

FINANCING AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF TURKEY

AND

THE EUROPEAN COMMISSION

**CONCERNING THE NATIONAL PROGRAMME FOR
TURKEY 2010 UNDER THE INSTRUMENT FOR
PREACCESSION ASSISTANCE – TRANSITION ASSISTANCE
AND INSTITUTION BUILDING COMPONENT – PART 3
(2010/022-565)**

(Centralised Management)



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Annex A National programme for Turkey under the IPA-Transition Assistance and Institution Building Component for 2010 adopted by Commission decision C/2010/8334 on 23/11/2010

Annex B Framework Agreement between the Commission of the European Communities and the Government of Turkey dated 11 July 2008



FINANCING AGREEMENT

THE GOVERNMENT OF THE REPUBLIC OF TURKEY

and

THE EUROPEAN COMMISSION

hereafter jointly referred to as "the Parties" or individually as "the beneficiary country", in the case of the Government of the Republic of Turkey, or "the Commission", in the case of the European Commission.

Whereas:

- (a) On 1 August 2006, the Council of the European Union adopted Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (hereafter: the "IPA Framework Regulation"). With effect from 1 January 2007, this instrument constitutes the single legal basis for the provision of financial assistance to candidate countries and potential candidates in their efforts to enhance political, economic and institutional reforms with a view to their eventually becoming members of the European Union.
- (b) On 12 June 2007, the Commission adopted Regulation (EC) No 718/2007 implementing the IPA Framework Regulation, detailing applicable management and control provisions (hereafter: the "IPA Implementing Regulation").
- (c) European Union assistance under the instrument for pre-accession assistance should continue to support the beneficiary countries in their efforts to strengthen democratic institutions and the rule of law, reform public administration, carry out economic reforms, respect human as well as minority rights, promote gender equality, support the development of civil society and advance regional cooperation as well as reconciliation and reconstruction, and contribute to sustainable development and poverty reduction.

European Union assistance for candidate countries should additionally focus on the adoption and implementation of the full *acquis communautaire*, and in particular prepare them for the implementation of the European Union's agricultural and cohesion policy.

- (d) The Parties have concluded on 11 July 2008 a Framework Agreement setting out the general rules for cooperation and implementation of the European Union assistance under the Instrument for Pre-accession Assistance.

- (e) The Commission adopted on 23 November 2010 the National Programme for Turkey under the IPA-Transition Assistance and Institution Building Component for 2010. This programme is to be implemented partly on decentralised basis by the beneficiary country, partly by the Commission on centralised basis.
- (f) It is necessary for the implementation of this programme that the Parties conclude three Financing Agreements to lay down the conditions for the delivery of European Union assistance, the rules and procedures concerning disbursement related to such assistance and the terms on which the assistance will be managed.
- (g) This Financing Agreement relates to Part 3 of the 2010 National Programme for Turkey which consists of 2 projects as specified in section 1 of the Financing Agreement and will be implemented by the Commission on a centralised basis.



HAVE AGREED ON THE FOLLOWING:

1 THE PROGRAMME

The Commission will contribute, by way of grant, to the financing of part 3 of the National Programme for Turkey under the IPA Transition Assistance and Institution Building Component for 2010 (Programme number: IPA 2010/022-565), which is set out in Annex A to this Agreement.

Part 3 of the IPA National Programme 2010 for Turkey (hereafter "the Programme") consists of projects:

TR2010/0301.02 Improving chemical and ionising radiation metrology II
TR2010/0329.01 Modernisation of the Turkish Customs Administration VII

2 IMPLEMENTATION OF THE PROGRAMME

- (1) The programme shall be implemented by the Commission on a centralised basis, in the meaning of Article 53a of Council Regulation (EC Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, as last modified by Regulation (EC, Euratom) No 1525/2007 of 17 December 2007 (hereafter: "the Financial Regulation").

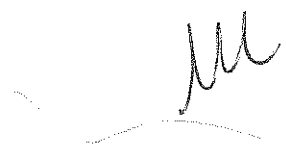
The Directorate General for Enlargement (DG ELARG) as the implementing authority will entrust the execution of the project *TR2010/0301.02 Improving chemical and ionising radiation metrology II* to the European Commission's Joint Research Centre Institute for Reference Materials and Measurements (JRC-IRMM) through an administrative arrangement.

DG ELARG as the implementing authority will also cross-subdelegate the execution of the project *TR2010/0329.01 Modernisation of the Turkish Customs Administration VII* to the Directorate General for Taxation and Customs Union (DG TAXUD).

- (2) The programme shall be implemented in accordance with the provisions of the Framework Agreement on the Rules for co-operation concerning EC Financial Assistance to Turkey and the implementation of the Assistance under the Instrument for Pre-accession Assistance (IPA) concluded between the Parties on 11 July 2008 (hereafter: "the Framework Agreement"), which is set out in Annex B to this Agreement.

3 STRUCTURES AND AUTHORITIES WITH RESPONSIBILITIES

- (1) In accordance with the Article 7 of the IPA Framework Agreement for Turkey (Annex B of this Agreement), the beneficiary country shall designate a national IPA co-ordinator, who shall act as the representative of the beneficiary country vis-à-vis the Commission. He/she shall ensure that a close link is maintained between the Commission and the Beneficiary with regard both to the general accession process and to EU pre-accession assistance under IPA.



4 FUNDING

The funding for the implementation of this Agreement shall be as follows:

- (a) The European Union contribution for the year 2010 is fixed at a maximum of EUR 2 105 000 (two million one hundred five thousand euros) for the programme. However, payment of the EU contribution by the Commission shall be made within the limits of the funds available.
- (b) The cost of the structures and authorities put in place by the beneficiary country for the implementation of this programme shall be borne by the Beneficiary.

5 CONTRACTING DEADLINE

- (1) The individual contracts and agreements which implement this Agreement shall be concluded no later than two years from the date of conclusion of this Agreement.
- (2) In duly justified cases, this contracting deadline may be extended with the agreement of the Commission before its end date to a maximum of three years from the date of conclusion of this Agreement.
- (3) Any funds for which no contract has been concluded before the contracting deadline shall be cancelled.

6 DEADLINE FOR THE EXECUTION OF CONTRACTS

- (1) The contracts must be executed within a maximum of 2 years from the end date of contracting.
- (2) The Commission may agree, upon request by the beneficiary country, to an appropriate extension of the deadline for the execution of contracts. Such request must be addressed to the Commission before the end of the deadline for the execution of contracts, and be duly justified by the beneficiary country.

7 DISBURSEMENT DEADLINE

- (1) Disbursement of funds must be made no later than one year after the final date for the execution of contracts.
- (2) The deadline for disbursement of funds may be extended with the agreement of the Commission before its end date in duly justified cases.

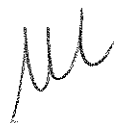
8 TREATMENT OF RECEIPTS

- (1) Receipts for the purposes of IPA include revenue earned by an operation, during the period of its co-financing, from sales, rentals, service enrolment/fees or other equivalent receipts with the exception of:
 - (a) receipts generated through the economic lifetime of the co-financed investments in the case of investments in firms;

- (b) receipts generated within the framework of a financial engineering measure, including venture capital and loan funds, guarantee funds, leasing;
 - (c) where applicable, contributions from the private sector to the co-financing of operations, which shall be shown alongside public contribution in the financing tables of the programme.
- (2) Receipts as defined in paragraph 1 above represent income which shall be deducted from the amount of eligible expenditure for the operation concerned. No later than the closure of the programme, such receipts shall be deducted from the relevant operation's eligibility expenditure in their entirety or pro-rata, depending on whether they were generated entirely or only in part by the co-financed operation.

