

Review of Twinning in Turkey

Annexes to the final report

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Annex 1 Overview of Twinning in Turkey

1.1 The Twinning instrument

Launched in May 1998, Twinning was conceived as an instrument for targeted administrative cooperation to assist Candidate Countries to strengthen their administrative and judicial capacity to implement Community legislation as future Member States of the European Union (EU). It has evolved into one of the principal tools of ‘Institution Building’ assistance aiming to help beneficiary countries in the development of efficient administrations, with the structures, human resources and management skills needed to implement the Acquis Communautaire.

Twining provides the framework for administrations and semi-public organisations in the Beneficiary Countries (BC) to work with their counterparts operating within the Member States of the EU aimed at supporting the transposition, enforcement and implementation of a specific part of the EU Acquis.

Key features of a Twinning project are:

Projects are built around jointly agreed EU policy objectives

Project objectives are derived from European Commission programming towards the countries concerned. The Twinning partners agree in advance on a detailed Work Plan to meet an objective related to priority areas of the Acquis, as set out in the policy orientations and informed by European Commission Progress Reports and Monitoring exercises. Such a focus is ensured by input from the European Commission at conception, project design and at assessment phase.

Beneficiary Country retains ownership of project

The Beneficiary Country has the right to choose the Member State partner it considers appropriate to jointly implement its Twinning project. The Beneficiary Country is in the driving seat throughout. To underpin the credibility of their commitment, the Twinning partners draft together a detailed Work Plan that can be adapted in the course of its implementation. Further, the success of a Twinning project relies on the full determination of the Beneficiary Country to carry out reforms and the reorganisation needed. These arrangements place the final and sole ownership of the Twinning project firmly with the Beneficiary Country.

Projects yield concrete operational results linked to EU Acquis adoption

Twining projects set out to deliver specific and guaranteed results relating in some form to the implementation of priority areas of the Acquis. Focusing on limited, relatively clear and well defined institutional targets, the project aims to reach an operational outcome in a particular field. All project partners commit themselves to work towards a commonly

agreed result throughout the period of the project. Progress towards this end measured by clear benchmarks also undergoes continuous monitoring through Interim Quarterly and Final Reports.

Projects involve a peer-to-peer exchange of hands on public sector expertise and experience

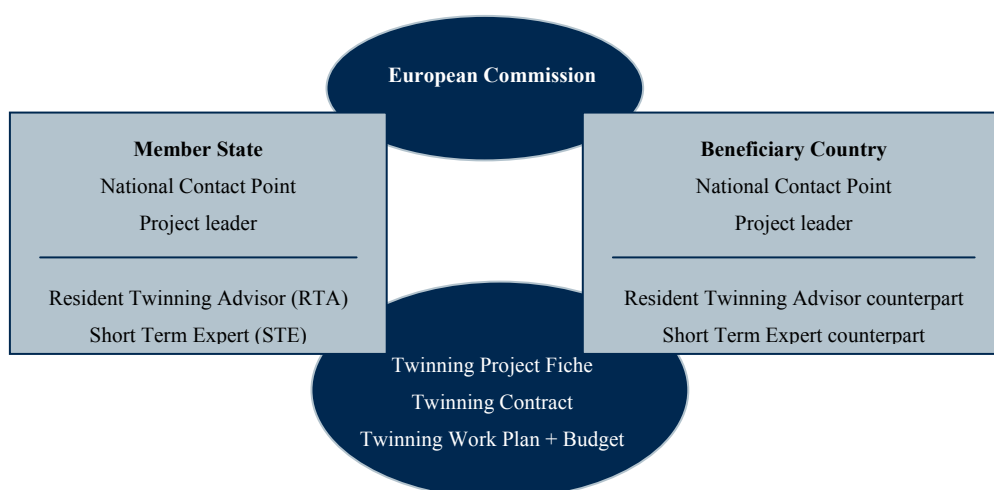
Twinning assistance involves a know-how exchange at public sector level between peers. All experts are experienced practitioners from a Member State administration. Areas primarily covered often concern the exclusive remit of the state, such as border management.

