Outcome 2	2019 Q3	€ 1 690 942 1a: € 791 667 1b: € 899 275	€ 200 000	€ 1 000 000

#### 4.2 Selection procedures:

The project evaluation and award of grants shall be in accordance with Article 7.4 of the Regulation.

The Programme Operator shall be responsible for project evaluation in cooperation with the Programme Partner and the award of grants.

The Programme Partner shall be responsible for reviewing the applications in compliance with administrative and eligibility criteria. Applicants whose application is rejected at this stage shall be informed of the reasons of rejection in writing and given 15 days to appeal that decision to the Programme Operator.

Each application that meets the administrative and eligibility criteria shall be reviewed by at least two impartial experts appointed by the Programme Partner, at least one of which shall be independent of and external to the Programme Operator and the Programme Partner. The experts shall separately score the project according to the selection criteria published with the call for proposals. For the purposes of ranking the projects, the average of the scores awarded by the experts shall be used. If the difference between the scores given by the two experts is more than 30% of the higher score, a third expert, who shall be impartial and independent of the Programme Operator and the Programme Partner as well as of the Selection Committee, shall be commissioned by the Programme Partner. In such cases, the average score of the two closest scores shall be used for the ranking of the projects.

The Programme Partner shall establish a Selection Committee for call 1a and 1b separately. The Selection Committee shall consist of a Chairman and a secretary – representatives of the Programme Partner – without voting rights and at least five voting members, including representatives of the Ministry of Justice (independent of the section acting as the Programme Partner), the Prison Service, the Probation and Mediation Service and independent experts external to the Programme Operator and the Programme Partner. The Programme Operator, the NMFA, the DPP, the IPO, and the National Focal Point shall be invited to participate in the Selection Committee as observers.

The Rules of Procedure of the Selection Committee shall be agreed in the Cooperation Committee. The Programme Partner shall provide the Selection Committee with a list of the ranked projects. The Selection Committee shall review the ranked list of projects. The Selection Committee may modify the ranking of the projects in justified cases. The justification for modifications shall be detailed in the minutes of the meeting of the Selection Committee. The minutes shall be signed by all members of the Selection Committee. The Chairman of the Selection Committee shall submit the minutes and the list of the recommended projects, together with a reserve list and the list of rejected project applications and the reason for their rejection, to the Programme Operator.

The Programme Operator (in cooperation with the external agency to be selected via public procurement) shall verify that the selection process has been conducted in accordance with the Regulation and that the grant award recommendation of the Selection Committee complies with the rules and objectives of the Programme. Following such verification, the Programme Operator shall make a decision on which projects shall be supported.

The Programme Operator shall notify the applicants about the results of the selection process within reasonable time and publicise the results. All unsuccessful applicants shall be provided with a brief description of the reasons for the decision.

#### 4.3 *Project grant rate:*

Grants to all projects from the programme may be up to 100% of total eligible expenditure of the project. In the case of projects where the project promoter is an NGO or a social partner as defined in Article 1.6 of the Regulation, the project grant rate may be up to 90% of the total eligible expenditure of the project. The project grant rate shall in all cases be set at a level that complies with the State Aid rules in force and takes into account any and all other forms of public support granted to projects. Any remaining costs of the project shall be provided or obtained by the project promoter.

## 5. **Additional mechanisms within the Programme**

### 5.1 *Pre-defined projects*

There will be three pre-defined projects implemented under the programme:

#### 1) *“Common Education System – strengthening cooperation in the criminal justice and social system”*

Project Promoter:	The Ministry of Justice of the Czech Republic
Donor project partner(s):	The University College of Norwegian Correctional Service
Other project partner(s):	The Prison Service of the Czech Republic
Programme outcome the project contributes to:	“Enhanced cooperation in the criminal justice and social system”
Total maximum eligible project costs	€ 802,000
Project grant rate:	100%

Maximum project grant amount: € 802,000

The project will enhance cooperation and coherence between the criminal justice and social system through establishing a common educational system for inter-departmental training related to prison and post-prison care and will support the establishment of a quality education system for persons dealing with inmates and offenders. The project will strengthen the sharing of information and knowledge between the judiciary, the Prison Service and the Probation and Mediation Service.

The project will include, inter alia, the following main activities:

- Training of staff focused on treatment of end beneficiaries, especially in the areas of addiction, employment, maintenance of family and social relationships,
- Training of staff focused on motivation, psycho-hygiene and conflict management,
- Study visits to gain experience and know-how in the area of common education and to share best practices not only in the area of education but in penitentiary and post-penitentiary care in general,
- Training of staff by Norwegian experts on topic of interconnection of the Prison Service and the Probation and Mediation Service within the Common Education System.

2) *“Strengthening the rehabilitation of prisoners through treatment”*

Project Promoter:	The Prison Service of the Czech Republic
Donor project partner(s):	University College of Norwegian Correctional Service (KRUS), Bastoy Prison, Ila Prison, Norwegian Correctional Service – Region South
Other project partner(s):	The Probation and Mediation Service
Programme outcome the project contributes to:	“Services for prisoners improved”
Total maximum eligible project costs	€ 1,590,000
Project grant rate:	100%
Maximum project grant amount:	€1,590,000

The project will enhance convicts’ motivation to participate in intervention programmes, which, as a final goal, can decrease the risk of their relapse, through the implementation of the Norwegian “Motivation Programme” to improve treatment programmes for vulnerable groups with emphasis on the integration of medical and psycho-social care, implementation of standardization of the procedures of professional care for convicted drug users and through implementation of programme focused on working with imprisoned fathers as well as on working with families and imprisoned parents (e.g. “Pappa Programme”).