9 ELIGIBILITY OF EXPENDITURE

- (1) Expenditure under the programme in Annex A shall be eligible for EU contribution if it has been incurred after the contracts and grants implementing such programme have been signed, except in the cases explicitly provided for in the Financial Regulation.
- (2) The following expenditure shall not be eligible for Union contribution under the programme in Annex A:
- (a) taxes (including VAT), customs and import duties and levies and/or taxes of equivalent effect in accordance with the IPA Framework Agreement with Turkey in Art. 26, attached as Annex B to this Financing Agreement;
 - (b) purchase, rent or leasing of land and existing buildings;
 - (c) fines, financial penalties and expenses of litigation;
 - (d) operating costs;
 - (e) second hand equipment;
 - (f) bank charges, costs of guarantees and similar charges;
 - (g) conversion costs, charges and exchange losses associated with any of the component specific euro accounts, as well as other purely financial expenses;
 - (h) contributions in kind;
 - (i) any leasing costs;
 - (j) depreciation costs.
- (3) By way of derogation from paragraph 2 above, the Commission will decide on a case-by-case basis whether the following expenditure is eligible:
- (a) operating costs, including rental costs, exclusively related to the period of co-financing of the operation;
 - (b) value added taxes, if the following conditions are fulfilled:



- (i) the value added taxes are not recoverable by any means;
 - (ii) it is established that they are borne by the final beneficiary, and
 - (iii) they are clearly identified in the project proposal.
- (4) Expenditure financed under IPA shall not be the subject of any other financing under the EU budget.

10 RETENTION OF DOCUMENTS

- (1) All documents relating to the programme in Annex A shall be kept for at least five years from the date on which the European Parliament grants discharge for the budgetary year to which the document relate.
- (2) In the case that the programme in Annex A is not definitely closed within the deadline set in paragraph 1 above, the documents relating to it shall be kept until the end of the year following that in which the programme in Annex A is closed.

11 ROADMAP FOR DECENTRALISATION WITHOUT EX-ANTE CONTROLS

- (1) The Beneficiary country shall establish a roadmap with indicative benchmarks and time limits to achieve decentralisation without *ex ante* controls by the Commission.
- (2) The Commission shall monitor the implementation of the roadmap mentioned in paragraph 1, and shall take due account of the results achieved by the beneficiary country in this context, in particular in the provision of assistance and in the negotiation process. The roadmap to achieve decentralization without *ex ante* controls may refer to a phased waiver of different types of ex-ante control.
- (3) The Beneficiary country shall keep the Commission updated on a six-monthly basis with the progress made in the implementation of this roadmap.
- (4) The dispensing of the ex-ante controls by the Commission will be subject of another Decision when the Commission is satisfied that the requirements set out in Article 18 of Regulation (EC) No 718/2007 are met.

12 INTERPRETATION

- (1) Subject to any express provision to the contrary in this Agreement, the terms used in this Agreement shall bear the same meaning as attributed to them in the IPA Framework Regulation and the IPA Implementing Regulation.
- (2) Subject to any express provision to the contrary in this Agreement, references to this Agreement are references to such Agreement as amended, supplemented or replaced from time to time.
- (3) Any references to Council or Commission Regulations are made to the version of those regulations as indicated. If required, modifications of theses regulations shall be transposed into this Agreement by means of amendments.

- (4) Headings in this Agreement have no legal significance and do not affect its interpretation.

13 PARTIAL INVALIDITY AND UNINTENTIONAL GAPS

- (1) If a provision of this Agreement is or becomes invalid or if this Agreement contains unintentional gaps, this will not affect the validity of the other provisions of this Agreement. The Parties will replace any invalid provision by a valid provision which comes as close as possible to the purpose of and intent of the invalid provision.
- (2) The Parties will fill any unintentional gap by a provision which best suits the purpose and intent of this Agreement, in compliance with the IPA Framework Regulation and the IPA Implementing Regulation.

14 REVIEW AND AMENDMENT

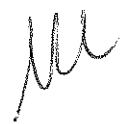
- (1) The implementation of this Agreement will be subject to periodic reviews at times arranged between the Parties.
- (2) Any amendment agreed to by the Parties will be in writing and will form part of this Agreement. Such amendment shall come into effect on the date determined by the Parties.

15 TERMINATION

- (1) Without prejudice to paragraph 2, this Agreement shall terminate eight years after its signature. The termination of this Agreement shall not preclude the possibility for the Commission to make financial corrections in accordance with Article 56 of the IPA Implementing Regulation.
- (2) This Agreement may be terminated by either Party by giving written notice to the other Party. Such termination shall take effect six calendar months from the date of the written notice.

16 SETTLEMENT OF DIFFERENCES

- (1) Differences arising out of the interpretation, operation and implementation of this Agreement, at any and all levels of participation, will be settled amicably through consultation between the Parties.
- (2) In default of amicable settlement, either Party may refer the matter to arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration Involving International Organisations and States in force at the date of this Agreement.
- (3) The language to be used in the arbitration proceedings shall be English. The appointing authority shall be the Secretary General of the Permanent Court of Arbitration following a written request submitted by either Party. The Arbitrator's decision shall be binding on all Parties and there shall be no appeal.



17 NOTICES

- (1) Any communication in connection with this Agreement shall be made in writing and in the English language. Each communication must be signed and must be supplied as an original document or by fax.
- (2) Any communication in connection with this Agreement must be sent to the following addresses:

For the Commission:

*The European Union Delegation to Turkey
Ugur Mumcu cad. No. 88/4
Gazi Osman Pasa 06700
Ankara, Turkey
Fax: (+90.312) 446 6737*

For the Beneficiary Country

*The H. E. Ambassador Volkan Bozkar
Secretary General
National IPA Coordinator (NIPAC)
The Secretariat General for EU Affairs
Basbakanlik Avrupa Birliđi Genel Sekreterliđi
Mustafa Kemal Mah. 6.Cad. No: 4
06800 Ankara, Turkey
Fax: (+90 312) 218 14 44*

18 NUMBER OF ORIGINALS

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

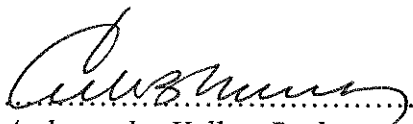
19 ANNEXES

The Annexes A and B shall form an integral part of this Agreement.

20 ENTRY INTO FORCE

This Agreement shall enter into force on the date on which the Contracting Parties inform each other in writing of its ratification in accordance with the existing internal legislation or procedure of each of the Parties.

Signed, for and on behalf of the Government of the Republic of Turkey, at Ankara on..03/02/2011

by..........

H. E. Ambassador Volkan Bozkır
National IPA Coordinator (NIPAC), Secretary General for EU Affairs

Signed, for and on behalf of the European Commission, at Brussels on ...07...12- 2010

by..........

