

Enhancing the capacities / roles of the CSOs in monitoring of the implementation of the EU Acquis in field of the comprehensive anti-discrimination strategy

Questions and Answers

EuropeAid/128865/M/ACT/HR

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1. Publication reference

EuropeAid/128865/M/ACT/HR

2. Procedure

Open

3. Programme

IPA 2008

4. Financing

National Programme for Croatia under the IPA – Transition Assistance and Institution Building Component for 2008

5. Contracting authority

Central Finance and Contracting Agency

NOTE: The final decision concerning eligibility of applicant & partners, activities and costs will be brought by the Evaluation Committee and CFCA (subject to ex-ante control of the EC Delegation), upon evaluation of the submitted project proposals.

List of Abbreviations:

CFCA – Central Finance and Contracting Agency (Središnja agencija za financiranje i ugovaranje – SAFU)

GfA – Guidelines for Applicants (Upute za prijavitelje)

PRAG - Practical Guide to Contract Procedures for EC External Actions

QUESTIONS	ANSWERS
Date: 22nd July 2009.	
1. Is it possible that school (e.g. secondary school) applies for programme or project to the tender <i>Enhancing the capacities / roles of the CSOs in monitoring of the implementation of the EU Acquis in field of the comprehensive anti-discrimination strategy</i> ?	As it is stated under point 2.1.1. of the GfA, <i>Eligibility of applicants: who may apply?</i> in order to be eligible for a grant, applicants must : be legal persons and be non profit making and be specific types of organisations such as: non-governmental organization or formal networks of non-governmental organizations, of the following legal status: citizens' associations, professional and business associations, trade-unions, foundations; and academic and research institutions/organizations and be nationals of a Member State of the European Union, Croatia, The former Yugoslav Republic of Macedonia, Turkey, Albania, Bosnia and Hercegovina, Montenegro, Serbia,

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	<p>including Kosovo under UNSC Resolution 1244/99 as well as of other countries eligible under Council Regulation (EC) No 1085/2006 of 31st July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) and be directly responsible for the preparation and management of the action with their partners, not acting as an intermediary and be legally registered and operational for at least one year before 20th October 2009.</p> <p>In addition, as stated under point 2.2.4. <i>Further information for the Application</i> of the GfA, Further Information for Applications, in the interest of equal treatment of applicants, the Contracting Authority cannot give a prior opinion on the eligibility of an applicant, a partner, an action or specific activities.</p>
Date: 1st September 2009	
<p>2. Would the institution of the Ombudsman meet the requirement of eligibility AS A PARTNER OF NGO under 2.1.1, the following are however also eligible:</p> <p>- Local and regional self-governments and local and regional development agencies may be involved as partners in projects, but may not apply as applicants.</p> <p>Namely the Ombudsman's institution does not fall under "central government bodies (ministries, central government departments and agencies, etc.)" since the institution is an independent Parliamentary Commissioner for protection of Human Rights as well as a Central Body for combating discrimination.</p>	<p>As it is stated under point 2.1.1. of the GfA, <i>Eligibility of applicants: who may apply?</i> in order to be eligible for a grant, applicants must: be legal persons and be non profit making and be specific types of organisations such as: non-governmental organization or formal networks of non-governmental organizations, of the following legal status: citizens' associations, professional and business associations, trade-unions, foundations; and academic and research institutions/organizations and be nationals of a Member State of the European Union, Croatia, The former Yugoslav Republic of Macedonia, Turkey, Albania, Bosnia and Hercegovina, Montenegro, Serbia, including Kosovo under UNSC Resolution 1244/99 as well as of other countries eligible under Council Regulation (EC) No 1085/2006 of 31st July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) and be directly responsible for the preparation and management of the action with their partners, not acting as an intermediary and be legally registered and operational for at least one year before 20th October 2009.</p> <p>Moreover in the point 2.1.2 <i>Partnerships and eligibility of partners</i> of the GFA is stated:</p> <p>"Applicants' partners participate in designing and implementing the action, and the costs they incur are eligible in the same way as those incurred by the grant</p>

