

**Klasa:** 602-01/06-01/05

**Urbroj:** 5030109-10-1

**Zagreb,** 28. svibnja 2010.

**PREDSJEDNIKU HRVATSKOGA SABORA**

**Predmet:** Prijedlog zakona o potvrđivanju Ugovora o osnivanju Regionalne škole za javnu upravu (ReSPA), s Konačnim prijedlogom zakona

Na temelju članka 84. Ustava Republike Hrvatske i članaka 129. i 159. Poslovnika Hrvatskoga sabora, Vlada Republike Hrvatske podnosi Prijedlog zakona o potvrđivanju Ugovora o osnivanju Regionalne škole za javnu upravu (ReSPA), s Konačnim prijedlogom zakona za hitni postupak.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila Davorina Mlakara, ministra uprave, te Davora Ljubanovića i Pavla Matičića, državne tajnike u Ministarstvu uprave.

**PREDSJEDNICA**

Jadranka Kosor, dipl. iur.

**PRIJEDLOG ZAKONA O POTVRĐIVANJU UGOVORA  
O OSNIVANJU REGIONALNE ŠKOLE ZA JAVNU UPRAVU (ReSPA),  
S KONAČNIM PRIJEDLOGOM ZAKONA**

## **PRIJEDLOG ZAKONA O POTVRĐIVANJU UGOVORA O OSNIVANJU REGIONALNE ŠKOLE ZA JAVNU UPRAVU (ReSPA)**

### **I. USTAVNA OSNOVA**

Ustavna osnova za donošenje Zakona o potvrđivanju Ugovora o osnivanju Regionalne škole za javnu upravu (ReSPA), (u daljnjem tekstu: Ugovor o osnivanju ReSPA-e) sadržana je u članku 139. stavku 1. Ustava Republike Hrvatske.

### **II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI**

#### **1. Ocjena stanja**

Proces stvaranja Regionalne škole za javnu upravu, ReSPA (u daljnjem tekstu: ReSPA), počeo je inicijativom za stvaranje formalnog okvira regionalne suradnje u izobrazbi u javnoj upravi, usvojenom na sastanku Europske unije i zemalja tzv. zapadnog Balkana, u Solunu, u lipnju 2003. godine. To je potaknulo razvoj aktivnosti, pa su u svibnju 2006. godine spomenute države potpisale Protokol o suradnji na stvaranju ReSPA-e. U prvom, dvogodišnjem razdoblju ReSPA je djelovala kao mreža institucija koje se bave izobrazbom javnih službenika.

Sukladno ciljevima navedenima u Protokolu, u razdoblju od 2006. do 2008. godine ReSPA je provela brojne aktivnosti, a stvoreni su i svi potrebni preduvjeti za prijelaz u drugu fazu razvoja u kojoj je ReSPA trebala prerasti u međunarodnu organizaciju – profesionalnu školu za javnu upravu koja će aktivno surađivati s nacionalnim školama za javnu upravu, na temelju analize regionalnih potreba za izobrazbom, osmišljavati, organizirati i provoditi programe izobrazbe javnih službenika.

U tom smislu, Odlukom Vlade Republike Hrvatske, klasa: 602-01/06-01/05, urbroj: 5030106-08-3, od 14. studenoga 2008. godine, pokrenut je postupak za sklapanje Ugovora o osnivanju Regionalne škole za javnu upravu (ReSPA-e). Ugovor o osnivanju ReSPA-e od strane Republike Hrvatske potpisan je 21. studenoga 2008. godine u Podgorici u izvorniku na engleskom jeziku, temeljem čega je ReSPA dobila pravnu osobnost, te djeluje kao Međunarodna organizacija sa izabranim sjedištem u Danilovgradu.

Imajući u vidu da se odredbama Ugovora o osnivanju ReSPA-e utvrđuju financijske obveze za Republiku Hrvatsku, Ugovor podliježe potvrđivanju po članku 18. Zakona o izvršavanju i sklapanju međunarodnih ugovora (Narodne novine, broj 28/96).

## 2. Cilj koji se donošenjem Zakona želi postići

Cilj Zakona je potvrđivanje Ugovora o osnivanju ReSPA-e, kojim se uređuju načela, aktivnosti, tijela, organizacija, nadležnost, djelovanje i financiranje radi sudjelovanja Republike Hrvatske kao ugovorne stranke u aktivnostima unaprjeđenja suradnje s ostalim ugovornim strankama na području javne uprave, jačanja administrativnih sposobnosti njihovih javnih uprava u skladu sa zahtjevima procesa europskih integracija, te jačanje razmjene sa članicama Europske unije i Europskog gospodarskog prostora.

## III. OSNOVNA PITANJA KOJA SE TREBAJU UREDITI ZAKONOM

Ovim se Zakonom potvrđuje Ugovor o osnivanju ReSPA-e, kako bi njegove odredbe, u smislu članka 140. Ustava Republike Hrvatske, postale sastavni dio unutarnjeg pravnog poretka Republike Hrvatske.

Ugovor o osnivanju ReSPA-e predstavlja pravnu osnovu koja omogućava Republici Hrvatskoj sudjelovanje u procesima i aktivnostima koji će se provoditi u skladu s preuzetim ugovornim obvezama, a odnosit će se na; unaprjeđenje suradnje na području javne uprave između članica ReSPA-e, poticanje suradnje između institucija javne uprave članica ReSPA-e i sličnih institucija u državama članicama Europske unije, razvitak ljudskih potencijala u javnoj upravi članica ReSPA-e u skladu s načelima europskog upravnog prostora, sustave treninga javnih službenika kroz seminare, ljetne i zimske škole, analizu regionalnih potreba za izobrazbom, s ciljem prepoznavanja onih potreba za izobrazbom koja bi se mogla uspješno provoditi na regionalnoj razini, a usmjerene su na jačanje administrativne sposobnosti njihove javne uprave, razmjenu informacija putem web stranice, stvaranje zajedničke elektroničke knjižnice i izdavanje specijaliziranih publikacija, te razvoj metodoloških smjernica za djelotvoran trening, razvoj materijala za trening, te jačanje istraživačke baze podučavanja i obrazovanja između njihovih javnih uprava.

## IV. OCJENA POTREBNIH SREDSTAVA ZA PROVOĐENJE ZAKONA

Provedba ovog Zakona zahtijevat će osiguranje dodatnih financijskih sredstava u državnom proračunu Republike Hrvatske kako slijedi.

Za provedbu ovog Zakona u Državnom proračunu Republike Hrvatske za 2010. godinu bit će potrebna dodatna financijska sredstva u kunsjoj protuvrijednosti 120.000,00 eura, budući da je u razdjelu Ministarstva financija na aktivnosti A539032, Međunarodne članarine, planirana svota u kunsjoj protuvrijednosti 150.000,00 eura (utvrđena za 2010. godinu u članku 23. stavku 3. Ugovora o osnivanju ReSPA-e). Međutim, planirana ugovorna obveza za 2009. godinu nije izvršena u 2009. godini, budući da Ugovor o osnivanju ReSPA-e nije ratificiran, slijedom čega nije bilo pravnog temelja za ispunjenje navedene ugovorne obveze, te se ona prenosi u 2010. godinu, a što se nije moglo predvidjeti u vrijeme izrade i donošenja Državnog proračuna Republike Hrvatske za 2010. godinu.

Nadalje, iznos udjela u godišnjem Osnovnom proračunu ReSPA-e za svaku će kalendarsku godinu, u skladu sa svojim ovlastima, jednoglasno utvrditi Upravni odbor ReSPA-e, sastavljen od ministara nadležnih za područje javne uprave, ljudskih potencijala ili europskih integracija, koji će iznos svaka ugovorna stranka temeljem Ugovora o osnivanju



ReSPA-e osigurati u državnom proračunu i definirati za razdoblje koje slijedi nakon 2010. godine, pa do 2015. godine. U projekcijama Državnog proračuna Republike Hrvatske za 2011. i 2012. godinu predviđen je iznos u kunsjoj protuvrijednosti 150.000,00 eura, a za svaku kalendarsku godinu.

## **V. PRIJEDLOG DA SE ZAKON DONESE PO HITNOM POSTUPKU**

Temelj da se Zakon o potvrđivanju Ugovora o osnivanju ReSPA-e donese po hitnom postupku nalazi se u članku 159. Poslovnika Hrvatskog sabora (Narodne novine, br. 6/2002-pročišćeni tekst, 41/2002, 91/2003, 58/2004, 39/2008 i 86/2008) i to u drugim osobito opravdanim razlozima.