Alexandra Cas-Granje, Director for Croatia, The former Yugoslav Republic of Macedonia,
Turkey, Iceland, DG Enlargement



ANNEX A

NATIONAL PROGRAMME FOR TURKEY UNDER THE IPA-TRANSITION

ASSISTANCE AND INSTITUTION BUILDING COMPONENT FOR THE YEAR 2010

1. IDENTIFICATION

Beneficiary	Turkey
CRIS number	2010/022-518, 2010/022-563, 2010/022-565
Year	2010
Cost	EUR 217 809 826
Implementing Authority	<p>The Implementing Agency responsible for the execution of the projects is the Central Finance and Contracts Unit (CFCU) at the Under-Secretariat of the Treasury except for:</p> <p>Project TR2010/0465.01 "Participation in Union Programmes and Agencies", where implementation will consist in the payment by the National Fund of the IPA part of the financial contribution to the programmes.</p> <p>Project TR2010/0301.02 "Improving chemical and ionising radiation metrology II" which will be sub-delegated to the Commission's Joint Research Centre Institute for Reference Materials and Measurements (JRC-IRMM) through an administrative arrangement signed by Enlargement (DG ELARG).</p> <p>Project TR2010/0329.01 "Modernisation of the Turkish Customs Administration VII" which will be cross-sub-delegated from DG Enlargement to the Commission's Directorate-General Taxation and Customs Union (DG TAXUD).</p>
Final date for concluding the Financing Agreements	<p>At the latest by 31 December 2011</p> <p>Three separate Financing Agreements are foreseen, one for the centralised projects (2), one for the project TR2010/0465.01 "Participation in Union Programmes and Agencies" and one for the remaining decentralised projects (30).</p>
Final date for contracting	<p>2 years following the date of conclusion of the Financing Agreements.</p> <p>No deadline for audit and evaluation projects covered by the Financing Agreements, as referred to in Article 166(2) of the Financial Regulation.</p> <p>These dates apply also to the national co-financing.</p>
Final dates for execution	2 years following the end date for contracting.

	These dates apply also to the national co-financing.
Sector Code	15160 (priority axis 1 – Political Criteria); 15110 (priority axes 2 and 4 – <i>acquis</i> alignment and support activities as well as project TR2010/0465.01) and 15150 (project TR2010/0135.01)
Budget line concerned	22.02.01
Programming Task Manager	DG ELARG Unit B3 (European Commission, Brussels)
Implementation Task Manager	Head of Operations section, EU Delegation to Turkey

2. PRIORITY AXES / PROJECTS

2.a Priority axes

IPA component I for “Institution Building and Technical Assistance” supports the EU pre-accession strategy for Turkey adopted in the conclusions of the European Council of December 2004. Since the EU has opened accession negotiations with Turkey in October 2005, assistance is focussed increasingly on priority areas that will allow making progress in the negotiations.

The main strategic reference for the national programme in Turkey is the Multi-Annual Indicative Planning Document (MIPD) 2009-2011. It contains four priority axes for this programme: progress towards fully meeting the Copenhagen political criteria, adoption and implementation of the *acquis communautaire*, promotion of an EU-Turkey Civil Society Dialogue and supporting activities.

The IPA 2010 component I programme includes 33 projects selected among the priorities identified in the 2009-2011 MIPD after analysis of the Turkish authorities and consultation with the Commission, according to the priorities identified in the Accession Partnership, the screening process and ongoing negotiations in the different chapters of the *acquis*. The main reference documents for the Turkish side were the National Programme for the Adoption of the Acquis, the 9th National Development Plan as well as key sector strategies.

As part of the programming process, only projects that have achieved sufficient readiness for implementation have been accepted. Efforts were made to better focus projects on the political priorities of the accession process as well as on aligning them with sector priorities. The Commission is currently reviewing the priorities to be established for the 2011-2013 period together with Turkey. As part of this process, Turkish authorities have set up sector working groups to review existing strategies and identify sector priorities for financial assistance for the coming years. Based on the results of the working groups and priority areas selected, sectors suitable for a sector approach could be identified in the future.

Priority 1: Progress towards fully meeting the Copenhagen political criteria

This priority axis will include 13 projects and cover approximately 14.92% of the programme's budget and focuses on judicial reform, support to law enforcement services and human rights, being fundamental for Turkey's political reform process. Strong emphasis is given on promoting women's and children's rights through several projects in the education

and justice sector. Public administration reform is also supported to strengthen Turkey's strategic management capacity, of crucial importance for future sectoral programming.

Priority 2: Adoption and implementation of the *acquis communautaire*

This priority axis will include 17 projects and cover approximately 46.54% of the programme's budget and provides assistance to key areas related to negotiation chapters where Turkey is harmonising its legislation and standards with the EU and requires assistance to strengthen its institutional capacity to implement and enforce the *acquis communautaire* with a particular focus on those areas where the requirements are extensive in terms of legislative alignment and investment needs. Priority areas to be addressed are the Environment chapter (accession negotiations opened in December 2009) Agriculture and Food Safety (accession negotiations on chapter 12 opened in June 2010), Justice, Freedom and Security (Migration/Asylum), Transport and Energy, Free Movement of Goods and Public Health.

Priority 3: Promotion of an EU-Turkey Civil Society Dialogue

This priority axis will cover approximately 35.46% of the programme's budget and addresses the need for a continuation of the EU-Turkey Civil Society Dialogue in the fields of political criteria and media (1 project) and participation in Union Programmes and Agencies (1 project).

Priority 4: Supporting activities

This priority axis will cover approximately 3.08% of the programme's budget and supports project preparation and capacity building related to the implementation of IPA assistance (1 project).

2. b Description of projects grouped per priority axes and (if relevant) per measure¹

Priority Axis and project names	Indicative EU contribution in million EUR	Project purpose and implementation summary (type of contract/agreement, <u>indicative amount</u> and <u>indicative launch date of tender procedure/call for proposals</u>)
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**Priority 1:
Progress towards fully meeting the Copenhagen political criteria**

Public Administration Reform (EUR 2.3 million in total)

TR2010/0136.01 Improved Strategic Management Capacity	2.3	<u>Project purpose:</u> To realise more effective strategic planning with higher impact by central public administration, being a crucial element of public administration reform. <u>Implementation:</u> 1 service contract (EUR 2.2 million) for capacity development measures tender launched 2 nd quarter 2011. 1 supply contract (EUR 0.2 million) for necessary hardware/software equipment tender launched 4 th quarter 2011.
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¹ All budget amounts provided relate only to the IPA contribution, for a detailed breakdown see point 3.1 "Indicative budget table"

Human Rights/Women's rights (EUR 8.3 million in total)

TR2010/0136.02	2.3	Support to the Local Human Rights Boards and Women's Rights Awareness	<p><u>Project purpose:</u> To improve human rights violation complaints and investigation mechanisms and to raise awareness among the society on human rights, with a special focus on women's participation in social, economic and cultural life and to prevent domestic violence and honor killings.</p> <p><u>Implementation:</u> 1 service contract for training and awareness raising activities, launched 2nd quarter of 2011.</p>
TR2010/0136.03	2.8	Prevention of Domestic Violence against Women	<p><u>Project purpose:</u> To ensure that women are provided with sufficient protection against domestic violence and enhance human rights for women.</p> <p><u>Implementation:</u> 1 service contract for capacity building, training and awareness raising activities launched 3rd quarter 2011.</p>
TR2010/0136.04	3.2	Promoting Gender Equality in Education	<p><u>Project purpose:</u> To promote gender equality and equal opportunities for girls and boys in schools and capacity development on gender sensitive approaches to teaching and learning.</p> <p><u>Implementation:</u> 1 service contract for capacity building, training, review of legislation and textbooks and awareness raising activities launched 2nd quarter 2011.</p>

Children's rights and social inclusion (EUR 11.0 million in total)

