COMMISSION DECISION

of 2004

on the financial contribution of Transition Facility for strengthening institutional capacity to Estonia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession 2003, in particular Article 34 thereof,

Whereas:

(1) Article 34 of the Act of Accession provides the possibility of granting a temporary financial assistance, the Transition Facility to the new Member States to address the continued need for strengthening institutional capacity in certain areas through actions which cannot be financed by the Structural Funds.

(2) The actions funded by this Decision in the areas of Internal Market, Transport, Justice and Home Affairs, Social Policy and Employment, Agriculture, Environment and Administrative Capacity are eligible for funding according to Article 34(2) of the Act of Accession.

(3) Pursuant to Article 34(4) of the Act of Accession, the Transition Facility is implemented in accordance with Article 53(1) (b) of Council Regulation (EC) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities.

(4) An Implementing Agency should be designated complying with the criteria set out in Article 164 of the Financial Regulation and having adequate staff resources. The Commission has satisfied itself that the level of compliance by the Central Finance and Contracts Unit (CFCU) with the criteria listed in Article 164 of the Financial Regulation is sufficient for the CFCU to be designated as the Implementing Agency for the Transition Facility in Estonia in accordance with the Decentralised Implementation System (DIS) for Phare, by which project selection, tendering and contracting continue to be subject to ex-ante approval by the Commission.

(5) The Commission will examine, in the context of preparation for conferral of management of aid provided under Phare, as well as through a number of other checks, whether the CFCU can be granted full accreditation for the implementation of Phare according to the Extended Decentralised Implementation System (EDIS). Until such time as the Commission decides to grant full accreditation of the CFCU for the
implementation of Phare according to the Extended Decentralised Implementation System (EDIS), ex ante control by the Commission should be maintained in accordance with the Decentralised Implementation System (DIS) for Phare.

(6) The measures provided for by this Decision are in accordance with the opinion of the Committee on Aid for Economic Restructuring in certain countries in Central and Eastern Europe, rendered on 14/05/2004,

HAS ADOPTED THIS DECISION:

Article 1

The Commission approves a financial contribution of € 8,400,000 as Transition Facility to Estonia to finance the projects set out in point 4 of the Annex.

Article 2

1. This Decision shall be implemented on a decentralised basis, in accordance with the Memorandum of Understanding on the Implementation of the Transition Facility, signed with Estonia on 16/08/2004.

2. The Central Contracting and Financing Unit shall be Implementing Agency for the Programme in accordance with the Decentralised Implementation System (DIS). For the period when the CFCU is the implementing Agency in accordance with the Decentralised Implementation System (DIS), it shall comply with the conditions set out by the Commission for the continued implementation of pre-accession assistance.

The Commission shall examine at a later date whether the CFCU meets the conditions for accreditation for the Phare Extended Decentralised Implementation System (EDIS).

In the event that the Commission decides to accredit the CFCU, the CFCU shall implement the Programme in accordance with the Phare Extended Decentralised Implementation System (EDIS).

3. In the event that the eligibility of contracts under pre-accession assistance is suspended pursuant to Article 33(1) of the 2003 Act of Accession, eligibility of contracts under the Transition Facility shall also be suspended.

Article 3

1. Contracts covered by the financial contribution shall be signed no later than 15 December 2006.

2. The deadline for execution of contracts shall be 15 December 2007.
Article 4

This Decision is addressed to the Republic of Estonia.

Done at Brussels, [...] 

For the Commission

[...]

Member of the Commission
FINANCING PROPOSAL ON THE IMPLEMENTATION OF THE TRANSITION
FACILITY IN ESTONIA FOR 2004

1. IDENTIFICATION

<table>
<thead>
<tr>
<th>Beneficiary</th>
<th>ESTONIA</th>
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<tr>
<td>Programme</td>
<td>Transition Facility National Programme 2004</td>
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<tr>
<td>CRIS-Number</td>
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<tr>
<td>Year</td>
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<tr>
<td>Cost</td>
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<td>Implementing Authority</td>
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<td>Expiry Date</td>
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<td>Sector Code</td>
<td>(according to DAC-list)</td>
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<tr>
<td>Objective 1</td>
<td>Administrative capacity</td>
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<td>Objective 2</td>
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<td>Objective 7</td>
<td>Environment</td>
</tr>
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<td>Budget Line</td>
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</table>

Commission Task Managers: Mrs Myriam Verger, Mr Gavriel Avigdor
Estonia-Lithuania Team, DG Enlargement.
2. SUMMARY

For the period 2004-2006, a Transition Facility has been created by Art 34 of the Act of Accession to fund certain Institution Building actions in the new Member States.

