

Housing and social affairs

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DECREE 57/2007, dated 3rd April, whereby aid destined for programmes financed by the Development Cooperation Fund is regulated.

Cooperation for development is an expression of solidarity that results from being aware of the need to construct a new model in terms of international relations. Attaining success in this aim means that a structural change needs to be made in the model – in other words, new structures for new relations.

Basque society has always manifested itself as a caring society with the will to work towards achieving a model of fair relations for all and every one of us. The Government is adapting its actions based on this premise by working towards a model of development in which all we men and women, both from the North and South, may fit.

This human development, which may be defined as the generation and consolidation of capacities, freedoms and individual and collective opportunities, is a complex concept that includes numerous highly correlated dimensions – economic, social, political, cultural, environmental, gender-related and psychological – and different levels of activity – local, state and international. Giving rise to change and enabling it to take place in all these aspects on a comprehensive and consistent level is only possible by lending support to processes from the standpoint of orderly and gradual courses of action over the long term.

Starting from this premise, the Development Cooperation Bureau is committed to structural and transforming cooperation. The aim of such cooperation is to lend support to comprehensive long-term change processes which may have a bearing on the set of causes that prevent development and transform institutions, norms and values on local, state and international levels, by therefore going beyond the level of support provided by limited short-term actions whose sole objective is to meet basic needs, without addressing the causes that bring about such shortcomings. Development requires structural changes and cooperation needs to act in this respect.

A new tool is thus being set in motion in order to reinforce this commitment: the Development Cooperation Programme. This came into being out of the need to bring the ultimate goal – that of development, structural change, the fight against poverty - closer to the cooperation instruments at their disposal. It is thus hoped that, via certain Basque and local institutions from the South which have contrasting strategic, social, financial and managerial capacity, and via certain programmes that have greater time-related and financial scope and fully cover the life cycle of the programme – from the identification to the assessment phase -, will be approached in a more strategic and consistent way that will have a longer-term impact than via other cooperation instruments.

Although the cooperation tools offered by the Development Cooperation Programme pursue structural change in the fight against poverty, and maintain principles of solidarity, association, accompaniment of endogenous processes, structural long-term actions, integral nature, coordination and co-responsibility, the programmes make it possible to have a greater bearing on those objectives and premises in terms of such actions. The features of the programmes enable more complete analyses to be conducted, solid and realistic indicators established, and strategies taken into consideration over a longer time period. These strategies need to cover the term development as an all-compassing notion that we have already explained, involving considering processes that may form part of some sectorial area – priority social needs, popular economics, local power, human rights, cultural identity – but which may also integrate transversal areas – gender, local capacities, participation, organisation, human rights and environmental sustainability – not as specific, isolated activities in themselves but as essential, necessary elements throughout the development process.

Therefore, the feature that is going to define the programmes over and above other instruments is, on the one hand, the greater ease with which they may accompany processes on a local, state and international level and, on the other, the in-depth nature of the proposals they put forward, embodied in solid analyses and long-term strategies that may integrate both sectorial and transversal aspects into a whole. The greatest financial resources, or the longest period available to set actions in motion, merely constitute the means for obtaining these objectives. Thus, the programmes should not be defined as territorial – if processes are established with a single target population – or sectorial – if processes are established with various target populations in a single sectorial area – but rather, all these or other proposals that might be taken into consideration will be able to be set in motion according to whether they are capable of pursuing long-term strategies that can generate far-reaching changes in institutions, norms and values in the target population or populations.

The text is organised into four chapters. In the Preliminary Chapter, the programmes and their requirements are defined. In Chapter I, the main agents who are going to intervene in the programmes are established. The following chapter is devoted to the budget available for programmes and the seven budgetary sections that all programmes need to include are described. The Third Chapter refers to the procedure for granting aid, concluding with a chapter devoted to the monitoring of and justification for the programmes.

With regard to the budgetary sections, we shall move on to define them in a way that will clarify their specific content, as they constitute different concepts to the ones existing in other instruments:

Identification: this involves defining ideas for programmes among all the parties involved that would seem to be of major interest owing to the structural changes that they could potentially generate. After documenting and analysing the system that sustains life in a specific area in a participatory manner, a decision

is made to choose a programme about which detailed work will get underway in the following stage of the programme's life cycle.

Development activities: development activities affect the system that sustains the life of the target population in the short term.

Institutional reinforcement of local entities or of the target population: this involves encouraging the local entity or entities to group the target population together, whether this is formal or informal, with a view to consolidating their capacities in the long term.

Education for Development: this is a toolbox available to the process whose purpose in the medium-long term is to train individuals within the Autonomous Community of the Basque Country (Euskadi) to understand the structural causes that give rise to worldwide inequality and to encourage their involvement and commitment to the structural change pursued by the programme.

Management of the programme in the area where it is to be set in motion: this involves carrying out activities on the ground which may help to ensure that the other programme tools can be properly developed.

Assessment: this involves giving as systematic and objective an appraisal as possible about the programme, by analysing its conception, its implementation and its results. It needs to provide both credible and useful information to enable the teachings drawn from this to be integrated into decision-making mechanisms.

Programme Management in the Autonomous Community of the Basque Country (Euskadi): this involves activities carried out by them which are related to the programme and have no place in any of the other tools.

By virtue of the above and at the request of the Ministry of Housing and Social Affairs, following deliberation and approval by the Governing Council in its session held on 3rd April 2007,

I HEREBY DECREE:
PRELIMINARY CHAPTER

Article 1: Purpose

This Decree regulates aid for development cooperation programmes financed by the Development Cooperation Fund, as follows.

1. A programme is a tool that makes a significant contribution towards the fight against poverty accompanied by endogenous development processes that promote structural changes. Structural change is defined as the process whereby the factors which are capable of increasing options, freedoms and the capacities of individuals become consistent and are consolidated in institutions, norms and values that persist over time and generate performances that in turn give rise to new personal and collective possibilities in the long term.

2. The programmes are defined by their compliance with the following four conditions:

a) They should be incorporated in one or more of the following sectorial areas: priority social needs, popular economics, local power, human rights and cultural identity.

b) They should obtain a significant impact in terms of their far-reaching nature: setting in motion strategies that enable endogenous changes to be brought about in institutions, norms and cultural values among the population or populations targeted by the programmes. These strategies, which need to continue and go beyond the programme itself, will be additionally defined both for their sectorial area of activity and the transversal lines of gender equality, local capacities, participation, organisation, human rights and environmental sustainability.

c) The population targeted by the programme will comprise collectives with common features in terms of needs, capacities and opportunities.

d) Identification activities, development activities, actions involving the reinforcement of organisations and institutions from the South, education for development and assessment should simultaneously and consistently be integrated.

Article 2: Programme requirements

To be able to gain access to grants, the programmes submitted will need to meet the following requirements, for which proof will be provided in requesting the programme of the relevant official announcement:

a) The general aim of the programme must be clearly identified with some objective set out by the Basque applicant entity.

b) The impact expected from achieving the specific objective should guarantee the in-depth nature of the processes via the setting in motion of solid strategies, both on a sectorial and a transversal level. In the sector or sectors of activity, this means guaranteeing their viability, sustainability and continuity; on a transversal level, it means guaranteeing the development of strategic strategies in terms of gender, local capacities and participation, and at least the carrying out of specific activities in terms of organisation, human rights and environmental sustainability.

c) The following should be ensured: the fact that resources are going to be made available and precise activities carried out in order, on the one hand, to establish a basic course of action and, on the other, to establish a system of qualitative and quantitative indicators six months after the programme has got underway.

d) The fact that this be carried out via at least one local entity in impoverished countries should be guaranteed. This local entity will need to meet the requirements established for local entities in the fourth section of the second chapter of this Decree.

e) Activities should be developed and headings and/or entries included in each of the following budgetary sections: identification, development activities, institutional reinforcement of local entities of the target population, education for development, programme management in the area where it is being set in motion, and assessment and management of the programme in the Autonomous Community of the Basque Country (Euskadi).

f) The grant applied for per programme shall not exceed 1,200,000 Euros or be less than 600,000 Euros.

g) They should be co-funded at least by 15%, by resources other than the aid provided by Public Administration in the Autonomous Community of the Basque Country (Euskadi).

h) Programmes should get underway within the budgetary year covered by the relevant official announcement for aid. To determine the starting date, attention shall be paid to the date proposed in the programme application form. This date will need to be subsequent to the date of publication of the aforementioned official announcement and prior to the end of the corresponding budgetary year. If the application is approved, the successful bidder will have the opportunity to update the starting date of the programme when the agreement is signed with the Development Cooperation Programme. This new date will need to be subsequent to notification of approval for the programme and prior to the end of the corresponding budgetary year. If no notification of approval is forthcoming, the date already stated by the successful bidder on the programme submission form will be the one determined.

i) The results pursued should be obtained within a reasonable period of time and, in any event, be no more than 36 months and no less than 24 months following the budgetary implementation thereof.

Notwithstanding the aforementioned, the Development Cooperation Bureau shall be entitled to extend this period up to a further two budgetary years, depending on circumstances related to implementation of the programme.

Article 3: Criteria for exclusion

The following programmes shall not be accepted:

a) Those which are not relevant to the strategy involving the fight against poverty among the target population.

b) Those which are not consistent in the sense of being unrelated to the problem under consideration, the objectives and results set out in order to overcome this problem and the activities planned.

c) Those which fail to take into consideration the definition of a basic series of indicators in their schedule of activities, in addition to a specific definition of the latter prior to the first months during which the programme is being implemented.

d) Those which fail to ensure that the means, studies and human and material resources required in order to guarantee the viability and sustainability of the programme are provided.

e) Those which fail to incorporate the formulation and development of a specific gender strategy during the period in which the programme is being put into practice.

f) Those which fail to incorporate the formulation and development of a reinforcement strategy for specific local capacities during the period in which the programme is being implemented.

g) Those which do not plan to generate strategies and structures in the long term in order to reinforce participation of the target population.

h) Those which violate human rights.

i) Those which are not environmentally sustainable.

j) Those which do not form part of the following sectors of activity: priority social needs, popular economics, local power, human rights, education for development.

k) Those which fail to meet the requirements demanded of programmes, applicant entities, the consortium of Basque entities, local entities and the consortium of local entities in each of the chapters contained in this Decree

l) Those who fail to meet the conditions set out in the corresponding official announcement for aid.

m) Those which may be deemed discriminatory on grounds of culture, gender, religion or opinion, or which belittle any specific notion of human reality.

Article 4: Financial resources

1. This aid will be financed by the Development Cooperation Fund. Successive annual official announcements for aid will determine the total amount destined for compliance with the purpose set out by this Decree.

2. Any amount that is unable to be any assigned to any programme because the latter fails to gain the sufficient minimum rating required or because of a failure to meet the requirements demanded, or due to not having received sufficient applications for the budgetary provision available, may be set aside for

aid for development cooperation projects financed by the Development Cooperation Fund during the same budgetary year.

