COMMISSION DECISION  
C/2006/1604  
of 20/04/2006  

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 17 February 2006,
HAS DECIDED ASFOLLOWS:

*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 €4,150,000 to be financed through Budget line 22.0302.

Done at Brussels, […]

*For the Commission*

[...]

*Member of the Commission*
ANNEX

FINANCING PROPOSAL FOR 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 017903

YEAR 2006

COST € 4,150,000

IMPLEMENTING AUTHORITY EUROPEAN COMMISSION ON BEHALF OF THE BENEFICIARY COUNTRIES

CONTRACTING END DATE 31 DECEMBER 2007

EXECUTION OF CONTRACTS END DATE 31 DECEMBER 2009

SECTOR DAC CODE: 15040

BUDGET LINE 22.0302

TASK MANAGER JEAN-JACQUES AMITY

PROGRAMMING & IMPLEMENTATION

2. SUMMARY

Article 34 of the Act of Accession, the Transition Facility, provides the budgetary means 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 2007/2008 Instrument for the benefit of these 10 countries from the 2006 budget. It will complement financial resources allocated from the 2005 Transition Facility.

The nature, scope and content of TAIEX assistance have progressively expanded since 1996 to support the approximation of national legislation to EU law, and its implementation and enforcement. Monitoring progress and assessment of administrative capacity are covered as well as the preparation of strategies to deal with remaining needs vis-à-vis the entire acquis.

The geographical scope of the TAIEX instrument has also widened from the original 10 Phare countries to include Malta, Cyprus, Turkey, the Turkish Cypriot community and the Western

1 Separate proposals have been made for Candidate Countries under the Pre-Accession Instrument, and the Instrument of financial support for encouraging the economic development of the Turkish Cypriot community.
The start of the accession negotiations with Croatia and Turkey can be expected to result in an increase in the use of this instrument for their benefit.

TAIEX activities include seminars, workshops, expert mobilisations and study visits, the provision of tools and information products for amongst others, translation and interpretation activities and co-ordination and monitoring in close co-operation with Member States and Commission services.

These activities are complementary to the Community-funded national programmes and target national administrations, the judiciary, parliaments, regional and local administrations, public and semi-public entities as well as the social partners and private sector organisations.

With funding from the Transition Facility, TAIEX can continue to respond to requests from the beneficiary countries with particular attention to needs identified through the ongoing assessment and 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, greater 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.

In the meantime and notably since the adoption of Agenda 2000, the TAIEX mandate has been extended to cover the full **acquis communautaire**. This, together with the development of the Regional Training Programme and increased emphasis on the JLS area and Peer Reviews, has resulted in a substantial increase in activities over recent years.

TAIEX activities have increased overall in 2004 and 2005 on the background of continued support to old beneficiaries and the start of co-operation with the Western Balkan countries.

Turning specifically to the cooperation with and in favour of new Member States, the level of activities increased over the 2004-2005 period in terms of number of participants. The number of events benefiting the new Member States slightly decreased from 589 in 2004 to 585 in 2005. In terms of participants a strong increase took place, 17,500 in 2004 to 21,700 in 2005. For the 10 countries, Regional Training Programme was the main area of cooperation with 33.3% and 28% respectively of the number of participants and the number of attended events. Other main areas of cooperation were Internal Market, Justice and Home Affairs, and Infrastructure.

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2 Funded from CARDS budget.
4. POLICY ASSESSMENT

TAIEX has performed well as an instrument for providing expertise and know-how transfer to new Member States and has provided technical support for strengthening administrative capacity. It is complementary to and co-ordinated with the national Community-funded programmes, responding to individual requests with tailor-made actions in all fields of the *acquis*.

5. INSTITUTIONAL ASSESSMENT

The TAIEX instrument is presently implemented by so-called ‘indirect centralised management’. The Commission, Directorate General Enlargement, has overall responsible for its implementation, while logistics and payments have been delegated to a specialised external entity. The use of an external service provider is essential to ensure speed, reach and capacity in relation to the overall operation.

Activities are driven by demand from the beneficiary countries or the European institutions and on a needs-basis as identified through the monitoring and assessments by the Commission services. In addition to the expertise available within the Commission and other relevant EU and international bodies, TAIEX draws heavily on the experience and co-operation of Member States and their civil service.

