COMMISSION DECISION

C(2005)2891 of 02/08/2005
on the financial contribution of Transition Facility for strengthening institutional capacity to Poland
(Only the polish text is authentic)

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 justice and home affairs, protection of the EC financial interests, internal market, environment, veterinary services and food safety, administrative and control structures for agriculture, and nuclear safety 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 public finance, health, transport policy, energy 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 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 in the context of preparation for conferral of management of aid provided under Phare, as well as through a number of other checks, that those criteria are fulfilled by the Central Finance and Contracts Unit.

(5) 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 07/07/2005,
HAS ADOPTED THIS DECISION:

Article 1

The Commission approves a financial contribution of € 42,931,690 as Transition Facility to Poland, to finance 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 Finance and Contracts Unit shall be Implementing Agency for the Programme.

Article 3

1. Contracts covered by the financial contribution shall be signed no later than 15 December 2007.

2. The deadline for execution of contracts shall be 15 December 2008.

Article 4

This Decision is addressed to the Republic of Poland.

Done at Brussels,

For the Commission

Olli Rehn
Member of the Commission
ANNEX

FINANCING PROPOSAL ON THE IMPLEMENTATION OF THE TRANSITION FACILITY IN POLAND FOR 2005

1. IDENTIFICATION

The Programme identification should be completed as follows:

Beneficiary: Poland
Programme: Institution Building Transition Facility
CRIS-Number: 2005/017-488
Year: 2005
Cost: The total value of the actions to be financed from the Transition Facility € 42,931,690
Implementing Authority: Central Finance and Contracts Unit (CFCU)
Expiry Date: Contracting: 15/12/2007
Execution of contracts: 15/12/2008
Sector Code:
Obj.1, 2 & 5: 16320: General Government Services; 12110 Health Policy and Administrative Management; 15020 Public Sector Financial Management; 15030 Legal and Judicial Development; 15050 Strengthening Civil Society
Obj. 2: 16320: General Government Services; 12110 Health Policy and Administrative Management; 32181 Technological Research and Development; 21010 Transport Policy and Administrative Management; 23010: Energy Policy and Administrative Management; 22010: Communications Policy and Administrative Management
Obj. 3: 41010: Environmental Policy and Administrative Management, 41020: Biosphere protection; 14010: Water resources policy; 23064 Nuclear Power
Obj. 4: 31110: Agriculture Policy and Administrative Management.

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 2005 Institution Building Transition Facility National Programme for Poland, amounting to a maximum of € 42,931,690

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 2005 Institution Building Transition Facility for Poland will as such focus on the following sectors: Administrative capacity, Internal Market, Environment and Nuclear Safety, Agriculture, Veterinary services and Food Safety, Justice and Home Affairs and Fight Against Fraud.

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 came 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 *Raising social awareness and strengthening of advocacy and monitoring activities 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.

4.1.2 Multi-sector project for strengthening administrative capacity: this project will strengthen the administrative capacity of the administration on specific policy fields. The fields to be covered include the evaluation capacities in the public sector, the protection of victims in the context of motor insurance, marketing standards control of fruit and vegetables, supervision of the coexistence of genetically modified crops with conventional and organic farming, supervision authorities and certifying bodies work in organic farming, quality management in the area of plant protection and seeds. The project will be implemented through a grant scheme, technical assistance, and twinning lights.

4.1.3 Improving the quality of operation of the Tax Administration units: this project will improve efficiency of the tax administration by improved procedures and training of staff and will also improve operating standards and the internal information flows of the tax administration. The project will be implemented through twinning.

4.1.4 Building knowledge in the area of budget revenue analysis: this project will strengthen the Ministry of Finance’ capacity to analyse State budget revenue (mainly tax) and improve the quality of public finance information in order to fully guarantee better liquidity management and overall stability of public finances. The project will be implemented through technical assistance.

4.1.5 Strengthening of occupational safety and health services: this project will develop the regional structures of the Central Institute for Labour Protection – National Research Institute by building a network of regional OSH centres that would provide training, advice and promote OSH services. The project will be implemented through technical assistance.