CHAPTER I AGENTS INTERVENING IN THE PROGRAMMES

SECTION 1 DEFINITIONS

Article 5: Chain of entities within the life cycle of a programme

The entity requesting the grant is referred to as the Applicant Entity. After successfully meeting the requirements set out in the official announcement, this then becomes the Successful Bidder. A consortium of Basque entities may also be eligible for a grant. On the other hand and bearing in mind that the programmes are developed in impoverished countries from the South, the applicant entity or consortium of Basque entities will need to have at least one local entity at its disposal as planner and direct enabler of the programme in the country or countries where it is going to be developed. In the case of these entities, the programme may also be set in motion via a consortium of local entities.

Article 6: Applicant entity

An applicant entity is deemed to be that legal entity which, in meeting the requirements that have been formally demanded in order to be eligible to receive the grants referred to in this text, has made an application for the grant in question in the form and within the deadline stipulated.

Article 7: Consortium of Basque entities

A consortium of Basque entities is deemed to be the set of entities registered in the relevant Basque register which are organised in such a way as to jointly carry out one or more development cooperation programmes and meet the requirements established in this text for the case of a consortium of Basque activities. The head entity of the consortium shall be deemed to be the applicant entity. The other entities shall be referred to as Basque consortium partner entities.

Article 8: Local entity

A local entity is deemed to be that organisation made up of individuals with its own legal status, which maintains an office in the area where the programme is set in motion and plays a leading role in the implementation and/or facilitation on the ground. Although the grant is received directly by the successful bidder or by the consortium of Basque entities, local entities play an essential role in implementing the project in the territory or territories where it is being set in motion.

Article 9: Consortium of local entities

A consortium of local entities is deemed to be the set of entities registered in the relevant register which are organised in such a way as to jointly carry out one or more development cooperation programmes and meet the requirements established in this text for the case of a consortium of local entities. The head entity of the consortium shall be deemed to be the applicant entity. The other entities shall be referred to as local consortium partner entities.

SECTION 2
REGARDING APPLICANT ENTITIES

Article 10: Access to grants

To gain access to grants, a favourable resolution must be issued regarding the applicant entity on the date on which the official announcement for the corresponding programmes closes, with proof being provided of the following:

- a) That it should meet the administrative requirements listed in this section.
- b) That it should have the financial, managerial, social and strategic capacity necessary to suitably implement the programmes, in accordance with the criteria established in this section.

Article 11: System for proving administrative requirements and capacities

1. The applicant entity shall provide proof of compliance with the administrative requirements and capacities established in this section quite apart from the set of requirements requested for consortiums, the local entity and the programmes, which shall be provided within the period and in the form set out by the official announcement for programmes itself.

2. Entities may apply for accreditation at any time of the year, irrespective of whether an official announcement of aid for programmes has been made. The entity will need to submit an application for such purpose according to the form attached to this document. The Development Cooperation Bureau will analyze compliance with administrative requirements and capacities established in this Decree based on the application, and shall issue either a favourable or unfavourable resolution regarding such accreditation accordingly. This resolution issued by the Development Cooperation Manager, which will be published in the Official Gazette of the Basque Country (BOPV), may be appealed against before the Deputy Minister for Social Affairs. Without prejudice to the aforementioned, any entity which has been denied accreditation shall be entitled to apply for it again at any such time as it is able to meet the requirements and capacities established. Any express non-resolution within a period of six months following the date on which the application for accreditation is submitted shall result in the application lodged being upheld.

3. A resolution in favour of accreditation of administrative requirements and capacities shall remain valid for a period of 36 months following publication

thereof. The applicant entity shall not be required to provide proof every time there is an official announcement for programmes within that time frame, instead being able to opt directly for such announcements.

4. The Development Cooperation Bureau may during the period accreditation remains valid request any updates and/or clarifications as it deems necessary regarding compliance with the entity's administrative requirements or capacities. If in some case an accredited entity should happen to be notified during the period accreditation remains valid that it no longer meets the requirements and capacities demanded, the Department of Housing and Social Affairs may take action to revoke the aforementioned accreditation.

Article 12: Administrative requirements

To be accredited, the applicant entity will need to comply with and document the following requirements:

a) Be have been formally set up and registered in the relevant register of a Public Administration in the Autonomous Community of the Basque Country (Euskadi) at least five years prior to the deadline for submission of the application for accreditation. By way of proof, it will need to provide an attested photocopy of the entry in the relevant register.

b) Expressly reflect in its articles of association that among its founding aims is that of pursuing actions geared to the development of impoverished countries. It will need to provide an attested photocopy of the aforementioned articles of association by way of proof.

c) Not be a profit-making concern.

d) Not have been subject to any criminal or administrative sanction during the period established in the relevant sanction, leading to loss of the chance to obtain grants or public aid, including sanctions imposed as a result of discrimination on grounds of gender, or having been subject to any lawful impediment that may prevent it from doing so. It will need to provide a sworn affidavit or statement of compliance of not having been subject to any such period of sanction by way of proof of the aforementioned.

e) Be up-to-date with its tax and social security contributions. It will need to provide a photocopy of the tax identification (VAT) number and certificate stating that it is up-to-date with tax and social security obligations by way of proof.

Article 13: Financial capacity

1. Financial turnover: to be accredited, the applicant entity will need to prove their financial turnover by documenting one of the following:

a) Its having obtained the sum of at least three million Euros over the five budgetary years prior to the application for accreditation by way of aid financed

by FOCAD. To reach the sum of three million Euros, the applicant entity may also take into consideration the total amount of all aid obtained and financed by the Development Cooperation Fund by the consortiums of which it has formed a part over the same period of time.

b) Its having obtained the sum of at least seven million Euros over the five budgetary years prior to the application for accreditation by way of public aid and/or private funds. At least three million Euros will derive from public aid, of which at least two million Euros will be from institutions within the Autonomous Community of the Basque Country (Euskadi). The applicant entity will provide a copy of any concessions referring to the above in order to document the obtaining of public aid, and to document the income obtained from private funds will need to provide the following:

1) Balance sheet, profit and loss account and financial report from the previous year, put together by the person authorised to do so in the entity's articles of associations.

2) Certification issued by an auditing-chartered accountants' firm, registered in the corresponding register, stating the income obtained from private funds and providing details of the amounts and origins of the latter in each case.

To reach the aforementioned sum of seven million Euros, the applicant entity may also take into consideration the total amount of aid received and financed by public aid by the consortiums of which it has formed a part over the same period of time. In such case, the entity must have had joint responsibility for all aid received within the consortium in question. This aid will also have to have been received in full by the consortium in order to be taken into consideration.

2. Budgetary equilibrium

In all cases, the applicant entity will be required to have an annual budget that enables it to:

a) Ensure that it receives private income of at least 5%. By way of proof, it will need to submit certification issued by the relevant auditing-chartered accountants' firm, registered in the corresponding register.

b) Ensure that no financial institution accounts for more than 60% of the total budget over the previous five budgetary years. By way of proof, it will need to submit certification issued by the relevant auditing-chartered accountants' firm, registered in the corresponding register.

Article 14: Management capacity

To be accredited, the applicant entity will need to meet the following requirements:

a) Have an Organisational Structure Document at its disposal. This document will provide information about the following aspects:

1) Organisation chart: a graphic representation of the organisational structure and job profile, briefly describing the tasks and responsibilities of each different job.

2) Form of management: a brief explanation about the decision-making system, drawing a distinction between strategic and operative decisions and providing details as to which job profiles take part in each of the aforementioned. The number of people who take part in the decision-making process and their breakdown according to gender will also be required, and the internal communication system of the organisation will be explained.

3) Work processes: existing areas or departments will be stated, describing the different tasks assumed by each of them. A schematic description for each task will be established as to how it gets underway, how it is developed and how it is concluded. The relationship existing between the different tasks or work processes will also be referred to.

4) Continuous improvement actions: the measures taken in order to ensure an assessment of the entity's activities and work processes will be stated, in addition to any measures taken to ensure the proper implementation of any improvements to such assessments.

5) Human resources: information will be provided about the labour policy pursued, the type of contracting, internal training processes and the measures taken to ensure equal opportunities and labour conciliation, thus guaranteeing that the legislation in force and the law governing voluntary work are complied with.

b) Have an institutional policy regarding gender: if the implementation of such a policy has neither been formulated nor got underway, this requirement may be met if a sworn affidavit or statement of compliance is submitted by the applicant entity, stating that the implementation process will get underway within 24 months following a resolution in favour of accreditation.

c) Have justified public aid to the sum equivalent to two million Euros over the five budgetary years prior to that of the official announcement for aid.

d) Submit a budget of income and expenditure, treasury budget, accounting plan for the entity, balance sheet, profit and loss account and financial report. The last three-mentioned documents (balance sheet, profit and loss account and financial report) will need to be accompanied by an auditor's certificate issued by an auditing-chartered accountants' firm, registered in the corresponding register,

Article 15: Social capacity

To be accredited, the applicant entity will need to guarantee its capacity and solvency as a social agent and show evidence of its representational nature, by meeting the following requirements:

a) Have at least 200 individuals who are partners or collaborators: to document this, the entity may choose between the following:

1) Provide a sworn affidavit or statement of compliance, stating the number of individuals who are partners according to the entity's Book of Partners.

2) Or provide proof issued by an auditing-chartered accountants' firm registered in the corresponding register, giving details of the number of different individuals who have collaborated with the entity by periodically paying a fee by way of donation.

b) Have at least 30 volunteers and one person paid by the organisation to oversee voluntary work within the organisation. To document this, the entity will provide the following:

1) Sworn affidavit or statement of compliance, stating the number of volunteers according to their register of volunteers, with special mention of the fact that they are all insured and have all taken on a commitment with the entity.

2) A brief explanation regarding the following aspects:

- Definition of voluntary tasks.
- Participation of volunteers in the entity.
- Measures taken to ensure their rights are respected, such as any additional insurance, training or any other matter that the entity may deem relevant.
- Existence of a job profile of the person in charge of overseeing this matter.
- Volunteer profile: age, gender, seniority and any other aspect that the entity may deem relevant.

c) Have a strategic plan with specific objectives in terms of education for development, and have carried out at least 5 activities in education for development within the last two years in the Autonomous Community of the Basque Country (Euskadi), mentioning those individuals who have taken part from the entity and from society. An explanation will need to be included about the monitoring activities carried out on individuals who have taken part and about any changes that have taken place.

d) The entity must be either a member of or affiliated to at least two Basque, state or international coordinators, platforms or networks which are related to cooperation and/or development, of which at least one should be on a Basque level.

