

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

Pursuant to Article 8, Article 9, paragraph 3, and Article 11, paragraphs 2 and 4, of the Act on Development Cooperation and Humanitarian Aid of the Republic of Slovenia (Official Gazette of the Republic of Slovenia No. 30/18), the Government of the Republic of Slovenia hereby adopts the following

DECREE
on implementing development cooperation and humanitarian aid of the Republic of Slovenia

Article 1
(Subject)

The Decree specifies the means of implementation of development cooperation and humanitarian aid, rights and obligations of public employees arising from their participation in the implementation of development cooperation projects, public calls for applications, procedures, and conditions and criteria for funding or co-funding bilateral development cooperation programmes or projects.

Article 2
(Means of implementation of bilateral development cooperation)

(1) The main means of implementation of bilateral development cooperation shall be as follows:

1. Providing financial services, loans, and guarantees;
2. Contributions to educational, health, research, social, cultural and other similar institutions and legal entities of public law in partner countries;
3. Earmarked contributions through international organisations, institutions, and funds;
4. Contributions to other donors for the joint implementation of bilateral development cooperation in a partner country;
5. Planning, implementing and financing projects, provision of services and goods supply;
6. Bilateral technical assistance;
7. Secondment of Slovenian experts to international organisations with a predefined purpose and target country or region, or to a partner country or region; to this end, the provisions of the act governing the secondment of personnel to international civilian missions and international organisations shall apply *mutatis mutandis*;
8. Participation in peace and humanitarian operations and missions and secondment of Slovenian experts with a view to participating in development and humanitarian operations in specific partner countries; to this end, the provisions of the act governing the secondment of personnel to international civilian missions and international organisations shall apply *mutatis mutandis*, taking due account of the strategy for the participation of the Republic of Slovenia in international operations and missions;
9. Secondment of an employee of a state or other body to a public foundation founded or co-founded by the Republic of Slovenia; to this end, the provisions of the act governing the secondment of personnel to international civilian missions and international organisations shall apply *mutatis mutandis*;
10. Education and training of individuals and employees of organisations and institutions from partner countries, including scholarships and tuition fee waivers;

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11. Transfer of know-how and technologies to partner countries;
12. Debt relief and rescheduling.

(2) Bilateral development cooperation shall take the form of financing, individual activities or projects, or programmes as comprehensive sets of activities or projects in a specific geographic priority, country, or thematic priority.

Article 3 **(Means of implementation of multilateral development cooperation)**

(1) The main means of implementation of multilateral development cooperation shall be as follows:

- Core contributions, membership fees, grants and capital subscriptions to the European Union, other international organisations and institutions, international financial institutions or funds eligible to implement development cooperation in accordance with the conditions laid down by OECD DAC;
- Involvement of Slovenian experts seconded to international organisations and institutions, international financial institutions or funds eligible to implement development cooperation in accordance with the conditions laid down by OECD DAC as support for the operation of these organisations; to this end, the provisions of the act governing the secondment of personnel to international civilian missions and international organisations shall apply *mutatis mutandis*.

(2) Multilateral development cooperation shall take the form of membership, strategic partnership, individual contributions for day-to-day operations, individual activities or projects, or programmes as comprehensive sets of activities or projects in a specific geographic priority, country, or thematic priority.

Article 4 **(Other means of implementation of development cooperation)**

Other means of implementation of development cooperation shall include, in particular:

1. Cooperation with Slovenian legal entities and sole traders engaged in development cooperation in the form of:
 - Training employees,
 - Providing funding in accordance with the relevant regulations, and
 - Providing material capacities for their activities in accordance with the provisions of the act regulating the tangible property of the state and self-governing local communities;
2. Analyses of development cooperation;
3. Raising awareness in the Republic of Slovenia of the importance of development cooperation;
4. Work of the public administration on development cooperation;
5. Care for refugees in the Republic of Slovenia or in other donor countries in the first 12 months of stay.

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Article 5 (Implementing bilateral technical assistance)

(1) Bilateral technical assistance shall be a form of bilateral development cooperation intended to enhance public administration capacity in a partner country.

(2) In the state budget, funds for bilateral technical assistance programme shall be earmarked within the National Coordinator's budget line for development cooperation.

(3) A ministry, a body within the ministry, or a government service (hereinafter: the Authority) shall participate in a bilateral technical assistance programme mainly pursuant to a treaty binding on the Republic of Slovenia and a specific partner country.

Involvement of public employees shall be governed by an agreement between the head of the Authority participating in a bilateral technical assistance programme and the head of the National Coordinator (hereinafter: the Agreement).

