



Brussels, 12.4.2006
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COMMISSION DECISION

of 12.4.2006

adopting the Financing Decision for the Technical Assistance Information Exchange Programme (T AIEX) to be funded by the Pre-accession Instruments, for strengthening institutional capacity of Bulgaria, Croatia, Romania and Turkey

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Adopting the Financing Decision for the Technical Assistance Information Exchange Programme (TAIEX) to be funded by the Pre-accession Instruments, for strengthening institutional capacity of Bulgaria, Croatia, Romania and Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) N° 2257/2004 of 20 December 2004 amending Regulations (EEC) N° 3906/89, (EC) N° 1267/1999, (EC) N° 1268/1999 and (EC) N° 2666/2000, to take into account of Croatia's candidate status, and in particular Article 2,

Having regard to Regulation (EEC) N° 2500/2001 of 17 December 2001 on economic aid to Turkey, as amended by Council Regulation (EC) N° 850/2005, and in particular Article 2,

Whereas:

(1) Regulation No 3906/89 lays down the rules and conditions for the granting of economic aid to certain countries of Central and Eastern Europe, and Regulation No 2500/01 lays down the rules and conditions for the granting of economic aid to Turkey,

(2) The measures provided for by this Decision are in accordance with the opinion of the Committee on Aid for Economic Restructuring in certain countries of Central and Eastern Europe rendered on 17 February 2006, with particular reference to the need for continuing development and strengthening Bulgarian, Croatian, Romanian and Turkish administrative capacities to better implement and enforce Community legislation and to foster improved exchanges of best practices among peers,

HAS DECIDED AS FOLLOWS:

Article 1

The programme described in the Annex to the present decision is hereby adopted.

Article 2

The maximum amount of Community assistance shall be € 12,280,000 to be financed through Budget line 22.0206 in 2006.


Done at Brussels, 12.4.2006

For the Commission
Olli REHN
Member of the Commission

ANNEX

FINANCING PROPOSAL FOR FUNDING FROM THE PRE-ACCESSION ASSISTANCE INSTRUMENT TO CONTINUE THE OPERATIONS OF TAIEX

1. IDENTIFICATION

COUNTRY	BULGARIA, CROATIA, ROMANIA, TURKEY
PROGRAMME	TECHNICAL ASSISTANCE INFORMATION EXCHANGE PROGRAMME (TAIEX)
CRIS NUMBER	017904
YEAR	2006
COST	€ 12,280,000
IMPLEMENTING AUTHORITY	EUROPEAN COMMISSION ON BEHALF OF THE BENEFICIARY COUNTRIES
CONTRACTING END DATE	31 DECEMBER 2007
EXECUTION OF CONTRACTS END DATE	31 DECEMBER 2009
SECTOR	DAC CODE: 15040
BUDGET LINE	22.0206
TASK MANAGER	
PROGRAMMING & IMPLEMENTATION	

2. SUMMARY

The Pre-Accession Assistance Instrument provides the budgetary means to develop and strengthen the Bulgarian, Croatian, Romanian and Turkish administrative capacity to implement and enforce Community legislation and to foster exchange of best practice among peers. This financing proposal provides the funding for activities of the TAIEX 2006/2007 Instrument for the benefit of these four countries from the 2006 budget. It will complement financial resources allocated from the 2005 Pre-Accession Assistance Instrument. The Croatian needs will be partially cover by the CARDS budget which provides funds TAIEX activities organised in a regional context for the Balkan countries.

The nature, scope and content of TAIEX assistance have progressively expanded since 1996 to support the approximation of national legislation to EU law, and its implementation and enforcement. Monitoring progress and assessment of administrative capacity are covered as well as the preparation of strategies to deal with remaining needs vis à vis the entire *acquis*.

The geographical scope of the TAIEX instrument has also widened from the original 10 Phare countries¹ to include Malta¹, Cyprus¹, Turkey, the Turkish Cypriot community¹ and the Western

¹ Separate proposals have been made for new Member States under the Transition Facility, and the Instrument of financial

Balkans². The start of the accession negotiations with Croatia and Turkey can be expected to result in an increase in the use of this instrument for their benefit.

TAIEX activities include seminars, workshops, expert mobilisations and study visits, the provision of tools and information products for amongst others, translation and interpretation activities and co-ordination and monitoring in close co-operation with Member States and Commission services.

These activities are complementary to the Community-funded national programmes and target national administrations, the judiciary, parliaments, regional and local administrations, public and semi-public entities as well as the social partners and private sector organisations.

With funding from the Pre-Accession Assistance Instrument, TAIEX can continue to respond to requests from the beneficiary countries with particular attention to needs identified through the ongoing assessment and monitoring by the Commission services. Follow-up of assistance activities will be strengthened and specialised workshops, technical training activities and regional training programmes will be further developed.

In order to strengthen the targeting of technical assistance, greater emphasis will be given to the evaluation of the legislative and administrative development needs of the administrative and enforcement bodies.

