COMMISSION DECISION

OF 2004

adopting the Financing Decision for the TAIEX Programme for strengthening institutional capacity, to be funded by the Transition Facility

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) Pursuant to Article 75 of the Council Regulation (EC) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, commitment of any expenditure shall be preceded by a financing decision adopted by the Commission.

(2) For grants and contracts in connection with sectoral programmes, the adoption of a work programme according to article 110 of the Financial Regulation can be considered, pursuant to article 15 of the internal rules for implementation of the 2004 budget, to constitute the financing decision as defined in article 75 of the Financial Regulation, provided that it defines a sufficiently precise framework.

(3) 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.

(4) The actions funded by this Decision in the areas of Internal Market, statistics, social policy and employment, energy and environment, agriculture and rural development, food safety and veterinary services, Justice and Home Affairs and administrative capacity are eligible for funding according to Article 34(2) of the Act of Accession.

(5) Pursuant to Article 34(4) of the Act of Accession, the Transition Facility is implemented in accordance with Article 53(1) (a) of the Financial Regulation.

1 SEC(2004) 120 of 11.3.2004

1 Separate proposals will be made for Romania, Bulgaria and Turkey in due course.
HAS ADOPTED THIS DECISION:

Article 1

The Commission approves a Financing Decision for an amount of €14.2 million as Transition Facility to finance the activities set out in point 7 of the Annex.

Article 2

1. Contracts covered by the Financing Decision shall be signed no later than 15 December 2005.

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

Done at Brussels, […]

For the Commission

[...]  
Member of the Commission
FINANCING PROPOSAL FOR PROVIDING FUNDING FROM THE TRANSITION FACILITY TO CONTINUE THE OPERATIONS OF TAIEX

1. IDENTIFICATION

COUNTRY
CYPRUS, THE CZECH REPUBLIC, ESTONIA, HUNGARY, LATVIA, LITHUANIA, MALTA, POLAND, SLOVAKIA, SLOVENIA

PROGRAMME
TECHNICAL ASSISTANCE INFORMATION EXCHANGE (TAIEX)

CRIS NUMBER
2004/006-219

YEAR
2004

COST
€ 14.2 MILLION

IMPLEMENTING AUTHORITY
EUROPEAN COMMISSION

CONTRACTING END DATE
15 DECEMBER 2005

EXECUTION OF CONTRACTS END DATE
15 DECEMBER 2007

SECTOR
DAC CODE: 15040

BUDGET LINE
22 03 02

TASK MANAGER
MORTEN JUNG-OLSEN

2. SUMMARY

Article 34 of the Act of Accession, the Transition Facility, will provide the budgetary provision to continue to develop and strengthen the new Member States’ administrative capacity to implement and enforce Community legislation and to foster exchange of best practice among peers. This financing proposal provides the funding for TAIEX activities for the benefit of the 10 new Member States from the Transition Facility 2004 budget.

The nature, scope and content of TAIEX assistance has progressively expanded since 1996 to support approximation of national legislation, its implementation and enforcement; monitoring of progress in administrative capacity and preparation of strategies to deal with remaining needs covering the entire acquis.

The geographical scope of TAIEX has also widened from the original 10 Phare countries\(^1\) to include also Malta, Cyprus and Turkey\(^1\) and most recently the Western Balkans (i.e. CARDS countries).

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 co-ordination and monitoring, in close co-operation with Member States and Commission services.

TAIEX activities are complementary to the Community-funded national programmes and target all national administrations, the judiciary, parliaments, regional and local administrations, public and semi-public entities including social partners and private sector organisations.
With this funding from the Transition Facility, TAIEX will continue to respond to requests from new Member States with particular attention to needs identified through the ongoing monitoring by the Commission services. Follow-up of assistance activities will be strengthened and specialised workshops, technical training activities and regional training programmes will be further developed.

In order to strengthen the targeting of technical assistance following accession, further emphasis will be given to the evaluation of the legislative and administrative development needs of the administrative and enforcement bodies.