S obzirom na prirodu postupka potvrđivanja međunarodnih ugovora, kojim država i formalno izražava spremnost da bude vezana već potpisanim međunarodnim ugovorom, kao i na činjenicu da se u ovoj fazi postupka u pravilu ne mogu vršiti izmjene i dopune teksta međunarodnog ugovora, te kako bi se omogućilo ravnopravno sudjelovanje Republike Hrvatske u aktivnostima koje će se provoditi tijekom 2010. godine, predlaže se da se ovaj Zakon raspravi i prihvati po hitnom postupku, objedinjujući prvo i drugo čitanje.

## **VI. KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU UGOVORA O OSNIVANJU ReSPA-e**

Temeljem članka 16. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96), a polazeći od članka 139. stavka 1. Ustava Republike Hrvatske, predlaže se pokretanje postupka za donošenje Zakona o potvrđivanju Ugovora o osnivanju ReSPA-e.

Konačni prijedlog Zakona o potvrđivanju Ugovora o osnivanju ReSPA-e glasi:

## **KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU UGOVORA O OSNIVANJU REGIONALNE ŠKOLE ZA JAVNU UPRAVU (ReSPA)**

### **Članak 1.**

Potvrđuje se Ugovor o osnivanju Regionalne škole za javnu upravu (ReSPA), potpisan u Podgorici, dana 21. studenoga 2008. godine, u izvorniku na engleskom jeziku.

### **Članak 2.**

Tekst Ugovora iz članka 1. ovog Zakona u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik glasi:

## **UGOVOR O OSNIVANJU REGIONALNE ŠKOLE ZA JAVNU UPRAVU (ReSPA)**

### **Preambula**

Republika Albanija, Bosna i Hercegovina, Republika Hrvatska, Republika Makedonija, Crna Gora, Republika Srbija i Privremena uprava Ujedinjenih naroda na Kosovu, u ime Kosova u skladu s Rezolucijom Vijeća sigurnosti 1244 (dalje u tekstu „stranke“), u nazočnosti Europske komisije,

podsjećajući na to da je u lipnju 2003. Vijeće Europske unije odobrilo “Solunski program za zapadni Balkan: kretanje prema europskim integracijama” koji je pozvao na stvaranje regionalnog mehanizma za jačanje treninga i obrazovanja za javnu upravu,

podsjećajući na to da su „Protokol o suradnji na stvaranju Regionalne škole za javnu upravu“ 2. svibnja 2006. godine potpisali predstavnici Republike Albanije, Bosne i Hercegovine, Republike Hrvatske, Bivše Jugoslavenske Republike Makedonije, Državne zajednice Srbije i Crne Gore zajedno s Republikom Crnom Gorom i Republikom Srbijom te Privremena uprava Ujedinjenih naroda na Kosovu (UNMIK), u ime Kosova u skladu s Rezolucijom Vijeća sigurnosti 1244, u nazočnosti Europske komisije,

podsjećajući na to da su, u skladu s člankom V. tog Protokola, stranke razmotrile „daljnju institucionalizaciju svoje suradnje, uključujući sudjelovanje svih članica ReSPA-e u financiranju“,

podsjećajući na dogovor postignut u Parizu 31. siječnja 2008. godine na 6. sastanku Upravnog odbora o nastavku djelovanja u cilju osnivanja Regionalne škole za javnu upravu (ReSPA), sa sjedištem u Crnoj Gori,

podsjećajući na potpisivanje pisma namjere, potpisanog u Sloveniji 12. lipnja 2008. godine,

suglasile su se da će ReSPA biti organizirana i da će djelovati u skladu sa sljedećim odredbama:

## Poglavlje I. Opće odredbe

### Članak 1. Osnivanje

ReSPA je osnovana kao međunarodna organizacija.

### Članak 2. Pravna sposobnost

ReSPA uživa takvu pravnu sposobnost kakva je neophodna za obavljanje njezinih zadaća i ispunjavanje njezinih ciljeva, uključujući sposobnost ugovaranja, stjecanja i raspolaganja pokretnom i nepokretnom imovinom i vođenje pravnih postupaka.

### Članak 3. Sjedište

(1) Sjedište ReSPA-e je u Danilovgradu, Crna Gora.

(2) ReSPA i Crna Gora sklopit će Ugovor o sjedištu.

## Poglavlje II. Ciljevi

### Članak 4.

Ciljevi ReSPA-e jesu:

- unapređenje suradnje na području javne uprave između članica ReSPA-e;
- jačanje razmjene s članicama Europske unije i Europskog gospodarskog prostora;
- jačanje administrativnih sposobnosti u javnim upravama članica ReSPA-e u skladu sa zahtjevima procesa europskih integracija;
- razvitak ljudskih potencijala u javnim upravama članica ReSPA-e u skladu s načelima Europskog upravnog prostora.

## Poglavlje III. Aktivnosti

### Članak 5.

ReSPA poduzima različite aktivnosti za ostvarivanje njezinih ciljeva, između ostalog:

- a) analizu regionalnih potreba: ReSPA provodi procjenu potreba za izobrazbom u suradnji sa svojim članicama u cilju prepoznavanja onih potreba za izobrazbom koje bi se mogle uspješno provoditi na regionalnoj razini;
- b) trening javnih službenika: ReSPA provodi treninge za različite grupe javnih službenika iz uprava zemalja članica, uključujući kroz seminare i ljetne/zimske škole za profesionalce u javnoj upravi, te kroz primjenu shema treninga kroz mobilnost koji omogućuju javnim službenicima stjecanje iskustava u raznim okruženjima;
- c) sustavi treninga: ReSPA djeluje u smjeru unaprjeđenja institucionalnog okvira za upravljanje kvalitetnim treningom i obrazovanjem u javnim upravama članica te nastoji unaprijediti dostupnost i kvalitetu sustava treninga i obrazovanja u članicama ReSPA-e;

- d) mreže, razmjene i zajednice prakse: ReSPA potiče suradnju između institucija javne uprave njezinih članica i sličnih institucija u državama članicama Europske unije, kao i sudjelovanje u međunarodnim mrežama, te omogućava razmjenu informacija i iskustava; ReSPA održava redovite konferencije i podržava međunarodne zajednice prakse;
- e) informacijski resursi: ReSPA podržava razmjenu informacija putem svoje web stranice, izdavanjem npr. biltena, stvaranjem zajedničke elektroničke knjižnice i izdavanjem specijaliziranih publikacija;
- f) metodologije treninga i trening materijali: ReSPA omogućuje razvoj metodoloških smjernica za djelotvoran trening i potiče inovacije, zajednički razvoj trening materijala te jačanje istraživačke baze treninga i obrazovanja za javnu upravu.

#### Poglavlje IV. Članice, promatrači, sudionici

##### Članak 6. Članice

Stranke ovog Ugovora su članice ReSPA-e.

##### Članak 7. Naknadne članice

- (1) Druge države kandidati i države potencijalni kandidati za članstvo u Europskoj uniji, kako je to utvrđeno od strane Europske unije, mogu podnijeti zahtjev za pristupanje ovom Ugovoru kako bi postale članice ReSPA-e.
- (2) Rezolucije o zahtjevima za pristupanje Ugovoru donosi Upravni odbor u skladu s člankom 11. stavkom 3. ovog Ugovora.

##### Članak 8. Promatrači

- (1) Druge države kandidati i države potencijalni kandidati za članstvo u Europskoj uniji, kako je to utvrđeno od strane Europske unije, mogu podnijeti zahtjev kako bi postale promatrači u ReSPA-i.
- (2) Države članice Europske unije ili Europskog gospodarskog prostora koje financijski ili na druge načine znatno pridonose ReSPA-i, također mogu podnijeti zahtjev kako bi postale u ReSPA-i.
- (3) Promatrači u ReSPA-i mogu biti nazočni na sastancima i u cijelosti sudjelovati u radu Upravnog odbora, ali bez prava glasa.
- (4) Rezolucije o zahtjevima da se postane promatračem u ReSPA-i donosi Upravni odbor u skladu s člankom 11. stavkom 3. ovog Ugovora.

##### Članak 9. Sudionici

- (1) Druge države kandidati i države potencijalni kandidati za članstvo u Europskoj uniji, kako je to utvrđeno od strane Europske unije, države članice Europske unije ili Europskog gospodarskog prostora te druge države i organizacije mogu podnijeti zahtjev za sudjelovanje u aktivnostima ReSPA-e.
- (2) Rezolucije o zahtjevima za sudjelovanjem u aktivnostima ReSPA-e donosi Upravni odbor u skladu s člankom 11. stavkom 3. ovog Ugovora.

## Poglavlje V. Informacije

### Članak 10. Pristup informacijama i podacima

Članice ReSPA-e obvezuju se omogućiti pristup informacijama i podacima koji su neophodni da bi ReSPA ispunila svoju zadaću, u skladu s domaćim zakonodavstvom.

