FINANCING MEMORANDUM

The European Commission, hereinafter referred to as "THE COMMISSION", acting for and on behalf of the European Community, hereinafter referred to as "THE COMMUNITY" of the one part, and

The Government of the Republic of Turkey, hereinafter referred to as "THE RECIPIENT" of the other part,

HAVE AGREED AS FOLLOWS:

The measure referred to in Article 1 below shall be executed and financed out of the budget resources of THE COMMUNITY in accordance with the provisions set out in this Memorandum. The technical, legal, and administrative framework within which the measure referred to in Article 1 below shall be implemented is set out in the General Conditions annexed to the Framework Agreement of 1 April 1999 between THE COMMISSION and THE RECIPIENT, and supplemented by the terms of this Memorandum and the Special Provisions annexed hereto.

ARTICLE 1 - NATURE AND SUBJECT

As part of its aid programme, THE COMMUNITY shall contribute, by way of grant, towards the financing of the following MEASURE:

Programme number: TR 2004/016-779 (BL 22 02 04 01)
TR 2004/016-780 (BL 22 01 04 02)
Title: 2004 National Programme for Turkey
Duration: Until 30 November 2006

ARTICLE 2 - COMMITMENT OF THE COMMUNITY

The financial contribution of THE COMMUNITY is fixed at a maximum of €236.72 million hereinafter referred to as "THE EC GRANT".

ARTICLE 3 - DURATION AND EXPIRY

For the present MEASURE, THE EC GRANT is hereby available for contracting for BL 22.02.04.01 until 30 November 2006 and for BL 22.01.04.02 until 31 December 2004 subject to the provisions of this Memorandum. All contracts must be signed by this date. Any balance of funds of the EC GRANT, which have not been contracted by this date shall be cancelled.
The deadline for execution of contracts of THE EC GRANT is for **BL 22.02.04.01 until 30 November 2007 and for BL 22.01.04.02 until 31 December 2005.** THE COMMISSION may however, in exceptional circumstances, agree to an appropriate extension of the contracting period or of the contract execution period, should this be requested in due time and properly justified by THE RECIPIENT. This Memorandum shall expire at the expiry date for execution of contracts of the EC GRANT. The deadline for disbursement for BL 22.01.04.02 is 31 December 2005.

**ARTICLE 4 - ADDRESSES**

Correspondence relating to the execution of THE MEASURE, stating THE MEASURE'S number and title, shall be addressed to the following:

**for the COMMUNITY:**

*Representation of the European Commission in Turkey*
*Ugur Mumcu cad. No. 88/4*
*Gazi Osman Pasa 06700*
*Ankara Turkey*
*Fax: (+90.312) 446 6737*

**for THE RECIPIENT:**

*The Secretariat General for European Union Affairs*
*Eskisehir Yolu*
*9.km.06900*
*Ankara, Turkey*

**ARTICLE 5 - NUMBER OF ORIGINALS**

This Memorandum is drawn up in duplicate in the English language.

**ARTICLE 6 - ENTRY INTO FORCE**

This Memorandum shall enter into force on the date on which it has been signed by both parties. No expenditure incurred before this date is eligible for the EC GRANT.

The Annexes shall be deemed an integral part of this Memorandum.

Done at Ankara
Date 12 01 2005

for THE RECIPIENT

Done at Ankara
Date 12 01 2005

for THE RECIPIENT
Done at Ankara
Date 8.11.2004

for THE COMMUNITY

Encl.
1. Framework Convention
2. Memoranda of Understanding
4. Visibility/Publicity
SPECIAL PROVISIONS

Pre-accession Financial Assistance: 2004 National Programme for Turkey

1. SUMMARY

This Financing Proposal covers the 2004 pre-accession financial assistance national programme for Turkey. The approach to programming was explained in the Planning Document presented to the Phare Management Committee on 16 December 2003.

2. STRATEGY

The overall aim of the National Programme is to assist Turkey’s preparations for EU membership, on the basis of the priorities identified in the Accession Partnership for Turkey, approved by the Council on 14 April 2003. Pre-accession financial assistance programming has also taken careful account of the findings of the Commission’s Regular Report on Turkey’s progress towards accession (November 2003), the priorities identified in the Government of Turkey’s National Programme for the Adoption of the Acquis (August 2003), and the issues arising in Association Committee sub-committee discussions under the aegis of the EC-Turkey Association Agreement.

The Turkish National Aid Co-ordinator played a lead role in identifying programme priorities and potential projects. Counterparts throughout the Turkish administration were invited by the National Aid Co-ordinator to prepare projects consistent with the programming priorities. The Commission maintained regular contacts with the World Bank, EIB and bilateral aid agencies to ensure adequate co-ordination of external assistance.

The main criteria used for the final selection of projects for support under the 2004 National Programme were the extent to which proposed projects reflected the programming priorities, the need for a sectorally balanced programme and the maturity of projects at the time that the programme was finalised in April 2004. Pre-accession financial assistance is programmed with a multi-annual perspective, so account was taken of past and ongoing support in each sector.

In conformity with the pre-accession financial assistance guidelines, a proper balance has been struck between institution building, investment in the acquis and investment in economic and social cohesion. The first major investment programmes are only likely to be taken forward in 2005. This, combined with the high cost, relative to the programme size, of Turkey’s participation in the Community education programmes, means that institution building continues to account for significantly more than 30% of the overall programme. Account has been taken of absorption capacity and the strength of implementation arrangements, especially in the area of investment in the acquis, and projects involving grant schemes.
The 2004 programme consists of the following main elements:

- **Addressing the Copenhagen political criteria.** Turkey is the only candidate country which does not meet the political criteria set out in Copenhagen in 1993. Turkey is also a focus country under the European Initiative for Democracy and Human Rights. This year it is intended to provide significant support to the Human Rights Presidency in the Office of the Prime Minister to promote the recently adopted reform packages, to help establish intermediate courts of appeal, promote civil society and provide support to the establishment of an ombudsman. This work is complemented by other activities elsewhere in the programme which can be said to have an impact on the political priorities of the Accession Partnership, such as those activities helping improve the operational standards of the gendarmerie, the promotion of social dialogue and the intensification of efforts to improve the situation in south-east Turkey.

- **Approximation to the acquis communautaire.** Turkey’s alignment has progressed in most areas but remains at an early stage for many chapters. It is most advanced in chapters related to the EC-Turkey Customs Union but in this respect Turkey is not fully meeting its obligations. Alignment is also more advanced in areas where other international obligations exist which are similar to the acquis. Concerning “the four freedoms”, Turkey has made progress on the free movement of goods, particularly on sector-specific legislation. More progress has been made in the area of free movement of services where reforms have been undertaken in the banking sector, and to investment services and securities markets. On free movement of capital the alignment with the acquis is progressing, notably as regards the liberalisation of capital movements. On social policy and employment, Turkey has made some progress. Administrative capacity has been strengthened and measures have been adopted to promote gender equality in the field of labour law and on employment policy. As regards energy, significant progress has been achieved via the adoption of various provisions implementing the framework laws on electricity and gas markets. Alignment in the areas of energy efficiency and renewables has also progressed. Despite limited progress in the environment field, overall the level of alignment with the acquis remains low. As regards agriculture, some progress has been made in the veterinary and phytosanitary fields particularly as regards animal disease control, identification and registration of bovine animals and harmful organisms.

- A significant effort will therefore be made to continue to improve market surveillance and conformity assessment systems, adopt EU standards in the fields of good laboratory practice, harmonise legislation in the field of biocides and water and improve the regime for special waste and noise management. Support will also be provided to align Turkey’s legislative frameworks on intellectual property rights, consumer protection, capital markets with those of the EU. Initial steps will be taken to prepare for assimilation of the agriculture acquis in a way which is complementary to the on-going agricultural reform implementation programme in Turkey, and this will include the approximation of the regulatory framework for organic agriculture to that of the EU.
Strengthening public administration. Progress in strengthening administrative capacity to implement the acquis has been limited. In many fields implementation is weak. Administrative capacity in different areas needs to be strengthened to ensure that the acquis is implemented and enforced effectively. In some cases, administrative reform should entail the establishment of new structures, for example in the field of state aid and regional development. The programme includes projects to strengthen the capacity of the customs administration, tax administration, food safety and control, epidemiological surveillance, management of road transport and the control of the frequency performance of the Turkish electricity system. In addition projects in the social field will help improve social dialogue arrangements in Turkey, improve the fight against child labour and provide a second phase for an ongoing cancer screening programme. Strengthening the audit capacity of the Board of Treasury Controllers will help further improve the management of pre-accession funds under the DIS system.

Justice and home affairs. Turkey has begun alignment of visa legislation and practice with the EU, and needs to continue strengthening border management and prepare for implementation of the Schengen Convention. In adopting initial strategies for alignment in the area of justice and home affairs, Turkey has made important progress. Co-operation has improved in many fields, such as the fight against illegal migration and organised crime. The programme continues support begun in previous years to help implement Turkey’s national strategies on asylum and migration and integrated border management. Other projects will help ensure protection and justice for children in the judicial system and establish a national probation service which can develop non-custodial sentences for certain criminals. Developing the capacity of the gendarmerie continues the process begun in 2002/3 of moving towards a judicial system where convictions are secured on the basis of evidence and not on the extraction of confessions, and promotes the professionalisation of this law enforcement agency.

Economic and social cohesion. Turkey needs to address a number of economic and social challenges. It has the widest regional disparities of any candidate country – three of 19 regions, in eastern Anatolia, have GDP per capita of between 7% and 16% of the EU average. This objective therefore targets four under-developed regions and aims to improve the capacity of EU approaches to regional economic development both in these regions and in developing INTERREG approaches to development in the border regions.

The programme also includes capacity building for the National Aid Co-ordinator secretariat (primarily in project preparation, to improve their capacity to design pre-accession assistance programmes); and co-financing for Turkey’s contribution for participation in certain EC programmes and agencies.
3. OBJECTIVES, DESCRIPTION AND CONDITIONALITIES

3.1. Objective 1: Addressing the Copenhagen political criteria

3.1.1. TR 0401.01: Implementation of human rights reforms in Turkey

The aim of this project, lead by the Human Rights Presidency in the Office of the Prime Minister, is to increase awareness of standards and practices on human rights among stakeholders involved in the on-going reform process throughout Turkey. On the one hand it will strengthen the capacity of various agencies in respecting human rights principles (including the development of best practice for police and gendarmerie units responsible for policies on interrogation, public order control and anti-terrorism measures). On the other hand it will also seek to build confidence in civil society that the objectives of the reform programme are being effectively implemented throughout the country.

3.1.2. TR 0401.02: Support to establishment of Courts of Appeal

The objective of this project, to be implemented through twinning, is to establish intermediate Courts of Appeal in Turkey. The first phase of a multi-annual programme, the 2004 component will provide training for forthcoming judges, prosecutors and auxiliary staff. Judges and prosecutors appointed to the Court will be trained on the role of such courts in a legal system, in effective procedures and working methods for such a court, and will be provided with the necessary tools to tackle legal and practical questions arising in the court when applying the regulation referred in the paragraph below. In addition, judges and prosecutors in the Court of Cassation will be trained on the function of the Court of Cassation in a legal system with second instance courts. Auxiliary staff in the Court of Appeal will be trained in their new duties.

The signature of the twinning covenant for this project will be conditional upon the adoption of the draft Law on the Establishment, Duties and Powers of the Ordinary Courts of First Instance and Regional Courts of Appeal.