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	<p>beneficiary. They must therefore satisfy the eligibility criteria as applicable on the grant beneficiary himself. In addition to the categories referred to in section 2.1.1, the following are however also eligible:</p> <ol style="list-style-type: none"> 1) Local and regional self-governments and local and regional development agencies may be involved as partners in projects, but may not apply as applicants. 2) Trans-national organisations (i.e. organisations representing a series of organisations based in different countries) may be involved as partners in projects provided that: <ol style="list-style-type: none"> a. their member organizations include at least one candidate country and EU Member States; and b. more than half of member organizations are NGOs / Non Profit Organisations (NPOs). 3) Religious communities. <p>Types of organizations and institutions which are not eligible neither as project applicants nor as project partners include private sector companies (consultancies, individual enterprises, etc.), central government bodies (ministries, central government departments and agencies, etc.), political parties, international organisations created by States as well as inter-governmental organizations.”</p> <p>In addition, as stated under point 2.2.4. <i>Further information for the Application</i> of the GfA, <i>Further Information for Applications</i>, in the interest of equal treatment of applicants, the Contracting Authority cannot give a prior opinion on the eligibility of an applicant, a partner, an action or specific activities.</p>
<p>Date: 28th September 2009</p>	
<p>3. University in Rijeka intends to apply to the IPA I call in cooperation with the civil society organisations. On the workshop in Rijeka has been stated that full time employees can not be project managers since it is expected that they should work minimum 4 hours per day. We assume that this is not possible if the person is already employed full time</p>	<p>3. According to the chapter 2.1.4. <i>Eligibility of costs: costs which may be taken into consideration for the grant</i> “...salaries/ fees of current employees that will be engaged on the project by the applicant or partner being any institution that is continuously financed at any part from the local/ state level budget, will only be accepted as eligible and considered as co-financing up to the level of co-financing paid from the Beneficiary or it's partners or other donors from sources other than</p>

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<p>assuming that this person already has work obligation within this 8 hours.</p> <p>Related to the a.m. is it possible that employee of the University be the project manager on the project and that the related salary represents the University co financing?</p>	<p>IPA.”</p> <p>It is possible for the Project Manager to be full time employee and dedicate certain hours (Guidelines for Applicants do not prescribe any minimum or maximum hours/time to be spent on a project) of the day to the project work while the remaining time he/she will work on his regular job.</p> <p>Please note that the CFCA did not organise the workshop you have mentioned nor we have participated at the workshop, so we are not in position to refer to it.</p>
<p>Date: 22nd September 2009</p>	
<p>4. Is it possible for one NGO to be an applicant for 2 calls for proposals under IPA component I, meaning is it allowed to apply in the field of the anti-discrimination strategy as main applicant with partner organization, and as well to apply in the field of fight against corruption as main applicant with partner organization.</p>	<p>4. An applicant may apply on several calls for proposals, there is no limit, but according to the PRAG, chapter 6.2.7. <i>Non-cumulation</i></p> <p>“No single beneficiary may receive more than one grant financed by the European Community or EDF for a given action, save otherwise provided in the basic act concerned. “</p> <p>If an applicant applies for 2 different calls for proposals with different projects – an applicant may receive both grants.</p>
<p>Date: 01st October 2009</p>	
<p>5. Is it possible to be partner organization in more than one proposal?</p>	<p>5. Yes, it is possible to be a partner organisation in more than one proposal.</p> <p>Please note that in the GfA, chapter 2.1.3 <i>Eligible actions: actions for which an application may be made</i>, it is clearly stated what is the number of applications and grants per applicant. It is as follows:</p> <p><u>“Number of applications and grants per applicant</u></p> <ul style="list-style-type: none"> - An applicant may submit more than 1 proposal under this call for proposals. - An applicant may not be awarded more than 1 grant under this call for proposals. - <u>An applicant may at the same time be partner in another application.</u> - <u>Partners may take part in more than one application.”</u> <p>Additionally, please bear in mind that you must possess satisfactory capacity to be actively involved in more than one project.</p>