TR2010/0136.05	2.9	Increasing Primary School Attendance Rate of Children	<p><u>Project purpose:</u> To increase the attendance rates in primary education by taking measures to decrease drop-outs and non attendance rates, targeting areas with a high concentration of vulnerable groups.</p> <p><u>Implementation:</u> 1 service contract to develop a revised language training programme, provide training and awareness raising launched 2nd quarter 2011.</p>
TR2010/0136.06	2.1	Supporting Social Inclusion through Sports Education	<p><u>Project purpose:</u> To increase social inclusion and cohesion in pilot areas of Southeast Turkey by realising preparatory studies and management structures for new sports facilities and supplementary education opportunities for youth and children.</p> <p><u>Implementation:</u> 1 service contract to develop curriculum for recreational training programmes and provide training to school personnel launched 2nd quarter 2011.</p>
TR2010/0136.07	2.7	Fight Against Violence Towards Children	<p><u>Project purpose:</u> To reduce and prevent violence towards children through increased capacities of follow up and prevention services by developing policies for taking legal measures and promotion of Counselling Services, developing a Safer School Model which is free from physical, emotional, verbal and psychological violence and increasing the awareness of parents, NGO members, non-teaching staff, teaching staff and students.</p> <p><u>Implementation:</u> 1 service contract for policy development and awareness raising activities launched 2nd quarter 2011.</p>
TR2010/0136.08	3.3	Justice for Children	<p><u>Project purpose:</u> Effective implementation of the Child Protection Law and full realisation of all rights of the children in contact with the law through protecting children's right to fair trial, improve inter-sectoral collaboration in the juvenile justice system and ensure high standard of services provided to children deprived of liberty.</p> <p><u>Implementation:</u> 1 direct grant contract with UNICEF (EUR 2.8</p>

million) given their previous experience within the area of children's rights in Turkey and *de facto* monopoly situation as the only institution combining the necessary features, the award is made in accordance with the Implementing Rules, Article 168.1.c. Award procedure to be launched 1st quarter 2011. 1 supply contract (EUR 0.5 million) for interview rooms in court house, tender launched 2nd quarter 2011.

Judiciary (EUR 10.9 million in total)

<p>TR2010/0136.09 1.9 Towards an effective and professional Justice Academy</p>	<p><u>Project purpose:</u> Support the Academy to become a strong and independent training provider for the entire judiciary to attain a high degree of professionalism. <u>Implementation:</u> 1 twinning** (EUR 1.1 million) contract, selection procedure to be launched 1st quarter 2011. 1 supply contract for a language laboratory and library (EUR 0.4 million) to be launched 4th quarter 2011. 1 service contract for translations (EUR 0.4 million) launched 4th quarter 2011.</p>
<p>TR2010/0136.10 5.0 Improvement of Enforcement Services in Prisons</p>	<p><u>Project purpose:</u> To contribute to a well-defined, standardised and structured enforcement service, including a system ensuring rehabilitation, treatment and successful reintegration of prisoners into society as well as prison staff performing in line with European standards. <u>Implementation:</u> 1 twinning** contract (EUR 1.9 million) selection procedure to be launched 1st quarter 2011. 1 service contract to develop a classification and risk assessment system (EUR 1.7 million) and 1 supply contract (EUR 1.4 million) for a distance learning centre, both to be launched 2nd quarter 2011.</p>
<p>TR2010/0136.11 1.0 Strengthening witness protection capacities</p>	<p><u>Project purpose:</u> To strengthen the institutional capacity of the Ministry of Justice, Turkish National Police and Gendarmerie on the implementation of an effective witness protection system. <u>Implementation:</u> 1 twinning** contract selection procedure launched 1st quarter 2011</p>
<p>TR2010/0136.12 1.6 Improved Relations Between Mass Media and Judiciary</p>	<p><u>Project purpose:</u> To create a judiciary spokespersonship and to create a sound functioning relationship between judiciary and independent media. <u>Implementation:</u> 1 twinning** contract, selection procedure launched 1st quarter 2011.</p>
<p>TR2010/0136.13 1.4 Improved Court Expert System</p>	<p><u>Project purpose:</u> To complete reform and standardization of the court expert system with a view to maximise the efficiency, effectiveness and impartiality of the judiciary. <u>Implementation:</u> 1 twinning** contract, selection procedure launched 1st quarter 2011.</p>

**Priority 2:
Adoption and
implementation
of the *acquis*
*communautaire***

Free movement of goods (EUR 4.1 million in total)

TR2010/0301.01 2.5
Strengthened
Market
Surveillance
System For ICT
sector

Project purpose: To establish a modern and efficient product safety system in the information and communications technology (ICT) sector through strengthening of the existing market surveillance structures, determining appropriate administrative organisation and introducing standardised information system, in line with the European Union's rapid exchange of information system (RAPEX) on risky products.

Implementation: 1 twinning** (EUR 0.7 million) selection procedure to be launched 1st quarter 2011, 1 service contract for software development (EUR 0.9 million) and 1 supply contract for hardware (EUR 0.9 million) both to be launched 2nd quarter 2011.

TR2010/0301.02 1.6
Improving
chemical and
ionising radiation
metrology II

Project purpose: To enhance institutional and measurement capacity in chemical and ionising radiation metrology to ensure that Turkish laboratories are able to produce traceable and comparable measurement results. This is a continuation of TR080209 "Improving chemical and ionising radiation metrology" project and aims at consolidating its achievements and enhancing its results.

Implementation: 1 service contract for enhanced human resources development (long-term scientific internships), to be implemented via an administrative arrangement between the Commission and the Joint Research Centre – the Institute for Reference Materials and Measurements (JRC-IRMM). Contract to be concluded 4th quarter of 2012.

Information Society/Competition (EUR 0.9 million in total)

TR2010/0310.01 0.9
Prevention of
anti-competitive
behaviors in the
electronic
communications
sector

Project purpose: To strengthen implementation capacity of the Information and Communications Technology Agency (ICTA) with regard to the assessment of anti-competitive behaviours and development of required measures and remedies in order to achieve workable competition in the sector as outlined by the EU *acquis*.

Implementation: 1 service contract for legislative review/drafting launched 2nd quarter 2011.

Agriculture and Food Safety (EUR 73.8 million in total)

TR2010/0311.01 39.3
Digitisation of
Land Parcel
Identification
System

Project purpose: To establish information components of Land Parcel Identification System (LPIS) that corresponds to EU standards and legislation by creating digital orthophotos and digital geographical database of reference parcels covering whole Turkey as one basic element of the Integrated Administration and Control System (IACS) for the efficient and controlled management of direct payment schemes and selected Rural Development Plan (RDP) measures on

behalf of farmers and the protection of food safety and environment.
Implementation: 1 service contract for acquisition of orthophotos (EUR 19 million), 1 service contract for quality control (EUR 3.8 million) and 1 service contract for the digitalisation of the LPIS (EUR 16.5 million), all tenders to be launched in the 2nd quarter of 2011.

TR2010/0312.01 1.9
 Oral Vaccination
 Against Rabies

Project purpose: Control of sylvatic rabies in wild carnivore animals, and thereby the reduction of the risk of farm animals and humans to become infected with rabies.

Implementation: 1 supply contract for vaccines launched 2nd quarter 2011.

TR2010/0312.02 32.6
 Control of Foot
 and Mouth
 Disease- Phase 2

Project purpose: Continued control of Foot and Mouth Disease (FMD) by mass vaccination of animals in order to minimise the outbreaks (follow up to TR0603.02 funded under Turkey National Programme 2006).