## Poglavlje VI. Akti

### Članak 11. Rezolucije

- (1) Upravni odbor usvaja rezolucije, koje su obvezujuće.
- (2) Upravni odbor donosi rezolucije o svim pitanjima iz svoje nadležnosti, kako je to određeno člankom 15. stavkom 1., uključujući Poslovnik, Financijski pravilnik, Kadrovski pravilnik te pristupanje novih članica.
- (3) Rezolucije se usvajaju jednoglasnom odlukom svih članica ReSPA-e, osim kada se odlučuje o produženju ovog Ugovora, u skladu s člankom 30.

### Članak 12. Ostale odluke

Upravni odbor može usvajati odluke u skladu sa svojim Poslovnikom.

## Poglavlje VII. Upravni odbor

### Članak 13.

Upravni odbor je tijelo ReSPA-e nadležno za donošenje odluka.

### Članak 14. Sastav

- (1) Upravni odbor sastavljen je od jednog predstavnika iz svake članice ReSPA-e. Predstavници su iz ministarstava ili istovjetnih tijela, nadležnih za javnu upravu, ljudske potencijale ili europske integracije.
- (2) Svaka članica ReSPA-e imenovat će ministra ili drugu osobu istovjetne razine, kao svoga predstavnika u Upravnom odboru za sastanke na ministarskoj razini.
- (3) Svaka članica ReSPA-e imenovat će jednog višeg službenika i jednog zamjenika kao svog stalnog predstavnika u Upravnom odboru za sastanke na razini viših službenika.
- (4) Predstavnik Europske komisije sudjeluje u Upravnom odboru po službenoj dužnosti, bez prava glasa.
- (5) Ravnatelj Tajništva ReSPA-e sudjeluje u Upravnom odboru po službenoj dužnosti, bez prava glasa.

- (6) Upravni odbor može pozvati druge države i organizacije da budu nazočne na njegovim sastancima i sudjeluju u njegovim raspravama, bez prava glasa.
- (7) Upravni odbor može pozvati stručnjake da budu nazočni na njegovim sastancima.

#### Članak 15. Nadležnosti

##### (1) Upravni odbor:

- a) osigurava Smjernice opće politike ReSPA-e, u skladu s ciljevima ReSPA-e;
- b) osigurava da aktivnosti ReSPA-e pridonose procesu europskih integracija;
- c) usvaja ReSPA-in Godišnji program rada i Proračun;
- d) zaprima sva izvješća i postupa na temelju tih izvješća, uključujući i izvješća neovisnih revizora;
- e) usvaja rezolucije o zahtjevima drugih država za pristupanje ovom Ugovoru u skladu s člankom 7. ovog Ugovora;
- f) usvaja rezolucije o zahtjevima drugih država da postanu promatrači u ReSPA-i na razdoblje od dvije godine u skladu s člankom 8. ovog Ugovora, kao i rezolucije o produljenju statusa promatrača;
- g) usvaja rezolucije o zahtjevima drugih država ili organizacija za sudjelovanjem u aktivnostima ReSPA-e, u skladu s člankom 9. ovog Ugovora; ReSPA može naplaćivati takvo sudjelovanje prema Financijskom pravilniku;
- h) usvaja Financijski pravilnik ReSPA-e;
- i) utvrđuje iznos udjela u ReSPA-inom godišnjem Osnovnom proračunu;
- j) usvaja Poslovnik;
- k) usvaja Kadrovski pravilnik;
- l) imenuje i razrješuje ravnatelja;
- m) odlučuje o postupku izbora neovisnog(ih) revizora koji će provjeriti pravilno izvršavanje Osnovnog proračuna i primjenu „sredstava kojima se izravno raspolaže“ koja su osigurana ReSPA-i za financiranje njezinih aktivnosti, uvažavajući INTOSAI načela koja se odnose na reviziju u međunarodnim organizacijama, osobito ulogu vrhovnih revizijskih institucija;
- n) imenovati neovisnog revizora / neovisne revizore;
- o) utvrđuje postupke i uvjete za izbor trenera i stručnjaka;
- p) odobrava Ugovor o sjedištu;
- q) odobrava prijedloge za izmjene i dopune ovog Ugovora.

- (2) Upravni odbor može osnivati pomoćna tijela sa posebnim ovlastima te povjeriti Tajništvu druge zadaće koje nisu utvrđene u ovom Ugovoru radi ostvarivanja ciljeva i aktivnosti ReSPA-e.
- (3) Upravni odbor podnosi godišnja izvješća Europskoj uniji i članicama ReSPA-e o aktivnostima ReSPA-e.
- (4) Upravni odbor obavlja ostale zadaće potrebne za ostvarenje ciljeva ReSPA-e.

#### Članak 16. Djelovanje

- (1) Upravni odbor sastaje se na ministarskoj razini i na razini viših službenika.
- (2) Upravni odbor sastaje se prvi put u roku od dva mjeseca od stupanja na snagu ovog Ugovora.

- (3) Upravnim odborom predsjedja, u jednogodišnjim razdobljima, svaka članica ReSPA-e redosljedom prema popisu koji slijedi redosljed navođenja u prvom odlomku Preambule.
- (4) Upravni odbor sastajat će se najmanje jednom godišnje na ministarskoj razini.
- (5) Upravni odbor sastajat će se kvartalno na redovitim sastancima na razini viših službenika te kad god je to potrebno na izvanrednim sastancima.

## Poglavlje VIII. Tajništvo

### Članak 17.

- (1) Tajništvo je izvršno tijelo ReSPA-e.
- (2) Tajništvo je sastavljeno od ravnatelja i službenika ReSPA-e.
- (3) Tajništvu će pomagati tehničko i poslužno osoblje.

### Članak 18. Nadležnosti

- (1) Tajništvo je nadležno osigurati uredno djelovanje ReSPA-e.
- (2) Tajništvo je zaduženo za izradu i podnošenje Godišnjeg programa rada i Proračuna na odobrenje Upravnom odboru, te za njegovu provedbu.
- (3) Tajništvo podnosi Upravnom odboru izvješća o djelovanju ReSPA-e, provedbi Godišnjeg programa rada i drugim pitanjima, sukladno zahtjevu Upravnog odbora.

### Članak 19. Ravnatelj

- (1) Ravnatelj se imenuje za razdoblje od pet godina, s mogućnošću jednog reizbora.
- (2) Ravnatelj je šef Tajništva. Ravnatelj je zadužen za osiguranje redovitog i učinkovitog djelovanja ReSPA-e u skladu s Financijskim pravilnikom i Kadrovskim pravilnikom. Ravnatelj podnosi izvješća i odgovara Upravnom odboru.
- (3) Ravnatelj dolazi iz jedne od članica ReSPA-e.
- (4) Ravnatelj je ovlašten djelovati u ime ReSPA-e, uključujući potpisivanje Ugovora o sjedištu i ugovora neophodnih za djelovanje ReSPA-e, a u skladu s Financijskim pravilnikom i drugim rezolucijama.
- (5) Upravni odbor može otpustiti ravnatelja prije isteka razdoblja njegovog/njezinog imenovanja iz opravdanih razloga. Takvi opravdani razlozi uključuju, ali nisu ograničeni samo na, nezadovoljavajući rad i ozbiljnu povredu dužnosti, u skladu s Kadrovskim pravilnikom.

### Članak 20. Uvjeti zapošljavanja

- (1) Zapošljavanje, odabir, unaprjeđenje i svi drugi vidovi upravljanja zaposlenicima temeljit će se na radnom učinku, te će se poštivati pravo jednake dostupnosti zaposlenja, pravičnosti, transparentnosti, raznolikosti i zastupljenosti svih članica ReSPA-e.
- (2) Službenici ReSPA-e te tehničko i poslužno osoblje bit će izabrani u skladu s Kadrovskim pravilnikom.

## Članak 21. Nepristranost

- (1) Ravnatelj prima upute samo od Upravnog odbora.
- (2) Ravnatelj i službenici ReSPA-e neće tražiti, primati niti djelovati po uputama od bilo kojeg pojedinačnog člana Upravnog odbora ili bilo koje treće strane.

## Poglavlje IX. Financijsko upravljanje

### Članak 22. Financiranje

ReSPA se financira od doprinosa članova i donacija.

