COMMISSION DECISION

C(2005) 2696 OF 18/7/2005

Establishing a global authorisation for a technical and administrative assistance facility (ATA)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2500/2001 of 17 December 2001 concerning pre-accession financial assistance for Turkey and in particular Article 6 and 8(1) second subparagraph thereof,

Whereas:

(1) Regulation No 2500/2001 lays down the rules and conditions for the granting of pre-accession financial assistance to Turkey,

(2) This facility will be used to provide technical support and to cover relevant administrative expenditure for the mutual benefit of the Commission and the beneficiary countries, in support of the programming, implementation and monitoring of the Phare programme.

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 € 0.7 million to be financed through Budget line 22 01 04 02 in 2005.

Done in Brussels

For the Commission

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1 OJ L 342/1 of 27.12.2001, p1
ANNEX - FINANCING PROPOSAL

GLOBAL AUTHORISATION UNDER THE PRE-ACCESSION FINANCIAL ASSISTANCE PROGRAMME FOR TURKEY FOR A TECHNICAL AND ADMINISTRATIVE ASSISTANCE FACILITY (ATA)

1. IDENTIFICATION

<table>
<thead>
<tr>
<th>Beneficiary</th>
<th>Turkey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Programme title</td>
<td>Technical and Administrative Assistance Facility (ATA)</td>
</tr>
<tr>
<td>CRIS number</td>
<td>2005/017-469</td>
</tr>
<tr>
<td>Year</td>
<td>2005</td>
</tr>
<tr>
<td>Cost</td>
<td>€ 0.7 million</td>
</tr>
<tr>
<td>Implementing authority</td>
<td>The European Commission</td>
</tr>
<tr>
<td>Sector code</td>
<td>AA</td>
</tr>
<tr>
<td>Group</td>
<td>M</td>
</tr>
<tr>
<td>Budget line</td>
<td>22 01 04 02</td>
</tr>
<tr>
<td>Task Manager</td>
<td>Programming: John O’Rourke Implementation: Holger Schroeder</td>
</tr>
</tbody>
</table>

2. SUMMARY

The funds authorised under this proposal will be used to provide technical support and to cover relevant administrative expenditure for the mutual benefit of the Commission and Turkey, in support of the programming, implementation, monitoring and evaluation of the EC’s financial assistance programme in Turkey. This may include support to the European Commission’s Representation in Ankara which is acting as contracting authority for a number of on-going programmes in Turkey.

3. BACKGROUND

The 2005 budget includes a budgetary comment for the Turkey programme, allowing up to 8,5 MEUR from the budget to be used on administrative management as a differentiated appropriation. Inter alia, "this appropriation is intended to cover (…):
- expenditure on studies, meetings of experts, information and publications directly linked to the achievement of the objective of the programme or measures coming under this article, plus any other expenditure on technical and administrative assistance (including audits and monitoring) not involving public authority tasks out-sourced by the Commission under ad hoc service contracts"

It is proposed to use 0.7 MEUR for activities developed under this ATA financing proposal.
The main instruments to be financed are:

- Short term technical assistance directly linked to programme preparation and implementation;
- Studies;
- Meetings;
- Audit;

This proposal could also provide resources for local publication costs, investigations other than audits to help protect EC financial interests, or other ad hoc tasks for the benefit of the EC Representation or the mutual benefit of the EC and the beneficiary state (Turkey).

4. OBJECTIVE

The wider objective of the funds is to ensure the efficiency and the effectiveness of the EC programmes in Turkey.

The immediate objective is to ensure that:

- The Commission is able to carry out its responsibilities both as a contracting authority under the deconcentrated system, and separately under the Decentralised Implementation System in a timely manner (avoiding bottlenecks);

5. DESCRIPTION AND COST

The ATA will finance a number of different types of actions. The main type of actions and the related indicative budget breakdown is found in the table below.