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Date: 01st October 2009	
<p>6. Can you please elaborate the following request from the GfA, page 13:</p> <p>".... For the purpose of consistency of monitoring the cumulative results of the grant scheme, the applicants are required to include at least two of the following indicators into their logical framework, in line with their project objectives and activities:</p> <ul style="list-style-type: none"> - Expected increase (to be specified in the logframe) of advocacy initiatives (including public campaigns and lobbying) undertaken by beneficiaries and their partners in the project implementation period, in comparison to the number of advocacy initiatives undertaken over the two-year period 2007-08; - Expected increase in the number of policy research documents drafted (papers, briefs, and memos) by beneficiaries and their partners over the project implementation period; in comparison to the number of policy research documents drafted over the two-year period 2007-08; - Expected increase (to be specified in the logframe) in the number of networking and cooperation mechanisms at the a. EU; b. national and c. regional/local level; engaging beneficiaries and their partners over the project implementation period, in comparison to the number of networking and cooperation mechanisms engaging beneficiaries and partners over the two-year period 2007-08. - Expected measurable improvements (to be specified in the logframe) of the governance 	<p>6. According to the GfA, chapter 2.1.3 <i>Eligible actions: actions for which an application may be made</i> it is stated:</p> <p>“The applicants need to present a clear plan for monitoring and evaluation of the quality of the project implementation and achievement of project results. Accurate comparison of project achievements in respect to the project objectives over the project implementation period should be ensured by the plan for the collection of baseline data on the level of achievement in respect to the project objectives prior to the beginning of project implementation.”</p> <p>This means that the applicant has to include minimum of the proposed indicators (2) stated within the chapter <i>Note on monitoring and evaluation</i> in the Annex C <i>Logical Framework</i>. There is no need to develop any additional document related to the monitoring procedures.</p> <p>This procedure will ensure following:</p> <ul style="list-style-type: none"> - consistency with the grant scheme overall and specific objectives, - final evaluation of the impact on the level of the overall grant scheme.

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<p>structure and procedures of networking and cooperation mechanisms at the a. national and b. regional/local level engaging beneficiaries and their partners over the project implementation period, in comparison to the period 2007-08.</p> <p>- Expected measurable improvements (to be specified in the logframe) of organizational capacities over the project implementation period, in the minimum of three of five priority areas per organization, which are identified as relevant to sustainable engagement in policy advocacy and structured dialogue on issues of anti-discrimination and protection of human rights.</p>	
<p>Date: 14th October 2009</p>	
<p>7. Lately one of my colleagues told me that he read in media that the call for the proposals has been launched related to the non-discrimination among youth or fight against racism among youth. According to the fact that my CSOs is dealing with those issues and that I can not find the related tender, can you please inform me were to find those information?</p>	<p>7. Information related to the grant scheme „Enhancing the capacities / roles of the CSOs in monitoring of the implementation of the EU Acquis in field of the comprehensive anti-discrimination strategy” can be found on the official EuropeAid web site at:</p> <p>https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1248082416834&do=publi.detPUB&searchtype=QS&orderby=upd&orderbyad=Desc&nbPubliList=15&page=1&aoref=128865</p> <p>As well as on the official CFCA web site at:</p> <p>http://www.safu.hr/hr/natjecaji/pregled/245/jacanje-kapaciteta-i-uloge-organizacija-civilnoga-drustva-za-pracenje-provedbe-pravne-stecevine-eu-na-podrucju-sveobuhvatne-antidiskriminacijske-strategije?sid=e72e6a87be387ede9b75dee34ec8d1a5</p>
<p>Date: 21st August 2009</p>	
<p>8. Is it possible that the firm from the Bosnia and Herzegovina apply for the tender <i>Enhancing the capacities / roles of the CSOs in monitoring of the</i></p>	<p>8. As it is stated under point 2.1.1. of the GfA, <i>Eligibility of applicants: who may apply?</i> in order to be eligible for a grant, applicants must: be legal persons and be non profit making and be specific types of</p>

