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ANNEX

NATIONAL PROGRAMME FOR TURKEY UNDER THE IPA-TRANSITION ASSISTANCE AND INSTITUTION BUILDING COMPONENT FOR THE YEAR 2009

1. IDENTIFICATION

Beneficiary	<i>Republic of Turkey</i>
CRIS number	<i>IPA 2009/021-668, IPA 2009/021-667 (TR2009/0465.01)</i>
Year	<i>2009</i>
Cost	EUR 204 550 810
Implementing Authority	<p>The Implementing Agency responsible for the programme is the Central Finance and Contracting Unit (CFCU) at the Undersecretariat of the Treasury except for:</p> <p>Project 0465.01 “Participation in Community Programmes and Agencies”, where implementation will consist in the payment of the IPA part of the financial contribution to the programmes by the National Fund.</p>
Final date for concluding the Financing Agreements	<p>At the latest by 31 December 2010</p> <p>Two Financing Agreements are foreseen, one for the project 0465.01 “Participation in Community Programmes and Agencies” and the second for the remaining projects.</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	<p>2 years following the end date for contracting.</p> <p>These dates apply also to the national co-financing.</p>
Sector Code	15162 (priority axes 1 - PC); 15140 (priority axes 2 – <i>ACQUIS</i>); 15150 (priority axes 3 - CSD); 15140 (priority axis 4 – support activities)
Budget line concerned	22.02.01
Programming Task Manager	DG ELARG Unit B3 (European Commission, Brussels)
Implementation Task Manager	Cooperation Section (European Commission Delegation, Ankara)

2. PRIORITY AXES / PROJECTS

2.a Priority axes

The programme's strategic reference is the Multi-Annual Indicative Planning Document (MIPD) 2009-2011. As reflected in the MIPD, IPA – notably through component I 'Institution Building' – will support the EU pre-accession strategy for Turkey adopted in the conclusions of the European Council of December 2004. This corresponds to 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 2009 component I programme includes 34 projects that have been selected among the priorities identified in the 2009-2011 MIPD after analysis of the Turkish authorities and consultation with the European Commission, according to the priorities identified in the Accession Partnership, the screening process and subsequent negotiations in the different chapters of the *acquis*. Selected projects built on past experience and past or on-going pre-accession/IPA assistance projects. As in previous years, projects were also appraised according to the sequencing of assistance in a given sector, the capacity of the beneficiary institution for implementation and the maturity of the projects at the time of establishing the financing proposal.

Due to the particular circumstances created by the global financial and economic crisis which strongly affects Turkey it has been agreed with the Turkish authorities that EUR 35 million from the total 2009 allocation of EUR 239,550,810 under Component I will be transferred to a specific Turkey window under the Multi-Beneficiary Crisis Response Facility managed by DG ELARG Regional Programmes Unit. In addition, from the remaining Component I envelope of EUR 204,550,810 an exceptional additional contribution to finance Turkey's participation in Community Programmes in 2010 will be made, with a view to alleviate budgetary pressures stemming from co-financing requirements.

Priority 1: Progress towards fully meeting the Copenhagen political criteria

This priority axis will cover approximately 15.1 % of the programme's budget and include 9 projects focussing on the MIPD priorities of judicial reform, support to law enforcement services and civil society. Strong emphasis is given again in this programme on promoting human rights through several projects. This includes a project to improve the appliance of human rights standards in the criminal justice system, a further project to continue the training of law enforcement agencies on human rights issues, and a project to enhance democratic citizenship and human rights teaching at all levels of schools education. Cooperation with the Council of Europe will be continued and expanded to ensure effective dissemination and implementation of the Code of Ethics, and to contribute to achieving a more efficient and effective fight against corruption system in Turkey. Further work with law enforcement services will include a project on improving the Capacity of Civil Enforcement Offices and a project to improve mental healthcare and drug addiction treatment services in prisons. Finally, there will be a direct and relevant continuation of a previous women shelters project and a project with civil society organisations to improve integration of disabled persons into society. Projects have been selected on the basis of their importance and priority for strengthening the reform process in the given areas.

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

This priority axis will cover approximately 33.7 % of the programme's budget and include 21 projects covering 13 *acquis* chapters. In line with the MIPD, projects have been selected on

the basis of their priority for accession negotiations and preparations and in the light of costly investments needed for harmonisation and where the volume of legislation to be harmonised is very large. Accordingly, priority has been given to the area of customs union (strengthen customs surveillance and risk assessment abilities of Turkish Customs Administration) and environment (emission control; implement EU Water Framework Directive; preparation of noise maps; Seveso II Directive; CITES Regulation) and to a lesser extent agriculture (FADN network) and justice, freedom and security (combating cyber crime). The programme will support projects relevant for accession negotiations in the area of industrial policy (implementation of industrial strategy) and energy (electricity transmission/networks). The 2009 programme will also cover other areas including education reform, financing control, internal market, public health protection, regional policy, statistics and transport.

