



KOMISIJA EVROPSKIH SKUPNOSTI

Bruselj, 19.7.2005
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Predlog

SKLEP SVETA

ki državam upravičenkam do evropskega sosedskega in partnerskega instrumenta (ESPI) omogoča koriščenje programov Urada za izmenjavo informacij o tehnični pomoči (TAIEX)

OBRAZLOŽITVENI MEMORANDUM

Urad za izmenjavo informacij o tehnični pomoči (TAIEX) je bil ustanovljen leta 1995 za zagotavljanje kratkoročne, usmerjene tehnične pomoči državam kandidatkam srednje in vzhodne Evrope. Pobuda je bila zamišljena kot „enkratna postaja“ za podporo državam pri razumevanju in pripravi pravnih aktov, povezanih z EU, in pomoč pri njihovem izvajanju in izvrševanju. TAIEX zagotavlja pet glavnih storitev: dokumentiranje, informiranje in svetovanje o zakonodaji; delavnice in seminarji; študijski obiski Evropske komisije in držav članic; strokovno znanje in izkušnje pri svetovanju državam upravičenkam in nazadnje baze podatkov o uporabi in rezultatih zagotovljene tehnične pomoči.

Cilj evropske sosedске politike (ENP), kot je naveden v Strategiji Komisije, sprejeti maja 2004, je delitev koristi, ki jo je prinesla širitev EU leta 2004, s sosednjimi državami ter uporaba nekaterih instrumentov in izkušenj iz procesa širitve za približanje partnerskih držav EU z namenom postopnega gospodarskega vključevanja in poglobitve političnega povezovanja.

Tako Strategija o ENP kot akcijski načrt ENP ponujata razširitev programa TAIEX na partnerske države ENP.

Medtem ko Rusija uradno ni del ENP, je nedavno sprejet časovni načrt pogajanj za oblikovanje štirih skupnih prostorov med EU in Rusijo določil cilje, ki so podobni tistim iz ENP, in sicer okrepitev sodelovanja in nadaljnje zbliževanje pravnih ureditev in zakonodaje med EU in Rusijo. Poleg tega bo tudi Rusija upravičena do finančnih sredstev v okviru evropskega sosedskega in partnerskega instrumenta (ENPI).

Zato je namen predloga Sklepa Sveta omogočiti partnerskim državam ENP, zlasti tistim, za katere se izvaja akcijski načrt ENP, in Rusiji dostop do TAIEX-a na enak način kot državam, ki jih zajemajo PHARE, CARDS in predpisi o Turčiji. TAIEX se izvaja v skladu s členom 54(2) finančne uredbe, ki omogoča izvrševanje proračuna Skupnosti preko posrednega centraliziranega upravljanja v okviru posebnih zahtev. V zvezi z izvrševanjem proračuna s strani nacionalnih javnih organov ali organov, ki opravljajo javne storitve, so v členu 54(2)(c) določene zahteve, v skladu s katerimi lahko Komisija „prenese naloge javne oblasti in zlasti naloge izvrševanja proračuna na [...] nacionalne javne organe ali osebe zasebnega prava, ki opravljajo javne storitve, če dajo ustrezna finančna jamstva in izpolnjujejo pogoje iz dogovora o izvajanju“.

Klub temu pa se lahko „na takšne organe naloge izvrševanja prenesejo samo, če temeljni akt programa ali zadevnega ukrepa predvideva možnost prenosa in določa merila za izbor zadevnih organov [...]“. Niti Uredba Sveta (ES) št. 1488/96 z dne 23. julija 1996 o finančnih in tehničnih ukrepih za spremljanje reforme gospodarskih in socialnih struktur v okviru Evrosredozemskega partnerstva (MEDA)¹ niti Uredba Sveta (ES, EURATOM) št. 99/2000 z dne 29. decembra 1999 o zagotavljanju pomoči partnerskim državam v Vzhodni Evropi in Srednji Aziji (TACIS)² nima takšne določbe.

¹ UL L 189, 30.7.1996 str. 1–9.

² UL L 12, 18.1.2000 str. 1–9

Za programa PHARE in CARDS pa je bilo posredno centralizirano upravljanje že vzpostavljeno (Uredba Sveta 2257/2004)¹. Pripravljen je bil tudi predlog za predpristopno finančno pomoč za Turčijo². Tudi nov predlog instrumenta za predpristopno pomoč (IPA) in predlog evropskega sosedskega in partnerskega instrumenta (ENPI) bosta odobrila posredno centralizirano upravljanje.