(4) The head of the Authority participating in a bilateral technical assistance programme shall appoint, in agreement with the National Coordinator, public employees employed with the Authority who will participate in the bilateral technical assistance programme and scope of their duties.

(5) Public employees may participate in a bilateral technical assistance programme for no more than 30 working days per calendar year.

(6) Notwithstanding the provision referred to in the preceding paragraph, public employees may participate in a bilateral technical assistance programme for more than 30 working days in a calendar year if this is dictated by the scope or implementation of the bilateral technical assistance programme, whereby average participation within the programme per calendar year may not exceed the time limit referred to in the preceding paragraph.

(7) Public employees shall participate in a bilateral technical assistance programme within their regular working hours, and shall not be relieved of their regular duties.

(8) A contract on participation in a bilateral technical assistance programme concluded by the National Coordinator and the public employee shall determine the terms of participation and mutual rights and obligations based on the Agreement. It shall also stipulate the payment, which shall amount to EUR 150 gross per day of work in a partner country. Public employees shall be entitled to the reimbursement of work expenses in the amount stipulated by regulations governing the reimbursement of expenses for business travel abroad. Travel orders shall be issued by the Authority participating in the bilateral technical assistance programme.

(9) Public employees participating in a bilateral technical assistance programme carried out in the Republic of Slovenia shall be entitled to a performance bonus due to increased workload in accordance with regulations governing the public sector salary system.

(10) The payment referred to in paragraph 8 of this Article, except for the reimbursement of expenses for business travel abroad, as well as the payment of the bonus referred to in the preceding paragraph (hereinafter: the payment) shall be made together with the salary payment. On a written request by the National Coordinator, the data required for payment shall be put on record by the Authority in which the public employee is employed. The

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payment shall be chargeable to the National Coordinator's budget line. Where the payment cannot be charged to the budget line, the National Coordinator shall reimburse the Authority in which the public employee is employed for the amount of payment.

(11) An authority participating in a bilateral technical assistance programme may exceptionally engage a contractor that is a legal person of private law or a sole trader. The contractor may be engaged only for such parts of a bilateral technical assistance programme for which the Authority lacks sufficient know-how or capacities. The engagement of a contractor must be provided for in advance in the Agreement. The Authority shall engage a contractor in accordance with the act regulating public procurement. The funds for engaging contractors shall be chargeable to the budget line referred to in paragraph 2 of this Article.

(12) When the National Assembly of the Republic of Slovenia, the National Council of the Republic of Slovenia, the Court of Audit of the Republic of Slovenia, the Human Rights Ombudsman, a judicial authority, or any other state authority which is not a state administration body, a public institute, or public agency participates in a bilateral technical assistance programme, the provisions of this article shall apply *mutatis mutandis*.

Article 6 **(Public calls for applications)**

(1) Budget users may publish public calls for co-funding development cooperation projects by implementing partners as defined by the act regulating development cooperation (hereinafter: applicants). Public calls shall be subject to the relevant provisions of the Rules on the procedures for implementing the budget of the Republic of Slovenia .

(2) In decisions on co-funding projects, the budget user shall guarantee that the latter are in accordance with the Resolution, strategic documents, and thematic orientations for development cooperation. In verifying the fulfilment of the criterion that the project has not been completed on the date of the public call, the budget user shall consider the project completed upon the expiry of the project period as stipulated in the applicant's contract with a participating foreign financing institution.

(3) The budget user shall use the funds intended for co-funding only for expenses paid from own funds, i.e. provided by the applicant itself, and not covered by funds provided by another participating financing institution, from the state or local budgets, or from other public sources or private funding earmarked for a project (earmarked donations, etc.). Funds available in an individual public call shall be disbursed to the applicants in an equal share of the amount of eligible costs per applicant. This share shall be determined from the ratio between the amount of funds available and the total amount of eligible costs of all proposed projects of applicants meeting the conditions of an individual public call.

(4) Applications for co-funding projects must be documented as appropriate. They must contain at least:

- Information on the applicant;
- Contracts with other participating financing institutions attesting to the total amount of the project and the amount covered by the applicant and the participating financing institutions, as well as financial documents for the desired amount of co-funding (supporting documents);

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- Information on the part of the applicant on the development cooperation project concerned;
- Information on the procedure in which other participating financing institutions have selected the project;
- Timeline of activities and financial estimate.

(5) Applications shall be filed by the deadline set in each public call by the budget user, which must not be shorter than 15 days from the date of publication.