Experts from the relevant public and the semi-public sectors in Member States participate in seminars, workshops, expert mobilisations and peer reviews, enabling beneficiaries to co-operate directly with their counterparts (peers) in the Member States dealing with the same tasks of transposing, applying and enforcing the *acquis*. In this respect, a database of Member State experts has recently been set up. Experts from relevant EC services are also used when appropriate.

TAIEX co-operates with Member States’ administrations to set up study visits by officials from the beneficiary countries to their counterparts in the European Union, to gain hands-on practical experience in the implementation of the EU *acquis*.

Continuity is provided for resolving issues concerning the introduction of the EU *acquis* through the use of standing teams of Member States’ experts. This allows for ongoing and sequenced short-term advisory capacity complementary to Twinning and other longer-term initiatives.

6. OBJECTIVES

Assistance under the TAIEX instrument will include the delivery of expertise and information to facilitate the implementation and enforcement of the *acquis* in new Member States as well as to the understanding and 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 is largely demand driven, working on the basis of a “first come first served” principle. However, it will continue to respond to identified political priorities and will take into account new and pending *acquis* where relevant.

TAIEX will continue to rely on the experience and co-operation of Member States using mainly experts from their national and/or regional administrations. Experts from a range of institutions and
associations in the semi-public sector and from universities and the private sector will also be included where appropriate. TAIEX will also continue to use experts from relevant EC services when appropriate.

**Advice on implementation and enforcement of legislation** is the main area, which will be covered under this programme.

This will be achieved through seminars, workshops, conferences, expert mobilisation, peer advice and assessments, and study visits. These activities will be arranged to provide continuity, where appropriate. At the same time individual short-term assistance activities will remain available to meet unforeseen and urgent needs.

Assistance will be flexible with a rapid delivery mechanism providing expertise from public and semi-public bodies to their counterparts in the beneficiary countries. Any combination of the following types of assistance can be delivered by TAIEX:

- Mobilisation of national experts in a given field for one or a series of missions, in particular to review and advice on regulatory and administrative infrastructures;
- Seminars, workshops and conferences;
- Study visits.

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 new Member States as appropriate, and create further opportunities to facilitate technical training and peer assistance.
8. **Indicative Cost and Financing Plan**

With respect to the allocation of the proposed budget of € 4,150,000 for 2006, the planned breakdown* is as follows:

<table>
<thead>
<tr>
<th>BUDGET LINE</th>
<th>22.0302</th>
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<tbody>
<tr>
<td>Operational Expenditure</td>
<td></td>
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</table>

1. **Assistance Through:**

1.1. **Group Activities Such As:**

1.1.1. **Conferences – Seminars**

All expenses associated with the organisation of these events 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 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 new Member States.

1.2.2. **Study Visits**

All expenses of representatives from the public and private sector of 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.

2. **Assessment**

All expenses in creating teams of highly specialised and experienced experts from Member State for the assessment of progress in meeting the *acquis* and related requirements.

**SUB TOTAL 1+ 2**

3,838,750

3. **Information**

Costs related to information, documentation, databases, publicity and reproduction costs.

**TOTAL**

4,150,000

*As the TAIEX instrument is a largely demand driven short-term technical assistance instrument, the cost breakdown is only indicative and cannot be detailed in advance.*

9. **Implementation Arrangements**

The Commission will implement the programme in accordance with the requirements of the Financial Regulation, in particular following the implementation procedure stated in Article 54.2.c, as further detailed in its Implementing Rules3. Other Articles might be considered relevant at a later stage, subject to possible revisions of the Financial Regulation. The Commission will as necessary conclude agreement / contract with a delegated entity / external service provider for the provision of services required for the implementation of the programme. The award procedure will be in accordance with Commission rules, and made in an objective and transparent manner.

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Expenses which are needed for the provision of TAIEX services, the development and maintenance of databases, information, communication and other expenses for the costs and operation of the delegated entity external / service provider will be covered.

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 use of officials for TAIEX assignments.

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

All agreements and contracts resulting from the implementation of this instrument 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) 2185/96.

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

Without prejudice to the responsibilities of the Commission and the European Court of Auditors, 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.

11. **RISKS**

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

The TAIEX instrument 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, visibility and publicity will follow the EU Visibility guidelines for external actions:

(http://europa.eu.int/comm/eurapid/visibility/index en.htm).