COMMISSION DECISION
OF 1999

Establishing an Approximation of Legislation programme (TAIEX) in 1999,

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 1266/99 of 21 June 1999, 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 16 MEUR to be financed through Budget line B7-500.

Done in Brussels,
For the Commission
1. **IDENTIFICATION**

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>MULTI-BENEFICIARY</th>
</tr>
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<tbody>
<tr>
<td>PROGRAMME</td>
<td>APPROXIMATION OF LEGISLATION</td>
</tr>
<tr>
<td>YEAR</td>
<td>1ST JANUARY 2000-31 DECEMBER 2000</td>
</tr>
<tr>
<td>COST</td>
<td>16 MEuro</td>
</tr>
<tr>
<td>IMPLEMENTING AUTHORITY</td>
<td>EUROPEAN COMMISSION</td>
</tr>
<tr>
<td>EXPIRY DATE</td>
<td>31 DECEMBER 2000</td>
</tr>
<tr>
<td>SECTOR</td>
<td>LE</td>
</tr>
<tr>
<td>GROUP</td>
<td>O</td>
</tr>
<tr>
<td>BUDGET LINE</td>
<td>B7 – 500</td>
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<tr>
<td>TASK MANAGER</td>
<td>BRIDGET CZARNOTA</td>
</tr>
</tbody>
</table>

2. **SUMMARY**

The present financing proposal provides the financial basis for future TAIEX activities through the prolongation of the existing PHARE multi-beneficiary Programme until 31 December 2002.

Since 1996 the TAIEX mandate has been reinforced and extended in the framework of the pre-accession strategy, notably in Agenda 2000, dealing with technical assistance in the field of approximation of legislation for the entire Acquis. It assists the Associated Countries of Central and Eastern Europe and Cyprus (Malta to be included as of 2000 and financed through a separate financing instrument, as has been and will continue to be the case for Cyprus¹) to achieve their objectives and monitors their rate of achievement.

Activities include seminars, training, workshops, expert and study visits, provision of tools and information products for among others, translation and interpretation activities, as well as the necessary co-ordination and monitoring, in close co-operation with Member States and Commission services. Furthermore a database has been developed to permit the Associated Countries of Central and Eastern Europe and Cyprus (Malta to be included as of 2000) to log the progress made in transposing and implementing EU legislation, covering the entire Acquis and its application and enforcement infrastructures.

Due to the ever increasing demand for TAIEX services, which nowadays cover technical assistance on the full Acquis for not only national administrations, but also parliaments, regional and local

¹ The exact budget items and amounts for technical assistance with regard to Cyprus and Malta will be indicated separately.
administrations, commercial, professional and economic groupings, as well as the press, the existing budget of 32 MEUR will be fully committed this year for planned activities.

This corresponds to an average monthly spending rate of around 1.5 MEUR, providing funds only up to the end of 1999, if activities are carried out as scheduled.

It is therefore proposed to extend the TAIEX Multi-beneficiary programme to cover a three year cycle until 31 December 2002, with a budget of 60 MEUR in total. The actual financial proposal envisages a first tranche of 16 MEUR for the period January to December 2000. A further request for the remaining budget of 44 MEUR covering the period January 2001 to December 2002 will be presented early next spring.

3. 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 of Central and Eastern Europe 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 national administrations in the Associated Countries of Central and Eastern Europe, 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 of Central and Eastern Europe; creation of databases on deployment and results of technical assistance; The original budget was increased December 1996 to allow it to also cover work related to the translation and interpretation of Single Market legislation into the languages of the Associated Countries of Central and Eastern Europe.

In the meantime and notably since the adoption of Agenda 2000 the workload of TAIEX has increased exponentially. The statistics set out in the annex illustrate the range of activities. In line with the overall PHARE approach TAIEX will continue to function as a multibeneficiary tool for achieving targets and monitoring compatibility in the field of approximation of legislation.

4. POLICY ASSESSMENT

The main role of TAIEX as regards technical assistance is that of a problem solver and a catalyst. TAIEX acts as a complement to and is coordinated with the national Phare programmes, responding to individual requests not covered in these programmes by tailormade actions in all fields of the Acquis. TAIEX will continue to be one of the main instruments for mobilising expertise from officials in the Member States and within the Commission.

5. INSTITUTIONAL ASSESSMENT

In line with Agenda 2000 the TAIEX mandate has been reinforced and extended 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. This allows beneficiary countries to gain assistance from their counterparts in the Member States dealing with the same tasks of transposition and application of Single Market legislation.
Second, the Office relies 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 of Central and Eastern Europe, Cyprus and Malta officials to their counterparts in the European Union, to gain experience notably in the implementation of the EU **Acquis**.

