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Ministerio
de Justicia
y Derechos Humanos

High-Level Multisectoral Commission in charge
of monitoring the actions and policies of the
State in the areas of Peace, Reparation
Collective and National Reconciliation

COMPREHENSIVE REPAIR PLAN

Law No. 28592

GENERAL GUIDELINES OF THE
COLLECTIVE REPARATIONS PROGRAM

EXECUTIVE SECRETARIAT - CMAN

Lima, May 2012



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List of Abbreviations

CMAN : High Level Multisectoral Commission

CVC : Community Management and Surveillance Committee

CVR : Truth and Reconciliation Commission

MEF : Ministry of Economy and Finance

MINJUS: Ministry of Justice and Human Rights

ARE YOU : Executing Agency

OPI : Office of Programming and Investments

PIP : Public Investment Project

THE BRIDGE : Comprehensive Reparations Program

PRC : Collective Reparations Program

SE-CMAN : Executive Secretariat of the High-Level Multisectoral Commission

SNIP : National Public Investment System



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1. INTRODUCTION

With Supreme Decree No. 102-2011-PCM, the High-Level Multisectoral Commission in charge of monitoring the actions and policies of the State in the areas of peace, collective reparation and National reconciliation (CMAN) is transferred from the Presidency of the Council of Ministers to the Ministry of Justice and Human Rights, with which the processes and procedures that had been used in the Collective Reparations Program had to be reviewed.

This transfer, in turn, served to carry out a real analysis of the Program based on a review of the existing documentation and the projects financed; of the contributions of the Regional Offices of the CMAN and of the experiences, suggestions and denunciations of diverse communities benefited by the PRC.

In the analysis carried out, various problems related mostly to the misinformation of the population about the PRC were found; to the lack of transparency of the Executing Agencies; to the lack of follow-up and control of the executed projects and to the little evaluation capacity that had been maintained until then. In this sense, it has been decided to modify and update the general guidelines of the collective reparations program where the following has been sought:

- a) Update the processes and procedures of the PRC before the MINJUS;
- b) Strengthen the capacities of the Community Surveillance Committees seeking to these are a vital part in the execution of the project;
- c) Assign and strengthen responsibility for the review and evaluation of projects by part of SE-CMAN;
- d) Clearly define the types of projects that can be executed within the framework of the PRC;
- e) Strengthen the control and monitoring system of the projects financed by the CMAN.

These guidelines constitute the basis of the Guide for the preparation of technical files; the guide for the elaboration of project settlements and the orientation guide for the selection of collective reparation projects in the communal assemblies.



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2 GENERAL ASPECTS

2.1 Background

The High-Level Multisectoral Commission in charge of monitoring the actions and policies of the State in the areas of peace, collective reparation and national reconciliation, hereinafter CMAN, is the body attached to the Ministry of Justice and Human Rights, in charge, as its name indicates, of the coordination and follow-up of the actions and policies of the State in the areas of peace, collective reparation and national reconciliation.

Likewise, in compliance with article 8 of Law No. 28592, Law that creates the Comprehensive Reparations Plan – PIR, the CMAN is the body in charge of preparing the programs of the Comprehensive Reparations Plan and its coordination and supervision.

The Collective Reparations Program – PRC is one of the components of the Comprehensive Reparations Plan created by Law No. 28592 and its Regulations. It has been coordinated since 2007 by the Executive Secretariat of the CMAN.

This document establishes the general guidelines that regulate the process of collective reparations for the selected communities or population centers.

2.2 Purpose of the Guidelines

The guidelines are intended to regulate the application of modalities b) and d) of numeral 2.4 of this document.

2.3 Base legal

- a) Supreme Decrees No. 065-2001-PCM that creates the Truth Commission and Supreme Decree No. 101-2001-PCM that modifies the name of the Truth Commission for that of the Truth and Reconciliation Commission
- b) Supreme Decree No. 011-2004-PCM creating the CMAN, modified by Decree Supreme Decree No. 024-2004-PCM and Supreme Decree No. 031-2005-PCM.
- c) Supreme Decree No. 062-2004-PCM approving the Program Framework for State action in matters of peace, reparation and national reconciliation.