Zato predlog Sklepa Sveta daje začasno rešitev in ustrezno pravno podlago, dokler se bodo lahko dejavnosti TAIEX-a financirale v okviru ENPI od leta 2007 naprej. Zadostoval bo znesek štirih milijonov EUR, ki bo enakomerno vzet iz ustreznih regionalnih proračunskih vrstic.

Pravna podlaga Sklepa je člen 181a Pogodbe ES glede na to, da dejavnosti TAIEX-a v celoti obsegajo tehnično sodelovanje s tretjimi državami. Znatno del ukrepov Uredbe 99/2000 sodi v področje uporabe Pogodbe EURATOM. Kljub temu se predlaga omejitev uporabe TAIEX-a na naloge, ki sodijo v področje uporabe Pogodbe ES.

¹ UL L 389, 30.12.2004, str. 1.

² COM(2004) 814 končno.

Predlog

SKLEP SVETA

ki državam upravičenkam do evropskega sosedskega in partnerskega instrumenta (ESPI) omogoča koriščenje programov Urada za izmenjavo informacij o tehnični pomoči (TAIEX)

SVET EVROPSKE UNIJE JE –

ob upoštevanju Pogodbe o ustanovitvi Evropske skupnosti in zlasti člena 181a(2) Pogodbe,

ob upoštevanju predloga Komisije⁵,

ob upoštevanju mnenja Evropskega parlamenta⁶,

ob upoštevanju naslednjega:

- (1) Na področju predpristopne pomoči se je centralizirano posredno upravljanje v preteklosti izkazalo za dragoceno orodje, zlasti kar zadeva dejavnosti Urada za izmenjavo informacij o tehnični pomoči (TAIEX).
- (2) Cilj evropske sosedske politike (ENP), kot je naveden v Strategiji Komisije, sprejeti maja 2004, je delitev koristi, ki jo je prinesla širitev EU leta 2004, s sosednjimi državami ter uporaba nekaterih instrumentov in izkušenj iz procesa širitve za približanje partnerskih držav EU z namenom postopnega gospodarskega vključevanja in poglobitve političnega povezovanja. Državam evropskega sosedstva bi se moralo zato omogočiti koriščenje programov TAIEX.
- (3) Na 15. vrhu EU-Rusija 10. maja 2005 sta EU in Rusija sprejeli časovni načrt pogajanj za oblikovanje štirih skupnih prostorov, ki določajo cilje, podobne tistim iz ENP, in sicer okrepitev sodelovanja in nadaljnje zблиževanje pravnih ureditev in zakonodaje.
- (4) Rusija bo upravičena do finančnih sredstev v okviru prihodnjega evropskega sosedskega in partnerskega instrumenta (ENPI).
- (5) Člen 54(2) Uredbe Sveta (ES, Euratom) št. 1605/2002 z dne 25. junija 2002 o finančni uredbi, ki se uporablja za splošni proračun Evropskih skupnosti⁷ (finančna uredba), omogoča izvrševanje proračuna preko posrednega centraliziranega upravljanja in določa posebne zahteve za izvrševanje, če to dovoljuje temeljni akt programa.

⁵ UL C [...], [...], str. [...].

⁶ UL C [...], [...], str. [...].

⁷ UL L 248, 16.9.2002, str. 1.

- (6) Potrebno je usklajeno izvajanje pomoči preko TAIEX-a. Zato je treba v tem sklepu zavzeti enak pristop kot v Uredbi Sveta (EGS) št. 3906/1989 z dne 18. decembra 1989 o gospodarski pomoči nekaterim državam Srednje in Vzhodne Evrope⁸ (PHARE), Uredbi Sveta (ES) št. 2666/2000 z dne 5. decembra 2000 o pomoči Albaniji, Bosni in Hercegovini, Hrvaški, Zvezni republiki Jugoslaviji in Nekdanji jugoslovanski republiki Makedoniji⁹ (CARDS) ter Uredbi Sveta (ES) št. 2500/2001 z dne 17. decembra 2001 o predpristopni finančni pomoči za Turčijo¹⁰.
- (7) Del ukrepov Uredbe 99/2000 sodi v področje uporabe Pogodbe EURATOM. Teh vidikov ta sklep ne zadeva.
- (8) Člen 181a Pogodbe ES je najprimernejša podlaga v Pogodbi za sprejetje tega sklepa –

