

Horizontal ex-ante conditionalities (ver. 06.07.2022)

| Prerequisites | Fulfilment of ex-ante conditionality | Criteria | Fulfilment of criteria | Reference to the relevant documents [500 characters] | Justification (long) | Text with reduced characters in SFC [1000 characters] |
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| Effective monitoring mechanisms for the public procurement market | YES | <p>Monitoring mechanisms are in place covering all public contracts and their procurement from the Funds in line with EU procurement law. This requires:</p> <ol style="list-style-type: none"> measures to ensure the collection of effective and reliable data on public procurement procedures above EU thresholds, in line with the reporting obligations under Articles 83 and 84 of Directive 2014/24/EU and Articles 99 and 100 of Directive 2014/25/EU; measures to ensure data for at least the following aspects: <ol style="list-style-type: none"> quality and intensity of competition: The names of the successful tenderers, the indicative number of tenderers and the contract value; information on the final price after selection and the participation of SMEs as direct bidders, where such information is provided by national systems; measures to ensure data monitoring and analysis by competent national authorities in accordance with Article 83(2) of Directive 2014/24/EU and Article 99(2) of Directive 2014/25/EU; the arrangements for making the results of the analyses available to the public in accordance with Article 83(3) of Directive 2014/24/EU and Article 99(3) of Directive 2014/25/EU; measures to ensure that all information indicating a potential bid-rigging is communicated to the competent national authorities in accordance with Article 83(2) of Directive 2014/24/EU and Article 99(2) of Directive 2014/25/EU. | <ol style="list-style-type: none"> YES a. YES b. YES YES YES | <p>Public Procurement Register (https://riigihanked.riik.ee)</p> <p>Public Procurement Act (https://www.riigiteataja.ee/en/eli/505092017003/consolide)</p> <p>Competition Act (https://www.riigiteataja.ee/en/eli/517062021003/consolide)</p> <p>Information from the Ministry of Finance (https://www.rahandusministeerium.ee/et/eesmargidtegevused/riigihangete-poliitika/kasulik-teave/riigihankemaastiku-kokkuvotted; https://www.rahandusministeerium.ee/et/eesmargidtegevused/riigihangete-poliitika/kontaktid)</p> | <p>1. All public contracts above the national threshold and their procurement from funds under EU procurement law are published and executed on the central e-procurement portal "Public Procurement Register" (https://riigihanked.riik.ee) managed by the Ministry of Finance in accordance with Commission Implementing Regulation (EU) 2015/1986 of 11 November 2015. According to the Public Procurement Act, the Ministry of Finance is responsible for monitoring, reporting and consulting pursuant to Articles 83 and 84 of Directive 2014/24/EU and Articles 99 and 100 of Directive 2014/25/EU. Monitoring and reporting are based on data retrieved from the Central Public Procurement Register.</p> <p>In 2.a., the names of the successful tenderers, the indicative number of tenderers and the contract value shall be published in the public procurement register in the form of a contract award notice in accordance with Commission Implementing Regulation (EU) 2015/1986 of 11 November 2015.</p> <p>2.b. The contracting authority is under an obligation to publish, once the procurement has been completed, the contract-specific information on the final price in the public procurement register. Information on the participation of SMEs as direct tenderers is published in the scheme award notice – 100 % of e-procurement is carried out in a central procurement register.</p> <p>3. The authority responsible for state supervision (monitoring) and analysis is the Ministry of Finance. Monitoring obligations are laid down in the Public Procurement Act. 5 people and one person are responsible for the overall analysis of public procurement data.</p> <p>4. Annual overview of the activities of Ministry of Finance, incl state supervision, in the field of public procurement has to be submitted to the Government of the Republic. The overview is available on the website of the Ministry of Finance (https://www.rahandusministeerium.ee/et/eesmargidtegevused/riigihangete-poliitika/kasulik-teave/riigihankemaastiku-kokkuvotted). Overview of the activities carried out at 2020 was published October 5th 2021. (The website will be under reconstruction.)</p> <p>5. Section 57 of the Competition Act gives the Competition Authority the right to request all state agencies and local governments and the officials thereof to submit information necessary for analysing the competitive situation, defining a goods market, inspecting an agreement, activity or decision, and ect. Ministry of Finance has an informal agreement with the Competition Authority on the exchange of information about public procurements. The Public Procurement Act provides that if facts brought to light during supervision may give rise to a suspicion of an offence other than the misdemeanour provided for in Sections 213-215 of the Public Procurement Act, or which has the characteristics of a possible case of corruption, the Ministry of Finance shall inform the investigating authority or the public prosecutor's office of facts known to it. The Competition Authority is an investigating authority in this sense and competent authority to exercise state and administrative supervision over implementation of Competition Act (see § 54), it has to be informed about any offences of the competition regulation.</p> <p>At the website of Ministry of Finance (https://www.rahandusministeerium.ee/et/eesmargidtegevused/riigihangete-poliitika/kontaktid) there is indicated that in case of doubt about the possible anti-competitive co-operation of the undertakings, the Competition Authority has to be informed. At FAQ (https://www.rahandusministeerium.ee/et/kkk/1023, p 6) there is recommendation to consult with the Competition Authority if anyone has questions about prohibited agreements having an object or effect which distorts competition.