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- d) Supreme Decree No. 047-2005-PCM, which approved the 2005-2006 Multiannual Programming of the Comprehensive Reparations Plan and charges the CMAN with the coordination and monitoring of the execution of the Comprehensive Reparations Plan.
- e) Law No. 28592 that creates the Comprehensive Reparations Plan – PIR.
- f) Supreme Decree No. 015-2006-JUS approving the Regulations of Law No. 28592.
- g) Law No. 27806 Law on transparency and access to public information.

2.4 Modalities of the PRC

According to the Regulations of the Comprehensive Reparations Plan, the modalities of the Collective Reparations Program are:

- a) Institutional consolidation, which includes the incorporation of actions to support the legal reorganization of communities, the establishment of local authorities and powers, training in Human Rights, prevention and resolution of internal and intercommunal conflicts, based on a diagnosis participatory social process that helps identify the necessary actions, within a rights approach that prioritizes education for peace and the construction of a culture of peace.
- b) Recovery and reconstruction of economic-productive and commercial infrastructure, and the development of human capacities and access to economic opportunities.
- c) Support for the return, resettlement and repopulation, as well as for the populations displaced as a result of the process of violence.
- d) The recovery and expansion of infrastructure for basic services of education, health, sanitation, rural electrification, recovery of communal heritage and others that the group can identify.

2.5 Beneficiaries

According to Law No. 28592, article 7, the following are collective beneficiaries of the PIR:

- a) Peasant, native communities and other population centers affected by violence, which present certain characteristics such as: concentration of individual violations, razing, forced displacement, breakdown or cracking of communal institutions, loss of family infrastructure and/or loss of infrastructure communal.
- b) The organized groups of non-returning displaced persons, coming from the affected communities in their places of insertion.



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3 ACTORS AND ROLES

3.1 Executive Secretariat of the High-Level Multisectoral Commission

The SE-CMAN is the support body of the CMAN for the fulfillment of its functions.

In the specific case of the Collective Reparations Program, it is responsible for:

- a) Design and propose the general and specific guidelines of the PRC.
- b) Propose to the CMAN the prioritization of communities and/or population centers who will be beneficiaries of the PRC during the year.
- c) Provide technical assistance to project formulators at the profile level or technical file.
- d) Advise the beneficiary communities in the development of the Communal Assemblies for the election of projects to be financed.
- e) Evaluate and approve the technical files on collective reparation.
- f) Sign financial transfer agreements with the executing agencies.
- g) Manage financial transfers before the MINJUS for the financing of the projects.
- h) Prepare and manage the register of supervisors of collective reparation projects appointed by the Executing Agencies
- i) Monitor the execution of projects.
- j) Preside over the protocols for the initiation and delivery of works.
- k) Receive, review, evaluate and approve the liquidations of the projects presented by the executing agencies.
- l) Evaluate the impact of the projects financed within the framework of the PRC.

3.2 Repair Council

It is the collegiate body that is in charge of the Single Registry of Victims – RUV. Among others, it is responsible for:

- a) Direct the process of evaluation, qualification and accreditation of the quality of individual and collective victims and beneficiaries of the PIR and their registration in the RUV.



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- b) Accredite the victims registered in the RUV.

3.3 Community Management and Surveillance Committees

They are the bodies formed in the communities and/or populated centers in a general assembly. They are constituted once the community and/or populated center has chosen the project that will be financed by the PRC and will be made up of no less than 5 resident members of the community. Must include at least two victims of violence, to a woman and also to a member of the Self-Defense Committee if there was one.

The Management Committee will have a President, Vice President, Secretary, Treasurer and Fiscal. If there is an organization of those affected at the community level, it may accredit an additional representative who has the status of victim and who resides in the community.

The position of member of the Management Committee is ad-honorem.

Takes care of:

- a) Support and follow up on the procedures related to the formulation, evaluation, transfer of resources, execution, monitoring and supervision of PRC projects
- b) Lead community surveillance actions.
- c) Maintain direct communication with the MINJUS through the SE-CMAN.
- d) Prepare the labor register of the community.
- e) Prepare and sign the document of conformity of the final report presented by the Executing Agency.

3.4 Executing Agencies

They are public entities with the capacity to execute projects with public resources. Preferably they are the district municipalities in which the community and/or populated center beneficiary of the PRC is located. They can also be provincial municipalities or regional governments.



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The executing agencies acquire the status of such by delegation of the beneficiary communities of the PRC, under the commitment to finance the preparation of the technical file if it is an activity or profile and the technical file if it is a Public Investment Project that is framed within the National Public Investment System (SNIP) These executing agencies can co-finance their execution only if the amount exceeds one hundred thousand nuevos soles (S/.