The present Financing Proposal represents the 2004 Transition Facility National Programme for Estonia.

It proposes to use Transition Facility funds to support institution building through twinning, twinning light, technical assistance, and investments to provide the necessary equipment in order to implement the Acquis.

Under this programme, the Transition Facility support will cover a Twinning light facility; the reinforcement of the administrative capacity of the Consumer Protection Board; the improvement of the implementing capacity in the field of public procurement; the creation of a Flight Safety Supervision System for the Estonian Civil Aviation Administration (ECAA); the enhancement of administrative capacity of the Estonian Police on fight against drug related crimes; support to drug prevention in prisons and rehabilitation of inmates; an integrated programme to strengthen the capacity of the Estonian anti money laundering institutions; support for the improvement of managerial decisions in the Estonian Police; the elaboration of a computerised communicable disease information system; the promotion of the integration of persons with undetermined citizenship in Estonia; the upgrading of the functional capability for testing harmful organisms in the phytosanitary field in Estonia; support for the molecular genotyping of Estonian farm animals; the creation of orthophotos for the land parcel identification system in the framework of IACS; the development of detection systems for veterinary drug residues in live animals, animal products and feeds; and support for the development of a nationwide packaging waste collection and recovery system.

3. STRATEGY

*Programming priorities*

Although the most urgent needs as regards acquis implementation have been addressed before Accession, the Transition Facility provides further support in order to consolidate the functioning of administrative structures on par with those of other Member States.
The 2003 Commission Comprehensive Monitoring Report for Estonia and the continuous monitoring process by the Commission of the Estonian preparation for Accession constitute the main sources of information for identification of institutional weaknesses that the Transition Facility could assist in addressing. This report points to a number of areas where further improvements are needed in the context of the political and economic criteria and related to the adoption, implementation and enforcement of the acquis, and calls for these to be pursued. Other findings and recommendation from the overall monitoring process (peer-reviews, TAIEX missions, Commission missions, etc.) were also taken into account when setting up this programme.

Project selection and lessons learned

On the basis of the priorities outlined in the above-mentioned documents, and in line with the principle of ownership, the Estonian authorities submitted a number of project proposals for institution building. These projects have been discussed in detail with the relevant Commission Services.

The final selection of projects for this Commission Decision was based on the overall quality of the individual proposals, taking into account inter alia the strategic framework of the projects, their expected impact, and the implementation arrangements. In designing the 2004 Transition Facility programme, careful account has also been taken of the results of projects programmed in the context of the Phare programme in previous years. Lessons learnt are usually drawn on a case by case basis, building upon relevant experience in the implementation of previous projects in a specific area. Relevant information in that respect is provided in each project fiche. Provision of necessary background documentation supporting project proposals (sectoral strategies, feasibility studies, economic and cost-benefit analysis, etc.) is emphasised during the programming process.

Attention was also paid to avoiding overlaps with other EU assistance instruments that will come into force in 2004, in particular the Structural and Cohesion Funds as well as the Schengen Facility. Maximum synergies between all sources of financing were considered; as a particular example, a project within this programme will be dedicated to the elaboration of a nationwide packaging waste collection and recovery system (institution building activities) whereas the necessary related investments (containers and collection stations), eligible under the Single Programming Documents, were directed to Structural Funds support.

4. OBJECTIVES AND DESCRIPTION

The 2004 Transition Facility programme for Estonia focuses on seven broad objectives covering most urgent needs to efficiently implement the acquis.

Objective 1 Administrative capacity

Project 2004/006-270.01.01 - Twinning light facility
This project is an unallocated institution building envelope that will be implemented through around 10 twinning light projects in acquis fields where needs still exist such as, inter alia, internal market, competition, justice and home affairs, agriculture, fisheries, social policy and employment, energy, transport, environment, and financial control.

