COMMISSION DECISION

of 2004

on the financial contribution of Transition Facility for strengthening institutional capacity to the Czech Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession 2003, in particular Article 34 thereof,

Whereas:

(1) Article 34 of the Act of Accession provides the possibility of granting a temporary financial assistance, the Transition Facility to the new Member States to address the continued need for strengthening institutional capacity in certain areas through actions which cannot be financed by the Structural Funds.

(2) The actions funded by this Decision in the areas of transport, nuclear safety, Internal Market, environment, agriculture, justice and home affairs and strengthening public administration not covered by Structural Funds are eligible for funding according to Article 34(2) of the Act of Accession.

(3) Pursuant to Article 34(4) of the Act of Accession, the Transition Facility is implemented in accordance with Article 53(1)(b) of Council Regulation (EC) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities.

(4) Implementing Agencies should be designated complying with the criteria set out in Article 164 of the Financial Regulation and having adequate staff resources. The Commission has satisfied itself that the level of compliance by the Central Finance and Contracts Unit (CFCU) and Nadace Rozvoje Obcanske Spolecnosti (NROS) with the criteria listed in Article 164 of the Financial Regulation is sufficient for the CFCU and NROS to be designated as the Implementing Agency for the Transition Facility in the Czech Republic in accordance with the Decentralised Implementation System (DIS) for Phare, by which project selection, tendering and contracting continue to be subject to ex-ante approval by the Commission.

(5) The Commission will examine, in the context of preparation for conferral of management of aid provided under Phare, as well as through a number of other checks, whether the CFCU and NROS can be granted full accreditation for the implementation of Phare according to the Extended Decentralised Implementation System (EDIS). Until such time as the Commission decides to grant full accreditation of the CFCU and NROS for the implementation of Phare according to the Extended Decentralised Implementation System (EDIS), ex ante control by the Commission...
should be maintained in accordance with the Decentralised Implementation System (DIS) for Phare.

(6) The measures provided for by this Decision are in accordance with the opinion of the Committee on Aid for Economic Restructuring in certain countries in Central and Eastern Europe, rendered on 14 May, 2004,

HAS ADOPTED THIS DECISION:

Article 1

The Commission approves a financial contribution of € 17,100,000 as Transition Facility to the Czech Republic to finance the projects set out in point 4 of the Annex.

Article 2

1. This Decision shall be implemented on a decentralised basis, in accordance with the Memorandum of Understanding on the Implementation of the Transition Facility, signed with the Czech Republic on 27/09/2004.

2. The CFCU and NROS shall be Implementing Agencies for the Programme in accordance with the Decentralised Implementation System (DIS). For the period when the CFCU and NROS are Implementing Agencies in accordance with the Decentralised Implementation System (DIS), they shall comply with the conditions set out by the Commission for the continued implementation of pre-accession assistance.

   The Commission shall examine at a later date whether the CFCU and NROS meet the conditions for accreditation for the Phare Extended Decentralised Implementation System (EDIS).

   In the event that the Commission decides to accredit the CFCU and NROS, the CFCU and NROS shall implement the Programme in accordance with the Phare Extended Decentralised Implementation System (EDIS).

3. In the event that the eligibility of contracts under pre-accession assistance is suspended pursuant to Article 33(1) of the 2003 Act of Accession, eligibility of contracts under the Transition Facility shall also be suspended.

Article 3

1. Contracts covered by the financial contribution shall be signed no later than 15 December 2006.
2. The deadline for execution of contracts shall be 15 December 2007.

*Article 4*

This Decision is addressed to the Czech Republic.