Implementation: 1 supply contract (EUR 32.2 million) for vaccines and 1 supply contract (EUR 0.4 million) for sero-surveillance equipment both to be launched in 2nd quarter 2011.

Transport and energy (EUR 4.1 million in total)

TR2010/0314.01 1.2
 Improved
 Maritime
 Education and
 Training

Project purpose: To improve maritime safety through enhanced training, education and certification of seafarers by establishing a long term education strategy, legal alignment and training of trainers.

Implementation: 1 twinning** contract selection procedure launched 1st quarter 2011.

TR2010/0314.02 1.5
 Control of Ship-
 Sourced
 Emissions

Project purpose: To strengthen administrative capacity and take measures to control ship-sourced emissions.

Implementation: 1 twinning** (EUR 1.1 million) selection procedure launched 1st quarter 2011. 1 service contract (EUR 0.4 million) to develop an emission control software, tender launched 2nd quarter 2011.

TR2010/0315.01 1.4
 Harmonisation of
 Transmission
 System for
 Electricity

Project purpose: To harmonise the Turkish Power System Transmission Code in line with European Network of Transmission System Operators (ENTSO) for Electricity technical/market requirements to improve the overall interconnected power system operational security and quality of supply for the end users.

Implementation: 1 service contract for finalisation of the Turkish Transmission Code and conduct of training programmes launched 2nd quarter 2011.

Justice Freedom Security – Migration/Asylum (EUR 9.8 million in total)

TR2010/0324.01 9.8
 Establishment of
 Reception and
 Removal Centres
 – phase II

Project purpose: Well functioning reception and removal centres for asylum seekers, refugees and illegal migrants in line with EU best practice and international standards.

Implementation: 1 supply contract to provide equipment to reception and removal centres established through EU funding in 2007. Tender to be launched 4th quarter 2011.

Environment (EUR 5.9 million in total)

TR2010/0327.01	1.4	<u>Project purpose:</u> Transposition of the new bathing water Directive 2006/7/EC into the national legislation and strengthening the bathing water quality monitoring system of Ministry of Health within the framework of the new Directive. <u>Implementation:</u> 1 twinning** contract, selection procedure to be launched 1 st quarter 2011.
Alignment in Bathing Water Monitoring		
TR2010/0327.02	1.0	<u>Project purpose:</u> Institutional capacity and awareness for the implementation of By-law on Strategic Environmental Assessment (SEA) for all sectors. <u>Implementation:</u> 1 service contract (TA) for training activities and legislative review launched 2 nd quarter 2011.
Implementation of by-law on Strategic Environmental Assessment		
TR2010/0327.03	0.9	<u>Project purpose:</u> Technical capacity for effective implementation of EU Persistent Organic Pollutants (POP) Regulation at national and regional level taking into account social and economic impacts. <u>Implementation:</u> 1 service contract for training and information dissemination activities launched 2 nd quarter 2011.
Implementation of Persistent Organic Pollutants Regulation		
TR2010/0327.04	0.9	<u>Project purpose:</u> To establish necessary capacity to transpose and implement Large Combustion Plant Directive (2001/80/EC). <u>Implementation:</u> 1 service contract to conduct Regulatory Impact assessments for the implementation of the Directive and awareness raising within institutions launched 2 nd quarter 2011.
Better Air Quality By Transposing The Large Combustion Plant Directive		
TR2010/0327.05	1.7	<u>Project purpose:</u> Improved administrative and technical capacity in the General Directorate of State Hydraulic Works to transpose and implement Flood Risks Assessment and Management Directive (2007/60/EC). <u>Implementation:</u> 1 twinning** contract, selection procedure launched 1 st quarter 2011.
Capacity Building to implement the Flood Directive		

Public health (EUR 2.3 million in total)

TR2010/0328.01	2.3	<u>Project purpose:</u> To ensure safe blood from regular voluntary and non-remunerated donors. <u>Implementation:</u> 1 service contract for training materials and conduct of awareness raising campaign launched 2 nd quarter 2011.
Recruitment of Future Blood Donors		

Customs (EUR 0.5 million in total)

TR2010/0329.01	0.5	<u>Project purpose:</u> To enable the Turkish Customs Administration to fully implement the Common Communication Network and Common System Interface (CCN/CSI) through its instalment and operation in line with EU requirements of interconnectivity and interoperability. <u>Implementation:</u> Centralised implementation through a cross-sub-delegation to the Directorate General for Taxation and Customs Union (DG TAXUD) under three Framework contracts where at least two service contracts and one supply contract (equipment, supplies) will be concluded.
Modernisation of the Turkish Customs Administration		

VII

**Priority 3:
Promotion of an
EU-Turkey Civil
Society Dialogue**

TR2010/0135.01 9.6
Civil Society
Dialogue III

Project purpose: To establish strong links and high level of cooperation between Turkish civil society and partners in EU member states through the promotion of a civil society dialogue.

Implementation: 3 grant schemes* (EUR 5.4 million, EUR 2.7 million and EUR 0.3 million) in the fields of Political Criteria, Media and micro-grants, all to be launched 3rd quarter 2011. 1 Service contract (EUR 1.2 million), tender launched 2nd quarter 2011) to fund technical assistance and provide training.

TR2010/0465.01 67.6
Turkey's
Participation in
Union
Programmes and
Agencies

Project purpose: To co-finance Turkey's participation in relevant Union programmes and agencies. Programmes of relevance are "inter alia": Lifelong Learning, Youth in Action, Culture 2007-2013, CIP/EIP, 7th Framework Programme and others. Participation in Agencies such as the European Environment Agency and the European Monitoring Centre for Drugs and Drug Addiction is also foreseen.

Implementation: Turkey's participation in relevant Union programmes shall follow the specific terms and conditions set out for each programme in the memorandum of understanding concluded by the Commission and Turkey, in accordance with the agreements establishing the general principles for participation of Turkey in Union programmes. It shall include provisions on both the total amount of Turkey's contribution and the amount funded through IPA.

**Priority 4:
Support
Activities**

TR2010/0740.01 6.7
Support Activities
to Strengthen the
European
Integration
Process

Project purpose: To strengthen capacities of institutions managing EU funds under IPA, as well as other relevant Turkish institutions in fulfilling their respective pre-accession functions.

Implementation: 1 Project Preparation and Unallocated Institution Building Facility. Tenders launched from 2nd quarter 2011.

* The essential selection and award criteria of the call for proposals are laid down in the Practical Guide to contract procedures for EU external actions (see point 4.2 below).

** The essential selection and award criteria for the selection of the proposals are laid down in the twinning manual referred to in point 4.3 of this Financing Proposal.

2. c Overview of past and on going assistance (EU / international financial institutions / Bilateral and national assistance) including lessons learned and donor co-ordination

Past/on-going assistance

Turkey receives assistance from IPA under 5 components with a total allocation of EUR 4.87 billion for 2007-2013. IPA II – Cross-Border Cooperation aims to prepare Turkey for the implementation of the Territorial Cooperation objective of the EU structural funds and support Turkey's participation in bilateral cross-border programmes with Member States as well as Turkey's participation in the European Neighbourhood and Partnership Instrument (ENPI) Black Sea Basin programme. IPA III – Regional Development supports the

intervention areas: environment, transport and regional competitiveness. IPA IV – Human Resources addresses employment, education and social inclusion. IPA V – Rural Development sets out the priorities for adaptation of the agricultural sector and implementing of EU standards, preparatory actions for agri-environment measures and the Leader programme and development of the rural economy. Previously, Turkey has received assistance under the Turkey pre-accession assistance instrument (2002-2006) and from IPA since 2007. Turkey continues to receive bilateral assistance from several EU Member States and international financial institutions.