</p> | <p>1. Public contracts above the national threshold and procurement under EU procurement law are published and executed on the central e-procurement portal "Public Procurement Register" managed by the Ministry of Finance (MoF) in accordance with Reg (EU) 2015/1986. MoF is responsible for monitoring, reporting and consulting pursuant to Art 83 and 84 of EU 2014/24 and Art 99 and 100 of EU 2014/25. Monitoring and reporting are based on data retrieved from the Central Public Procurement Register.</p> <p>2.a. the names of the successful tenderers, the indicative number of tenderers and the contract value shall be published in the public procurement register in the form of a contract award notice in accordance with Commission Reg EU 2015/1986.</p> <p>2.b. After completion of procurement, the contracting authority will publish the contract-specific information on the final price in the public procurement register. Information on the participation of SMEs as direct tenderers is published in the scheme award notice – 100 % of e-procurement is carried out in a central procurement register.</p> <p>3. The authority responsible for state supervision (monitoring) and analysis is the Ministry of Finance. Monitoring obligations are laid down in the Public Procurement Act. 4 people and one person are responsible for the overall analysis of public procurement data.</p> <p>4. According to the Public Procurement Act § 180 p 7 Ministry of Finance submits once a year to the Government of the Republic an overview of the public procurement policymaking, advisory and training activities, state supervision and the activities of the public procurement register. The yearly overview is published at website of Ministry of Finance (https://www.rahandusministeerium.ee/et/eesmargidtegevused/riigihangete-poliitika/kasulik-teave/riigihankemaastiku-kokkuvotted).</p> <p>5. According to PPA in case of a suspicion of an offence which has the characteristics of a possible case of corruption, the Ministry of Finance shall inform the investigating authority or the public prosecutor's office. The Competition Authority is also an investigating authority and administers supervision over implementation of Competition Act § 54, it has to be informed about any offences of the competition regulation.</p> <p>MOF webpage indicates that in case of doubt of possible anti-competitive co-operation, the Competition Authority has to be informed.</p> |
| Effective application and implementation of the EU Charter | YES | <p>Effective mechanisms are in place to ensure compliance with the Charter of Fundamental Rights of the European Union, including:</p> <ol style="list-style-type: none"> arrangements to ensure compliance and implementation of programmes supported | <ol style="list-style-type: none"> YES YES | <ol style="list-style-type: none"> Constitution of the Republic of Estonia (https://www.riigiteataja.ee/akt/115052015002) | <p>1. Estonia has a mechanism established through national law and international agreements to ensure respect for human rights, including the Charter of Fundamental Rights of the European Union. Estonia has a monist legal system and the provisions of international instruments will become binding in the national legal order if ratified. If Estonian laws or other acts are incompatible with an international treaty ratified by the Riigikogu, the</p> | <p>1. National law and international agreements ensure respect for human rights, including the EU Charter of Fundamental Rights.</p> |

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| of Fundamental Rights | | by the Funds in accordance with the relevant provisions of the Charter; | | <p>Act on the Implementation of the Cohesion and Internal Security Policy Funds 2021-2027 (in force 21.03.2022) https://www.riigiteataja.ee/akt/111032022001</p> <p>Estonia 2035 (in force 12.05.2021) https://valitsus.ee/strateegia-eeesti-2035-arengukavad-ja-planeering/strateegia/materjalid</p> <p>United Nations, Common Basic Document as part of the State Parties' Reports – Estonia https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRI%2fCORE%2fEST%2f2015&Lang=en</p> | <p>provisions of the international treaty apply (United Nations, common basic instrument which forms part of the reports of the States Parties – Estonia, 2016).</p> <p>Human rights are protected by the Constitution and by sector-specific specific legislation. All state institutions (legislative, executive or judicial) are obliged to respect human rights (Article 14 of the Constitution). The terms used in the Constitution allow universal and open use through laws and regulations implementing human rights. Human rights laws are given greater attention and are subject to more scrutiny – they can only be adopted and amended by a majority of parliamentarians. Laws are promulgated by the President and the President may, in specific circumstances, apply to the Supreme Court for a declaration that the Act is unconstitutional. Regulations are adopted by the Government of the Republic of Estonia and government ministers. All regulations must comply with the law.</p> <p>Among others Section I of the Charter (dignity, § 1-5) in the Constitution of the Republic of Estonia § 10, 17, 18, 20, 29. Section II (freedoms, § 6-19) Constitution § 20, 26, 27, 29, 31, 32, 36-38, 40, 41, 43, 47, the Personal Data Protection Act and the Act on Granting International Protection to Aliens. Section III (equality, § 20-26) § 12 and 28 of the Constitution, the Equal Treatment Act, the Gender Equality Act. Title IV (solidarity, § 27-38), § 27-29 of the Constitution, Employment Contracts Act. Title V (citizens' rights, § 39-46), § 3, 12, 34, 44, 46 of the Constitution, Administrative Procedure Act.