Done at Brussels, […]

*For the Commission*

[…]

*Member of the Commission*
ANNEX

FINANCING PROPOSAL ON THE IMPLEMENTATION OF THE TRANSITION FACILITY IN THE CZECH REPUBLIC FOR 2004

1. Identification

Beneficiary: The Czech Republic
Programme: Transition Facility
CRIS-Number: 2004/006-237
Year: 2004
Cost: € 17,100,000
Implementing Authority: Ministry of Finance of the Czech Republic
Expiry Dates: Contracting: 15 December 2006;
Execution of contracts: 15 December 2007
Sector Code: Cf: Objectives and description
Budget Line: 22 03 01
Commission Task: Ruud Van-Enk
Manager:

2. SUMMARY

The accession negotiations with the Czech Republic were concluded at the European Council in Copenhagen in December 2002 and the Accession Treaty was signed in Athens on 16 April 2003. The Czech Republic accedes to the EU on 1 May 2004.

The Transition Facility (TF) is established by Article 34 of the Act of Accession to provide temporary assistance to the new Member States to develop and strengthen their administrative capacity to implement and enforce Community legislation, and to foster the exchange of best practice among peers. The TF is thus a continuation of assistance provided under Phare to fund institution building activities according to the same principles.

The financial and administrative structures and procedures for the implementation of the Transition Facility are laid down in a Memorandum of Understanding to be signed between the Commission and the Czech Republic. This Memorandum is based closely on the existing Phare Memorandum of Understanding on the Establishment of the National Fund, updated to take account of the fact of the accession of the Czech Republic and the application of the Financial Regulation. The present programme will be implemented by the Implementing Agencies, the Central Finance and Contracting Authority¹ (CFCU) at the Ministry of Finance, and Nadace Rozvoje Obcanske Spolecnosti (NROS)², a Non-Governmental Organisation.

¹ The Central Finance and Contracting Unit (CFCU) is the main Implementing Agency for Phare Institution Building projects. It will also be the main Implementing Agency for most TF projects
² Nadace Rozvoje Obcanske Spolecnosti is the Czech acronym for the Civil Society Development Foundation, a Czech Non-Governmental Organisation (NGO) which is the main Implementing Agency for Phare grant schemes in the NGO and human rights sectors
3. **STRATEGY**

The TF should focus on those areas where weaknesses in administrative and institutional capacity have been found to remain. The key indicator for these weaknesses is the Comprehensive Monitoring Report on the Czech Republic’s preparations for membership (CMR) issued by the Commission in November 2003, reflecting the situation at the end of September 2003. In addition to the CMR, recommendations from other sources such as SIGMA (financial control, procurement), evaluation reports and final reports from twinning projects have also provided guidance to the programming of the TF 2004. In addition to the present Financing Proposal and fiches for TF 2004, a planning document has been prepared to provide indications for possible TF assistance in 2005 and 2006.

A total of nine separate objectives have been identified for the TF 2004. These are Political Criteria, Transport, Energy/Nuclear Safety, Internal Market, Environment, Agriculture, Justice and Home Affairs, Employment and Social Affairs and Public Administration. In the programming of the relevant projects, due account has been taken of the need to ensure synergy and avoid overlap with existing Phare projects, notably those financed under the 2003 programme, and of the lessons learned from the implementation of related Phare projects. The latter include the need to ensure sufficient absorption capacity in the beneficiary institutions, including a clear definition of responsibilities for project management, and proper preparation of relevant tender documentation so as to minimize delays in procurement and subsequent implementation. Also included are the provision of appropriate and timely co-financing where required, and strict respect of conditionalities as concerns the prior adoption of any relevant legislation or related strategic decisions. Special efforts have been made to ensure that no duplication can occur with assistance provided either bi-laterally or through other Community mechanisms.

4. **OBJECTIVES AND DESCRIPTION**

**Objective 1 – Political Criteria (DAC Code: 15050)**

**Improving Efficiency of Civil Society Organizations (CSOs) Working in the Field of Consumer Protection:** This grant scheme project addresses a CMR priority and aims to increase the efficiency of civil society organisations (CSOs) working in the field of consumer protection so as to strengthen their ability to effectively protect consumer interests in the Internal Market. It should result in NGOs being proficient in the provision of consumer advisory and information services by a variety of means, including the Internet. Particular attention will be paid to the involvement of consumer organisations in the creation and observation of product safety standards, the integration of consumer organisations’ activities, their involvement in international standardization processes and their co-operation within European consumer protection structures. Up to 7% of the grant scheme allocation could be used to cover the management costs incurred by the Implementation Agency (NROS) in the management of the scheme. The minimum TF contribution to any grant will be € 30,000, the maximum TF contribution will be € 50,000. Final beneficiaries are required to provide co-financing from other sources to the amount of 10% of project costs.