Projects are a genuine partnership fostering close co-operation

As the Beneficiary Country retains ownership, the relationship with the Member State is one of a partnership with a joint responsibility to achieve the agreed outcomes, and not client-contractor in nature. Lasting up to two years and with the possibility of targeted follow-up, Twinning provides technical and administrative assistance over a significant period. This process helps to build long-term relationships between old, new and future Member States, and at the same time brings the Beneficiary Country into a wider contact with the diversity of administrative practices inside the EU.

1.2 The key actors involved in Twinning projects

A Twinning project consists of a partnership between a Member State institution and the counterpart entity in the Beneficiary country. The European Commission binds these Twinning partners together.



Beneficiary Country

The whole Project Cycle starts with the Beneficiary Country through a demand-driven process. The Beneficiary Country identifies needs within European Commission policy orientations and drafts a Twinning Fiches with the assistance of the European Commission. The Beneficiary Country also makes the final selection of the Member State Twinning partner based on the presentation of proposals. The Member State and

Beneficiary Country together draw up the Twinning contract with detailed budgeted Work Plan outlining achievable targets

The Member State

Under the Twinning programme, the different members of the core team within a Member State are the Resident Twinning Advisor (RTA), the Project Leader (PL), and the National Contact Point (NCP). The RTA is an individual seconded from a Member State administration or other approved body in a Member State to work full time for up to two years in the corresponding ministry in the Beneficiary Country to help implement an agreed project with targeted goals and objectives. The Project Leader in the Member State home administration is responsible for ensuring project implementation and co-ordination of input from the Member State.

The European Commission

The European Commission plays a role at different stages in the lifecycle of a Twinning project. The Directorate General for Enlargement has a political and co-ordination role; the sectoral Directorates General bring substantive input and the Delegation guides the monitoring on the ground. The different services of the Commission act as a facilitator and guardian of fair, transparent and consistent application of the Twinning rules and procedures by involvement in the contract, the work plan and the monitoring of project implementation via Interim Quarterly Reports and a Final Report.

1.3 Turkey's steps towards EU accession

Confirmation of Turkey's candidacy for EU membership by the Helsinki European Council in 1999 has been at the end of a long period of partnership since the first application some 45 years ago.

Ankara Agreement

In July 1959, shortly after the creation of the European Economic Community (EEC) in 1958, Turkey made its first application to join. Negotiations resulted in the signature of the Agreement creating an Association between the Republic of Turkey and the EEC (the "Ankara Agreement") on 12 September 1963. This agreement, which entered into force on 1 December 1964, aimed at securing Turkey's full membership in the EEC through the establishment in three phases of a customs union which would serve as an instrument to bring about integration between the EEC and Turkey. The Ankara Agreement envisaged the progressive establishment of a Customs Union which would bring the Parties closer together in economic and trade matters. In the meantime, the EEC would offer financial assistance to Turkey. Under the First Financial Protocol which covered the period 1963-1970, the EEC provided Turkey with loans worth 175 million ECU.

Turkey applied for full membership in 1987, on the basis of the EEC Treaty's article 237 which gave any European country the right to do so.

Copenhagen Summit

At the Copenhagen Summit held on 12-13 December 2002, the European Union (EU) committed itself to starting accession negotiations, if Turkey fulfils, on the basis of European Commission's reports and recommendations, the Copenhagen political criteria

by December 2004. Following that, the EU at the Brussels Summit held in 16-17 December 2004, affirmed the decisions which were taken by the 1999 Helsinki and 2002 Copenhagen Summits and decided that Turkey sufficiently fulfilled the Copenhagen political criteria to open accession negotiations, and that the accession negotiations would start on 3 October 2005.

The General Affairs and External Relations Council (GAERC), which met in Luxembourg on 3 October 2005, accepted the negotiating framework based on the authorization from the Communiqué issued at the end of the Summit of EU Heads of State and Government in December 2004, and the process of accession of Turkey into European Union has officially started.

EU Assistance

As regards EU assistance, Turkey has started receiving it since 1996 with the MEDA funds following the institution of the Euro-Mediterranean Partnership in 1996 by the Barcelona Declaration. All management was centralised with Commission Services as the contracting authority.

