1. Basic Information
   1.1. CRIS number: 2004/016-829.01.10
   1.2. Title: Flexible reserve
   1.3 Sector: Public administration
   1.4 Location: Poland

2. Objectives:
2.1. Wider objective
   Strengthening of administrative capacity to fulfil tasks of an EU Member State.

2.2. Immediate objectives
   To provide assistance (advisory, training, twinning light, short and medium-term expertise) that is unforeseen at present, but may emerge in the near future. In particular this flexible facility may help to achieve some of the following immediate objectives (depending on actual needs):
   - to assist further implementation of the *acquis communautaire* in policy areas in which governmental activities are still necessary,
   - to strengthen the institutional and operational capacity of public administration institutions in order to properly function in the structures of the European Union,

2.3. Priorities of NPPM and AP
   Comprehensive Monitoring Report on Poland’s preparation for membership: The administrative capacity in specific areas of the *acquis* shows that for most of them administrative structures are in place, but only in few cases has the capacity reached an optimal level. Human resources, training and budgets need to be strengthened, and inter-institutional co-ordination needs to be improved. The areas that are critical for Poland to function properly within the EU need to be reinforced.

3. Description
3.1. Background and justification
   During the first years of Poland’s accession to the European Union, further strengthening and support for the Polish administration is required in order to fulfil all tasks of an EU Member State. Poland has already harmonised its legislation with the *acquis* requirements in the majority of areas as well as developed administrative capacity to implement the *acquis* in a considerable number of fields. A lot has already been done in this respect by means of European Union assistance channelled mainly through the Phare programme. Introduced in 1998 the Institution Building programme has been a major vehicle in delivering specialised expertise and assistance in the process of adopting and implementing the *acquis*, establishing the necessary structures or adjusting those already existing to the European Union standards and requirements. Despite the efforts made so far under the Phare programme and other assistance instruments as well as the ongoing programming of future assistance there is a necessity to have an instrument that could meet the needs unforeseeable at present that will be identified on an ad hoc basis and requiring immediate intervention. The programming and implementation cycle of approximately 3-4 years does not provide the conditions for speedy financing of most urgent needs or gearing assistance to the specialised needs of a given moment in time.

   The current Transition Facility project is supposed to assist in running small or medium-sized measures including TA contracts, twinning light contracts, institutional and financial audits, small-scale supplies of equipment and specialised expertise in specific sectors as well as
across priorities identified in the above-referenced documents. The instrument is supposed to react quickly to the needs and demands that arise during the EU integration process.

3.2 Linked activities

PL9212 – SIERRA – Support for implementation of the Europe Agreement; the general objective of the programme was to support measures undertaken by the Polish government with regard to implementation of the Europe Agreement and general preparation of Poland for gradual integration into the European Communities.

PL9316 Fiesta II – Flexible Reserve for Technical Assistance; the general objective of the programme was to assist the government in developing and implementing reform measures and institutional support that were complementary to main programmes of co-operation and which were supposed to contribute to their effective implementation.

PL9707 European Union Institution Building 1997; the wider objective of the programme was to assist Poland in the process of acceding the European Union through the creation of a modern and efficient public administration capable of effectively implementing the *acquis communautaire*. The efforts were concentrated among others on:
- further approximation and enforcement of Polish legislation,
- upgrading the efficiency of administration staff in order to improve the public administration functioning according to the EU standards,
- building public awareness of the accession process,
- assistance to the Office of the Committee for European Integration in the areas of co-ordination and monitoring of pre-accession process, adjustment of Polish legislation to EU requirements, negotiation process, use of the assistance resources and preparation for future utilisation of Structural Funds.

Phare 2001-2003 Flexible Reserve– support to the European Integration Process such as assistance in running small or medium-sized measures including TA contracts, twinning light contracts, institutional and financial audits, small-scale supplies of equipment and specialised expertise in specific sectors.

3.3 Results

The possible results/outputs of the projects could be:
- effective implementation of *acquis communautaire* in the priority sectors,
- administrative capacity in specific areas of the *acquis* increased,
- greater efficiency of the personnel of the public administration institutions responsible for handling EU matters,
- capacity to evaluate the results of the EU programmes increased.

3.4. Activities

The project will be used to carry out the following possible activities and measures:
- Technical Assistance support to government administration in further implementation of the *acquis*; specialised expertise, studies, analysis and assessment reports related to the challenges and new tasks of a EU Member State; and strengthening of relevant administrative structures in implementation of EU policies.
- strengthening the human resources and capacities through specialised training in Poland for civil servants in the areas of *acquis* implementation, EU policies etc.; the activities financed by the project will be co-ordinated with and complementary to other training measures financed under Phare, Transition Facility and/or other EU funded programmes.
The needs for such interventions should have an ad hoc character and be conditioned by the current needs;
- twinning light assistance to public administration institutions involved in further implementation of the acquis; the instrument will be proposed if specialised needs relating to acquis implementation are identified outside the regular programming cycle or as complementary to the existing projects; under this instrument involvement of old Member State medium or short term experts is envisaged as well as other measures such as training and workshops in Poland.

