COMMISSION DECISION

OF 2005

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 the internal rules for implementation of the 2005 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, environment, agriculture and rural development, food safety and veterinary services, and justice and home affairs are eligible for funding according to Article 34(2) of the Act of Accession. In addition, several needs have been identified in the Commission’s comprehensive monitoring report, which are not covered by the Structural Funds. The actions funded by this Decision in relation to needs, in the areas of social policy and employment, energy and administrative capacity, are therefore also eligible for funding under 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.

(6) The measures provided for by this Decision are in accordance with the opinion of the Committee on Aid for Economic Restructuring in certain countries in Central and Eastern Europe, rendered on 18 February 2005,
HAS ADOPTED THIS DECISION:

**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 **€ 8 million** to be financed through Budget line 22.0302.

Done at Brussels, […]

*For the Commission*

[...]  
*Member of the Commission*
1. IDENTIFICATION

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

PROGRAMME TECHNICAL ASSISTANCE INFORMATION EXCHANGE (TAIEX)

CRIS NUMBER 2005/017073

YEAR 2005

COST € 8 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 22.0302

TASK MANAGER MORTEN JUNG-OLSEN

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

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 activities of the TAIEX 2005/2006 Programme for the benefit of the 10 countries from the 2005 budget. It will complement financial resources allocated from the 2004 Transition Facility to cover their needs in this programme.

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 community\(^3\).
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 the 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, 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 30,000 participants, were organised by TAIEX in 2004, using some 7,000 experts from the EU15 Member States.

4. POLICY ASSESSMENT

TAIEX will continue to be a complementary instrument for mobilising expertise for new Member States 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

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. The mandate of Unit D5 has been reinforced and extended, thus widening the range of recipients appreciably. In addition to the expertise available within the Commission, the 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.

The 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 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.

The 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, 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 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 and create further opportunities to facilitate technical training and peer assistance.

**Databases and information products.**

TAIEX databases will remain useful for the new Member States, in particular with regard 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 €8 million\(^1\), the planned breakdown* is as follows:

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<tr>
<th>BUDGET LINE</th>
<th>22.0302</th>
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<tr>
<td><strong>Operational Expenditures</strong></td>
<td></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 the new Member States.

1.2.2. **STUDY VISITS**
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.

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 D1 for TAIEX.

2. **EVALUATION OF ASSISTANCE NEEDS IN NEW MEMBER STATES**
All expenses in creating teams of highly specialised and experienced experts from Member State for the assessment and monitoring of the progress in needs of the new Member States.

**SUB TOTAL 1+ 2** 7.2

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 new Member States, publicity and reproduction costs.

**SUB TOTAL 3+ 4** 0.8

**TOTAL** 8.0

*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.

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**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 agreements 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 acquis.

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

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 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](http://europa.eu.int/comm/europaid/visibility/index_en.htm)).