

**DECISION No 2/2002 OF THE EU-ROMANIA ASSOCIATION COUNCIL****of 14 May 2002****adopting the terms and conditions for Romania's participation in the Community Fiscalis programme**

(2002/814/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part <sup>(1)</sup>,

Having regard to the Additional Protocol <sup>(2)</sup> to the Europe Agreement concerning Romania's participation in Community programmes, and in particular Articles 1 and 2 thereof,

Whereas:

- (1) According to Article 1 of the Additional Protocol, Romania may participate in Community framework programmes, specific programmes, projects or other actions dealing with a wide range of areas.
- (2) Article 1 also provides that fields of Community activities other than those listed therein may be included too.
- (3) According to Article 2 of the Additional Protocol, the Association Council is to decide upon the terms and conditions for Romania's participation in the activities referred to in Article 1 thereof,

HAS DECIDED AS FOLLOWS:

*Article 1*

Romania shall participate in the Community Fiscalis programme (hereinafter referred to as 'the Programme')

according to the terms and conditions set out in Annexes I and II which shall form an integral part of this Decision.

*Article 2*

This Decision shall apply for the duration of the remaining lifetime of the Programme. Nevertheless, should the Community decide to extend the duration without any substantial change within the Programme, this Decision would also be extended correspondingly and automatically if no Party denounces it.

*Article 3*

This Decision shall enter into force the day of its adoption by the Association Council.

Done at Brussels, 14 May 2002.

*For the Association Council**The President*

M. GEOANA

<sup>(1)</sup> OJ L 357, 31.12.1994, p. 2.

<sup>(2)</sup> OJ L 317, 30.12.1995, p. 40.

## ANNEX I

## TERMS AND CONDITIONS FOR ROMANIA'S PARTICIPATION IN THE FISCALIS PROGRAMME

1. As stated in Article 7 of Decision No 888/98/EC of the European Parliament and of the Council of 30 March 1998 establishing a programme of Community action to ameliorate the indirect taxation systems of the internal market (Fiscalis programme) <sup>(1)</sup>, Romania's participation in the Fiscalis Programme (hereinafter referred to as the 'Programme') shall take place in accordance with the conditions laid down in the Europe Agreement, the Additional Protocol and insofar as Community law on indirect taxation so permits. Accordingly, Romania's participation in the Programme's activities shall take place under the following conditions:
  - activities envisaged by Article 4 (communication and information-exchange systems, manuals and guides) will be allowed insofar as Community indirect taxation provisions make it possible,
  - activities envisaged by Article 5(1) (exchanges of officials) and (2) (seminars) as well as those envisaged by Article 6 (common training initiative) will be allowed under the conditions laid down in these Articles,
  - activities envisaged by Article 5(3) (multilateral controls) will not be allowed, as the Community legal framework for cooperation in this domain, pursuant to Directive 77/799/EEC <sup>(2)</sup> and Regulation (EEC) No 218/92 <sup>(3)</sup>, is applicable only to countries which are Member States of the European Union.
2. The terms and conditions for the submission, assessment and selection of applications for seminars and exchanges related to officials of Romania shall be the same as those applicable to officials of the 15 national administrations of the Member States of the European Union.
3. Annex II establishes the financial contribution to the general budget of the European Union that Romania will have to pay at the beginning of every financial year to cover the costs resulting from its participation in the Programme, from 2001 to 2002. The Association Committee is entitled to adapt this contribution whenever necessary in accordance with the principles laid down in Article 110(2) of the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part.
4. Representatives of Romania will participate, as observers and for the points which concern them, in the Standing Committee on Administrative Cooperation in the field of Indirect Taxation provided for in Article 11(1) of Decision No 888/98/EC. This Committee shall meet without the presence of representatives of Romania for the rest of the points, as well as at the time of voting.
5. The Member States of the European Union and Romania will make every effort, within the framework of the existing provisions, to facilitate the free movement and residence of all persons eligible under the Programme moving between Romania and the EU Member States for the purpose of participating in activities covered by the Decision.
6. Without prejudice to the responsibilities of the Commission of the European Communities and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the Programme pursuant to Decision No 888/98/EC, the participation of Romania in the Programme will be continuously monitored on a partnership basis involving Romania and the Commission. Romania will submit the necessary reports to the Commission and take part in other specific activities set out by the Community in that context.
7. The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the Programme, will be one of the official languages of the European Community.
8. The Community and Romania may terminate activities under this Decision at any time upon 12 months' notice in writing. Activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.