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

This priority axis will cover approximately 48.7 % of the programme's budget and include 3 projects. Projects have been selected on the basis of their importance for the continuation of efficient and effective EU-Turkey Civil Society dialogue operations. Focus in 2009 will be on a further development of civil society dialogue between Turkish and EU chambers and on the well established and successful participation of Turkey in Community programmes and agencies. As crisis response and on an exceptional basis, additional financial contribution will be provided to Turkey's participation in the 7th Framework Programme for R&D.

Priority 4: Supporting activities

This priority axis will cover approximately 2.5 % of the programme's budget and include 1 project providing short-term assistance to project preparation and capacity building notably of key institutions involved in implementation of IPA assistance.

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

Priority Axis and project names	Indicative EC contribution M €	Project purpose and implementation summary (type of contract/agreement, <u>indicative</u> amount and <u>indicative</u> launch date of tender procedure)
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**Priority 1:
Progress towards fully meeting the Copenhagen political criteria**

TR2009/0136.01 Democratic Citizenship and Human Rights Education	7.7	<p><u>Project purpose:</u> To increase institutional capacity of Ministry of National Education to design, develop and implement democratic citizenship and human rights education (EDC/HRE) that corresponds with European core values from pre-school to secondary education; with a view to foster a democratic school culture and society.</p> <p><u>Implementation:</u> 1 Direct Agreement (€ 5.2 M) with Council of Europe (CoE)* who has a proven democratic citizenship and human rights based project experience, award procedure launched 2nd quarter 2010. The project includes a grant scheme** (€ 2.4 M) to</p>
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¹ All budget amounts provided relate only to the IPA contribution

foster democratic citizenship targeting schools and other educational organisations, call for proposals launched 1st quarter 2011.

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|---|-----|---|
| TR2009/0136.02
Women's
Shelters for
Combating
Domestic
Violence | 9.1 | <p><u>Project purpose:</u> To ensure that women are provided with sufficient protection against violence and contribute to the Turkish Government's efforts for the protection of women's human rights.</p> <p><u>Implementation:</u> Follow-up to the 2006 project "Shelters for Women Subject to Violence" where 8 shelters for women were established. The project will have 1 NGO Grant Scheme** (€ 3.0 M) to strengthen local and national capacity to fight violence against women, 1 Service contract (€ 6.2 M) for delivery of sustainable protection and rehabilitation services to victims of violence by means of establishing women counselling centres and post shelter support mechanisms. Tender procedure and call for proposals launched 1st quarter of 2010.</p> |
| TR2009/0136.03
Mental Health
care and Drug
Addiction
treatment services
in prisons | 1.4 | <p><u>Project purpose:</u> To improve mental healthcare and drug addiction treatment services in prisons including development of early diagnosis models, assessment and treatment of prisoners, in line with CoE minimum prison standards rules.</p> <p><u>Implementation:</u> 1 Service contract, technical assistance (TA), for research studies and training activities targeting prison governors and staff, tender procedure launched 1st quarter 2010.</p> |
| TR2009/0136.04
Improved
Efficiency of
Turkish Criminal
Justice System | 3.4 | <p><u>Project purpose:</u> To improve the appliance of human rights standards and strengthen the efficiency and confidence in the criminal justice system.</p> <p><u>Implementation:</u> 1 Direct Agreement with CoE* for needs assessment studies and training activities for law practitioners. CoE's broad expertise in the human rights field and previous project implementing experience in Turkey justifies the Direct Agreement. Contract signed 4th quarter 2010.</p> |
| TR2009/0136.05
Consolidating
Ethics in the
Public Sector | 1.2 | <p><u>Project purpose:</u> To ensure the effective dissemination and implementation of the Code of Ethics across the public sector and support the work of the Council of Ethics for Public Service and developing Ethics Commissions and ethical frameworks within ministries.</p> <p><u>Implementation:</u> 1 Direct Agreement with CoE*, award procedure launched 1st quarter 2010. The project is a follow up to the CoE implemented project from 2006 <i>Ethics for the Prevention of Corruption in Turkey</i>. The organisation has a solid experience in strengthening democratic institutions and the aim is to continue a fruitful cooperation.</p> |
| TR2009/0136.06
Strengthening | 1.4 | <p><u>Project purpose:</u> To ensure efficient and effective fight against corruption through enhancing expertise of inspectors, auditors and</p> |