100,000.00) In the event that another entity or the community participates in the co-financing, the Executing Agency will be responsible for it through an official letter addressed to SE CMAN, which will have the value of a sworn statement. The reference on the types of project that go through the National Public Investment System and those that are considered as an activity is indicated in Annex No. 1

The executing agencies have the following obligations:

- a) Recognize through a Resolution the Management Committee elected in a communal assembly as a representative of the community or populated center beneficiary of the PRC, establishing its commitments.
- b) Be in charge of preparing the technical file of the PIP, from its phase of profile.
- c) Sign a financial transfer agreement with the MINJUS
- d) Incorporate in its budget the resources transferred by the MINJUS, in accordance to the applicable budget regulations.
- e) Use the resources transferred by the MINJUS solely and exclusively for the financing of the execution of the project object of the Agreement.
- f) Designate the professional who will be in charge of supervising the execution of the project, the same one who will be ratified by SE-CMAN, if an observation on the selected supervisor is not presented.
- g) Submit to SE-CMAN the report of the payment received.
- h) Execute the project within the framework of the Agreement, taking into account the provisions contained in the regulations of the National Public Investment System or the Guide for the preparation of technical files or others that may be applicable.
- i) Execute the project, according to the schedule of physical goals and financial execution, to which the Agreement refers.
- j) Submit a monthly report to the Executive Secretariat of the CMAN after the budget modification at the institutional level detailing the physical and financial progress. Also, submit a final report at the end of the project. These documents must be signed both by the person responsible for the execution and by its supervisor.
- k) Submit the project settlement report to SE-CMAN
- l) Ensure the participation of competent professionals in the execution and supervision of the project. These professionals, previously, will be accredited



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nominally before the Executive Secretariat of the CMAN, through a document signed by the owner of the entity.

- m) Submit any additional information that the MINJUS requires related to the object of the Agreement.
- n) Contract for the execution of the project the labor of the members of the beneficiary community, with special consideration for the victims of the violence that occurred during the period 1980-2000 and/or their relatives, as long as the necessary conditions exist, in compliance with current regulations.
- o) Provide information on the project and the progress of its execution to the management committee, in order for it to fulfill its functions of community surveillance.
- p) Coordinate with the Executive Secretariat of the CMAN, the actions of initiation, supervision and delivery of work, in order to ensure the execution of the Project within the framework of the PRC; as well as the other follow-up and monitoring actions carried out by the CMAN to guarantee the reparation of the beneficiary community.
- q) Deliver to the Executive Secretariat of the CMAN, a copy of the certificate of delivery of work to the community, as the final product of the Project.



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4 PROGRAM PROCESSES

4.1 Prioritization of Populated Centers

The prioritization of populated centers is a process that leads and resolves the CMAN at the proposal of the SE-CMAN, using the second book as a source of information of the Single Registry of Victims (Collective Victims)

In general, there are three criteria for prioritizing communities:

- a. The peasant, native community or populated center must be registered in the Unique Registry of Victims
- b. The peasant community, native or populated center must have a very high or high affectation. At the end of the repair of the communities with very high or high affectation, the rest of the communities will be proceeded with.
- c. The Executing Agency must be up to date in the rendering of accounts of the projects financed by the Collective Reparation Program in the period 2007-2011. (75% or more of the financed projects) This condition will be applied in the event that the Executing Agency does not submit to SE-CMAN the commitment to liquidate the financed projects or correct the problems found.

Additionally, the following will be taken into consideration:

- d. Loading of projects and technical files formulated in previous years and that have not yet been financed. Its gradual incorporation into the relations of prioritized communities is sought until this project liability is eliminated.
- and. Communities that are within the group of districts that form part of the VRAE Plan according to Supreme Decree No. 021-2008-DESG

Once the CMAN prioritizes the communities and/or population centers that will be incorporated into the PRC, the Minister of Justice and Human Rights or his representative sends a communication to the Executing Agency and the beneficiary community in which, in an official manner, the acknowledgment of the damage that this community suffered during the years of violence and is informed that it has been included in the list of beneficiary communities of the PRC for the current year, by virtue of which the Ministry of Justice and Human Rights through the SE-CMAN will finance, with a maximum amount of one hundred thousand nuevos soles (S/. 100,000.00), the execution of an activity or a public investment project that is part of the National System of Public Investment (SNIP), according to the Collective Reparation guidelines established in the corresponding regulations.



