Extending the operations of the Technical Assistance Information Exchange Office (TAIEX) for 2003,

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 2500/2001, and in particular Article 8 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 **MEUR 8** to be financed through the budget line B7-0300A and **MEUR 27** to be financed through the budget line B7-0300B, in 2002.

Done in Brussels,
For the Commission

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1 OJ n° L375/11 du 23/12/1989
2 OJ n° L342/1 du 27/12/2001
FINANCING PROPOSAL TO EXTEND THE OPERATIONS OF THE
TECHNICAL ASSISTANCE INFORMATION EXCHANGE OFFICE
(TAIEX)

1. IDENTIFICATION

COUNTRY       MULTI-BENEFICIARY
PROGRAMME     APPROXIMATION OF LEGISLATION
YEAR          1ST JANUARY 2003-31ST DECEMBER 2003
COST          MEUR 35
IMPLEMENTING AUTHORITY   EUROPEAN COMMISSION
CONTRACTING END DATE     31 DECEMBER 2003
DISBURSEMENT END DATE    31 DECEMBER 2004
SECTOR          LE
CRIS NUMBER     2002/001-091
GROUP           O
BUDGET LINE     B7-0300A : MEUR 8
                B7-0300B : MEUR 27
TASK MANAGER    BRIDGET CZARNOTA

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 2003.

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 13 Candidate Countries1 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 Candidate Countries to log the progress made in transposing and implementing EU legislation, covering the entire Acquis and its application and enforcement infrastructures.

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1 Separate Proposals will be made for Cyprus, Malta and Turkey, which will indicate the exact budget items and amounts for technical assistance.
TAIEX services nowadays cover technical assistance on the full Acquis for not only national administrations, but also the judiciary, parliaments, regional and local administrations, and commercial, professional and economic groupings.

The “classical” TAIEX approach will continue, i.e. financed from the multi-country programme (and therefore outside each country’s national envelope) by responding to requests from a Candidate Country for specific expertise. Preparation and follow-up of missions and study visits will be further strengthened and a logical order will be implemented in the short-term expertise whenever possible. In order to strengthen the preparations by the Candidate Countries and the targeting of technical assistance both prior to and, where necessary, following accession, further emphasis will be made on the evaluation of the legislative and administrative development needs of the administrative and enforcement bodies, in close co-operation with the Member States and the Commission Services.

Due to the continuously increasing demand for TAIEX services and the setting up and running costs of focusing technical assistance in this way, it is expected in line with earlier experience that the budget will be fully depleted at the end of this year. The additional costs of providing TAIEX services to Cyprus, Malta and Turkey will be met from separate budget lines. Funds under this Proposal, as well as funds under the proposals for Cyprus, Malta and Turkey, may be committed through existing contracts.

The TAIEX PHARE programme will continue to operate in a two-year cycle, at least until 31 December 2004. As already approved by the previous Commission Decision for 2001 with this proposal another MEUR 35 will be allocated for year two of this programme, to be contracted during 2003.

With accession rapidly approaching by 2004, there will be intensified technical assistance-needs and urgent responses required to those needs. In this context, TAIEX remains of critical importance in delivering rapid assistance, thus building a bridge to such a type of technical assistance in the future. Consequently, in order for TAIEX to continue delivering technical assistance, further funding will be necessary. To that end, a further proposal for MEUR 35 will be made at a later stage to be contracted during 2004.

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." The objective is to provide complementary and focused technical assistance in the areas of legislation covered in the White Paper. It is conceived as a "one stop shop" to assist national administrations in the Associated Countries of Central and Eastern Europe (now Candidate Countries), 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 Candidate Countries; 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 Candidate Countries.

In the meantime and notably since the adoption of Agenda 2000 in which the TAIEX mandate was extended to cover the full acquis communautaire the workload of TAIEX has increased exponentially. In line with the overall PHARE approach TAIEX will continue to function as a multi-

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beneficiary 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 co-ordinated with the national PHARE programmes, responding with tailor-made actions in all fields of the *Acquis* to individual requests not covered in the national programmes. TAIEX will continue to be one of the main instruments for mobilising expertise from officials in the Member States and within the Commission. Its role may also be extended to assist new Member States to strengthen further their administrative capacity in its broadest sense to enforce the EU Acquis. It might also be necessary that TAIEX would have to cover the specific training needs of the local inspectorates and representatives of economic operators of the CCs including monitoring of their progress to become compliant with the EU Acquis.

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 four 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 EU legislation.

Secondly 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 officials from the Candidate Countries to their counterparts in the European Union, to gain experience notably in the implementation of the EU *Acquis*.

Finally, there might be a need to establish standing teams of Member State experts to give continuity in solving issues concerning the introduction of the EU Acquis. The need for such ongoing but sequenced short-term advisory capacity could then be better integrated with twinning and other longer-term initiatives.

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 and enforcing 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 delivery of information and expertise on the transposition, implementation and enforcement of legislation in the Candidate Countries in the pre-accession context as well as to facilitate the flow of information to and from the Commission and these countries.

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.
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 to Candidate Countries or Member States will be generally around two weeks. The missions can take place at any location within the EU and the Candidate Countries.

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

Advice on transposition, implementation and enforcement of legislation and of best practices

This will be done notably through expert visits and study visits. As explained above these activities will, where appropriate, be arranged to provide continuity. At the same time, individual short-term assistance activities will remain available to meet unforeseen urgent needs.