3. BACKGROUND

TAIEX was originally set up for a two-year period (1996-1997) following publication of the Commission's White Paper on "Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union.". The objective was to provide complementary and focused technical assistance in the areas of legislation covered in the White Paper. It was conceived as a "one stop shop" to assist national administrations in the Associated Countries of Central and Eastern Europe (now new Member States and Candidate Countries), not only in understanding and drafting legislation related to the Single Market, but also in its implementation and enforcement.

In the meantime and notably since the adoption of Agenda 2000, the TAIEX mandate has been extended to cover the full *acquis communautaire*. This, together with the development of the Regional Training Programme and increased emphasis on the JLS area and Peer Reviews, has resulted in a substantial increase in activities over recent years.

TAIEX activities have increased overall in 2004 and 2005 period on the background of continued support to old beneficiaries and the start of operation with the Western Balkan countries and the northern part of Cyprus.

Turning specifically to the cooperation with and in favour of Bulgaria, Croatia, Romania and Turkey, the level of activities was steadily increased from 2004 to 2005 and more significantly for Croatia. The number of events benefiting Bulgaria, Croatia, Romania and Turkey participants increased from 364 events in 2004 to 629 events in 2005. The number of participants grew from 17,575 to 21,739 during this period, respectively 1,790 and 5,476 for Croatia. For the 4 candidate countries, 28.5% of participants attended events on Internal Market subjects, 20.5% on Agriculture and Food Safety, and 19.2% on Infrastructure.

² support for encouraging the economic development of the Turkish Cypriot community.

Funded from CARDS budget.

4. POLICY ASSESSMENT

TAIEX has performed well as an instrument for providing expertise and know-how transfer to Bulgaria, Croatia, Romania and Turkey and has provided technical support for strengthening administrative capacity. It is complementary to and co-ordinated with the national Community-funded programmes, responding to individual requests with tailor-made actions in all fields of the *acquis*.

5. INSTITUTIONAL ASSESSMENT

The TAIEX instrument is presently implemented by so-called 'indirect centralised management'. The Commission, Directorate General Enlargement, has overall responsibility for its implementation, while logistics and payments have been delegated to a specialised external entity. The use of an external service provider is essential to ensure speed, reach and capacity in relation to the overall operation.

Activities are driven by demand from the beneficiary countries or the European institutions and on a needs-basis as identified through the monitoring and assessments by the Commission services. In addition to the expertise available within the Commission and other relevant EU and international bodies, TAIEX draws heavily on the experience and co-operation of Member States and their civil service.

Experts from the relevant public and the semi-public sectors in Member States participate in seminars, workshops, expert mobilisations and peer reviews, enabling beneficiaries to co-operate directly with their counterparts (peers) in the Member States dealing with the same tasks of transposing, applying and enforcing the *acquis*. In this respect, a database of Member State experts has recently been set up. Experts from relevant EC services are also used when appropriate.

TAIEX co-operates with Member States' administrations to set up study visits by officials from the beneficiary countries to their counterparts in the European Union, to gain hands-on practical experience in the implementation of the EU *acquis*.

Continuity is provided for resolving issues concerning the introduction of the EU *acquis* through the use of standing teams of Member States' experts. This allows for ongoing and sequenced short-term advisory capacity complementary to Twinning and other longer-term initiatives.

6. OBJECTIVES

Assistance under the TAIEX instrument will include the delivery of expertise and information to facilitate the implementation and enforcement of the *acquis* in Bulgaria, Croatia, Romania and Turkey as well as to the understanding and flow of information on progress and issues in this respect.

7. DESCRIPTION

The Commission will continue to ensure the coherence and relevance of TAIEX activities and services in relation to needs and other Community assistance programmes.

TAIEX is largely demand driven, working on the basis of a "first come first served" principle. However, it will continue to respond to identified political priorities and will take into account new and pending *acquis* where relevant.

TAIEX will continue to rely on the experience and co-operation of Member States using mainly experts from their national and/or regional administrations. Experts from a range of institutions and associations in the semi-public sector and from universities and the private sector will also be included where appropriate. TAIEX will also continue to use experts from relevant EC services when appropriate.

The following areas will be covered under this programme:

Advice on implementation and enforcement of legislation

This will be achieved through seminars, workshops, conferences, expert mobilisations, peer advice and assessments, and study visits. These activities will be arranged to provide continuity, where appropriate. At the same time individual short-term assistance activities will remain available to meet unforeseen and urgent needs.

Assistance will be flexible with a rapid delivery mechanism providing expertise from public and semi-public bodies to their counterparts in the beneficiary countries. Any combination of the following types of assistance can be delivered by TAIEX:

- Mobilisation of national experts in a given field for one or a series of missions, in particular to review and advice on regulatory and administrative infrastructures;
- Seminars, workshops and conference;
- Study visits.

In so far as the focus of assistance will be the continued strengthening of administrative capacity in the beneficiary countries, TAIEX will in particular develop and extend its Regional Programme in Bulgaria and Romania and in Croatia as appropriate, and create further opportunities to facilitate technical training and peer assistance. The training programme with Turkey will be focused on short-term assistance at national level.