3.1.3. TR 0401.03: Improvement of public service and quality standards towards civil society organisations

The objective of this project is to improve the public service standards of the Department of Associations towards civil society organisations (CSOs). One component of the project will help the Department establish mechanisms for collaboration with CSOs and improve the public services capacity of the organisation’s national and local staff towards CSOs. A legal component of the project will assist the Department in the revision of laws and regulations on associations, clarifying and simplifying the legislative framework for CSOs and removing restrictive provisions. A communication strategy will be enacted to inform CSOs of legal and institutional reforms and promote public awareness of the role of associations in building civil society. An investment component will help facilitate coordination between national, provincial and district authorities and help provide transparent information provision for CSOs and the wider public.
The project will be implemented through a service tender and supplies tender. No tender will be launched prior to submission by the government of the draft law regarding civil society organisations, lifting a series of restrictive provisions including the permission system for foreign funding. The service tender will not be launched prior to the establishment of a project implementation unit within the Department of Associations, the transfer of at least 90% of all CSO acts and procedures of association from provincial/district security units to the civilian Department of Associations, and the permanent appointment of at least 90% of all provincial directors. No contract will be signed prior to the reorganisation of the Department of Associations, including its human resources and recruitment policy, reducing the number of staff to 700 at provincial level and allocating staff at provincial and district level to take account of the number of CSOs in their respective areas.

3.1.4. TR 0401.04: Strengthening freedom of association for the further development of civil society through support to the association for the Civil Society Development Centre (CSDC)

The objective of this project is to enhance participatory democracy through the strengthening of NGOs. The purpose of the project is to enhance the development of NGOs and their capacity for networking, voluntary work and national and international dialogue in Turkey through institution building, grant schemes and the establishment and operation of a support organisation fully independent in its membership, decision-making and funding from public authorities. Improved capacity and diversity of services through an effective support organisation including training will be provided to NGOs covering different aspects of organisational management, networking, enhanced accountability, communication and domestic and international collaboration. There will also be an awareness raising component for NGOs and the public. Finally, micro-grant schemes (including grant support for exchanges, micro operations for joint actions and covering operational costs) on an array of priority thematic areas will promote dialogue and collaboration with counterparts in Turkey and the EU, and promote increased involvement and activity of grassroots organisations in Turkey.

3.1.5. TR 0401.05: Support to the ombudsman of the Republic of Turkey

The objective of the project is promote and enhance the performance of public authorities in Turkey in particular in relation to the rule of law, human rights and good governance. This will be done by providing support to the establishment of the Ombudsman of the Republic of Turkey and, through a first phase of operational support, assist it in developing a prominent public role in accordance with European ombudsman standards and the Paris Principles on National Human Rights Institutions. The project, to be implemented through twinning, will need to include comprehensive training in ex officio activities and proactive measures, including on the preparation of general guidelines for civil servants and on the conduct of formal inspections of public authorities, including prison facilities and mental health institutions. This will allow the organisation to develop monitoring procedures and an appropriate reporting capacity.

The signature of the twinning covenant for this project will be conditional upon the adoption of the draft Ombudsman law, the appointment of senior staff to the institution and agreement on its operational budget.
3.1.6. TR 0401.06 Promotion of cultural rights in Turkey

The overall objective of the project is to support the Turkish Government in implementing legislative reforms in the field of cultural rights. The sixth harmonisation package, approved in August 2003, introduced an amendment to the Law on the Establishment of and Broadcasting by the Radio and Television Channels, stating that “...public and private radio and television corporations may broadcast in different languages and dialects used traditionally by Turkish citizens in their daily lives.” In January 2004, a Regulation Concerning Radio and Television Broadcasts in Languages and Dialects used traditionally by Turkish Citizens was published in the Official Gazette. The Regulation, issued by RTUK, allows broadcasts of languages and dialects used traditionally by Turkish citizens along with the Turkish language.

Under the project, a grant scheme will be established for TV and radio programmes in languages other than Turkish and for other cultural initiatives, such as theatre and concerts, also in languages other than Turkish. Eligible beneficiaries include NGOs, universities and research institutions, local broadcasting companies, private companies, cultural associations, theatres, cinemas, local authorities, etc. The grant schemes will be managed by the Ministry of Culture and General Directorate of Press and Information. Technical assistance will also be provided for promotion and dissemination of the results of the scheme.

3.2. Objective 2: Approximation to the acquis communautaire

3.2.1. TR 0402.01: Support to the market surveillance laboratories for the implementation of EC Directives in the areas of fertilizers, lifts, non-automatic weighing instruments, pre-packaging, textiles, construction products and legal metrology

The objective of the project is to contribute to the effective implementation of the acquis, focusing on the effective functioning of market surveillance support laboratories. The project is intended to strengthen the national system of market surveillance support laboratories in the selected priority areas, ensuring that they are equipped and capable of carrying out autonomously the relevant testing services related to market surveillance. The project consists of three components, split according to the respective responsibilities of the Ministry of Industry and Trade, Ministry of Public Works and Settlement, and Ministry of Agriculture and Rural Affairs. For all components two main activities will be undertaken: the procurement of equipment for market surveillance test laboratories and corresponding training in the use of equipment and analysis for laboratory staff. Approximately nine separate contracts are envisaged.

Contracts will not be signed under the project unless suitable premises are available for housing the equipment procured, basic equipment is available for interconnection with the equipment procured under this contract and there are qualified personnel available to operate the equipment.
3.2.2. TR 0402.02: Strengthening the capacity of Turkish ministries for market surveillance in selected areas

The overall objective of the project is to contribute to the creation of a functioning internal market system. This will be undertaken through the provision of institution building, implemented through five separate twinning covenants, to the Ministries of Industry and Trade, Health, Labour and Social Security, Public Works and Settlement, and Agriculture. For each sector targeted, the project should lead to the development of detailed market surveillance strategies, training of an appropriate number of inspectors and administrators for the implementation of the strategies, leading to full enforcement of EC-compatible legislation within the lifetime of the project.

The sectors to be targeted are: textiles, civil explosives, protective equipment used in explosive environments, appliances burning gaseous fuels, non-automatic weighing instruments, legal metrology and pre-packaging, new hot boilers, lifts, medical devices, active implantable medical devices, in vitro medical devices, personal protective equipment, construction products and fertilizers.

3.2.3. TR 0402.03: Strengthening the Ministries of Health, Environment and Forests, and Agriculture and Rural Affairs to harmonise and implement legislation in the field of good laboratory practice for non-clinical health and environmental protection

The overall objective of the project is to further facilitate the free movement of goods, particularly chemicals, while ensuring that environmental conditions in Turkey continue to improve with the enforcement of the environmental acquis. The purpose of the project is to strengthen the institutional capacity of the three ministries concerned to implement the directives on good laboratory practice (2004/9/EC, 2004/10/EC). The project, to be implemented through twinning, is intended to lead to the adoption and implementation of a legal framework compatible with the acquis, the establishment of an appropriate monitoring and inspection body, and the establishment of an agreed framework for good laboratory practice procedures in the field of chemicals.

The signature of the twinning covenant is conditional upon the adoption by the Turkish government of legislation bringing into full effect the provisions of directive 1986/609/EC regarding the protection of animals used for experimental and other scientific purposes.

3.2.4. TR 0402.04: Support to Turkey’s efforts in the full alignment and enforcement in the field of intellectual property rights with a focus on piracy

The aim of this project is to support the Turkish government in its efforts towards strengthening capacity in matters related to intellectual property rights protection, with a specific focus on the fight against piracy. The project will strengthen the legal, administrative and institutional capacity of the Ministry of Culture and Tourism to comply with the rules and practices of the EU intellectual property rights system. It will also improve the technical capacity of the Ministry and its services and ensure their effective operation, improving the possibilities for monitoring intellectual property related activities by upgrading technical infrastructure. Coordination between the bodies engaged in administrative protection of IPR
and enforcement of IPR legislation. An information network system will be developed for the exchange of data between the specialised IPR courts and relevant sections of the Customs Administration, National Police and other enforcement agencies. The project will be implemented through twinning, for the transposition and implementation of the acquis, and through two separate service/supply contracts for the development of a web-based database.

3.2.5. TR 0402.05: Support to Turkey's efforts in the full alignment, enforcement and implementation of the acquis in the field of consumer protection

The objective of this project is to support the Turkish government in its efforts towards strengthening capacity in legal, institutional and technical and investment matters related to consumer protection. The project, to be implemented through twinning, will strengthen the capacity of the Ministry of Industry and Trade to adopt European consumer policy practices. Consumer policy will be promoted through the development of awareness raising activities with consumer-based NGOs. A national advice system will be developed through the establishment of a website to promote and support the involvement of consumer NGOs. The administrative capacity of the Ministry will be improved through a limited investment component.

3.2.6. TR 0402.06: Assisting the Capital Markets Board to comply with EU capital markets standards

The aim of this project is to assist the Capital Markets Board to complete alignment of capital markets legislation and its proper implementation, in accordance with the acquis. The project, to be implemented through twinning, includes three components. The first will provide assistance in preparing the appropriate legislative framework and administrative procedures for its implementation. The second component will be the preparation and delivery of a training programme for Capital Markets Board staff in the implementation of the new legislation and procedures. The third component, to be undertaken through a separate services contract, will assess the Board’s future IT needs.

3.2.7. TR 0402.07: Development of organic agriculture and legal alignment to the EU

This project aims to develop organic agriculture in Turkey. It will promote alignment with EU organic production legislation (with particular emphasis on EC Regulation 2092/91), strengthen the capacity of the Ministry of Agriculture and Rural Affairs concerning supervision and control of organic farming, implement a certification system in accordance with EU practice and improve the collection/dissemination of organic farming information to farmers. The project will be implemented through one technical assistance contract and one small equipment contract for a database/network system at the ministry and limited training needs. No contract will be signed prior to the presentation to parliament of a draft framework law on organic agriculture.

3.2.8. TR 0402.08: Preparation for the implementation of CAP

The aim of this project is to begin the development of Turkey's institutional capacity for alignment with the Common Agricultural Policy. The project will lead to the definition of the
institutional and investment requirements for the establishment and implementation of a phased functioning Integrated Administration and Control System (IACS) in line with EU practice and its integration with a Land Parcel Identification System (LPIS) and Animal Identification and Registration System. LPIS/IACS methodologies will be tested through pilot projects in two provinces: Tekirdağ (Marmara) and Ağrı (Eastern Anatolia). The project will also help establish a comprehensive rural development plan, including an action plan for the enhancement of administrative capacity to implement rural development measures (SAPARD-type).

The LPIS/IACS component will be implemented through a technical assistance contract; the rural development component will be implemented through a combination of twinning and technical assistance. Before the signature of the relevant contracts/covenants, the Ministry of Agriculture and Rural Affairs will sign a Memorandum of Understanding with the institutions participating in the LPIS/IACS task force.

3.2.9. TR 0402.09: Strengthening the capacity of the Ministry of Environment and Forests in the field of special waste and noise management

The overall objective of the project is to support the Turkish government in its efforts towards strengthening its capacity to implement the environmental acquis. The project consists of two components, to be implemented through separate twinning covenants. The first will assist the establishment of the necessary legal framework and institutional structure for the implementation of the following set of waste directives: Waste Catalogue (2000/532/EC), Waste Oil (75/439/EEC), PCB/PCT (96/59/EC), Used Battery and Accumulator (91/157/EC and 98/101/EC), and End of Life Vehicle (2000/53/EC). The second component will aid the transposition and implementation of Directive 2002/49/EC concerning the assessment and management of environmental noise. The project will also result in the preparation of an inventory of special wastes present on the Turkish market subject to the relevant directives and, for noise management, the development of four pilot projects to help prepare a master plan for noise management country-wide.

