COMMISSION DECISION

of 2004

on the financial contribution of Transition Facility for strengthening institutional capacity to Poland

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) 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.

(2) The actions funded by this Decision in the areas of internal market, environment, justice and home affairs and agriculture 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 those needs, in the areas of health services and systems, transport policy, financial control, and public administration, are therefore also eligible for funding under Article 34(2) of the Act of Accession.

(3) Pursuant to Article 34(4) of the Act of Accession, the Transition Facility is implemented in accordance with Article 53(1)(b) of Council Regulation (EC) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities.

(4) An Implementing Agency should be designated complying with the criteria set out in Article 164 of the Financial Regulation and having adequate staff resources. The Commission has satisfied itself that the level of compliance by the Central Financing and Contracting Unit (CFCU) with the criteria listed in Article 164 of the Financial Regulation is sufficient for the CFCU to be designated as the Implementing Agency for the Transition Facility in Poland in accordance with the Decentralised Implementation System (DIS) for Phare, by which project selection, tendering and contracting continue to be subject to ex-ante approval by the Commission.

(5) The Commission will examine, in the context of preparation for conferral of management of aid provided under Phare, as well as through a number of other
checks, whether the CFCU can be granted full accreditation for the implementation of Phare according to the Extended Decentralised Implementation System (EDIS). Until such time as the Commission decides to grant full accreditation of the CFCU for the implementation of Phare according to the Extended Decentralised Implementation System (EDIS), ex ante control by the Commission should be maintained in accordance with the Decentralised Implementation System (DIS) for Phare.

(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 8 October 2004,

HAS ADOPTED THIS DECISION:

Article 1

The Commission approves a financial contribution of € 49,914,620 as Transition Facility to Poland to finance the projects set out in point 4 of the Annex.

Article 2

1. This Decision shall be implemented on a decentralised basis, in accordance with the Memorandum of Understanding on the Implementation of the Transition Facility, signed with Poland on 05/11/2004.

2. The Central Financing and Contracting Unit shall be Implementing Agency for the Programme in accordance with the Decentralised Implementation System (DIS). For the period when the CFCU is the Implementing Agency in accordance with the Decentralised Implementation System (DIS), it shall comply with the conditions set out by the Commission for the continued implementation of pre-accession assistance.

   The Commission shall examine at a later date whether the CFCU meets the conditions for accreditation for the Phare Extended Decentralised Implementation System (EDIS).

   In the event that the Commission decides to accredit the CFCU, the CFCU shall implement the Programme in accordance with the Phare Extended Decentralised Implementation System (EDIS).

3. In the event that the eligibility of contracts under pre-accession assistance is suspended pursuant to Article 33(1) of the 2003 Act of Accession, eligibility of contracts under the Transition Facility shall also be suspended.
Article 3

1. Contracts covered by the financial contribution shall be signed no later than 15 December 2006.

2. The deadline for execution of contracts shall be 15 December 2007.

Article 4

This Decision is addressed to the Republic of Poland.

Done at Brussels,

For the Commission

Member of the Commission
ANNEX

FINANCING PROPOSAL ON THE IMPLEMENTATION OF THE TRANSITION FACILITY IN POLAND FOR 2004

1. IDENTIFICATION

The Programme identification should be completed as follows:

Beneficiary: Poland
Programme: Institution Building Transition Facility
CRIS-Number: 2004/016-829
Year: 2004
Cost: The total value of the actions to be financed from the Transition Facility € 49,914,620
Implementing Authority: Central Finance and Contracts Unit (CFCU)
Expiry Date: Contracting: 15/12/2006
  Execution of contracts: 15/12/2007
Sector Code: Obj.1&2: 16320: General Government services; 12191 Medical Services – Obj. 3: 41010: Environmental Policy; 41030: Biodiversity – Obj. 4: 31110: Agriculture Policy and Administrative Management; 31310: Fish Policy and Administrative Management; 43040: Rural Development – Obj.5: 15030: Legal and Judicial Development
Budget Line: 22 03 01
Commission Task Manager: REY Vincent, as from 01/09/2004

2. SUMMARY

Article 34 of the Act of Accession establishes the Institution Building Transition Facility and indicates the basic orientation for its implementation.

