COMMISSION DECISION
OF 2002

Establishing a Phare multi-beneficiary "Environment and Enlargement" Programme in 2002

THE COMMISSION OF THE EUROPEAN COMMUNITY,

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 2000/2001 of December 17, 2001, and in particular Article 9 thereof,

Whereas:

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

(2) 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,

HAS DECIDED 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 M€ 1.5 to be financed through budget line B7-030 in 2002.

Done at Brussels,
For the Commission

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1 OJ n° L375 of 23 December 1989
2 OJ n° L342 of 27 December 2001
FINANCING PROPOSAL

ENVIRONMENT AND ENLARGEMENT

1 IDENTIFICATION

<table>
<thead>
<tr>
<th>Countries</th>
<th>The ten candidate countries from Central and Eastern Europe: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Programme title</td>
<td>Environment and enlargement</td>
</tr>
<tr>
<td>Year</td>
<td>2002</td>
</tr>
<tr>
<td>Cost</td>
<td>1.5 m€</td>
</tr>
<tr>
<td>Implementing authority</td>
<td>The European Commission</td>
</tr>
<tr>
<td>Programme dates</td>
<td>Contract expiry date 30.11.04 Disbursement expiry date 30.11.05</td>
</tr>
<tr>
<td>Sector</td>
<td>Environment</td>
</tr>
<tr>
<td>Group</td>
<td>L</td>
</tr>
<tr>
<td>Budget line</td>
<td>B7-030</td>
</tr>
<tr>
<td>Cris number</td>
<td>2002/000-265</td>
</tr>
<tr>
<td>Task Manager</td>
<td>DG Environment : Mr. Ian Clark Implementation will be assured through a Sub-delegation arrangement with DG ENV</td>
</tr>
</tbody>
</table>

2 SUMMARY

This programme is designed to assist the candidate countries of central and eastern Europe fulfil their obligations under the environment chapter of the accession process. The proposal focuses on strengthening administrative capacity and helping candidate countries meet the obligations of the acquis in the fields of monitoring, enforcement; implementation, and information. There are a number of problems common to the region in implementation, enforcement and financing, where exchange of best practice, networks and the provision of common technical assistance provide benefits which cannot be duplicated on a purely national level.

The new programme will consist of four projects.
(1) Further development of financing and implementation strategies and assessing compliance of investments with the environmental acquis;

(2) Assisting candidate countries to monitor progress in transposition and implementation of the environmental acquis and monitoring specific commitments made during negotiations;

(3) Promoting improved implementation and enforcement, exchange of experience and information at national and regional level, scoping to determine key problem areas;

(4) Promoting partnership between local authorities, building capacity to carry out the obligations of the acquis.

The total amount made available will be 1.5 m€.

3 BACKGROUND

Following the enlargement ‘road map’ of November 2000 and the opening of negotiations on the environment chapter with nearly all countries, the enlargement process has entered a new phase. During 2001 negotiations have been provisionally closed with a number of countries and the conditions for transition periods defined. However, the process of compliance is far from complete. New acquis for 2000 and 2001 also have to be transposed and implemented, while during the negotiations candidate countries committed themselves to certain benchmarks for implementation of acquis, including those pieces of legislation where a transition period has been requested.

Candidate countries have given the Union information about their plans to complete transposition and implementation of the acquis. All of this process should be completed before accession, except for acquis where a transition period has been requested. Thus candidate countries have committed themselves to concrete targets in their implementation plans, whether to be fulfilled before or after accession. The emphasis in the process now will be on monitoring and implementation of the commitments, and the continued development of financing strategies for compliance, which are based on accurate knowledge of compliance gaps.

This financing proposal therefore focuses on strengthening administrative capacity and helping candidate countries meet the obligations of the acquis in the fields of monitoring, enforcement; implementation, and information. The complex process of monitoring and reporting will be pulled together for the purpose of improving information flow in the run up to accession.

This work will be co-ordinated with on-going Phare national programmes to ensure that there is no duplication. The projects will be co-ordinated with bilateral donors, and the international financing institutions, as appropriate. It is expected that the projects will include all candidate countries, and financial coverage for Cyprus, Malta and Turkey will be provided from other sources.
Project 1. Investment strategies, and assessment of investment projects for compliance with acquis and training of beneficiaries

The European Union has asked candidate countries to prepare prioritised financing strategies as part of the accession process. Such strategies will be essential after accession to fulfil commitments made during the negotiations, and as a basis for receiving Community funds. The Priority Environmental Programme for Pre-Accession Investments (PEPA), has assisted candidate countries to prepare such strategies, providing guidance documents, formats and tools, and focusing on particular country problems as requested. This has helped candidate countries to improve their financing strategies and identify gaps in their compliance where investment is needed. In previous years, the PEPA programme focused on water and waste sectors. In this new phase, the PEPA programme will concentrate on air and industrial pollution, and improved information flow between regions and centre.