3.2.10. TR 0402.10: Strengthening the Ministry of Health to harmonise and implement legislation in the field of biocides (biocidal products directive) and water (for public health protection)

The overall objective of this project is to support the Turkish government in its efforts towards strengthening capacity in legal, institutional, and technical and investment matters related to the approximation process in the field of environment and public health. There are three components to the programme, the first two of which will be implemented through separate twinning covenants. The first twinning covenant will assist the Ministry of Health in adopting and developing its capacity to implement directive 98/8/EC on biocidal products. The second covenant will assist the Ministry of Health in adopting and developing its capacity to implement the directives on bathing water (76/160/EEC), drinking water (98/83/EC) and mineral water (80/777/EEC). A third component will provide equipment to improve laboratory conditions and harmonise analytical methods in relation to the implementation of the above directives (exploiting possibilities to exchange notifications of dangerous products at an international level through TRAPEX or other relevant systems).
The signature of the supply component contract(s) of the project is conditional upon the Ministry of Health signing an irrevocable contract with a building contractor for either the complete refurbishment of the present poisons laboratory or for the construction of a new purpose-built facility.

3.2.11. TR 0402.11: Integration of sustainable development into sectoral policies

The overall objective of the project is to develop Turkey's capacity for mainstreaming and implementing sustainable development policies. Those principles set out in the implementation plan of the World Summit on Sustainable Development (WSSD) will be integrated into national and regional development planning. The EU’s Sixth Environmental Action Plan will also be taken on board. The project will include support for the National Commission on Sustainable Development and the development of a sustainable development performance monitoring framework. A grant scheme for demonstration projects will be established to support projects which have the potential to improve environmental management, improve local governance or demonstrate other sustainable development principles. Beneficiaries will include NGOs, wider civil society and local administrations. A grant awarded without a call for proposals with UNDP will be signed for the implementation of the project.

3.3. Objective 3: Strengthening public administration

3.3.1. TR 0403.01: Modernisation of the Turkish Customs Administration

The project aims at modernising the Turkish Customs Administration (TCA), in order that it: develops EU compatible customs IT systems in line with the acquis; strengthens customs enforcement operations to meet the responsibilities for the protection and control of the external borders of the enlarged EU; strengthens the infrastructure of customs laboratories, and creates a centralised customs archive facility.

The project consists of four components. The first will see the modification of the current Turkish Customs Integrated IT system (BILGE) in order to include the functionality and interfaces required for the accession of Turkey to the EU, mainly CCN/CSI, New Computerised Transit System (NCTS) and Integrated Tariff Management System (ITMS). The second will see the establishment of effective customs control mechanisms in order to reduce and accelerate formalities and procedures for legal trade while preventing illegal cross border activities. The third will lead to the establishment of a regional customs laboratory in Istanbul. The final component will see the creation of a centralised customs archive facility, equipped with all necessary archiving equipment, machinery, computer hardware and software and other related instrumentation, and training for the relevant staff members in archiving techniques, procedures and use of the IT applications.

The project will involve services and supply contracts. In addition the first component will include two "Twinning Light" activities for assistance for the Integrated Tariff Management System (ITMS) and NCTS development and implementation. It is expected to receive the 'twinning light' technical assistance from a country which has already successfully developed a National Transit Application compatible with NCTS.
An element of the first component is dedicated to the installation and operation of the CCN/CSI gateways (the EU DG TAXUD Common Network spread in all the Member States and third country members of the Common Transit Convention). The specifications of these gateways are identical for all the Member States and the two contractors selected by DG TAXUD after open tender must be the same for every country in order to protect the confidentiality of data exchanged. This component will therefore be contracted through negotiated procedure with the relevant contractors selected by DG TAXUD.

3.3.2. TR 0403.02: Tax administration capacity building

The objective of this project is to improve the tax revenue collection capacity and efficiency of the Turkish tax administration. The project will establish effective information methods and tools for improved taxpayer services and help ensure common interpretation of tax law across the country. The project will also see the implementation of an IT-based comprehensive intelligence and information system to support the effective use of risk analysis, taxpayer selection and computer audit techniques and in so doing to underpin tax compliance.

The project will be implemented through twinning. The twinning component (computerised audit system) will help revise legal provisions regulating control of tax compliance, computer audit of electronic accounting and invoicing. Existing administrative structures for tax control will be analysed and proposals for modernisation developed. Proposals for the introduction of modern risk analysis and taxpayer selection techniques will be prepared and a training programme developed concerning the use of the new systems developed. A corresponding investment component will be separately tendered. The second component (taxpayer call centre) will develop a blueprint for a taxpayer call centre including its structure and human resource needs with technical assistance. Training packages and programmes will be developed compatible with the latter. A corresponding IT investment component for database and information system support will be separately tendered — signature of this contract(s) will be conditional upon the premises for the taxpayer call centre being operational. No contract or covenant under the programme will be signed prior to the establishment of a project management unit for this programme.

3.3.3. TR 0403.03: Restructuring and strengthening the food safety and control system

The purpose of the project is to strengthen the legal and organisational structures of the Ministry of Agriculture and Rural Affairs (MARA) at central and decentralized levels and improving co-operation with the private sector to ensure food safety and increase effective implementation and enforcement of the food control system in Turkey. In pursuit of this the Ministry will be assisted in transposing the requirements of Council Regulation 178/2002 and designing and implementing an efficient and effective food control system. This will be done, on the one hand, by providing a high quality service with the improvement of food inspection and control services through strengthening administrative, technical capacities and personal skills of food inspectors and, on the other hand, establishing an information technology system for a Rapid Alert System and implementation with the participation of all units related to food safety at national level.
The main institution building component of the project will be implemented through twinning, covering assistance for the review of the structure of food safety control services, the establishment and implementation of a risk analysis system, and the establishment and implementation of a rapid alert system for food and feedstuffs. Technical assistance will be separately tendered for determination of IT system needs.

A separate “twinning light” component will contribute to the creation of the legal and institutional framework for a National Food Reference Laboratory.

Signature of any contracts under the programme is conditional upon approval of the national food law and the due transfer of responsibilities for implementation of the relevant food control provisions from the Ministry of Health to the Ministry of Agriculture and Rural Affairs.

3.3.4. TR 0403.04: Eradicating the worst forms of child labour in Turkey

The objective of this project is to contribute to the Turkish government’s goal of eliminating the worst forms of child labour. The project will enhance the national and regional capacity for actively removing children from the worst forms of child labour and preventing “at risk” children from beginning such work. The International Labour Organisation (ILO) International Programme for the Elimination of Child Labour (IPEC) is currently reducing the incidence of child labour in eleven selected provinces. This project will “roll-out” these activities to seven other provinces: Sinop, Van, Ordu, Cankiri, Kastamonu, Erzurum and Elaziğ.

The project will provide capacity building support to the Child Labour Unit of the Ministry of Labour and Social Security, in particular reinforcing its policy development and implementation skills, field capacity and project management skills. Provincial Programme Coordination Offices (PPCOs) will be established in the seven provinces selected for programme implementation. The PPCOs will be established with sufficient infrastructure and human resources to provide educational, withdrawal, preventative, monitoring and counselling services to working children and their families. Comprehensive child labour monitoring systems will be established to refer child labour cases. Education and counselling services will also be provided to a number of targeted children.

A grant awarded without a call for proposals will be signed with the ILO for the implementation of the programme. Signature of the agreement will be conditional upon the transposition of Council Directive 94/33/EC on the protection of young people at work into Turkish legislation. It will also be conditional upon the signature of protocols with the relevant local authorities for the premises where PPCOs are to be established.

3.3.5. TR 0403.05: Strengthening social dialogue for innovation and change

The aim of this project is to strengthen social dialogue in Turkey as a force for economic and social development. Assistance will be provided to the Ministry of Labour and Social Security and social partners to promote social dialogue at all levels and help prepare these parties to fulfil their future responsibilities in the framework of EU social policies.
There are three key components to the project. The first will provide assistance to the Ministry and the social partners through the establishment of working groups, conferences and the development of information materials relating to social dialogue. It will also include training elements for the Ministry and social partners participating in dialogue. A second component will operate as a grant scheme for innovative actions in the field of social dialogue. The third component will provide limited equipment to the Ministry of Labour for conducting future training activities and information gathering.

The grant scheme will support a number of pilot projects to enhance social dialogue at branch and company levels. Target groups include the social partner organisations: labour unions, public servants’ unions, employers’ association confederation and their affiliates. Themes targeted by the scheme include best practices for promoting social dialogue at sectoral level, organisation of collective bargaining and collective action, and ensuring non-discrimination and equality especially with regard to gender.

The signature of contracts related to the investment component of the programme is conditional upon the adoption of amendments to the Trade Union Act (2821), Collective Labour Agreement, Strike and Lockout Act (2822) and the Public Employees Trade Unions Act (4688) to bring Turkish legislation closer to EU acquis in these areas.

3.3.6. TR 0403.06: Strengthening the epidemiological surveillance and control of communicable diseases system (ESCCDS)

The purpose of this project is to support the Turkish government in its efforts to monitor and control communicable diseases in Turkey in line with EU surveillance systems. The project will result in the establishment of appropriate legislation for an effective communicable disease surveillance system, the development of its administrative structures and implementation procedures and an assessment of human resource needs. In particular, capacity for the management of the outbreak investigation and response system and the epidemic preparedness system will be strengthened. A single contract for the implementation of the programme will be signed with the World Health Organisation (WHO).

3.3.7. TR 0403.07: Cancer-free life

The overall objective of this project is to combat cancer at primary health care level. The purpose of the project is to strengthen primary health infrastructure in 14 provinces to help the fight against cancer. A MEDA project (Cancer Screening and Education Centres) established 11 sample centres to help combat cancer at primary health care level – these centres have been operational since November 2003. This project builds on the earlier successful experience to expand the centres to 14 additional locations (through a single equipment contract if possible). In addition technical assistance will provide for training activities in the centres and assist the establishment of national cancer control strategies leading to the establishment of a National Cancer Control Programme.
3.3.8. TR 0403.08: Assistance to the Turkish road transport sector

The overall objective of this project is to develop the legislative and institutional framework of the Turkish road transport sector in line with the acquis. The project will be implemented through twinning and includes three main components. The first involves the review and adaptation of road transport legislation including access to the profession and market (including the licensing system), competition and state aid, social aspects, technology and safety, transport of dangerous goods, animals and waste, transit systems, border controls and inspections, and transport statistics. The second component focuses on institutional strengthening in the road transport sector, including the design of a programme for the adaptation of the Turkish road transport fleet, preliminary studies for the future implementation of user pays principle charging and enhancing the implementation of transport protocols for dangerous goods. A third component will provide a training programme for government and a train-the-trainers programme for training institutes and associations. In addition enforcement and control equipment for roadside checks will be procured for road traffic control operations.

The first and second components will be implemented through a twinning covenant. The third component will be implemented through a supply contract and a service contract. The signature of the twinning covenant is conditional upon the entry into force of a regulation on the road transport of dangerous goods. No contract under the programme will be signed before the adoption of an action plan for restructuring the road transport sector in line with the acquis; a training needs assessment will be undertaken prior to the launching of the service tender.