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<sup>(1)</sup> OJ L 126, 28.4.1998, p. 1.

<sup>(2)</sup> OJ L 336, 27.12.1977, p. 15. Directive as last amended by the 1994 Act of Accession.

<sup>(3)</sup> OJ L 24, 1.2.1992, p. 1.

## ANNEX II

## ROMANIA'S FINANCIAL CONTRIBUTION TO THE FISCALIS PROGRAMME

1. Romania's financial contribution will be added to the amount available each year in the general budget of the European Union for commitment appropriations to meet the Commission's financial obligations stemming from work to be carried out for the implementation, management and operation of the Fiscalis programme (hereinafter referred to as the 'Programme').
2. The financial contribution has been calculated considering an average daily allowance of EUR 146 and an average travel allowance of EUR 695 representing costs incurred for participating in seminars and exchanges. It is estimated for the calculation of the financial contribution that Romania will participate in 15 seminars and 25 exchanges, as an average number of activities per year. The financial contribution may be adjusted at the beginning of each year to take into account the actual number of activities in which Romania plans to participate during that year. The adjustment will take place by means of the required call for funds that Romania will receive from the Commission, as referred to under point 6.
3. Romania's contribution will be EUR 109 638 for every single year of participation, unless determined otherwise within the conditions under point 2. From this sum, an amount of EUR 7 173 will cover supplementary costs of an administrative nature related to the management of the Programme by the Commission stemming from Romania's participation.
4. Romania will pay the annual supplementary costs of an administrative nature referred to under point 3 from its national budget.
5. Romania will pay 50 % of the annual remaining cost of its participation from its national budget for the year 2001; 60 % for the year 2002.

Subject to PHARE separate programming procedures, the remaining 50 % will be paid from Romania's annual PHARE allocations, subject to the availability of the relevant budgetary appropriations, for the year 2001; 40 % for the year 2002. The requested PHARE funds will be transferred to Romania by means of a separate Financing Memorandum. Together with the part coming from Romania's State budget, these funds will constitute Romania's national contribution, out of which it will make payments in response to annual calls for funds from the Commission.

6. The Financial Regulation of 21 December 1977 applicable to the general budget of the European Union <sup>(1)</sup> will apply, in particular to the management of Romania's contribution.

Upon entry into force of this Decision, the Commission will send to Romania one or more call(s) for funds corresponding to its contribution to the costs of the activities for the current year. The contribution will be expressed in euro and paid into a euro bank account of the Commission.

Romania will pay its contribution according to the call for funds:

- for the part financed from its national budget, at the latest three months after the call for funds is sent out,
- for the part financed from PHARE, at the latest within a period of 30 days after the corresponding PHARE funds have been sent to the country.

Any delay in the payment of the contribution shall give rise to the payment of interest by Romania on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 1,5 percentage points.

7. The daily subsistence allowances are applicable to all participants in the Programme and are determined on a country per country basis by the Commission. Romania will receive a first budget advance from the Commission at the beginning of every year. A second advance may be paid at the middle of the year depending on the actual participation of Romania in the Programme activities and on the expected participation for the rest of the year. The Romanian department concerned will use these advances to pay for the travel tickets and daily subsistence allowances for Romania participants.
8. Travel costs and subsistence costs incurred by representatives and experts of Romania for the purposes of taking part as observers in the work of the committee referred to in point 4 of Annex I, shall be reimbursed by the Commission on the same basis as for the Member States of the European Union.

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<sup>(1)</sup> OJ L 356, 31.12.1977, p. 1. Regulation as last amended by Regulation (EC) No 762/2001 (OJ L 111, 20.4.2001, p. 1).