

Pursuant to Article 4, Paragraph 2 of the Decree on Establishing the Agency for Education Reform Initiative of South Eastern Europe (Official Gazette, No. 12/05), the Management Board of the Agency for Education Reform Initiative of South Eastern Europe at the session held on 9 February 2006 adopted the following

STATUTE OF THE AGENCY FOR EDUCATION REFORM INITIATIVE OF SOUTH EASTERN EUROPE

I GENERAL PROVISIONS

The Object of Norm Setting

Article 1

The Statute shall regulate the field of activities, the name, the seat, the seal and the stamp, the bodies, internal and operational organization, financing and the general acts of the Agency for Education Reform Initiative of South Eastern Europe (hereinafter: The Agency).

Legal Status

Article 2

- (1) The Agency is a legal person registered in a court register book. The Agency may establish subsidiary offices.
- (2) The promoter of the Agency is the Republic of Croatia. The founding rights and duties shall be assumed and performed for and on behalf of the promoter by the Government of the Republic of Croatia.

Activities of the Agency

Article 3

- (1) The sphere of Agency activities implies monitoring, evaluating, planning and developing of education and nurturing programs and activities in the countries from South Eastern Europe.
- (2) Aiming to perform those activities as described in Paragraph 1 of the Article, the Agency shall:
 1. Work systematically on integrating/networking education and training systems from the signatory states of Nicosia Memorandum of Understanding with the European systems and values, particularly those valid in the European Union.
 2. Taking into account national requirements related to nurturing and education as well as the latest European positive achievements, and in line with suggestions of the Board of Experts (consisted of the representatives from relevant international educational and training organizations such as the European Commission, OECD, Council of Europe, European Training Foundation, European University Association, representatives from the ministries of education from the European Union Member States, donors), the Agency

shall prepare and implement activity program accorded to the decisions of the Management Board, that includes but is not limited to:

- reviews and propositions for adjusting national legal framework according to ongoing European development trends and national education reform priorities;
- drawing up recommendations for decentralisation of education systems, management and administration, with the accent on quality and liability assurance mechanisms;
- drawing up recommendations for curriculum reform in line with current European trends and developmental processes;
- drawing up recommendations for the promotion of both formal and non-formal education in democratic citizenship;
- drawing up recommendations for ensuring access to and effective use of information and communication technologies;
- drawing up recommendations for the development of lifelong learning opportunities as a key stimulus for the achievement of knowledge-based society and economic regeneration in the region;
- drawing up recommendations for the development of vocational education and training, especially related to establishing better links between education and the labour market;
- drawing up recommendations to provide quality assurance to higher education, particularly with regard to its active participation in the European higher education system.

The Name

Article 4

- (1) The name of the Agency shall be: Agencija za obrazovno reformske inicijative za jugoistočnu Europu.
- (2) The abbreviated name of the Agency shall be: ERI SEE.
- (3) The English name of the Agency shall be: The Agency for Education Reform Initiative of South Eastern Europe.
- (4) The abbreviated version of the English name of the Agency shall be: ERI SEE Agency.

The Seat

Article 5

The seat of the Agency will be in Zagreb, Ivana Lučića 5.

The Seal and the Stamp

Article 6

The seals of the Agency shall be of a round shape with a diameter of 25mm, 35mm, and 18 mm respectively, bearing the title «Agencija za obrazovno reformske inicijative za jugoistočnu Europu» at its upper edge, and «Zagreb» at the lower edge.

The certificates issued by the Agency based on its public authority, will be stamped with a round-shaped seal bearing the national coat or arms of the Republic of Croatia in its middle and the words in Croatian language "Republika Hrvatska" at the upper edge and «Agencija za obrazovno reformske inicijative za jugoistočnu Europu» at its lower edge. The seals shall be made in the size of 38mm, 25 mm, and 18 mm, respectively.

In case the Agency uses a number of seals of the same size, each one of them should be marked by a serial number placed above the coat of arms of the Republic of Croatia, or below the word "Zagreb" if a seal does not bear Croatian coat of arms.

The Use of the Seal

Article 7

- (1) The seals bearing the Croatian coat of arms shall be ordered, used and replaced in a manner provided for in the law.
- (2) The Director of the Agency or a person appointed by him/her is responsible for keeping and a proper use of the seal.

II THE BODIES OF THE AGENCY AND THEIR COMPETENCE

The Bodies of the Agency

Article 8

The bodies of the Agency are as follows: the Governing Board, the Consultative Board and Director of the Agency.