3.3.9. TR 0403.09: Ensuring the compliance of the frequency performance of the Turkish power system with UCTE criteria

The overall objective of this project is to ensure the integration of the Turkish electricity market with that of the EU. The purpose of the project is to improve the frequency control performance of the Turkish power system to the level required by the Union for the Coordination of Transmission of Electricity (UCTE) for the start of synchronized parallel operation of the Turkish power system with the UCTE network. The project will determine the current frequency control performance of the Turkish power system. Models for speed control systems of selected power plants will be developed and the systems adjusted in accordance with UCTE requirements. The capacity of Turkish Electricity Transmission Corporation (TEIAS) staff on the frequency control of power plants will be improved and a frequency control test manual for future guidance established. The project will be implemented through technical assistance contract(s).

3.3.10. TR 0403.10: Strengthening audit capacity of the Board of Treasury Controllers with respect to pre-accession funds

The overall objective of the project is to strengthen the decentralised implementation system in Turkey. The project aims to strengthen the audit capacity of the Board of Treasury Controllers in order to carry out high quality audit of pre-accession funds. The project consists of two components, the first being the establishment of a fully computerised audit
system with training for the Treasury Controllers concerned leading to shortened audit times. The second component will provide support for the revision of existing audit procedures for EU funds. The project will be implemented through one supply and one services contract.

3.4. Objective 4: Justice and home affairs

3.4.1. TR 0404.01: Towards good governance, protection and justice for children

This project aims to enhance the protective environment for children in Turkey as outlined in the Convention on the Rights of the Child. It has one research and one service component. The research component will investigate the extent, scope and situation of child abuse, neglect and exploitation in Turkey. Findings will be used for, among other things, the development of minimum standards for care and protection for children in contact with the law. The service component of the project will see the delivery of pilot projects in three thematic areas. The first theme is the improvement of communication within problem families. Interventions will be aimed at improving psycho-social care and protection to develop tools, standards and supporting curricula for professionals in education, social and welfare institutions at local level. The second theme is skills development for “at risk” adolescents, especially those coming into contact with the law and the third theme is the development of standards, policy and guidelines for dealing with the range of child issues raised in the project through projects in selected provinces. A grant awarded without a call for proposals with UNICEF will be signed for the implementation of the programme.

3.4.2. TR 0404.02: Establishment of a national probation service

The aim of this project is to ensure that the Ministry of Justice is capable of planning, establishing and implementing an efficient probation service. Through a twinning covenant, complemented by a small supply component, the project will review current legislation and redraft required regulations to allow the establishment of a probation service. National standards and probation service methodologies will be established. A national pilot model probation service will be established, and its operation reviewed, in Ankara and similarly for local units in Ankara, Kocaeli, Kutahya, Denizli and Nevsehir. A training curriculum for the future service will be established and an awareness raising programme undertaken for judges, public prosecutors, police and gendarmerie concerning the statutory duties of the probation service.

3.4.3. TR 0404.03: Enhancement of the professionalism of the Turkish gendarmerie in its law enforcement activities

The overall objective of the project is to enhance the accountability, efficiency and effectiveness of the Turkish gendarmerie in its law enforcement activities in accordance with EU policing standards, procedures and best practice. The project mirrors a similar initiative included in the 2003 programme for the Turkish National Police and will lead to the development and implementation of an action plan for the reorganisation of the law enforcement service of the gendarmerie, the development of modern training ideas and personnel management, and an enhanced criminal investigative capacity.
The project will be implemented through a twinning covenant, complemented by a small supply component. It will be based on analysis, evaluation and assessment of the existing gendarmerie organisation and structure. Recommendations on working conditions for gendarmerie personnel and on the development of gendarmerie facilities will be developed, keeping in mind the proposed medium-term evolution of a professional non-military service instead of a conscript service. Basic, in-service management training, and continuous professional development opportunities will be reviewed and, where appropriate, assistance provided for their re-design. The current personnel appraisal system will be reviewed and a revised human resource strategy developed. There will also be an assessment of current cooperation and coordination between the gendarmerie and the national police. Training will be provided relating to international cooperation in view of medium-term accession to international police cooperation institutions such as EUROPOL, CEPOL and INTERPOL.

3.4.4. TR 0404.04: Development of a training system for border police

The aim of this project is to implement the Turkish strategy for alignment with the acquis in the area of integrated border management. Its purpose is to establish a training strategy, programme and curriculum, meeting EU standards, for the new border police to be established. To be implemented through twinning, the project will have three main components. The first is support for the preparation of a border police training strategy. The second is the development of border police training programmes in line with current EU practice. The third is the development of operational standards and best practice for the border police. The programme will be complemented by a small technical assistance contract for the design of future training facilities.

3.5. Objective 5: Economic and social cohesion

3.5.1. TR 0405.01: Support the implementation of the preliminary National Development Plan (NDP)

The objective of this project is to build capacity within central, regional and local administrations to prepare to implement economic and social cohesion measures in line with the preliminary National Development Plan. This will be achieved by strengthening the capacity of stakeholders for project appraisal, development, implementation, monitoring, evaluation and guidance. A framework for management and evaluation of the NDP will be developed. In addition support for the preparation of the second NDP and related studies will be provided. Finally the first steps will be taken to improve the capacity of Turkey to adopt Structural Fund-type approaches to economic and social cohesion through, inter alia, an assessment of the existing capacity of the relevant stakeholders and the development of a human resources strategy in the field of economic and social cohesion in Turkey. The project will be implemented through a technical assistance contract(s).

No contract will be signed under this project prior to the adoption of the law on regional development authorities.
3.5.2. TR 0405.02: Regional development in Konya, Kayseri, Malatya and Ağrı NUTS II regions

This project will support the Turkish government in implementing integrated regional development programmes in four NUTS 2 regions: Konya (provinces of Konya and Karaman), Kayseri (provinces of Kayseri, Sivas and Yozgat), Malatya (Malatya, Bingöl, Elazığ and Tunceli) and Ağrı ( Ağrı, Iğdır, Kars and Ardahan). The project will follow a twin-track approach by, on the one hand, contributing to the economic development of four of the priority regions targeted by the NDP and, on the other hand, improving corresponding capacity for implementation at central and regional level. The project will promote sustainable economic development in the regions concerned and provide experience at regional level of implementing appropriate EU co-financed grant schemes. In each target region the following will be established: income generating activities and training in the agriculture field, a grant scheme for local development initiatives, a grant scheme for SMEs and a small-scale infrastructure grant scheme. Technical assistance will also support the implementation of the programme and support NUTS 2 level management structures (the so-called “service unions” which are expected to be transformed into Regional Development Agencies (RDAs) following the passage of appropriate legislation).

Although a number of different grant schemes will be established, as a general rule evaluation criteria for grant applications will include readiness/maturity of project proposals, relevance of the project and its coherence with the objectives of the scheme concerned, quality, expected impact and sustainability, and cost-effectiveness. Priority will be given to projects with a regional character and a strong dissemination potential.

Contracts under the grant schemes may not be signed until the technical assistance team is in place to provide support for implementation and monitoring and the project implementation units in each region are fully established and staffed, and the service unions or RDAs in all four regions are fully established. After RDAs are established, any equipment purchased for the benefit of a corresponding service union will be transferred to the RDA of that region. In addition to the grant awards, a service contract for technical assistance will be used, supply contract(s) for support to management structures at NUTS 2 level and several supply contracts for supplies to be provided under the component “income generating activities and training in the agriculture field” are foreseen.

3.5.3. TR 0405.03: CBC with Bulgaria – restoration of the Ekmekçizade Caravanserai in Edirne

The aim of this project is to encourage the intensification of cross-border cultural and economic exchanges by providing a venue for joint Turkish and Bulgarian cultural events, business forums, congresses, seminars, trade fairs and other bilateral events. A single works contract will implement the project.
3.5.4. TR 0405.04: CBC with Bulgaria – Joint Small Project Fund

This builds on the pilot initiative to develop a “cross border cooperation” programme between Turkey and Bulgaria in the 2003 national programme. An identical fiche is included in a separate Phare financing proposal covering Bulgaria’s non-Phare and non-EU borders.

The Joint Small Project Fund (JSPF) will support the key objectives of the Turkey-Bulgaria Joint Programming Document approved by the Joint Cooperation Committee in March 2004. The JSPF supports the establishment and development of cooperative networks on both sides of the border and the creation of linkages between these networks and wider EU networks. The JSPF will promote “soft” cross border activities. The fund will finance selected small-scale “people-to-people” projects (projects located wholly in the Turkish border region, or from the Turkish JSPF contribution to common Bulgarian-Turkish projects). Grants will only be made available for projects whose immediate objective is non-commercial and not-for-profit. Joint projects, especially where co-financed jointly by Turkish and Bulgarian project partners, will be particularly encouraged. Projects that are part of an overall strategy for the development of the region/town/municipality will also receive priority. The following priority themes will be the subject of the call for proposals: economic development, tourism, cultural exchanges, and capacity building at local level.

3.5.5. TR 0405.05: CBC with Greece

The objective of this project is to improve cross-border cooperation at local level between Greece and Turkey and to support the further development of the economic potential of the border regions. A Joint Programming Document for the Interreg III/A Greece-Turkey programme was approved in January 2004 for 2004-2006. This project will establish a grant scheme in the programme’s NUTS 2 regions (Edirne, Canakkale, Balıkesir, İzmir, Aydın and Muğla) for economic development and employment (strengthening cross-border entrepreneurship, cooperation of institutions for promotion of cross-border cooperation, development of tourism, human resources and promotion of employment) and for quality of life/environment/culture (protection of health, protection, promotion and management of the natural environment, promotion of cultural and tourist activities, cooperation of educational institutions for the promotion of cross-border cooperation). Grants will be available only for projects whose immediate objective is non-commercial and strictly non-profit.

3.6. Objective 6: Project preparation and Community programmes

3.6.1. TR 0406.01: Support activities to strengthen the European integration process

This facility aims at enhancing the ability of the various Turkish institutions concerned to play an active and effective role in the EU pre-accession process.

It will be mainly targeted at increasing the quality of pre-accession projects (Project Preparation component) and at upgrading the skills and knowledge of the staff of various Turkish administrations on EU related issues, thus increasing their ability to implement the NPAA (training in EU affairs and short term technical assistance for acquis related activities).
For the preparation of pre-accession projects, this facility will finance the external expertise required for feasibility studies, detailed design of institutional building or investment support projects, environmental impact assessment and the definition of technical specifications and tender documents. In terms of training on EU affairs organised by the NAC and short term technical assistance for acquis related activities, the project will mainly target those institutions (including public bodies and NGOs) closely involved in the pre-accession process. Short term expertise will be provided to the Turkish institutions responsible for legislative alignment and harmonisation of the Turkish regulatory framework with that of the EU.

3.6.2. TR 0406.02: Participation in Community programmes and agencies

This facility will provide co-financing to help Turkey pay its contribution for participating in, among others, the following Community programmes and agencies in 2005: the education programmes (Socrates, Leonardo, Youth), the Sixth Framework Programme for Research and Development. Both pre-accession assistance co-financing and participation will take place on the basis of the relevant Memoranda of Understanding. As a result, any EC finance not required for 2005 costs would be used to co-finance participation in the same programme in 2006.