**Strengthening the role of Advocacy and Monitoring Civil Society Organisations (CSOs):** This grant scheme project addresses a CMR priority and aims to strengthen advocacy and monitoring capacity of CSOs active in efforts to fight corruption and discrimination, and to
promote social inclusion and the protection of the environment. Activities that are particularly targeted include the strengthening of independent monitoring activities covering anti-discrimination and anti-corruption measures at both national and regional level. In addition, efforts to increase the capacity of non-statal entities involved in support to equal opportunities, the further development of Roma advisory centres, citizens advice bureaux, community centres and CSOs involved in nature protection will also targeted. Up to 7% of the grant scheme allocation could be used to cover the management costs incurred by the Implementation Agency (NROS) in the management of the scheme. The minimum TF contribution to any grant will be € 30,000, the maximum TF contribution will be € 50,000. Final beneficiaries are required to provide co-financing from other sources to the amount of 10% of project costs.

**Objective 2 – Transport (DAC Code: 21010)**

**Strengthening of the Railway Infrastructure Administration (RIA) Functions:** This Institution Building (TW) project addresses a CMR priority and aims to strengthen the administrative capacity the Railway Infrastructure Administration. The purpose of the project is to ensure the preparation of the transposition of requirements of the first railway package into the Czech legal system. The project should result in the specification of both content and scope of the network statement, the adoption of procedural rules and the specification of rules relevant to the capacity allocation of railway infrastructure. The project aims to ensure follow-up to the Phare-financed twinning project CZ 01.03.01 “Application of EC Directives to the Czech Railway Sector”, which covered the transformation of the Czech railway sector resulting in the dissolution of the State organisation Czech Railways and the establishment of two separate entities, being Czech Railways (joint stock company) and the Railway Infrastructure Administrator (public entity).

**Assistance to the Civil Aviation Authority (CAA) in Improving Relevant Norms and Co-operation with the European Aviation Safety Agency (EASA):** This Institution Building (TWL) and IB-related Investment project aims to ensure the adoption of relevant regulation so as to complete alignment with the standards used in international civil aviation and to reinforce the administrative capacity of the Czech Civil Aviation Authority (CAA). The project should result in the drafting and adoption of a comprehensive set of standards and manuals, and the CAA being fully capable of ensuring compliance with these standards, in particular those that relate to airworthiness. CAA staff should be trained and certified as capable of implementing the relevant EU and EASA regulations and directives and of cooperating with counterpart institutions throughout the EU. It should also result in the Aviation Regulation Dept. (ARD) being capable of drafting relevant regulation and preparing implementing tools. TF support to the Investment component is conditional on adequate co-financing.

**Objective 3 – Energy and Nuclear Safety (DAC Code: 23064)**

**Reconstruction of the Hot Cell at the Richard Repository:** This IB-related Investment project aims to ensure compliance with the acquis on ionising radiation (Council Directives 96/29, 97/43, 2003/122/EURATOM) and addresses an issue raised in the Council Report on Nuclear Safety in the context of Enlargement, by contributing to the improvement of the management of (mainly hospital-related) radioactive waste in the Czech Republic. The project fits in with the strategy developed in the Czech Republic’s "Concept of Radioactive Waste and Spent Nuclear Fuel Management”, and should result in a refurbishment plan for and
reconstruction of the Richard hot-cell depository allowing for packaging and re-packaging operations to take place in accordance with the relevant Directives, so as to enable the disposal of remaining sealed radioactive sources until such time as suitable underground accommodation can be provided. This project is closely linked to Phare project CZ 632.02.03” Upgrade of the testing facility for transport packages” and conditional on the provision of adequate co-financing.