Article 16: Strategic capacity

1. To be accredited, the entity will need to provide proof of its strategic capacity via submission of a development cooperation strategic planning document which contains at least the following aspects:

a) Values that define the Basque applicant entity, that in which the entity has grown and is present in the way it acts, which it reflects and conveys both internally and externally.

b) Raison d'être of the applicant Basque applicant entity – the reason for its existence.

c) Vision of the Basque applicant entity.

d) Strategic lines that will be guiding all the activities carried out by the Basque applicant entity over the coming years.

e) Specific objectives will be established for each of the major strategic lines described in the previous point which are attainable, realistic and can be gauged.

f) Indicators will be established that enable the extent to which each objective described in the previous point may be achieved, in order for such objectives described to be gauged.

2. Have at least three years' experience of work involved in achieving the specific objective pursued by the programme. This relationship will be documented via public administration resolutions involving the granting of projects and a sworn affidavit or statement of compliance indicating any other courses of action that have been set in motion in this respect.

SECTION 3 REGARDING CONSORTIUMS OF BASQUE ENTITIES

Article 17: Access to aid

Those programmes submitted by a consortium of Basque entities may also gain access to grants.

Article 18: Requirements and capacities of Basque entities that form part of consortiums

The requirements and capacities are as follows:

a) Each of the entities belonging to the consortium will need to meet the requirements and criteria listed in articles 12.a), 12.d), 12.e).

b) At least the applicant entity which acts as the head of the consortium will need to meet the requirements and criteria listed in articles 12.b), 12.c), 13.2, 14.a), 14.b), 14.d), 15 and 16.

1) In the case of article 12.b), the rest of the entities belonging to the consortium which fail to comply with this requirement will need to provide proof via reliable documentation that the entity has been working uninterruptedly in the relevant area of activity for at least two years.

2) In the case of article 12.c), the rest of the entities belonging to the consortium which fail to comply with this requirement will need to provide proof of their solidarity with the target population by submitting the following documents:

- An institutional declaration from the entity's governing bodies expressing its support for the target population.
- A report describing other social initiatives and especially those involving support for the target population which have been carried out previously by the entity, assessing the benefit to the target population of its intervention.

c) The requirements and criteria listed in articles 13.1 and 14.c), may be met by all entities belonging to the consortium, by only one of them or, without being met by any specific entity, may be met among all of them together.

In the case of articles 13.1.a) and 13.1.b), for the purpose of reaching the aforementioned sums of three or seven million Euros, Basque consortium partner entities in the current programme that previously formed part of the same consortium will only be required to take into consideration all aid received from the Development Cooperation Fund or other public aid obtained by those consortiums in which they coincided.

Article 19: Responsibility

Entities belonging to the consortium assume joint responsibility for the programme.

Article 20: Address

Partner consortium entities shall appoint a single address for administrative notification purposes of the relevant file, which will be that of the applicant entity and will be the one that acts on behalf of the consortium in dealing with the administrative file opened with the application.

Article 21: Agreement

1. The rights and obligations of each of Basque consortium partner entities shall be determined by an agreement that they will need to provide when submitting the corresponding application.

2. In the aforementioned agreement, signed by the person empowered by each partner consortium entity, the following aspects will need to be indicated:

a) That each entity should assume direct and joint responsibility for the entire programme

b) The way in which the consortium of entities is going to be administered itself, beyond that of the management of the programme itself, which is subject to other provisions as set out in this Decree. The system for administering the consortium will need to take into account the following minimum content:

- 1) Management responsibilities of the consortium that correspond to each Basque partner consortium entity.
- 2) Management responsibilities of the programme that correspond to each Basque partner consortium entity.
- 3) Definition as to what types of issue are deemed to be strategic and which ones are deemed to be operative. Deliberations and decisions regarding issues deemed strategic jointly correspond to all Basque partner consortium entities.
- 4) The measures taken to ensure that any deliberation and shared decision-making are effective.
- 5) System for settling any disputes that may arise within the consortium.
- 6) Grounds for termination of the consortium or for termination of the link between an partner consortium entity and the consortium itself.

Article 22: Report

A report shall be submitted together with the document containing the agreement in which the Basque consortium partner entities will provide proof of the strategic capacity of the latter, by documenting the following aspects:

- a) A brief explanation will be provided of the values that define the consortium of Basque entities, what the consortium believes in and what its activities involved, and what it reflects and conveys both internally and externally.
- b) The raison d'être of the consortium of the consortium of Basque entities will be briefly defined – in other words, the reason for its existence.
- c) A brief definition will be provided as to where the consortium of Basque entities sees itself once the period for implementing the programme has come to an end.

SECTION 4 REGARDING LOCAL ENTITIES

Article 23: Requirements and capacities of the local entity

1. To be able to be considered a local entity, it will need to provide proof as follows:
 - a) That it meets the administrative requirements listed in this section.
 - b) That it has the financial, managerial, social and strategic capacity necessary for the purpose of properly setting the programmes in motion, in accordance with the criteria established in this section.

2. Proof will need to be provided of these requirements in the application in response to the corresponding official announcement for programmes. Specific proof will be in turn provided in the case of local entities as referred to in Section V of this chapter.

3. The documentation/information pertaining to the local entity mentioned in this section shall be attached just once, irrespective of the number of programmes submitted in response to the official announcement in which the local entity in question appears.

Article 24: Administrative requirements

The local entity will need to comply with and document the following requirements:

a) Be have been formally set up and registered in the relevant register of a Public Administration in the Autonomous Community of the Basque Country (Euskadi) at least five years prior to the deadline of submission of applications. By way of proof, it will need to provide a photocopy of the entry in the relevant register. This requirement will be waived in cases of proven legal or political impossibility deriving from circumstances existing in the country, in which case all available information will be provided that is able to guarantee the experience and activity of the local entity.

b) Not have been subject to any criminal or administrative sanction during the period established in the relevant sanction, leading to loss of the chance to obtain grants or public aid, including sanctions imposed as a result of discrimination on grounds of gender, or having been subject to any lawful impediment that may prevent them from doing so. It will need to provide a sworn affidavit or statement of compliance of not having been subject to any such period of sanction or reimbursement by way of proof of the aforementioned.

e) Be up-to-date with its tax and social security contributions. It will need to provide a certificate stating that the entity is up-to-date with its tax and social security obligations. If the entity is unable to obtain such certificates, it will need to provide a sworn affidavit or statement of compliance for such purpose.

Article 25: Financial capacity

The local entity will need to provide proof of its financial capacity by documenting the fact that it has obtained the same or more funds than those it plans to administer in the proposal over the last five budgetary years prior to the official announcement for aid. It will provide copies of resolutions awarding such concessions by way of proof.

Article 26: Management capacity

The local entity will need to meet the following requirements:

a) Have an Organisational Structure Document at its disposal. In this document will be sent information about the following aspects:

1) Organisation chart: a graphic representation of the organisational structure and job profile, briefly describing the tasks and responsibilities of each different job.

2) Form of management: a brief explanation about the decision-making system, drawing a distinction between strategic and operative decisions and providing details as to which job profiles take part in each of the aforementioned. The number of people who take part in the decision-making process and their breakdown according to gender will also be required, and the internal communication system of the organisation will be explained.

3) Work processes: existing areas or departments will be stated, describing the different tasks assumed by each of them. A schematic description for each task will be established as to how it gets underway, how it is developed and how it is concluded. The relationship existing between the different tasks or work processes will also be referred to.

4) Continuous improvement actions: the measures taken in order to ensure an assessment of the entity's activities and work processes will be stated, in addition to any measures taken to ensure the proper implementation of improvements to such assessments.

5) Human resources: information will be provided about the labour policy pursued, the type of contracting and the measures taken to ensure equal opportunities and labour conciliation, in accordance with the labour legislation in force in the country.

b) Have an institutional policy regarding gender: if the formulation of such a policy has not been formulated nor implementation got underway, this requirement may be met if a sworn affidavit or statement of compliance is submitted by the local entity, stating that the implementation process will get underway within 36 months following the date on which the application in response to the official announcement for programmes has been submitted.

Article 27: Social capacity

The local entity will need to provide proof of its capacity and solvency as a social agent and show evidence of its representational nature, by documenting its membership and/or affiliation to at least one coordinator, platform or network which is related to cooperation and/or development.

Article 28: Strategic capacity

a) The local entity will need to provide proof of its strategic capacity via submission of a development cooperation strategic planning document. Strategic planning is deemed to be a tool that contains the following aspects:

1) Values that define the local entity, that in which the entity has grown and is present in the way it acts, which it reflects and conveys both internally and externally.

2) Raison d'être of the local entity – the reason for its existence.

3) Vision of the local entity.

4) Strategic lines that will be guiding all the activities carried out by the local entity over the coming years.

5) Specific objectives will be established for each of the major strategic lines described in the previous point which are attainable, realistic and can be gauged.

6) Indicators will be established that enable the extent to which each objective described in the previous point may be achieved, in order for such objectives described to be gauged.

b) Have at least three years' experience of work involved in achieving the specific objective pursued by the programme. This experience will be documented via a report that describes the activities and projects that have been set in motion in this respect.

c) Have at least three years' experience of work together with the applicant entity. This relationship will be documented via public administration resolutions involving the granting of projects and a sworn affidavit or statement of compliance indicating any other courses of action that have been jointly set in motion.

d) Have at least 5 years' experience with the target population. This relationship will be documented via a sworn affidavit or statement of compliance indicating the activities and projects that have been jointly set in motion.

SECTION 5 REGARDING CONSORTIUMS ON A LOCAL LEVEL

Article 29: Access to aid

Consortiums of local entities as implementers and enablers of the programmes on the ground will also be able to take part.

Article 30: Requirements and capacities of local consortium partner entities:

The requirements and capacities will be as follows:

- Each of the local partner consortium entities will need to meet the requirements and criteria listed in articles 24.a), 24.d) and 24.c).

- At least the local entity which acts as the head of the consortium will need to meet the requirements and criteria listed in articles 25, 26, 27 and 28. In the case of article 25 governing financial capacity, the local entity which acts as head of the consortium will need to provide proof of such by documenting the fact that it has obtained the same or more funds than those that the consortium on a local level plans to administer in the proposal over the last five budgetary years prior to the official announcement for aid.

Article 31: Responsibility

Local partner consortium entities assume joint responsibility for the programme.

Article 32: Address

Local partner consortium entities shall appoint a single address for administrative notification purposes of the relevant file, which will be that of the local entity.

Article 33: Agreement

1. The rights and obligations of each of the local partner consortium entities shall be determined by an agreement that they will need to provide when submitting the corresponding application.

2. In the aforementioned agreement, signed by the person empowered by each partner consortium entity, the following aspects will need to be indicated:

a) That each entity should assume direct and joint responsibility for the entire programme

b) The way in which the consortium of entities is going to be administered itself, beyond that of the management of the programme itself, which is subject to other provisions as set out in this Decree. The system for administering the consortium will need to take into account the following minimum content:

1) Management responsibilities of the consortium that correspond to each partner consortium entity.