</p> <p>The Chancellor of Justice is an operationally independent public officer who oversees the conformity of legislative acts of the legislative, executive and local self-government powers with the Constitution and laws of the Republic of Estonia. The main constitutional duty of the Chancellor of Justice is to ensure that laws and regulations are compatible with the Constitution and comply with other laws. The Chancellor of Justice shall take into account the proposals submitted to him concerning amendments to the Acts, the adoption of new Acts and the work of government bodies and, where appropriate, inform the Riigikogu of his views.</p> <p>The Chancellor of Justice performs the functions of the National Human Rights Institution (NHRI) in Estonia.</p> <p>The Chancellor of Justice ensures that public authorities and officials in public functions do not violate the constitutional rights and freedoms of people, laws and other legislative acts and good administration; Persons detained shall not be subjected to degrading, cruel or inhuman treatment.</p> <p>The Chancellor of Justice also acts as an Ombudsman for Children. The Chancellor of Justice is responsible for protecting and promoting children's rights. The Office of the Chancellor of Justice (Chancellor of Justice) has a section on children's and young people's rights to carry out the tasks of the Ombudsperson for Children.</p> <p>The Gender Equality and Equal Treatment Commissioner monitors compliance with the requirements of the Equal Treatment Act and the Gender Equality Act (https://volinik.ee). The Gender Equality and Equal Treatment Commissioner has been mandated to monitor the implementation of gender equality and equal treatment rights in Estonia. The Commissioner is an independent and impartial specialist who acts independently, monitors compliance with the requirements of the Gender Equality Act and the Equal Treatment Act. The Commissioner receives individual statements and issues opinions on possible cases of discrimination; Advises and assists individuals in making complaints about discrimination, analyses the impact of legislation on the situation of both women and men and minorities in society; Propose legislative amendments to the Government of the Republic, government agencies, local governments and their subordinate bodies; Advise and inform the Government of the Republic, government bodies and local government bodies on issues related to the implementation of the Gender Equality Act and the Equal Treatment Act; Implements measures to promote gender equality and equal treatment, and also publishes reports on the implementation of the principles of gender equality and equal treatment (UN, Common Basic Document as part of the State Parties' Reports – Estonia, 2016).</p> <p>Other relevant authorities: —Human Rights Information Centre (http://www.lichr.ee/home/?lang=et) —Estonian Centre for Human Rights https://humanrights.ee/et/ —Institute of Human Rights (NGO) https://www.humanrightsestonia.ee.</p> <p>The principles of the Charter are integrated into the basic principles and strategic objectives of the Estonia 2035 strategy. List of indicators related to strategic objectives: Estonia 2035 indicators.</p> | <p>EU Charter is respected in strategies, development plans, project selection criteria and measure-specific acts. The institutions involved in the protection of FR are members of monitoring committee and involved in monitoring and implementation of the ISF/AMIF/BMVI. The selection criteria for projects include the horizontal principles set out in Art 9 of CPR. Applicants and beneficiaries are guided how to respect the principles of the EU Charter.</p> |

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| | | 2. reporting to the monitoring committee on cases of non-compliance with the Charter of operations supported by the Funds. | | 2. Chancellor of Justice https://www.oiguskantsler.ee/en | <p>Several sectoral partners were involved in the development of the Estonia 2035 strategy(https://www.riigikantselei.ee/et/valitsuse-toetamine/strateegia-eesti-2035/kontakt-ja-osalus), including the Gender Equality Commissioner (https://epikoda.ee) and the Estonian Chamber of Disability, who are also members of the monitoring committee.</p> <p>According to § 48 (1) – (3) of the Act on the Implementation of the Cohesion and Internal Security Policy Funds 2021-2027, the Managing Authority (the Ministry of the Interior) centrally coordinates and monitors how the support enables to maintain the base principles of the strategy "Estonia 2035" (including the values of the Charter) and contributing to the achievement of goals.</p> <p>The practical steps and procedures to implement the Charter are written down in the Guide to drawing up the conditions for granting support and they are as follows:</p> <ol style="list-style-type: none"> a) A mapping of the coverage of requirements of the Charter of Fundamental Rights and the Convention on the Rights of Persons with Disabilities in the Constitution and national law has been carried out and a checklist has been developed as part of the Guide. The checklist gives the thorough overview of all the articles, their main content and indicates where more thorough analysis is required. b) While drafting the conditions for granting the support the Ministry of the Interior in cooperation with relevant ministries shall make an analysis on how they can contribute to maintaining the base principles of the strategy "Estonia 2035" and contribute to respective objectives. The analysis includes going through the checklist with the articles of the Charter and this shall be part of the consultation with the Equality Competence Centre in the Ministry of Social Affairs (Section III of the Charter and CRPD), and the Ministry of Environment (Article 37 of the Charter). The ministry responsible for drafting the respective conditions for support is responsible for the general Articles of the Charter covered primarily by the Constitution and if the ministries see that there is the slightest possibility that any of the rights may be disrespected, they shall set additional requirements into the conditions for support. c) When the applicants submit the applications, they must comply with the requirements of the conditions of support, including possible additional requirements related to Charter and they also shall confirm that they act in good faith and in accordance with the provisions of the Constitution of the Republic of Estonia, the Charter of Fundamental Rights and CRPD. Thus, the conditions for support are drafted in a way that there would not be any violation cases regarding Charter and additional confirmation is required from applicants that they would respect the fundamental rights of all persons. <p>The requirement of compliance with the Charter is foreseen in the horizontal project selection criteria.