Following the adoption of the first National Programme for the Adoption of the Acquis and the Accession Partnership in 2001, programming of the pre-accession assistance commenced in 2002 based on the Council Regulation No.2500/2001. After the accreditation of the Central Finance and Contracts Unit (CFCU) by EC in 2003, as the contracting authority of the DIS system, implementation of the assistance started in 2004 and monitoring of EU assistance is being carried out jointly with the DIS authorities and EC.

From 2007 onwards, EU is channeling its pre-accession funding through one single instrument called the Instrument for Pre-Accession Assistance (IPA) which aim is to be a bridge between external assistance and internal policies. Objectives of IPA include supporting Turkey in its bid for membership, including the necessary economic, political and social reforms and help prepare the country for the management of structural funds.

1.4 Twinning in Turkey

As Turkey is proceeding with accession negotiations as a candidate it will have to demonstrate its resolve and ability to complete the necessary transformations to implement community legislation. The current approach to Turkey as candidate country is “accession-driven” concentrating on supporting priority areas aimed at helping this country in preparing for EU membership. Twinning is an essential tool to reach the required level of administrative and judicial capacity.

In Turkey, twinning is used since 2002 as an EU tool designed to share the EU best experiences in public administration and legislative implementation and enforcement. In the period 2002 – 2008, 91 projects have been implemented. From table 2.1, it can be inferred that Twinning in Turkey has concentrated mostly on justice and home affairs followed by finance, environment and agriculture and fisheries.

Table 0.1 Distribution of Twinning projects across sectors

No	Sector	No of Twinning projects	Funds
1	Agriculture and Fisheries	11	12,641,944
2	Energy	3	3,613,884
3	Environment	14	20,333,732
4	Finance	14	19,166,000
5	Internal market and economic criteria	2	3,050,679
6	Justice and Home affairs	30	40,611,698
7	Social sector projects	3	3,952,074
8	Standardization and certification	7	8,312,960
9	Statistics	1	1,854,069
10	Structural Funds	1	800,000
11	Transport	3	2,733,065
12	Other projects	2	2,241,000
	Total	91	119,311,105

The matching process in twinning projects, has resulted in responses coming from established members who have long-standing experience with the EU legislation or from new members who recently underwent the same period of transformation as the beneficiary. More often, it is a combination of experts from both.

Table 0.2 Country of origin of Turkey's Twinning partners (2002 – 2008)

Member states	Year							total	Leading partner	Junior partner
	2002	2003	2004	2005	2006	2007	2008			
Germany	4	10	8	2	4	5	3	36	29	7
United Kingdom	2	3	4	1	1	4	-	15	8	7
The Netherlands	1	3	3	2	1	3	2	15	9	6
Spain	2	1	1	1	1	-	3	9	6	3
Austria	1	1	3	-	-	2	1	9	3	6
Italy	2	2	-	1	2	-	2	8	6	2
France	1	2	1	-	1	-	1	6	6	-
Greece	2	-	2	-	-	1	-	5	2	3
Denmark	1	1	-	-	2	-	-	4	4	-
Finland	-	-	1	-	-	-	2	3	3	-
Hungary	-	-	1	-	2	-	-	3	1	2
Sweden	-	1	1	-	-	-	-	2	-	2
Lithuania	-	-	1	-	-	1	-	2	-	2
Slovakia	-	-	1	-	1	-	-	2	1	1
Poland	-	-	-	-	-	-	1	1	-	1
Estonia	-	-	-	-	-	-	1	1	-	1

Since 2002 and including 2008, Turkey has received EU assistance adding up to a total of EUR 119,311,105 for 91 Twinning projects in various sectors. A yearly breakdown of funding is as below:

Table 0.3 Yearly breakdown of funding for Twinning projects in Turkey

Year						
2002	2003	2004	2005	2006	2007	2008
13,327,000	22,382,000	28,145,021	8,257,902	15,524,444	15,118,418	16,566,300

Annex 2 Detailed analysis of Interim Evaluation Reports

2.1 Overall assessment

The IERs provide, on a sectoral basis, performance ratings of programs financed by EC pre-accession funds that are implemented in Turkey. Table 2.1 provides the average rating per evaluation criterion of the performance ratings of the 67 Twinning projects.¹