The Community provides important financial assistance for environmental infrastructure to help implement the acquis. The ISPA instrument earmarks half its annual budget for environmental infrastructure and Phare and SAPARD also have a role to play through their support for environment-related projects in the context of the regional and rural development process. In this context, environmental investments need to comply with the acquis both in their parameters and in the monitoring and management arrangements provided by the beneficiary country. Where candidate countries have not yet transposed the Community legislation they have had difficulties in complying with this policy. Efforts have been made to ensure that the requirements of the EIA directive are met. Further efforts are needed to ensure that other directives are respected, such as the Drinking Water, Landfill, Framework Waste Management, Waste Incineration, Framework Water directive, Large Combustion Plants and the daughter directives to the Framework Air directive.

The Commission has begun developing checklists for assessing environmental investment projects supported by Community assistance. In this programme, the development of checklists will be continued and the results will be disseminated to the relevant actors in the candidate countries. Training will be provided to help comply with the acquis in the EU assisted investment projects.

Project 2. Monitoring transposition and implementation and monitoring commitments made during negotiations

As part of the process of monitoring of transposition and implementation, Candidate countries will be assisted to monitor their commitments as given in the negotiations. The framework and methodology for this monitoring needs to be consistent from country to country, and therefore this work should be carried out on a multi-country basis.
Project 3. Developing capacity in implementation and enforcement through the AC IMPEL network

One of the key issues identified in all NPAA's and in the Regular Reports is the importance of reinforcing enforcement capacity in the candidate countries. The Associated Countries Implementation and Enforcement of Environmental Law network (AC IMPEL) has been developed to promote co-operation in capacity building in the administrative, implementation and enforcement agencies of all candidate countries. This network commissions studies of enforcement, and also of across the board enforcement methods in particular sectors (for example, incinerators). Participants in the network also co-operated closely and co-ordinate with IMPEL, the equivalent network in the Member States. Comparative analyses of all candidate countries will be useful in an overview of the accession process, and help candidate countries set priorities for their future actions and assistance needs. Continued cost and benefit studies of compliance will greatly help here.

Project 4. EU Accession Local Authorities Grants Programme

Local authorities need support in the accession process, since much of the responsibility for implementation devolves legally on them. The sub project under this programme (the EU Accession Local Authority Grants Programme) aims to focus the attention of local authorities on compliance with EU environmental legislation in the relevant fields of the 2001 Award. The grant programme will be established through a call for tender, which in its first phase will be open to local authorities from the ten Candidate Countries, who were overall winners and sectoral winners in the 2001 edition of the City towards EU Compliance Award (An award scheme run by DG Environment open to all local authorities in the candidate countries).

4. PAST ASSISTANCE

In 1998 a multi country programme on environment was launched which will end this year (Regional Environment Accession Project). This programme consisted of short term technical assistance on directives which presented common stumbling blocks to accession, as well as assistance via the Regional Environmental Centre to NGO's and municipalities. Once operational, this facility proved to be a flexible and efficient means of delivering short-term technical assistance to very focused targets, and the participating beneficiaries have used it for particular accession problem issues.
5 OBJECTIVES AND DESCRIPTION

5.1 Investment strategies, and assessment of investment projects for compliance with acquis and training of beneficiaries

Overall objectives

- Efficient use of environmental financing sources in terms of:
  - Link with accession commitments and obligations
  - Cost-efficient solutions for implementing the acquis
  - Maximum leverage of grant money

- Ensure compliance of new investments with environmental acquis

Specific objectives

- Enhance quality of financing strategies:
  - More concrete and realistic
  - More operational through adequate prioritisation of projects and link with existing and future financing instruments (pre and post-accession EU assistance, IFIs, national funds, private financing etc…)

- Respond to gaps in project pipelines, such as air pollution and industrial pollution acquis.
- Enhance strategic planning in the waste and water sector in line with requirements of the waste framework directive and the new water framework directive.
- Institutional building capacity in the beneficiary countries for adequate project preparation and ex-ante appraisal of compliance with EU acquis

Activities

- Revision of existing financing strategies and completion of on-going strategies. Recommendations and assistance for making them more operational and ensure the link with project identification and with existing or future financing instruments.
- 3 Regional Workshops (for all candidate countries) to exchange best practice and examine case studies in financing strategies.
- 8 missions to discuss investment project identification for accession in relevant sectors covered by EU financing. Special efforts in the air and industry sectors.
- Disseminating the compliance checklists to the relevant parties in the candidate countries and training on the use of such checklists

Results

- More detailed, realistic and operational financing and implementation plans.
- Improved investment project identification: Better link between strategies and accession commitments and future project proposals for EU financing.
- Better capacity in beneficiary countries to prepare compliant investment projects for EU assistance.
5.2 Monitoring transposition and implementation and monitoring commitments made during negotiations

Overall objectives

• To assist candidate countries monitor their remaining transposition and implementation obligations.

