COMMISSION DECISION
2004

Establishing a pre-accession multi-beneficiary programme assistance provided by the Technical Assistance Information Exchange Office (TAIEX) for Bulgaria, Romania and Turkey.

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\(^1\), as last amended by Regulation (EC) N\(^o\) 769/2004\(^2\), and in particular Article 8 thereof,

Having regard to Regulation (EEC) No 2500/2001 of 17 December 2001 on economic aid to Turkey, and in particular Article 2,

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, and Regulation No 2500/01 lays down the rules and conditions for the granting of economic aid to Turkey,

(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, with particular reference to the need for continuing development and strengthening Bulgarian, Romanian and Turkish administrative capacities to better implement and enforce Community legislation and to foster improved exchanges of best practices among peers,

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 \(€ 4\) million to be financed through Budget line 22.02.06 in 2004.

Done in Brussels,
For the Commission

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\(^1\) OJ L 375, 23.12.1989, p. 11.


\(^1\) Separate proposals was made for new Member States using the Transition Facility.
FINANCING PROPOSAL FOR PROVIDING FUNDING FROM THE PRE-ACCESSION ASSISTANCE INSTRUMENTS TO CONTINUE THE OPERATIONS OF TAIEX

1. IDENTIFICATION

COUNTRY BULGARIA, ROMANIA, TURKEY
PROGRAMME TECHNICAL ASSISTANCE INFORMATION EXCHANGE (TAIEX)
CRIS NUMBER 2004/016-813
YEAR 2004
COST € 4 MILLION
IMPLEMENTING AUTHORITY EUROPEAN COMMISSION
CONTRACTING END DATE 31 DECEMBER 2005
EXECUTION OF CONTRACTS END DATE 31 DECEMBER 2007
SECTOR DAC CODE: 15040
BUDGET LINE 22 02 06
TASK MANAGER MORTEN JUNG-OLSEN

2. SUMMARY

The Pre-Accession Assistance Instruments will provide the budgetary provision to continue to develop and strengthen the Bulgarian, Romanian and Turkish 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 three countries from the Pre-Accession Assistance Instruments 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 to include also Malta, Cyprus and Turkey and most recently the Western Balkans (i.e. CARDS countries) and the Turkish Cypriot community.

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 Pre-Accession Assistance Instruments, TAIEX will continue to respond to requests from Bulgaria, Romania and Turkey 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, 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 1300 assistance activities, benefiting more than 22,000 participants, were organised by TAIEX in 2003, using more than 7,000 experts from the EU15 Member States.

4. **POLICY ASSESSMENT**

TAIEX will continue to be a complementary instrument for mobilising expertise for Bulgaria, Romania and Turkey and to provide support for strengthening their administrative capacity. The main role of TAIEX as regards assistance is 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 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 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.

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 Bulgaria, Romania and Turkey 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 and 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 beneficiary countries. 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 beneficiary countries, TAIEX will in particular develop and extend its Regional Programme (except for Turkey), and create further opportunities to facilitate technical training and peer assistance.
Databases and information products.

TAIEX databases will remain useful for Bulgaria, Romania and Turkey, 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 € 4 million, the planned breakdown* is as follows:

<table>
<thead>
<tr>
<th>BUDGET LINE</th>
<th>22 02 06</th>
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<tbody>
<tr>
<td>Operational Expenditures</td>
<td></td>
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**1. ASSISTANCE THROUGH:**

**1.1. GROUP ACTIVITIES SUCH AS:**

1.1.1. **CONFERENCES – SEMINARS**  
Covers all expenses associated with the organisation of these events both in Brussels, in the Member States and in the beneficiary countries.

1.1.2. **WORKSHOPS – TRAINING COURSES**  
Covers all expenses associated with the organisation of these events both in Brussels, in the Member States and in the beneficiary countries.

**1.2. INDIVIDUAL ACTIVITIES SUCH AS:**

1.2.1. **EXPERT MOBILISATIONS**  
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 Bulgaria, Romania and Turkey.

1.2.2. **STUDY VISITS**  
Covers all expenses of representatives from the public and private sector of Bulgaria, Romania and Turkey to gain experience and knowledge of implementation arrangements in the Member States.

1.2.3. **SECONDMENT**  
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.

**2. EVALUATION OF ASSISTANCE NEEDS IN BULGARIA, ROMANIA AND TURKEY**  
Covers all expenses in creating teams of highly specialised and experienced experts from current Member State for the assessment and monitoring of the progress in needs of the three countries.

**SUB TOTAL 1+ 2**  
3.6

**3. DATABASES**  
Covers costs related to the development and updating of these databases, the fees for database experts and the development of related informatics tools.

**4. INFORMATION**  
Covers costs related to information, documentation, reporting on Bulgaria, Romania and Turkey, publicity and reproduction costs.

**SUB TOTAL 3+ 4**  
0.4

**TOTAL**  
4

*As the TAIEX instrument is largely a demand driven programme based on requests from beneficiary countries, the breakdown of cost can only be detailed once the programme is implemented.*
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 a service provider for the provision of requirements for the implementation of the programme. This contract will be awarded once present Phare funding is exhausted, according to the Commission rules, in an objective and transparent manner. The procedure for choosing the service provider 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 Bulgaria, Romania and Turkey will participate to the relevant events, in particular through multi-country 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 other expenses for the costs and operation of the contractors will be covered.

10. ANTI-FRAUD-MEASURES, AUDIT, MONITORING AND EVALUATION

All contracts resulting from the implementation of this programme are subject to supervision and financial control by the Commission (including the European Anti-Fraud Office) and audits by the European Court of Auditors.

In order to ensure the efficient protection of the financial interests of the Community, the Commission (including the European Anti-Fraud Office) may conduct on-the-spot checks and inspections in accordance with the procedures foreseen in Council Regulation (EC, Euratom) 2185/961.

The controls and audits described above are applicable to all contractors and subcontractors who have received Community funds.

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Without prejudice to the responsibilities of the Commission and the European Court of Auditors\(^1\), the accounts and operations of all parties involved in the implementation of this programme may be checked at the Commission’s discretion by the Commission itself or by an outside auditor contracted by the Commission.

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 the 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 that for all activities financed from the programme, the visibility/publicity will follow the EU Visibility guidelines for external actions (http://europa.eu.int/comm/europaid/visibility/index_en.htm).

\(^{1}\) as referred to in the General Conditions relating to the Financing Memorandum” attached to the Framework Agreement