The project will include the following main activities:

- Translation of the manual for the application of the “Motivation programme” from Norwegian into Czech and its adaptation for Czech environment.
- Training of teams of professional staff from four Czech prisons in using the “Motivation programme” and “job shadowing” in a Norwegian prison or prisons where this programme is implemented.



- Pilotage of the “Motivation programme” in four Czech prisons
- Equipment and adjustment of appropriate spaces for the Motivation programme in the “pilot” prisons
- Creating a standard procedure of substitution treatment and detoxification and its pilot verification in one prison including necessary equipment
- Training staff members dealing with drug addict within new developed medical programmes
- Translation of the manual for the application of the programme from Norwegian into Czech and its adaptation for Czech environment
- Training of Prison Service staff – training of Czech lecturers of Pappa Programme in Norway
- Pilotage of Fathers programme in four prisons
- Creating an educational publication for parents and children (about the life of a parent in prison in collaboration with suppliers and partners, processing of publications, illustrations and graphics, followed by printing)
- Equipment and adjustment of appropriate spaces for the Fathers programme implementation and creation of suitable spaces inside visiting rooms suited for visits of family members in prisons.

### 3) *“Back to Life”*

Project Promoter:	The Probation and Mediation Service
Donor project partner(s):	Buskerud Probation office Drammen Half-way house
Other project partner(s):	The Prison Service of the Czech Republic
Programme outcome the project contributes to:	“Improved access to alternative measures”
Total maximum eligible project costs	€ 2,270,000
Project grant rate:	100%
Maximum project grant amount:	€ 2,270,000

The project will establish programme centres in 4 judicial regions where no suitable programmes for offenders are yet available and build, establish and operate a probation house, in which those conditionally released will be provided with accommodation, programmes strengthening working habits and stabilizing family relationships in addition to other services.

The project will include the following main activities:

- Establishment of four programme centres,
- Training of staff for implementation of standardized programmes for convicted juveniles and adults,
- Pilot implementation of probation and resocialization programmes,
- Construct and operate a probation house,
- Training of probation officers
- Implementation of programmes for dismissed persons.

#### 5.2 *Financial Instruments*

Not applicable

## 6. Programme Management

### 6.1 Payment flows

The Programme Operator shall ensure that payments to projects are made in a timely manner. Interim and final payments to the projects shall be based on approved project reports.

Payments of the project grant shall take the form of advance payments, interim payments and a final payment. The level of advance payment to projects shall be set out in the project contract.

The maximum level of advance payment shall be linked to the type of project promoter. The maximum level of advance payment is 60% of the project grant in the case of private entities. There is no advance payment for public entities.

Project Promoter	Advance payment	Interim payments	Final payment
Public entity	No advance payment	90%	10%
Private entity (incl. NGOs)	Up to 60%	40% - 90%	10%

The first advance instalment shall be paid following the signature of the project contract. An advance payment of a percentage of the total grant amount shall be paid within 1 month from the submission of a request after signature of the project contract.

Subsequent payments shall be paid after the approval of project interim reports. The interim payments shall be paid within 1 month after the approval of project interim reports.

The final payment will be paid after approval of the final report. Upon approval of the final project report a final balance payment, if applicable, shall be made within 1 month.

The approval of project interim and final reports shall take place within 2 months from the submission of the required information.

The periodicity of reporting periods, and deadlines for reporting will be further detailed in the description of the Programme Operator's management and control systems.

### 6.2 Verification of incurred expenditure

Project promoters shall submit interim and final project reports containing information on project progress and incurred expenditure.

In line with point i) of Article 5.6.2 of the Regulation incurred expenditure reported shall be subject to administrative verifications before the report is approved. Verifications to be carried out shall cover administrative, financial, technical and physical aspects of projects, as appropriate and be in accordance with the principle of proportionality.

Additionally, in line with point ii) of Article 5.6.2 of the Regulation on-the-spot verifications of projects, which may be carried out on a sample basis, shall be carried out.

The detailed procedure for verification will be further detailed in the description of the Programme Operator's management and control systems.

### 6.3 Monitoring and reporting

The Programme Operator shall monitor, record and report on progress towards the programme's outcomes in accordance with provisions contained in the legal framework. The Programme Operator shall ensure that suitable and sufficient monitoring and reporting arrangements are made with the project promoters in order to enable the Programme Operator and the National Focal Point to meet its obligation to the NMFA.

When reporting on progress achieved in Annual and Final programme Reports, the Programme operator shall disaggregate results achieved as appropriate and in accordance with instructions and templates received from the FMO.

*6.4 Programme administrative structures*  
Not applicable.

## **7. Communication**

### *7.1 Communication*

The Programme Operator shall comply with Article 3.3 of the Regulation, the Information and Communication Requirements in Annex 3 of the Regulation and the Communication plan for the programme.

## **8. Miscellaneous**

Notwithstanding Article 6.9 of the Regulation and Article 2.9 of the programme agreement, approval of the Final Programme Report in accordance with Article 6.12 of the Regulation, shall be considered as fulfilment of Articles 1.4.3 and 2.3.2 of the programme agreement.