Specific objectives

• To help countries check their transposed legislation and legislation that has reached and advanced stage of drafting within national procedures
• Where necessary to propose methods and approaches to achieve full compliance
• To improve implementation of the legislation directives to help countries check implementation, through using checklists provided

Activities

• Help candidate countries verify selected laws where complete transposition has been claimed
• Assess selected negotiation benchmarks in pilot countries

Results

• Understanding of steps still to be taken to meet all the acquis’ obligations
• Improved compatibility of legal acts
• Improved level of meeting accession commitments

5.3 Developing capacity in implementation and enforcement through the AC IMPEL network

Overall objectives

To improve capacity candidate countries in enforcement and other administrative tasks connected with the acquis

Specific objectives

• To assist the networking body Associated Countries Implementation and Enforcement of Environmental Law (AC-IMPEL) in comparative studies of administration, implementation and enforcement
• Training of officials associated with AC IMPEL for the new tasks associated with the acquis
• Enhance capacity and awareness of implementation and enforcement issues
Activities

- Studies of enforcement on key directives in pilot countries, to be presented at four workshops, followed by reports of each discussion and recommendations for follow up work
- Peer reviews of candidate country enforcement bodies via Member States experts (to take place in the candidate countries)
- Study tours to examine Member State installations and examine enforcement practices
- Carry out comparative analyses of administrative, implementation and enforcement capacity in the candidate countries
- Assess individual countries’ administrative, implementation and enforcement capacity
- Identify and analyse capacity and institutional strengthening needs and priorities for monitoring and reporting of greenhouse gases and for the development of national policy on climate change
- Training of officials including training of trainers

Results

- Better understanding in candidate countries of their obligations and the steps still needed to meet them in practical implementation
- Better targeted assistance based on understanding of country specific implementation and enforcement problems

5.4 EU Accession Local Authorities Grants Programme

Objectives

The general objective of the EU Accession Local Authorities Grants Programme is to strengthen the initial commitment of local authorities towards EU accession proven by their successful participation in the Award Programme.

Specific objectives

- Funding projects related to the implementation of EU environmental legislation
- Training the relevant local authority on EU environmental legislation
- Raising public awareness of EU environmental legislation, benefits and obligations
- Improving co-operation between national, regional and local authorities

Activities
Activity 1 – Designing Guidelines and Establishing Application Form
Activity 2 – Announcement
Activity 3 – Dissemination of Application forms
Activity 4 – Evaluation of Applications
Activity 5 – Notification of Winners and disbursement of funding
Activity 6 – Monitoring of Projects
Activity 7 – Grants Reporting
Results

- Improved implementation and enforcement of environmental legislation applicable at local level
- Improved public awareness of the costs and benefits of the legislation

6 BUDGET

The budget for the programme is 1.5 m€. The sub project budgets are listed below.

<table>
<thead>
<tr>
<th>PROJECT TITLE</th>
<th>AMOUNT €</th>
<th>PROCEDURE</th>
</tr>
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<tbody>
<tr>
<td>Assessment of investment projects for compliance with acquis and training of beneficiaries PEPA investment strategies</td>
<td>450 000</td>
<td>Tender</td>
</tr>
<tr>
<td>Monitoring progress in transposition and implementation: monitoring implementation of commitments made under the negotiations</td>
<td>350 000</td>
<td>Tender</td>
</tr>
<tr>
<td>AC Impel Difficult directives: Implementation surveys in selected countries; inspection of facilities:</td>
<td>400 000</td>
<td>Tender</td>
</tr>
<tr>
<td>Accession Local authorities Grants Programme</td>
<td>300 000</td>
<td>Direct agreement with REC</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1.500 000</td>
<td></td>
</tr>
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7 IMPLEMENTATION ARRANGEMENTS

7.1 The programme will be managed by the European Commission in Brussels.

7.2 The programme will be sub delegated to DG Environment for implementation. DG Environment will be responsible for launching tenders, signing direct agreements and making relevant payments.
8 MONITORING, ASSESSMENT AND EVALUATION

The Commission services shall:

- Monitor the implementation of the programme on the basis of regular reports produced by its services
- Contract independent consultants to monitor the progress of the programme and carry out an ex-post evaluation of it

9 AUDIT

The accounts and operations of all activities carried out under the programme are subject to supervision and financial control by the Commission (including the European Anti-Fraud Office) and the Court of Auditors. This includes measures such as ex-ante verification of tendering and contracting carried out and on-the-spot checks.

