COMMISSION DECISION

of 2005

Establishing a pre-accession multi-beneficiary programme assistance provided by the Technical Assistance Information Exchange Office (TAIEX) for Bulgaria, Croatia, 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 Europe¹, as last amended by Regulation (EC) N° 769/2004 ², 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, 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 rendered on 07/04/2005, with particular reference to the need for continuing development and strengthening Bulgarian, Croatian, 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.

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Article 2

The maximum amount of Community assistance shall be €7 million to be financed through Budget line 22.0206 in 2005.

Done at Brussels, […]

For the Commission

[...]  
Member of the Commission
FINANCING PROPOSAL FOR PROVIDING FUNDING FROM THE PRE-ACCESSION ASSISTANCE INSTRUMENTS TO CONTINUE THE OPERATIONS OF TAIEX

1. IDENTIFICATION

COUNTRY
BULGARIA, CROATIA, ROMANIA, TURKEY

PROGRAMME
TECHNICAL ASSISTANCE INFORMATION EXCHANGE (TAIEX)

CRIS NUMBER
017072

YEAR
2005

COST
€ 7 MILLION

IMPLEMENTING AUTHORITY
EUROPEAN COMMISSION

CONTRACTING END DATE
15 DECEMBER 2006*

EXECUTION OF CONTRACTS END DATE
15 DECEMBER 2008*

SECTOR
DAC CODE: 15040

BUDGET LINE
22.0206

TASK MANAGER
MORTEN JUNG-OLSEN

* These deadlines are of indicative nature and have to be determined by the authorising officer.

2. SUMMARY

The Pre-Accession Assistance Instruments will provide the budgetary provision to develop and strengthen the Bulgarian, Croatian, 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 activities of the TAIEX 2005/2006 Programme for the benefit of the four countries from the 2005 budget. It will complement financial resources allocated from the 2004 Pre-Accession Assistance Instruments to cover the Bulgarian, Romanian and Turkish needs in this programme. The Croatian needs will be partially cover by the CARDS budget, for TAIEX activities organised by TAIEX especially for Balkan countries.

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\(^1\), Cyprus\(^1\), Turkey and most recently the Western Balkans\(^2\) and the Turkish Cypriot

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1 Separate proposals have been made for new Member States for the Transition Facility budgets, and the Instrument of financial support for encouraging the economic development of the Turkish Cypriot community.
2 Funded from CARDS budget.
community. The expected start of the accession negotiations with Croatia will increase substantially the level of participation of this country to the programme.

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 coordination 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 the beneficiary countries 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.

The Programme 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 30,000 participants, were organised by TAIEX in 2004, using some 7,000 experts from the EU15 Member States.

4. POLICY ASSESSMENT

TAIEX will to be a complementary instrument for mobilising expertise for Bulgaria, Croatia, 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 coordinated 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**

Unit D5 responsible for TAIEX Programme 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. Unit D5 mandate has been reinforced and extended thus widening the range of recipients appreciably. In addition to the expertise available within the Commission, TAIEX Programme 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*. In this respect, an expert database has been recently set up.

TAIEX Programme 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 expertise and information to facilitate the implementation and enforcement of the *acquis* in Bulgaria, Croatia, 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 Programme 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 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 in Bulgaria and Romania and in Croatia if appropriate, and create further opportunities to facilitate technical training and peer assistance. The training programme with Turkey will be focused in short-term at central level.

**Databases and information products.**

TAIEX databases will remain useful for Bulgaria, Croatia, 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 2005 of €7 million, the planned breakdown* is as follows:

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<tr>
<th>BUDGET LINE</th>
<th>22.0206</th>
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<tbody>
<tr>
<td></td>
<td>Operational Expenditures</td>
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1. **Assistance Through:**

1.1. **Group Activities Such As:**

1.1.1. **Conferences – Seminars**
All expenses associated with the organisation of these events both in Brussels, in the Member States and in other beneficiary countries.

1.1.2. **Workshops – Training Courses**
All expenses associated with the organisation of these events both in Brussels, in the Member States and in other beneficiary countries.

1.2. **Individual Activities Such As:**

1.2.1. **Expert Mobilisations**
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, Croatia, Romania and Turkey.

1.2.2. **Study Visits**
All expenses of representatives from the public and private sector of Bulgaria, Croatia, Romania and Turkey to gain experience and knowledge of implementation arrangements in the Member States.

1.2.3. **Secondment**
Expenditure required to provide for the secondment of Member State experts to assist the execution of technical assistance provided by unit D5 for TAIEX.

2. **Evaluation of Assistance Needs in Bulgaria, Croatia, Romania and Turkey**
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** 6.3

3. **Databases**
Costs related to the development and updating of these databases, the fees for database experts and the development of related informatics tools.

4. **Information**
Costs related to information, documentation, reporting on Bulgaria, Croatia, Romania and Turkey, publicity and reproduction costs.

**Sub Total 3+ 4** 0.7

**Total** 7.0

*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.*

*The breakdown of this envelop by budget line is the following: €4 million from the Road Map Bulgaria/Romania, €2 million from the Revised Accession Strategy for Turkey and €1 million from the Accession Strategy for Croatia.*
9. **IMPLEMENTATION ARRANGEMENTS**

The Commission will implement the programme in accordance with the requirement of the Financial Regulation, in particular following the implementation procedure stated in Article 54.2.c. It will as necessary conclude agreement with a delegated entity for the provision of requirements for the implementation of the programme. This agreement will be awarded according to Commission rules, in an objective and transparent manner. The procedure for choosing the delegated entity has already been launched, with implementation to start in May/June 2005.

TAIEX is largely a demand driven programme, working on the basis of a “first come first served” principle. In addition, the programme will also continue to respond to identify political priorities, and at the same time take into account new and pending *acquis* as required. For the latter, Bulgaria, Croatia, Romania and Turkey will participate to the relevant events, in particular through multi-country events.

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.

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.

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

All agreements and 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) 2185/96³.

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

Without prejudice to the responsibilities of the Commission and the European Court of Auditors⁴, the accounts and operations of all parties involved in the implementation of this

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⁴ as referred to in the General Conditions relating to the Financing Memorandum attached to the Framework Agreement
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).