3.7. Objective 7: Enlargement communication strategy and assistance with the implementation of the pre-accession strategy

3.7.1. TR 0407.01: Enlargement communication strategy

The purposes of the project are to improve public knowledge and understanding of the European Union and explain the implications of eventual accession. The project will build on the Communication strategy project of 2002 and include the following main actions: standard activities of the EC Representation (website, newsletter, press conferences, etc), capacity building activities for media, support to the information centre in Istanbul, and developing media research and analysis.

3.7.2. TR 0407.02: Enlargement seminars for journalists

The purpose of this project is to support a media programme covering media in Brussels, the present and future member states and including support and training for journalists. This programme proposal follows the successful completion of two series of seminars: since November 2002, some 26 seminars involving about 350 journalists have been organised. These seminars help improve European journalists' knowledge about enlargement policy areas and the new member states. As part of a continuing programme, two seminars will focus on Turkey. They will be organised after the November European Council. This activity will be contracted through the existing DG Press framework contract with the European Journalism Centre, Maastricht, who is the contractor for the other seminars.
Lessons learned

In designing the 2004 programme, account has been taken of the results of projects programmed in previous years where possible. Many of these activities focus on socio-economic development objectives and are not directly related to the institution building or acquis focus of pre-accession financial assistance, but a number of twinning activities in particular are now fully operational and providing valuable support for the programming of new activities. The key lesson learned from previous years is the need for maturity in project design at the moment of approval. Certain difficulties in contracting the 2002 programme have arisen as a result of including, in a strictly limited number of cases, in a single project a technical assistance component to undertake a review of technical specifications of equipment to be included under the same project fiche. This strategy will not be pursued in the 2004 programming exercise.

Experience with the implementation of Phare programmes in previous years in the other candidate countries and evaluation of these have led to a number of general lessons being learned. These lessons are reflected in the design and implementation of the 2004 national programme for Turkey. The thematic reports on Phare assistance in various sectors over the past six years have also proved useful sources, in particular in fields such as justice and home affairs or public administration reform where EC assistance to Turkey has had more limited experience. Resident twinning advisers ("twins") serving in other candidate countries have once again undertaken short missions in Turkey to help design similar projects for the Turkish national programme, particularly in the justice and home affairs field. TAIEX support to Turkey has proved to be successful. The programming of assistance has also benefited from experience from pilot actions funded from "unallocated institution building" type activities under previous programmes.

More specific lessons relating to individual sectors, ministries or project types have also been learned and are reflected in individual project documents.

Overall programme conditionalities

Before the Financing Agreement for the 2004 programme between the Commission and the Government of Turkey is signed, the National Aid Co-ordinator will satisfy the Commission that it is taking adequate steps to maintain and resource adequately the National Fund, CFCU, and other agencies involved in implementing this programme.

Before the Financing Agreement between the Commission and the Government of Turkey is signed, the National Aid Co-ordinator will confirm the availability of the national co-financing indicated in each project fiche, and the intended means by which pre-accession financial assistance and national co-financing will be combined when projects are contracted.

Any project involving the supply of equipment and works requires national co-financing equivalent to at least 25% of total eligible expenditure under the relevant project, as shown in the corresponding project fiche. If the total cost of such equipment or works is less than the amount envisaged in the fiche, the amount of pre-accession financial assistance may be reduced to maintain the maximum proportion of pre-accession financial assistance in any such
project’s cost at 75%. If the total cost is greater than the amount envisaged in the fiche, the extra support required will be provided by additional national co-financing.

Before the Financing Agreement between the Commission and the Government of Turkey is signed, the National Aid Co-ordinator will satisfy the Commission that draft twinning covenants, terms of reference and technical specifications have been prepared or are under preparation, as appropriate, to allow each project to be launched in accordance with the timetable set out in the respective project fiches.

The NAC will ensure that the second meeting of the Joint Monitoring Committee will take place in January 2005.

For any project delivered partly or wholly by twinning, a draft twinning covenant shall be presented to the Commission Delegation for approval within four months of notification of selection of the twinning partner. If no draft covenant is presented within this period, the Commission may re-circulate the project to Member States for selection of a new twinning partner, request the CFCU to tender the project for commercial technical assistance, or cancel the project.

Projects to be implemented through twinning or twinning light require the full commitment and participation of the senior management of the beneficiary institution. In addition to providing the twinning partner with adequate staff and other resources to operate effectively, the senior management must be fully involved in the development and implementation of the policies and institutional change required to deliver the project results.

For projects involving more than one Turkish ministry or agency, the National Aid Co-ordinator will ensure that effective mechanisms for co-operation and co-ordination between such Ministries or agencies are in place.

The references in section 4 to the number and nature of contracts expected in the implementation of a particular project are of an indicative nature. The exception is where the means of implementation is specified as twinning or twinning light.
4. BUDGET

4.1. Budget table

<table>
<thead>
<tr>
<th>CRIS Code</th>
<th>DAC Code</th>
<th>Objective</th>
<th>Total EC support</th>
<th>Institution Building</th>
<th>Investment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-016-779-01</td>
<td>15063</td>
<td>Addressing the Copenhagen political criteria</td>
<td>19.001.500</td>
<td>16.099.000</td>
<td>2.902.500</td>
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<td>2004-016-779-02</td>
<td>15040</td>
<td>Approximation to the acquis communautaire</td>
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<td>24.635.000</td>
<td>7.192.420</td>
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<tr>
<td>2004-016-779-03</td>
<td>15040</td>
<td>Strengthening public administration</td>
<td>56.549.600</td>
<td>28.400.000</td>
<td>28.149.600</td>
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<td>2004-016-779-05</td>
<td>16100</td>
<td>Economic and social cohesion</td>
<td>77.556.000</td>
<td>12.718.000</td>
<td>64.838.000</td>
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<tr>
<td>2004-016-779-06</td>
<td>43010</td>
<td>Programme preparation and Community programmes</td>
<td>39.176.780</td>
<td>27.000.000</td>
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<tr>
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<td>Communication strategy</td>
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<td><strong>TOTAL</strong></td>
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<td></td>
<td><strong>236.720.000</strong></td>
<td><strong>121.123.200</strong></td>
<td><strong>115.596.800</strong></td>
</tr>
</tbody>
</table>

A fuller budget breakdown by project is provided in annex 3.

1.1. Principle of Co-Financing

In accordance with the programming Guidelines, all investment projects supported by the EC must receive co-financing from national public funds.

The Community contribution may amount to up to 75% of the total eligible public expenditure. Taxes are not an element eligible for co-financing.
Co-financing for Institution Building projects is provided by the Beneficiary Country bearing certain infrastructure and operational implementation costs, through financing the human and other resources required for effective and efficient absorption of EC assistance.

5. IMPLEMENTING AGENCIES

The Implementing Agency responsible for the programme is the Central Finance and Contracts Unit of Turkey except for the project "Participation in Community Projects", where implementation will consist in the payment of the EC part of the financial contribution to the programmes by the National Fund.

Project No 07.01 on Communication Strategy is managed by the EC Delegation in Ankara. Project No 07.02 on Seminars for Journalists is managed by DG Enlargement.

6. IMPLEMENTATION ARRANGEMENTS

6.1. Method of Implementation

Implementation of the programme will follow Art. 53 (1) b (second alternative) of the Financial Regulation. The Beneficiary Country will continue to ensure that the conditions laid down in Art. 164 (1) (a) - (e) of the Financial Regulation are respected at all times.

Prior to the accreditation of Implementing Agencies foreseen by Art. 12 (2) of Regulation 1266/1999, project selection, tendering and contracting by the Beneficiary Country will be subject to ex-ante approval by the Commission.

6.2. Procurement

Procurement shall follow the provisions of Part 2, Title IV of the Financial Regulation and Title 5 of its Implementing Rules, as well as the Commission Decision SEC (2003) 387/24.

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4 Commission Decision SEC (2003) 387/2 on the general regulations for service, supply and works contracts financed from the general budget of the Europena Communities in the course of co-operation with third countries, adopted on March 25, 2003
The Contracting Authorities shall also use the procedural guidelines and standard templates and models provided for in the “Practical Guide to contract procedures financed from the general EC budget in the context of external actions” as published on the EuropeAid website at the date of the initiation of the procurement or grant award procedure.

In line with Art. 164 of the Financial Regulation, the Commission may decide to allow the Contracting Authorities entrusted with decentralised management responsibilities to execute procurement in accordance with procedures and guidelines transposing the European Union Public Procurement Directives.

6.3. Procurement Principles for Grant Schemes

For grant schemes in the field of economic and social cohesion, the precise implementation arrangements will be specified in the relevant project fiches in line with the following principles:

The procedures and formats to be used in the implementation of the schemes and award of the grants will follow the rules for External Actions. In particular, due care will be given to the selection process of the projects. Grants will be awarded in conformity with the provisions of chapter 6 of the Practical Guide, and following the principles of pre-accession assistance decentralised management. Prior to EDIS accreditation, the ex-ante approval of the Commission Representation in Ankara will be required.

The competent PAO for the programme under which the grant scheme is financed has to retain his/her contractual and financial responsibility for the implementation of the schemes. In particular, the PAO has to formally approve the call for proposals, application forms, evaluation criteria, as well as the selection process and results. The PAO also has to sign the grant contracts with the beneficiaries and to ensure adequate monitoring and financial control under his/her authority and responsibility. With this reservation, the management can be decentralised from the PAO to the appropriate bodies at sectoral or regional level.

The implementation of selected projects through provision of works, supplies and services, which are sub-contracted by the final beneficiaries of the individual grants shall be subject to the procurement rules in use for External Actions at the time of implementation. Following a positive assessment of the Implementing Agency’s capacity to operationally and financially manage the schemes in a sound and efficient manner, the Commission Representation may decide to waive its ex-ante approval

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5 current address: http://europa.eu.int/commission/europeaid/tender/gestion/index_en.htm
6 see section 11 and Annex 4 of the 2004 Phare Programming Guide – in the case of Turkey this was undertaken in the context of the decision to decentralise management of the pre-accession programmes in Turkey (DIS)
of sub-contracting carried out by the final beneficiaries of the individual grants. The detailed provisions governing the role of the Representation in the above-mentioned sub-contracting phase will be specified, as appropriate, in the Exchange of Letters between the Representation and the national authorities following the above-mentioned assessment exercise.

Grant schemes will not involve projects for which the EC contribution is below €50,000 or above €2 million. This lower limit may be waived as a result of the above-mentioned assessment of the Implementing Agency’s capacity of giving assurance of sound financial management. The lower limit is not applicable in the case of NGOs.

The financial commitments in EC terms will be effected at the date of signature of the grants contract by the competent PAO. The projects should be fully implemented before the expiry date for contract execution of the corresponding Financing Agreement.

6.4. Implementation Principles for Twinning Projects

The amounts foreseen for Twinning projects will cover the eligible costs (as set down in the rules applicable for Twinning) for implementing the work plan agreed between the Twinning partners.

The eligible costs may include costs incurred by the selected Partner State during the preparation of the Twinning covenant in the period between signature of the Financing Agreement and the final notification of the financing approval of the covenant.