Table 0.1 Average performance ratings per evaluation criterion and per sector

	Nr of projects		Relevance	Efficiency	Effectiveness	Impact	Sustainability
	total	rated					
Average score	91	67	1.07	0.28	0.90	0.79	0.86
Per sector							
Justice and Home Affairs	30	20	Above (1.15)	Substantially above (0.6)	Below (0.8)	Below (0.7)	Above (0.95)
Environment, Energy and Transport	21	15	Below (0.75)	Above (0.42)	Substantially above (1.42)	Above (1.08)	Substantially above (1.33)
Finance and Statistics	16	12	Substantially above (1.6)	On average (0.3)	Above (1.2)	Substantially above (1.2)	Above (1.1)
Agriculture and Fisheries	10	8	Substantially below (0.57)	Substantially below (-0.42)	Substantially below (0.14)	Substantially below (0.28)	Substantially below (-0.14)
Internal Market and Certification	11	10	Above (1.14)	On average (0.28)	Below (0.57)	Above (1.0)	Above (1.14)
Social Sectors	3	2	Below (1.0)	Substantially below (-1.5)	Above (1.0)	Substantially below (-1.0)	Substantially below (-1)

Below, we will provide more detail on each of the criteria and detail per sector.

¹ Table 2.1 is based on the figures in annex 4 and annex 5. Annex 4 provides an overview of the performance ratings of 65 programs that included a Twinning component. Annex 5 provides various more detailed analytical tables derived from the overall table in annex 4.

Relevance

Table 2.1 shows that the criterion relevance is rated highest among the five criteria with an average total score of 1.07 (between moderately satisfactory and satisfactory). This finding is confirmed by the interviews (see Annex 7).

With regard to the ratings per sector, we can derive from Table 2.1 that:

- projects in the sector ‘Finance and Statistics’ are rated substantially more relevant than the average Twinning project in Turkey.
- projects in the sector ‘Agriculture and Fisheries’ are rated substantially less relevant than the average Twinning project in Turkey.

Efficiency

Table 2.1 shows that the criterion ‘efficiency’ is rated lowest among the five criteria with an average score of 0.28 (between barely satisfactory and moderately satisfactory and satisfactory).

With regard to the ratings per sector, we can derive from Table 2.1 that:

- projects in the sector ‘Justice and Home Affairs’ are rated substantially more efficient than the average Twinning project in Turkey.
- projects in the sectors ‘Agriculture and Fisheries’ and ‘Social Sectors’ are rated substantially less efficient than the average Twinning project in Turkey.

Effectiveness

Table 2.1 shows that the criterion ‘effectiveness’ is rated on average as moderately satisfactory (rating of 0.90).

With regard to the ratings per sector, we can derive from Table 2.1 that:

- projects in the sector ‘Environment, Energy and Transport’ are rated substantially more effective than the average Twinning project in Turkey.
- projects in the sector ‘Agriculture and Fisheries’ are rated to be substantially less effective than the average Twinning project in Turkey.

Impact

Table 2.1 shows that the criterion ‘impact’ is rated on average close to be ‘moderately satisfactory’ with an average score of 0.79.

With regard to the ratings per sector, we can derive from Table 2.1 that:

- projects in the sector ‘Finance and Statistics’ are rated to have substantially more impact than the average Twinning project in Turkey.
- projects in the sectors ‘Agriculture and Fisheries’ and ‘Social Sectors’ are rated to have substantially less impact than the average Twinning project in Turkey.

Sustainability

Table 2.1 shows that the criterion ‘sustainability’ is rated on average as ‘moderately satisfactory’ (performance rating of 0.86).

With regard to the ratings per sector, we can derive from Table 2.1 that:

- projects in the sector ‘Environment, Energy and Transport’ are rated to be substantially more sustainable than the average Twinning project in Turkey.
- projects in the sectors ‘Agriculture and Fisheries’ and ‘Social Sectors’ are rated to be substantially less sustainable than the average Twinning project in Turkey.

Justice and Home Affairs

With 30 projects, the sector Justice and Home Affairs makes most use of the Twinning instrument. Compared to other sectors, the relevance and efficiency of the Twinning projects is high. However, the effectiveness, impact and sustainability of the Twinning projects are below average.

Environment, Energy and Transport

Environment, Energy and Transport is the second largest sector for the use of the Twinning instrument. Although it scores below average on the criterion ‘relevance’, Twinning projects in this sector perform (substantially) above average with regard to the other criteria.