Coordination of Anti-corruption policies and practices		controllers of different institutions. <u>Implementation:</u> 1 Direct Agreement with CoE* (€1.2 M) owing to their extensive experience in the anti-corruption field, award procedure launched 3 rd quarter 2010. 1 Supply contract (€0.2 M) for computers and software, tender launched 1 st quarter 2010.
TR2009/0136.07 Implementation Capacity of Turkish Police to Prevent Disproportionate Use of Force	1.9	<u>Project purpose:</u> To develop and implement use of force practices for Turkish National Police in accordance with the European Convention on Human Rights. <u>Implementation:</u> 1 Twinning*** contract, call for proposals launched 1 st quarter 2010.
TR2009/0136.08 Improved Capacity of Civil Enforcement Offices	1.7	<u>Project purpose:</u> To strengthen institutional capacity of civil enforcement offices to ensure effectiveness and efficiency in executing their services. This will enhance confidence in the judiciary. <u>Implementation:</u> 1 Twinning*** contract, call for proposals launched 1 st quarter 2010.
TR2009/0135.01 Improved Integration of Disabled Persons into Society	3.2	<u>Project purpose:</u> To support best practices of civil society organisations in the disability field and strengthen institutional capacity of the Administration for Disabled People. The aim is to ensure equal access to goods, services and all aspects of life to disabled people. <u>Implementation:</u> 1 Grant scheme** (€1.8 M), 1 Service contract (€1.0 M) and 1 Supply contract (€0.4 M). Service and supply tenders launched 1 st quarter 2010, Grants call for proposals launched 3 rd quarter 2010.
Priority 2: Adoption and implementation of the acquis communautaire		
TR2009/0301.01 Quality Control Tests for Human Vaccines and Sera	3.3	<u>Project purpose:</u> To support the biological control and research laboratory of Refik Saydam National Public Health Agency and their accreditation preparations as an EU Medicinal Control Laboratory. <u>Implementation:</u> 1 Twinning*** contract (€ 2.0 M) and 1 Supply contract (€ 1.3 M) for necessary laboratory equipment. Tender procedure and call for proposals launched 2 nd quarter of 2010.
TR2009/0301.02 Supply of chemical metrology equipment to	2.6	<u>Project purpose:</u> To supply needed equipment to activities under 2008 project <i>Improving chemical and ionising radiations metrology</i> implemented by JRC-IRMM. The project enables institutional capacity building in chemical metrology and helps Turkish laboratories to produce traceable and comparable measurement

TUBITAK UME		<p>results, facilitating adoption of Free movement of Goods <i>Acquis</i>.</p> <p><u>Implementation:</u> 1 Supply contract for equipment agreed by the Scientific and Technological Research Council of Turkey National Metrology Institute (TUBITAK UME) and JRC-IRMM experts. Tender procedure launched 3rd quarter of 2010.</p>
TR2009/0311.01 Extending the Pilot FADN Project and Ensure Sustainability	1.38	<p><u>Project purpose:</u> To extend and ensure the sustainability of the Farm Accountancy Data Network (FADN) to 12 NUTS 1 level regions; thereby consolidating the network at farm level in compliance with EU requirements in order to provide reliable information on the Turkish agricultural sector.</p> <p><u>Implementation:</u> Linked to the 2006 project "Establishment of a Pilot Turkish Farm Accountancy Data Network". The activities will be carried out through 1 Twinning*** contract (€ 1.4 M) call for proposals launched 1st quarter 2010.</p>
TR2009/0314.01 Weight and Dimension Controls of Commercial Vehicles	9.9	<p><u>Project purpose:</u> To supply equipment and set up control stations in order to effectively implement the EC Directive 96/53 on lorries weight and dimension, while improving related prevention aspects.</p> <p><u>Implementation:</u> 1 Service contract (€ 0.9 M) tender launched 1st quarter 2010. 1 Supply contract (€9.0 M) tender launched 3rd quarter 2010 for the set up and equipment of 22 control stations.</p>
TR2009/0314.02 Strengthening Intermodal transport in Turkey	1.0	<p><u>Project purpose:</u> <i>Acquis</i> alignment (Council Directive 92/106) and strengthening capacity of Ministry of Transport for intermodal transport to promote a balanced, environment-friendly, safe and sustainable transport system.</p> <p><u>Implementation:</u> 1 Twinning*** contract, call for proposals launched 4th quarter 2010.</p>
TR2009/0315.01 Structure and Capacity Improvement of Turkish Electricity Transmission Corporation (TEIAS)	1.8	<p><u>Project purpose:</u> To improve institutional structure and capacity of TEIAS through enhanced technical capacity and IT structure, as well as human resources related developments. This will support Turkey's full integration into the EU Internal Electricity Market.</p> <p><u>Implementation:</u> 1 Service (TA) contract for training and certification activities, tender procedure launched 2nd quarter 2010.</p>
TR2009/0318.01 Upgrading Statistical System of Turkey Programme Phase III	2.7	<p><u>Project purpose:</u> To further improve compliance with EU standards in the statistical field and ensure efficient coordination by TurkStat. Provision of adequate data and analysis will be enhanced, thus facilitating policy decisions and <i>Acquis</i> alignment.</p> <p><u>Implementation:</u> 1 Service contract (TA, € 1.5 M), for background research and data analysis, tender procedure launched 1st quarter 2010. 1 Direct Agreement with TurkStat (€1.3 M) for staff training activities, given their leading and coordinating role for Turkish</p>

statistics 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 launched 4th quarter 2010.