2) Management responsibilities of the programme that correspond to each partner consortium entity.

3) Definition as to what types of issue are deemed to be strategic and which ones are deemed to be operative. Deliberations and decisions regarding issues deemed strategic jointly correspond to all partner consortium entities.

4) The measures taken to ensure that any deliberation and shared decision-making are effective.

5) System for settling any disputes that may arise within the consortium.

6) Grounds for termination of the consortium or for termination of the link between an partner consortium entity and the consortium itself.

Article 34: Report

A report shall be submitted together with the document containing the agreement in which the consortium will provide proof of its strategic capacity, by documenting the following aspects:

a) An analysis will be carried out on the environment in which the consortium operates, drawing attention to any opportunities and threats it identifies for current and future action.

b) An internal analysis will be carried out of the consortium, drawing attention to the strengths and weaknesses it identifies for current and future development and action.

c) A brief explanation will be provided of the values that define the consortium, what the consortium believes in and what its activities involve, and what it reflects and conveys both internally and externally.

d) The raison d'être of the consortium will be briefly defined – in other words, the reason for its existence.

e) A brief definition will be provided as to where the consortium sees itself once the period for implementing the programme has come to an end.

f) The strategic lines that will be guiding all the activities carried out by the Basque applicant entity over the coming years will be defined.

g) Specific objectives will be established for each of the major strategic lines described in the previous point which are attainable, realistic and can be gauged.

h) Indicators will be established that enable the extent to which each objective described in the previous point may be achieved, in order for such objectives described to be gauged.

CHAPTER II
BUDGETS FOR PROGRAMMES
SECTION 1
GENERAL CONCEPTS

Article 35: Composition of the budgetary chart

1. The budget for a programme comprises seven budgetary sections: Identification, Development Activities, Institutional Reinforcement of Local Entities or of the Target Population, Education for Development, Programme Management in the area where it is to be set in motion, and Assessment and

Programme Management in the Autonomous Community of the Basque Country (Euskadi). Each section in turn contains a series of budgetary items, and each line of expenditure within an item is considered to be a heading. To find out the meaning of each item and the expenditure it is able to cover, eligible expenditure is described in detail within each item.

2. The budget for a programme is co-funded by various entities. The amount funded by each co-funder will be stated for each section, item and heading. The budget for a programme must be co-funded by resources other than the aid provided by the Public Administration of the Autonomous Community of the Basque Country (Euskadi) to the extent stipulated in article 2.g).

Article 36: Integral nature

The budget will taken into account expenditure in all budgetary sections in order to ensure that the programme is able to obtain results (on a logical level of intervention) and with resources (on a budgetary level).

SECTION 2
ELIGIBLE EXPENDITURE IN THE SECTION
IDENTIFICATION

Article 37: Items contained in the section *Identification*

1. The section identification will comprise the following items:

- a) Identification services.
- b) Travel and accommodation linked to identification.

2. The amount pertaining to this section may not exceed the sum of 30,000 Euros.

Article 38: Eligible expenditure within the item *identification services*

1. For the purpose of granting aid, the contracting of either natural persons or legal entities to identify the programme submitted and/or carry out viability studies, conduct opinion polls, market research or similar will be deemed to constitute eligible expenditure in this item. Natural persons may be hired under contract of employment or as a professional by the successful bidder or a Basque consortium partner entity, as well as the local entity or local consortium partner entity. If such persons are given a contract for the provision of professional services or in the case of legal entities, proof will need to be provided that the persons who render the service have had no working relationship with the aforementioned entities for 3 months prior to the deadline for the official announcement for aid.

2. The following shall be provided by way of justification for expenditure in the corresponding report:

a) If carried out with personnel from the successful bidder, from a Basque consortium partner entity, a local entity or a local consortium partner entity, the pay slip, proof of payment of social security and income tax deductions and, where appropriate, private insurance.

b) If carried out by natural persons or legal entities of an external nature, the invoice for the service rendered and proof of payment, in addition to income tax deductions. In this case, proof will be provided that the persons who render the service have had no working relationship either with the successful bidder or with any Basque consortium partner entity for 3 months prior to the deadline for the official announcement for aid.

3. The following shall be submitted together with the application:

a) The initial terms of reference of identification that is planned to be carried out.

b) Should they exist, any viability studies, opinion polls, market research or similar will also be submitted.

Article 39: Eligible expenditure within the item *travel and accommodation* linked to identification

For the purpose of granting aid, the following shall also be deemed to be eligible expenditure within this item:

a) International transport expenses incurred by identifying personnel.

b) Expenses involved in obtaining visas incurred by identifying personnel.

c) Domestic travel, accommodation and subsistence expenses incurred by identifying personnel.

d) Domestic travel, accommodation and subsistence expenses incurred by those persons who assist in identification.

SECTION 3

ELIGIBLE EXPENDITURE IN THE SECTION *DEVELOPMENT ACTIVITIES TO BE CARRIED OUT IN THE AREA WHERE THE PROGRAMME IS TO BE SET IN MOTION*

Article 40: Items contained in the section *Development Activities to be carried out in the area where the programme is to be set in motion*

The section *Development Activities to be carried out in the area where the programme is to be set in motion* will comprise the following items:

a) Land.

b) Buildings.

c) Purchase and transportation of equipment and materials.

d) Acquiring skills and training

e) Fund for micro-credits.

Article 41: Eligible expenditure within the item *land*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item:

a) Land, about which the system of ownership on the part of the target population or the local entity shall be specified by providing sufficient documentary proof.

b) Similarly, the right of use may be attributed thereto if sufficient proof is provided and the following conditions are met:

1) That the assignor be accredited as owner.

2) That the owner of the right of use be the target population or the local entity.

3) That the right of use be for a minimum period of 30 years in the case of land set aside for forestry and 10 years in the case of land set aside for farming.

c) Any labour linked to farming on this land shall be deemed to be included within this item.

Article 42: Eligible expenditure within the item *buildings*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item:

a) The purchase of buildings, about which the system of ownership on the part of the target population or the local entity shall be specified by providing sufficient documentary proof.

b) Similarly, the right of use may be attributed thereto if sufficient proof is provided and the following conditions are met:

1) That the assignor be accredited as owner.

2) That the owner of the right of use be the target population or the local entity.

3) That the right of use be for a minimum period of 30 years.

c) The construction or restoration of buildings or infrastructures, about which the system of ownership on the part of the target population or the local entity shall be specified by providing sufficient documentary proof.

d) Any labour linked specifically to construction work and construction of restoration materials considered necessary, in addition to any technical studies, shall be deemed to be included within this item.

Article 43: Eligible expenditure within the item *purchase and transportation of equipment and materials*

For the purpose of granting aid, the purchase and transportation of materials attached directly to the specific aim of the programme shall be deemed to constitute eligible expenditure within this item, including market research and technical folders, except those explicitly attached to other items.

Article 44: Eligible expenditure within the item *acquiring skills and training*

1. Expenditure pertaining to acquiring skills and training of local human resources is deemed to be that required in order to carry out specific necessary tasks so as to set programme activities in motion and obtain the results expected.

2. For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item:

a) The contracting of natural persons or legal entities to design and give training courses.

Natural persons may be hired under contract of employment or as a professional by the successful bidder or a Basque consortium partner entity. If such persons are given a contract for provision of professional services or in the case of legal entities, proof will be provided that the persons who render the service have had no working relationship with the aforementioned entities for 3 months prior to the deadline for the official announcement for aid.

b) The materials destined for acquiring skills and training.

c) Where training involves persons from impoverished countries in the Autonomous Community of the Basque Country (Euskadi), travel, insurance and subsistence expenses incurred by them may be included within this item. The amount subsidized shall not exceed 1,500 Euros gross per person/month.

d) Where attendance at events or exchanges is involved, international transportation expenses incurred in obtaining visas, domestic travel, accommodation and subsistence and registration fees may be included in this item.

Article 45: Eligible expenditure within the item *fund for micro-credits*

1. *Fund for micro-credits* shall be deemed to be that financial sum that is used as either direct loans or payment in kind to the target population who must repay them under certain *a priori* conditions.

2. The following must be stipulated: the purpose, money rate or payment in kind, the overall and individualized loan envisaged, interest rate, period free of interest payments, guarantees and any other conditions demanded of the target population, governing body, schedule for repayment, control of irrecoverable debts, income envisaged from the return and recipient of the latter.

3. For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item:

- a) Personnel linked to micro-credit management tasks.
- b) Micro-credit capital or principal.
- c) Operating, management and administrative expenditure attached to the micro-credit.

SECTION 4
ELIGIBLE EXPENDITURE IN THE SECTION *INSTITUTIONAL
REINFORCEMENT OF LOCAL ENTITIES OR OF THE TARGET
POPULATION*

Article 46: Items contained in the section *Institutional Reinforcement of Local Entities and/or of the Target Population*

The section *Institutional Reinforcement of Local Entities and/or of the Target Population* will comprise the following items:

- a) Institutional reinforcement services.
- b) Travel and accommodation linked to acquiring skills.
- c) Didactic materials.
- d) Equipment and perishable materials.

Article 47: Eligible expenditure within the item *institutional reinforcement services*

1. For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: the contracting of natural persons or legal entities to design and give training courses and/or internal reinforcement from an integral standpoint, geared towards the local entity or those entities that group together the target population, whether formal or informal, with Natural persons may be hired under contract of employment or as a professional by the successful bidder or a Basque consortium partner entity. If such persons are given a contract for provision of professional services or in the case of legal entities, proof will be provided that the persons who render the service have had no working relationship with the aforementioned entities for 3 months prior to the deadline for the official announcement for aid.

2. Where training involves persons from impoverished countries in the Autonomous Community of the Basque Country (Euskadi), travel, insurance

and subsistence expenses incurred by them may be included within this item. The amount subsidized shall not exceed 1,500 Euros gross per person/month.

Article 48: Eligible expenditure within the section *travel and accommodation linked to institutional reinforcement*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item:

- a) International transportation expenses.
- b) Expenses incurred in obtaining visas.
- c) Expenses incurred for domestic travel, accommodation and subsistence expenses.
- d) Registration fees.

Article 49: Eligible expenditure within the item *didactic materials*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: the purchase, transportation and preparation of materials destined directly towards acquiring skills which have a didactic content.

Article 50: Eligible expenditure within the item *equipment and perishable materials*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: the purchase and transportation of equipment and perishable materials destined to directly facilitate institutional reinforcement processes.

SECTION 5 ELIGIBLE EXPENDITURE IN THE SECTION *EDUCATION FOR DEVELOPMENT*

Article 51: Items contained in the section *Education for Development*

The section *Education for Development* will comprise the following items:

- a) Materials and their transportation.
- b) Education services for development.
- c) Travel and accommodation linked to Education for Development.