The purpose of this Facility is to continue to provide assistance to the new Member States in order to strengthen their administrative capacity to implement Community legislation (acquis). As such, this an extension of the assistance provided until accession under the Phare programme.
The present Financing Proposal represents the 2004 Institution Building Transition Facility National Programme for Poland, amounting to a maximum of € 49,914,620.

While the last Phare National Programme (2003) was defined in accordance to the priorities as set out in the Accession Partnership and the Action Plan for Administrative and Judicial Capacity, the Institution Building Transition Facility is providing supplementary support to a number of sectors and issues identified in the 2003 Comprehensive Monitoring Report, and supported by the outcome of peer reviews and similar assessments.

The 2004 Institution Building Transition Facility for Poland will as such focus on the following sectors: Administrative capacity, Internal Market, Environment, Agriculture and Fisheries, and Justice and Home Affairs.

A bi-annual planning document indicating the priorities and objectives for the Institution Building Transition Facility Programmes 2005-2006 has been presented to the Phare Management Committee in October 2004.

3. STRATEGY

This programme is mainly based on the Commission’s 2003 Comprehensive Monitoring Report for Poland, that identifies a number of areas where improvement is needed regarding adoption, implementation and enforcement of the *acquis*. Supplementary information was provided through the outcome of peer reviews, monitoring missions, and expert’s reports.

The Polish authorities submitted a list of priorities and proposals for funding under the IB Transition Facility on the basis of the requirements of the 2003 Comprehensive Monitoring Report. These priorities and proposals were transmitted for consultation and discussed in detail with relevant Commission Services. The final selection of projects for this Financing Proposal was based on the overall quality of the individual proposals.

Evaluation and results of past Phare projects were also taken into account when programming the IB Transition Facility. Lessons learned are usually drawn on a case by case basis, building on relevant experience acquired during the implementation of previous Phare projects in a specific area. Relevant information on lessons learnt and on the supporting background documentation is provided for in each project fiche.

Attention was paid to avoiding overlaps with other EU financial assistance instruments, programmed in the past years, as well as those to come in force in 2004, and in particular the technical assistance provided for in the Community Support Framework, and the Operational Programmes of the Structural Funds and in the Cohesion Fund, as well as the Schengen Facility. Maximum synergy between all sources of funding has been considered and will continue to be pursued during the implementation of the measures.
4. OBJECTIVES AND DESCRIPTION

4.1 Strengthening administrative capacity

4.1.1 Strengthening of the monitoring and evaluation capacities: this project will enhance the public administration performance in the area of monitoring and evaluation, in particular regarding the projects funded by the IB Transition Facility. The project will be implemented through twinning for the training activities, and through technical assistance for the evaluation of projects.

4.1.2 Raising social awareness and strengthening the advocacy and monitoring role of NGOs: this project will address Polish NGOs in order to assist them in the promotion of the participation of citizens in public life, with special focus on acquis related areas such as environment and health protection, and in order to strengthen their advocacy and monitoring role. The project will be implemented through a grant scheme, and technical assistance for the organisation and the pre-selection in the process of the calls for proposals.

4.1.3 Improving administrative capacity in selected public administration bodies: this project will, based on a co-operation agreement between the Polish authorities and UNDP, improve the capacity of public administration in a number of central government bodies, focussing on efficiency/cost effectiveness, quality of services to internal and external customers, and service delivery times. The project will be implemented through technical assistance.

4.1.4 EU Integration multi-sector training programme: this project will address a number of training needs in various areas of the acquis, in order to strengthen the administrative capacity of the relevant services playing a role in the acquis implementation. The project will be implemented through twinning, twinning light and technical assistance.

4.1.5 Development of the National Centre for Tissue and Cell Banking: this project will establish an institutional control and surveillance system of the safety and quality of human tissues and cells used for transplantation, in line with actual EU acquis. The project will be implemented through twinning, technical assistance and investment.

4.1.6 Co-ordination of social security systems: this project will further align the Polish social security system with actual EU acquis regarding co-ordination of social security systems in Europe and will focus, amongst others, on the development of the health insurance document, of a monitoring system on access to high-cost health services, establishment of flat and unit price lists, and the clearing of refunded health services. The project will be implemented through twinning and technical assistance.