TR2009/0320.01 Strengthening Administrative Capacity of Ministry of Industry and Trade (MIT) in Industrial Strategy	1.1	<p><u>Project purpose:</u> To strengthen technical and administrative capacity of MIT for better implementation, monitoring, evaluation, consultation and revision procedures of the Industrial Strategy and Sector Specific Strategies.</p> <p><u>Implementation:</u> 1 Service contract (TA) for training and technical development activities, tender procedure launched 1st quarter of 2010.</p>
TR2009/0322.01 Capacity Improvement in the Economic and Social Cohesion (ESC) policy Phase II	1.8	<p><u>Project purpose:</u> To ensure effective guidance and coordination by the Strategic Coordinator (SC) in the implementation of components III and IV programmes under IPA with a view to waive ex-ante controls and prepare for EU Cohesion Policy.</p> <p><u>Implementation:</u> 1 Service contract (TA) for strategy development activities. Tender procedure launched 1st quarter 2010.</p>
TR2009/0324.01 Strengthening Capacity against Cybercrime	1.3	<p><u>Project purpose:</u> To improve investigation capacity of law enforcement bodies, adjudication capacity of criminal justice authorities and cooperation between national-international, public-private bodies against cybercrime. This will contribute to implementation of the action plan against organized crime.</p> <p><u>Implementation:</u> 1 Twinning*** contract, call for proposals launched 1st quarter 2010.</p>
TR2009/0326.01 Aligning Higher Education with the European Higher Education Area (EHEA)	4.3	<p><u>Project purpose:</u> To improve administrative capacity of higher education and support Turkey's integration into the EHEA (also called Bologna Process). The Council of Higher Education to be strengthened in terms of governing, organizing and assessing higher education institutions; to make the sector more accountable, efficient and manageable.</p> <p><u>Implementation:</u> 1 Direct Agreement with the CoE*, taking account of their reputation as a leading contributor to the policies of the EHEA. Award procedure launched 1st quarter 2010.</p>
TR2009/0327.01 Control of Industrial Volatile Organic Compound Emissions	2.6	<p><u>Project purpose:</u> To control Volatile Organic Compound (VOC) emissions to prevent/reduce effects on environment, ground level ozone pollution and risks to human health.</p> <p><u>Implementation:</u> 1 Twinning*** contract (€1.1 M) call for proposals launched 1st quarter 2010 and 1 Service contract for TA (€1.5 M) tender launched 1st quarter 2010.</p>

TR2009/0327.02 Capacity Building on Water Quality Monitoring	3.7	<p><u>Project purpose:</u> To strengthen implementation capacity of EU Water Framework Directive (2000/60/EC-Art. 8/Annex 5) to achieve a good environmental status for surface waters.</p> <p><u>Implementation:</u> 1 Service contract (€0.9 M) for training activities, tender procedure launched 1st quarter 2010. 1 Supply contract (€0.9 M) for equipment and software, tender launched 3rd quarter 2010. 1 Twinning*** contract (€ 1.9 M), call for proposals launched 1st quarter 2011.</p>
TR2009/0327.03 Implementation Capacity of Environmental Noise Directive	5.6	<p><u>Project purpose:</u> To develop and strengthen institutional capacity in selected municipalities and institutions responsible for noise maps and action plans for major noise sources.</p> <p><u>Implementation:</u> Follow-up to the 2004 project "Strengthening the Capacity of the MoEF in the Field of Noise Management". 1 Service/TA contract (€5.5 M) for development of noise maps and 1 Supply contract (€76 500) for software. Launch of tenders 1st quarter 2010.</p>
TR2009/0327.04 Implementation Capacity of Seveso II Directive	2.7	<p><u>Project purpose:</u> To strengthen administrative and institutional capacity of central and local bodies being responsible for implementation of Seveso II Directive.</p> <p><u>Implementation:</u> 1 service contract (TA) for training and risk assessment studies, tender launched 1st quarter 2010.</p>
TR2009/0327.05 Strengthening Institutional Capacity on CITES Implementations	1.3	<p><u>Project purpose:</u> To strengthen administrative and technical capacities regarding control of trade of CITES species to ensure biological diversity in line with Regulation.</p> <p><u>Implementation:</u> 1 Twinning*** contract (€1 M) call for proposals launched 1st quarter 2010 and 1 Supply contract (€0.3) for computer equipment and software, tender launched 1st quarter 2010.</p>
TR2009/0328.01 Alignment in Organ Donation (ALOD)	3.3	<p><u>Project purpose:</u> To ensure quality and safety standards for human organ donation and transplantation in medical treatments and align with <i>acquis</i> in cadaver organ donation.</p> <p><u>Implementation:</u> 1 Service contract for gap analysis, training activities and preparation of communication strategy. Tender launched 1st quarter 2010.</p>
TR2009/0328.02 Alignment in Human Tissues and Cells	2.7	<p><u>Project purpose:</u> To improve quality of haematopoietic stem cell transplantation treatment and studies and align with <i>Acquis</i>.</p> <p><u>Implementation:</u> 1 Service contract (TA) tender launched 1st quarter 2010.</p>
TR2009/0329.01 Modernisation of Turkish Customs Administration	13.3	<p><u>Project purpose:</u> To strengthen customs surveillance and control functions of the Turkish Customs Administration (TCA) by increasing patrolling, searching and intervention capacity, in order to tackle offences promptly and efficiently.</p>