</p> <p>The role of the Equality Competence Centre of the Department of Equality Policies of the Ministry of Social Affairs is to advise and train the Managing Authority on gender mainstreaming, non-discrimination and accessibility for people with special needs in the planning, implementation, monitoring and evaluation process of programmes and projects (related Articles 21, 23, 25 and 26 of the Charter of Fundamental Rights of the European Union). The Competence Centre also advises the Managing Authority on the preparation and conduct of open calls for proposals. It ensures fulfillment of requirements and opportunities to promote gender equality and ensure equal treatment during the approval process of the conditions for granting the support.</p> <p>The Ministry of Environment shall consult the Ministry of the Interior on article 37 of the Charter.</p> <p>The Ministry of the Interior shall provide consultations on other base principals of the Charter which are mostly covered with Constitution, national law as well as international treaties.</p> <p>2. Every person in Estonia has the right and the possibility to turn to the Chancellor of Justice, the Commissioner for Equality, or the Labour Disputes Committee.</p> <p>The monitoring committee includes partners who monitor the implementation of the Charter and whose task is to present the consolidated vision and, if necessary, problems in</p> | 2. Monitoring committee (MC) consists of partners who monitor compliance with the Charter and present a consolidated vision and, where appropriate, problems in their field to the MC eg Gender Equality and Equal Treatment |

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| | | | | <p>The Ombudsman for Children http://lasteombudsman.ee/et/welcome</p> <p>Equal Treatment Act https://www.riigiteataja.ee/akt/106072012022</p> <p>Gender Equality Act https://www.riigiteataja.ee/akt/126042013009</p> | <p>their field to the monitoring committee (e.g. the Commissioner for Gender Equality and Equal Treatment and the Estonian Chamber of Disabled People). Upon request of the partner overseeing the implementation of the Charter, discussion point shall be added to the agenda. In accordance with the working procedures of the monitoring committee, which are approved at the first meeting, the representative of the Chancellor of Justice shall, if necessary, give an overview of the complaints submitted to him/her where the activities supported by the funds did not comply with the Charter or the UN Convention on the Rights of Persons with Disabilities. The Secretariat of the Monitoring Committee shall make a request to the Chancellor of Justice before the meeting and, in the case, there are complaints, the discussion point shall be added to the agenda. The monitoring committee has an e-mail address through which all members of the monitoring committee can open a discussion or propose the inclusion of discussion points to the agenda.</p> <p>The reporting arrangement are fixed in the Rules of procedures of the Monitoring Committee of the AMIF, ISF and BMVI Programmes, which will be agreed on by the decision of the Monitoring Committee in the first meeting which will be held no later than at the beginning of September.</p> <p>The Rules of Procedure shall state that the Secretariat of the Monitoring Committee shall make a request to the Chancellor of Justice at least 1 week before the draft agenda of the Monitoring Committee is sent to the members of the committee. The query specifies whether complaints have been made to the Chancellor of Justice about violations of fundamental rights related to the Cohesion Policy Funds implementation. In the event of complaints, a discussion point shall be added to the agenda of the meeting enabling decision on possible additional follow-up activities (in addition to those decided by the Chancellor of Justice) if deemed necessary by the members of the Monitoring Committee. In addition, the members of the Monitoring Committee whose area of competence are among other Articles 20-26 of the Section III, CRPD or Article 37 of the Charter shall inform the Chairman of the Monitoring Committee of the need to discuss the problems raised by their members, which might not be submitted as formal complaints to the Chancellor of Justice but are nevertheless essential to be taken into account and discussed as well follow-up actions decided. The members of the Monitoring Committee will be informed in the first monitoring committee meeting of their role and expectations to enable information exchange and effective reporting of the possible violation cases. The organizations shall be listed in the procedures – the Estonian Chamber of Disabled People and the Gender Equality and Equal Treatment Commissioner.</p> | <p>Commissioner, EE Chamber of Disability, Chancellor of Justice, etc.). MC members will be able to open the debate or to add the points to the agenda of the MC agenda in case the activities supported by AMIF, ISF and BMVI do not comply with the Charter, including in case of any doubt that, despite all the procedural requirements in place, there may be non-compliance with the Charter.</p> |