Finance and Statistics

Except for the criterion ‘efficiency’ (on which performance is similar to other sectors), Twinning projects in the sector Finance and Statistics perform better than the average Twinning projects in other sectors.

Agriculture and Fisheries

The implementation of Twinning in the sector ‘agriculture and fisheries’ appears to be troublesome. On all criteria, Twinning projects in this sector perform substantially below average.

Internal market and standardization

With regard to the use of the Twinning instrument in the sector ‘Internal market and certification’, no specific issues stand out from the analysis. On all criteria, the Twinning projects in this sector perform in line with the average.

Social sectors

The small number of projects in the Social Sectors prevents firm conclusions on the use of the Twinning instrument. On the basis of the performance of only two projects that were concluded in this sector, the Twinning instrument appears to perform less successful in this sector than in other sectors.

2.2 Performance ratings per project

This section presents the results of the analysis of the Interim Evaluation Reports (IERS) per sector. On the basis of the available IERS, we have been able to retrieve the scores of 65 Twinning projects on the evaluation criteria.

In using the IERS as basis for an overall assessment of the Twinning instrument in Turkey, we note the following methodological caveats:

1. Performance ratings in the IERs are given to programs that consist of more than one component. For example, a program TR0203.02 'Enhancement of safety of maritime transport' consists of three components: a Twinning project, a TA project and a Supply contract. The rating covers all components and does not isolate the performance of the Twinning project. Nevertheless, in our methodology, we use the performance rating of the program as the best possible indicator of the performance of the Twinning component.
2. In some cases, a program contains more than one Twinning components. For example, TR0402.09 contains a Twinning project dedicated to 'Harmonization and Implementation of EC Directives related to Special Waste' and a Twinning project dedicated to 'Harmonization and Implementation of EC Directives related to Noise Management'. In such cases, we use the performance rating included in IER only one time. For this reason, the 65 Twinning projects rated by the IERs have resulted into 58 performance ratings included in our analysis.
3. The performance rating has been adjusted in the period under consideration from a five point scale to a seven point scale. In our approach we have used the seven point scale and converged the scores of the five point scale.²
4. Most projects have been rated by IERs on an annual basis. In many cases, the performance ratings vary between the years. We have made use of the latest IER that includes a performance rating as these ratings should include the most actual progress in project implementation.

² In the reports published until 2005, the following scale was applied: -2 (highly unsatisfactory), -1 (unsatisfactory), 0 (barely satisfactory), +1 (satisfactory), +2 (highly satisfactory). In the reports published after 2005, the following scale was applied: -3 (highly unsatisfactory), -2 (unsatisfactory), -1 (moderately unsatisfactory), 0 (neutral), +1 (moderately satisfactory), +2 (satisfactory), +3 (highly satisfactory).

Projects in the domain of Justice and Home affairs

No	EC code	Title	Relevance	Efficiency	Effectiveness	Impact	Sustainability	Total
1	TR0201.01	Improvement of statement taking methods and Statement Taking Rooms in the Republic of Turkey	+2	+2	+2	+2	+2	+10
2	TR0204.01	Support for the development of an Action Plan to implement Turkey's integrated border management strategy	+2	-2	0	0	0	0
3	TR0204.02	Support for the development of an Action Plan to implement Turkey's asylum and migration strategy	+2	0	+2	0	+2	+6
4	TR0204.03	Establishment of a National Drugs Monitoring Centre (Reitox Focal Point) and development of a National Drugs Strategy	+2	+2	0	0	0	+4
5	TR0204.04	Strengthening the fight against money laundering	0	-2	-2	0	+2	-2
6	TR0204.05	Strengthening the fight against organised crime	+2	+2	0	0	0	+4
7	TR0301.01	Strengthening the Accountability, Efficiency and Effectiveness of the Turkish National Police	0	+2	+2	0	0	+4
8	TR0304.01	Strengthening the Police Forensic Capacity	+2	+2	+2	+2	+2	+10
9	TR0304.02	Strengthening Institutions in the Fight against Trafficking in Human Beings	+2	0	+2	+2	+2	+8
10	TR0304.03	Strengthening the struggle against money laundering, financial sources of crime and the financing of terrorism	+2	+2	+2	+2	+2	+10
11	TR0304.04	Visa policy and practice	+2	+2	+2	+2	+2	+10
12	TR0401.02	Support to the establishment of Courts of Appeal	+2	+2	+2	0	+2	+8
13	TR0401.05	Ombudsman	-2	-3	-3	-3	-3	-14
14	TR0404.02	Development of Probation Services in Turkey	+2	0	+2	+2	+2	+2
15	TR0404.03	Enhancement of the professionalism of the Turkish Gendarmerie in its law enforcement activities	-1	+1	+1	+1	+1	+3