The Twinning Light projects might cover, as appropriate, implementation and enforcement of the Acquis, and reinforcement of administrative capacity in the relevant fields.

In addition, in order to contribute to sound management of EU support programmes, the project will also provide support for independent evaluation of the performance of EU funded projects.

The Twinning Light projects will be implemented on the basis of terms of reference prepared by the relevant ministries and approved by the Commission. Only in cases where Member States do not respond to the calls for proposals rounds, the terms of reference could be tendered as classical service contracts (technical assistance).

Contracting of twinning light projects is conditional on full contracting of the two Twinning Light Facilities included in the Phare 2003 National Programme.

**Objective 2 Trade – Internal Market**

**Project 2004/006-270.02.01 – Strengthening the administrative capacity of the Consumer Protection Board for the full implementation and enforcement of the acquis communautaire**

In order to increase the level of protection of consumers in Estonia, this project aims to improve the administrative capacity of the Consumer and Protection Board (CPB) and to set up an alternative dispute resolution body in line with the Acquis.

The Transition Facility funds will assist in:

- Setting up an operational consumer complaint committee

- Further strengthening administrative capacity of consumer complaint committee members and CPB, with a particular focus on financial services, introduction of the Euro and preparation of media campaigns

- Designing a consumer information programme

- Developing an information campaign to raise consumer awareness, in particular on the new alternative dispute resolution body.

This project will be implemented through Twinning and technical assistance for the information programme and media campaigns.

It is conditional on recruitment of a full-time project manager in CPB and adoption of the new Consumer Protection Act and secondary legislation.
Project 2004/006-270.02.02 – Improving Implementing Capacity in the Field of Public Procurement

In order to ensure proper implementation of community public procurement rules in Estonia, this project aims to further strengthen the administrative capacity at all levels of the public procurement process, as a follow-up to previous Phare assistance in this field.

Transition facility assistance will be used to:

- Perform an overall assessment of the public procurement system in Estonia, including legal framework;

- Strengthen qualifications of officials from the State Aid and Public Procurement Division, as well as Public Procurement Office to perform their duties;

- Update relevant guidelines according to the new acquis;

- Develop a sustainable training system for officials as well as contracting authorities.

The project will be implemented through Twinning and technical assistance for the delivery of training.

It is conditional on timely delivery of the results of a 2003 Twinning Light project, as well as on the appointment of a full-time project manager in the beneficiary institution.

Objective 3 Transport policy and administrative management

Project 2004/006-270.03.01 - Creation of Flight Safety Supervision System for Estonian Civil Aviation Administration (ECAA)

This project aims to strengthen the Estonian flight safety supervision system, in order for the Estonian civil aviation flight safety supervision to function in compliance with all the requirements of the international aviation bodies (ICAO, JAA and EASA).

Transition Facility support will be used for:

- Assessing and strengthening the ECAA procedures on state supervision;

- Training ECAA inspectors in auditing techniques and supervision methodology

- Developing an Internet-based flight safety supervision information system with a view to improving the exchange and processing of information.

The project will be implemented through Twinning Light and service/technical assistance contracts for the software development.

Preparation of the IT system component is conditional on the results of a feasibility study. A further evaluation of the necessary budget (up to the maximum foreseen in the fiche) for the
Objective 4  Justice and Home Affairs

Project 2004/006-270.04.01 - Enhancement of administrative capacity of the Estonian police for the fight against drug related crimes

The purpose of this project is to further enhance drug enforcement capacities of the Estonian Police. Building on previous assistance for the implementation of the Estonian drug strategy until the year 2012, the project aims to provide advanced training for police officers and equipment for drug detection.

Transition Facility assistance will be used to:

- Update the training system in the field of fight against drug related crimes, including the elaboration of a specific and sustainable training programme, development of training material and training of trainers system

- Improve the capacity in amphetamine profiling, including the procurement of a gas chromatograph-mass-spectrometer and other related equipment for amphetamine profiling, related training and study visits.

The project will be implemented through a Twinning scheme and a supply contract for laboratory equipment.

The project is conditional on the assignment of two experts for amphetamine profiling in the Forensic Service Centre and the adoption of the National Drug Strategy before the start of the project. The project will be prepared by a feasibility study. The implementation of the supply contract is conditional on the results of this study. The budget for this contract may be revised according to the results of the study and any additional costs that might result from this study will be covered by national funds.