### Članak 23. Osnovni proračun

- (1) Sadržaj Osnovnog proračuna određuje se Financijskim pravilnikom. Upravni odbor odlučuje o iznosu godišnjeg Osnovnog proračuna ReSPA-e u skladu s Financijskim pravilnikom.
- (2) Osnovni proračun financira se iz proračuna članica ReSPA-e, od kojih svaka doprinosi s jednakim udjelom.
- (3) Iznos udjela u godišnjem Osnovnom proračunu za svaku članicu ReSPA-e iznosi 120.000 EUR za 2009. godinu i 150.000 EUR za 2010. godinu.
- (4) Stranka koja pristupi ovom Ugovoru u skladu s postupkom iz članka 7. dužna je uplatiti cjelokupni iznos svog udjela u Osnovnom proračunu za cijelu godinu u kojoj je pristupila.
- (5) Članice ReSPA-e uplatit će svoj doprinos u prva tri mjeseca proračunske godine ReSPA, kako je određeno Financijskim pravilnikom ReSPA-e. Za 2009. godinu doprinosi će biti uplaćeni u roku od mjesec dana od stupanja ovog Ugovora na snagu u skladu s člankom 27. stavcima 2. i 3.
- (6) Nenovčani prilozi za ReSPA-u, uključujući od strane države domaćina, ne smatraju se kao dio doprinosa članica ReSPA-e u Osnovnom proračunu.
- (7) ReSPA-i nije dozvoljeno zaduživanje, osim za potrebe operativnog financijskog toka, ako Upravni odbor jednoglasno ne odluči drugačije.
- (8) Troškovi Neovisnog(ih) revizora financiraju se iz Osnovnog proračuna ReSPA-e.

### Članak 24. Financiranje aktivnosti ReSPA

- (1) Aktivnosti ReSPA-e navedene u članku 5. mogu se financirati donacijama članica ReSPA-e, promatrača i drugih donatora, ili iz Osnovnog proračuna, u skladu s Financijskim pravilnikom.
- (2) Aktivnostima koje se financiraju donacijama mogu upravljati donatori ili njihovi izvođači. Alternativno, mogu se dati izravno ReSPA-i te njima može izravno upravljati Tajništvo, na odgovornost ReSPA-e („sredstva kojima se izravno raspolaže“). ReSPA je ovlaštena ubirati naknadu za „sredstva kojima se izravno raspolaže“, u skladu s Financijskim pravilnikom.



## Članak 25. Financijsko izvješćivanje

- (1) Tajništvo priprema godišnja izvješća o izvršenju Osnovnog proračuna, kako je određeno Financijskim pravilnikom.
- (2) Tajništvo će pripremati izvješća o korištenju „sredstava kojima se izravno raspolaže“ kako je određeno Financijskim pravilnikom ReSPA-e.
- (3) Tajništvo također priprema izvješća o korištenju „sredstava kojima se izravno raspolaže“ u skladu sa zahtjevima donatora.
- (4) Provodit će se godišnja neovisna revizija korištenja Osnovnog proračuna i „sredstava kojima se izravno raspolaže“ primljenih od članica ReSPA-e, promatrača i drugih donatora od strane Neovisnog(ih) revizora. Konačni nalaz revizije bit će javno objavljen nakon propisanog postupka, s obrazloženjima ReSPA-e.
- (5) Izvješća spomenuta u stavcima 1., 2. i 3. ovog članka podlijevat će reviziji Neovisnog(ih) revizora.

## Poglavlje X. Povlastice i imuniteti

### Članak 26.

ReSPA, ravnatelj i službenici ReSPA-e, u svakoj članici ReSPA-e, uživaju povlastice i imunitete koji su neophodni za neovisno ispunjavanje njihovih zadaća jednake onima iz odgovarajućih poglavlja Konvencije o povlasticama i imunitetima Ujedinjenih naroda iz 1946. godine. Osobito:

- a) ReSPA uživa povlastice i imunitete jednake onima utvrđenima u članku II. Konvencije;
- b) Ravnatelj i službenici uživaju povlastice i imunitete jednake onima iz članka V. Poglavlja 18. Konvencije.
- c) Ravnatelj ima dodatne povlastice i imunitete jednake onima iz Poglavlja 19. Konvencije.
- d) Upravni odbor će razmatrati odricanje od imuniteta i surađivati s članicama te izraditi odredbe za rješavanje sporova na način jednak onome iz Poglavlja 20., 21., i 29. Konvencije.

## Poglavlje XI. Završne odredbe

### Članak 27. Ratifikacija i stupanje na snagu

- (1) Ovaj Ugovor stranke će ratificirati, prihvatiti ili odobriti u skladu s njihovim odgovarajućim pravnim uvjetima.
- (2) Ovaj Ugovor stupa na snagu prvog dana mjeseca koji slijedi nakon datuma na koji je pet od sedam stranaka, uključujući Crnu Goru, položilo svoje isprave o ratifikaciji, prihvatu ili odobrenju kod depozitara.

- (3) Za stranke koje ratificiraju, prihvate ili odobre Ugovor nakon polaganja pete isprave o ratifikaciji, prihvatu ili odobrenju, Ugovor stupa na snagu prvog dana mjeseca koji slijedi nakon datuma na koji stranka položi svoju ispravu o ratifikaciji, prihvatu ili odobrenja kod depozitara.
- (4) Na datum stupanja na snagu ovog Ugovora prestaje „Protokol o suradnji na uspostavi Regionalne škole javne uprave“.

#### Članak 28. Pristupanje

Nakon što Upravni odbor donese rezoluciju o zahtjevu pojedine države za pristupanje ovom Ugovoru u skladu s člankom 7., pristupanje proizvodi učinke s prvim danom mjeseca koji slijedi nakon polaganja isprave o pristupu kod depozitara.

#### Članak 29. Izmjene i dopune

- (1) Ovaj Ugovor može se izmijeniti i dopuniti na prijedlog članice ReSPA-e.
- (2) Bilo koji prijedlog za izmjenu i dopunu ovog Ugovora bit će prosljeđen od strane Tajništva članicama ReSPA-e najmanje dva mjeseca prije podnošenja Upravnom odboru na razmatranje i odobrenje.
- (3) Izmjene i dopune ovog Ugovora odobrene sukladno stavku 2. podliježu ratifikaciji, prihvatu ili odobrenju od strane članica ReSPA-e u skladu njihovim odgovarajućim pravnim uvjetima.

#### Članak 30. Trajanje

- (1) Ovaj Ugovor ostaje na snazi sedam godina nakon datuma njegovog stupanja na snagu, uz mogućnost produženja međusobnim dogovorom članica ReSPA-e.
- (2) Prije isteka 5. godine od datuma stupanja na snagu, članice ReSPA-e će odlučiti 2/3 većinom glasova svih članica ReSPA-e o tome hoće li produžiti Ugovor.

#### Članak 31. Povlačenje

- (1) Članica ReSPA-e može se povući iz ovog Ugovora pisanom obaviješću o povlačenju upućenom depozitaru. Takva obavijest neće proizvesti učinak prije isteka financijske godine ReSPA-e koja slijedi nakon financijske godine u kojoj je depozitar primio obavijest.
- (2) Članica ReSPA-e neće zbog povlačenja biti oslobođena financijskih obveza koje je preuzela dok je bila članica ovog Ugovora.

#### Članak 32. Depozitar

Vlada Crne Gore bit će depozitar ovog Ugovora.

U potvrdu toga, niže potpisani su, propisno ovlašteni, potpisali ovaj Ugovor.

Potpisano u Podgorici dvadesetprvoga studenoga 2008. u jednom izvorniku na engleskom jeziku.

***Za Vladu Republike Albanije:***

Gent Strazimiri, v. r. \_\_\_\_\_

***Za Vladu Bosne i Hercegovine:***

\_\_\_\_\_

***Za Vladu Republike Hrvatske:***

Antun Palarić, v. r. \_\_\_\_\_

***Za Vladu Republike Makedonije:***

Ibrahim Ibrahimi, v. r. \_\_\_\_\_

***Za Vladu Crne Gore:***

Jusuf Kalamperović, v. r. \_\_\_\_\_

***Za Vladu Republike Srbije:***

Duško Radaković, v. r. \_\_\_\_\_

***Za Privremenu upravu Ujedinjenih naroda na Kosovu, u ime Kosova u skladu s Rezolucijom Vijeća sigurnosti 1244:***

\_\_\_\_\_

## **AGREEMENT ESTABLISHING THE REGIONAL SCHOOL OF PUBLIC ADMINISTRATION (ReSPA)**

### Preamble

The Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, Republic of Macedonia, Montenegro, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo, acting on behalf of Kosovo pursuant to the United Nations Security Council Resolution 1244, (hereafter referred to as the “Parties”), in the presence of the European Commission,

Recalling that in June 2003 the Council of the European Union endorsed “[t]he Thessaloniki Agenda for the Western Balkans: moving towards European integration” which encouraged the creation of a regional mechanism fostering training and education for public administration,

Recalling that the “Protocol of Co-operation on the Creation of the Regional School of Public Administration” was signed on 02 May 2006 by the representatives of the Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the State Union of Serbia and Montenegro along with the Republic of Montenegro and the Republic of Serbia, the United Nations Interim Administration Mission in Kosovo (UNMIK) acting on behalf of Kosovo pursuant to the United Nations Security Council Resolution 1244, in presence of the European Commission,

Recalling that, in accordance with Article V of that Protocol, the Parties considered “further institutionalisation of their co-operation, including participation by all Members of ReSPA in the funding arrangements”,

Recalling the agreement reached in Paris on 31 January 2008 at the 6<sup>th</sup> session of the Steering Committee to proceed towards the establishment of a Regional School of Public Administration (ReSPA) located in Montenegro,

Recalling the signature of the letter of intent, signed in Slovenia on 12 June 2008,

Have agreed that ReSPA shall be organised and shall operate in accordance with the following provisions:

### Chapter I. General Provisions

#### Article 1 Establishment

ReSPA is established as an international organisation.