VI (enforcement)		<u>Implementation:</u> 3 supply contracts (total amount € 12.6 M) for inspection equipment and 1 Twinning*** contract (€0.8 M), tenders and call for proposals launched 2 nd quarter 2010.
TR2009/0329.02 Modernisation of Turkish Customs Administration VI (risk management)	1.0	<u>Project purpose:</u> To strengthen evaluation, information and risk assessment abilities of TCA to hinder illegal trading of commercial goods and narcotics; to ensure compatibility with obligations stemming from the EU-Turkey Customs Union. <u>Implementation:</u> 1 Twinning*** contract, call for proposals launched 2 nd quarter 2010.
TR2009/0332.01 Strengthening Institutional capacity of Inspection boards within Public Financial Management Control (PFMC) system	1.7	<u>Project purpose:</u> To develop the role of four key ministerial inspection boards as defined in the scope of PFMC system, in line with EU best practices. <u>Implementation:</u> 1 Twinning*** contract, call for proposals launched 1 st quarter of 2010.
Priority 3: Promotion of an EU-Turkey Civil Society Dialogue		
TR2009/0135.02 Continuation of the Jean Monnet Scholarship Programme	6.9	<u>Project purpose:</u> To develop Turkey's human resources in EU acquis related areas through post-graduate studies in EU member states. Young professional's perception of the European integration process is broadened and bonds are strengthened. <u>Implementation:</u> 2 Grant schemes (€ 3 M each) to cover the academic years 2011-2012 (call for proposals launched 3 rd quarter 2010) and 2012-2013 (call for proposals launched 3 rd quarter 2011), award selection criteria to be defined by the Jean Monnet Joint Committee as in previous years. 1 Service contract (€0.9 M, tender launched 4 th quarter 2010) to fund a technical assistance team.
TR2009/0135.03 Civil Society Dialogue – EU- Turkey Chamber Forum II	4.5	<u>Project purpose:</u> To strengthen mutual knowledge and understanding between Turkish Chambers and their counterparts in the EU, thus promoting integration of business communities and ensuring a stronger awareness. This is a follow-up to the successful 2006 project "Civil Society Dialogue - EU-Turkish Chambers Forum". <u>Implementation:</u> 1 Direct Agreement with Eurochambres, taking account of the project's objectives and the <i>de facto</i> monopoly situation of Eurochambres as the only institution combining the necessary features, the award is made in accordance with the Implementing Rules, Article 168.1.c. Award procedure launched 3 rd

quarter 2010.

TR2009/0465.01 88.2 Project purpose: To co-finance Turkey's participation in relevant Community programmes and agencies. Programmes of relevance are for instance: Lifelong Learning, Youth in Action, Culture 2007, CIP/EIP, 7th Framework Programme and others. Participation in Agencies such as EEA and EMCDDA is also foreseen.

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

**Priority 4:
Support
Activities**

TR2009/0740.01 5.1 Project purpose: To strengthen capacities of DIS institutions (office of the NAO, NAC, EUSG, CFCU) and operating structures appointed within the framework of IPA, as well as other relevant Turkish institutions in fulfilling their respective pre-accession functions. To support the Turkish administration in design and appraisal of programmes and projects to be submitted for IPA financing.

Implementation: 1 Project Preparation Facility (PPF) of € 3 M, 1 Service UNIBE facility (Unallocated Institution Building Envelope in the Context of Preparations for Pre-accession Process and Accession Negotiations) of € 1 M and 1 Supply UNIBE facility (€ 1.1 M). The UNIBE envelopes were created to respond to emerging institution building and investment-related tasks in a flexible way. Urgent, unforeseen and/or high priority needs coming up during the accession and negotiation processes will be supported. To be executed through approximately 40 framework contract service and supply assignments. Tenders launched from 1st quarter 2010.

