

DOHODA

o zmene Rámcovej dohody medzi vládou Slovenskej republiky a Švajčiarskou federálnou radou o implementácii Programu švajčiarsko-slovenskej spolupráce na zníženie hospodárskych a sociálnych rozdielov v rámci rozšírenej Európskej únie

Swiss Contribution Office
Embassy of Switzerland
Michalská 12
811 01 Bratislava
Slovak Republic

Ad No. 9254/2011/ORIŠFM

Bratislava, 12. september 2011

Dear Ms. Marie-Gabrielle Ineichen-Fleisch,
Dear Mr. Martin Dahinden

I have the honour to refer to the **Framework Agreement between the Government of the Slovak Republic and the Swiss Federal Council concerning the Implementation of the Swiss-Slovak Cooperation Programme to Reduce Economic and Social Disparities within the Enlarged European Union**, signed on 20th December 2007, as amended by the exchange of notes of 24 August 2009 and 14 September 2009, and based on Article 11, paragraph 3, of the Framework Agreement, to propose on behalf of the Government of the Slovak Republic, to amend the Framework Agreement and its Annexes as follows:

Framework agreement

Article 9. Competent Authorities

- The **wording** of the Paragraph 1. of the Framework Agreement shall be changed as follows: ***“The Slovak Republic has authorized the Government Office of the Slovak Republic to act on its behalf as the NCU for the Swiss-Slovak Cooperation Programme. The NCU shall have the overall responsibility for the management of the Contribution in the Slovak Republic, including the responsibility for financial control and audit.”***

ANNEX 1: Conceptual Framework of the Swiss-Slovak Cooperation Programme

Article 5. Thematic Focus and Indicative Financial Allocations

Table “2. Environment and Infrastructure”

- The **amount** in the column “Indicative financial allocation (in million CHF)” of Focus area N° 4 “Rehabilitation and modernization of basic infrastructure and improvement of the environment” shall be changed from “Up to 19.500” to ***“Up to 23.500”***

Table “3. Private sector”

- The **amount** in the column “Indicative financial allocation (in million CHF)” of Focus area N° 6 “Development of the private sector and promotion of exports of SMEs” shall be changed from “Up to 4.000” to ***“Up to 0.000”***

Table “Overview on the Indicative Allocations”

- The **amount** in the column “Indicative financial allocation (million CHF)” corresponding to “2. Environment and Infrastructure” shall be increased from “24.500” to “**28.500**”.
- The **amount** in the column “Indicative financial allocation (million CHF)” corresponding to “3. Private sector” shall be decreased from “4.000” to “**0.000**”.

ANNEX 2: Rules and Procedures for the Swiss-Slovak Cooperation Programme

Article 3. Project Implementation Procedures

The **wording** of the second paragraph in the column “Activities and specific rules” of the Step 7. Audit “Based on a risk assessment, an annual audit planning will be established. In addition to this risk assessment, Switzerland may announce requirements that are taken into account while drafting the annual audit plan. The Audit Authority is responsible for the fulfillment of the audit plan in accordance with the national law.” shall be changed to “**Based on a risk assessment, the audit authority is planning and performing audits in accordance with the national law. Switzerland may announce requirements that could be taken into account while planning and performing audits.**”

Article 4. Payment and Reimbursement Procedure

- The **wording** of the first sentence “The Ministry of Finance of the Slovak Republic is the Paying Authority for the Contribution” shall be changed to “**The Government Office of the Slovak Republic is the Paying Authority for the Contribution.**”
- The **wording** of the third paragraph “Besides the above mentioned documentation, the Slovak Republic is also responsible for the transmission to Switzerland of a copy of the related documentation, such as interim, annual and completion reports (cp. 2.5.5, 2.5.6), audit reports, or their consolidated summary as requested in the Project Agreement.” shall be changed to “**Besides the above mentioned documentation, the Slovak Republic is also responsible for the transmission to Switzerland of a copy of the related documentation, such as interim, annual and completion reports (Annex 2, Article 3, steps 5 and 6), audit reports, or their consolidated summary as requested in the Project Agreement.**”