SKLENIL:

Člen 1

Cilj tega sklepa je do prihodnjega evropskega sosedskega in partnerskega instrumenta (ENPI) omogočiti državam upravičenkam, zlasti tistim, za katere se izvajajo akcijski načrti ali časovni načrt pogajanj, koriščenje programov Urada za izmenjavo informacij o tehnični pomoči (TAIEX), ki bo zagotovil usmerjeno tehnično pomoč za podporo partnerskim državam pri razumevanju in pripravi pravnih aktov, povezanih z akcijskimi načrti, ter pomoč pri njihovem izvajanju in izvrševanju.

Člen 2

Za izvajanje Uredbe Sveta (ES) št. 1488/96 z dne 23. julija 1996 o finančnih in tehničnih ukrepih za spremljanje reforme gospodarskih in socialnih struktur v okviru Evro-sredozemskega partnerstva (MEDA)¹¹ ter Uredbe Sveta (ES, EURATOM) št. 99/2000 z dne 29. decembra 1999 o zagotavljanju pomoči nekaterim partnerskim državam v Vzhodni Evropi in Srednji Aziji (TACIS)¹² lahko Komisija v skladu s členom 54(2) finančne uredbe sklene prenesti naloge javne oblasti in zlasti naloge izvrševanja proračuna iz tega sklepa¹³, ¹⁴ na organ, pristojen za izvajanje programa TAIEX, ki se izvaja v skladu z Uredbo Sveta (EGS) št. 3906/89 z dne 18. decembra 1989 o gospodarski pomoči nekaterim državam Srednje in Vzhodne Evrope¹⁵ (PHARE), Uredbo Sveta (ES) št. 2666/2000 z dne 5. decembra 2000 o pomoči Albaniji, Bosni in Hercegovini, Hrvaški, Zvezni republiki Jugoslaviji in Nekdanji

⁸ UL L 375, 23.12.1989, str. 11. Uredba, kakor je bila nazadnje spremenjena z Uredbo (ES) št. 2257/2004 (UL L 389, 30.12.2004, str. 1).

⁹ UL L 306, 7.12.2000, str. 1. Uredba, kakor je bila nazadnje spremenjena z Uredbo (ES) št. 2257/2004 (UL L 389, 30.12.2004, str. 1).

¹⁰ UL L 342, 27.12.2001, str. 1. Uredba, kakor je bila nazadnje spremenjena z Uredbo [...].

¹¹ UL L 189, 30.7.1996, str. 1–9.

¹² UL L 12, 18.1.2000, str. 1–9.

¹³ UL L 248, 16.9.2002 str. 1.

¹⁴ UL L 248, 16.9.2002 str. 11. Uredba, kakor je bila nazadnje spremenjena z Uredbo (ES) št. 2257/2004 (UL L 389, 30.12.2004, str. 1).

¹⁵ UL L 375, 23.12.1989, str. 11. Uredba, kakor je bila nazadnje spremenjena z Uredbo (ES) št. 2257/2004 (UL L 389, 30.12.2004, str. 1).

jugoslovanski republiki Makedoniji¹⁶ (CARDS) ter Uredbo sveta (ES) št. 2500/2001 z dne 17. decembra 2001 o predpristopni finančni pomoči za Turčijo¹⁷. Sklep se ne uporablja za ukrepe iz Uredbe 99/2000, ki sodijo v področje uporabe Pogodbe EURATOM.

Člen 3

Dejavnosti iz tega sklepa se financirajo iz proračunske vrstice 19.06.01 Pomoč partnerskim državam v Vzhodni Evropi in Srednji Aziji ter povezane proračunske vrstice 19.01.04.07 za upravne stroške in proračunske vrstice 19.08.02.01 MEDA (ukrepi, ki spremljajo reforme gospodarskih in socialnih struktur v sredozemskih državah nečlanicah) ter povezane proračunske vrstice 19.01.04.06 za upravne stroške.

V Bruslju,

*Za Svet
Predsednik*

¹⁶ UL L 306, 7.12.2000, str. 1. Uredba, kakor je bila nazadnje spremenjena z Uredbo (ES) št. 2257/2004 (UL L 389, 30.12.2004, str. 1).