The financial assistance provided for meeting the political criteria, for the implementation of the *acquis communautaire* and support to civil society amounts to over EUR 1.5 billion.

Under the political criteria, the promotion of human rights, the rule of law, the protection of vulnerable groups and the situation in the East and the South-East have been addressed through a number of projects aimed at the law enforcement bodies, the judiciary, civil society and in the field of education. Such projects target systemic changes, although the size of the country and the complexity of the issues have, in general, not permitted a definitive solution to identified problems. Mainly resulting from training and awareness raising, the drafting of legislation and preparing of strategies/action plans, but also due to the commissioning of supplies, a number of positive immediate and intermediate impacts have been or are being achieved across this area.

The support for the adoption of the *acquis* is focussed on areas where Turkey needs to step up its reform efforts to be able to fully adopt and enforce the *acquis communautaire*, often linked to opening and closing benchmarks in the context of the accession negotiations.

Under component I further development and strengthening of civil society is supported as well as civil society dialogue between Turkey and the EU. Civil society is also increasingly involved as stakeholders in the IPA programming process. Turkey and the EU are closely cooperating to further build on these positive steps.

Lessons learned

In line with the conclusions of a conference held in Brussels in October 2009, which were confirmed by the Member States in the Council conclusions of December 2009, the Commission has taken several steps to improve the effectiveness of the financial assistance and to better align the use of funds with political priorities.

The European Court of Auditors (ECA) concluded in its Special Report on "The European Commission's management of pre-accession assistance to Turkey" that there has been an insufficient direction and lack of specific criteria to determine the priorities of EU assistance and insufficient measurability of achievements of assistance given to Turkey between 2002 and 2006. In the same time projects audited had achieved their intended outputs and results were likely to be sustainable. The Commission welcomed the report and recognised a number of weaknesses in the early phases of pre-accession support to Turkey. However a lot of progress has been made, particularly ownership and project design have gradually improved since the introduction of IPA from 2007. The intervention logic has been strengthened and the Multi-Annual Indicative Planning Documents (MIPD) together with the Accession Partnerships now provide strategic orientations and priorities with the aim of helping Turkey to meet the accession criteria. Further improvements are under way and have been applied in this programme, such as:

- Projects selected are more closely linked to sector priorities and strategic orientations and careful consideration of intervention logic and indicators have been taken to improve measurability of project results and objectives.
- Investment projects required detailed needs analysis and maintenance/sustainability provisions while for institution building projects, the capacity and needs of the public administration was thoroughly assessed.
- High attention was paid to project maturity and implementation readiness and where necessary, conditionalities were put in place to ensure that commitments taken by Turkey are delivered upon before assistance becomes available.
- Projects that did not meet the above requirements were deferred for further development and further efforts are under way to strengthen the national management and control systems and to effectively monitor, evaluate and audit implementation.

In September 2009 the "Ad Hoc Evaluation of the European Commission's intervention logic for Financial Assistance in candidate countries and key lessons for MIPD 2010-2012 revision A case study – Turkey" was completed. The evaluation concluded that IPA programming under Component I was focused too much at project level. While most projects were relevant, a comprehensive multi-annual programming was not in place. The MIPDs should advisably be a first step in the direction of establishing a more strategic programming framework and could be further improved to allow for more efficient project selection and sequencing. These recommendations provide a good basis for the revised MIPD for 2011-2013 to be developed in 2010. As a step in this direction, the current programme has taken a more sectoral perspective in the selection of projects, taking into account sector strategies and through a better link of overall objectives and project purpose to sector priorities.

Donor/IFI cooperation

In areas such as the Copenhagen political criteria, social policy, or migration and asylum, the EU pre-accession programme has established fruitful cooperation with a number of UN agencies, as well as with the Council of Europe. When choosing cooperation with international organisations, particular emphasis is put on the justification of the particular experience of an institution and its de facto monopoly position as well as the particular political sensitivity of the supported area.

The EU Delegation in Ankara has set up in 2010 a new framework for coordination among financial and technical cooperation partners around seven thematic groups (Social policy and employment, Competitiveness and economic governance, Development of the private sector, Transport Sustainable development, Governance and Migration, asylum, border management). In the future these groups are expected to be more closely associated to a sector approach for the provision of financial assistance in the relevant areas. Regular meetings are also going to be organised to update on IPA financial implementation with a view to keep EU Member States and international financial institutions fully informed on all financial cooperation issues of interest to them.

2. d Horizontal issues

Horizontal/cross-cutting issues have become an integral part of the programming process (including through the setting of relevant conditions) and as a result of project fiches. Horizontal/cross-cutting issues given particular attention include equal opportunities for men and women, support to minorities and vulnerable groups (including disabled people, children,

women), environmental protection, good governance and civil society/stakeholder involvement.

2. e Conditions

Agreement on the 2010 IPA component I programme will depend on the Turkish Government confirming the availability of sufficient resources, including national co-financing, and adequate organisational structures in the decentralised implementation system (DIS) authorities, in particular in the National IPA Coordinator (NIPAC) and Programme Authorising Officer (PAO) offices, to carry out programme monitoring effectively. The capacity of Senior Programme Officers to effectively oversee implementation will be checked by the PAO prior to the implementation of projects.

The PAO will verify that project level conditionalities are respected before contracts are concluded. The National Authorising Officer (NAO) and PAO are committed to maintain the procurement timetables of the projects and will take effective corrective measures in case of delays. The NAO shall inform the Commission on changes to project results or the use of funds after the completion of contracts and following the submission of the final report for the programme. Any infringement of the applicable rules may lead to a review of the eligibility of EU financing provided.

2. f Benchmarks

	2011	2012 (cumulative)	2013 (cumulative)
	EU	EU	EU
Number of tenders launched* (service, supply, works)	30	31	31
Number of calls for proposals launched* (twining, grants)	13	13	13
Number of direct grants without call for proposals	1	1	1
Contracting Rate (%)	30 %	80 %	100 %

* Projects TR 2010/0329.01, TR2010/0465.01 and TR2010/0740.01 not included.

2.g Roadmap for the decentralisation of the management of EU funds without *ex ante* controls by the European Commission

A Commission Decision establishing conferral of management with ex-ante controls on the IPA Transition Assistance and Institution Building Component was adopted on 29 October 2008, thereby accrediting the Turkish DIS institutions and procedures. The Decision includes a number of recommendations to further improve the management and control system, which are monitored closely by the Commission. The Turkish authorities have in 2009 also prepared a roadmap for full decentralisation of the management of EU funds without *ex ante* controls by the European Commission. Once the roadmap is implemented and the Commission confirms that the necessary conditions are met, a partial or full waiver of ex ante controls may be considered.