**LIST OF PROJECTS FOR 2004 INVOLVING TWINNING**

<table>
<thead>
<tr>
<th>Project code</th>
<th>Twinning code</th>
<th>Project title</th>
</tr>
</thead>
<tbody>
<tr>
<td>01.02</td>
<td>TR/2004/IB/JH/01</td>
<td>Support to establishment of Courts of Appeal</td>
</tr>
<tr>
<td>01.05</td>
<td>TR/2004/IB/JH/02</td>
<td>Support to the ombudsman of the Republic of Turkey</td>
</tr>
<tr>
<td>02.02</td>
<td>TR/2004/IB/EC/01 to TR/2004/IB/EC/05</td>
<td>Strengthening the capacity of Turkish ministries for market surveillance in selected areas</td>
</tr>
<tr>
<td>02.03</td>
<td>TR/2004/IB/EC/06</td>
<td>Strengthening the Ministries of Health, Environment and Forests, and Agriculture and Rural Affairs to harmonise and implement legislation in the field of good laboratory practice for non-clinical health and environmental protection</td>
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<td>02.04</td>
<td>TR/2004/IB/OT/01</td>
<td>Support to Turkey’s efforts in the full alignment and enforcement in the field of intellectual property rights with a focus on piracy</td>
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<tr>
<td>02.05</td>
<td>TR/2004/IB/OT/02</td>
<td>Support to Turkey’s efforts in the full alignment, enforcement and implementation of the acquis in the field of consumer protection</td>
</tr>
<tr>
<td>02.06</td>
<td>TR/2004/IB/FL/01</td>
<td>Assisting the Capital Markets Board to comply with EU capital markets standards</td>
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<tr>
<td>02.08</td>
<td>TR/2004/IB/AG/01</td>
<td>Preparation for the implementation of CAP</td>
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<td>Code</td>
<td>Reference</td>
<td>Description</td>
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<td>02.09</td>
<td>TR/2004/IB/EN/01, TR/2004/IB/EN/02</td>
<td>Strengthening the capacity of the Ministry of Environment and Forests in the field of special waste and noise management</td>
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<td>02.10</td>
<td>TR/2004/IB/EN/03 and TR/2004/IB/EN/04</td>
<td>Strengthening the Ministry of Health to harmonise and implement legislation in the field of biocides (biocidal products directive) and water (for public health protection)</td>
</tr>
<tr>
<td>03.01</td>
<td>TR/2004/IB/FI/02 and TR/2004/IB/FI/03</td>
<td>Modernisation of the Turkish Customs Administration</td>
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<td>03.02</td>
<td>TR/2004/IB/FI/04</td>
<td>Tax administration capacity building</td>
</tr>
<tr>
<td>03.03</td>
<td>TR/2004/IB/AG/02 and TR/2004/IB/AG/03</td>
<td>Restructuring and strengthening the food safety and control system</td>
</tr>
<tr>
<td>03.08</td>
<td>TR/2004/IB/TR/01</td>
<td>Assistance to the Turkish road transport sector</td>
</tr>
<tr>
<td>03.10</td>
<td>TR/2004/IB/FI/03</td>
<td>Strengthening audit capacity of the Board of Treasury Controllers with respect to pre-accession funds</td>
</tr>
<tr>
<td>04.02</td>
<td>TR/2004/IB/JH/03</td>
<td>Establishment of a national probation service</td>
</tr>
<tr>
<td>04.03</td>
<td>TR/2004/IB/JH/04</td>
<td>Enhancement of the professionalism of the Turkish gendarmerie in its law enforcement activities</td>
</tr>
<tr>
<td>04.05</td>
<td>TR/2004/IB/JH/05</td>
<td>Development of a training system for border police</td>
</tr>
</tbody>
</table>

### 6.5. Principles for the CBC Small Projects Fund

The CBC Small Projects Fund will finance projects with a EC contribution below €50,000. It will not include physical investments other than small infrastructure not generating substantial net revenue.

For the CBC Small Project Fund, up to 7% of the EC contribution may be used for expenditure relating to the preparation, selection, appraisal and monitoring of assistance.

### 7. MANAGEMENT OF ASSISTANCE

#### 7.1. Project Management

#### 7.1.1. Responsibilities

The National Aid Co-ordinator (NAC) will have overall responsibility for programming and monitoring of EC programmes.
The National Authorising Officer (NAO) and the Project Authorising Officer (PAO) will ensure that the programmes are implemented in line with the procedures laid down in the instructions of the Commission. They will also ensure that all contracts required to implement the Financing Agreement are awarded using the procedures and standard documents for External Actions in force at the time of implementation, and that EU state aid rules are respected.

7.1.2. *Project Size*

All projects will be greater than €2 million, except those in the following areas:

- Development of organic agriculture and legal alignment to the EU, akin to a twinning project but where a small TA contract is envisaged
- Strengthening the audit capacity of the Board of Treasury Controllers, which will provide valuable support to the DIS system
- Joint Small Projects Fund – CBC Bulgaria, which will account for almost 20% of the allocation to CBC activities with Bulgaria in 2004 and where a larger scheme is not justified.

All other exceptions are twinning projects.

7.1.3. *Deadline for contracting and execution of contracts, programming deadline*

Under budget line 22.02.04.01

(1) All contracts must be concluded by no later than November 30, 2006.

(2) All contracts must be executed by no later than November 30, 2007.

Under budget line 22.01.04.02

(1) All contracts must be concluded by no later than December 31, 2004.

(2) All payments must be executed by no later than December 31, 2005.

(3) Under DIS, a complete tender dossier must be submitted to the Representation for approval by no later than 31 March 2005. In case of non-compliance, the Beneficiary Country will inform the JMC, which may recommend reallocation of funds in accordance with Art. 5 of the MoU on the National Fund.
7.1.4. Environmental Impact Assessment and Nature Conservation

The procedures for environmental impact assessment as set down in the EIA-directive\(^7\) are fully applicable for all investment projects under the pre-accession programme. If the EIA-directive has not yet been fully transposed, the procedures should be similar to the ones established in the above-mentioned directive. If a project would fall within the scope of annex 1 or annex 2 of the EIA-directive, the carrying out of the EIA-procedure must be documented\(^8\).

If a project is likely to affect sites of nature conservation importance, an appropriate assessment according to Art. 6 of the Habitats-directive must be documented\(^9\).

All investments shall be carried out in compliance with the relevant community environmental legislation. The project fiches will contain specific clauses on compliance with the relevant EU-legislation in the field of the environment according to the type of activity carried out under each investment project.

7.2. Financial Management

7.2.1. Principles and Responsibilities

The National Fund in the Undersecretariat of Treasury, headed by the NAO, will supervise the financial management of the programme, and will be responsible for reporting to the European Commission. The NAO shall have the overall responsibility for financial management of the EC funds, and the full accountability for the EC funds of a programme until the closure of that programme.

The NAO shall ensure that the EC rules, regulations and procedures pertaining to reporting and financial management are respected, and that a reporting and project information system is functioning.

The Commission will make payments to the NF in accordance with the Memorandum of Understanding signed between the Commission and Turkey in February 2002.

Payments will be made following requests from the NAO onto a separate bank account, denominated in €, which will be opened and managed by the National Fund in the central bank. In principle, all bank accounts will be interest bearing. Interest will be reinvested in the programme.

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\(^7\) DIR 85/337/EEC; OJ L 175/40; 5.7.1985, as amended

\(^8\) in Annex EIA to the corresponding investment project fiche.

\(^9\) in Annex Nature Conservation to the corresponding investment project fiche
7.2.2. Payments to the National Fund

A first payment\textsuperscript{10} of up to 20\% of the funds to be managed locally\textsuperscript{11}, will be sent to the NF following signature of the Financing Agreement and the Implementing Agreements between the NF and the Implementing Agencies (IAs)/Central Finance and Contracts Unit (CFCU). Furthermore, the NAO must submit to the Commission the designation of the PAOs and a description of the system put in place, highlighting the flow of information between the NF and the IA/CFCU and the manner in which the payment function between them will be carried out.

Two further payments\textsuperscript{12} of up to 30\% of the funds to be managed locally\textsuperscript{13} will be made. The second payment will be triggered when 5 \% of the total budget in force\textsuperscript{14} has been disbursed by the IAs and the CFCU. The third payment may be requested when 35\% of the total budget in force\textsuperscript{15} has been disbursed.

A final fourth payment will be made when 70 \% of the total budget in force\textsuperscript{16} has been disbursed and all contracts have been signed.

Exceptionally the NAO may request more than the percentage agreed where it can be demonstrated by a cash-flow projection that the cash-flow requirements in the subsequent period will exceed such percentage. In cases where the aggregate of the funds deposited in the NF, CFCU and IAs accounts exceeds 15\% of the total budget in force for the programme the Commission may exceptionally authorise a payment, if the NAO provides duly substantiated evidence that contractual obligations cannot be met with the funds available.

7.2.3. Payments from the National Fund to the Implementing Agency

The National Fund will make payments to IAs, including the CFCU, in accordance with Implementing Agreements signed between the NF and the IAs/CFCUs. Bank accounts for sub-programmes shall be opened in the name of the relevant Implementing Agency/CFCU in charge of financial management of the sub-programme in line with Art. 12 of the MoU on the National Fund.

\textsuperscript{10} representing pre-financing as defined in Art. 105 (1) of the Implementing Rules to the Financial Regulation
\textsuperscript{11} excluding the amount foreseen for Community Programmes
\textsuperscript{12} representing pre-financing as defined in Art. 105 (1) of the Implementing Rules to the Financial Regulation
\textsuperscript{13} excluding the amount for Community Programmes
\textsuperscript{14} excluding the amount for Community Programmes
\textsuperscript{15} excluding the amount for Community Programmes
\textsuperscript{16} excluding the amount for Community Programmes
As long as implementation follows DIS, each individual Implementing Agreement must be endorsed in advance by the European Commission. In cases where the NF is itself the paying agent for the CFCU/IA there will be no payments from the NF to the CFCU. The CFCU and the IAs must each be headed by a Programme Authorising Officer (PAO) appointed by the NAO after consultation with the NAC. The PAO will be responsible for all operations carried out by the relevant CFCU/IA.

7.2.4. Payments to the National Fund for Participation in Community Programmes and Agencies

A single payment to the National Fund will be made, covering the full amount of the EC part of the financial contribution for participation in Community programmes and agencies. This payment will be made following signature of the Financing Agreement and upon request from the National Fund.

This payment is separate from the payments made for the rest of the programme. The EC contribution for each programme will, however, only be transferred when the Memorandum of Understanding establishing the terms and conditions for participation in that programme is in force.

If there is a delay in the entry into force of some of the Memoranda of Understanding, the payment to the National Fund may be divided into two or more instalments, so that 100% of the funds necessary for the programmes in force can be paid immediately. The National Fund is responsible for transferring the funds back to the Commission, following the call for funds of the Commission service responsible for the programmes concerned and within the deadlines requested.

7.2.5. Payments to other International Organisations in Case of Joint Management or direct grants

The following projects will be implemented through grants without a call for proposals:

TR 0401.04: Strengthening freedom of association for the further development of civil society and through support to the Association for the Civil Society Development Centre. A grant to the Association. De facto monopoly as autonomous umbrella organisation for civil society.

TR 0402.11: Integration of sustainable development into sectoral policies. Direct agreement with UNDP. De facto monopoly in providing support to the national Commission on Sustainable Development to implement the principles set out in the implementation plan of the World Summit on Sustainable Development.
TR 0403.04: Eradicating the worst forms of child labour in Turkey. Direct agreement with ILO: it is not thought likely that a twin or service contract would be capable of providing the type of input required, and the project is effectively an extension of the ILO International Programme for the Elimination of Child Labour. De facto monopoly.

