



Brussels, 13.11.2013
C(2013) 7710 final

COMMISSION IMPLEMENTING DECISION

of 13.11.2013

**adopting a National programme for Turkey under the IPA -Transition Assistance and
Institution Building Component for the year 2013**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)¹, and in particular Article 14(2)(a) thereof,

Having regard to the Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002² (hereinafter referred to as 'Financial Regulation'), in particular Article 84 (2) thereof,

Whereas:

- (1) Regulation (EC) No 1085/2006 lays down the objectives and main principles for pre-accession assistance to candidate countries and potential candidate countries.
- (2) In accordance with Article 7 of Regulation (EC) No 1085/2006, the assistance should be provided through multi-annual or annual programmes. These programmes should be drawn up in accordance with the general policy framework referred to in Article 4 of Regulation (EC) No 1085/2006 and the relevant multi-annual indicative planning document referred to in Article 6 of that Regulation.
- (3) The Council has established an Accession Partnership for Turkey³. The Commission has adopted on 28 June 2011 a multi-annual indicative planning document 2011-2013 for Turkey which presents indicative allocations for the main priorities for pre-accession assistance to that country⁴.
- (4) The Commission concluded on 11 July 2008 a Framework Agreement with the Government of Turkey on the rules for co-operation and implementation of pre-accession assistance.
- (5) Considering the project proposals submitted by Turkey, the national programme for Turkey under the IPA Transition Assistance and Institution Building Component for the year 2013 aims at providing assistance (1) to make progress in the critical areas of rule of law in order to tackle key reforms of the judiciary and fundamental rights; (2)

¹ OJ L 210, 31.07.2006, p.82

² OJ L 298, 26.10.2012, p.1.

³ Council Decision 2008/157/EC of 18 February 2008 (OJ L 51, 26.02.2008, p.4).

⁴ Commission Decision C(2011)4490 of 26.6.2011.

to adopt the EU acquis in areas where there is complex legislation or costly requirements to adopt EU standards in areas such as agriculture, food safety, environment, climate change and energy; (3) and to support Turkey in its economic and social development and to enhance competitiveness; thereby contributing to the achievement of the Copenhagen criteria.

- (6) This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of 25 October 2012 on the financial rules applicable to the general budget of the Union⁵ (hereinafter referred to as 'the Rules of Application').
- (7) The Commission implements the budget on a decentralised basis, in accordance with the provisions set out in Article 53c of the Financial Regulation No 1605/2002⁶, which continues to apply until the end of 2013.
- (8) The administrative capacity of Turkey is sufficiently developed to allow for implementation of this programme by decentralised management, as provided for in Article 53c of Regulation (EC, Euratom) No 1605/2002. The Commission may entrust budget implementation tasks under decentralised management to Turkey, subject to the conclusion of a financing agreement. The degree of decentralisation foreseen complies with the conditions of Article 53c and 56 of Council Regulation (EC, Euratom) No 1605/2002.
- (9) For the measures 1-4 and measure 6 under the integrated sector programme "Energy" it is appropriate to implement this programme in joint management, given overall increased impact expected and the technical expertise of the European Bank for Reconstruction and Development (EBRD) and the World Bank (WB) in specific areas.
- (10) The Commission may entrust budget implementation tasks under joint management to the EBRD and the WB, subject to the conclusion of contribution agreements. The responsible authorising officer has ensured that these entities comply with the conditions of Article 53d of Council Regulation (EC, Euratom) No 1605/2002 and of Articles 35 and 43 of its Implementing Rules⁷.
- (11) It is appropriate to acknowledge that grants may be awarded without a call for proposals by the responsible authorising officer who ensures that the conditions for an exception to a call for proposals according to Article 190 of the Rules of Application are fulfilled.
- (12) This Decision should allow for the award of grants in the form of lump sums, unit costs and/or flat rate financing as set out in the Annex.

⁵ OJ L 362, 31.12.2012, p. 1.

⁶ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.9.2002, p.1.

⁷ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. OJ L 357, 31.12.2002, p.1. These provisions remain applicable according to Article 212 of the Financial Regulation.

- (13) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of the Financial Regulation and Article 111(4) of the Rules of Application.
- (14) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of the Rules of Application to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the 'responsible authorising officer').
- (15) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The national programme for Turkey under the IPA-Transition Assistance and Institution Building Component for 2013, as set out in the Annex, is hereby adopted.

Article 2

The maximum amount of the European Union contribution shall be **EUR 236,750,014**, to be financed through Article 22.02.01 of the general budget of the European Union for Year 2013.

Article 3

This programme shall be implemented by decentralised management, with the exception of measures 1-4 and measure 6 of the integrated sector programme "Energy", which shall be implemented by joint management with the European Bank for Reconstruction and Development and with the World Bank.

It shall be implemented by means of a Financing Agreement to be concluded between the Commission and the Government of Turkey in conformity with the Framework Agreement concluded between the same parties on 11 July 2008.

The budget-implementation tasks under joint management shall be entrusted to the European Bank for Reconstruction and Development and to the World Bank, subject to the conclusion of the relevant agreements.

Article 4

Grants may be awarded by the responsible authorising officer according to Article 190 of the Rules of Application without a call for proposals to the bodies identified in the Annex, in accordance with the conditions specified therein.

The financial contribution referred to in Article 2 shall also cover any possible interests due for late payment.

Article 5

Increases or cumulated changes to allocations to the actions not exceeding 20% of the contribution referred to in Article 2 shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the actions⁸.

Up to 25 % of such an increase or of a reallocation of the amounts authorised under this financing decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

The responsible authorising officer may adopt such changes in accordance with the principles of sound financial management and of proportionality.

Done at Brussels, 13.11.2013

For the Commission
Štefan FÜLE
Member of the Commission

⁸ *Changes to allocations exceeding 4 MEUR need to be approved by the IPA Committee.*