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4.2 Project Selection

It is a process that is carried out within the community or populated center incorporated into the PRC.

The beneficiary community, as holder of the right to reparation, democratically chooses the project to be executed. The choice of the project is carried out in a general communal assembly (with the participation of men and women), which will be attended by a technical facilitator from the SE –

CMAN, in order to attest that the chosen project genuinely expresses the will of the community.

The choice of the community will be respected and is directly related to the objectives of the PRC.

The project must be framed in the modalities stated in numeral 2.4 of these guidelines.

The feasible projects to be financed by the PRC are shown in Annex No. 1.

4.3 Project Formulation

It is the process carried out by the executing agencies whose purpose is to have the technical file, from the formulation of the profile in the case of a project regulated under the SNIP regulations, which ensures the proper use of resources and compliance with the objectives of the PRC. The formulation must be carried out in compliance with the guidelines given by the CMAN through the Guide for the preparation of technical files and the standards given by the MEF through the SNIP for profiles and technical files, as the case may be.

The CMAN will provide support and technical assistance in the project formulation process, as well as with the entities that prepare them.

The Programming and Investment Offices of the executing agencies or those who carry out their functions will evaluate the projects prepared, with which the executing agencies will reach the formulated project to the SE-CMAN for its evaluation and approval final.



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4.4 Subscription of agreements and financial transfers

Once the project is approved, it must be submitted to the SE – CMAN attaching the following:

- a) Copy of the communal act in which the following agreements are recorded:
 - o Selection of the prioritized project
 - o Election of the Community Management and Surveillance Committee
 - o Communal list of victims
- b) Copy of the Resolution issued by the executing entity recognizing the Community Management and Surveillance Committee elected by the community.
- c) Official letter through which the Public Investment Project (PIP) is submitted, whether it is a pre-investment study with a feasibility declaration granted or a Technical File approved with a Resolution. The Official Letter must clearly indicate the name of the PIP or the activity, the cost of the project, the name of the community to which it benefits.
- d) Attach a legible copy of the DNI and credential of the holder of the entity, as well as the RUC card and legal address.
- e) If the cost of the PIP exceeds the maximum financing amount of the MINJUS S/. 100,000.00 (ONE HUNDRED THOUSAND AND 00/100 NUEVOS SOLES), the entity must present the Resolution that approves the co-financing for the resulting difference with resources from its duly approved Institutional Budget.
- f) Commitment of the head of the entity to execute the project by direct administration and declaration that it has the necessary and sufficient operational capacity to execute the Project.

The SE - CMAN evaluates and verifies whether the entity has complied with all the requirements demanded by the PRC. If there is compliance with the documents indicated in the previous point, the SE - CMAN sends the Financial Transfer Agreement to the competent bodies of the MINJUS for their approval and approval.

Once the competent bodies of the MINJUS express their agreement to the Transfer Agreement, the Minister of Justice and Human Rights or his representative and the owner of the entity sign a Transfer Agreement
Financial

Once the Financial Transfer Agreement is signed, the MINJUS processes the approval and publication of the Ministerial Resolution signed by the MINJUS itself that authorizes the budget transfer to the executing entity in the Official Gazette "El Peruano".



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4.5 Execution of works

Once the executing agency has the budgetary resources at its disposal, it will coordinate with the SE – CMAN, the communal authority and the Community Management and Surveillance Committee to carry out the start-up ceremony in the community in an act called **Protocol Start of Works**; For this, the availability of materials acquired for the work must be guaranteed in the place where it will be carried out and that the Work Poster, designed according to the specifications established by the CMAN, is duly installed.

The Protocol for the Commencement of Works is intended to reaffirm to the community the restorative sense of the project to be carried out and to carry out a memory exercise of what happened in the community. It is the right opportunity for the participation of the victims, the representative of the National Government (SE-CMAN), the Executing Agency, the Community Management and Surveillance Committee, the Self-Defense Committee and the Community in general, being essential that the representative of the National Government be present to be carried out. During this act, a copy of the technical file will be delivered to the Community Management and Surveillance Committee and the Resident, Master Builder, Supervisor and the professional team that will work on the project will be publicly presented to the community.