| <p>Welfare Development Plan 2016-2023 https://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/welfare_development_plan_2016-2023.pdf</p> <p>Social security programme https://www.sm.ee/sites/default/files/lisa_5_sotsiaalkindlustuse_programm.pdf</p> <p>Welfare programme</p> | <p>YES</p> | <p>A national framework is in place to ensure the implementation of the CRPD, which includes:</p> <ol style="list-style-type: none"> objectives, data collection and monitoring mechanisms with measurable results; | <ol style="list-style-type: none"> YES YES YES | | <ol style="list-style-type: none"> objectives, data collection and monitoring mechanisms with measurable results. <p>Ensuring the protection of the rights of people with disabilities is divided between different strategies. The strategy for the protection of the rights of persons with disabilities is set out in the "Welfare Development Plan 2016-2023". The challenges, policies and relevant indicators facing the target group are described in the programmes of the same strategy. The requirements of the UN CRPD are also covered by the strategy "Estonia 2035". At the beginning of 2023, the "Welfare Development Plan 2023-2030" will be approved, which will cover the requirements of the UN CRPD in its entirety. Statistics Estonia collects statistics on the situation of disabled people through the Estonian Social Survey, the Estonian Labour Force Survey, the Working Life Survey and the Household Budget Survey and the corresponding studies on health, ageing and pension. The Ministry of Social Affairs publishes regular social welfare statistics and, if necessary, conducts surveys.</p> <p>For example, in the "Welfare programme 2020-2023" the indicator is the proportion of people with disabilities of working age who receive public care or non-institutional services supporting independent living at home and institutional care around the clock. The Ministry of Social Affairs collects data on recipients of services from service providers and local authorities on an annual basis. The social security programme monitors the following indicators: The at-risk-of-poverty rate for persons with disabilities and the impact of disability benefits on reducing the at-risk-of-poverty rate for persons with disabilities (aged 18-64).</p> <p>One of the tasks of the Statistical Office's work programme is the collection of statistical data on the situation in the field of persons with disabilities. Therefore, where possible, data</p> | <ol style="list-style-type: none"> Welfare Development Plan sets policy to protect the rights of persons with disabilities and describes challenges and indicators. The Social Security Programme provides solutions to modernise disability benefits and services system. The Care Programme focuses on improving access to and quality of social services, developing services that involve people in society and protecting fundamental rights. Statistics on the situation of persons with disabilities are collected by Statistics Estonia. The Ministry of Social Affairs publishes regular statistics and carries out studies. |

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| <p>https://www.sm.ee/sites/default/files/lisa_4_hoolekandeprogramm_2020_2023.pdf</p> <p>Gender equality programme</p> <p>https://www.sm.ee/sites/default/files/lisa_6_soolise_vordoiguslikkuse_programm.pdf</p> <p>„Estonia 2035“</p> <p>https://valitsus.ee/strateegia-eeesti-2035-arengukavad-ja-planeering/strateegia/materjalid</p> <p>2. Act on the Implementation of the Cohesion and Internal Security Policy Funds 2021-2027 (in force 21.03.2022)</p> <p>https://www.riigiteataja.ee/akt/111032022001</p> <p>General conditions for the allocation and use of</p> | | <p>2. Measures to ensure that accessibility policies, legislation and standards are duly taken into account in the design and implementation of programmes.</p> | | | <p>collected from individuals shall be linked to data on persons with disabilities and, where possible (depending on the sample size of the survey), the data will be published in the Statistical Office’s database. Dashboard with indicators of the Welfare Development Plan.</p> <p>Information on people with disabilities is collected by the Social Insurance Board, which is responsible for determining the disability of children, people of working age and retired people. The Social Insurance Board has data on the severity, type and diagnosis of the disability.</p> <p>The Ministry of Social Affairs has also carried out specific studies focusing on families with a disabled child or adults with disabilities. These studies have been carried out to gather information on the use of different services, problems encountered, etc.</p> <p>The promotion of the rights of persons with disabilities in line with the principles of the Convention is integrated into a number of development plans and strategies e.g. the Estonia 2035 Strategy, the “Health Development Plan 2016-2023”.</p> <p>The challenges faced by the target group and the treatment of policy instruments are explicitly described in the sub-objective 3 of the Welfare programme, which focuses directly on improving access to and quality of social services, developing services that involve people in society and protecting fundamental rights. The programme also includes appropriate indicators which are regularly monitored.