COMMISSION DECISION
OF 1998

Establishing a Horizontal Programme on Approximation of Legislation in 1998,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe, as last amended by Regulation (EC) No 753/96 of 22 April 1996, and in particular Article 9 thereof,

Whereas Regulation No 3906/89 lays down the rules and conditions for the granting of economic aid to certain countries of Central and Eastern Europe,

Whereas the measures provided for by this Decision are in accordance with the opinion of the Committee on Aid for Economic Restructuring in certain countries of Central and Eastern Europe,

HEREBY DECIDES AS follows:

Article 1

The programme described in the Annex to the present decision is hereby adopted.

Article 2

The maximum amount of Community assistance shall be 32 MECU to be financed through Budget line B7-500.

Done in Brussels,

For the Commission
FINANCING PROPOSAL TO EXTEND THE OPERATIONS OF THE
TECHNICAL ASSISTANCE INFORMATION EXCHANGE OFFICE
(TAIEX)

IDENTIFICATION

COUNTRY         Multibeneficiary
PROGRAMME       APPROXIMATION OF LEGISLATION
YEAR            1998
COST            32 MECU
IMPLEMENTING AUTHORITY   EUROPEAN COMMISSION
EXPIRY DATE     31 DECEMBER 1999
SECTOR          AA
GROUP           0
BUDGET LINE     B7 - 5000
TASK MANAGER    MARIE - THERESE DUFFY

SUMMARY

The financial proposal arranges for the continuation of the activities of the Technical Assistance Information Exchange Office (TAIEX), through the prolongation of the existing PHARE Horizontal Programme until 31 December 1999. In Agenda 2000 the Office is given a central role. It is envisaged that the Office will continue to operate throughout the pre-accession period.

The TAIEX mandate has been reinforced and extended in the framework of the pre-accession strategy and more in particular in Agenda 2000 and now covers technical assistance in the field of approximation of legislation for the entire acquis, helping the Associated Countries (AC) - partly through Accession partnerships - to achieve their objectives and monitoring their rate of achievement enabling focused Technical Assistance to be provided by all donors. The range of beneficiaries has been increased to cover those commercial, professional and economic groupings which are themselves involved in the implementation of the acquis.
Activities cover seminars, training, workshops, expert and study visits, provision of tools and products notably for translation/interpretation, as well as the necessary co-ordination and monitoring, in close co-operation with Member States and Commission services. These services have become very popular. In a period of less than two years more than 1100 requests have been received for study visits and more than 400 for expert missions. Furthermore over 3500 civil servants from ACs have attended workshop sessions organised by TAIEX.

A database setting out the progress made in implementing over 1000 key pieces of legislation in each country has been developed and this is being further extended to cover the entire acquis and its application and enforcement infrastructure.

The objective of this programme is to permit TAIEX to continue its services and expand them to meet the needs arising from the implementation of the Accession Partnerships. It is anticipated that TAIEX will play an important role in the administration of institution building measures, notably in twinning and mobilisation of experts on a long term basis from the Member States.

To implement these activities effectively the programme should be continued up till 31 December 1999, with a total cost of 38 MECU. A first tranche of 6 MECU has been allocated in November of last year (1997). Due to the ever increasing demand for TAIEX services, which now covers technical assistance on the full acquis for not only national administrations, but also parliaments, regional and local administrations, and other players involved in the implementation of the acquis, this amount of 6 MECU has already been fully earmarked for planned TAIEX activities currently corresponding to an average monthly TAIEX spending rate of between 1.5 and 2 MECU, and, accordingly, provides funding only up to the end of March/beginning of April, if activities are carried out as scheduled.

Moreover existing contracts, through which TAIEX operations are implemented, come to an end in June and December respectively and will need to be replaced by new ones through the normal tender procedures, requiring already now an indication of total available contract budget and duration.

In this situation the need for financial continuity is imperative.