¹⁷ UL L 342, 27.12.2001, str. 1. Uredba, kakor je bila nazadnje spremenjena z Uredbo [...].

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL :

Council Decision enabling countries covered by the European Neighbourhood Policy (ENP) to benefit from the Technical Assistance and Information Exchange Programme (TAIEX)

2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

Policy Area External Relations

Activity 19.06 "Relations with Eastern Europe, Caucasus and Central Asian Republics (EECCA)"

Activity 19.08 "Relations with the Middle East and South Mediterranean"

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- BA lines)) including headings:

The Council Decision will be financed from the funds available for the following budget lines:

- Budget line 19.06.01 Assistance to partner countries in Eastern Europe and Central Asia and the associated budget line for administrative costs 19.01.04.07
- Budget line 19.08.02.01 MEDA (measures to accompany the reforms to the economic and social structures in the Mediterranean non-member countries) and the associated budget line for administrative costs 19.01.04.06.

3.2. Duration of the action and of the financial impact:

2005/2006 for commitments, 2005-2007 for implementation.

3.3. Budgetary characteristics (add rows if necessary) :

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
19.06.01	Non-comp	Diff ¹⁸	NO	NO	NO	No
19.08.02	Non-comp	Diff	NO	NO	NO	No

4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA) for budget line 19.06.01

EUR million (to 3 decimal places)

Expenditure type	Section no.		Year 2005	2006	2007	Total
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Operational expenditure¹⁹

Commitment Appropriations (CA)	8.1	a	0.2	1.4		1.6
Payment Appropriations (PA)		b	0.1	1.0	0.5	1.6

Administrative expenditure within reference amount²⁰

Technical & administrative assistance (NDA)	8.2.4	c	0.05	0.25	0.1	0.4
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TOTAL REFERENCE AMOUNT

Commitment Appropriations		a+c	0.25	1.65	0.1	2
Payment Appropriations		b+c	0.15	1.25	0.6	2

¹⁸ Differentiated appropriations.

¹⁹ Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

²⁰ Expenditure within article xx 01 04 of Title xx.

4.1.2. Summary of commitment appropriations (CA) and payment appropriations (PA) for budget line 19.08.02

EUR million (to 3 decimal places)

Expenditure type	Section no.		Year 2005	2006	2007	Total
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Operational expenditure²¹

Commitment Appropriations (CA)	8.1	a	0.2	1.4		1.6
Payment Appropriations (PA)		b	0.1	1.0	0.5	1.6

Administrative expenditure within reference amount²²

Technical & administrative assistance (NDA)	8.2.4	c	0.05	0.25	0.1	0.4
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TOTAL REFERENCE AMOUNT

Commitment Appropriations		a+c	0.25	1.65	0.1	2
Payment Appropriations		b+c	0.15	1.25	0.6	2
Human resources and associated expenditure (NDA)	8.2.5	d	0.1	0.5	0.2	
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	E	0	0	0	

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources		a+c+d+e	0.5	3.2	0.2	
TOTAL PA including cost of Human Resources		b+c+d+e	0.3	2.5	1.2	

4.1.3. Compatibility with Financial Programming

Proposal is compatible with existing financial programming.

²¹ Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

²² Expenditure within article xx 01 04 of Title xx.

4.1.4. Financial impact on Revenue

Proposal has no financial implications on revenue.

4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	2005	2006	2007
Total number of human resources	1.5	8	3

5. CHARACTERISTICS AND OBJECTIVES

Details of the context of the proposal are required in the Explanatory Memorandum. This section of the Legislative Financial Statement should include the following specific complementary information:

5.1. Need to be met in the short or long term

The European Neighbourhood Policy's (ENP) objective, as stated in the Commission's Strategy Paper adopted in May 2004, is to share the benefits of the EU's 2004 enlargement with neighbouring countries and to use some of the instruments and experience gained during the enlargement process to bring partner countries closer to the EU, aiming at gradual economic integration and a deepening of political integration.

Both the ENP Strategy Paper and the ENP Action Plans offer to extend TAIEX to ENP partner countries. The purpose of the proposed Council Decision is to enable ENP partner countries, in particular those with ENP Action Plans under implementation, to have access to TAIEX in the same way as the countries covered by the PHARE, CARDS and Turkey regulations.