3. BUDGET (AMOUNTS IN EUR)

3.1 Indicative budget table

Decentralised management	Institution Building (IB)				Investment (INV)				Total		Total IPA EU contribution		
	Total public expenditure EUR (a)=(b)+(c)	IPA EU contribution		National public contribution ²		Total public expenditure EUR (d)=(e)+(f)	IPA EU contribution		National public contribution ²		EUR (g)=(a)+(d)	EUR (h)=(b)+(e)	%
		EUR (b)	% ³	EUR (c)	% ³		EUR (e)	% ³	EUR (f)	% ³			
Priority axis 1 - Political criteria	32960000	30033500	91.12	2926500	8.879	2910000	2473500	85	436500	15	35870000	32507000	14.9245
TR2010/0136.01	2400000	2160000	90	240000	10	200000	170000	85	30000	15	2600000	2330000	
TR2010/0136.02	2500000	2250000	90	250000	10	0	0	0	0	0	2500000	2250000	
TR2010/0136.03	3100000	2790000	90	310000	10	0	0	0	0	0	3100000	2790000	
TR2010/0136.04	3600000	3240000	90	360000	10	0	0	0	0	0	3600000	3240000	
TR2010/0136.05	3200000	2880000	90	320000	10	0	0	0	0	0	3200000	2880000	
TR2010/0136.06	2300000	2070000	90	230000	10	0	0	0	0	0	2300000	2070000	
TR2010/0136.07	3000000	2700000	90	300000	10	0	0	0	0	0	3000000	2700000	
TR2010/0136.08	3150000	2835000	90	315000	10	600000	510000	85	90000	15	3750000	3345000	

TR2010/0136.09	1610000	1508500	93.696	101500	6.3043	510000	433500	85	76500	15	2120000	1942000
TR2010/0136.10	3900000	3610000	92.564	290000	7.4359	1600000	1360000	85	240000	15	5500000	4970000
TR2010/0136.11	1000000	950000	95	50000	5	0	0	0	0	0	1000000	950000
TR2010/0136.12	1700000	1615000	95	85000	5	0	0	0	0	0	1700000	1615000
TR2010/0136.13	1500000	1425000	95	75000	5	0	0	0	0	0	1500000	1425000
Priority axis 2 - Aquis alignment	15175000	14034000	92.48	1141000	7.519	102455000	87326750	85.23	15128750	14.77	117630000	101360750
TR2010/0301.01	750000	712500	95	37500	5	2100000	1785000	85	315000	15	2850000	2497500
TR2010/0301.02*	0	0	0	0	0	1600000	1600000	100	0 ⁵	0	1600000	1600000
TR2010/0310.01	1000000	900000	90	100000	10	0	0	0	0	0	1000000	900000
TR2010/0311.01	0	0	0	0	0	46200000	39270000	85	6930000	15	46200000	39270000
TR2010/0312.01	0	0	0	0	0	2200000	1870000	85	330000	15	2200000	1870000
TR2010/0312.02	0	0	0	0	0	38375000	32618750	85	5756250	15	38375000	32618750
TR2010/0314.01	1300000	1235000	95	65000	5	0	0	0	0	0	1300000	1235000
TR2010/0314.02	1170000	1111500	95	58500	5	480000	408000	85	72000	15	1650000	1519500
TR2010/0315.01	1500000	1,350,000	90	150,000	10	0	0	0	0	0	1500000	1350000
TR2010/0324.01	0	0	0	0	0	11500000	9775000	85	1725000	15	11500000	9775000

TR2010/0327.01	1500000	1425000	95	75000	5	0	0	0	0	0	0	0	0	0	0	1500000	1425000
TR2010/0327.02	1150000	1035000	90	115000	10	0	0	0	0	0	0	0	0	0	0	1150000	1035000
TR2010/0327.03	1000000	900000	90	100000	10	0	0	0	0	0	0	0	0	0	0	1000000	900000
TR2010/0327.04	1000000	900000	90	100000	10	0	0	0	0	0	0	0	0	0	0	1000000	900000
TR2010/0327.05	1800000	1710000	95	90000	5	0	0	0	0	0	0	0	0	0	0	1800000	1710000
TR2010/0328.01	2500000	2250000	90	250000	10	0	0	0	0	0	0	0	0	0	0	2500000	2250000
TR2010/0329.01*	505000	505000	100	0 ⁵	0	0	0	0	0	0	0	0	0	0	0	505000	505000
Priority axis 3 - CS Dialogue	185425795	77237076	41.65	108188719	58.35	0	0	0	0	0	0	0	0	0	0	185425795	77237076
TR2010/0135.01	10700000	9630000	90	1070000	10	0	0	0	0	0	0	0	0	0	0	10700000	9630000
TR2010/0465.01	174725795	67607076	38.693	107118719	61.307	0	0	0	0	0	0	0	0	0	0	174725795	67607076
Priority axis 4 - Support activities	7450000	6705000	90	745000	10	0	0	0	0	0	0	0	0	0	0	7450000	6705000
TR2010/0740.01	7450000	6705000	90	745000	10	0	0	0	0	0	0	0	0	0	0	7450000	6705000
TOTAL	241010795	128009576	53.11	113001219	46.89	105365000	89800250	85.23	15564750	14.77	346375795	217809826	6705000	3.07837	6705000	217809826	

¹ Except project TR2010/0301.02 and TR2010/0329.01 to be implemented through centralised management (marked with * in table)

² Public contribution (private contributions are not taken into account (Article 67(1) IPA IR) under decentralised management)

³ Expressed in % of the Total expenditure IB or INV (column (a) or (d))

⁴ Priority axis rows only. Expressed in % of the grand total of column (h). It indicates the relative weight of the priority with reference to the total IPA EU contribution of the entire FP

⁵ Centralised project. Co-financing (public and private national and/or international contribution) as applicable provided by national counterparts

3.2 Principle of Co-Financing applying to the projects funded under the programme

The EU contribution, which represents 62.88 % of the total budget allocated to this programme, has been calculated in relation to the eligible expenditure, which in the case of decentralised management is based on the public expenditure. Joint co-financing will be used as a rule. Co-financing requirements at project level have been complied with for all projects and is detailed in the project fiches.

In the case of grants, final grant beneficiaries should contribute with a minimum of 10 % of the total eligible cost of the project, both for investment and institution building projects. Final grant beneficiaries will finance directly part of the overall project's eligible costs with their co-funding. A minimum of 5% of joint co-financing is required in the case of twinning, in addition to the parallel co-financing required for implementation of contracts in line with the Twinning Manual.

3.3 Method of Implementation

This programme shall be implemented by decentralised management (except for projects TR2010/0301.02 and TR2010/0329.01 to be implemented through centralised management), in accordance with article 53c of the Financial Regulation¹ and the corresponding provisions of the Implementing Rules². The Beneficiary Country will continue to ensure that the conditions laid down in Art. 56 of the Financial Regulation are respected at all times.

The ex ante control by the European Commission shall apply to the tendering of contracts, launch of call for proposals and the award of contracts and grants until the European Commission allows for decentralised management without ex ante controls as referred in Article 18 of the IPA Implementing Regulation.

3.4 General rules for Procurement and grant award procedures

Procurement shall follow the provisions of Part Two, Title IV of the Financial Regulation and Part Two, Title III, Chapter 3, of its Implementing Rules as well as the rules and procedures for service, supply and works contracts financed from the general budget of the European Union for the purposes of cooperation with third countries adopted by the European Commission on 24 May 2007 (C (2007)2034).

Grant award procedures shall follow the provisions of Part One, Title VI of the Financial Regulation and Part One, Title VI of its Implementing Rules.

The Contracting Authorities shall also use the procedural guidelines and standard templates and models facilitating the application of the above rules provided for in the "Practical Guide to contract procedures for EU external actions" ("Practical Guide") as published on the EuropeAid website³ at the date of the initiation of the procurement or grant award procedure.

¹ Regulation 1605/2002 (OJ L 248, 16.9.2002, p.1)

² Regulation 2342/2002 (OJ L 357, 31.12.2002, p. 1)

³ Current address: http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm

In case of projects containing the works/supervision of works component, the International Federation of Consulting Engineers (FIDIC) conditions of contracts will be followed.