16	TR0404.04	Development of a Training System for Border Police	+1	+1	+1	+1	+1	+5
17	TR0501.05	An Independent Police Complaints Commission & Complaints system for the Turkish National Police and Gendarmerie	-1	-1	-1	+1	-2	-4
18	TR0601.01	Support to the set up an Asylum and Country of Origin Information (COI) System	+1	+1	+1	+1	+1	+5
19	TR0601.03	Training of Gendarmerie Officers on European Human Rights Standards	+1	-1	-1	-1	+1	-1
20	TR0603.05	Strengthening the Capacity of Turkish Grand National Assembly (TGNA)	+2	+2	+2	+2	+2	10
21	TR0603.08	Support to the Turkish Police in the Enforcement of Intellectual and Industrial Property Rights						
22	TR0701.01	Development Work with Juveniles and Victims by the Turkish Probation Service						
23	TR0702.19	Strengthening the Turkish National Monitoring Center for Drugs and Drugs Addiction						
24	TR0702.17	The establishment of reception, screening and accommodation centres for refugees/asylum seekers						
25	TR0702.15	Action Plan on Integrated Border Management						
26	TR0702.16	Support to Turkey's Capacity in Combating Illegal Migration and Establishment of Removal Centers for Illegal Migrants						
27		Improving the Skills of Forensic Experts						
28		Training of Border Police						
29		Strengthening the Investigation Capacity of Turkish National Police and Gendarmerie Against Organised Crime						
30		Action Plan on Integrated Border Management-Phase 2						

Projects in the domain of Environment, energy and transport

No	EC-code	Title	Relevance	Efficiency	Effectiveness	Impact	Sustainability	Total
1	TR0203.03	Capacity building in the field of environment for Turkey	+2	+2	+2	+2	+2	+10
2	TR0202.01	Institutional Strengthening of the Energy Market Regulatory Authority (EMRA)	0	-2	-2	0	0	-4
3	TR0203.02	Support to the enhancement of the safety of maritime transport in Turkey	+2	+2	+3	+2	+2	11
4	TR0302.03	Air quality, chemicals, waste: Component Air Quality	+2	0	+2	+2	+2	+8
5		Air quality, chemicals, waste: Component Waste						
6	TR0303.06	Improvement of Energy Efficiency in Turkey	+2	0	+2	0	0	+4
7	TR0303.07	Turkish Rail Sector Re-Structuring and Strengthening	+2	0	+2	+2	+2	+8
8	TR0402.09	Harmonization and Implementation of EC Directives related to Special Waste	-1	-1	+2	+1	+1	+2
9		Harmonization and Implementation of EC Directives related to Noise Management						
10	TR0402.10	Harmonization and Implementation of the Directive on Biocidal Products	-1	+1	+1	+1	+1	+3
11		Strengthening the Ministry of Health to harmonise and implement legislation in the field of water for public health protection						
12	TR0403.08	Assistance to the Turkish Road Transport Sector	-1	-1	-1	-1	+1	-3
13	TR0503.09	Improvement of Maritime Safety in Ports and Coastal Areas in Turkey	-1	+1	+2	+2	+1	+5
14	TR0603.04	Water Sector Capacity Building	+2	+1	+2	+1	+2	8
15	TR0603.03	Improvement of the Conditions for Cross Border Electricity Trade in Turkey in Compliance with the Best Practice in EU	+1	+2	+2	+2	+2	9

16	TR0702.06	Capacity Strengthening and Support of Implementation of Nitrate Directive in Turkey						
17	TR0702.07	Institution Building on Air Quality in the Marmara Region						
18		Environment and Countryside under IPARD						
19		Improving Emissions Control						
20		IPPC-Integrated Pollution Prevention and Control						
21		Mining Waste Management						