Article 52: Eligible expenditure within the item *materials and their transportation*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item:

- a) The cost of advertising materials regarding educational activities for the development of the programme.

b) The purchase of materials in different media (printed, audiovisual, magnetic) and perishable material deemed necessary for carrying out the activities envisaged and which are directly attached to the programme.

c) The cost of transporting materials deemed necessary for carrying out the educational activities for development.

d) The rental of translation equipment deemed necessary for carrying out the educational activities for development.

e) The rental of market spaces or pavilions deemed necessary for carrying out the educational activities for development.

f) Any other rental of personal or real property deemed necessary for carrying out the educational activities for development.

Article 53: Eligible expenditure within the item *education services for development*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item:

a) Services and staff attached concretely to specific tasks and costs deriving from design, production, printing and distribution (not only in the Autonomous Community of the Basque Country (Euskadi), payments to speakers, etc.

b) Permanent staff linked to the section *Education for Development*. The amount subsidized shall not exceed 1,500 Euros gross per person/month.

c) The contracting of advertising agency services.

d) The contracting of translation services.

Article 54: Eligible expenditure within the item *travel and accommodation linked to institutional reinforcement*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item:

a) International transportation expenses.

b) Expenses incurred in obtaining visas.

c) Expenses incurred for domestic travel, accommodation and subsistence expenses.

SECTION 6

ELIGIBLE EXPENDITURE IN THE SECTION *PROGRAMME MANAGEMENT* IN THE AREA WHERE IT IS TO BE SET IN MOTION

Article 55: Items contained in the section *Programme Management in the area where it is to be set in motion*

1. The section *Programme Management in the area where it is to be set in motion* will comprise the following items:

- a) Expatriate staff.
- b) Local staff.
- c) Operating equipment and materials attached to the local entity.
- d) Perishable materials attached to the local entity.
- e) Rental of property attached to the local entity.

2. The amount available for this section may not exceed 15% of the total approved by the Development Cooperation Fund.

Article 56: Eligible expenditure within the item *expatriate staff*

1. For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: insurance, wages, domestic and international travel and accommodation of persons linked to the programme via a working or professional relationship governed by the legislation of a member state of the European Union, with tasks attached to the coordination of programme activities on the ground.

2. The successful bidder will need to resort as far as possible to local human resources. To send expatriates, a report shall be provided justifying the need to send such staff and setting out the criteria in terms of skills and qualifications required to ensure that the activities are properly carried out, their duration and a description of the tasks involved.

3. The amount subsidized shall not exceed 3,000 Euros gross per person/month.

Article 57: Eligible expenditure within the item *local staff*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: costs of local staff attached explicitly to the programme as a whole. Documentary proof will need to be provided of the average wage for this type of contract in the country or region where the programme is to be set in motion. A local person shall be deemed to be anyone who is contracted by the local entity in accordance with the legislation in force in the place where the programme is being implemented.

Article 58: Eligible expenditure within the item *operating equipment and materials attached to the local entity*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: costs related to the rental and purchase of

property deemed necessary to ensure that the local entity administers the programme on a general level.

Article 59: Eligible expenditure within the item *perishable materials attached to the local entity*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: costs related to the rental and purchase of perishable materials deemed necessary to ensure that the local entity administers the programme.

Article 60: Eligible expenditure within the item *rental of property attached to the local entity*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: costs related to the rental of property deemed necessary to ensure that the local entity administers the programme.

SECTION 7 ELIGIBLE EXPENDITURE IN THE SECTION ASSESSMENT

Article 6: Items contained in the section *Assessment*

1. The section *Assessment* will comprise the following items:

- a) Assessment services.
- b) Travel and accommodation linked to assessment.
- c) Administrative, technical and financial verification services.

2. The amount available for this section may not exceed the total sum of 20,000 Euros.

Article 62: Eligible expenditure within the item *assessment services*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: the contracting of natural persons or legal entities to carry out assessment of the programme submitted. Natural persons may be hired under contract of employment or as a professional by the successful bidder or a Basque consortium partner entity, in addition to the local entity or local consortium partner entity. If such persons are given a contract for provision of professional services or in the case of legal entities, proof will be provided that the persons who render the service have had no working relationship with the aforementioned entities for 3 months prior to the deadline for the official announcement for aid.

Article 63: Eligible expenditure within the item *travel and accommodation linked to assessment*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item:

- a) International transportation expenses of assessment staff.
- b) Expenses incurred by assessment staff in obtaining visas.
- c) Expenses incurred for domestic travel, accommodation and subsistence expenses of assessment staff.
- d) Expenses incurred for domestic travel, accommodation and subsistence expenses of persons assisting with assessment.

Article 64: Eligible expenditure within the item *administrative, technical and financial services*

For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: the contracting of natural persons or legal entities to carry out administrative, technical and financial verification of reports justifying the programme submitted. Proof will be provided both for natural persons and legal entities which render the service that they have had no working relationship with the successful bidder or any Basque consortium partner entity for 3 months prior to the deadline for the official announcement for aid.

SECTION 8 ELIGIBLE EXPENDITURE IN THE SECTION *PROGRAMME MANAGEMENT* IN THE AUTONOMOUS COMMUNITY OF THE BASQUE COUNTRY (EUSKADI)

Article 65: Item and Eligible Expenditure in the section *Programme Management in the Autonomous Community of the Basque Country (Euskadi)*

1. The section *Programme Management in the Autonomous Community of the Basque Country (Euskadi)* will comprise the following item: Administrative expenditure in the North.
2. For the purpose of granting aid, the following shall be deemed to constitute eligible expenditure within this item: expenditure incurred by the successful bidder or consortium of Basque entities, where appropriate, for management and monitoring of the programme which has not already been included in the previous sections.
3. The percentage of administrative expenditure in the North which is not attributable to the programme shall be up to a maximum 70% of the total amount of direct costs of the grant requested from the Basque Government.
4. Justification for this item shall be presumed by implementing the programme.

SECTION 9 CONDITIONS

Article 66: Changing exchange rate of the budget for programmes

Budgets will be submitted in Euros and in the currencies used in the country or countries where the programme is to be set in motion by the applicant entity, taking the exchange rate for the currency established by the European Central Bank as a reference on the day of publication of the corresponding official announcement for aid in the Official Gazette of the Basque Country.

Article 67: Pro forma invoices

Pro forma invoices will need to be provided within the item *identification services*.

Article 68: Use of receipts

In the event that justification of expenditure should be envisaged via receipts rather than via invoices, then an explanatory report will need to be provided stating the reasons why this is deemed to be necessary. Subsequently and if the programme is approved, a report will be issued by the first Mixed Monitoring Committee explaining the headings in which this type of justification is going to be submitted.

Article 69: Non-eligible expenditure

The following are deemed to be non-eligible: value added tax (VAT) and equivalent taxes in cases where the applicant entity or local entity are able to recover it, in addition to any fines or sanctions deriving from non-compliance with the obligations in force.

Article 70: Valuations

1. Contributions will be able to be made in kind or by way of valuations solely by the local entity or target population in the following cases within the section *Development Activities*:

a) In the item *land*, property or the right of use thereof may be valued, in addition to farm work involving work on land. A valuation will need to be provided of the work carried out with proof deemed sufficient for the circumstances of the place where the programme is being set in motion.

b) In the item *buildings*, unskilled labour linked to tasks may be valued, in addition to buildings attached directly to the programme (or the proportion thereof if only a part is attached to the programme). A valuation will need to be provided of the work carried out with proof deemed sufficient for the circumstances of the place where the programme is being set in motion.

c) In the item *equipment and materials*, expenditure attached directly to the attainment of the results expected may be valued, excluding operating equipment and materials of the local entity. A valuation will need to be provided

of the work carried out with proof deemed sufficient for the circumstances of the place where the programme is being set in motion.

2. Contributions will be able to be made in kind or by way of valuations solely by the local entity or target population in the following cases within the section *acquiring skills* on the part of local entities:

a) Personnel specifically attached to the programme may be valued. A valuation will need to be provided of the work carried out with proof deemed sufficient for the circumstances of the place where the programme is being set in motion.

b) In the item *didactic materials* and that of *equipment and perishable materials*, expenditure attached directly to the attainment of the results expected may be valued.

Article 71: Obligation of diligence

Applicant entities will need to put all the means at their disposal designed to ensure that all costs are as suitable as possible in terms of price and quality, taking into account the expenditure justification procedure stipulated in article 90.6.d).

Article 72: Option to choose local

The successful bidder will need to make use of local material and human resources as far as possible.

Article 73: Contribution by co-funders

Expenditure envisaged within the total budget for the programme may be provided by any of the co-funders permitted by the Decree, with the following exceptions:

a) The minimum co-funding percentage with funds others than that provided by the Development Cooperation Fund must be respected, as stipulated in article 2.g).

b) Only expenditure attributed to the section *Programme Management by the Applicant Entity* may be provided by the applicant entity or the Basque Government.

c) Valuations will only be able to be provided by the local entity or target population.

Article 74: Ownership of property within the programme

All personal and real property purchased via the contribution made by the Development Cooperation Fund in the budgetary sections Development Activities, Institutional Reinforcement and Management in the South, in addition to any dividends produced by them, will become property owned by the

population targeted by the grant or, if this is not possible, continuity of use will need to be guaranteed for whoever is granted the aid. In this respect, a certificate must accompany the application being submitted, stating to whom ownership of each property included in the programme will correspond.

CHAPTER III
PROCEDURE FOR GRANTING AID
SECTION 1
OFFICIAL ANNOUNCEMENT AND APPLICATION

Article 75: Official announcement

The Minister for Housing and Social Affairs shall issue the official announcement for aid, stating the amount set aside for the latter and also the form, place and period for submission of applications, assessment criteria, the form to be completed and model of the agreement between the Basque Government and the applicant entity.

Article 76: Submission of applications

1. Submission of application means full express acceptance of all the conditions set out in this Decree. The application form will include comprehensive information about the profile of the proposal. It will need to include at least the following information: context, background, sector or sectors of activity, target population or populations, objectives expected, analyses and methodologies of the strategies being taken into consideration in both sectorial and transversal terms, terms of reference for identification, guarantees of viability and sustainability, and a budgetary estimate broken down into sections.

2. Only those entities that have been awarded a favourable resolution regarding accreditation of requirements and capacities by the Development Cooperation Bureau, as established in article 11 of this Decree, shall be entitled to submit applications within the period stipulated in the corresponding official announcement, on the form stipulated for such purpose and by any of the means pursuant to article 38.4 of Act 30/1992 dated 26th November, governing the Legal System regarding Public Administration and Common Administrative Procedure.

SECTION 2
RATING OF APPLICATIONS

Article 77: Checking the documentation

Analysis of applications will get underway with an assessment of the correct presentation of all documentation as set out in this Decree or the corresponding official announcement. The objectives, results and strategies put forward in the programme applied for will also be analyzed.