3.5 Implementation Principles for Twinning Projects

Twinning projects shall be set up in the form of a grant agreement, whereby the selected Member State administrations agree to provide the requested public sector expertise against the reimbursement of the expenses thus incurred.

The contract may in particular provide for the long-term secondment of an official assigned to provide full-time advice to the administration of the Beneficiary Country as resident twinning advisor.

The twinning grant agreement shall be established in accordance with relevant provisions of Part One, Title VI of the Financial Regulation and Part One, Title VI of its Implementing Rules.

The twinning manual is available on the Website of DG ELARG at the following address:

http://ec.europa.eu/enlargement/financial_assistance/institution_building/twinning_en.htm

3.6 Environmental Impact Assessment (EIA) and Nature Conservation

All investments shall be carried out in compliance with the relevant EU environmental legislation in particular the EIA and the Habitats and Birds Directives.

An appropriate nature conservation assessment shall be made for any project, equivalent to that provided for in Art. 6 of the Habitats Directive⁴, that is likely to affect sites of nature conservation importance.

4. MONITORING AND EVALUATION

4.1 Monitoring

Programme implementation will be monitored through the IPA Monitoring Committee, assisted by the Transition Assistance and Institution Building Monitoring Committee.

They shall assess the effectiveness, quality and coherence of the implementation of this programme. They may make proposals to the European Commission and the NIPAC, with a copy to the NAO, for decisions on any corrective measures to ensure the achievements of programme objectives and enhance the efficiency of the assistance provided.

4.2 Evaluation

Programmes shall be subject to ex ante evaluations, as well as interim and, where relevant, ex post evaluations in accordance with Articles 57 and 82 of the IPA

⁴ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L206, 22.7.1992).

Implementing Regulation with an aim to improve the quality, effectiveness and consistency of the assistance from EU funds and the strategy and implementation of the programmes.

After the conferral of management powers, the responsibility for carrying out interim evaluations shall lie with the beneficiary country, without prejudice the European Commission's rights to perform any ad hoc interim evaluations of the programmes it deems necessary.

Ex post evaluation shall remain a prerogative of the European Commission even after the conferral of management powers to the Beneficiary Country.

The results of ex ante and interim evaluation shall be taken into account in the programming and implementation cycle.

The European Commission may also carry out strategic evaluations.

5. AUDIT, FINANCIAL CONTROL, ANTIFRAUD MEASURES; FINANCIAL ADJUSTMENTS, PREVENTIVE MEASURES AND FINANCIAL CORRECTIONS

5.1 Audit, Financial Control and Anti-fraud measures

The accounts and operations of all parties involved in the implementation of this programme, as well as all contracts and agreements implementing this programme, are subject to, on the one hand, the supervision and financial control by the European Commission (including the European Anti-Fraud Office), which may carry out checks at its discretion, either by itself or through an outside auditor and, on the other hand, audits by the European Court of Auditors. This includes measures such as ex-ante verification of tendering and contracting carried out by the EU Delegation in the Beneficiary Country.

In order to ensure the efficient protection of the financial interests of the EU, 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) 2185/96⁵.

The controls and audits described above are applicable to all contractors, subcontractors and grant beneficiaries who have received EU funds.

5.2 Financial adjustments

The national authorising officer, who bears in the first instance the responsibility for investigating all irregularities, shall make the financial adjustments where irregularities or negligence are detected in connection with the implementation of this programme, by cancelling all or part of the EU assistance. The national authorising

⁵ Council Regulation (EC, Euratom) 2185/96 of 11. November 1996, OJ L 292; 15.11.1996; p. 2.

officer shall take into account the nature and gravity of the irregularities and the financial loss to the EU assistance.

In case of an irregularity, including negligence and fraud, the national authorising officer shall recover the EU assistance paid to the Beneficiary in accordance with national recovery procedures.

5.3 Audit trail

The national authorising officer shall ensure that all the relevant information is available to ensure at all times a sufficiently detailed audit trail. This information shall include documentary evidence of the authorisation of payment applications, of the accounting and payment of such applications, and of the treatment of advances, guarantees and debts.

5.4 Preventive Measures

Beneficiary countries shall ensure investigation and effective treatment of suspected cases of fraud and irregularities and shall ensure the functioning of a control and reporting mechanism equivalent to that provided for in Commission Regulation 1828/2006⁶. All suspected or actual cases of fraud and irregularity as well as all measures related thereto taken must be reported to the European Commission services without delay. Should there be no suspected or actual cases of fraud or irregularity to report, the Beneficiary Country shall inform the European Commission of this fact within two months following the end of each quarter.

Irregularity shall mean any infringement of a provision of applicable rules and 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 European Union by charging an unjustified item of expenditure to the general budget.

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 Union or budgets managed by, or on behalf of, the European Union; non disclosure of information in violation of a specific obligation with the same effect; the misapplication of such funds for purposes other than those for which they are originally granted.

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

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 Union's financial interests.

⁶ OJ L371, 27.12.2006, p. 1.

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 Union's financial interests.

The authorities of the Beneficiary Country, including the personnel responsible for the implementation of the programme, shall also undertake to take whatever precautions are necessary to avoid any risk of conflict of interest, and shall inform the European Commission immediately of any such conflict of interest or any situation likely to give rise to any such conflict.

5.5 Financial corrections

In order to ensure that the funds are used in accordance with the applicable rules, the European Commission shall apply clearance-of-accounts procedures or financial correction mechanisms in accordance with Article 53c (2) of the Financial Regulation and as detailed in the Framework Agreement concluded between the European Commission and the Beneficiary Country.

A financial correction may arise following:

- (i) identification of a specific irregularity, including fraud; or
- (ii) identification of a weakness or deficiency in the management and control systems of the Beneficiary Country;

If the European Commission finds that expenditure under this programme has been incurred in a way that has infringed applicable rules, it shall decide what amounts are to be excluded from EU financing.

The calculation and establishment of any such corrections, as well as the related recoveries, shall be made by the European Commission following the criteria and procedures provided for in the IPA Implementing Regulation.

6. NON SUBSTANTIAL REALLOCATION OF FUNDS

The authorising officer by delegation (AOD), or the authorising officer by sub-delegation (AOSD), in line with the delegation of powers conferred upon him by the AOD, in accordance with the principles of sound financial management, may undertake non substantial reallocations of funds without an amending financing decision being necessary. In this context, cumulative reallocations not exceeding 20% of the total amount allocated for the programme, subject to a limit of EUR 4 million, shall not be considered substantial, provided that they do not affect the nature and objectives of the programme. The IPA Committee shall be informed of the above reallocation of funds.



7. LIMITED ADJUSTMENTS IN THE IMPLEMENTATION OF THE PROGRAMME

Limited changes in the implementation of this programme affecting essential elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an indicative nature⁷, may be undertaken by the European Commission's authorising officer by delegation (AOD), or by the European Commission's authorising officer by sub-delegation (AOSD), in line with the delegation of powers conferred upon him by the AOD, in accordance with the principles of sound financial management without an amending financing decision being necessary.

⁷ These essential elements of an indicative nature are, for grants, the indicative amount of the call for proposals and, for procurement, the indicative number and type of contracts envisaged and the indicative time frame for launching the procurement procedures.

**ANNEX B FRAMEWORK AGREEMENT BETWEEN THE COMMISSION
OF THE EUROPEAN COMMUNITIES AND THE GOVERNMENT OF
TURKEY, DATED 11 JULY 2008**