**Background**

TAIEX was originally set up for a two year period (i.e. until December 1997) following publication of the Commission’s White Paper on “Preparation of the Associated Countries for integration into the Internal Market of the Union” with the objective of providing complementary and focused technical assistance in the areas of legislation covered in the White Paper. It was conceived as a “one stop shop” to assist not only in understanding and drafting legislation related to the Single Market, but also in its implementation and enforcement.
TAIEX was initially designed to provide five principal services: documentation and advice on Single Market legislation; setting-up of workshops and seminars; arranging study visits to Commission and Member States; mobilisation of experts to advise in the Associated Countries; creation of databases on deployment and results of technical assistance. The original budget was increased December 1996 to allow it primarily to cover work related to the translation and interpretation of Single Market legislation into the languages of the Associated Countries.

The response of the beneficiary countries to the contribution made by TAIEX is extremely positive. A large number of contacts have been established between the officials of the Associated Countries and their counterparts in the Member States and in the Commission. The contacts have been made in the context of multicountry workshop sessions and bilateral contacts to transfer know-how and to engage in problem solving. Administrations stress the usefulness of the rapid response which TAIEX can give, answering questions and resolving difficulties in a pragmatic and efficient manner. A great deal of advice and information has already been transmitted to line ministries and the emphasis has been on providing tools which the administrations can use themselves to fit their own circumstances. Progress towards integration has, in the opinion of the beneficiaries of the assistance, been accelerated and facilitated by TAIEX activities. Representatives of the candidate countries have made it clear in series of bilateral and multilateral contacts, in the Internal Market Council Structured Dialogue meeting of 13 March 1997, and in subsequent meetings under the Luxembourg Presidency that the work of the Office should be continued beyond 1997.

At the same time the co-operation of the Member States, on which TAIEX is highly dependent for its expertise, has been continuously positive, thus making an essential contribution to the successful outcome of the TAIEX activities up till now.

It is clear that the services provided through the Office are meeting needs which other technical assistance measures do not accommodate. These needs will continue to exist, and will become stronger in the foreseeable future. The reinforcement and extension of the TAIEX throughout the pre-accession period is a logical answer to these demands.

In the framework of the pre-accession strategy and in line with the new PHARE approach TAIEX will function as a tool for achieving pre-accession targets and monitoring compatibility in the field of approximation of EU legislation.

**Policy assessment**

The role of TAIEX as regards technical assistance is that of a broker. TAIEX will continue to be the main instrument for mobilising expertise from officials in the Member States and within the Commission.
Furthermore, as a new development in line with the new PHARE approach and in particular the institution building support, TAIEX will play a leading role in the administration of a mobilisation scheme for long-term secondments of officials from Member States’ public and semi-public administrations to the administration of applicant countries.

TAIEX services will also become relevant for the “twinning” of institutions and administrations in the candidate countries, that are involved in the transposition, the implementation or the enforcement of the Union’s acquis, with corresponding institutions and administrations in the Member States.

**Institutional assessment**

The beneficiaries of the TAIEX assistance are all public and semi-public bodies and associations but not the public at large. It should be stressed that as regards the Union’s acquis TAIEX delivers technical assistance only; the formulation of policy proposals is and will remain the domain of the individual Commission services in their respective fields of competence. In line with Agenda 2000 and the Pre accession strategy the TAIEX mandate has been reinforced and extended to cover the full Union’s acquis thus widening the range of recipients appreciably. In addition to the expertise available within the Commission, the Office draws heavily on the experience and co-operation of Member States in three ways.

First, it mobilises experts from the public and the semi-public sectors in each Member State through its expert pool database. This allows beneficiary countries to gain assistance from their counterparts in the Member States dealing with the same tasks of transposition and application of European Union legislation.

Second, the Office has relied on staff provided by means of secondment from Member States administrations to extend the availability of expertise and bring knowledge and experience of practical administrative problems at national level.

Thirdly it depends on Member States’ administrations for the organisation of study visits of Associated Countries officials to their counterparts in the European Union, to gain experience notably in the implementation of the EU acquis.