TR 0403.06: Strengthening the epidemiological surveillance and control of communicable diseases system. Direct agreement with WHO. De facto monopoly.

TR 0404.01: Towards good governance, protection and justice for children in Turkey. Direct agreement with UNICEF: it is not thought likely that a twin or service contract would be capable of providing the type of input required. De facto monopoly.

7.2.6. Payments in Case of Contractual Retention Clauses

For those contracts with contractual retention clauses (e.g. funds retained for a warranty period), the overall total of funds related to those contracts (as calculated by the PAO and established by the Commission) will be paid to the IA before the deadline for execution of contracts. The Implementing Agency assumes full responsibility for depositing the funds until final payment is due, as well as for ensuring that the said funds will only be used to make payments related to the retention clauses.

The IA further assumes full responsibility towards the contractors for fulfilling the obligations related to the retention clauses. Funds not paid out to the contractors after final payments have been settled shall be reimbursed to the Commission.

7.2.7. Closure of Expenditure and Clearance of Accounts

No later than eight months after the end of execution of contracts, the NF will submit a final declaration of expenditure and an attestation regarding the regularity, accuracy and veracity of the accounts transmitted. The final certified expenditure should at this point equal the original value of the contracts minus any deductions and savings agreed with contractors in the course of implementation. This should also equal payments made plus any sums outstanding on account of contractual retention.

If the payments received from the Commission exceed the final certified expenditure, the NF shall return the excess to the Commission at the time of submitting the final declaration. If there are any outstanding payments (with the exception of contractual retention funds), the NF should provide an explanation and a forecast when payment will be finalised. The NF shall report on progress on contractual retention funds and
outstanding payments on a quarterly basis. If they are not paid to the contractor, they shall be returned to the Commission.

After evaluation of the final declaration, the Commission will state its view on any expenditure to be excluded from Community funding, where it finds that expenditure has not been executed in compliance with Community rules.

The results of the Commission’s checks and its conclusions to exclude expenditure from financing will be notified in writing to the NF, which shall be given one month to transmit its reply in writing.

If no agreement is reached within one month of receipt of the NF’s written reply, the Commission shall decide and establish the amounts to be excluded, having regard in particular to the degree of non-compliance found, the nature and gravity of the infringement as well as the financial loss suffered by the Community.

Following the decision about amounts to be excluded, all ineligible expenditure will be recovered without prejudice to the treatment of irregularities and subsequent financial compensation in accordance with Community rules.

8. **MONITORING AND EVALUATION**

Project implementation will be monitored through the Joint Monitoring Committee (JMC). It includes the NAO, the NAC and the Commission services. The JMC will meet at least once a year to review all EC funded programmes in order to assess their progress towards meeting the objectives set out in the Financing Memoranda/Agreements and the Accession Partnership. The JMC may recommend a change of priorities and/or reallocation of EC funds.

For the pre-accession programme, the JMC will be assisted by Sectoral Monitoring Sub-Committees (SMSC), which will include the NAC, the PAO of each Implementing Agency (and the CFCU where applicable) and the Commission Services. The SMSC will review in detail the progress of each programme, including its components and contracts, assembled by the JMC into suitable monitoring sectors. Each sector will be supervised by one SMSC on the basis of regular monitoring reports produced by the Implementing Agency, and interim evaluations undertaken by independent evaluators. The SMSC will put forward recommendations on aspects of management and design, ensuring that these are effected. The SMSC will report to the JMC, to which it will submit overall detailed opinions on all EC financed programmes in its sector.

The Commission services shall ensure that an ex-post evaluation is carried out after completion of the programme.
9. Audit, Financial Control, Anti-Fraud Measures, Preventive and Corrective Actions

9.1. Supervision and Financial Control by the Commission and the European Court of Auditors

All Financing Memoranda/Agreements as well as all resulting contracts are subject to supervision and financial control by the Commission (including the European Anti-Fraud Office) and audits by the European Court of Auditors. As long as EDIS is not yet applicable to the Implementing Agencies in the Beneficiary Country, this includes measures such as ex-ante verification of tendering and contracting carried out by the Delegation in the Beneficiary Country.

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\(^{17}\).

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

Without prejudice to the responsibilities of the Commission and the European Court of Auditors\(^{18}\), the accounts and operations of the National Fund and, where applicable, the CFCU and all relevant Implementing Agencies may be checked at the Commission’s discretion by the Commission itself or by an outside auditor contracted by the Commission.

9.2. Obligations of the Beneficiary Country

9.2.1. Audit and Financial Control

In order to ensure sound financial management of the EC funds, the Beneficiary Country must have a system for management and control of assistance in accordance with generally accepted principles and standards in place. This system shall fulfil the requirements set out in Art. 164 of the Financial Regulation, and in particular provide adequate assurance of the correctness, regularity and eligibility of claims on Community assistance.


\(^{18}\) as referred to in the General Conditions relating to the Financing Memorandum” attached to the Framework Agreement
The Beneficiary Country's management and control systems shall provide a sufficient audit trail, as defined in Art. 7 (2) of Commission Regulation 438/2001.\(^{19}\)

The competent national financial control authority shall carry out appropriate financial controls of all actors involved in the implementation of the programme.

Each year an audit plan and a summary of the findings and main recommendations of the audits carried out and an outline of the follow-up given to past audit recommendations shall be sent to the Commission. Audit reports shall be at the disposal of the Commission.

\subsection*{9.2.2. Preventive Measures}

The Beneficiary Country shall take any appropriate measure to prevent and counter active and passive corruption\(^{20}\) practises at any stage of the procurement procedure or grant award procedure, as well as during the implementation of corresponding contracts.

\subsection*{9.2.3. Anti-Fraud Measures and Corrective Actions}

Beneficiary Countries shall, in the first instance, bear the responsibility to ensure investigation and satisfactory treatment of suspected or actual cases of fraud and irregularities following national or Community controls.

The national authorities shall ensure the functioning of a control and reporting mechanism equivalent to the one foreseen in Commission Regulation 1681/94.\(^{21}\)

In particular, all suspected or actual cases of fraud\(^{22}\) and irregularity\(^{23}\) as well as all measures related thereto taken by the national authority must be reported to the

\begin{flushleft}
\footnotesize
\begin{itemize}
\item Commission Regulation (EC, Euratom) 438/2001 of 2 March 2001, OJ L 63; 3.3.2001, p.21
\item Active corruption is defined as the deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party for him to act or to refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Communities' financial interests.
\item Passive corruption is defined as the deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or a third party, or accepts a promise of such advantage, to act or to refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Communities' financial interests.
\item Commission Regulation (EC) 1681/94 of 11. July 1994; 12.7.94; p. 43
\item Fraud shall mean any intentional act or omission relating to: 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,
\end{itemize}
\end{flushleft}
Commission services without delay. Should there be no suspected or actual cases of fraud or irregularity to report, the Beneficiary Country shall inform the Commission of this fact within two months following the end of each quarter.

In case of irregularity or fraud, the Beneficiary Country shall make the necessary financial corrections required in connection with the individual irregularity. The corrections made by the Beneficiary Country shall consist in cancelling all or part of the Community contribution. The Community funds released in this way may be reused by the NF for the purpose of the programme, in compliance with Art. 5 of the MoU on the National Fund.

9.3. Recovery of Funds in Case of Irregularity or Fraud

Any proven irregularity\(^{24}\) or fraud\(^{25}\) discovered at any time during the implementation of the programme or as the result of an audit will lead to the recovery of funds by the Commission.

If, after completing the necessary verifications, the Commission concludes that:

(a) the Beneficiary Country has not complied with the obligations to prevent, detect, and correct irregularities or

(b) the implementation of a project appears not to justify either part or the whole of the assistance allocated or

(c) there are serious failings in the management or control systems which could lead to irregularities,

the Commission may suspend further financing of the programme in question, and, stating its reasons, request that the Beneficiary Country submit comments and, where appropriate, carry out any corrections within a specified period of time.

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\(^{23}\) Irregularity shall mean any infringement of a provision of national or Community law, this Financing Memorandum or ensuing contracts, 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, by an unjustified item of expenditure. The term “Community law” in this context shall be defined as the entirety of Community rules applicable between the Parties of the Financing Memorandum (e.g. the Europe Agreements, Framework Agreements, the MoU on the Establishment of the National Fund etc.)

\(^{24}\) see definition above

\(^{25}\) see definition above
If no agreement is reached by the end of the period set by the Commission and if the required corrections have not been made, the Commission may – taking into account any comments made by the Beneficiary Country – decide within three months to:

(a) reduce or cancel any payment for the programme in question, or

(b) make the financial corrections required by cancelling all or part of the assistance granted to the programme concerned.

The Commission shall, when deciding on the amount of a correction, take into account the principle of proportionality, the type of irregularity and the extent and financial implications of the shortcomings found in the management and control system of the Beneficiary Country.

In the absence of a decision to do either (a) or (b), further financing of the programme shall immediately resume.

The National Authorising Officer will ensure the reimbursement of any unused funds or any sum wrongly paid within sixty calendar days of the date of the notification. If the NAO does not repay the amount due to the Community, the Beneficiary Country shall refund this amount to the Commission.

Interest on account of late payment shall be charged on sums not repaid by applying the rules specified in the Financial Regulation.

10. **Visibility and Publicity**

The PAO in charge will be responsible for ensuring that the necessary measures are taken to ensure appropriate publicity for all activities financed from the programme. This will be done in close liaison with the Commission. Further details are set down in the Annex on Visibility and Publicity.

11. **Special Conditions**

In the event that agreed commitments are not met for reasons which are within the control of the Government of Turkey 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 pre-accession assistance programme.
ANNEX 1
SUMMARY PROJECT FICHES

TR 0401.01 Implementation of human rights reforms in Turkey
TR 0401.02 Support to establishment of Courts of Appeal
TR 0401.03 Improvement of public service and quality standards towards civil society organisations
TR 0401.04 Strengthening freedom of association for the further development of civil society
TR 0401.05 Support to the ombudsman of the Republic of Turkey
TR 0401.06 Promotion of cultural rights in Turkey
TR 0402.01 Support to the market surveillance laboratories for the implementation of EC Directives in the areas of fertilizers, lifts, non-automatic weighing instruments, pre-packaging, textiles, construction products and legal metrology
TR 0402.02 Strengthening the capacity of Turkish ministries for market surveillance in selected areas
TR 0402.03 Strengthening the Ministries of Health, Environment and Forests, and Agriculture and Rural Affairs to harmonise and implement legislation in the field of good laboratory practice for non-clinical health and environmental protection
TR 0402.04 Support to Turkey’s efforts in the full alignment and enforcement in the field of intellectual property rights with a focus on piracy
TR 0402.05 Support to Turkey’s efforts in the full alignment, enforcement and implementation of the acquis in the field of consumer protection
TR 0402.06 Assisting the Capital Markets Board to comply with EU capital markets standards
TR 0402.07 Development of organic agriculture and legal alignment to the EU
TR 0402.08 Preparation for the implementation of CAP
TR 0402.09 Strengthening the capacity of the Ministry of Environment and Forests in the field of special waste and noise management
TR 0402.10 Strengthening the Ministry of Health to harmonise and implement legislation in the field of biocides (biocidal products directive) and water (for public health protection)
TR 0402.11  Integration of sustainable development into sectoral policies
TR 0403.01  Modernisation of the Turkish Customs Administration
TR 0403.02  Tax administration capacity building
TR 0403.03  Restructuring and strengthening the food safety and control system
TR 0403.04  Eradicating the worst forms of child labour in Turkey
TR 0403.05  Strengthening social dialogue for innovation and change
TR 0403.06  Strengthening the epidemiological surveillance and control of communicable diseases system (ESCCDS)
TR 0403.07  Cancer-free life
TR 0403.08  Assistance to the Turkish road transport sector
TR 0403.09  Ensuring the compliance of the frequency performance of the Turkish power system with UCTE criteria
TR 0403.10  Strengthening audit capacity of the Board of Treasury Controllers with respect to pre-accession funds
TR 0404.01  Towards good governance, protection and justice for children
TR 0404.02  Establishment of a national probation service
TR 0404.03  Enhancement of the professionalism of the Turkish gendarmerie in its law enforcement activities
TR 0404.04  Development of a training system for border police
TR 0405.01  Support the implementation of the preliminary National Development Plan (NDP)
TR 0405.02  Regional development in Konya, Kayseri, Malatya and Ağrı NUTS II regions
TR 0405.03  CBC with Bulgaria – restoration of the Ekmekçizade Caravanserai in Edirne
TR 0405.04  CBC with Bulgaria – Joint Small Project Fund
TR 0405.05  CBC with Greece
TR 0406.01  Support activities to strengthen the European integration process
TR 0406.02  Participation in Community programmes and agencies
TR 0407.01  Enlargement communication strategy
TR 0407.02  Enlargement seminars for journalists
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**ANNEX 2**