Article 78: Application for rectification

1. In the event of any mistake or omission in any of the documents demanded by this Decree or by the corresponding official announcement, the Development Cooperation Bureau will require that the applicant entity put right the omission or attach the relevant mandatory documents within a period of ten days, with the latter being duly informed that, if they fail to do, their request will be turned down following a resolution issued under the terms set out in section 42 of Act 30/1992, dated 26th November, governing the Legal System regarding Public Administration and Common Administrative Procedure.

2. Within an identical period to that stated above in the previous section, the Development Cooperation Bureau may also request information or clarification about the programme applied for identical purposes to those stipulated in the aforementioned section if the applicant entity should fail to respond within the corresponding period.

Article 79: Scoring used in the tender procedure

1. Those applications that meet all the requirements demanded will be rated on a scale of 0 to 100 based on the ratings table set out in the corresponding official announcement. Depending on the score obtained, applications will be arranged in order from greater to lesser, with no programme being able to be approved with a score of less than 50 points.

2. A 10% reserve of funds is guaranteed in the official announcement for programmes whose target population is women, women's organisations and/or whose aim is to eliminate inequalities between men and women. If based on the priority established according to the score these budgetary minimums are not reached, then projects attached to this area of activity that obtain a lower score will be consecutively included provided that they exceed the 50-point threshold, until attaining the percentage established and eliminating any programmes that attain a higher score but which are not included within the area of activity stated.

SECTION 3
RESOLUTION

Article 80: Instruction process

1. In view of the applications received, the Development Cooperation Bureau will, after analyzing and assessing the programmes submitted, refer them to the Management Committee of the Development Cooperation Fund, which will then put forward a proposal for granting this aid.

2. The Management Committee may, if it has grounds to do so, reduce or exclude certain costs from the programme to be subsidized.

3. Following the proposal put forward by the Management Committee and after a report has been issued by the Development Cooperation Bureau, the application will then be referred to the Minister for Housing and Social Affairs,

who will issue a resolution as to either the granting or rejection of the aid requested.

Article 81: Resolution

1. Following the resolution as to either the awarding or rejection of aid, the Governing Council will then be informed thereof, followed by the Basque Parliament, for subsequent publication in the Official Gazette of the Basque Country (BOPV).

2. Express non-resolution issued within a period of four months following the date on which the deadline for submission or applications has elapsed may be deemed to constitute rejection of the application submitted.

Article 82: Notification of the resolution

1. Notification of the resolution shall be via publication in the Official Gazette of the Basque Country (BOPV).

2. Notification of the resolution may be provided on individually to the applicant entity, but shall only take effect from the date of publication thereof in the Official Gazette of the Basque Country (BOPV).

Article 83: Appeal

The resolution itself shall stipulate that the relevant appeal may be lodged against the resolution issued and shall provide information about the deadline for such an appeal and the body before which it must be lodged.

SECTION 4
AGREEMENTS TO BE SIGNED BY THE SUCCESSFUL BIDDER

Article 84: Agreement with the Basque Government

1. Following approval of the grant, an agreement shall then be signed between the Basque Government and the successful bidder and/or the Basque consortium partner entities, for each of the grants awarded and which takes into consideration at least:

a) The budget approved

b) The specific accounts attached to the programme both at headquarters and on the ground.

c) The definitive date for the start of the programme

d) The date of submission of the definitive formulation documentation after identification has been forthcoming. The deadline for submission of this document shall be 6 months from the date of publication of the resolution in the

Official Gazette of the Basque Country (BOPV). This definitive formulation model shall be attached to the corresponding official announcement for aid.

e) The legal representatives of the entity for the Mixed Monitoring Committee of the Programme.

2. The Development Cooperation Bureau shall send a model of the agreement to the successful bidder. The latter will return this in duplicate, duly completed, within a period of 10 working days from the date of receipt thereof. If this procedure is not carried out, the Development Cooperation Bureau may deem the grant to have been not accepted.

Article 85: Agreements with the local entity

1. Once a resolution has been issued regarding the awarding of aid, the successful bidder shall then enter into an agreement of co-responsibility to develop the programme, which will need to be submitted before the Development Cooperation Bureau, following the second payment of the grant.

2. The aforementioned agreement will need to contain at least the following points:

a) Confirmation that the parties are aware of the content of this Decree, which governs aid financed by the Development Cooperation Bureau, and with an express commitment to compliance with the obligations attached thereto.

b) Express indication that all the personal and real property purchased with the contribution made by the Development Cooperation Bureau will become property owned by the population targeted by the grant or, if this is not possible, of the local entity, with continuity of use needing to be guaranteed for whoever is granted the aid.

c) Express indication of the amount of the grant awarded and the amounts of each of the three transfers that will be made during the accounting years envisaged.

d) Establishment of the appropriate mechanism in each country for settling any disputes that may arise between both parties with regard to implementation of the programme.

SECTION 5 PAYMENTS

Article 86: Payment of aid

1. The grant awarded shall be paid in the following instalments:

a) A first payment of up to 40% of the amount of the grant when signing the agreement

b) A second payment of up to 40% of the total grant following a report and documentary proof of the total budget for the grant awarded for the programme by at least 20%.

c) The remainder of the grant awarded, once 60% of the total budget has been justified.

2. Both the successful bidder and the local entity shall be duty bound to open a specific account for the programme.

3. All payments which are co-funded by the Development Cooperation Fund are made before or after amounts financed by the Basque Government are paid in and, in any case, following the starting date of the programme, shall originate from the account(s) assigned either at headquarters or on the ground.

4. Once the money has been paid in, the successful bidder will then be duty bound to transfer it to a specific account for the programme and also exercise caution in using these funds to ensure that they are only applied in the best possible way to achieving the objectives set out by the programme.

5. The successful bidder will, depending on how the programme is being set in motion, the funds obtained from the grant to the specific account held by the local entity for the programme. A copy of this transfer will need to be forwarded within the relevant narrative-financial reports.

6. In the event that transfer to the ground is divided or is going to be necessarily delayed for an *a priori* period of time, the funds paid in by the Basque Government may be invested to ensure proper management thereof, provided prior authorisation is given by the Development Cooperation Bureau. These funds will in any case have to be destined for achieving the objectives set out in the programme. Under no circumstances may the funds be exposed to any uncontrollable external factors by the successful bidder. Investment from funds is only accepted under the following conditions:

a) If there is a cause that justifies the non-transfer of money to the ground.

b) If it is known in advance how long the above is going to last.

c) If the investment does not entail the successful bidder exposing the amount in the form of grant to uncontrollable external factors.

d) If the investment is guaranteed, this deemed as being that the amount invested cannot be reduced.

7. Any interest generated in the specific accounts at headquarters or on the ground will need to be re-invested in any item except in those of programme management by the successful bidder and will appear as a contribution made by the Development Cooperation Fund. It will not be necessary to request authorisation regarding use thereof within one or more items. However, the

amount of interest obtained and item or items financed by the Development Cooperation Fund in which the entity has decided to attribute its expenditure thereto will be put on record in the financial report.

8. In any event, the entity is duty bound to transfer funds to the ground before the period for implementing the programme has come to an end.

9. Advance payments for sums over 180,303.63 Euros may be deemed exempt subject to agreement by the Governing Council of a guarantee or deposit referred to in article 2 of Decree 698/1991, dated 17th December, governing the general system of guarantees and repayment of grants financed by the General Budgets of the Autonomous Community of the Basque Country (Euskadi).

CHAPTER IV JUSTIFICATION AND MONITORING OF PROGRAMMES

Article 87: Prohibition regarding funding

1. Under no circumstances may the amount of aid granted in accordance with this Decree and the corresponding official announcement thereof, concurrently with any other income or resources destined for the same purpose, exceed the cost of the programme.

2. In the previous case, any income obtained will be repaid via instruction of the relevant repayment procedure.

Article 88: Non-compliance with the conditions attached to the grant

1. Any alteration to the conditions taken into account for the purpose of awarding the grant, and in all cases where aid of grants awarded by public or private administrative bodies are concurrently being obtained and, where appropriate, of any other income or resources destined for the same, may give rise to modification of the resolution issued, provided that the minimum requirements established by this Decree are safeguarded in order to be beneficiary thereof.

2. Non-compliance on the part of the successful bidder of the terms established in this Decree, any falseness in terms of data submitted, the application of the amount received for a different purpose from that for which it was awarded and any other cases of non-compliance pursuant to article 53 of Legislative Decree 1/1997, dated 11th November, whereby the Amended Text of the Law covering Governing Principles of the Treasury of the Basque Government was approved, shall determine – after the relevant proceedings have been initiated and a fifteen-day period for comments on the part of the interested party has elapsed, whether the Development Cooperation Director will propose to the Minister for Housing and Social Affairs that the aid be withdrawn, with the consequent loss of grant and the obligation to repay the amounts received to the General Treasury of the Basque Government within a period of two months, plus any corresponding interest due and without prejudice to any other action that may

be taken – all the aforementioned in accordance with that set out in Decree 698/1991 dated 17th December and in Legislative Decree 1/1997.

Article 89: Modifications to the programme

1. In the event that the amount of the grant awarded happens to be less than the amount requested, the successful bidder shall decide whether to maintain the initial budget by means of other sources of funding, or to reformulate the programme in accordance with the funds available. It shall give notice of this decision via the agreement referred to in article 84 of this Decree.

2. In cases where the total definitive cost of the programme is reduced in relation to the amount initially envisaged, the Minister for Housing and Social Affairs shall proceed to reduce the grant awarded by the proportional part. If this reduction is due to causes beyond the control of the successful bidder itself or the local entity, the grant will be maintained as a result of grants being reduced by other donors all the time the maximum financing percentage established remains 85%.

3. The successful bidder shall be duty bound to inform the Development Cooperation Bureau immediately of any circumstances that may substantially affect the expected smooth running of the programme.

a) Any interested entities will need to send a request for authorisation to the Development Cooperation Bureau prior to making any modifications that imply changes in the target population, the location of the programme, change on a local level, changes in terms of results and objectives expected and extensions to the programme (delays in carrying it out) or variation in terms of sections, budgetary items or the total cost of the programme, specifying the budgetary repercussions that these entail. The Development Cooperation Bureau is responsible for approving any modifications proposed.

b) Non-substantial change is deemed to be that about which the Development Cooperation Bureau will only need to be informed in writing in the corresponding reports about those variations in any of the items which, without altering the total amount of the grant and the value of the programme, do not exceed 10% of what has been budgeted. Any such variations may be offset by other items within the same section.

Article 90: Mixed Monitoring Committee

1. A Mixed Monitoring Committee for the Programme will be set up to analyze progress in the activities envisaged, comprising:

a) Two representatives of the Development Cooperation Bureau, one of whom will act as Chairperson and the other as Secretary thereof.

b) Two representatives of the successful bidder, appointed by the entity's legal representative.