4.1.7 Metrological control of digital tachographs: this project will strengthen the capacity of the relevant service as regards its technical level and its ability to provide training on digital tachographs and related legislation to authorized fitters and workshops, as well as regarding the improvement of road safety and the enforcement of the checks of the digital tachographs. The project will be implemented through technical assistance and investment.
4.1.8 Strengthening internal audit in budgetary services: this project will strengthen the operational effectiveness of internal audit services within the Public Finance sector, focussing on risk assessment, self-assessment of audit services, and audit of IT systems. The project will be implemented through technical assistance.

4.1.9 Strengthening the protection of the EU’s financial interests: this project will strengthen the capacity of the anti-fraud services in the Polish administration, focussing, amongst others, on the development of a risk analysis system, improvement of the co-operation between services, work methodology, and quality assurance. The project will be implemented through twinning and technical assistance.

4.1.10 Support to the European integration process – Flexible reserve: this project will provide for technical assistance, twinning and twinning light, which might be needed to help Poland in the process of implementation of the acquis as needs arise regarding issues which were not covered elsewhere in the IB Transition Facility 2004 programme for Poland.

4.2 Internal Market

4.2.1 Implementation of the ‘Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)’ legislative package: this project will prepare the relevant Polish services to implement and enforce the REACH legislation, focussing on training, exchange and dissemination of information, and Good Laboratory Practice. The project will be implemented through twinning and technical assistance.

4.2.2 Strengthening the protection of intellectual and industrial property rights: this project will enhance the capacity of relevant Polish administrations to implement and enforce the protection of intellectual and industrial property rights, focussing on training and awareness raising, optimising information flow, and access for the Police, Border Guard and Custom Services to the Patent Office database. The project will be implemented through twinning and technical assistance.

4.2.3 Competition protection system: this project will strengthen the administrative capacity in the area of competition protection and anti-trust rules implementation, focussing on training, - in particular for judges-, awareness raising and dissemination of information. The project will be implemented through twinning and technical assistance.

4.2.4 Consumer protection: this project will strengthen the OCCP, Trade Inspection, consumer organisations, ombudsmen and conciliation courts in their efforts to effectively enforce the consumer protection law. It will focus on reinforcing the professional competences and skills of these actors, on enhancing the participation of consumer organisations to the consumer protection system, and on raising awareness and disseminating information on consumer issues. The project will be implemented through twinning, technical assistance and grants.

4.2.5 Strengthening the Customs Service: this project will strengthen the administrative capacity of the Polish Customs Service as regards training, strategic planning, organisation and procedures, and enforcement of the acquis in the field of Excise duty and Energy taxation. The project will be implemented through twinning.
4.2.6 Strengthening implementation and enforcement of sectoral legislation: this project will strengthen the administrative capacity as regards new and old approach directives in the area of free movement of goods, and more specifically in the textile, welding and electric sectors. The project will provide training and expert assistance in conformity assessment and will be implemented through twinning.

4.3 Environment

4.3.1 Environmental protection information system, including biological safety: this project will provide for compliance between the national GMO information system and national and EU regulations, exchangeability of information between national and EU databases, and enhance EU reporting as well as public awareness. The project will be implemented through technical assistance.

4.3.2 Improving the drinking water monitoring system: this project will strengthen the implementation of the drinking water directive and related legislation, and the related monitoring activities, as well as completing the drinking water risk assessment procedures in Poland. The project will be implemented through twinning and technical assistance.

4.3.3 Strengthening the Natura 2000 network, and the Wild Birds and Habitats Directives implementation: this project will strengthen the implementation of the Natura 2000 network management system in accordance with the Wild Birds and Habitats Directives and will focus on the localisation and revision of Natura 2000 habitat boundaries, re-naturalisation plans of natural habitats, management plans for species to be protected, and co-operation with stakeholders. The project will be implemented through twinning.

4.4 Agriculture

4.4.1 Strengthen Veterinary administration: this project will strengthen the administrative capacity of the Veterinary administration on national, local and regional level, as regards the implementation and enforcement of EU acquis, mainly through training and expert advice and assistance as regards work methods, quality management and knowledge management. The project will be implemented through twinning and technical assistance.