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<p><i>implementation of the EU Acquis in field of the comprehensive anti-discrimination strategy?</i></p>	<p>organisations such as: non-governmental organization or formal networks of non-governmental organizations, of the following legal status: citizens' associations, professional and business associations, trade-unions, foundations; and academic and research institutions/organizations and be nationals of a Member State of the European Union, Croatia, The former Yugoslav Republic of Macedonia, Turkey, Albania, <u>Bosnia and Hercegovina</u>, Montenegro, Serbia, including Kosovo under UNSC Resolution 1244/99 as well as of other countries eligible under Council Regulation (EC) No 1085/2006 of 31st July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) and be directly responsible for the preparation and management of the action with their partners, not acting as an intermediary and be legally registered and operational for at least one year before 20th October 2009.</p> <p>Moreover, in the chapter 2.1.2. Partnerships and eligibility of partners of the GFA, it is stated: "Types of organizations and institutions which are not eligible neither as project applicants nor as project partners include private sector companies (consultancies, individual enterprises, etc.), central government bodies (ministries, central government departments and agencies, etc.), political parties, international organisations created by States as well as inter-governmental organizations."</p> <p>In addition, as stated under point 2.2.4. <i>Further information for the Application</i> of the GfA, Further Information for Applications, in the interest of equal treatment of applicants, the Contracting Authority cannot give a prior opinion on the eligibility of an applicant, a partner, an action or specific activities.</p>
<p>Date: 3rd October 2009</p>	
<p>9. How to calculate per-diems for missions/travels? What is the difference (when to use) between Croatian and EC regulations? Which documents have to be submitted for evidence? Is there an obligation for paying additional taxes in the country?</p>	<p>9. The per diems should include all costs related for missions/travel – accommodation, refreshments and local travel costs. The maximum per diem rate for Croatia is stated on the official EuropeAid website at: http://ec.europa.eu/europeaid/work/procedures/implementation/per_diems/index_en.htm According to the national regulations, income tax should be paid on per diems.</p>

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	<p>The per diem cost can be also broken down into daily allowance, accommodation costs, local travel costs and meal with separate invoices.</p> <p>Related to per diem, proof documents are: invoice for accommodation, meal and local travel as well as proof of payment of the per diem to the expert (Receipts, payment slips, bank statements).</p> <p>Daily allowances in Croatia are regulated within the national tax regulations.</p>
Date: 3rd October 2009	
<p>10. Can we cover accommodation costs on a full board basis for participants of the i.e. conference or workshop?</p>	<p>10. If the related costs are claimed within the budget heading 5 – then the full board basis could be claimed. During the process of budget clearing all costs will be revised and agreed with the applicant and the Contracting authority.</p>
Date: 3rd October 2009	
<p>11. Do we have right on VAT exemption for the part of the budget co-financed from our own sources or partner/other donor contributions?</p>	<p>11. Yes, part of the budget co-financed from own sources or partner/other donor contributions has to be exempt from the VAT due to the fact that all costs (regardless whether, at the end, they are covered by EC funds or other sources) have to satisfy the eligibility criteria as specified in the grant contract.</p> <p>Additionally, in the article 7.1.1. of the Special Conditions, it is noted: “By derogation from Article 14.6 and in accordance to the Financing Agreement between the government of the Republic of Croatia and the Commission of the European Communities concerning the National programme for Croatia under the IPA-Transition Assistance and Institution Building Component for 2008 (Articles 15.2 and 15.3), the following expenditure shall not be eligible for funding:</p> <ul style="list-style-type: none"> a.) taxes, including value added taxes; b.) customs and import duties, or any other charges; c.) purchase, rent or leasing of land and existing buildings; d.) fines, financial penalties and expenses of litigation; e.) operating costs; f.) second hand equipment; g.) bank charges, costs of guarantees and similar charges; h.) conversion costs, charges and exchange losses associated with any of the