In order to ensure efficient protection of the financial interests of the Community, the Commission can conduct check-ups and inspections on site in accordance with the procedures foreseen in Council Regulation (Euratom, EC) No. 2185/96 dated from November 11, 1996, concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities.

The procedures foreseen in Art. 15 para 3 of Commission Regulation No 2222/2000 dated from June 7,2000, on the communication in case of irregularities and the putting in place of a system to administrate the information in this field apply.

The Commission will monitor the implementation of the programme on the basis of reports from the parties managing the programme.

The Commission services shall ensure that an ex-post evaluation is carried out after completion of the Programme.

10 VISIBILITY AND PUBLICITY

The Programme Authorising Officer in DG Environment will be responsible for ensuring that the necessary measures are taken to ensure appropriate publicity for all activities financed from the programme.

11 SPECIAL CONDITIONS

In the event that agreed commitments are not met, 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 Phare programme.
## ANNEX

Cumulative contracting and disbursement schedule

<table>
<thead>
<tr>
<th></th>
<th>04/02</th>
<th>12/02</th>
<th>06/03</th>
<th>06/04</th>
</tr>
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<tbody>
<tr>
<td>Contracted</td>
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<tr>
<td>Disbursed</td>
<td>100,000</td>
<td>600,000</td>
<td>1,050,000</td>
<td>1,500,000</td>
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ANNEX ON

INFORMATION AND PUBLICITY FOR THE PHARE, ISPA AND SAPARD
PROGRAMMES OF THE EUROPEAN COMMUNITIES

1. Objective and scope

Information and publicity measures concerning assistance from the European Community Phare Programme are intended to increase public awareness and transparency of EU action and to create a consistent image of the measures concerned in all applicant countries. Information and publicity shall concern measures receiving a contribution from the Phare Programme.

2. General principles

The appropriate Programme Authorising Officer in charge of the implementation of Financing Memoranda, and other forms of assistance shall be responsible for publicity on the spot. Publicity shall be carried out in co-operation with the EC Delegations, which shall be informed of measures taken for this purpose.

The competent national and regional authorities shall take all the appropriate administrative steps to ensure the effective application of these arrangements and to collaborate with the EC Delegations on the spot.

The information and publicity measures described below are based on the provisions of the regulations and decisions applicable to the Structural Funds. They are:


Specific provisions concerning ISPA are included in:


Information and publicity measures must comply with the provisions of the above mentioned regulation and decision. A manual on compliance is available to national, regional and local authorities from the EC Delegation in the country concerned.

3. Information and publicity concerning Phare programmes

Information and publicity shall be the subject of a coherent set of measures defined by the competent national, regional and local authorities in collaboration with the EC Delegations for the duration of the Financing Memorandum and shall concern both programmes and other forms of assistance.

The costs of information and publicity relating to individual projects shall be met from the budget for those projects.
When Phare programmes are implemented, the measures set out at (a) and (b) below shall apply:

(a) The competent authorities of the applicant countries shall publish the content of programmes and other forms of assistance in the most appropriate form. They shall ensure that such documents are appropriately disseminated and shall hold them available for interested parties. They shall ensure the consistent presentation throughout the territory of the applicant country of information and publicity material produced.

(b) Information and publicity measures on the spot shall include the following:

(i) In the case of infrastructure investments with a cost exceeding EUR 1 million:

- billboards erected on the sites, to be installed in accordance with the provisions of the regulation and decision mentioned in paragraph 2 above, and the technical specifications of the manual to be provided by the EC Delegation in the country concerned.

- permanent commemorative plaques for infrastructures accessible to the general public, to be installed in accordance with the provisions of the regulation and decision mentioned in paragraph 2 above, and the technical specifications of the manual to be provided by the EC Delegation in the country concerned.

(ii) In the case of productive investments, measures to develop local potential and all other measures receiving financial assistance from Phare, Ispa or Sapard:

- measures to make potential beneficiaries and the general public aware of Phare, Ispa or Sapard assistance, in accordance with the provisions cited at paragraph 3(b)(i) above.