3. **BACKGROUND**

TAIEX was originally set up for a two-year period (1996-1997) 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 was to provide 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 (now new Member States and 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, workshops and seminars; study visits to Commission and current Member States; expert to advice in the Candidate Countries; databases on deployment and results of technical assistance. The original budget was increased in 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 substantially. With the development of Peer Reviews and the Regional Training Programme, more than 1000 assistance activities, benefiting more than 25,000 participants, were organised by TAIEX in 2003, using more than 3,000 experts from the current Member States.

4. **POLICY ASSESSMENT**

TAIEX will continue to be a complementary instrument for mobilising expertise for the new Member States and to provide support for the strengthening of administrative capacity in the first years of membership. The main role of TAIEX as regards assistance is to solve problem and to act as a catalyst. TAIEX is a complement to and co-ordinated with the national Community-funded programmes, responding to individual requests not covered by them with tailor-made actions in all fields of the *acquis*.

5. **INSTITUTIONAL ASSESSMENT**

The TAIEX office is a Unit within the Commission, Directorate General for Enlargement supporting the Commission policies relating to Institution Building needs. Its activities are driven by demand from the beneficiary countries, request from European Institutions and needs as identified in the monitoring of the Commission services. The TAIEX mandate has been reinforced and extended thus widening the range of recipients appreciably. In addition to the expertise available within the Commission, TAIEX draws heavily on the experience and co-operation of Member States.
It mobilises experts from the public and the semi-public sectors in current Member States through its expert pool. This allows beneficiaries to co-operate directly with their counterparts in the Member States dealing with the same tasks of transposing, applying and enforcing the *acquis*.

TAIEX relies also on staff seconded from current Member States’ administrations to extend the availability of expertise and bring knowledge and experience of practical administrative problems at national level.

It co-operates with Member States’ administrations for the organisation of study visits by officials from the beneficiary countries to their counterparts in the European Union, to gain experience notably in the implementation of the EU *acquis*.

By using standing teams of Member States’ experts, continuity is provided for solving issues concerning the introduction of the EU *acquis*. This allows for ongoing and sequenced short-term advisory capacity complementary to twinning and other longer-term initiatives.

At this stage of the transition process, the assistance needs become more and more detailed, specific and specialised, making the support of Member States experts even more vital.

6. **OBJECTIVES**

The assistance under the programme will cover the delivery of information and expertise to facilitate the implementation and enforcement of the *acquis* in the new Member States as well as to facilitate the flow of information on progress and issues in this respect.

7. **DESCRIPTION**

The Commission will continue to ensure the coherence and relevance of TAIEX activities and services in relation to needs and other Community 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 be included where necessary.

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

*Advice on implementation and enforcement of legislation*

This will be done notably through expert visits and study visits. These activities will, as appropriate, be arranged to provide continuity. At the same time, individual short-term assistance activities will remain available to meet unforeseen urgent needs. Assistance will be constructed as a flexible and rapid delivery mechanism for expertise from public and semi-public bodies to their counterparts in the new Member States. Any combination of the following assistance means, individually or as a package, can be delivered by TAIEX:

- Mobilisation of national expert(s) in a given field for, one or a series of missions;
- Workshops, seminars, technical training;
- Study visits;
- Short-term mobilisation of national experts, in particular to review and advice on regulatory and administrative infrastructures.
In so far, as the focus of assistance will be the continued strengthening of administrative capacity in the new Member States, TAIEX will in particular develop and extend its Regional Programme, and create further opportunities to facilitate technical training and peer assistance.

**Databases and information products.**

Some of TAIEX databases will still prove useful for the new Member States, in particular with regards to the completion of the translation of the acquis and of the jurisprudence of the ECJ.
8. **INDICATIVE COST AND FINANCING PLAN**

With respect to the allocation in 2004 of € 14.2 million, the planned breakdown is as follows:

<table>
<thead>
<tr>
<th>BUDGET LINE</th>
<th>22 03 02</th>
<th>Operational Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. ASSISTANCE THROUGH:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1.1. GROUP ACTIVITIES SUCH AS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1.1.1. CONFERENCES – SEMINARS</strong></td>
<td></td>
<td>Covers all expenses associated with the organisation of these events both in Brussels, in the Member States and in other beneficiary countries.</td>
</tr>
<tr>
<td><strong>1.1.2. WORKSHOPS – TRAINING COURSES</strong></td>
<td></td>
<td>Covers all expenses associated with the organisation of these events both in Brussels, in the Member States and in other beneficiary countries.</td>
</tr>
<tr>
<td><strong>1.2. INDIVIDUAL ACTIVITIES SUCH AS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1.2.1. EXPERT MOBILISATIONS</strong></td>
<td></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 new Member States.</td>
</tr>
<tr>
<td><strong>1.2.2. STUDY VISITS</strong></td>
<td></td>
<td>Covers all expenses of representatives from the public and private sector of the new Member States to gain experience and knowledge of implementation arrangements in other Member States.</td>
</tr>
<tr>
<td><strong>1.2.3. SECONDMENT</strong></td>
<td></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>
</tr>
<tr>
<td><strong>2. EVALUATION OF SHORT-TERM ASSISTANCE NEEDS IN THE NEW MEMBER STATES</strong></td>
<td></td>
<td>Covers all expenses in creating teams of highly specialised and experienced experts from Member State for the assessment and support the progress of new Member States in administrative development.</td>
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<tr>
<td>SUB TOTAL 1+ 2</td>
<td>12.6</td>
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<tr>
<td><strong>3. DATABASES</strong></td>
<td></td>
<td>Covers costs related to the development and updating of these databases, the fees for database experts and the development of related informatics tools.</td>
</tr>
<tr>
<td><strong>4. INFORMATION</strong></td>
<td></td>
<td>Covers costs related to information, documentation, reporting on the new Member States, publicity and reproduction costs.</td>
</tr>
<tr>
<td>SUB TOTAL 3+ 4</td>
<td>1.6</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>14.2</td>
<td></td>
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</tbody>
</table>

*As TAIEX is largely a demand driven programme, a breakdown of cost can only be detailed once the programme is implemented, based on requests from beneficiary countries.*
9. **IMPLEMENTATION ARRANGEMENTS**

The Commission will implement the programme in accordance with the requirement of the Financial Regulation. It will as necessary conclude contracts with independent consultants for the management of the programme.

The Commission is foreseen to award a maximum of €3 million out of the budget for Cyprus and Malta in order to assure sufficient funding under the current TAIEX programme through an adjustment of the current contract. For the new programme and once present Phare funding is exhausted, the Commission will award the remaining amount for all beneficiary countries through an open call for tender. This tender for the new programme is foreseen to be launched in October 2004, with implementation to start in June 2005.

As TAIEX is largely a demand driven programme, the traditional “first come first served” principle will be applied for the new programme. Nevertheless, the Commission, namely the TAIEX unit together with other DGs, will also continue to respond to identify political priorities, and at the same time take into account new and pending **acquis**. For the latter, TAIEX will endeavour that all concerned countries will participate to the relevant events, in particular through multi-lateral events.

The Member States are invited:

To make available expert advice on the implementation of EU legislation, and on the structures required, including by means of the secondment of officials for TAIEX assignments;

To provide information on their own assistance efforts and on the availability of their experts;

To co-ordinate planned assistance efforts to ensure that support from different sources is effective and mutually reinforcing.

Expenses which are needed for the provision of the services of TAIEX, the development and maintenance of the databases and overhead expenses for the costs and operation of the contractors will be covered.

10. **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 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 § 3 of Commission Regulation No. 2222/2000 dated from June 7, 2000, on the communication in case of irregularities and putting in place 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.

11. **Risks**

An important risk, as in other fields of technical assistance, is that of duplication and even competing advice. This risk is diminished through appropriate established co-ordination procedures between the TAIEX unit and the relevant Commission line-DGs, and between the TAIEX unit and the responsible beneficiary country authorities.

The TAIEX programme relies to a considerable extent on the willingness of Member States administrations and institutions to make experts available for missions to the beneficiary countries as well as for participation in seminars, training meetings etc.

12. **Visibility/Publicity**

The Commission will be responsible for ensuring that the necessary measures are taken to ensure appropriate publicity for all activities financed from the programme.