Article 5. Roles and Responsibilities

- The **wording** of the second sentence of the Article 5.5 National Monitoring Committee “The NMC is under the control of the Deputy Prime Minister of the Slovak Republic, responsible for knowledge based economy, EU matters, human rights and minorities.” shall be changed to “**The NMC is under the control of the Head of the Government Office of the Slovak Republic.**”
- The **wording** of the Article 5.6 Audit Authority shall be changed as follows: **For the implementation of the Swiss-Slovak Cooperation Programme, the Audit Authority is a Slovak entity ensuring effective functioning of audit systems as well as frauds and irregularities prevention.**

The Audit Authority:

- Ensures an adequate auditing function;
- Establishes and periodically updates an audit plan;
- Performs compliance audits at the beginning of the Swiss-Slovak Cooperation Programme;
- Performs audits within the implementation structure of the Cooperation Programme between Switzerland and the Slovak Republic according to the approved audit plan and reports in accordance with the national law;
- Provides competent Swiss authorities or mandatees acting on their behalf with its assistance;

The competent authorities with the full support of the Government of the Slovak Republic shall investigate alleged cases of fraud or irregularity. Proven cases of fraud shall be prosecuted according to existing regulations.

All other provisions of the Framework Agreement and its Annexes between the Government of the Slovak Republic and the Swiss Federal Council concerning the Implementation of the Swiss-Slovak Cooperation Programme to Reduce Economic and Social Disparities within the Enlarged European Union, **remain unchanged.**

If the Swiss confederation confirms in its reply that the Swiss confederation accepts the foregoing, the present letter and the reply letter will be considered as an Agreement on the amendment of the Framework Agreement and its Annexes, entering into force 30 days upon receipt of the reply letter of the Swiss confederation.

Yours sincerely,

Viktor Nižňanský
Head of the Government Office of the
Slovak Republic
The Government Office of the
Slovak Republic

Annexes:

The Amendment to the Framework Agreement
The Amendment to the Annex 1 of the Framework Agreement
The Amendment to the Annex 2 of the Framework Agreement

Copy to: Mikuláš Dzurinda, The Minister of Foreign Affairs
The Ministry of Foreign Affairs of the Slovak Republic

Odpovedná nóta

CH-3003 Bern
Government Office of the Slovak Republic
Mr. Viktor Nižňanský
Head of Office
Námestie Slobody 1
813 70 Bratislava
Slovak Republic

Bern, 8 December 2011

Reply Letter – Amendment to the Framework Agreement between the Government of the Slovak Republic and the Swiss Federal Council concerning the Implementation of the Swiss-Slovak Cooperation Programme to Reduce Economic and Social Disparities within the Enlarged European Union, signed on 20th December 2007, as amended by the exchange of notes of 24 August 2009 and 14 September 2009.

Dear Mr. Nižňanský,

With reference to your proposal dated 12 September 2011 concerning the amendments of the aforementioned Framework Agreement we wish to inform you that on behalf of the Swiss Federal Council, the Federal Department of Foreign Affairs and the Federal Department of Economic Affairs accept the proposed amendments of the Framework Agreement as follows:

Framework Agreement

Article 9. Competent Authorities

- The **wording** of the Paragraph 1. of the Framework Agreement shall be changed as follows:

“The Slovak Republic has authorized the Government Office of the Slovak Republic to act on its behalf as the NCU for the Swiss-Slovak Cooperation Programme. The NCU shall have the overall responsibility for the management of the Contribution in the Slovak Republic, including the responsibility for financial control and audit.”

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All other provisions of the Framework Agreement and its Annexes between the Government of the Slovak Republic and the Swiss Federal Council concerning the Implementation of the Swiss-Slovak Cooperation Programme to Reduce Economic and Social Disparities within the Enlarged European Union, **remain unchanged.**

Your Letter and the present Reply Letter shall be considered as an Agreement on the amendment of the Framework Agreement, entering into force 30 days upon receipt of the present Reply Letter.

Yours sincerely,

Martin Dahinden
Swiss Agency for Development and
Cooperation SDC

Marie-Gabrielle Ineichen-Fleisch
State Secretariat for
Economic Affairs SECO

Enclosures

Amended Framework Agreement
Amended Annex 1 to the Framework Agreement
Amended Annex 2 to the Framework Agreement