5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

TAIEX is a unique and effective way of transmitting knowledge and advice on drafting and implementing EU-related legislation; the European value added is thus clear. The TAIEX management system ensures that actions financed through TAIEX are coherent with other activities.

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

The objective of the action is primarily to promote effective implementation of the European Neighbourhood Policy (ENP) Action Plans. The effect of the support through TAIEX will be followed up in the context of the overall reporting on the implementation of the Action Plans as well as by instrument-focused monitoring and evaluation.

5.4. Method of Implementation (indicative)

Show below the method(s)²³ chosen for the implementation of the action.

- X **Centralised Management**
 - ☐ Directly by the Commission
 - X Indirectly by delegation to:
 - ☐ Executive Agencies
 - ☐ Bodies set up by the Communities as referred to in art. 185 of the Financial Regulation
 - X National public-sector bodies/bodies with public-service mission
- ☐ **Shared or decentralised management**
 - ☐ With Member states
 - ☐ With Third countries
- ☐ **Joint management with international organisations (please specify)**

6. MONITORING AND EVALUATION

The implementation of this Council decision will follow the same modalities for monitoring, evaluation and antifraud measures as the TAIEX programme as a whole.

7. ANTI-FRAUD MEASURES

The accounts and operations of all activities carried out under the programme are subject to supervision and financial control by the Commission (including the European Anti-fraud Office) and the Court of Auditors. This includes measures such as ex-ante verification of tendering and contracting carried out and on-the-spot checks.

In order to ensure efficient protection of the financial interests of the Community, the Commission can conduct check-ups and inspections on site in accordance with the procedures foreseen in Council Regulation (Euratom, EC) No. 2185/96 dated November 11, 1996, concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities.

The procedures foreseen in Art. 15 § 3 of Commission Regulation No. 2222/2000 dated from June 7, 2000, on the communication in case of irregularities and putting in place a system to administrate the information in this field shall apply.

²³ If more than one method is indicated please provide additional details in the "Relevant comments" section of this point.

8. DETAILS OF RESOURCES

8.1. Objectives of the proposal in terms of their financial cost

TAIEX is a demand-driven programme based on specific requests from the beneficiary countries. The objectives that will be covered cannot be distinguished in terms of their financial costs in advance.

8.2. Administrative Expenditure

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		2005	2006	2007			
Officials or temporary staff ²⁴ (XX 01 01)	A*/AD						
	B*, C*/AST						
Staff financed ²⁵ by art. XX 01 02							
Other staff ²⁶ financed by art. XX 01 04/05		1.5	8	3			
TOTAL							

8.2.2. Description of tasks deriving from the action

TAIEX provides short-term, targeted technical assistance. It is a 'one stop shop' to assist the countries in understanding and drafting legislation and to help them with implementation and enforcement. TAIEX provides five main services: documentation, information and advice on legislation; workshops and seminars; study visits to the European Commission and Member States; expertise to advise the beneficiary countries and, finally, databases on the deployment and results of technical assistance provided.

8.2.3. Sources of human resources (statutory)

No additional statutory resources are foreseen.

8.2.4. Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)

²⁴ Cost of which is NOT covered by the reference amount.

²⁵ Cost of which is NOT covered by the reference amount.

²⁶ Cost of which is included within the reference amount.

EUR million (to 3 decimal places)

Budget line (number and heading)	2005	2006	2007	TOTAL
1 Technical and administrative assistance (including related staff costs)				
Executive agencies ²⁷				
Other technical and administrative assistance				
- <i>intra muros</i>	0.100	0.500	0.200	
- <i>extra muros</i>				
Total Technical and administrative assistance	0.100	0.500	0.200	

8.2.5. Financial cost of human resources and associated costs not included in the reference amount

EUR million (to 3 decimal places)

Type of human resources	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)						
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)						

Calculation– ***Officials and Temporary agents***

Reference should be made to Point 8.2.1, if applicable

Calculation– ***Staff financed under art. XX 01 02***

Reference should be made to Point 8.2.1, if applicable

²⁷ Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

8.2.6. Other administrative expenditure not included in reference amount

EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 01 02 11 01 – Missions							
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees ²⁸							
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
2 Total Other Management Expenditure (XX 01 02 11)							
3 Other expenditure of an administrative nature (specify including reference to budget line)							
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)							

Calculation - *Other administrative expenditure not included in reference amount*

²⁸ Specify the type of committee and the group to which it belongs.