**Objective 4 – Internal Market and Economic Criteria (DAC Code: 24010)**

**Strengthening the Office of the Financial Arbiter – Ombudsman of the Czech Republic:** This Institution Building (TW) project aims to develop and improve the operations of the Financial Arbiter – Ombudsman, in full compliance with relevant EU standards, and to prepare the Arbiter’s office for joining FIN-NET. The project should result in improved performance of the office of the Financial Arbiter as per Commission Recommendation 98/257/EC and the rules of FINNET, as well as the establishment of a system allowing the Arbiter’s office to be involved in local- and sophisticated cross-border payment transactions, and electronic banking.

**Financial Stability Issues in the Czech National Bank:** This Institution Building (TW) project aims to enhance both the operational and research-oriented know-how of the Czech National Bank (CNB) so as to enable the CNB to meet ECB requirements concerning the ECB Financial Stability Report, analytical responsibilities associated with the New Basel Capital Accord („Basel II“) and the related EU Risk Based Capital Directive. The project should result in the CNB having the capacity to deal with increasing analytical and strategic requirements as concerns financial stability within the framework of the European economic integration and developing international standards. Particular attention should be paid to the building of comprehensive capacity for financial analysis that goes beyond sectoral segmentation, ensuring the financial system as such is capable of performing its core functions and ensuring the interrelation between sectors. The project is closely linked to the CNB’s internal pilot project „Financial Stability Issues: An Overview from the Central Banks’ Perspective“, which maps and analyses the current state of development in the financial stability area in the CNB, and which is scheduled to finish in the 3rd quarter of 2004.

**The Construction of the State Treasury System – 1st Phare:** This Institution Building (TW/TA) and IB-related Investment project aims to support efforts to reform public finance management and control by means of establishing a functioning the State Treasury system. The project should result in increased efficiency and transparency of the budgetary process allowing for adequate management of debt services and cash flows, which in turn should reduce both size and frequency of public budget deficits. The project builds on the CZ0204.02 “Design and Establishment of State Treasury” project and is the first of three phases in the process of building a comprehensive State Treasury system, the second and third phases should be implemented under TF programmes 2005 and 2006. TF support to the Investment component is conditional on adequate co-financing.

**Evaluation of EU-funded Measures (Phase I – Transition Facility):** This Institution Building (TA) project addresses a CMR and TF priority (part of public internal financial control) and aims to increase the efficiency and effectiveness of TF management by the relevant Czech public authorities by way of establishing a comprehensive and sustainable interim evaluation system. The project should result in the relevant public entities being fully capable of assuring appropriate interim evaluation of the 2004, 2005 and 2006 TF
programmes, as confirmed by the production of interim evaluation reports (both sectoral and Country Summary) over a period of some 30 months, and the transfer of relevant know-how. The project should also result in building national evaluation capacity for both EU and Czech public funds.

**Improvement of the Household Surveys Processing:** This Institution Building (TWL) and IB-related Investment project addresses a CMR priority and aims to improve the administrative capacity of the Czech Statistical Office (CSO) enabling it to increase the effectiveness of data collection and to harmonise the approach with the best practises of EU Member States. The project should result in the CSO being able to collect information and generate data relevant to household surveys by means of the installation and full operability (including skilled staff) of the Blaise system. TF support to the Investment component is conditional on adequate co-financing. The project is conditional upon its compliance with the results of the Phare project “IT and Dissemination Strategy”, funded under the Phare 2002 National Programme part 2 (results available in summer 2004).