**INDICATIVE CUMULATIVE QUARTERLY CONTRACTING SCHEDULE (million Euro)**
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<th>2007</th>
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<td>14.4</td>
<td>57.2</td>
<td>80.7</td>
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In the schedules, totals may not correspond exactly due to rounding errors.
## ANNEX 3

### BUDGET BREAKDOWN BY PROJECT

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<th>Objective and projects</th>
<th>Total EC €</th>
<th>Institution €</th>
<th>Investment €</th>
<th>Co-financing €</th>
<th>Total project cost €</th>
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<td>02.01 Support to the market surveillance laboratories for the implementation of EC Directives in the areas of fertilizers, lifts, non-automatic weighing instruments, pre-packaging, textiles, construction products and legal metrology</td>
<td>2.871.420</td>
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<td>1.064.840</td>
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<td>02.03 Strengthening the Ministries of Health, Environment and Forests, and Agriculture and Rural Affairs to harmonise and implement legislation in the field of good laboratory practice for non-clinical health and environmental protection</td>
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<td><strong>9.383.200</strong></td>
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<td>Ensuring the compliance of the frequency performance of the Turkish power system with UCTE criteria</td>
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<td>Strengthening audit capacity of the Board of Treasury Controllers with respect to pre-accession funds</td>
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<td>Towards good governance, protection and justice for children</td>
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<td></td>
<td>Establishing a national probation service</td>
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<td>04.01</td>
<td>Enhancement of the professionalism of the Turkish gendarmerie in its law enforcement activities</td>
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<td>Development of a training system for border police</td>
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<td>Support the implementation of the preliminary National Development Plan (NDP)</td>
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<td>Regional development in Konya, Kayseri, Malatya and Ağrı NUTS II regions</td>
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<td>TR 0401.02</td>
<td>TR/2004/IB/JH/01</td>
<td>Support to establishment of Courts of Appeal in Turkey</td>
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<td>TR 0401.05</td>
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<td>Support to the ombudsman of the Republic of Turkey</td>
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<td>Strengthening the capacity of Turkish ministries for market surveillance in selected areas</td>
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<td>TR 0402.09</td>
<td>TR/2004/IB/OT/01</td>
<td>Strengthening the Ministries of Health, Environment and Forests, and Agriculture and Rural Affairs to harmonise and implement legislation in the field of good laboratory practice for non-clinical health and environmental protection</td>
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<td>Support to Turkey’s efforts in the full alignment, enforcement and implementation of the acquis in the field of consumer protection</td>
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<td>Strengthening the capacity of the Ministry of Environment and Forests in the field of special waste and noise management</td>
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<td>Restructuring and strengthening the food safety and control system</td>
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<td>TR/2004/IB/FI/05</td>
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<td>TR 0404.02</td>
<td>TR/2004/IB/JH/03</td>
<td>Establishment of a national probation service</td>
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<td>Development of a training system for border police</td>
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ANNEX ON INFORMATION AND PUBLICITY FOR THE PRE-ACCESSION PROGRAMMES OF THE EUROPEAN COMMUNITIES

1. Objective and scope

Information and publicity measures concerning assistance from the European Community pre-accession programmes are intended to increase public awareness and transparency of EU action and to create a consistent image of the measures concerned in all applicant countries. Information and publicity shall concern measures receiving a contribution from the pre-accession programme.

2. General principles

The appropriate Programme Authorising Officer in charge of the implementation of Financing Memoranda, and other forms of assistance shall be responsible for publicity on the spot. Publicity shall be carried out in co-operation with the EC Delegations, which shall be informed of measures taken for this purpose.

The competent national and regional authorities shall take all the appropriate administrative steps to ensure the effective application of these arrangements and to collaborate with the EC Delegations on the spot.

The information and publicity measures described below are based on the provisions of the regulations and decisions applicable to the Structural Funds. They are:


Specific provisions concerning ISPA are included in:


Information and publicity measures must comply with the provisions of the above mentioned regulation and decision. A manual on compliance is available to national, regional and local authorities from the EC Delegation in the country concerned.

3. Information and publicity concerning pre-accession programmes

Information and publicity shall be the subject of a coherent set of measures defined by the competent national, regional and local authorities in collaboration with the EC Delegations for the duration of the Financing Memorandum and shall concern both programmes and other forms of assistance.
The costs of information and publicity relating to individual projects shall be met from the budget for those projects.

When pre-accession programmes are implemented, the measures set out at (a) and (b) below shall apply:

(a) The competent authorities of the applicant countries shall publish the content of programmes and other forms of assistance in the most appropriate form. They shall ensure that such documents are appropriately disseminated and shall hold them available for interested parties. They shall ensure the consistent presentation throughout the territory of the applicant country of information and publicity material produced.

(b) Information and publicity measures on the spot shall include the following:

(i) In the case of infrastructure investments with a cost exceeding EUR 1 million:

- billboards erected on the sites, to be installed in accordance with the provisions of the regulation and decision mentioned in paragraph 2 above, and the technical specifications of the manual to be provided by the EC Delegation in the country concerned.

- permanent commemorative plaques for infrastructures accessible to the general public, to be installed in accordance with the provisions of the regulation and decision mentioned in paragraph 2 above, and the technical specifications of the manual to be provided by the EC Delegation in the country concerned.

(ii) In the case of productive investments, measures to develop local potential and all other measures receiving financial assistance from pre-accession programmes:

- measures to make potential beneficiaries and the general public aware of pre-accession assistance, in accordance with the provisions cited at paragraph 3(b)(i) above.

- measures targeting applicants for public aids part-financed by pre-accession assistance in the form of an indication on the forms to be filled out by such applications, that part of the aid comes from the EU, and specifically, the pre-accession programme in accordance with the provisions outlined above.

4. Visibility of EU assistance in business circles and among potential beneficiaries and the general public

4.1 Business circles

Business circles must be involved as closely as possible with the assistance, which concerns them most directly.

The authorities responsible for implementing assistance shall ensure the existence of appropriate channels for disseminating information to potential beneficiaries,
particularly SMEs. These should include an indication of the administrative procedures to be followed.

4.2 Other potential beneficiaries

The authorities responsible for implementing assistance shall ensure the existence of appropriate channels for disseminating information to all persons who benefit or could benefit from measures concerning training, employment or the development of human resources. To this end, they shall secure the co-operation of vocational training bodies involved in employment, business and groups of business, training centres and non-governmental organisations.

Forms

Forms issued by national, regional or local authorities concerning the announcement of, application for and grant of assistance intended for final beneficiaries or any other person eligible for such assistance shall indicate that the EU, and specifically the relevant pre-accession programme, is providing financial support. The notification of aid sent to beneficiaries shall mention the amount or percentage of the assistance financed by the programme in question. If such documents bear the national or regional emblem, they shall also bear the EU logo of the same size.

4.3 The general public

The media

The competent authorities shall inform the media in the most appropriate manner about actions co-financed by the EU, and pre-accession programmes in particular. Such participation shall be fairly reflected in this information.

To this end, the launch of operations (once they have been adopted by the Commission) and important phases in their implementation shall be the subject of information measures, particularly in respect of regional media (press, radio and television). Appropriate collaboration must be ensured with the EC Delegation in the applicant country.

The principles laid down in the two preceding paragraphs shall apply to advertisements such as press releases or publicity communiqués.

Information events

The organisers of information events such as conferences, seminars, fairs and exhibitions in connection with the implementation of operations part-financed by the pre-accession programmes shall undertake to make explicit the participation of the EU. The opportunity could be taken of displaying the European flags in meeting rooms and the EU logo upon documents depending on the circumstances. The EC Delegation in the applicant country shall assist, as necessary, in the preparation and implementation of such events.

Information material
Publications (such as brochures and pamphlets) about programmes or similar measures financed or co-financed by pre-accession programmes should, on the title page, contain a clear indication of the EU participation as well as the EU logo where the national or regional emblem is used.

Where such publications include a preface, it should be signed by both the person responsible in the applicant country and, for the Commission, the Delegate of the Commission to ensure that EU participation is made clear.

Such publications shall refer to the national and regional bodies responsible for informing interested parties.

The above-mentioned principles shall also apply to audio-visual material.

5. **Special arrangements concerning billboards, commemorative plaques and posters**

In order to ensure the visibility of measures part-financed by the pre-accession programmes, applicant countries shall ensure that the following information and publicity measures are complied with:

**Billboards**

Billboards providing information on EU participation in the financing of the investment should be erected on the sites of all projects in which EU participation amounts to EUR 1 million or more. Even where the competent national or regional authorities do not erect a billboard announcing their own involvement in financing the EU assistance must nevertheless be announced on a special billboard. Billboards must be of a size which is appreciable to the scale of operation (taking into account the amount of co-financing from the EU) and should be prepared according to the instructions contained in the technical manual obtainable from EC Delegations, referred to above.

Billboards shall be removed not earlier than six months after completion of the work and replaced, wherever possible, by a commemorative plaque in accordance with the specifications outlined in the technical manual referred to above.

**Commemorative plaques**

Permanent commemorative plaques should be placed at sites accessible to the general public (congress centres, airports, stations, etc.). In addition to the EU logo, such plaques must mention the EU part financing together with a mention of the relevant pre-accession programme.

Where a national, regional or local authority or another final beneficiary decides to erect a billboard, place a commemorative plaque, display a poster or take any other step to provide information about projects with a cost of less than EUR 1 million, the EU participation must also be indicated.

6. **Final provisions**

The national, regional or local authorities concerned may, in any event, carry out additional measures if they deem this appropriate. They shall consult the EC
Delegation and inform it of the initiatives they take so that the Delegation may participate appropriately in their realisation.

In order to facilitate the implementation of these provisions, the Commission, through its Delegations on the spot, shall provide technical assistance in the form of guidance on design requirements, where necessary. A manual will be prepared in the relevant national language, which will contain detailed design guidelines in electronic form and this will be available upon request.