2. This committee will meet on a weekly basis. Members of the committee may also meet on an extraordinary basis where deemed appropriate. Members of the local entity or the target population may be invited if considered relevant, albeit without voting rights.

3. The successful bidder will provide the Definitive Formulation Document at the first meeting of the Mixed Monitoring Committee set by agreement with the Basque Government in accordance with article 84.1.d), once identification has been forthcoming. This document will set out the Definitive Intervention Logic and the Definitive Budget, broken down into sections, items and co-funders. The Mixed Monitoring Committee will analyze this document, adapting the initially-approved amount to the budgetary needs detected therein. Thus, the committee will be able to propose a reduction in the amount initially subsidized, although not increase it. The decision taken by this committee will be by vote and simple majority, with the Chairperson having the casting vote in the event of a tie. If the amount subsidized is reduced, the Development Cooperation Director will issue a resolution establishing the new amount, which may be appealed against before the Deputy Minister for Social Affairs.

4. The successful bidder will need to provide two narrative-financial reports and one final report of a cumulative nature while the programme is being implemented, coinciding with proof of payment and in accordance with the official format.

5. The narrative or implementation part: these are descriptive reports describing the progress being made over the course of the programme, depending on indicators referring to the results and objectives set out in the original planning outline, and also progress in terms of the strategies that have been set in motion.

6. The financial part: in these reports will be included proof of expenditure incurred which, when reaching fixed percentages, will give rise to the corresponding payment. Copies of the transfers made to the local entity will also be attached thereto.

a) 100% of the total costs of the programme will need to be accounted for in the financial report.

b) Justification for costs attributed to the grant being financed by the Development Cooperation Fund will need to be processed with a stamp bearing the name of the programme (or abbreviation), the name of the local entity or successful bidder, and the letters FOCAD, followed by the year in which the official announcement is made. Original proof which has been duly processed will be made available to the Development Cooperation Bureau at the headquarters of the successful bidder or those of the local entity.

c) Justification for the other co-funders need not be submitted in the reports. Notwithstanding the aforementioned, original proof will be made available to the Development Cooperation Bureau at the headquarters of the successful bidder or those of the local entity, so as to be able to analyze or

audit the project as a whole. If the Development Cooperation Bureau so requests, the successful bidder will need to send the aforementioned proof for the former to collate.

d) Proof of expenditure will need to be as follows in each case:

Proof of expenditure from 0 to 10.000 equivalent Euros will be provided by invoice or receipt.

Proof of expenditure from 10,000 to 60,000 equivalent Euros will be provided by invoice or receipt. Furthermore, 3 budgets will need to be provided in order to justify the fact that good value for money has been guaranteed.

Proof of any expenditure that exceeds 60,000 equivalent Euros will be provided by invoice or receipt. Additionally, the complete documentation for the bidding process pursued in order to incur the expenditure will need to be provided. This bidding process means that the terms of reference considered will need to be submitted, these having been published in such a way as to ensure proof of equal opportunities in terms of suppliers making their offers.

7. The final report will be issued once the action pursued by the programme has been completed, and this will need to be accompanied by a document from the local entity indicating the repercussion of the programme on its environment and the continuity of use for which aid was granted. The deadline for delivery of this final report will be 6 months from the date of completion of the programme. Invoicing may also be done, the assessment made, activities concluded and expenses already due suppliers incurred during this time.

8. Unjustified failure to submit the aforementioned reports will be deemed to constitute serious non-compliance therewith and be subject to the effects set out in article 89 of this Decree.

Article 91: Control

1. The performance and management of a programme may be examined while it is being implemented and also after completion thereof by personnel from the Development Cooperation Bureau or other persons appointed by the Department of Housing and Social Affairs. In the latter case, if the personnel involved belong to the same Department or to other bodies that form part of Public Administration in the Autonomous Community of the Basque Country (Euskadi), this must be clarified in the area of their competences in this matter; if personnel outside Public administration are involved, then that reviewing function must be legally assigned by legally established means.

2. Applicant entities are also duty bound to provide the Economic Control Office and the Basque Court of Auditors with information requested of them in the exercising of their duties with regard to grants received and financed via the corresponding official announcement for aid.

3. Where verification of progress made in the project is forthcoming in the place where the programme is being set in motion, the successful bidder will guarantee and facilitate access to the place where activities are being carried

out and to its real property, as well as to books, accounts and any corresponding documentary proof.

4. A separate financial management system will be established for each programme which will reflect the amount of income and expenditure and also a description thereof and respective dates. Proof of this income and expenditure will be made available to the Development Cooperation Bureau if they so request it.

FINAL PROVISIONS

First: The following shall be applicable in the event of any matters not contemplated in this Decree: the provisions contained in Title VI of the Amended Text of the Law covering Governing Principles of the Treasury of the Basque Government, approved by Legislative Decree 1/1997 dated 1/1997 and Act 30/1992 dated 26th November, governing the Legal System regarding Public Administration and Common Administrative Procedure.

Second: Any interested persons may lodge a contentious-administrative appeal against this Decree before the Administrative Chamber of the Supreme Court of Justice of the Basque Country within a period of two months from the day following publication thereof in the Official Gazette of the Basque Country, pursuant to articles 10.1.b) and 46.1 of Act 29/1998 dated 13th July, governing Contentious-Administrative Jurisdiction.

Third: This Decree shall come into force on the day following publication thereof in the Official Gazette of the Basque Country.

Issued in Vitoria-Gasteiz, on the 3rd of April 2007

The Lehendakari (Basque President),

JUAN JOSÉ IBARRETXE MARKUARTU
The Minister for Housing and Social Affairs,
JAVIER MADRAZO LAVÍN

ANNEX TO DECREE 57/2007, DATED 3rd APRIL

*APPLICATION FOR ACCREDITATION OF REQUIREMENTS AND
CAPACITIES FOR RESPONDING TO OFFICIAL ANNOUNCEMENTS FOR
PROGRAMMES FINANCED BY THE DEVELOPMENT COOPERATION FUND
(FOCAD)*

Applicant entity:

Person in charge of the application at the entity:

Telephone No.:

Date of application:

I. APPLICATION:

I.1. Applicant entity details

Company name

Legal representative

Address

Telephone No.

Fax No.

Email

VAT No.

Date set up

Legal status

I.2. Declaration

I, Mr./Ms., holding National Identity Document No. in my capacity as....., in name and on behalf of the entity,

Declare that, for the purpose of commencing the accreditation procedure for cooperation agents in accordance with Decree....., the entity.....meets all the administrative requirements and capacities established in the aforementioned Decree, in order to be able to be accredited for the purpose of responding to official announcement for Development Cooperation programmes issued by the Basque Government, which is documented together with this application and annexes attached thereto and which are either originals or genuine copies, whereby I request accreditation for the aforementioned entity.

I hereby sign this document in..... on the of..... ,

Signed:

II. ADMINISTRATIVE REQUIREMENTS:

II.1. Have been formally set up and registered in the register corresponding to any public administration from the Autonomous Community of the Basque Country (Euskadi) for at least five years prior to the date of submission of the application for accreditation [article 12.a)]

YES Attach an attested photocopy of the entry in the relevant register to annexes.

NO Accreditation for the entity is not possible.

II.2. Expressly reflect the fact in its articles of association that the carrying out of activities geared to the development of impoverished countries is one of the purposes for which it was set up [article 12.b)]

YES Attach an attested copy of the company statutes to annexes.

NO Accreditation for the entity is not possible.

II.3. Be non-profit-making [article 12.c)]

YES Have the legal form of an association or foundation or some other in accordance with the legal system in force, and being non-profit-making.

NO Accreditation for the entity is not possible.

II.4. Not be subject to any sanction within the framework of grants or aid of the same nature [article 12.d)]

YES Attach a sworn affidavit or statement of compliance to annexes stating that the entity is not subject to any sanction.

NO Accreditation for the entity is not possible.

II.5. Be up-to-date in complying with its tax and social security obligations [article 12.e)]

YES Attach a photocopy of tax identification (VAT) number to annexes.

NO Accreditation for the entity is not possible.

YES Attach a certificate to annexes proving that the entity is up-to-date in complying with tax obligations.

NO Accreditation for the entity is not possible.

YES Attach a certificate to annexes proving that the entity is up-to-date in complying with social security obligations.

NO Accreditation for the entity is not possible.

III. FINANCIAL CAPACITY:

III.1. Opt for one of two possibilities for accrediting this specific section:

III.1.a. Have obtained at least the sum of three million Euros over the five budgetary years prior to the application for accreditation by way of aid financed by the Development Cooperation Fund (FOCAD). For the purpose of reaching the aforementioned sum of three million Euros, the applicant entity may also take into consideration the total amount of aid obtained from the Development Cooperation Fund (FOCAD) by consortiums of which it has formed a part over the same period of time [article 13.1.a)]

YES Information already held by the Bureau.

NO Accreditation for the entity is not possible.

III.1.b. Have obtained at least the sum of seven million Euros over the five budgetary years prior to the application for accreditation by way of public aid and/or private funds. At least three million Euros will derive from public aid, of which at least two million Euros will be from institutions of the Autonomous Community of the Basque Country (Euskadi) [article 13.1.b)]

YES Public aid: attach copies of the awarding of grants to annexes.

NO Accreditation for the entity is not possible.

YES Income from private funds:

Attach certification to annexes issued by an auditing-chartered accountants' firm, registered in the corresponding register, stating the income obtained from private funds and providing details of the amounts and origins of the latter in each case.

NO Accreditation for the entity is not possible.

YES To reach the aforementioned sum of seven million Euros, the applicant entity may also take into consideration the total amount of aid received and

financed by public aid by the consortiums of which it has formed a part over the same period of time.

If funds belonging to a consortium are being taken into account, attach the governing agreement for that consortium to annexes, stating that the entity must have had joint responsibility for the total amount of aid received.

NO Accreditation for the entity is not possible.

YES To reach the aforementioned sum of seven million Euros, the applicant entity may also take into consideration the total amount of aid received and financed by public aid by the consortiums of which it has formed a part over the same period of time.

If funds belonging to a consortium are being taken into account, attach bank accreditations or those of donors to annexes, stating that this aid has been paid in entirely by the consortium.

NO Accreditation for the entity is not possible.

III.2. Receive private income of at least 5% [article 13.2.a)]

YES Attach certification to annexes issued by an auditing-chartered accountants' firm, registered in the corresponding register, stating this particular point.

NO Accreditation for the entity is not possible.

III.3. Not be financed by any funder that accounts for more than 60% of the total budget over the previous five budgetary years [article 13.2.b)]

YES Attach certification to annexes issued by an auditing-chartered accountants' firm, registered in the corresponding register, stating this particular point.

NO Accreditation for the entity is not possible.

