

ANNEX

**Observations on the Croatian AMIF programme 2021 – 2027,
CCI 2021HR65AMPR001**

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SECTION 4 – Enabling conditions

Reference: Article 22(3)(i) CPR

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18. For the Horizontal Enabling Condition on the *Effective application and implementation of the EU Charter of Fundamental Rights* (HEC 3) the justification presented in the AMIF programme is identical to the one provided in the ISF and BMVI programmes 2021-2027. Thus, the Commission's opinion on the ISF and BMVI programmes regarding the HEC 3 remains valid and is added for ease of reference below.

With respect to criterion 1 of the Charter HEC, the Croatian authorities will need to provide concrete information about the arrangements in place in all phases of the Programme's programming and implementation to effectively ensure compliance with the Charter. The Croatian authorities will also need to clearly indicate the role and tasks of the different authorities and bodies in ensuring the compliance of the programmes with the Charter throughout the programming and implementation of the programme. Furthermore, they should set out which bodies or persons will provide assistance and expertise on fundamental rights matters and have the ability to effectively ensure compliance with the Charter.

The Commission recommends the Croatian authorities to include in their self-assessment the independent monitoring mechanism that has been put in place by the Croatian authorities to ensure that the border control activities at the external border are carried out with respect of fundamental rights. The Commission invites the Croatian authorities to clarify whether the mechanism is relevant for activities supported under the AMIF and if so, to provide concrete information about the arrangements under the mechanism. The Croatian authorities are invited in particular to explain how this mechanism will guarantee access to information on the treatment of irregular migrants in order to ensure independent, proper and expeditious investigations, with a view to effectively ensuring compliance with the Charter when implementing the programme.

The Commission welcomes the preparation of a draft proposal for a National Plan for the protection and promotion of human rights and combating discrimination for the period 2021-2027 and a draft proposal for an Action Plan for the protection and promotion of human rights for the period 2021-2023. However, it should be noted that the Commission will not be in a position to conclude on the fulfilment of this HEC until the documents are adopted. Moreover, the documents should specifically cover arrangements to ensure compliance of the programmes supported by the Fund with all provisions of the Charter. In addition, the Croatian authorities have included information under criterion 2 about the section in the project proposals forms and checklists concerning the compliance of project activities with the Charter. The Commission would like to highlight that this information concerns criterion 1 and not criterion 2 and should therefore be moved to the correct section.

With respect to criterion 2 of the Charter HEC, the Croatian authorities will need to provide detailed information about the reporting arrangements to the monitoring committee, such as the frequency and content (scope, remedial actions) of reporting on complaints and cases of non-compliance. The Croatian authorities are also invited to specify who will be responsible for presenting this information to the Monitoring Committee. Moreover, the Croatian authorities would need to clarify whether the reporting arrangements to the Monitoring Committee will also cover cases of non-compliance and not only complaints.

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