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	<p>component specific euro accounts, as well as other purely financial expenses; i.) contributions in kind; j.) any leasing costs; k.) depreciation costs. By way of derogation from paragraph above, the Commission will decide on a case-by-case basis whether the following expenditure is eligible:</p> <p>a) operating costs, including rental costs, exclusively related to the period of co-financing of the operation;</p> <p>b) value added taxes, if the following conditions are fulfilled:</p> <p style="padding-left: 40px;">(i) the value added taxes are not recoverable by any means; (ii) it is established that they are borne by the final beneficiary, and (iii) they are clearly identified in the project proposal”</p>
<p>Date: 3rd October 2009</p>	
<p>12. Is there a limit up to which VAT can be paid (i.e. for receipts up to 20 kn)?</p>	<p>12. Please refer to the answer no 11</p>
<p>Date: 3rd October 2009</p>	
<p>13. What include (or what covers) 0,25 EUR per km? What should be evidence for travel costs when we are using private of official car? How shell we get VAT exemption for fuel, road taxes and similar on the road costs?</p>	<p>13. 0,25 Euro per km includes all travel costs: gas, pay tool, vehicle amortisation costs. The evidence for these travel costs are official car log, travel warrant and receipts. In case of private vehicle - travel warrant, receipts, payment slips, bank statements. VAT exemption should be obtained prior to the payment of the cost. Related to the VAT exemption please refer to the answer no 11 where it is specified that eligibility of VAT taxes which are not recoverable by any means, will be the subject of the case by case Commission decision</p>
<p>Date: 3rd October 2009</p>	
<p>14. Can we use contingency reserve to pay costs of our official car for situations that have not been planed (i.e. need some accidentally repair or similar)?</p>	<p>14. Please consult the Guidelines for applicants, chapter 2.1.4. where it is stated:</p> <p>“<u>Contingency reserve</u></p> <p>A contingency reserve not exceeding 5% of the direct eligible costs may be included in the Budget of the Action. It can only be used with the prior written</p>

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	<p>authorisation of the Contracting Authority.”</p> <p>Nevertheless, at this stage as stated under point 2.2.4. <i>Further information for the Application</i> of the GfA, <i>Further Information for Applications</i>, in the interest of equal treatment of applicants, the Contracting Authority cannot give a prior opinion on the eligibility of an applicant, a partner, an action or specific activities.</p>
Date: 3rd October 2009	
<p>15. If our partner organisation (i.e. school) contributes to the project by investing time of their employees (i.e. teachers), shall they transfer those funds to project account?</p>	<p>15. As specified in GfA, point 2.1.4: The cost of staff assigned to the Action is not a contribution in kind and may be considered as co-financing in the Budget of the Action when paid by the Beneficiary or its partners. According to the General Conditions, article 16.1. The Beneficiary shall keep accurate and regular accounts of the implementation of the action using an appropriate accounting and double-entry book-keeping system. These systems may either be an integrated part of the Beneficiary’s regular system or an adjunct to that system. This system shall be run in accordance with the accounting and bookkeeping policies and rules that apply in the country concerned. Accounts and expenditure relating to the Action must be easily identifiable and verifiable. This can be done by using separate accounts for the Action concerned or by ensuring that expenditure for the action concerned can be easily identified and traced to and within the Beneficiary’s accounting and bookkeeping systems. Therefore, it is not necessary to transfer the funds for salaries of partner’s staff to the project account but rather the partner organisation will keep timesheets and salary payment records according to which the partners’ staff contribution to the project will be visible and traceable.</p> <p>The Beneficiary shall ensure that the Financial Report (both interim and final) as required under Article 2 of General Conditions to grant contracts can be properly and easily reconciled to the Beneficiary’s accounting and bookkeeping system and to the underlying accounting and other relevant records. For this purpose the Beneficiary shall prepare and keep appropriate reconciliations, supporting schedules, analyses and breakdowns for inspection and verification.</p>
Date: 3rd October 2009	
<p>16. Banks are issuing their invoices and proceed with payments directly from the</p>	<p>16. According to the Guidelines for Applicants, chapter 2.1.4. - the bank charges are not eligible costs:</p>