## Article 2 Legal Capacity

ReSPA shall enjoy such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its Objectives, including the capacity to contract, to acquire and to dispose of movable and immovable property and to institute legal proceedings.

## Article 3 Headquarters

- (1) The Headquarters of ReSPA shall be in Danilovgrad, Montenegro.
- (2) A Headquarters Agreement shall be concluded between ReSPA and Montenegro.

## Chapter II. Objectives

### Article 4

ReSPA's Objectives are to:

- improve co-operation in the field of public administration amongst the Members of ReSPA;
- strengthen exchange with the Member States of the European Union and the European Economic Area;
- strengthen administrative capacity in the public administrations of the Members of ReSPA as required by the European integration process;
- develop human resources in the public administrations of the Members of ReSPA in line with the principles of the European Administrative Space.

## Chapter III. Activities

### Article 5

ReSPA shall undertake different activities in pursuit of its Objectives, inter alia:

- a) Regional needs analysis: ReSPA shall conduct training needs analysis in cooperation with its Members to identify those training needs which can be effectively undertaken at a regional level;
- b) Training public servants: ReSPA shall deliver training to mixed groups of public servants from the Members' administrations, including through the seminars and summer/winter schools for public administration professionals, and through the implementation of training-by-mobility schemes allowing public servants to gain experience from different contexts;
- c) Training systems: ReSPA shall act to improve the institutional framework for the management of quality training and education for its Members' public administrations and seek to improve the availability and quality of training and education systems in the Members of ReSPA;
- d) Networks, exchanges and communities of practice: ReSPA shall stimulate co-operation between public administration institutions of its Members and similar institutions of the European Union Member States, as well as participation in

international networks, and facilitate sharing of information and experiences; ReSPA shall hold regular conferences and support international communities of practice;

- e) Information resources: ReSPA shall support the sharing of information through its website, the publication of, for example, a newsletter, the creation of a joint electronic library and the issuing of specialised publications;
- f) Training methodologies and material: ReSPA shall facilitate the development of methodological guidelines for effective training and encourage innovation, the co-operative development of training materials, and the strengthening of the research base of training and education for public administration.

## Chapter IV. Members, Observers, Participants

### Article 6 Members

The Parties to this Agreement are Members of ReSPA.

### Article 7 Additional Members

- (1) Other candidate and potential candidate countries to the European Union, as defined by the European Union, may apply to accede to the present Agreement and thus to become Members of ReSPA.
- (2) Resolutions regarding applications to accede to the Agreement shall be made by the Governing Board in accordance with Article 11(3) of this Agreement.

### Article 8 Observers

- (1) Other candidate and potential candidate countries to the European Union, as defined by the European Union, may apply to become Observers in ReSPA.
- (2) Member States of the European Union or the European Economic Area, which contribute significantly, financially or otherwise to ReSPA, may also apply to become Observers in ReSPA.
- (3) Observers in ReSPA may attend meetings and participate fully in the work of the Governing Board without the right to vote.
- (4) Resolutions regarding applications to become an Observer in ReSPA shall be made by the Governing Board in accordance with Article 11(3) of this Agreement.

### Article 9 Participants

- (1) Other candidate and potential candidate countries to the European Union, as defined by the European Union, Member States of the European Union or the European Economic Area, and other states and organisations may apply to participate in the activities of ReSPA.
- (2) Resolutions regarding applications to become Participants in ReSPA activities shall be made by the Governing Board in accordance with Article 11(3) of this Agreement.

## Chapter V. Information

### Article 10 Access to Information and Data

Members of ReSPA undertake to ensure access to information and data that are necessary for ReSPA to fulfill its work, in accordance with domestic legislation.

## Chapter VI. Acts

### Article 11 Resolutions

- (1) The Governing Board shall adopt Resolutions, which shall be binding.
- (2) The Governing Board shall adopt Resolutions for all matters pertaining to its responsibilities as defined in Article 15(1), including Rules of Procedure, Financial Regulations, Staff Regulations and accession of new members.
- (3) Resolutions shall be adopted by unanimity of all Members of ReSPA, except when deciding on the extension of this Agreement, in accordance with Article 30.

### Article 12 Other Decision

The Governing Board may adopt Decisions in accordance with its Rules of Procedure.

## Chapter VII. Governing Board

### Article 13

The Governing Board is the decision-making body of ReSPA.

### Article 14 Composition

- (1) The Governing Board shall be comprised of one representative from each Member of ReSPA. Representatives shall be from ministries or equivalent responsible for public administration, human resources development or European integration.
- (2) Each Member of ReSPA shall appoint a minister, or equivalent, as its representative to the Governing Board for its meetings at ministerial level.
- (3) Each Member of ReSPA shall appoint one senior official and one substitute as its Permanent Representative to the Governing Board for its meetings at senior official level.
- (4) A representative of the European Commission shall participate in the Governing Board on an ex officio basis without the right to vote.
- (5) The Director of the ReSPA Secretariat shall participate in the Governing Board on an ex officio basis without the right to vote.

- (6) The Governing Board may invite other states and organisations to attend its meetings and participate in its deliberations without the right to vote.
- (7) The Governing Board may invite experts to participate in its sessions.

#### Article 15 Responsibilities

- (1) The Governing Board shall:
  - a) provide General Policy Guidelines for ReSPA, in line with ReSPA's Objectives;
  - b) ensure that ReSPA's activities contribute to the European integration process;
  - c) adopt ReSPA's Annual Programme of Work and Budget;
  - d) receive and act upon all reports, including the reports of the Independent Auditors;
  - e) adopt Resolutions on applications of other countries to accede to the present Agreement in accordance with Article 7 of this Agreement;
  - f) adopt Resolutions on applications of other countries to become Observers in ReSPA for a two-year period in accordance with Article 8 of this Agreement as well as Resolutions on renewal of the status of Observer;
  - g) adopt Resolutions on application of other countries or organisations to participate in ReSPA activities in accordance with Article 9 of this Agreement; ReSPA may charge for such participation according to the Financial Regulations;
  - h) adopt the Financial Regulations of ReSPA;
  - i) set an envelope for ReSPA annual Core Budget;
  - j) adopt the Rules of Procedure;
  - k) adopt the Staff Regulations;
  - l) appoint and dismiss the Director;
  - m) decide the method of selection of Independent Auditor(s) to verify the regular execution of the Core Budget and the implementation of "directly managed funds" provided to ReSPA in order to finance its activities, recognising the INTOSAI principles concerning the auditing of International Organisations, particularly the role of the Supreme Audit Institutions;
  - n) nominate the Independent Auditor(s);
  - o) adopt the method and criteria for the selection of trainers and experts;
  - p) approve the Headquarters Agreement;
  - q) approve proposals for amendments of the present Agreement.
- (2) The Governing Board may create subsidiary bodies with specific mandates and delegate to the Secretariat other tasks not specified in the present Agreement in order to carry out the Objectives and activities of ReSPA.
- (3) The Governing Board shall provide annual reports to the European Union and ReSPA Members on ReSPA's activities.
- (4) The Governing Board shall perform other tasks necessary for the achievement of ReSPA's Objectives.

#### Article 16 Functioning

- (1) The Governing Board shall meet at ministerial and senior official levels.
- (2) The Governing Board shall first meet within two months of the entry into force of this Agreement.



- (3) The Governing Board will be chaired, for one-year terms, by each of the Members of ReSPA in turn, according to a list following the order of citation in the first paragraph of the Preamble.
- (4) The Governing Board shall meet at least once a year at ministerial level.
- (5) The Governing Board shall meet quarterly in ordinary sessions at senior official level and whenever necessary in extraordinary sessions.

## Chapter VIII. Secretariat

### Article 17

- (1) The Secretariat is the executive body of ReSPA.
- (2) The Secretariat is composed of the Director and the ReSPA staff.
- (3) The Secretariat shall be supported by technical and service employees.