**Assistance to the Office for Personal Data Protection in Exercising Supervision in Personal Data Protection:** This Institution Building (TWL) project addresses a CMR priority and aims to strengthen the administrative capacity of the Office for Personal Data Protection (OPDP), especially as concerns data protection in police and customs information systems and in electronic communications. The project should result in the OPDP being fully capable of supervising and ensuring adequate data protection in the areas of electronic communication, Schengen, Europol and customs, data protection at the workplace, raising awareness among businesses, public administration and citizens of the importance of adequate data protection, and handling citizens’ complaints effectively and effectively. Particular emphasis should be put on the production of relevant manuals, procedures, information and skills transfer.

**Objective 5 – Environment (DAC Code: 41010)**

**Implementation of the Protection of the Ozone Layer EC Legislation in the CR:** This Institution Building (TWL) project addresses a CMR priority and aims ensure full compliance with EC Regulation 2037/2000. It should result in the preparation of a strategy for the use of controlled substances referred to in the Regulation, proposals for changes to the licensing system for controlled substances, for provisions for the recovery of used controlled substances and prevention of leakages, for applications of controlled substances for laboratory use and amendments to Czech legislation in the area of the ozone layer and climate change protection, including relevant procedures and other measures necessary for its adequate implementation. The project is complementary to Phare projects CZ9811.02.01 “Implementation/Investment Strategies for EC Air and Waste Directives” and CZ00.06.03 “Institutions for Permitting and Monitoring in the Air Quality Sector” and requires full and effective co-operation of all institutions involved. It is conditional on the effective transposition and implementation of the relevant acquis.

**Objective 6 – Agriculture (DAC Code: 31110)**

**Filling Gaps in Food Safety – Improvement of RASFF (Rapid Alert System for Foodstuffs):** This Institution Building (TA) and IB-related Investment project addresses a CMR priority and aims to ensure comprehensive implementation of the principles of the Commission’s White Paper on Food Safety, in particular as concerns the strengthening of
food safety policy and building of consumer confidence (Council Directives 1999/29/EC, 2002/32/EC, 1995/53/EC and 1995/69/EC and Regulation 178/2002/EC). The project should result in the integration of the data system of the Central Institute for Supervising and Testing in Agriculture (CISTA) with the information system of the Ministry of Agriculture and its supervisory authority and their affiliates (local branches, laboratories), including the relevant skills transfer. Building on Phare projects CZ02.05.02 “Strengthening Food Safety Policy”, Phare CZ03.03.02 “Feeding Stuff Safety” twinning light project under preparation, the project should result in an optimum real-time information exchange between the relevant institutions, including at regional level, thereby providing the quality control and assurance required under the acquis. TF support to the Investment component is conditional on adequate co-financing.

Objective 7 – Justice and Home Affairs (DAC Code: 15030)

Parole Supervision – Enhancement of Effective and Professional Practice Between Judicial Agencies: This Institution Building (TW/TA) and IB-related Investment project addresses a CMR priority and aims to ensure the methodological harmonization and co-operation between the relevant judicial agencies, including the Probation and Mediation Service (PMS), the Prison Service (PS) and the courts. It should result in improved co-ordination of activities in the framework of parole supervision as part of the reform of the Czech Criminal Justice system, providing judges with a comprehensive and objective assessment of prisoners prior to decisions as to their possible release. It should result in a speeding up of tribunal hearings of early release applications, a reduction in re-offending and a reduction in the pressure on the administrative capacity of the courts. The project complements Phare projects CZ02.07.05 “Upgrading of the Probation and Mediation Service” and CZ01.07.04 “Improving the professional level of the Czech Prison Service”. TF support to the Investment component is conditional on adequate co-financing.

Support to Strategy Development of the Dublin Unit: This Institution Building (TWL) and IB-related Investment project addresses a CMR priority and aims to strengthen the functioning of the Dublin Unit to ensure the country meets its obligations in the area of European asylum policy, and the implementation of Council Regulation (ES) 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining applications for asylum lodged in one of the MS by a third-country national, in particular. The project should result in the Dublin Unit having sufficient adequately trained staff to allow for the processing and decision making on asylum applications in accordance with requirements of the Dublin convention, as well as the appropriate equipment to ensure its proper functioning, including efficient communication through the DublinNet connection and the EURODAC system for comparison of fingerprints. The project is complementary to Phare project CZ0107.04 “Development of Border Control, Migration and Asylum Policies”, and conditional on the confirmation of national access points for EURODAC and DublinNet and co-financing of the Investment part.