4.4.2 Strengthening programming and implementation EAGGF 2007-2013: this project will strengthen the administrative capacity of the Ministry of Agriculture and Rural Development as regards all aspects of the programming of rural development measures for the 2007-2013 period, as well as preparing the institutions implementing rural development measures to work in line with the new EU rural development legal framework, still to be established. The project will include an evaluation of the existing implementation system for EU-funded rural development measures leading to recommendations on improvements. It will be implemented through twinning. Actions, studies and all other types of activities eligible for support under the Structural Funds Technical Assistance measure (Article 2.4 of Council Regulation (EC) No 1260/1999 and Article 23 of Council regulation (EC) No 1260/1999) or the Rural Development Programme Technical Assistance Measure
(Article 33e of Council Regulation (EC) No 1257/1999 as amended by the Act of Accession) are excluded from the scope of this project.

4.4.3 **IB for the design and implementation of the FIFG 2007-2013**: This project will assist the fisheries administration in strengthening its role as regards the programming and implementation of the Financial Instrument for Fisheries Guidance for the period 2007-2013, mainly through an extensive training programme and expert assistance related to all aspects of programming, implementation, monitoring, evaluation and control of FIFG projects. The project will be implemented through twinning and technical assistance.

4.5 **Justice and Home Affairs**

4.5.1 **Drug prevention on local and regional level**: this project will assist the local and regional level in Poland to strengthen its administrative capacity as regards alignment with and implementation of EMCDDA standards in prevention of drug addiction. The project will focus on a drug information system, a train the trainer programme, and co-operation between the national level and the regional expert networks as well as other local and regional stakeholders. The project will be implemented through twinning and technical assistance.

4.5.2 **Strengthening anti-corruption**: this project will enhance the prevention of corruption, addressing several Polish administrations on national and regional level, and focusing, on training regarding ethical codes for high level officials, the development of an educational kit for officials, anti-corruption methods and techniques, a set of research tools to fight corruption in procurement, co-operation between anti-corruption services, a nationwide information and awareness raising campaign, and a management system on the time-related availability of health services. The project will be implemented through twinning and technical assistance.

4.5.3 **Inter-agency co-operation in the fight against organised crime**: this project will strengthen the fight against organised crime and terrorism through specific attention to the importance of inter-agency co-operation. It will address such a wide range of administrative and law enforcement services, focusing on economic and cyber crime, criminal analysis, human resources management of liaison officers, staff training policy, and methodology and techniques of combating international terrorism and cross border crime. The project will be implemented through twinning.

4.5.4 **Strengthening the Justice system**: this project will strengthen the Polish justice system through assistance to the reform of the training policy and HRM for staff working in the Justice sector, advanced training for judges and public prosecutors in EU legislation, and increasing the efficiency of court trials by means of the development of electronic document transfer and the continuation of the automation of trial recording. The project will be implemented through twinning light, technical assistance and investment.
## BUDGET (IN M€)

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<thead>
<tr>
<th>Objective</th>
<th>Total amount TF</th>
<th>Investment</th>
<th>IB</th>
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<td>NGOs</td>
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<td>Improving administrative capacity central government</td>
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<td>EU integration multi-sector training programme</td>
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<td>Tissue and cell banking</td>
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<td>Co-ordination of social security systems</td>
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<td>Metrological control digital tachographs</td>
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<td>Strengthening Internal Audit</td>
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Co-financing for Institution Building projects is provided by the beneficiary bearing certain infrastructure and operational implementation costs, through financing the human and other resources, required for effective and efficient absorption of Transition Facility assistance.

Investments in small equipment must receive co-financing from national public funds. The Community contribution may amount to up to 75% of the total eligible\(^1\) public expenditure.

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6. SPECIAL CONDITIONS

In the event that agreed commitments are not met for reasons which are within the control of the Government of Poland, the Commission may review the programme with a view, at the Commission's discretion, to cancelling all or part of it and/or to reallocate unused funds for other purposes consistent with the objectives of the Transition Facility.