* Given the *de facto* monopoly situation of the Council of Europe as the only institution combining the necessary features in these 5 specific projects, the award is made in accordance with the Implementing Rules, Article 168.1.c.

** The essential selection and award criteria of the call for proposals are laid down in the Practical Guide to contract procedures for EC 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 / IFI / Bilateral and national assistance) including lessons learned and donor co-ordination

Past/on-going assistance

Assistance under the Turkey pre-accession assistance instrument (2002-2006) and IPA 2007-2008 has covered most areas relevant for Institution Building (IB). EC assistance to IB has increased from below € 100 million in 2002 to € 250 million on average in 2006-2008. Overall, more than € 1.25 billion of Community assistance have been made available to Turkey for Institution Building measures between 2002 and 2008.

The promotion of human rights, the rule of law and the protection of people (vulnerable groups) - as typical areas under the **political criteria**- have been addressed through a number of projects aimed at the law enforcement bodies, the judiciary, and civil society. Such projects target systemic changes, although the scale of the country and the complexity of the issues have, in general, not permitted a definitive solution to the 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.

With regard to assistance for **alignment with and implementation of the *acquis***, satisfactory alignment has been achieved in a limited number of areas related to the internal market *acquis*, for which programming is now increasingly turning to addressing the problems of implementation. Other areas especially those requiring important administrative capacity or substantial investments (such as agriculture, environment, border management), are still in early stages of harmonisation. Overall impact of assistance has been good, with particular successes in the area of customs enforcement, capital markets, market surveillance, road transport and maritime safety, statistics and to a lesser extent in the area of veterinary issues and the Common Agricultural Policy.

Civil Society Dialogue has been a priority of pre-accession assistance since the late 1990's. Exchanges, on a significant scale with the EU have been supported through Turkey's participation in Community Programmes such as Socrates, Leonardo da Vinci and Youth, and through Jean Monnet scholarships. These programmes have had a substantial impact on both enhancing EU-Turkey dialogue across different groups of society and increasing the knowledge on the EU and the *acquis* communautaire as well as the capacity of Turkish individuals and organisations. IPA actions in this area will be building on well established foundations. Civil society dialogue grant schemes in different areas and with different actors have received strong support since 2005.

Lessons learned

In designing the IPA 2009 programme, careful account has been taken of the results of projects programmed in previous years. Lessons learned are usually drawn on a case by case basis, building upon relevant experience in the implementation of previous projects in a specific area. Relevant information in that respect is provided in each project fiche.

Particular issues relevant for 2009 programming, which are based on past experience, are as follows:

- Where projects are subject to adoption of legislation, these have not been considered for inclusion in this programme but were deferred to subsequent years.
- The programming process has been guided for the third year by a programming process document providing again more time to beneficiary organisations for

project design. Time for project design will be further expanded in 2010 programming.

- Both the MIPD and the NPAA have contributed to overcoming lack of strategic planning documents as did sector working groups in individual cases. The latter should be used increasingly in future to overcome lack of (updated) sector strategies.
- Project maturity requirements are systematically verified for project selection. Projects lacking sufficient supporting documents such as needs analyses, (pre-) feasibility studies and market studies have not been considered for inclusion in this programme but were deferred to subsequent years.
- Rules on co-funding have systematically been applied to projects; international institutions that will be awarded direct grant agreements under this programme will contribute financially to projects.

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. It is foreseen to continue this cooperation under IPA component I 2009, particularly in those areas where Turkey does not currently have sufficiently developed structures to absorb more standard forms of IB assistance such as twinning. 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 Commission Delegation in Ankara organizes regular coordination meetings with IFIs, International Organizations and Member States (MS). Meetings with MS take place on average monthly and meetings with IFI are held frequently throughout the year. The Commission strives to keep MS fully informed on all financial cooperation issues of interest to them, in particular on progress in implementation and on matters related to IPA.

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 2009 IPA component I programme will depend on the Turkish government ensuring the availability of sufficient resources and adequate organisational structures in the DIS authorities, in particular in the NIPAC office, to carry out programme monitoring effectively. The capacity of Senior Programme Officers to effectively oversee implementation will be checked by the PAO prior to signature of the related Financing Agreement.