### Article 18 Responsibilities

- (1) The Secretariat is responsible for ensuring the proper functioning of ReSPA.
- (2) The Secretariat is responsible for drafting and submitting the annual Programme of Work and Budget to the Governing Board for approval, as well as for its implementation.
- (3) The Secretariat submits to the Governing Board reports on ReSPA functioning, implementation of the Programme of Work and other matters, as requested by the Governing Board.

### Article 19 Director

- (1) The Director shall be appointed for a term of five years, renewable once.
- (2) The Director is the Head of the Secretariat. The Director is responsible for ensuring the regular and efficient functioning of ReSPA according to the Financial Regulations and Staff Regulations. The Director reports to, and is accountable to, the Governing Board.
- (3) The Director shall come from one of the Members of ReSPA.
- (4) The Director is entitled to act on behalf of ReSPA, including the signature of the Headquarters Agreement and of contracts necessary for the functioning of ReSPA and in conformity with the provisions of the Financial Regulations and other Resolutions.
- (5) The Governing Board may dismiss the Director before the end of the term of his/her appointment for justifiable cause. Such justifiable cause includes, but is not limited to, unsatisfactory services and serious misconduct, in accordance with the Staff Regulations.

### Article 20 Employment Conditions

- (1) Recruitment, selection, promotion and all other aspects of personnel management shall be based on merit and shall respect the requirements of equal access to employment, fairness, transparency, diversity and representation from all Members of ReSPA.

- (2) ReSPA staff and technical and service employees shall be selected in accordance with the Staff Regulations.

#### Article 21 Impartiality

- (1) The Director shall receive instructions only from the Governing Board.
- (2) The Director and staff of ReSPA shall not seek, receive or act on instructions from any individual Member of the Governing Board or from any third party.

### Chapter IX. Financial Management

#### Article 22 Financing

ReSPA shall be financed from Member contributions and donations.

#### Article 23 Core Budget

- (1) The contents of the Core Budget shall be defined in the Financial Regulations. The Governing Board shall decide on the annual Core Budget of ReSPA in accordance with the Financial Regulations.
- (2) The Core Budget shall be financed by the budgets of the Members of ReSPA, each of which shall contribute an equal share.
- (3) The envelope for the annual Core Budget for each Member of ReSPA shall be set at € 120,000 for 2009 and at € 150,000 for 2010.
- (4) A Party which accedes to the present Agreement following the procedure of Article 7 shall be liable to pay its full share of the Core Budget for the entire year of its accession.
- (5) The Members of ReSPA shall supply their contribution during the first three months of ReSPA's budgetary year, as defined in ReSPA's Financial Regulations. For 2009 the contributions shall be supplied within one month of the entry into force of this Agreement in accordance with Article 27, Paragraphs (2) and (3).
- (6) Contributions to ReSPA in kind, including from the Host Country, shall not be considered as being a part of the Core Budget contribution of the Members of ReSPA.
- (7) ReSPA is not permitted to enter into debt, except for operational cash flow purposes, unless decided by the Governing Board by unanimity.
- (8) The expense of the Independent Auditor(s) shall be financed from the ReSPA Core Budget.

#### Article 24 Financing of ReSPA Activities

- (1) The activities of ReSPA as described in Article 5 may be financed by donations of the Members of ReSPA, Observers or other donors, or from the Core Budget, in accordance with the Financial Regulations.

- (2) Activities financed by donations may be managed by the funders or their contractors. Alternatively, they may be provided to ReSPA and directly managed by the Secretariat, under ReSPA's accountability ("directly managed funds"). ReSPA is permitted to levy charges on "directly managed funds", in accordance with the Financial Regulations.

#### Article 25 Financial Reporting

- (1) The Secretariat shall prepare annual reports on the execution of the Core Budget, as specified in the Financial Regulations.
- (2) The Secretariat shall prepare reports on the use of "directly managed funds" as specified in ReSPA's Financial Regulations.
- (3) The Secretariat shall also prepare reports on the use of "directly managed funds" in accordance with the accountability requirements of the funder.
- (4) There shall be an annual independent audit by the Independent Auditor(s) of the use of the Core Budget and of "directly managed funds", received from Members of ReSPA, Observers or other donors. The final results of the audit, after due process and with comments from ReSPA, shall be made public.
- (5) The reports mentioned in Paragraphs (1), (2) and (3) of this Article shall be subject to audit by the Independent Auditor(s).

### Chapter X. Privileges and Immunities

#### Article 26

ReSPA, the Director and ReSPA staff shall enjoy, in each of the Members of ReSPA, the privileges and immunities which are necessary for the independent exercise of their functions, equivalent to the applicable sections of the Convention on Privileges and Immunities of the United Nations of 1946. In particular:

- a) ReSPA shall enjoy privileges and immunities equivalent to those laid out in Article II of the Convention.
- b) The Director and the staff shall have privileges and immunities equivalent to those in Article V, Section 18 of the Convention.
- c) The Director shall have additional privileges and immunities equivalent to those in Section 19 of the Convention.
- d) The Governing Board shall consider waiver of immunity and shall cooperate with Members and make provision of settlement of disputes in a manner equivalent to that in Sections 20, 21 and 29 of the Convention.

### Chapter XI. Final Provisions

#### Article 27 Ratification and Entry into Force

- (1) The present Agreement shall be ratified, accepted or approved by the Parties in accordance with their respective legal requirements.

- (2) The present Agreement shall enter into force on the first day of the month following the date on which five of the seven Parties, including Montenegro, have deposited their instruments of ratification, acceptance or approval with the Depositary.
- (3) For the Parties that ratify, accept or approve the Agreement after the deposit of the fifth instrument of ratification, acceptance or approval, the Agreement shall enter into force on the first day of the month following the date on which the Party deposits its instrument of ratification, acceptance or approval with the Depositary.
- (4) On the date of entry into force of the present Agreement the “Protocol of Cooperation on the Creation of the Regional School of Public Administration “will cease to have effect.

#### Article 28 Accession

After the Governing Board has adopted the Resolution on the application of a Country to accede to the present Agreement in accordance with Article 7, accession shall take effect upon the first day of the month following the deposit of an instrument of accession with the Depositary.

#### Article 29 Amendments

- (1) The present Agreement may be amended on the proposal of a Member of ReSPA.
- (2) Any proposal to amend this Agreement shall be communicated by the Secretariat to the Members of ReSPA at least two months before submission to the Governing Board for consideration and approval.
- (3) Amendments to the present Agreement approved pursuant to Paragraph 2 shall be subject to ratification, acceptance or approval by the Members of ReSPA in accordance with their respective legal requirements.

#### Article 30 Duration

- (1) The present Agreement shall remain in force for seven years after the date of its entry into force, with the possibility of extending it by agreement amongst the Members of ReSPA.
- (2) Before the end of the 5th year after the date of its entry into force, the Members of ReSPA shall decide by a majority of 2/3 of all Members of ReSPA whether to extend the Agreement.

#### Article 31 Withdrawal

- (1) A Member of ReSPA may withdraw from the present Agreement by written notice of withdrawal addressed to the Depositary. Such notice shall take effect no earlier than the end of ReSPA’s financial year after the financial year in which the notice was received by the Depositary.
- (2) A Member of ReSPA shall not be discharged, by reason of its withdrawal, from financial obligations which accrued while it was a Member of this Agreement.

## Article 32 Depositary

The Government of Montenegro shall be the Depositary for the present Agreement.

In witness whereof, the undersigned, being duly authorised, have signed this Agreement.

Signed at Podgorica this twenty first day of November 2008 in a single authentic copy in the English language.

***For the Government of the Republic of Albania:***

Gent Strazimiri \_\_\_\_\_

***For the Government of Bosnia and Herzegovina:***

\_\_\_\_\_

***For the Government of the Republic of Croatia:***

Antun Palarić \_\_\_\_\_

***For the Government of the Republic of Macedonia:***

Ibrahim Ibrahimi \_\_\_\_\_

***For the Government of Montenegro:***

Jusuf Kalamperović \_\_\_\_\_

***For the Government of the Republic of Serbia:***

Duško Radaković \_\_\_\_\_

***For the United Nations Interim Administration Mission in Kosovo, acting on behalf of Kosovo pursuant to the United Nations Security Council Resolution 1244:***

\_\_\_\_\_

**Članak 3.**

Provedba ovog Zakona u djelokrugu je središnjeg tijela državne uprave nadležnog za upravu i ljudske potencijale.