Once the execution of the project is completed and the works are finished, the SE - CMAN will coordinate with the executing entity of the project, the communal authorities and the Community Management and Surveillance Committee, the realization of the ceremony of delivery of work to the community in a act called **Protocol for delivery of works**.

In the work delivery ceremony, a reflection on the acts of violence that affected the community will be read, and the work or project executed will be offered to the memory of the fatal victims.

The representative of the SE – CMAN will formulate a reflection as a State regarding the painful episode of violence that the country went through, and in particular the community, emphasizing that events like these should never happen again in our society.

In this act, the reminder plaque of the Project will be unveiled, which will be designed according to the format approved by the SE-CMAN, the final report on the physical and financial execution of the Project will be delivered to the Community Management and Surveillance Committee and the minutes will be signed. delivery of work to the community.



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4.6 Supervision and monitoring

The supervision of the execution of the work will be in charge of a professional hired by the executing agency, and will be in charge of verifying that the execution of the project conforms to the specifications of the technical file, in terms of quality and timeliness.

The Executing Agency is required to submit the name of the contracted supervisor to the SE-CMAN, which will ratify the latter's appointment if there are no comments from the Community Management and Surveillance Committee.

The supervisor will issue monthly and at the request of the SE-CMAN, reports on the status of the work, physical and financial progress, and a copy of this must be provided to both the SE-CMAN and the Community Management and Surveillance Committee. In case the supervisor does not communicate the monthly reports, the SE-CMAN may notify the corresponding Professional Association of the breach of its task.

The CMAN is also empowered to carry out project execution monitoring actions and the verification of projects executed on its own account or by delegating this function to third parties through a formal document.



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Annex No. 1

Types of Projects that the PRC can finance

MODALITY	EXERCISE	TYPE OF PROJECT/WORK	Studies (1)
Recovery and expansion of infrastructure basic services of education, health, sanitation, rural electrification, recovery of communal heritage and others that the group can identify	Electrification	Installation/ expansion of primary and secondary networks	SNIP
		Installation of solar panels	SNIP
	infrastructure of sanitation and environment	Installation of ecological latrines	SNIP
		Wastewater treatment plants	SNIP
		Installation/expansion of drinking water systems	SNIP
		Installation/extension of drainage systems	SNIP
		Road infrastructure	Construction/improvement of motorized trails
	Road infrastructure	Road construction	SNIP
		Bridge and pontoon construction	SNIP
		Infrastructure and community management	Construction of communal dining rooms
	Health services	Capacity building in community management (Local Multiusos)	Exercise
		Construction/expansion/equipping of health centers/posts	SNIP
	Educational and sports services	Classroom construction/equipment	SNIP
		Construction/equipment of school laboratories	SNIP
Construction of a school canteen		SNIP	
Recovery and reconstruction of the economic, productive and commercial infrastructure and the development of human capabilities and access to economic opportunities	Aquaculture	Breeding of trout and other species (fish farms)	Exercise
	Agribusiness and crafts	Processing plants for dairy products and other livestock products	Exercise
		Transformation of agricultural products	Exercise
		Fabrics, crafts and others	Exercise
	Trade infrastructure Construction of f	grounds/markets/collection centers	Exercise
	irrigation infrastructure	Construction/improvement of irrigation canals	(2)
		Construction/improvement of irrigation reservoirs	SNIP
		Installation of technical irrigation systems	(3)
	Touristic infrastructure	Travel services	Exercise
	Livestock	Breeding and genetic improvement of larger and smaller animals	Exercise
		Repopulation of vicuñas	Exercise
		pasture improvement	Exercise
	Agricultural and forestry production	Installation of seedbeds	Exercise
Agricultural production		Exercise	
Agroforestry and fruit production		Exercise	

- (1) The projects included in the National System of Public Investment (SNIP) require a simplified profile and a technical file and those considered as activities only of technical file.
- (2) The irrigation canals will pass through the SNIP if the water source is primary and as activity if the water source is secondary.
- (3) Technified irrigation systems will go through the SNIP if the water source is primary and as an activity if the water source is secondary.

Additionally, other public investment projects or activities not indicated in these 30 types may be financed, at the discretion of the SE-CMAN technical team, provided that they do not fall within the restrictions of the National Public Investment System or the Guide for the Formulation of Investments. Collective Repair Technical Files.