2. f Benchmarks

	2010	2011 (cumulative)	2012 (cumulative)
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	EU	NF*	EU	NF*	EU	NF*
Number of tenders launched** <i>(service, supply, works)</i>	26	-	26	-	26	-
Number of calls for proposals launched** <i>(twinning, grants)</i>	14	-	17	-	17	-
Number of direct grants without call for proposals**	7	-	7	-	7	-
Contracting Rate (%)	50%		80%		100%	

* In the case of parallel co-financing

** Projects 0465.01 and 0740.01 not included.

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

Management of IPA component I with ex-ante controls was conferred to Turkey by Commission decision on 29 October 2008. This decision is subject to certain conditions to overcome system and institutional capacity weaknesses within deadlines of 3-9 months.

In line with provisions of the 2007 IPA component I Financing Agreement, Turkey has submitted in March 2009 a roadmap for the decentralisation of the management of EU funds without *ex ante* controls by the Commission.

3. BUDGET (AMOUNTS IN EUR)

3.1. Indicative budget table

	Institution Building (IB)					Investment (INV)					Total	Total IPA Community contribution	
	Total public expenditure	IPA Community contribution		National public contribution*		Total public expenditure	IPA Community contribution		National public contribution*		(IB + INV)		
	EUR	EUR	%	EUR	%	EUR	EUR	%	EUR	%	EUR	EUR	%
	(a)=(b)+(c)	(b)		(c)		(d)=(e)+(f)	(e)		(f)		(g)=(a)+(d)	(h)=(b)+(e)	
Priority axis 1 - Political criteria	33200000	30325000	91.34	2875000	8.66	700000	595000	85	105000	15	33900000	30920000	15.116
TR2009/0136.01	8500000	7650000	90	850000	10	0	0	0	0	0	8500000	7650000	
TR2009/0136.02	9820000	9135000	93.024	685000	6.9756	0	0	0	0	0	9820000	9135000	
TR2009/0136.03	1500000	1350000	90	150000	10	0	0	0	0	0	1500000	1350000	
TR2009/0136.04	3800000	3400000	89.474	400000	10.526	0	0	0	0	0	3800000	3400000	
TR2009/0136.05	1350000	1200000	88.889	150000	11.111	0	0	0	0	0	1350000	1200000	
TR2009/0136.06	1330000	1190000	89.474	140000	10.526	200000	170000	85	30000	15	1530000	1360000	

TR2009/0136.07	2000000	1900000	95	100000	5	0	0	0	0	0	2000000	1900000	
TR2009/0136.08	1800000	1710000	95	90000	5	0	0	0	0	0	1800000	1710000	
TR2009/0135.01	3100000	2790000	90	310000	10	500000	425000	85	75000	15	3600000	3215000	
Priority axis 2 - Membership criteria	46219910	42261219	91.44	3958691	8.565	31342200	26640870	85	4701330	15	77562110	68902089	33.6846
TR2009/0301.01	2085000	1980750	95	104250	5	1502200	1276870	85	225330	15	3587200	3257620	
TR2009/0301.02	0	0	0	0	0	3000000	2550000	85	450000	15	3000000	2550000	
TR2009/0311.01	1450000	1377500	95	72500	5	0	0	0	0	0	1450000	1377500	
TR2009/0314.01	1000000	900000	90	100000	10	10600000	9010000	85	1590000	15	11600000	9910000	
TR2009/0314.02	1000000	950000	95	50000	5	0	0	0	0	0	1000000	950000	
TR2009/0315.01	2005500	1,804,950	90	200,550	10	0	0	0	0	0	2005500	1804950	
TR2009/0318.01	3016410	2714769	90	301641	10	0	0	0	0	0	3016410	2714769	
TR2009/0320.01	1240000	1116000	90	124000	10	0	0	0	0	0	1240000	1116000	
TR2009/0322.01	2000000	1800000	90	200000	10	0	0	0	0	0	2000000	1800000	
TR2009/0324.01	1400000	1330000	95	70000	5	0	0	0	0	0	1400000	1330000	
TR2009/0326.01	4750000	4250000	89.474	500000	10.526	0	0	0	0	0	4750000	4250000	

TR2009/0327.01	2850000	2625000	92.105	225000	7.8947	0	0	0	0	0	2850000	2625000	
TR2009/0327.02	3000000	2800000	93.333	200000	6.6667	1000000	850000	85	150000	15	4000000	3650000	
TR2009/0327.03	6090000	5481000	90	609000	10	90000	76500	85	13500	15	6180000	5557500	
TR2009/0327.04	3000000	2700000	90	300000	10	0	0	0	0	0	3000000	2700000	
TR2009/0327.05	1075000	1021250	95	53750	5	350000	297500	85	52500	15	1425000	1318750	
TR2009/0328.01	3700000	3330000	90	370000	10	0	0	0	0	0	3700000	3330000	
TR2009/0328.02	3000000	2700000	90	300000	10	0	0	0	0	0	3000000	2700000	
TR2009/0329.01	800000	760000	95	40000	5	14800000	12580000	85	2220000	15	15600000	13340000	
TR2009/0329.02	1000000	950000	95	50000	5	0	0	0	0	0	1000000	950000	
TR2009/0332.01	1758000	1670000	94.99	88000	5.006	0	0	0	0	0	1758000	1670000	
Priority axis 3 – Civil Society Dialogue	162751695	99598221	61.2	63153474	38.8	0	0	0	0	0	162751695	99598221	48.6912
TR2009/0135.02	6980000	6882000	98.596	98000	1.404	0	0	0	0	0	6980000	6882000	
TR2009/0135.03	4500000	4500000	100	0	0	0	0	0	0	0	4500000	4500000	
TR2009/0465.01	151271695	88216221	58.316	63055474	41.684	0	0	0	0	0	151271695	88216221	