IV. MANAGEMENT CAPACITY:

IV.1. Attach an Organisational Structure Document to annexes [article 14.a)], stating the following:

YES 1. Organisation chart: a graphic representation of the organisational structure and job profile, briefly describing the tasks and responsibilities of each different job.

NO Accreditation for the entity is not possible.

YES 2. Form of management: a brief explanation about the decision-making system, drawing a distinction between strategic and operative decisions and providing details as to which job profiles take part in each of the aforementioned. The number of people who take part in the decision-making process and their breakdown according to gender will also be required, and the internal communication system of the organisation will be explained.

NO Accreditation for the entity is not possible.

YES 3. Work processes: existing areas or departments will be stated, describing the different tasks assumed by each of them. A schematic description for each task will be established as to how it gets underway, how it is developed and how it is concluded. The relationship existing between the different tasks or work processes will also be referred to.

NO Accreditation for the entity is not possible.

YES 4. Continuous improvement actions: the measures taken in order to ensure an assessment of the entity's activities and work processes will be stated, in addition to any measures taken to ensure the proper implementation of the improvements in such assessments.

NO Accreditation for the entity is not possible.

YES 5. Human resources: information will be provided about the labour policy pursued, the type of contracting, internal training processes and the measures taken to ensure equal opportunities and labour conciliation, thus guaranteeing that the legislation in force and the law governing voluntary work are complied with.

NO Accreditation for the entity is not possible.

IV.2. Opt for one of two possibilities for accrediting this specific section:

IV.2.a. Attach Institutional Gender Policy document [article 14.b)]

YES Attach the relevant report or paper to annexes.

NO Accreditation for the entity is not possible.

IV.2.b. In the event of not having completed formulation or commenced implementation of the Institutional Gender Policy [article 14.b)]

YES Attach certification to annexes issued by an auditing-chartered accountants' firm on the part of the applicant entity, stating that the implementation process will get underway within 36 months following a resolution in favour of accreditation.

NO Accreditation for the entity is not possible.

IV.3. Have justified public aid for the sum equivalent to two million Euros over the five budgetary years prior to that of the official announcement for aid [article 14.c)]

YES Attach accreditation by funders to annexes of acceptance of the documentary proof submitted.

NO Accreditation for the entity is not possible.

IV.4. Submit a budget of income and expenditure, treasury budget, accounting plan for the entity, balance sheet, profit and loss account and financial report. The last three-mentioned documents (balance sheet, profit and loss account and financial report) will need to be accompanied by an auditor's certificate

issued by an auditing-chartered accountants' firm, registered in the corresponding register [article 14.d)]

*YES Attach income and expenditure budgets to annexes for the current year.
NO Accreditation for the entity is not possible.*

*YES Attach treasury budget to annexes for the current year.
NO Accreditation for the entity is not possible.*

*YES Attach the entity's accounting plan to annexes.
NO Accreditation for the entity is not possible.*

*YES Attach the balance sheet for the last possible year to annexes.
NO Accreditation for the entity is not possible.*

*YES Attach the profit and loss account for the last possible year to annexes.
NO Accreditation for the entity is not possible.*

*YES Attach the financial report for the last possible year to annexes.
NO Accreditation for the entity is not possible.*

*YES Attach accounts audit to annexes for the previous year issued by an auditing-chartered accountants' firm, registered in the corresponding official register.
NO Accreditation for the entity is not possible.*

V. SOCIAL CAPACITY:

V.1. Opt for one of two possibilities for accrediting this specific section:

V.1.a. Have at least 200 individuals who are partners or collaborators [article 15.a)]

*YES Attach a sworn affidavit or statement of compliance to annexes, stating the number of individuals who are partners according to the entity's Book of Partners.
NO Accreditation for the entity is not possible.*

V.1.b. Have at least 200 individuals who are partners or collaborators [article 15.a)]

*YES Attach certification to annexes issued by an auditing-chartered accountants' firm, giving details of the number of different individuals who have collaborated with the entity by periodically paying a fee by way of donation.
NO Accreditation for the entity is not possible.*

V.2. Have at least 20 volunteers and one person paid by the organisation to oversee voluntary work within the organisation [article 15.b)]

YES Attach a sworn affidavit or statement of compliance to annexes, stating the number of volunteers according to their register of volunteers, with special mention of the fact that they are all insured and have all taken on a commitment with the entity.

NO Accreditation for the entity is not possible.

Define the voluntary work carried out by the entity

A brief explanation about the participation of volunteers in the entity

A brief explanation about the measures taken to ensure their rights, such as additional insurance, training and any other that the entity may consider relevant.

A brief explanation about volunteers' profile: age, gender, seniority and any other parameter that the entity may consider relevant.

V.3. Have a strategic plan with specific objectives in terms of education for development [article 15.c)]

YES Attach the relevant report or paper to annexes.

NO Accreditation for the entity is not possible.

V.4. Have carried out at least 5 activities in education for development within the last two years in the Autonomous Community of the Basque Country (Euskadi) [article 15.c)]

ACTIVITY No. 1

Name of activity

Funder(s)

Amount set aside for activities

Participant entities, collaborators or partners

Starting date

Completion date

Objectives

Individuals who have taken part from the entity and from society and an explanation about the monitoring activities carried out on individuals who have taken part and about any changes that have taken place

ACTIVITY No. 2

Name of activity

Funder(s)
Amount set aside for activities
Participant entities, collaborators or partners
Starting date
Completion date

Objectives

Individuals who have taken part from the entity and from society and an explanation about the monitoring activities carried out on individuals who have taken part and about any changes that have taken place

ACTIVITY No. 3

Name of activity
Funder(s)
Amount set aside for activities
Participant entities, collaborators or partners
Starting date
Completion date

Objectives

Individuals who have taken part from the entity and from society and an explanation about the monitoring activities carried out on individuals who have taken part and about any changes that have taken place

ACTIVITY No. 4

Name of activity

Funder(s)

Amount set aside for activities

Participant entities, collaborators or partners

Starting date

Completion date

Objectives

Individuals who have taken part from the entity and from society and an explanation about the monitoring activities carried out on individuals who have taken part and about any changes that have taken place

ACTIVITY No. 5

Name of activity

Funder(s)

Amount set aside for activities
Participant entities, collaborators or partners
Starting date
Completion date

Objectives

Individuals who have taken part from the entity and from society and an explanation about the monitoring activities carried out on individuals who have taken part and about any changes that have taken place

V.5. Be either a member of or affiliated to at least two Basque, state or international coordinators, platforms or networks which are related to cooperation and/or development, of which at least one should be on a Basque level [article 15.d]

YES Attach a letter from coordinators certifying membership of the applicant entity of the aforementioned coordinator, platforms or networks on a Basque, state or international level related to cooperation and/or development, of which at least one must be on a Basque level.

NO Accreditation for the entity is not possible.

VI. STRATEGIC CAPACITY:

VI.1. Have a strategic plan [article 16.1])

YES Attach a strategic planning document to annexes that contains:

1. Values that define the Basque applicant entity, that in which the entity has grown and is present in the way it acts, which it reflects and conveys both internally and externally.

NO Accreditation for the entity is not possible.

YES Attach a strategic planning document to annexes that contains:

2. Raison d'être of the applicant Basque applicant entity – the reason for its existence.

NO Accreditation for the entity is not possible.

YES Attach a strategic planning document to annexes that contains:

3. Vision of the Basque applicant entity.

NO Accreditation for the entity is not possible.

YES Attach a strategic planning document to annexes that contains:

4. Strategic lines that will be guiding all the activities carried out by the Basque applicant entity over the coming years.

NO Accreditation for the entity is not possible.

YES Attach a strategic planning document to annexes that contains:

5. Specific objectives will be established for each of the major strategic lines described in the previous point which are attainable, realistic and can be gauged.

NO Accreditation for the entity is not possible.

YES Attach a strategic planning document to annexes that contains:

6. Indicators will be established that enable the extent to which each objective described in the previous point may be achieved, in order for such objectives described to be gauged.

NO Accreditation for the entity is not possible.

VII. LIST OF DOCUMENTATION TO BE PROVIDED:

1. Photocopy of the power of attorney of the person who signs the application.

2. Photocopy of the entry in the corresponding register.

3. Photocopy of company statutes.

4. Sworn affidavit or statement of compliance stating that the entity is not subject to any sanctions or repayment procedure.

5. Photocopy of the tax identification (VAT) number.

6. Certificate proving that the entity is up-to-date in complying with tax obligations.

7. Certificate proving that the entity is up-to-date in complying with social security obligations.

8. Certification issued by an auditing-chartered accountants' firm, registered in the corresponding register, stating that the entity receives private income of at least 5%.

9. Certification issued by an auditing-chartered accountants' firm, registered in the corresponding register, stating that the entity has had no funder that accounts for more than 60% of the total budget over the last five budgetary years.

10. Attach an Organisational Structure Document, stating the aspects listed in article 14.a) of the Decree governing programmes as follows: organisation chart, form of management, work processes, continuous improvement actions and human resources.

11. Report or paper describing Institutional Gender Policy, or sworn affidavit or statement of compliance on the part of the applicant entity, indicating that implementation of the process will get underway within 36 months from the date of the resolution in favour of accreditation.

12. Accreditation by funders of acceptance of the documentary proof submitted for the sum of two million equivalent Euros over the five budgetary years prior to the official announcement for aid.

13. Income and expenditure budget for the current year.

14. Treasury budget for the current year.

15. Accounting plan for the entity.

16. Balance sheet for the previous year.

17. Profit and loss account for the previous year.

18. Financial report for the previous year.

19. Accounts audit for the previous year issued by an auditing-chartered accountants' firm registered in the corresponding official register.

20. Sworn affidavit or statement of compliance stating the number of individuals who are partners according to the entity's Book of Partners, or certification issued by an auditing-chartered accountants' firm, giving details of the number of different individuals who have collaborated with the entity by periodically paying a fee by way of donation.

21. Sworn affidavit or statement of compliance, stating the number of volunteers according to their register of volunteers, with special mention of the fact that they are all insured and have all taken on a commitment with the entity.

22. Letter from coordinators, platforms or networks, certifying membership of the applicant entity of the aforementioned coordinators, platforms or networks on a Basque, state or international level related to cooperation and/or development (at least one must be on a Basque level).

23. Strategic Planning Document containing the aspects listed in article 16.a) and with specific objectives in education for development [article 15.c)]

Only for those entities that have opted to justify financial turnover based on the criterion set out in article 13.1.b).

24. Copies of public grants awarded.

25. Certification issued by an auditing-chartered accountants' firm, registered in the corresponding register, stating the income obtained from private funds and providing details of the amounts and origins of the latter in each case.

26. Governing agreement of consortiums about which funds are being calculated for the purpose of reaching financial capacity.

27. Bank or donor accreditation stating that this aid has been paid in by the consortium in its entirety.