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<p>main account. How we can cover those costs from the project budget?</p>	<p><u>“Ineligible costs</u></p> <p>The following costs are not eligible:</p> <ul style="list-style-type: none"> – debts and provisions for losses or debts; – interest owed; – items already financed in another framework; – purchase, rent or leasing of land and existing buildings; – taxes, including VAT unless following conditions are fulfilled: (i) the value added taxes are not recoverable by any means; (ii) it is established that they are borne by the final beneficiary, and (iii) they are clearly identified in the project proposal (to be decided on a case by case basis); – customs and import duties, or any other charges; – fines, financial penalties and expenses of litigation; – operating costs; – second hand equipment; – <u>bank charges, costs of guarantees and similar charges;</u> – conversion costs, charges and exchange losses associated with any of the component specific euro accounts, as well as other purely financial expenses; – contributions in kind; – depreciation costs; – credits to third parties; – costs incurred before the signing of contract including project preparation costs; – subcontracting of services which are part of the regular activities of the applicant; – fees for civil servants (civil servants or other officials of the public administration of the beneficiary country, regardless of their administrative situation, must not be engaged as experts by tenderers unless the prior approval of Contracting Authority has been obtained). “
<p>Date: 3rd October 2009</p>	
<p>17. What is the purpose of administrative costs? Which costs under this budget line can be calculated? In case, we receive an grant, do we have to prove those costs? Do we need to have any kind of documentation for evidence to SAFU or possible EC finance revision?</p>	<p>17. According to the General Conditions for related grant scheme, article 14.4. the administrative costs are: A fixed percentage not exceeding 7% of the total amount of direct eligible costs of the Action may be claimed as indirect costs to cover the administrative overheads incurred by the Beneficiary for the Action, save where the Beneficiary is in receipt of an operating grant financed from the Communities' budget. The flat-rate funding in respect of indirect costs does not need to be supported by accounting documents for reporting</p>

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	<p>purposes. Indirect costs are eligible provided that they do not include costs assigned to another heading of the budget of this Contract. Regarding Project documentation, we would like to draw your attention to Article 16 of General Conditions and the obligation of the grant beneficiary to keep all relevant project documentation available for 7 years for audit services of the European Commission, Contracting Authority or an authorised external auditor.</p>
Date: 3rd October 2009	
<p>18. Is the current budget form published at the www.safu.hr appropriate? Can we expect any changes?</p>	<p>18. On 5th October 2009 the corrigendum to the tender was published. The budget template was modified and the appropriate budget template consist of three budget sheets: 1. Budget for the action 2. Justification of the budget 3. Sources of funding. https://webgate.ec.europa.eu/europeaid/online- All related documents can be found at official EuropeAid website: services/index.cfm?ADSSChck=1248082416834&do=publi.detPUB&searchtype=QS&orderby=upd&orderbyad=Desc&nbPubliList=15&page=1&aoref=128865 As well as on the official CFCA web site at: http://www.safu.hr/hr/natjecaji/pregled/245/jacanje-kapaciteta-i-uloge-organizacija-civilnoga-drustva-za-pracenje-provedbe-pravne-stecevine-eu-na-podrucju-sveobuhvatne-antidiskriminacijske-strategije?sid=e72e6a87be387ede9b75dee34ec8d1a5</p>
Date: 3rd October 2009	
<p>19. Is there a limit for (not) requesting/submitting a certificate of origin for equipment (i.e. for equipment of 5000 EUR)?</p>	<p>19. Within the ANNEX IV <i>Procurement by grant Beneficiaries in the context of European Community external actions</i> is stated: “If the basic act or the other instruments applicable to the programme under which the grant is financed contain rules of origin for supplies acquired by the Beneficiary in the context of the grant, the tenderer must state the origin of supplies. For the purpose of this annex, the term "origin" is defined in articles 23 and 24 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code and other Community legislation governing non-</p>

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	<p>preferential origin. Contractors must present proof of origin to the Beneficiary no later than when the first invoice is presented, for equipments and vehicles of a unit cost on purchase of more than € 5 000. The certificate of origin must be made out by the competent authorities of the country of origin of the supplies and must comply with the rules laid down by the relevant Community legislation.</p> <p>Where the basic act or other instruments applicable to the programme under which the grant is financed do not contain rules of origin for supplies acquired by the Beneficiary in the context of the grant, the origin of those supplies is free and no certificate of origin is required.”</p>
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