</p> <p>On 13 June 2018, the Estonian Parliament adopted the Act supplementing the Chancellor of Justice Act (https://www.riigiteataja.ee/akt/103072018014), the purpose of which was to define the institution of the Chancellor of Justice within the framework of the tasks referred to in Article 33(2) of the Convention on the Rights of Persons with Disabilities to promote, protect and monitor the implementation of the Convention. The amendment (Paragraph 1(10)) entered into force on 1 January 2019. The Chancellor of Justice is an independent official who checks the conformity of legislation with the Constitution of the Republic of Estonia and the laws of the Republic of Estonia. Its tasks include, for example, monitoring the conformity of legislation with international treaties and resolving discrimination disputes between private parties arising under the Constitution and other laws. In recent years, the Office of the Chancellor of Justice has stepped up its oversight of institutions where persons with disabilities may be deprived of their freedom, in particular in specialised care homes and psychiatric clinics.</p> <p>The current national framework covers the implementation of the UNCRPD in its entirety. Estonia’s approach is to integrate the UNCRPD implementation into its national legislation, strategies and action plans. Welfare Development Plan 2016-2023 will be followed by a new Welfare Development Plan 2023-2030, currently being drafted, which will as well cover the UNCRPD in its entirety. Also the Estonia 2035 plan, what is at the same time a UN Agenda 2030 tool, is backing up UNCRPD requirements, having been drafted with open consultation with stakeholders, including the Estonian network of DPO-s.</p> <p>To be certain that the UN CRPD is covered in its entirety the verification was made, a mapping of the coverage of requirements of the Convention on the Rights of Persons with Disabilities in the Constitution and national law and a checklist has been developed as part of the Guide for drafting the conditions for support. The checklist gives the overview of all the articles, their main content and indicates where more thorough analysis is required, same approach as with the articles of the Charter of Fundamental Rights.</p> <p>2. Accessibility within the meaning of Article 9 of the UNCRPD is the strategic objective and fundamental principle of the national long-term development strategy "Estonia 2035" – “the living environment is secure and public space planning gives priority to solutions that promote safe and health-friendly behaviours that ensures accessibility.” These objectives act as principles at horizontal level within the meaning of Article 9 of the regulation (EU) 2021/1060 and are therefore covered throughout the implementation process.</p> <p>According to § 48 (1) – (3) of the Act on the Implementation of the Cohesion and Internal Security Policy Funds 2021-2027, the Managing Authority (the Ministry of the Interior) centrally coordinates and monitors how the support enables to maintain the base principles of the strategy "Estonia 2035" (including the values of the Charter) and contributing to the achievement of goals.</p> <p>The Equality Competence Centre in the Ministry of Social Affairs verifies that during the implementation of the funds the UN CRPD requirements are followed. The Equality Competence Centre, as an advisory and training unit, advises the Managing Authority on how to take into account accessibility requirements and equal opportunities aspects for</p> | <p>2. A comprehensive accessibility policy was developed in 2019 by Government’s Task Force on Accessibility. The Ministry of Social Affairs is the national coordinator and promoter of accessibility for all sectors: supporting the work of the Accessibility Council, commissioning analyses and studies, coordinating the transposition of the Accessibility Directive (EU) 2019/882. The Equality Competence Centre provides advice and monitors compliance with requirements of accessibility and equal opportunities.</p> |

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| <p>Cohesion and Internal Security Policy Funds 2021-2027 (in force 20.05.2022)</p> <p>https://www.riigiteataja.ee/akt/117052022013</p> <p>Accessibility Council (https://www.sm.ee/et/ligipaasetavuse-noukogu)</p> <p>Task Force on Accessibility https://www.riigikantselei.ee/ligipaasetavus</p> <p>TTJA https://www.ttja.ee/ariklient/ehitised-ehitamine/ligipaasetavus</p> <p>Requirements for the specific needs of persons with disabilities for the building(https://www.riigiteataja.ee/akt/131052018055)</p> <p>Accommodation requirements (https://www.riigiteataja.ee/akt/103072015034?l=eiaKehtiv)</p> <p>Studies</p> | | | | | <p>persons with disabilities in programmes and projects and evaluates compliance with these requirements when the conditions for support are drafted.</p> <p>To develop a comprehensive accessibility policy, the Accessibility Task Force was established by the Government of the Republic in 2019. Its policy recommendations are duly followed through. The accessibility agenda has been strengthened. Monitoring of the accessibility of the built environment, access to information, access to goods and services is in addition to the Competence Centre a task for the Consumer Protection and Technical Regulatory Authority.</p> <p>Accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes, being in compliance with the UN CRPD, anti-discrimination law on the grounds of disability as this is required by the legislation.</p> <p>While drafting the conditions for granting the support the Ministry of the Interior in cooperation with relevant other ministries shall make an analysis on how it can contribute to maintaining the base principles of the strategy "Estonia 2035" including accessibility and contribute to the objectives set. The analysis includes going through the checklist with the articles of the CRPD and the result of the self-assessment shall be part of the consultation with the Equality Competence Centre in the Ministry of Social Affairs who according to the Act on the Implementation of the Cohesion and Internal Security Policy Funds 2021-2027, § 7 (3) is responsible for the central coordination of these aspects as this is their field of responsibility among other aspects in the domain of social affairs.