Article 7

(Selection procedure for projects concerning work programmes of public foundations or institutes)

(1) Public foundations or institutes shall make a draft work programme based on the thematic orientations prepared by the ministry which has earmarked funds for development cooperation in its financial plan and which intends to conclude a direct arrangement on funding or co-funding the operation and work programme of the public foundation or institute. In case of more than one prospective financing institution, the thematic orientations shall be coordinated by the National Coordinator.

(2) Thematic orientations as per the preceding paragraph are guidelines on preparing the draft work programme or project concept consistent with the Resolution, strategic documents, and other development cooperation documents. Ensuring consistency shall be the responsibility of the National Coordinator.

(3) A prospective financing institution shall coordinate with the National Coordinator the draft work programme prepared by the public foundation or institute, taking due account of the conditions and criteria of Article 8. The coordinated draft work programme of the public foundation or institute must be approved by the public foundation or institute body competent for adopting financial plans and work programmes.

(4) In agreement with the National Coordinator, a prospective financing institution shall prepare lists of projects from the approved work programme of the public foundation or institute by country and define the amount of funds earmarked for co-funding.

(5) A prospective financing institution shall conclude a contract with the public foundation or institute on the basis of an approved list of projects and inform the National Coordinator thereof. The National Coordinator shall inform the partner country of the selected projects.

(6) The provisions of this Article shall apply *mutatis mutandis* if the implementing partner is an international organisation to which the Republic of Slovenia allocates funds, if strategic partnerships are concluded, and if other planned development cooperation projects are financed from the budget.

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Article 8

(Conditions and criteria for funding or co-funding bilateral development cooperation programmes or projects)

- (1) The conditions and criteria for funding or co-funding development cooperation programmes or projects shall be as follows:
- Consistency with the Resolution, strategic documents and thematic orientations of development cooperation;
 - Contribution to eradicating poverty, reducing inequalities, and fostering sustainable development in the partner country or region as the primary goals of development cooperation;
 - Consistency with the stated needs of the partner country;
 - Honouring the commitments arising from the contract on funding or co-funding development cooperation programmes or projects concluded between the implementing partner and the financing institution;
 - The programme or project does not contribute to an increased use of fossil fuels.

(2) The mandatory criteria for funding or co-funding development cooperation programmes or projects shall be as follows:

1. Inclusion in the donor landscape in the partner country or region;
2. Specific, quantifiable, attainable and relevant goals with a clearly defined timeframe;
3. Identified risks and response scenarios;
4. Sustainable effects and fostering local ownership;
5. Appropriate financial composition;
6. Qualifications of implementing partners and their contractors;
7. Impact on gender equality;
8. Impact on environmental protection, including the mitigation of, and adapting to, climate change;
9. Compliance with a human-rights-based approach.

(3) In addition to the mandatory criteria referred to in the previous paragraph, the following additional criteria shall apply to funding or co-funding humanitarian aid programmes or projects:

- Contribution to a timely and efficient response to humanitarian crises;
- Reduction of vulnerability and crisis risk;
- Preventive action and resilience building.

(4) According to the purpose of funded development cooperation activities in partner countries, the National Coordinator or a prospective financing institution may set additional criteria that shall be published on their websites.

(5) The National Coordinator shall propose an appraisal method for projects and programmes according to the conditions and criteria referred to in paragraphs 1, 2, 3, and 4, and coordinate the method with prospective financing institutions.

(6) In agreement with the National Coordinator and prospective financing institutions, additional criteria referred to in paragraph 4 and their appraisal method may also be proposed by implementing partners with which direct arrangements are concluded in the form of funding contracts pursuant to Article 11, paragraph 3, of the Act on Development Cooperation and Humanitarian Aid of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 30/18).

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(7) The appraisal method referred to in paragraphs 5 and 6 shall be published on the websites of the National Coordinator and implementing partners referred to in the preceding paragraph.

Article 9 (Termination)

Upon entry into force, this decree shall repeal Article 2, point 2, and Chapter III, containing Articles 28, 29, and 30, of the Decree on Carrying out Twinning Projects and Bilateral Technical Assistance (Official Gazette of the Republic of Slovenia Nos. 51/09, 49/10, 26/12, 38/12, 54/14, and 40/17).

Article 10 (Entry into force and date of applicability)

The decree shall enter into force on the fifteenth day following publication in the Official Gazette of the Republic of Slovenia; the provisions of Article 7 shall become applicable six months after the entry into force of this decree.

No. 00724-15/2018
Ljubljana, 22 November 2018
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**For the Government of the
Republic of Slovenia
Marjan Šarec m.p.
Prime Minister**