**Objectives**

Assistance under the programme will cover the transposition, implementation and enforcement of legislation in the associated states in the pre-accession context as well as measures to enhance transparency and facilitate the flow of information between the Associated Countries and the providers of assistance. Transparency and efficient flows of information in turn are preconditions for effective co-ordination of donor activities by the Associated Countries.

Institution building is a major objective in the light of the enhanced pre-accession strategy.
Long-term secondments and the provision of other forms of assistance will help meet the priorities in the Accession Partnerships. TAIEX will play a role in the administration of activities connected to institution building and twinning.

As regards a time frame, it follows from the foregoing that TAIEX will work in relation to the Accession Partnerships, the national programmes for adoption of the acquis and therefore the speed of progress in harmonisation of individual countries.

Description

In accordance with Agenda 2000 and within the framework of the pre-accession strategy TAIEX services will be extended to cover the entire acquis; they will this become an important part of Institution Building assistance measures. In order to meet the priorities indicated in the Accession Partnerships in the most effective way, the Commission’s services will continue to co-operate closely to avoid overlap and redundancies in the services put on offer by TAIEX and through other PHARE assistance programmes.

TAIEX will continue to draw heavily on the experience and co-operation of Member States using mainly experts from their national and/or regional administrations. However also experts from a range of institutions and associations in the semi-public sector, from universities and in individual cases from the private sector will be included where necessary. The duration of expert missions can be from one day to long-term secondments and can take place at any location within the EU and Associated Countries.

The following subjects will be covered by TAIEX under this and future programme extensions:

1. Advice on transposition, implementation and enforcement of legislation.

This will be done notably through expert study visits, twinning and short or long-term secondments, and will include advice on institution building. These will be linked into co-ordinated programmes of assistance to achieve defined objectives and to gain continuity. At the same time, individual short term assistance activities will remain available to meet unforeseen urgent needs.

1.1. Arrangements for twinning of institutions/administrations

The twinning of Member States’ and CEEC institutions/administrations will be pursued in particular in the areas of agriculture, environment, finance and justice and home affairs.

1.2. Long-term secondments

In line with the proposed re-orientation of PHARE programmes towards an increasing use of Member States’ administrative expertise, new framework agreements will be developed between the Commission and Member States, allowing for experts from government and public sector bodies to be available through TAIEX for long-term secondments to the candidate countries. The experts would assist in the candidate countries in a limited
number of key sectors to ensure that the priorities outlined in the Accession Partnerships can be met both in respect of drafting and implementing legislation and in setting up appropriate administrative infrastructures. TAIEX will provide the central administrative services for the activation of long-term experts.

2. Provision of information and know-how.

Activities concerned are seminars, training and documentation, where necessary in co-operation with other donors/organisations;

3. Logging of progress of the Associated Countries alignment.

The establishment of the Office’s databases in 1997 will allow a comprehensive overview to be gained of compatibility of legislation with that of the Community, and of the underlying enforcement structures. This constantly up-dated overview will be valuable in ensuring that technical assistance efforts will become “accession driven” and focus on the most pressing needs of the candidate countries’ accession. TAIEX is responsible for the day-to-day management and updating and will assist in “concordance testing” of the legislation concerned.

The ACs will be responsible for the delivery of correct data, for which reporting tools will be developed;

4. Advice on co-ordination of translation and interpretation activities

This includes assistance in setting-up of central units and in creating translation training programmes and procurement and development of tools where necessary. A limited amount of translation of texts for institutional use may be required.

Other donors’ activities and co-ordination

The present multi-country programme is aimed at complementing the national programmes and other initiatives already launched by PHARE, the Member States and other donors from the public and private sectors where needs are identified and best provided jointly to several or all of the Associated Countries. Considerable efficiency gains can be achieved by covering those needs at multi-country level.

The TAIEX databases will be developed to function as a co-ordination tool both for the Associated Countries and the Member States, so as to prevent overlaps in technical assistance as much as possible.