Priority axis 4 - Support activities	4440000	4000000	90.09	440000	9.91	1330000	1130500	85	199500	15	5770000	5130500	2.50818
TR2009/0740.01	4440000	4000000	90.09	440000	9.9099	1330000	1130500	85	199500	15	5770000	5130500	
TOTAL	246611605	176184440	71.44	70427165	28.56	33372200	28366370	85	5005830	15	279983805	204550810	

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

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

*** 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 Community contribution of the entire FP

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

The Community contribution, which represents 73,1 % 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.

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 and a minimum of 5% of the eligible expenditure in the case of twinning. Final grant beneficiaries will finance directly part of the overall project's eligible costs with their co-funding.

4. IMPLEMENTATION ARRANGEMENTS

4.1. Method of Implementation

This programme shall be implemented by decentralized management, in accordance with article 53c of the Financial Regulation² and the corresponding provisions of the Implementing Rules³. 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 Commission shall apply to the tendering of contracts, launch of call for proposals and the award of contracts and grants until the Commission allows for decentralised management without ex ante controls as referred in Article 18 of the IPA Implementing Regulation.

4.2. 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 Communities for the purposes of cooperation with third countries adopted by the 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 EC external actions" ("Practical Guide") as published on the EuropeAid website⁴ at the date of the initiation of the procurement or grant award procedure.

In case of projects containing the works/supervision of works component, the FIDIC conditions of contracts will be followed.

4.3. 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.

² Regulation 1605/2002 (OJ L 248, 16.9.2002, p.1) as last amended by Regulation (EC, Euratom) No 1525/2007 (OJ L 343, 27.12.2007, p.9)

³ Regulation 2342/2002 (OJ L 357, 31.12.2002, p. 1) as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p. 13).

⁴ Current address: http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm

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

4.4. Environmental Impact Assessment and Nature Conservation

All investments shall be carried out in compliance with the relevant Community 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 Directive⁵, that is likely to affect sites of nature conservation importance.

5. MONITORING AND EVALUATION

5.1. 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 Commission and the national IPA co-ordinator, with a copy to the national authorising officer, for decisions on any corrective measures to ensure the achievements of programme objectives and enhance the efficiency of the assistance provided.

5.2. 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 Implementing Regulation with an aim to improve the quality, effectiveness and consistency of the assistance from Community 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 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 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 Commission may also carry out strategic evaluations.

⁵ 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). Directive as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

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

6.1. 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 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 Delegation in the Beneficiary Country.

In order to ensure the efficient protection of the financial interests of the Community, the Commission (including the European Anti-Fraud Office) may conduct on-the-spot checks and inspections in accordance with the procedures foreseen in Council Regulation (EC, Euratom) 2185/96⁶.

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

6.2. 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 Community assistance. The national authorising officer shall take into account the nature and gravity of the irregularities and the financial loss to the Community assistance.

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

6.3. 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.

6.4. 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 1828/2006⁷. All suspected or actual cases of fraud and irregularity as well as all measures related thereto taken must be reported to the Commission services without delay. Should there be no suspected or actual cases of fraud or irregularity to report, the Beneficiary Country shall inform the 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

⁶ Council Regulation (EC, Euratom) 2185/96 of 11. November 1996, OJ L 292; 15.11.1996; p. 2.

⁷ OJ L371, 27.12.2006, p. 1.

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 Communities' financial interests.

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 Communities' 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 Commission immediately of any such conflict of interest or any situation likely to give rise to any such conflict.

6.5. Financial corrections

In order to ensure that the funds are used in accordance with the applicable rules, the 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 Commission and the beneficiary country [*or, where the latter does not exist, in the Financing Agreement implementing this programme*].

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 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 Community financing.

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

7. 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.

8. LIMITED ADJUSTMENTS IN THE IMPLEMENTATION OF THE PROGRAMME

Limited adjustments in the implementation of this programme affecting elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an indicative nature⁸ may be undertaken by the authorising officer by delegation (AOD), or by 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 without an amending financing decision being necessary.

⁸ 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.