**Članak 4.**

Na dan stupanja na snagu ovog Zakona Ugovor iz članka 1. ovog Zakona nije na snazi te će se podaci o njegovu stupanju na snagu objaviti naknadno, u skladu s odredbom članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

**Članak 5.**

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

**OBRAZLOŽENJE**

**Člankom 1.** propisano je da se potvrđuje Ugovor o osnivanju Regionalne škole za javnu upravu (ReSPA) sukladno odredbama članka 139. Ustava Republike Hrvatske čime se iskazuje i formalni pristanak da Republika Hrvatska bude vezana ovim međunarodnim ugovorom.

**Članak 2.** sadrži tekst Ugovora o osnivanju ReSPA-e u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

**Člankom 3.** utvrđena je nadležnost za provedbu ovog Zakona.

**Člankom 4.** određuje se stupanje na snagu Ugovora o osnivanju ReSPA-e.

**Člankom 5.** utvrđuje se stupanje na snagu Zakona o potvrđivanju Ugovora o osnivanju ReSPA-e.

**PRILOG – PRESLIKA TEKSTA UGOVORA U  
IZVORNIKU NA ENGELSKOM JEZIKU**



**AGREEMENT ON ESTABLISHING  
THE REGIONAL SCHOOL OF PUBLIC ADMINISTRATION  
(ReSPA)**

## **AGREEMENT ESTABLISHING THE REGIONAL SCHOOL OF PUBLIC ADMINISTRATION (ReSPA)**

### **Preamble**

The Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia, Montenegro, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo, acting on behalf of Kosovo pursuant to the United Nations Security Council Resolution 1244, (hereafter referred to as the "Parties"), in the presence of the European Commission,

**Recalling** that in June 2003 the Council of the European Union endorsed "[t]he Thessaloniki Agenda for the Western Balkans: moving towards European integration" which encouraged the creation of a regional mechanism fostering training and education for public administration,

**Recalling** that the "Protocol of Co-operation on the Creation of the Regional School of Public Administration" was signed on 02 May 2006 by the representatives of the Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the State Union of Serbia and Montenegro along with the Republic of Montenegro and the Republic of Serbia, the United Nations Interim Administration Mission in Kosovo (UNMIK) acting on behalf of Kosovo pursuant to the United Nations Security Council Resolution 1244, in presence of the European Commission,

**Recalling** that, in accordance with Article V of that Protocol, the Parties considered "further institutionalisation of their co-operation, including participation by all Members of ReSPA in the funding arrangements",

**Recalling** the agreement reached in Paris on 31 January 2008 at the 6<sup>th</sup> session of the Steering Committee to proceed towards the establishment of a Regional School of Public Administration (ReSPA) located in Montenegro,

**Recalling** the signature of the letter of intent, signed in Slovenia on 12 June 2008,

**Have agreed** that ReSPA shall be organised and shall operate in accordance with the following provisions:

## **Chapter I. General Provisions**

### ***Article 1 Establishment***

ReSPA is established as an international organisation.

### ***Article 2 Legal Capacity***

ReSPA shall enjoy such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its Objectives, including the capacity to contract, to acquire and to dispose of movable and immovable property and to institute legal proceedings.

### ***Article 3 Headquarters***

- (1) The Headquarters of ReSPA shall be in Danilovgrad, Montenegro.
- (2) A Headquarters Agreement shall be concluded between ReSPA and Montenegro.

## **Chapter II. Objectives**

### ***Article 4***

ReSPA's Objectives are to:

- improve co-operation in the field of public administration amongst the Members of ReSPA;
- strengthen exchange with the Member States of the European Union and the European Economic Area;
- strengthen administrative capacity in the public administrations of the Members of ReSPA as required by the European integration process;
- develop human resources in the public administrations of the Members of ReSPA in line with the principles of the European Administrative Space.

## **Chapter III. Activities**

### ***Article 5***

ReSPA shall undertake different activities in pursuit of its Objectives, inter alia:

- a) Regional needs analysis: ReSPA shall conduct training needs analysis in cooperation with its Members to identify those training needs which can be effectively undertaken at a regional level;
- b) Training public servants: ReSPA shall deliver training to mixed groups of public servants from the Members' administrations, including through the seminars and summer/winter schools for public administration professionals, and through the implementation of training-by-mobility schemes allowing public servants to gain experience from different contexts;
- c) Training systems: ReSPA shall act to improve the institutional framework for the management of quality training and education for its Members'



- public administrations and seek to improve the availability and quality of training and education systems in the Members of ReSPA;
- d) Networks, exchanges and communities of practice: ReSPA shall stimulate co-operation between public administration institutions of its Members and similar institutions of the European Union Member States, as well as participation in international networks, and facilitate sharing of information and experiences; ReSPA shall hold regular conferences and support international communities of practice;
  - e) Information resources: ReSPA shall support the sharing of information through its website, the publication of, for example, a newsletter, the creation of a joint electronic library and the issuing of specialised publications;
  - f) Training methodologies and material: ReSPA shall facilitate the development of methodological guidelines for effective training and encourage innovation, the co-operative development of training materials, and the strengthening of the research base of training and education for public administration.

#### **Chapter IV. Members, Observers, Participants**

##### ***Article 6 Members***

The Parties to this Agreement are Members of ReSPA.

##### ***Article 7 Additional Members***

- (1) Other candidate and potential candidate countries to the European Union, as defined by the European Union, may apply to accede to the present Agreement and thus to become Members of ReSPA.
- (2) Resolutions regarding applications to accede to the Agreement shall be made by the Governing Board in accordance with Article 11(3) of this Agreement.

##### ***Article 8 Observers***

- (1) Other candidate and potential candidate countries to the European Union, as defined by the European Union, may apply to become Observers in ReSPA.
- (2) Member States of the European Union or the European Economic Area, which contribute significantly, financially or otherwise to ReSPA, may also apply to become Observers in ReSPA.
- (3) Observers in ReSPA may attend meetings and participate fully in the work of the Governing Board without the right to vote.
- (4) Resolutions regarding applications to become an Observer in ReSPA shall be made by the Governing Board in accordance with Article 11(3) of this Agreement.

##### ***Article 9 Participants***

- (1) Other candidate and potential candidate countries to the European Union, as defined by the European Union, Member States of the European Union or the

European Economic Area, and other states and organisations may apply to participate in the activities of ReSPA.

- (2) Resolutions regarding applications to become Participants in ReSPA activities shall be made by the Governing Board in accordance with Article 11(3) of this Agreement.

## **Chapter V. Information**

### *Article 10 Access to Information and Data*

Members of ReSPA undertake to ensure access to information and data that are necessary for ReSPA to fulfill its work, in accordance with domestic legislation.

## **Chapter VI. Acts**

### *Article 11 Resolutions*

- (1) The Governing Board shall adopt Resolutions, which shall be binding.
- (2) The Governing Board shall adopt Resolutions for all matters pertaining to its responsibilities as defined in Article 15 (1), including Rules of Procedure, Financial Regulations, Staff Regulations and accession of new members.
- (3) Resolutions shall be adopted by unanimity of all Members of ReSPA, except when deciding on the extension of this Agreement, in accordance with Article 30.

### *Article 12 Other Decisions*

The Governing Board may adopt Decisions in accordance with its Rules of Procedure.

## **Chapter VII. Governing Board**

### *Article 13*

The Governing Board is the decision-making body of ReSPA.

### *Article 14 Composition*

- (1) The Governing Board shall be comprised of one representative from each Member of ReSPA. Representatives shall be from ministries or equivalent responsible for public administration, human resources development or European integration.
- (2) Each Member of ReSPA shall appoint a minister, or equivalent, as its representative to the Governing Board for its meetings at ministerial level.
- (3) Each Member of ReSPA shall appoint one senior official and one substitute as its Permanent Representative to the Governing Board for its meetings at senior official level.
- (4) A representative of the European Commission shall participate in the Governing Board on an *ex officio* basis without the right to vote.



- (5) The Director of the ReSPA Secretariat shall participate in the Governing Board on an *ex officio* basis without the right to vote.
- (6) The Governing Board may invite other states and organisations to attend its meetings and participate in its deliberations without the right to vote.
- (7) The Governing Board may invite experts to participate in its sessions.