Cost and financing plan

Although TAIEX will continue beyond 1999, it is foreseen that the programme will be pursued up to 31 December 1999, with an overall cost of 38 MECU. With respect to the 1998/9 allocation of 32 MECU, its planned breakdown is as follows:
<table>
<thead>
<tr>
<th><strong>SEMINARS – WORKSHOPS</strong></th>
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<tbody>
<tr>
<td>Cover all expenses associated with the organisation of these events both in Brussels and in the Acs, but without expert fees/travel</td>
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**TECHNICAL ASSISTANCE THROUGH EXPERTS**

Covers all expenses and fees associated with the provision of services of experts from the public and private sector. Covers their costs for seminars, training and short-term secondment as well;

| **25.600.000 ECU** |

**TECHNICAL ASSISTANCE THOUGH PROVISION OF LONG TERM EXPERTS**

Covers the cost of central administrative services related to the organisation of long-term secondments. The actual secondments will be funded by Phare national programmes.

| **3.000.000 ECU** |
Cover costs related to the development and updating of these databases, the fees of database experts and the development of related informatics tools

1.500.000 ECU

Covers costs related to information, documentation, reporting on the ACs, publicity and reproduction costs

1.000.000 ECU

Covers costs for training, tools (e.g. glossaries, electronic equipment and software), expert fees etc.

900.000 ECU

The foreseen programme contracting and disbursement schedule is estimated to take place as following:

<table>
<thead>
<tr>
<th>Quarter/Year</th>
<th>Amount contracted (MECU)</th>
<th>Amount disbursed (MECU)</th>
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<tbody>
<tr>
<td>2/1998</td>
<td>32</td>
<td>4</td>
</tr>
<tr>
<td>3/1998</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>4/1998</td>
<td>6</td>
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Implementation arrangements

The programme will be implemented by the Commission on behalf of the national authorities in accordance with tendering and contracting procedures as required by the Phare Regulation and the Financial Regulation. The Commission will conclude contracts with independent consultants for the execution of the Programme.

The Member States are invited to:

- make available expert advice on the transposition of EU legislation into national law, and on the structures needed for its implementation, including by means of the secondment of officials on both long term and short term assignments and according to framework contracts to be concluded with the Commission;
- provide information on their own assistance efforts and on the availability of expert advice through the Phare Management Committee and the Technical Assistance Information Exchange Office;
- co-ordinate planned assistance efforts to ensure that support from different sources is effective and mutually reinforcing.

TAIEX for its part will bring together appropriate Commission and Member States’ resources to meet the ACs objectives in a co-ordinated, accession driven approach. Decisions about the use of services will be taken in the light of timetables and work programmes set out in the individual Accession partnership, and in co-operation with the services of the Commission concerned, and with the Member States.

The Commission will manage and co-ordinate the overall programme under the TAIEX Office specially set up for this purpose. The office will draw from specially designed funds to be administered with the help of external, competitive selected, contractors. These funds will cover all the expenses which are needed for the provision of the services of TAIEX including for the supervision of a scheme for the long-term secondment of officials, the development and maintenance of the databases, provision of light office equipment in the AC and overhead expenses for the costs and operation of these contractors.

The Commission may use the funds of this Programme to finance either existing support contracts, or new contracts competitively selected through an open tender.

Audit, monitoring and evaluation

The Commission’s services shall:

1 SEC (95) 1070 of 7 July, 1995
• monitor the implementation

• sign contracts with independent consultants to execute and follow the progress of the Programme and its components and carry out an ex-post evaluation after completion of the Programme.

Risks

An important risk in the area of approximation of legislation, as in other fields of Technical Assistance is that of duplication and even competing advice. TAIEX aims to diminish this risk notably through its databases, that will be developed to function as a co-ordination tool both for the ACs and the Member States, so as to prevent overlaps as much as possible. The TAIEX programme is essentially accession driven but will rely to a considerable extent on the willingness of Member States administrations and institutions to make experts available for shorter or longer missions to the Associated Countries as well as for participation in seminars, training meetings etc.