Governing Board of the Agency

Article 9

- (1) The Governing Board, consisting of the Chair and ten members, runs the Agency.
- (2) The Government of the Republic of Croatia shall appoint the Chair and members of the Governing Board upon a recommendation of the Minister of Science, Education and Sports, for the period of three years according to the Nicosia Memorandum of Understanding.
- (3) The Governing Board adopts the Statute of the Agency upon a recommendation of the Agency Director and in consent with the promoter of the Agency.
- (4) The Governing Board shall:
 - a. adopt annual Activity Program of the Agency upon recommendation of the Director to regulate in detail the activities and operations of the Agency in a calendar year,
 - b. supervise the implementation of the Program,
 - c. adopts the financial plan proposed by the Director,
 - d. adopts the annual financial report of the Agency,

- e. in cooperation with the Consultative Body define the type of services which will be provided by the Agency and charged,
 - f. determine the amount of fees for the services provided as well as performs other duties in line with Articles 3, 10, 11, 15, 16, and 19 of the Statute of the Agency.
 - g. adopt Rules of Procedures for the Governing Board.
- (5) The Governing Board adopts the Agency annual report presented by the Director of the Agency and submits it to the promoter of the Agency. The annual report is supplemented by propositions for further development of activities, including a request for material support to Agency operations.
 - (6) The Governing Board shall appoint and release from duty the Director of the Agency upon a recommendation of the chair of the Governing Board, for the period of three years.
 - (7) The Governing Board shall elect the members of the Consultative Board upon the Director's recommendation and in line with the provisions of this statute.
 - (8) The Governing Board adopts the Internal Organisation Rules following a proposition of the Director, to define in detail the internal organizational structure of the Agency.
 - (9) The Governing Board issues the decisions with the consent of majority of votes of attending members as prescribed by the Rules of Procedures of the Governing Board.
 - (10) The voting right may also be exercised through correspondence (mail-in, fax, and/or e-mail) with the obligation of sending the vote by ordinary post .

Consultative Body of the Agency

Article 10

- (1) The Governing Board shall elect the members of the Consultative Body with majority of votes of the members attending the meeting.
- (2) The Consultative Body shall have up to 15 members.
- (3) The Consultative Body shall discuss professional issues related to Agency operations such as:
 - proposition of Agency annual Activity plan,
 - draft of Agency report,
 - other professional issues upon request by the Governing Body and Agency Director.
- (4) The Consultative Body shall adopt Rules of Procedure of the Consultative Body.
- (5) Besides the activities mentioned under Paragraph 3 of this Article, the Consultative Body shall act as an advisory board to the Director and the Governing Board.
- (6) The Consultative Body shall issue recommendations with the majority of votes of attending members, as prescribed by the Rules of Procedure of the Consultative Body.

Director of the Agency

Article 11

- (1) The Director of the Agency represents and acts on behalf of the Agency.

- (2) In case of his/her absence, a person appointed by him/her shall exercise of his/her functions.
- (3) The Director shall
- (a) organize Agency operations and conduct its activities personally,
 - (b) undertake all legal actions for and on behalf of the Agency,
 - (c) represent the Agency in all proceedings against court, administrative and other government bodies, as well as legal bodies with public authorities,
 - (d) issue powers of authority to third parties aiming to represent the Agency in legal matters, within his/her area of responsibility.
- (4) The Director adopts the general acts that exceed the sphere of competence of the Governing Board as stated by this Statute.
- (5) The Director, in cooperation with the Consultative Body and the Governing Board, prepares the annual Agency Plan of Activities as well as financial plan for endorsement by the Governing Board.
- (6) The Director is entitled to take all legal actions for and on behalf of the Agency up to the amount of KN 200,000 (two hundred thousand). For the actions exceeding the above stated amount, the Director shall need the consent of the Governing Board.
- (7) The Director is not entitled to acquire, burden or alienate real estates and other assets that exceed the amount of KN 1.000,000 (one million), and the assets over the amount of KN 2.000,000 (two million) if they relate to property that originates from foreign donations, without prior consent of the Government of the Republic of Croatia.

Article 12

The Director of the Agency shall be appointed through a public contest, in a procedure, manner and within terms as prescribed by the Act on Institutions.

The contest shall be published in the »Official Gazette of the Republic of Croatia«.

A decision on publishing invitations to the contest shall be issued by the Governing Board at least three months prior to the expiration date of the current mandate.

The contents of the contest shall be consistent with the law and this statute, and shall contain compulsorily the following:

1. Professional and personal qualifications which a potential candidate must fulfil,
2. Duration of the mandate,
3. Closing date by which the applications will be accepted,
4. The period of time by which potential candidates will be informed.

Article 13

In case no application is received or none of the applicants elected, the contest will be renewed.

Until a new director is elected, through a renewed contest, the Governing Board shall nominate acting director, but not exceeding the period of one year.

Article 14

In cases and following the procedures provided for in the law, the Director will be removed from the office even before the termination of his/her mandate.

The Director may request to be dismissed on his own initiative before his/her mandate elapses.

In case of discharging a director before the elapse of his/her mandate, the Governing Board shall nominate acting director, and announce a new public contest for the vacant position of the director within 30 days.