</p> <p>The Ministry of the Interior responsible for drafting the respective conditions for support is responsible for the general Articles of the CRPD covered primarily by the Constitution and national law. When the applicants submit the applications, they must comply with the requirements of the conditions of support, including possible additional requirements related to the CRPD and they also shall confirm that they act in good faith and in accordance with the provisions of the Constitution of the Republic of Estonia, the Charter of Fundamental Rights and CRPD. Thus, the conditions for support are drafted in a way that there would not be any violation cases regarding the CRPD and additional confirmation is required from applicants that they would respect the rights of persons with disabilities.</p> <p>In 2018, the following regulations entered into force: "Requirements for buildings arising from the special needs of disabled persons" "Requirements for dwellings". As of 1 January 2019, the Consumer Protection and Technical Regulatory Authority will exercise state supervision over the application of the regulations. The Technical Regulatory Authority supervises the accessibility of the physical environment and is also planned to supervise the EU Accessibility Directive (EU) 2019/882.</p> <p>The Ministry of Social Affairs is the national coordinator and promoter of accessibility for all sectors. The Ministry has been actively involved in promoting and coordinating accessibility by supporting the work of the Accessibility Council, which brings together the various stakeholders in the relevant ministries, representatives of the private sector and representative organisations of persons with disabilities. The Ministry of Social Affairs also coordinates the transposition of the Accessibility Directive (Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services). The Accessibility Directive focuses on empowering persons with disabilities to enable them to participate fully and effectively in society on an equal basis with others, although it also benefits persons with functional limitations. The Directive requires that laws, regulations and administrative provisions was transposed into national law that entered in force on 28 June 2022.</p> <p>A support structure (Equality Competence Centre) was set up in 2015 to provide further support to policy makers and promoters in gender mainstreaming and to ensure non-discrimination (including accessibility) in the design, implementation, monitoring and evaluation process of programmes and projects under the European Structural and Investment Funds (ESF, ERDF, CF). As of 2021-2027 period the Equality Competence Centre provides the same type of support for AMIF, ISF and BMVI projects. The Centre has published a wide range of information materials, including thematic factsheets and guidelines, and organised training sessions for implementing bodies, intermediate bodies and applicants for funding to raise awareness of accessibility and inclusion of persons with disabilities.</p> <p>The Ministry of Social Affairs carried out an analysis of the accessibility of public transport stops throughout Estonia. The results give an overview of some of the major intersections and the associated public transport stops, together with the necessary cost calculations for the necessary adjustments. Report (https://www.sm.ee/sites/default/files/transpordi_ja_tehiskeskonna_analys.pdf) and</p> | |

| Prerequisites | Fulfilment of ex-ante conditionality | Criteria | Fulfilment of criteria | Reference to the relevant documents [500 characters] | Justification (long) | Text with reduced characters in SFC [1000 characters] |
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| | | <p>3. Actions to report to the monitoring committee on cases where activities supported by the Funds do not comply with the UN Convention on the Rights of Persons with Disabilities and complaints under that Convention submitted in accordance with the procedure set out in Article 69(7).</p> | | | <p>factsheet (https://www.sm.ee/sites/default/files/transpordi_ja_tehiskeskonna_ligipaasetavuse_an_aluus_faktileht.pdf) of the study.</p> <p>To increase access to assistance for people with disabilities, the Emergency Response Centre has developed an SMS-112 service. It allows people with hearing and speaking disabilities to send SMS messages free of charge when they need rescue personnel, ambulances or police assistance. A user account must be created to use the service. For target groups, information and awareness-raising on such an opportunity has been organised in cooperation with representative non-governmental organisations.</p> <p>In launching and implementing awareness-raising activities, specific efforts have been made to ensure accessibility, thereby making the campaigns accessible to people with visual and hearing impairments. The preparation of the campaigns has been carried out in close cooperation with representative organisations to involve persons with disabilities already in the preparation phase. The campaigns have also successfully involved people with disabilities as spokespersons. Using people as genuine spokespersons has helped the public to communicate with and improve the effectiveness of campaign messages. Consultations and cooperation with relevant representative organisations have taken place in the preparation and implementation of thematic analyses and studies.</p> <p>Anyone with accessibility problems has the right and the opportunity to contact the Gender Equality and Equal Treatment Commissioner (anonymously if necessary). The website is adapted for visually impaired people and information is available in five languages. Every person also has the right to contact the Chancellor of Justice via a website, e-mail, phone, etc. The website is adapted for visually impaired people and information is available in three languages.