Technical assistance will be constructed as a flexible and rapid delivery mechanism for expertise from Member States’ public and semi-public bodies to their counterparts in the Candidate Countries. Within this period any combination of the following technical assistance means, individually or as a package, can be delivered by TAIEX:

- Mobilisation of national expert(s) in a given field for a series of missions;
- Workshops in either Brussels, a Member State, the relevant Candidate Country or in any other location determined in agreement with the Commission on a case by case basis;
- Study visits to the European Institutions, Member States, and where appropriate to other Candidate Countries;
- Short term mobilisation of national experts, in particular to review regulatory and administrative infrastructures.

These elements will enable TAIEX to provide a coherent approach to providing assistance that fits the need expressed by the Candidate Countries.

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 alignment of the Candidate Countries.

The Office’s databases allow a comprehensive overview to be maintained by each Candidate 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 are focused on the needs of each country. New database products will be developed where particular needs are identified. TAIEX is responsible for the day-to-day management and updating of these databases. Those databases will be extended and adapted in respect of monitoring regulatory and supervisory infrastructures. The Candidate Countries will be responsible for the delivery and updating 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 2003. With respect to the allocation in 2002 of MEUR 35, its planned breakdown is as follows:

<table>
<thead>
<tr>
<th>Budget Line</th>
<th>B7-0300B</th>
<th>B7-0300A</th>
<th>Operational Expenditures</th>
<th>Contractor</th>
<th>ATA</th>
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<tbody>
<tr>
<td><strong>1. TECHNICAL ASSISTANCE THROUGH:</strong></td>
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<td><strong>1.1. GROUP ACTIVITIES SUCH AS:</strong></td>
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<tr>
<td><strong>1.1.1. CONFERENCES - SEMINARS</strong></td>
<td>Covers all expenses associated with the organisation of these events both in Brussels, in the Member States and in the Candidate Countries.</td>
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<tr>
<td><strong>1.1.2. WORKSHOPS – TRAINING COURSES</strong></td>
<td>Covers all expenses associated with the organisation of these events both in Brussels, in the Member States and in the Candidate Countries.</td>
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<td><strong>1.2. INDIVIDUAL ACTIVITIES SUCH AS:</strong></td>
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<td><strong>1.2.1. EXPERT MOBILISATIONS</strong></td>
<td>Covers all expenses and fees associated with the provision of services of Member States’ experts from the public and private sector to provide advice to the Candidate Countries.</td>
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<td><strong>1.2.2. STUDY VISITS</strong></td>
<td>Covers all expenses of representatives from the public and private sector of the Candidate Countries to gain experience and knowledge of implementation arrangements in Member States or, if appropriate, in other Candidate Countries.</td>
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<td><strong>1.2.3. SECONDMENT</strong></td>
<td>Covers the expenditure required to provide for the secondment of Member State experts to assist the execution of technical assistance provided by the TAIEX Office.</td>
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<td><strong>2. EVALUATION OF SHORT-TERM TECHNICAL ASSISTANCE NEEDS IN THE CANDIDATE COUNTRIES</strong></td>
<td>Covers all expenses in creating teams of highly specialised and experienced Member State experts for the assessment and monitoring of the progress of Candidate Countries in legislative and administrative development</td>
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<td><strong>3. DATABASES</strong></td>
<td>Covers costs related to the development and updating of these databases, the fees of database experts and the development of related informatics tools.</td>
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<td><strong>4. INFORMATION</strong></td>
<td>Covers costs related to information, documentation, reporting on the Candidate Countries, publicity and reproduction costs.</td>
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<td><strong>5. TRANSLATION, INTERPRETATION</strong></td>
<td>Covers costs for training, tools (e.g. glossaries, electronic equipment and software), expert fees etc.</td>
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<td><strong>SUB TOTAL 1.+2.</strong></td>
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<td><strong>3. DATABASES</strong></td>
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<td><strong>SUB TOTAL 3.+4.+5.</strong></td>
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<td><strong>SUB TOTAL 1.+2.+3.+4.+5.</strong></td>
<td>27.0</td>
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<td><strong>6. AUDIT MONITORING</strong></td>
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<td>Description</td>
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<td>SUB TOTAL 1.+2.+3.+4.+5.+6.</td>
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<td>TOTAL</td>
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Implementation arrangements

The Commission in accordance with tendering and contracting procedures as required by the Financial Regulation will implement the programme. 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 for TAIEX assignments.
- provide information on their own assistance efforts and on the availability of expert advice through the PHARE Management Committee and TAIEX;
- 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 Candidate Countries’ 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 other Commission services, and the Member States.

The Commission will manage and co-ordinate the overall Programme through the TAIEX Unit D.2 of DG Enlargement and executed through an external, competitively selected contractor. All 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 will be covered.

9. **ANTI-FRAUD-MEASURES, AUDIT, MONITORING AND EVALUATION**

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 shall 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. **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. This risk is diminished through existing co-ordination procedures, which have been strengthened and new ones introduced with the aim of further improving overall co-ordination. The TAIEX databases will also be developed to function as a co-ordination tool both for the Candidate Countries 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 Candidate Countries as well as for participation in seminars, training meetings etc.