Project 2004/006-270.04.02 - Drug prevention in prisons and rehabilitation of inmates.

The project contributes to address the problem of drug abuse in Estonian prisons. In particular it will aim to develop drug-treatment and rehabilitation programmes both in prisons and during the probation service. In parallel, it will help to improve the social reintegration of ex-offenders through the development of the social skills programme for offenders.

Transition Facility support will be provided to carry out:

- Development of a long term action plan in the field of drug abuse and drug supply prevention in Estonian prisons based on a detailed analysis of the current situation.

- Training of prison and probation staff on rehabilitation programmes for various types of convicts and translation of the programme materials
- Development of programmes for reinsertion of inmates and training of trainers—activities for developing social skill of inmates

The project will be implemented through a Twinning scheme.

This project is conditional on the adoption by the Government of the following documents prior to the start of the projects activities: ‘Drug Prevention in Prisons’ programme; the Estonian “Development Plan on the employment of inmates and arrested persons 2004-2007”; and the new multidisciplinary national drug strategy.

**Project 2004/006-270.04.03 - Integrated programme to strengthen the capacity of the Estonian anti money laundering institutions**

The project aims to increase the administrative capacity of the relevant authorities to fight money laundering in Estonia, in particular the Financial Intelligence Unit (FIU).

Transition Facility assistance will be used to:

- Assist in developing a national money laundering prevention strategy, including an action plan for its implementation

- Train the staff in the FIU and the authorities concerned (including judges, prosecutors and investigators), develop training material and raise awareness among relevant officials

- Develop a strategy for carrying out supervision of the subjects of the Money Laundering Prevention Act

- Develop a feedback system between relevant anti money laundering institutions

- Install a new information system for the FIU, including secure network and databases

- Provide secure facilities for FIU.

The project will be implemented through a combination of Twinning and technical assistance/supply contracts for software development and procurement of IT equipment and physical security means.

The implementation of technical assistance and supply contracts (contracts 2-3) is conditional on the results of a feasibility study. The budget for those contracts will be revised according to the results of the study. Any additional costs that might arise will have to be covered by national funds.

The project is conditional on designation of a dedicated project manager and recruitment of necessary additional staff in the FIU.

**Project 2004/006-270.04.04 – Analysis for improving management decisions in the Estonian police**
In the context of the reform of the Estonian police, the project aims to improve the administrative capacity of the police to fight against organised crime. In particular, the project addresses detection of crime-related problems, the provision of advanced police data analysis and the improvement of police management in order to provide a better allocation of scarce resources.

Transition Facility support will be used to:

- Develop a strategy for the analysis of police activities, including mapping of crime analysis
- Integrate the statistical data analysis into the management system of the Police
- Develop a training programme for statistical data analysis of the police, including delivery of training for police analysts and increase awareness of the system among top and middle managers of the police
- Procure dedicated software for Police data analysis, including technical adaptation and relevant training.

The project will be implemented through a combination of Twinning and technical assistance/investment for the procurement of specialised IT services.

The project is conditional on the conclusion of a Memorandum of Understanding with relevant training institutions (Police College – Public Service academy) specifying the necessary provisions for delivery of training based on the developed curriculum after completion of the project.

The implementation of the technical assistance/supply contracts (component 2) is conditional upon the results of a feasibility study. The budget for this contract might be revised according to the results of the study. Any additional costs that might arise will have to be covered by national funds.

**Objective 5**

**Social policies and employment**

**Project 2004/006-270.05.01 – Elaboration of a computerised communicable disease information system**

With the aim of improving health care and health protection with regard to communicable diseases, this project will assist in developing a communicable diseases surveillance and information system in Estonia and thus will allow Estonia to provide timely and accurate data to the EU network in line with the acquis.

Transition Facility funds will be used for implementing a national surveillance and reporting system on communicable diseases, matching other EU Member states systems, and for strengthening the capacity of all stakeholders.

The project will be implemented through Twinning and technical assistance/supply for development of the IT system.
Provision of the relevant software (contract 2) is conditional upon the results of a feasibility study. It will be achieved through either a service or supply contract according to the results of the study. A further evaluation of the necessary budget (up to the maximum foreseen in the fiche) for the software component will also be carried out on the basis of the results of the feasibility study, before implementation of the project. Any additional costs that might arise will have to be covered by national funds.