#### *Article 15 Responsibilities*

- (1) The Governing Board shall:
  - a) provide General Policy Guidelines for ReSPA, in line with ReSPA's Objectives;
  - b) ensure that ReSPA's activities contribute to the European integration process;
  - c) adopt ReSPA's Annual Programme of Work and Budget;
  - d) receive and act upon all reports, including the reports of the Independent Auditors;
  - e) adopt Resolutions on applications of other countries to accede to the present Agreement in accordance with Article 7 of this Agreement;
  - f) adopt Resolutions on applications of other countries to become Observers in ReSPA for a two-year period in accordance with Article 8 of this Agreement as well as Resolutions on renewal of the status of Observer;
  - g) adopt Resolutions on application of other countries or organisations to participate in ReSPA activities in accordance with Article 9 of this Agreement; ReSPA may charge for such participation according to the Financial Regulations;
  - h) adopt the Financial Regulations of ReSPA;
  - i) set an envelope for ReSPA annual Core Budget;
  - j) adopt the Rules of Procedure;
  - k) adopt the Staff Regulations;
  - l) appoint and dismiss the Director;
  - m) decide the method of selection of Independent Auditor(s) to verify the regular execution of the Core Budget and the implementation of "directly managed funds" provided to ReSPA in order to finance its activities, recognising the INTOSAI principles concerning the auditing of International Organisations, particularly the role of the Supreme Audit Institutions;
  - n) nominate the Independent Auditor(s);
  - o) adopt the method and criteria for the selection of trainers and experts;
  - p) approve the Headquarters Agreement;
  - q) approve proposals for amendments of the present Agreement.
- (2) The Governing Board may create subsidiary bodies with specific mandates and delegate to the Secretariat other tasks not specified in the present Agreement in order to carry out the Objectives and activities of ReSPA.
- (3) The Governing Board shall provide annual reports to the European Union and ReSPA Members on ReSPA's activities.



- (4) The Governing Board shall perform other tasks necessary for the achievement of ReSPA's Objectives.

#### ***Article 16    Functioning***

- (1) The Governing Board shall meet at ministerial and senior official levels.
- (2) The Governing Board shall first meet within two months of the entry into force of this Agreement.
- (3) The Governing Board will be chaired, for one-year terms, by each of the Members of ReSPA in turn, according to a list following the order of citation in the first paragraph of the Preamble.
- (4) The Governing Board shall meet at least once a year at ministerial level.
- (5) The Governing Board shall meet quarterly in ordinary sessions at senior official level and whenever necessary in extraordinary sessions.

### **Chapter VIII.        Secretariat**

#### ***Article 17***

- (1) The Secretariat is the executive body of ReSPA.
- (2) The Secretariat is composed of the Director and the ReSPA staff.
- (3) The Secretariat shall be supported by technical and service employees.

#### ***Article 18    Responsibilities***

- (1) The Secretariat is responsible for ensuring the proper functioning of ReSPA.
- (2) The Secretariat is responsible for drafting and submitting the annual Programme of Work and Budget to the Governing Board for approval, as well as for its implementation.
- (3) The Secretariat submits to the Governing Board reports on ReSPA functioning, implementation of the Programme of Work and other matters, as requested by the Governing Board.

#### ***Article 19    Director***

- (1) The Director shall be appointed for a term of five years, renewable once.
- (2) The Director is the Head of the Secretariat. The Director is responsible for ensuring the regular and efficient functioning of ReSPA according to the Financial Regulations and Staff Regulations. The Director reports to, and is accountable to, the Governing Board.
- (3) The Director shall come from one of the Members of ReSPA.
- (4) The Director is entitled to act on behalf of ReSPA, including the signature of the Headquarters Agreement and of contracts necessary for the functioning of ReSPA and in conformity with the provisions of the Financial Regulations and other Resolutions.
- (5) The Governing Board may dismiss the Director before the end of the term of his/her appointment for justifiable cause. Such justifiable cause includes, but is



not limited to, unsatisfactory services and serious misconduct, in accordance with the Staff Regulations.

#### ***Article 20 Employment Conditions***

- (1) Recruitment, selection, promotion and all other aspects of personnel management shall be based on merit and shall respect the requirements of equal access to employment, fairness, transparency, diversity and representation from all Members of ReSPA.
- (2) ReSPA staff and technical and service employees shall be selected in accordance with the Staff Regulations.

#### ***Article 21 Impartiality***

- (1) The Director shall receive instructions only from the Governing Board.
- (2) The Director and staff of ReSPA shall not seek, receive or act on instructions from any individual Member of the Governing Board or from any third party.

### **Chapter IX. Financial Management**

#### ***Article 22 Financing***

ReSPA shall be financed from Member contributions and donations.

#### ***Article 23 Core Budget***

- (1) The contents of the Core Budget shall be defined in the Financial Regulations. The Governing Board shall decide on the annual Core Budget of ReSPA in accordance with the Financial Regulations.
- (2) The Core Budget shall be financed by the budgets of the Members of ReSPA, each of which shall contribute an equal share.
- (3) The envelope for the annual Core Budget for each Member of ReSPA shall be set at € 120,000 for 2009 and at € 150,000 for 2010.
- (4) A Party which accedes to the present Agreement following the procedure of Article 7 shall be liable to pay its full share of the Core Budget for the entire year of its accession.
- (5) The Members of ReSPA shall supply their contribution during the first three months of ReSPA's budgetary year, as defined in ReSPA's Financial Regulations. For 2009 the contributions shall be supplied within one month of the entry into force of this Agreement in accordance with Article 27, Paragraphs (2) and (3).
- (6) Contributions to ReSPA in kind, including from the Host Country, shall not be considered as being a part of the Core Budget contribution of the Members of ReSPA.
- (7) ReSPA is not permitted to enter into debt, except for operational cash flow purposes, unless decided by the Governing Board by unanimity.
- (8) The expense of the Independent Auditor(s) shall be financed from the ReSPA Core Budget.



#### *Article 24 Financing of ReSPA Activities*

- (1) The activities of ReSPA as described in Article 5 may be financed by donations of the Members of ReSPA, Observers or other donors, or from the Core Budget, in accordance with the Financial Regulations.
- (2) Activities financed by donations may be managed by the funders or their contractors. Alternatively, they may be provided to ReSPA and directly managed by the Secretariat, under ReSPA's accountability ("directly managed funds"). ReSPA is permitted to levy charges on "directly managed funds", in accordance with the Financial Regulations.

#### *Article 25 Financial Reporting*

- (1) The Secretariat shall prepare annual reports on the execution of the Core Budget, as specified in the Financial Regulations.
- (2) The Secretariat shall prepare reports on the use of "directly managed funds" as specified in ReSPA's Financial Regulations.
- (3) The Secretariat shall also prepare reports on the use of "directly managed funds" in accordance with the accountability requirements of the funder.
- (4) There shall be an annual independent audit by the Independent Auditor(s) of the use of the Core Budget and of "directly managed funds", received from Members of ReSPA, Observers or other donors. The final results of the audit, after due process and with comments from ReSPA, shall be made public.
- (5) The reports mentioned in Paragraphs (1), (2) and (3) of this Article shall be subject to audit by the Independent Auditor(s).

### **Chapter X. Privileges and Immunities**

#### *Article 26*

ReSPA, the Director and ReSPA staff shall enjoy, in each of the Members of ReSPA, the privileges and immunities which are necessary for the independent exercise of their functions, equivalent to the applicable sections of the Convention on Privileges and Immunities of the United Nations of 1946. In particular:

- a) ReSPA shall enjoy privileges and immunities equivalent to those laid out in Article II of the Convention.
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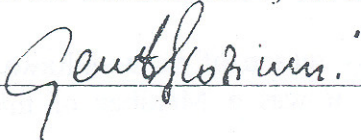
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In witness whereof, the undersigned, being duly authorised, have signed this Agreement.

Signed at Podgorica this twenty first day of November 2008 in a single authentic copy in the English language.


*For the Government of the Republic of Albania:*

\_\_\_\_\_

*For the Government of Bosnia and Herzegovina:*

\_\_\_\_\_

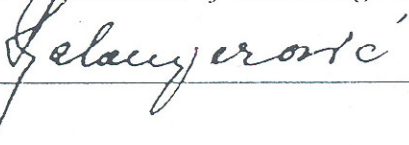
*For the Government of the Republic of Croatia:*

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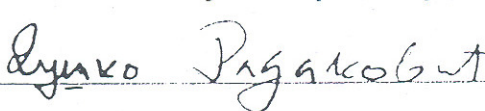
*For the Government of the Republic of Macedonia:*

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*For the Government of Montenegro:*

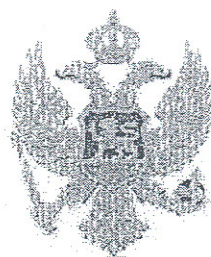
\_\_\_\_\_

*For the Government of the Republic of Serbia:*

\_\_\_\_\_

*For the United Nations Interim Administration Mission in Kosovo, acting on behalf of Kosovo pursuant to the United Nations Security Council Resolution 1244:*





Montenegro  
Ministry of Foreign Affairs



I hereby certify that this is a true copy of the  
sole original document in English language,  
deposited in the archives of the Ministry of  
Foreign Affairs:

Podgorica, 23 January 2009

Acting POLITICAL DIRECTOR

*V. Garčević*  
Vesko Garčević