- measures targeting applicants for public aids part-financed by Phare, ISPA or SAPARD in the form of an indication on the forms to be filled out by such applications, that part of the aid comes from the EU, and specifically, the Phare, ISPA or SAPARD Programmes in accordance with the provisions outlined above.

4. Visibility of EU assistance in business circles and among potential beneficiaries and the general public

4.1 Business circles

Business circles must be involved as closely as possible with the assistance, which concerns them most directly.

The authorities responsible for implementing assistance shall ensure the existence of appropriate channels for disseminating information to potential beneficiaries, particularly SMEs. These should include an indication of the administrative procedures to be followed.

4.2 Other potential beneficiaries
The authorities responsible for implementing assistance shall ensure the existence of appropriate channels for disseminating information to all persons who benefit or could benefit from measures concerning training, employment or the development of human resources. To this end, they shall secure the co-operation of vocational training bodies involved in employment, business and groups of business, training centres and non-governmental organisations.

Forms

Forms issued by national, regional or local authorities concerning the announcement of, application for and grant of assistance intended for final beneficiaries or any other person eligible for such assistance shall indicate that the EU, and specifically the Phare, Ispa or Sapard Programmes, is providing financial support. The notification of aid sent to beneficiaries shall mention the amount or percentage of the assistance financed by the Programme in question. If such documents bear the national or regional emblem, they shall also bear the EU logo of the same size.

4.3 The general public

The media

The competent authorities shall inform the media in the most appropriate manner about actions co-financed by the EU, and Phare, ISPA or SAPARD in particular. Such participation shall be fairly reflected in this information.

To this end, the launch of operations (once they have been adopted by the Commission) and important phases in their implementation shall be the subject of information measures, particularly in respect of regional media (press, radio and television). Appropriate collaboration must be ensured with the EC Delegation in the applicant country.

The principles laid down in the two preceding paragraphs shall apply to advertisements such as press releases or publicity communiqués.

Information events

The organisers of information events such as conferences, seminars, fairs and exhibitions in connection with the implementation of operations part-financed by the Phare, Ispa or Sapard Programmes shall undertake to make explicit the participation of the EU. The opportunity could be taken of displaying the European flags in meeting rooms and the EU logo upon documents depending on the circumstances. The EC Delegation in the applicant country shall assist, as necessary, in the preparation and implementation of such events.

Information material

Publications (such as brochures and pamphlets) about programmes or similar measures financed or co-financed by Phare, Ispa or Sapard should, on the title page, contain a clear indication of the EU participation as well as the EU logo where the national or regional emblem is used.
Where such publications include a preface, it should be signed by both the person responsible in the applicant country and, for the Commission, the Delegate of the Commission to ensure that EU participation is made clear.

Such publications shall refer to the national and regional bodies responsible for informing interested parties.

The above-mentioned principles shall also apply to audio-visual material.

5. Special arrangements concerning billboards, commemorative plaques and posters

In order to ensure the visibility of measures part-financed by the Phare, Ispa or Sapard Programmes, applicant countries shall ensure that the following information and publicity measures are complied with:

Billboards

Billboards providing information on EU participation in the financing of the investment should be erected on the sites of all projects in which EU participation amounts to EUR 1 million or more. Even where the competent national or regional authorities do not erect a billboard announcing their own involvement in financing the EU assistance must nevertheless be announced on a special billboard. Billboards must be of a size which is appreciable to the scale of operation (taking into account the amount of co-financing from the EU) and should be prepared according to the instructions contained in the technical manual obtainable from EC Delegations, referred to above.

Billboards shall be removed not earlier than six months after completion of the work and replaced, wherever possible, by a commemorative plaque in accordance with the specifications outlined in the technical manual referred to above.

Commemorative plaques

Permanent commemorative plaques should be placed at sites accessible to the general public (congress centres, airports, stations, etc.). In addition to the EU logo, such plaques must mention the EU part financing together with a mention of the relevant Programme (Phare, Ispa or Sapard).

Where a national, regional or local authority or another final beneficiary decides to erect a billboard, place a commemorative plaque, display a poster or take any other step to provide information about projects with a cost of less than EUR 1 million, the EU participation must also be indicated.

6. Final provisions

The national, regional or local authorities concerned may, in any event, carry out additional measures if they deem this appropriate. They shall consult the EC Delegation and inform it of the initiatives they take so that the Delegation may participate appropriately in their realisation.
In order to facilitate the implementation of these provisions, the Commission, through its Delegations on the spot, shall provide technical assistance in the form of guidance on design requirements, where necessary. A manual will be prepared in the relevant national language, which will contain detailed design guidelines in electronic form and this will be available upon request.