Assistance to Strengthening the Prevention and Community Policing in the Police Work: This Institution Building (TW) and IB-related Investment project addresses a CMR priority and aims to ensure an improvement in both efficiency and service delivery by the Czech police, including the investigation service, with a strong emphasis on customers-citizens. The project should result in a change of philosophy and approach to police work from a reactive self-centred, to a proactive and client-oriented method of policing. It should ensure the introduction of prevention community policing/victim care concepts into the work of the Czech police and result in police staff acquiring and applying the methods and
procedures relevant to these concepts. In addition, it should provide the tools allowing for the efficient and effective investigation of minor problems in the street, and an increase in community satisfaction with police work. The project builds on Phare project CZ01.07.05 “Introduction of the EFQM Model in the Czech Police” and its Investment component is conditional on adequate co-financing and the adoption of the Police Code of Ethics by January 2005.

**Objective 8 – Employment, Social Affairs and Health (DAC Code: 12110)**

**Improvement in the Health Care Management System:** This Institution Building (TA) and IB-related Investment project addresses a CMR priority and aims to improve the health care system management at the middle and top level through introduction and use of objective criteria and indicators of health care quality and economic effectiveness that will contribute to cost containment and allow a more effective use of resources. Building on Phare project CZ02.04.10 “Establishment of a Public Health Management System”, this project should result in the drafting of recommendations on resources, flows, collection and processing of information concerning health care system management and quality control and measuring productivity, quality and efficiency in the provision of health care as a basis for strategic and conceptual decision-making. The Investment component of the project is conditional on adequate co-financing.

**Integration of Registers of Healthcare Professionals (RHP):** This Institution Building (TW/TA) and IB-related Investment project addresses a CMR priority and aims to ensure the creation of an Integrated Register of Health Care Professionals (Integrated Centre of Registers) as a source of information on healthcare professionals entitled to provide healthcare service, education, training and qualifications. Nationals from all EU Member States whose professional qualifications are recognised in the Czech Republic will be included in the register. It will build on the Phare project CZ03.06.04 “Recognition of professional qualifications in the health care sector”. Its Investment component is conditional on adequate co-financing.

**Objective 9 – Administrative Capacity (DAC Code: 15040)**

**Unallocated Institution Building Envelope:** A maximum of 1.5 M€ will be reserved to cover any ad hoc Institution Building needs. Sectors that could benefit from this support are, *inter alia*, Justice and Home Affairs, Internal Market, Agriculture and any other acquis-related projects in sectors relevant to the objectives of the Transition Facility. The use of these funds is subject to prior consultation with the European Commission.
### 5. BUDGET

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<tr>
<th>Objective/Project</th>
<th>Transition Facility Funding</th>
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<td><strong>Objective 1: POLITICAL CRITERIA</strong></td>
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<td>Strengthening of Advocacy and Monitoring CSOs Promoting the Acquis not Covered by the SFs Measures</td>
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<td>Parole Supervision – Enhancement Effective and Professional Practice Between Judicial Agencies</td>
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(The figures in the budget table are indicative only)

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3 ref Council Report on Nuclear Safety
Co-financing for Institution Building projects is provided by the beneficiary bearing certain infrastructure and operational implementation costs, through financing the human and other resources, required for effective and efficient absorption of Transition Facility assistance. Investments in small equipment must receive co-financing from national public funds. The Community contribution may amount to up to 75% of the total eligible public expenditure.

6. **Special Conditions**

In the event that agreed commitments are not met for reasons which are within the control of the Government of the Czech Republic, the Commission may review the programme with a view, at the Commission’s discretion, to cancelling all or part of it and/or to reallocate unused funds for other purposes consistent with the objectives of the Transition Facility.

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