</p> <p>All persons who have reached a statutory voting age have the same right to vote and to vote in elections or to stand as a candidate. According to the Riigikogu Election Act (https://www.riigiteataja.ee/akt/1045561), all voters entitled to vote must be able to vote in the manner they choose: At a polling station, electronically or at home. As a general rule, voters vote independently, but voters who wish or need assistance in completing a ballot paper have the right to receive assistance from anyone who does not stand as a candidate in a given constituency. The Riigikogu Selection Act also requires the application of electronic voting to support visually impaired persons.</p> <p>Polling stations are located in public buildings in Estonia, which must meet the requirements of the Regulation of the Minister for Enterprise and Information Technology on the basis of the Building Code "Requirements for buildings arising from the special needs of persons with disabilities".</p> <p>The National Electoral Service provides information on its website for people with special needs, including information on which polling stations are fully accessible to wheelchairs or persons with a baby carriage.</p> <p>In Estonia, all persons also have the right to vote electronically, which means that they are allowed to vote in any place where there is an online service. The requirements governing electronic voting (Section 483(5) of the Assembly Electoral Act) also require that a vote must support visually impaired persons and that this requirement must be met in practice in such a way that visually impaired persons can exercise their voting rights without assistance.</p> <p>3. As of 1 January 2019, the Chancellor of Justice performs the tasks of promoting, protecting, and monitoring the implementation of the UN CRPD. In 2019, the Council of Persons with Disabilities was established at the Chancellor of Justice with the aim of advising the Chancellor of Justice on the promotion, protection, and supervision of the rights of persons with disabilities. The Council has been set up based on Article 33(3) of the UN CRPD.</p> <p>In accordance with the working procedures of the monitoring committee, which are approved at the first meeting, the representative of the Chancellor of Justice shall, if necessary, give an overview of the complaints submitted to him where the activities supported by the funds did not comply with the UN CRPD.</p> <p>A member of the monitoring committee (e.g. Estonian Chamber of Disabled People, the Commissioner for Gender Equality and Equal Treatment) may make a proposal to the chairman of the monitoring committee to convene a monitoring committee or add an additional item on the agenda should there be a case where activities supported by the funds do not comply with the UN Convention on the Rights of Persons with Disabilities.</p> | <p>3. Chancellor of Justice and Disability Council (DC) promote, protect and monitor the implementation of the CRPD. DC works on the basis of Article 33(3) of the UN Convention on the Rights of Persons with Disabilities. MC members will be able to open the debate by e-mail or to add the points to the agenda of the MC meeting should there be a case in which the activities supported by BMVI do not comply with the UN Convention on the Rights of Persons with Disabilities.</p> |

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| <p>3. Chancellor of Justice's Advisory Committee on Disability and Accessibility</p> <p>https://www.oiguskantsler.ee/et/puuetegainimesten%C3%B5ukoda</p> <p>Õiguskantsler</p> <p>https://www.oiguskantsler.ee/</p> <p>Chancellor of Justice Act (https://www.riigiteataja.ee/akt/12788991?leiaKehativ)</p> | | | | | <p>The Member State (Ministry of Interior) also uses monitoring data and may, if necessary, initiate a discussion on the subject at a meeting of the Monitoring Committee.</p> <p>The non-compliance of different non-discrimination clauses is reported to the Concillor of Justice office. The Concillor of Justice office has an officer dedicated to the implementation of the UNCRPD and is proactively monitoring the compliance of the Estonian legislation and practices vis a vis the UNCRPD.</p> <p>The AMIF, ISF and BMVI monitoring committee meets at least once a year and the Chancellor of Justice office is reporting its findings in case there are any linked to EU funds implementation. If needed ad-hoc meetings will be held.</p> <p>The reporting arrangement are fixed in the Rules of procedures of the Monitoring Committee of the AMIF, ISF and BMVI Programmes, which will be agreed on in first meeting of the Monitoring Committee in the beginning of September the latest.</p> <p>The Secretariat of the Monitoring Committee shall make a request to the Chancellor of Justice at least 1 week before the draft agenda of the Monitoring Committee is sent to the members of the committee. The query specifies whether complaints have been made to the Chancellor of Justice about violations of fundamental rights, including the rights of persons with disabilities, which are related to the AMIF, ISF and BMVI implementation. In the event of complaints, a discussion point shall be added to the agenda of the meeting enabling decision on possible additional follow-up activities if deemed necessary by the members of the Monitoring Committee. In addition, the members of the Monitoring Committee whose area of competence are among other Articles 20-26 of the Section III of the Charter and UN CRPD shall inform the Chairman of the Monitoring Committee of the need to discuss the problems raised by their members, which might not be submitted as formal complaints to the Chancellor of Justice but are nevertheless essential to be taken into account and discussed. The members of the Monitoring Committee shall be informed in the first monitoring committee meeting of their role and expectations to enable information exchange and effective reporting of the possible violation cases. The organizations to whom the invitation to appoint the member to the Monitoring Committee was sent will be listed in the procedures – the Estonian Chamber of Disabled People, the Gender Equality and Equal Treatment Commissioner.</p> | |