III INTERNAL ORGANIZATION OF THE AGENCY

Setting Up Internal Organization

Article 15

The internal organization of the Agency is regulated by the Statute and the Internal Organisation Rules.

Constitutive Units

Article 16

The Agency will be established with the following constitutive units:

1. Office of the Director
2. Secretariat

IV OFFICIAL SECRET AND PUBLICITY OF WORK

Publicity of Work

Article 17

- (1) The Agency secures the publicity of work through the cooperation with mass-media as well as by informing other institutions on the activities and work of the Agency.
- (2) The Director of the Agency or any person appointed by him/her may communicate information and notices related to Agency operations and activities.

- (3) In order to achieve more comprehensive public information on its work, the Agency may issue special publications and publish information on its web sites in Croatian and/or English language, as well as in other languages from signatory states of the Nicosia Memorandum on Understanding. The web sites will also present the work methods of the Agency including decisions brought up by the Agency, as well as all relevant information as determined by Director of the Agency.

Official Secret

Article 18

- (1) An official secret implies all particular information on Agency operations as decided by the Agency Director or Governing Board.
- (2) Members of the Governing Board and Agency employees are obliged to keep official secret, and the obligation binds them even after the termination of their employment with the Agency.

V FINANCING OF THE AGENCY

Financial Sources and Management

Article 19

- (1) Funds allotted to the Agency activities for its running costs as well as the amount of salary for the business secretary will be provided from the state budget of the Republic of Croatia.

Other expenditures required for Agency operations will be covered from donations, in line with provisions of the Nicosia Memorandum of Understanding.

- (2) The Governing Board adopts the financial plan of the Agency which includes estimated budgetary revenues and expenses for a period of one financial year.
- (3) The Governing Board adopts annual financial report of the Agency. An annual financial report will be submitted for the state audit. The funds from foreign donations will be subject of both state and an independent audit. An independent audit will be funded from foreign donors' resources, and it is not entitled to challenge the execution of either internal audit from the Ministry of Science, Education and Sports of the Republic of Croatia or state audit.
- (4) The Governing Board shall decide on services provided by the Agency which should be charged and stipulates the amount of fees for such services, upon the recommendation by Director, if not otherwise regulated by the law.
- (5) The Agency will employ its sources, including income gained through its operations, solely for the purpose of carrying out and developing Agency activities.

The Agency is liable to third parties with full set of its assets. The promoter is accountable for Agency liabilities solidarily and infinitely.

The losses of the Agency will be covered from the funds of the Agency.

Financial Management

Article 20

- (1) The funds of the Agency shall be kept on the Agency bank account in accordance with national regulations on financial transactions.
- (2) The Agency shall keep accounting records in compliance with accountancy regulations pertained to state budget beneficiaries.
- (3) The Agency Director is liable for keeping and updating accounting records.

VI GENERAL ACTS OF THE AGENCY

Types of General Acts

Article 21

The general acts of the Agency are the Statute, regulation books, rules of procedure, and decisions, to regulate particular issues pertaining to the organization and the scope of activities of the Agency.

Authority to Adopt General Acts

Article 22

- (1) Upon the recommendation of the Agency Director, the Governing Board shall adopt the following general acts:
 - Statute, with the consent of the Government of the Republic of Croatia;
 - Internal Organization Rules,
 - Rules on Payrolls, Salary Allowances and other Material Rights of Employees,
 - Financial Management and Accountancy Rules.
- (2) The Director of the Agency shall adopt all other general acts of the Agency that are not within the domain of the Governing Board.

Announcement and Entry into Force

Article 23

- (1) General acts will be announced on Agency's notice board as well as on its web site both in English and Croatian language, and will enter into force on the day of being displayed of the Agency's notice board, if otherwise not regulated by the general act.
- (2) General acts may be translated into languages of signatory states of the Nicosia Memorandum of Understanding, if requested.

Interpretation of the Statute

Article 24

- (1) In case of any ambiguities and disagreements in the enforcement of provisions of this Statute, the Governing Board of the Agency shall provide for its interpretation.

IX TRANSITIONAL AND FINAL PROVISIONS

Closing Date for Adopting General Acts

Article 25

- (1) The Governing Board of the Agency shall adopt general acts mentioned under Article 21 of the Statute within six months from the day of entering into force this Statute.
- (2) During the period of time that precedes the adoption of general acts under the Article 21, Paragraph 1 of the Statute, all issues to be regulated by those acts will be settled temporarily by the decisions of the Agency Director.

Entry into Force of the Statute

Article 26

This Statute shall enter into force on the eight day of being displayed on the Agency's information board, having received prior consent of the Government of the Republic of Croatia.

Zagreb, 2006

Chair of the Governing Board:

Radovan Fuchs, dr.sc.

The Government of the Republic of Croatia adopted the Statute of the Agency on 16 March 2006, and the Statute has been displayed on the information board of the Agency on 20 March 2006.

Acting Director of the Agency:

Luminita Matei