4.1.6 Strengthening of State supervision and monitoring system of exposure to electromagnetic fields: this project will increase the supervision capacity of regional structures of the Chief Sanitary Inspectorate and the Chief Labour Inspectorate through training, advice and awareness-raising. The project will be implemented through twinning, technical assistance and investment.

4.1.7 Enhanced implementation of EU law regarding asbestos and materials containing asbestos: this project will increase the knowledge (in particularly among officials and civil servant, including police officers, custom officers, fire brigade officers and also sanitary inspectors and labor inspectors) of safe use, removing and depositing of asbestos and asbestos containing materials and create the possibility of the air monitoring in accordance with EU procedures. The project will be implemented through technical assistance and investment.

4.1.8 Flexible reserve of unallocated institution building activities: this project will provide for technical assistance, twinning and twinning light, and/or grant schemes in order to support the process of implementation for acquis aspects not addressed in other components of the Transition Facility for Poland. The Commission services will approve the individual use of this facility.
4.2 Internal Market

4.2.1 Transparency of the National Health System drug reimbursement decisions: this project will build capacity for transparency in National Health System drugs reimbursement decisions in accordance to Council Directive 89/105/EEC thus allowing to allocate more funding to effective and cost-effective therapeutic modalities, thanks to evidence-based reimbursement decisions. The project will be implemented through twinning.

4.2.2 Support to SMEs for the implementation of the New and Global Approach Directives: this project will improve the effective implementation of the *acquis* related to the free movement of goods by facilitating the integration of the small and medium-sized enterprises in the single market, as far as the conformity assessment of products and their placing on the market are concerned. The project will be implemented through twinning.

4.2.3 Expanding the administrative capacity to implement EU rail market regulations: this project will further enhance the capacities of the Office of Rail Transportation and the Ministry of Infrastructure by delivering tools, specialized skills and mechanisms necessary for implementing the relevant *acquis* as well as by increasing the awareness of EU rail transport directives and policies. The project will be implemented through technical assistance and twinning.

4.2.4 Reinforcing the regulatory supervision of the energy sector: this project will assist the Regulatory authority in preparations to the full opening of the electricity market to competition as of 1 July 2007. It will also develop a system of initial monitoring the quality of electricity supply to customers and will lead proposals of adjustments of Polish regulations transposing the *acquis*. The project will be implemented through technical assistance.

4.2.5 Monitoring and stimulating the development of the telecommunication market: this project will develop a methodology of monitoring and stimulating development of the telecommunication market by the regulator on the basis of experience in other Member States. The project will be implemented through twinning light and technical assistance.

4.2.6 Promoting consumer safety: this project will further strengthen the professional competencies of individuals responsible for consumer safety and reinforce consumer safety through ensuring appropriate technical facilities. The overall objective of the project is to bring the level of consumer safety in Poland to that observed in the EU-15. The project will be implemented through technical assistance and investment.

4.2.7 Strengthening the Polish Customs Service: this project will improve the Customs Human Resources System, develop the infrastructure and Investment Management System at central level for the Polish Customs Administration and enhance the training system for customs officers. The project will be implemented through twinning, technical assistance and investment.

4.2.8 Building the analytical potential of the customs authorities: this project will strengthen the Ministry of Finance capacity to disseminate analytical data, collected from the IT systems maintained by the customs administration, relating to rotation of goods in international trade between Poland and other EU member countries and third countries. The project will be implemented through technical assistance.
4.3 Environment and Nuclear Safety

4.3.1 Evaluation of existing active substances and registration and surveillance of biocidal products: this project will strengthen the capacity for evaluation of active substances and registration of biocidal products, by increasing the knowledge of the Biocidal Products Department staff, developing an information system on poisonings involving biocidal products, and strengthening the monitoring and control of biocidal products. The project will be implemented through twinning and technical assistance.