4. Institutional framework:
The project will be supervised by the Office of the Committee for European Integration and implemented by the CFCU – Co-operation Fund. The funds will be allocated to specific measures, projects etc. on the basis of the PAO’s decisions. The PAO will receive requests for assistance, proposals of projects etc from public administration institutions or identify the needs and formulate projects directly. EDIS rules will follow.

5. Budget: (M€)

<table>
<thead>
<tr>
<th>Flexible Reserve</th>
<th>Investment</th>
<th>Institution Building</th>
<th>Total Transition Facility</th>
<th>National co-financing</th>
<th>Total</th>
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6. Implementation arrangements:
6.1. Implementing Agency
PAO: Tadeusz Kozek, Undersecretary of State, Office of the Committee for European Integration, Al. Ujazdowskie 9, 00-918 Warsaw, Poland, Office: ul. Bagatela 14, ph. +48 22 455 52 41, fax +48 22 455 52 43.
CFCU: Andzrej J. Janicki, Director, Foundation “Cooperation Fund”, ul. Górnośląska 4a, 00-444 Warsaw, phone number: +48 22 622 84 64, fax number: +48 22 622 75 65

6.2. Twinning
Twinning light projects can be financed under the project

6.3. Standard procedures
Public Procurement Law contracting procedures will follow, unless twinning light is applicable.
Where necessary and as appropriate this reserve can also be used to allocate further funding to any of the other projects mentioned in the Transition Facility 2004 programme for Poland

6.4. Contracts
It is estimated that around 25 measures, twinning light and TA contracts, audits, etc will be financed for the amount of the 1,5 MEUR

7. Implementation schedule:
The project will become operational after signature of the Financing Memorandum Transition Facility 2004. The requests for assistance will have been received by the deadline set 2 months before. All contracts will be signed until end September 2006. The final payments will be made until end September 2007.

8 Sustainability
The beneficiary institutions will assure suitable number of staff to implement the projects.
9 Conditionality and sequencing
All possible projects are independent from the implementation of each other and therefore no sequencing is foreseen.
**Annex 1: LogFrame**

<table>
<thead>
<tr>
<th>Wider objective</th>
<th>Indicators of Achievement</th>
<th>Sources of information</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strengthening of administrative capacity to fulfil tasks of an EU Member State</td>
<td>Administrative capacity strengthen by the end of the project</td>
<td>European Commission progress report</td>
<td>Evaluation report</td>
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<table>
<thead>
<tr>
<th>Immediate Objectives</th>
<th>Indicators of Achievement</th>
<th>Sources of information</th>
<th>Assumptions and Risks</th>
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<tr>
<td>To provide assistance (advisory, training, twinning light, short and medium-term expertise) that is unforeseen at present, but may emerge in the near future. In particular this flexible facility may help to achieve some of the following immediate objectives (depending on actual needs): - to assist further implementation of the <em>acquis communautaire</em> in policy areas in which governmental activities are still necessary, - to strengthen the institutional and operational capacity of public administration institutions in order to properly function in the structures of the European Union,</td>
<td>Number of institutions that improved their capacity in implementation of the EU policies increased by the end of the project</td>
<td>Joint Monitoring Committee minutes</td>
<td>Evaluation Reports</td>
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<td>- Effective functioning of the legislative procedures for EU legislation</td>
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<td>- Legal basis for establishment of necessary administrative structures in place</td>
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<table>
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<tr>
<th>Results/Outputs</th>
<th>Indicators of Achievement</th>
<th>Sources of information</th>
<th>Assumptions and Risks</th>
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</thead>
<tbody>
<tr>
<td>The possible results/outputs of the projects could be: - effective implementation of <em>acquis communautaire</em> in the priority sectors, - administrative capacity in specific areas of the <em>acquis</em> increased, - greater efficiency of the personnel of the public administration institutions responsible for handling EU matters, - capacity to evaluate the results of the EU programmes increased.</td>
<td>Number of analysis concerning legislation prepared by the end of the project. Number of analysis concerning implementation and enforcement measures prepared by the end of the project. Number of people trained by the end of the project.</td>
<td>Monitoring Reports Each project Reports</td>
<td>- The position of civil service reinforced and stable</td>
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<td>- New civil servants recruited for priority sectors and where the need for staffing appear</td>
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<td>- Legal basis for establishment of necessary administrative structures in place</td>
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**Activities**
- Technical Assistance, expertise / Audits / Twinning light / Training, traineeships
## Annex 2: Implementation, Contracting and Disbursement schedules

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<th>Date of Drafting</th>
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<td>Planning Period</td>
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### Transition Facility Budget Allocation Cost Estimate (in MEUR)

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**Total**