Databases and information products

TAIEX database products will remain relevant for Bulgaria, Croatia, Romania and Turkey, in particular with regards to the completion of the translation of the *acquis* and of the jurisprudence of the ECJ as well as to the monitoring of progress in legislative approximation.

8. INDICATIVE COST AND FINANCING PLAN

With respect to the allocation of the proposed budget of € 12,280,000 for 2006, the planned breakdown* is as follows:

BUDGET LINE	22.0206
	Operational Expenditure
1. ASSISTANCE THROUGH:	9,926,333
1.1. GROUP ACTIVITIES SUCH AS:	8,289,000
1.1.1. CONFERENCES – SEMINARS All expenses associated with the organisation of these events in Brussels, in the Member States and in other beneficiary countries.	
1.1.2. WORKSHOPS – TRAINING COURSES All expenses associated with the organisation of these events in Brussels, in the Member States and in other beneficiary countries.	
1.2. INDIVIDUAL ACTIVITIES SUCH AS:	1,637,333
1.2.1. EXPERT MOBILISATIONS All expenses and fees associated with the provision of services of Member States' experts from the public and private sector to provide advice to Bulgaria, Croatia, Romania and Turkey.	
1.2.2. STUDY VISITS All expenses of representatives from the public and private sector of Bulgaria, Croatia, Romania and Turkey to gain experience and knowledge of implementation arrangements in the Member States.	
1.2.3. SECONDMENT Expenditure required to provide for the secondment of Member State experts to assist the execution of technical assistance.	
2. ASSESSMENT AND MONITORING All expenses in creating teams of highly specialised and experienced experts from Member State for the assessment and monitoring of progress in meeting the <i>acquis</i> and related requirements.	1,125,667
SUB TOTAL 1+ 2	11,052,000
3. DATABASES Costs related to the development and updating of these databases, the fees for database experts and the development of related informatics tools.	
4. INFORMATION Costs related to information, documentation, reporting on Bulgaria, Croatia, Romania and Turkey, publicity and reproduction costs.	
SUB TOTAL 3+ 4	1,228,000
TOTAL	12,280,000

**As the TAIEX instrument is a largely demand driven short-term technical assistance instrument, the cost breakdown are only indicative and cannot be more detailed in advance.*

9. IMPLEMENTATION ARRANGEMENTS

The Commission will implement the programme in accordance with the requirements of the Financial Regulation, in particular following the implementation procedure stated in Article 54.2.c, as further detailed in its Implementing Rules³. Other Articles might be considered relevant at a later

³ For the RF: Council Regulation (EC; Euratom) 1605/2002 of 25 June 2002; L248, 19.09.2002, p.1. For the IR: Commission Regulation (EC, Euratom) 1261/2005 of 20 July 2005, OJ L 201, 02.08.2005, p.1.

stage, subject to possible revisions of the Financial Regulation. The Commission will as necessary conclude agreement / contract with a delegated entity / external service provider for the provision of services required for the implementation of the programme. The award procedure will be in accordance with Commission rules, and made in an objective and transparent manner.

Expenses which are needed for the provision of TAIEX services, the development and maintenance of databases, information, communication and other expenses for the costs and operation of the delegated entity external / service provider will be covered.

Member States are invited to make available expert advice on the implementation of EU legislation, and on the structures required, including by means of the use of officials for TAIEX assignments.

10. ANTI-FRAUD-MEASURES, AUDIT, MONITORING AND EVALUATION

All agreements and contracts resulting from the implementation of this instrument are subject to supervision and financial control by the Commission (including the European Anti-Fraud Office) and audits by the European Court of Auditors.

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) 2185/96⁴.

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

Without prejudice to the responsibilities of the Commission and the European Court of Auditors⁵, the accounts and operations of all parties involved in the implementation of this programme may be checked at the Commission's discretion by the Commission itself or by an outside auditor contracted by the Commission.

The Commission will monitor the implementation of the programme on the basis of reports from the parties managing the programme.

The Commission services shall ensure that an ex-post evaluation is carried out.

11. RISKS

An important risk, as in other fields of technical assistance is that of duplication. This risk is diminished through appropriate established co-ordination procedures between the relevant Commission services, and the responsible beneficiary country authorities.

⁴ Council Regulation (EC, Euratom) 2185/96 of 11. November 1996, OJ L 292; 15.11.1996; p. 2

⁵ as referred to in the General Conditions relating to the Financing Memorandum attached to the Framework Agreement

The TAIEX instrument relies to a considerable extent on the willingness of Member States administrations and institutions to make experts available for missions to the beneficiary countries as well as for participation in seminars, training meetings etc.

12. VISIBILITY / PUBLICITY

The Commission will be responsible for ensuring that the necessary measures are taken to ensure that for all activities financed from the programme, visibility and publicity will follow the EU Visibility guidelines for external actions:

(http://europa.eu.int/comm/europaid/visibility/index_en.htm).