The project is conditional on designation of a dedicated project manager in the Health Protection Inspectorate.

**Project 2004/006-270.05.02 - Promoting the Integration of non-citizens in Estonia**

The project aims at addressing the issue of integration of stateless people in Estonia by encouraging the persons of Russian origin residing permanently in the country to submit requests for naturalisation. For this purpose, a number of measures are foreseen which will contribute to inform non-citizens about the naturalization procedure and also increase their awareness on the benefits of acquiring citizenship. The aim will be to increase the rate of applications and naturalisations thus contributing to increase the overall cohesiveness of the Estonian society. With a particular focus on preparing for the citizenship exam, this project is complementary to previous Phare assistance provided for the preparation of the Estonian language exam.

Transition Facility support will be provided to:

- Development of training material and establishment of a training of trainers system (including) for preparing the applicants for the citizenship exam

- Update and integration of relevant databases and population registries in order to identify candidates for citizenship exam

- Information dissemination and networking targeted to non-citizens, including development of information material in Estonian and Russian on the conditions for acquiring Estonian citizenship.

The project will be implemented through technical assistance (service contracts).

The project will concentrate on the establishment of a training system for citizenship applicants; implementation of training to citizenship applicants will be covered by parallel co-financing from the state budget (State Chancellery - Office of the Ministry for Population and Ethnic Affairs).

The project is conditional on the conclusion of a Memorandum of Understanding between the Non-Estonian's Integration Foundation and the State Chancellery - Office of the Ministry for Population and Ethnic Affairs regulating in detail their respective tasks and responsibilities for the implementation of the project, as well as on the recruitment of a dedicated project manager. The contract on development of a train the trainer system is conditional on recruitment of the trainers prior to the start of the project.
Objective 6  Agriculture

Project 2004/006-270.06.01 - Upgrading of Functional Capability on Testing of Harmful Organisms in Estonia

In order to fully contribute to an integrated Community phytosanitary system, this project aims to strengthen the capacity of the Estonian Agricultural Research Centre (ARC) to test harmful organisms in Estonia.

Transition Facility funds will be used for strengthening the current administrative capacity of ARC through:

- Training, provision of relevant documentation and development of a system based on the quality assurance principle
- Purchase and installation of a greenhouse with the relevant functionalities to fully implement the acquis on control of harmful organisms.

The project will be implemented through Twinning for the institution building part and supply/service/works contracts (to be specified by the feasibility study) for the purchase of the greenhouse.

The project is conditional on demonstration of availability of sufficient staff in ARC.

Project 2004/006-270.06.02 - Molecular genotyping of Estonian farm animals

This project aims to increase the capacity of the Estonian Agricultural University (EAU) on molecular genotyping of farm animals, with a view to decreasing the incidence of scrapie in Estonia and ensuring full implementation of recent acquis on establishment of breeding programmes for sheep and genetic identification of farm animals.

The Transition Facility support will be used to:

- Strengthen the current capacity of the EAU for genotyping of farm animals;
- Assist in the preparation of breeding programmes for sheep;
- Provide laboratory equipment for DNA sequencing and fragment analyses.

The project will be implemented through technical assistance as regards the institution building component and a supply contract for purchase of equipment.

The requested laboratory equipment is apparently not available from EU suppliers. The Commission services may therefore, on a case by case basis and upon justified request by National authorities, authorise exceptions to the rules of origin and nationality.

The project is conditional on recruitment of additional necessary staff in EAU.
Project 2004/006-270.06.03 – Creation of orthophotos for Land Parcel Identification System

In order to finalise establishment of a fully functioning IACS system, this project is dedicated to the finalisation and upgrade of the Land Parcel Identification System in Estonia.

As a follow up of previous 2000 Phare assistance, Transition Facility support will be used for:

- The provision of aerial and orthophotos covering half of the Estonian territory, including quality control, and

- Strengthening the administrative capacity of the Estonian Agricultural Registers and Information Board to handle this information according to IACS rules.

The project will be implemented through a twinning light scheme and technical assistance for the provision of orthophotos and their quality control.