Table: Envisaged activities under ATA 2005

<table>
<thead>
<tr>
<th>Activity</th>
<th>Indicative budget (in € million)</th>
<th>Type of expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short term technical assistance</td>
<td>0.55</td>
<td>ATA extra-muros</td>
</tr>
<tr>
<td>Studies</td>
<td>0.03</td>
<td>ATA extra-muros</td>
</tr>
<tr>
<td>Meetings</td>
<td>0.07</td>
<td>ATA extra-muros</td>
</tr>
<tr>
<td>Audits</td>
<td>0.05</td>
<td>ATA extra-muros</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0.7</strong></td>
<td></td>
</tr>
</tbody>
</table>

SHORT TERM TECHNICAL ASSISTANCE (STTA)

The main use of these funds will be for quality control of programming and project documentation, (support to the preparation and/or review of terms of reference and technical specifications), tender/call for proposals evaluations (where there is a general practice of including either an observer for decentralised procedures or for deconcentrated procedures at least one independent expert in each evaluation committee or external assessors for call for proposals) and support to the monitoring
role of the delegation (the EC Representation in Ankara) in the context of sound financial management and efficient implementation of the programme.

These experts will be available to the EC Representation in Ankara.

STUDIES

Studies funds are intended for small actions. They will not be available for preparing major studies, which will be financed from a separate budget. These studies must relate directly to the identification and preparation of programmes or projects.

MEETINGS

Meeting funds aim at facilitating the contact between different parties, where there is a need for exchange of ideas on planning and implementation procedures of programmes and projects, as well the organisation of trainings and workshops on these issues.

AUDITS

As foreseen in the budgetary commentary, funds will be used to undertake audits of EC financed programmes, as well as specific audits of individual projects and contracts contained within these programmes. Activities will consist of:

- Compliance audits, both for on-going programmes and programmes that have closed, to determine the regularity and legality of expenditure, verification of assets, certification of final accounts and compliance with the external budget rules;

- Audits to investigate allegations of mismanagement of funds.

- System audits of financial and operations procedures to assess the extent to which EU funds are safeguarded and to identify any further measures to ensure adequate control of these funds.

6. IMPLEMENTATION

The programme will be implemented by the Commission in accordance with art. 53.1 a) of the Financial Regulation applicable to the general budget of the European Communities\(^1\) (centralised implementation).

Procurement for STTA and evaluation will be in accordance with Title V of part one the Financial Regulation applicable to the general budget of the European Communities\(^1\) and its implementing rules\(^2\), with the Commission acting as Contracting Authority on its own account.

7. DISBURSEMENT SCHEDULE (€ million ACCUMULATED)

\(^1\) OJ n° L248 of 25\(^{th}\) June 2002
\(^2\) OJ n° L357 of 23\(^{rd}\) December 2002
8 MONITORING AND EVALUATION

The Commission will monitor the implementation of the Programme on the basis of reports from the selected contractors and independent assessments.

9 AUDIT, FINANCIAL CONTROL, ANTI-FRAUD MEASURES, PREVENTIVE AND CORRECTIVE ACTIONS

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.

In order to ensure efficient protection of the financial interests of the Community, the Commission can conduct on-the-spot checks and inspections in accordance with the procedures foreseen in Council Regulation (Euratom, EC) No 2185/96 dated from 11 November 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 controls and audits described above are applicable to all contractors and subcontractors who have receive Community funds.

Beneficiary states shall inform the Commission services without delay of any element of information indicating the possible existence of irregularities or fraud.

Irregularity shall mean any infringement of the Financing Proposal, resulting contracts or Community legislation resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the Communities or budgets managed by them, either by reducing or losing revenue accruing from own resources collected directly on behalf of the Communities, or by an unjustified item of expenditure.

Fraud shall mean any intentional act or omission relating to:

i. The use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the European Communities or budgets managed by, or on behalf of, the European Communities,

ii. Non-disclosure of information in violation of a specific obligation, with the same effect;

iii. The misapplication of such funds for purposes other than those for which they are originally granted.

The procedures foreseen in Commission Regulation No1681/1994 of 11 July 1994 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 applicability of the Financial Regulation includes the application of administrative and financial sanctions, as provided for in Articles 93 to 96 and 114 of the Financial Regulation, and Article 133 of the Implementing Rules.

10 VISIBILITY AND PUBLICITY
In implementing this programme the Commission and its Representation shall provide for the maximum visibility of all activities financed.