4.3.2 Capacity building in the field of environmental health: this project will strengthen the national system of education and training in the field of environmental health in line with the European Environment and Health Strategy and Action Plan. The project will also strengthen the national system of Environmental Health Impact Assessment. The project will be implemented through twinning and technical assistance.

4.3.3 Extension of the sanitary supervision system in the area of water quality: this project will improve the effective implementation of the directives on water quality in particular Directives 98/83/EC and 89/106/EEC relating to construction products, adjust the system of Legionella bacteria research, strengthen the sanitary supervision system on water quality in recreation and sport centres, and improve the qualifications of employees involved in the water quality supervision system. The project will be implemented through twinning and investment.

4.3.4 Enhanced monitoring of noise and ozone depleting substances: this project will strengthen the institutional and administrative capacity of the bodies responsible for the implementation of selected aspects of Regulation (EC) 2037/2000 on substances depleting the ozone layer and Directive 2002/49/EC relating to the assessment and management of environmental noise. The project will be implemented through technical assistance.

4.3.5 Strengthening the environment administration through information technology systems: this project will provide environmental administration with IT facilities that will allow it to comply better with obligations resulting from the acquis, in particular for collecting and processing environmental data for reporting and decision-making purposes and for making environmental information available to the public. The project will be implemented through twinning light, technical assistance and investment.

4.3.6 Nuclear Safety and Radiological Protection: this project will assist in building capacities to educate and train personnel of regulatory bodies and staff of existing and future facilities (notably waste facilities) in nuclear safety and radiological protection, and will contribute to alignment with requirements of national regulations and recommendations of the International Atomic Energy Agency and the European Union. This project will be implemented through technical assistance.

4.4 Agriculture, Veterinary and Food Safety

4.4.1 Improving the control of food safety in the production of plant crops: this project will strengthen the implementation capacity of the State Plant Health and
Seed Inspection Service on the basis of EU legislation and strengthen their control activities of compliance with EU standards and provisions during plant crops production, in particular with food safety rules. The project 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.

4.4.2 Strengthened food safety control of irradiated foodstuffs: this project will improve implementation of the acquis in the area of the official food safety control, strengthen the analytical capacity of the control of foodstuffs treated with ionising radiation in Poland by establishment/adopt ion of adequate official laboratory for this purpose. It will also strengthen the surveillance capabilities of by the State Sanitary Inspection through training and will contribute to its restructuring by up-grading sample transport conditions. The project will be implemented through twinning and investment.

4.4.3 Strengthening veterinary administration, phase II: this project will strengthen the State veterinary control over animal health in accordance with the acquis and will support the veterinary administration in the contexts of border control and laboratory diagnosis. In this framework the TSE screening in Poland will be supported and upgraded, so as to better enforce standards defined in Regulation (EC) 999/2001. The project will be implemented through twinning, technical assistance and investment.

4.5 Justice and Home Affairs and Fight Against Fraud

4.5.1 Enhancing anticorruption activities in Poland: this project will further strengthen the institutional and administrative capacity to prevent and combat corruption, further revise the legal regulations and the mechanisms favouring the acts of corruption, adjust the methods of preventing corruption to the EU Member States standards, enhance public awareness, and promote ethical standards of conduct. The project will be implemented through twinning and technical assistance and a grant scheme.

4.5.2 Strengthening of the protection of the EU financial interests: this project mainly will reform the GAFU structures on the regional level, strengthen the institution of the coordinators established within the Police structures, strengthen the cooperation between the relevant structures within the Police and Treasury Control Offices and support the establishment of efficient structures responsible for vindication and recovery of funds. The project will be implemented through twinning.
### 5. BUDGET (IN M€)

<table>
<thead>
<tr>
<th>Objective</th>
<th>Total amount TF</th>
<th>Investment TF</th>
<th>IB TF</th>
</tr>
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<tr>
<td><strong>Objective 1: Strengthening administrative capacity</strong></td>
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<tr>
<td>Raising social awareness and strengthening the advocacy and monitoring activities of NGOs</td>
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</table>

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 public expenditure.

### 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.

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