The service contracts (contracts 2 and 3) are conditional on the results of the feasibility study. A further evaluation of the necessary budget (up to the maximum foreseen in the fiche) for the technical assistance components (provision of aerial and orthophotos and quality control) will be carried out on the basis of the results of a feasibility study, before implementation of the project. Any additional costs that might arise will have to be covered by national funds.

Project 2004/006-270.06.04 - Development of detection systems of veterinary drug residues in live animals, animal products and feeds

With the overall objective of ensuring safety of food of animal origin, this project aims to enhance the monitoring and surveillance system of residues from veterinary drugs in Estonia.

Based on the current practice of the Veterinary and Food laboratory, Transition Facility funds would provide further assistance for:

- Preparing and assessing the national residue control plans,

- Developing and implementing new analytical methods in line with acquis requirements

- Evaluating and updating the quality system in use

- Procuring additional laboratory equipment in order to implement new analytical methods and improve performance of the laboratory.

The project will be implemented through a Twinning Light project for the institution building part, and a supply contract for provision of laboratory equipment.

Objective 7 Environment

Project 2004/006-270.07.01 - Supporting the development of a nationwide packaging waste collection and recovery system.
This project aims to design a nationwide packaging waste collection and recovery system in Estonia in order to ensure an effective monitoring of packaging waste in Estonia and fully implement the acquis on packaging and packaging waste.

For this purpose, Transition Facility assistance will be provided for:

- Developing a national strategy and investment plans for a comprehensive packaging waste collection and recovery system

- Establishing relevant supervision and reporting schemes for use by the Estonian Environment Information Centre, including an Internet Based Reporting System (IBRS)

- Strengthening the competent public authorities and the recovery organisation to carry out envisaged obligations foreseen by law

- Public awareness campaigns on collection and recovery of packaging waste.

This project will be implemented through a twinning scheme and technical assistance for development of an IT reporting system.

The project is conditional on the adoption of the new packaging act and recruitment of a dedicated project manager in Ministry of Environment.

5. BUDGET

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<th>Objective</th>
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<td>Institution Building (IB)</td>
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<td>Objective 1: Administrative capacity</td>
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<td>Project 2004/006-270.01.01 - Twinning light facility</td>
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<td>Capacity in the field of public procurement</td>
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**Objective 3: Transport policy and administrative management**

- Project 2004/006-270.03.01 - Creation of Flight Safety Supervision System for Estonian Civil Aviation Administration (ECAA)  
  | 254,000 | 254,000 |

**Objective 4: Justice and Home Affairs**

- Project 2004/006-270.04.01 - Enhancement of administrative capacity of the Estonian Police on fight against drug related crimes  
  | 388,000 | 110,000 | 498,000 |
- Project 2004/006-270.04.02 - Drug Prevention in Prisons and rehabilitation of inmates  
  | 595,000 | 595,000 |
- Project 04.03 - Integrated programme to strengthen the capacity of the Estonian anti money laundering institutions  
  | 559,000 | 50,000 | 609,000 |
- Project 2004/006-270.04.04 - Analysis for improving management decisions in the Estonian Police  
  | 461,000 | 187,000 | 648,000 |

**Objective 5: Social policies and employment**

- Project 2004/006-270.05.01 - Elaboration of a computerised communicable disease information system  
  | 419,000 | 60,000 | 479,000 |
- Project 2004/006-270.05.02 - Promoting the Integration of Persons with Undetermined Citizenship in Estonia  
<p>| 253,000 | 253,000 |</p>
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<th>Objective 6: Agriculture</th>
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Co-financing for Institution Building projects is provided by the beneficiary bearing certain infrastructure and operational implementation costs, through financing the human and other resources, required for effective and efficient absorption of Transition Facility assistance.

Investments in small equipment must receive co-financing from national public funds. The Community contribution may amount to up to 75 % of the total eligible\textsuperscript{1} public expenditure.

\textsuperscript{1} subject to Rule No7 of Commission Regulation 1685/2000.
6. SPECIAL CONDITIONS

In the event that agreed commitments are not met for reasons which are within the control of the Government of Estonia, the Commission may review the programme with a view, at the Commission’s discretion, to cancelling all or part of it and/or to reallocate unused funds for other purposes consistent with the objectives of the Transition Facility.