It should be noted that, as the enlargement process proceeds, the assistance becomes more and more detailed and specialised, making the support from Member States experts even more vital, since they are the only ones with real experience in implementing the **Acquis**. Sources of information for Member States include all levels and types of public and semi-public bodies.

6. **OBJECTIVES**

The assistance under the programme will cover the transposition, implementation and enforcement of legislation in the Associated Countries of Central and Eastern Europe and Cyprus in the pre-accession context as well as measures to enhance transparency and facilitate the flow of information with the Associated Countries of Central and Eastern Europe, Cyprus and Malta.

A large part of TAIEX assistance will remain demand driven, but all requests for assistance will be verified for their compatibility with the overall pre-accession strategy, and in particular the priorities of the Accession Partnerships and the national Phare programmes based on these priorities. It will therefore closely follow the speed of progress of individual countries with regard to the Accession Partnerships and the National Programmes for adoption of the **Acquis**, inter alia through the monitoring of engagements on compliance with the **Acquis** that individual countries have taken.

7. **DESCRIPTION**

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 ensure coherence in the services made available 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 and in individual cases, from universities and the private sector will also be included where necessary. The duration of expert missions will be generally around two weeks with the possibility of extension for longer periods in future. The missions can take place at any location within the EU and Associated Countries of Central and Eastern Europe, Cyprus and Malta.

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

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

This will be done notably through expert visits, study visits, and will include advice on institution building. These activities will be linked in sequenced 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.

*Provision of information and know-how.*
Activities concerned are seminars, training and documentation, where necessary in co-operation with other donors/organisations.

**Logging of progress of the Associated Countries of Central and Eastern Europe, Cyprus and Malta alignment.**

The Office’s databases allow a comprehensive overview to be maintained by each Associated Country of the compatibility of its 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. Those databases will be extended and adapted in respect of monitoring regulatory and supervisory infrastructures. The Associated Countries of Central and Eastern Europe, Cyprus and Malta will be responsible for the delivery of correct data, for which reporting tools have been developed.

**Advice on co-ordination of translation and interpretation activities**

This includes assisting central translation units and creating and developing translation training programmes and procurement and development of tools where necessary. A limited amount of translation of texts for institutional use may be provided under the programme.

**Other 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 bodies from the public and private sectors by covering those needs at multi-country level.
8. **Cost and Financing Plan**

The programme is intended to cover the period until 31 December 2002. With respect to the allocation in 2000 of 16 MEURS, its planned breakdown is as follows:

<table>
<thead>
<tr>
<th>2000</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Seminars – Workshops</strong></td>
<td>Operational Expenditures</td>
<td>BAT</td>
<td>ATA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Intra muros</td>
<td>Extra muros</td>
</tr>
<tr>
<td>Cover all expenses associated with the organisation of these events both in Brussels and in the Associated Countries of Central and Eastern Europe, Cyprus and Malta¹, but without expert fees/travel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Technical Assistance Through Experts</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>9.75</td>
<td>3.75</td>
<td>-</td>
</tr>
<tr>
<td><strong>Databases</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Cover costs related to the development and updating of these databases, the fees of database experts and the development of related informatics tools</td>
<td>2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Information</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covers costs related to information, documentation, reporting on the Associated Countries of Central and Eastern Europe, Cyprus and Malta¹, publicity and reproduction costs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Translation, Interpretation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covers costs for training, tools (e.g. glossaries, electronic equipment and software), expert fees etc.</td>
<td>0.5</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Audit Monitoring Evaluation</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td><strong>Contingency</strong></td>
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</tr>
</tbody>
</table>

1. The exact budget items and amounts for technical assistance with regard to Cyprus and Malta will be indicated separately.
Implementation arrangements

The programme will be implemented by the Commission in accordance with tendering and contracting procedures as required by the Phare Regulations 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 short term assignments.

- 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 Associated Countries of Central and Eastern Europe, Cyprus and Malta 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 Partnerships, and National Programmes for the Adoption of the Acquis, and in co-operation with the Commission, and 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 a specially designed fund to be administered with the help of external, competitively selected, contractors. These contractors may also administer related funds under the TAIEX programme where appropriate, to be reflected in their own respective contracts. These funds will cover all the expenses which are needed for the provision of the services of TAIEX, the development and maintenance of the databases, provision of specialised light equipment in the beneficiary countries and overhead expenses for the costs and operation of these contractors.

9. Audit, Monitoring and Evaluation

The Commission’s services shall:

- 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.

In order to facilitate these activities, a detailed set of indicators of achievement will be defined according to the objectives and targets of the Programme.
10. **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 Associated Countries of Central and Eastern Europe, Cyprus and Malta and other bodies, so as to prevent overlaps. 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 missions to the Associated Countries of Central and Eastern Europe, Cyprus and Malta as well as for participation in seminars, training meetings etc.