Projects in the domain of Finance and statistics

No	EC-code	Title	Relevance	Efficiency	Effectiveness	Impact	Sustainability	Total
1	TR0202.03	Reinforcement of Institutional Capacity of the Directorate General for State Aids in the Undersecretariat of State Planning Organisation	+2	-3	-2	0	0	-3
2	TR0302.04	Alignment of the Turkish Public Internal Financial Control System with International Standards and EU's Practices	+2	0	+2	+2	+2	+8
3	TR0302.05	Strengthening the Audit Capacity of the Turkish Court of Accounts	+2	+2	+2	+3	+2	+11
4	TR0302.07	Strengthening the Public Procurement System in Turkey	+2	+2	+2	-2	0	+4
5	TR0303.08	Setting up a well-equipped Investment Promotion Agency to fulfill promotion functions	-2	0	0	0	0	-2
6	TR0305.01	Support to the State Planning Organization General Directorate for Regional Development and structural adjustment for strengthening institutional capacity	+2	+2	+2	+2	0	+8
7	TR0402.06	Assisting the Capital Markets Board of Turkey (CMB) to comply fully with EU capital markets standards	+2	+2	+3	+3	+2	+12
8	TR0403.02	Tax Administration Capacity Building	+2	-1	+1	+1	+1	+4
9	TR0503.15	Capacity building for the compilation of accounting data in all institutions and agencies within general government sector in the context of e-government	+2	+1	+1	+1	+2	+7
10	TR0603.07	Modernisation of the Turkish Customs Administration III - NTCS Component	+2	-2	+1	+2	+2	+5
11		Modernisation of the Turkish Administration – ITMS Component						
12		"Capacity Building Component" of Modernisation of Turkish Customs Administration III						

13	TR0702.14	Supporting Turkey for Enhancing Implementation and Enforcement of Industrial Property Rights						
14	TR0702.09	Strengthening the public financial management and control						
15		Improving data quality in public accounts						
16		Decision making and performance management in Public Finance						

Projects in the domain of Agriculture and Fisheries

No	EC-code	Title	Relevance	Efficiency	Effectiveness	Impact	Sustainability	Total
1	TR0203.05	Support for the alignment of Turkey to the EU veterinary acquis	+2	0	+2	+2	0	+6
2	TR0203.06	Support for the alignment to the EU acquis in the phytosanitary sector	+2	0	+2	+2	-2	+4
3	TR0303.02	Fisheries sector - legal and institutional alignment to the EU acquis	0	-2	0	-2	-2	-6
4	TR04IBAG01	Strengthening the administrative capacity for the effective implementation of Rural Development Plan	?	?	?	?	?	?
5	TR0403.03	Restructuring and Strengthening of the Food Safety and Control System in Turkey	-2	-3	-3	-2	0	-10
6	TR0503.05	Establishment of an IPA Rural Development Agency	+1	+2	+1	+2	+2	+8
7	TR060301	Establishment of a Pilot Turkish Farm Accountancy Data Network (FADN)	+2	+1	+1	+1	+1	+6
8	TR0603.09	Development of the seed sector in Turkey and alignment to the EU	-1	-1	-2	-1	-1	-6
9	TR0702.02	Introduction of Stock Assessment to Fisheries Management System of Turkey						
10	TR0702.01	Plant Passport System and Registration of Operators						

Projects in the domain of Internal market and certification

No	EC-code	Title	Relevance	Efficiency	Effectiveness	Impact	Sustainability	Total
1	TR 0302.01	Support to the Turkish Conformity Assessment Bodies and the Ministry of Industry and Trade in the implementation of some New Approach Directives	+2	+2	+2	+2	+2	+10
2	TR 0403.01	Customs Modernisation Project II	+2	0	0	+2	+2	+6
	TR04.02.02	Strengthening the capacity of Turkish Ministries for market surveillance in selected areas	+1	-1	+1	+2	+2	+5
3		Component 1 Market Surveillance Support Textiles and Other Products						
4		Component 2 Market Surveillance Support Medical Devices						
5		Component 3 Market Surveillance Support Personal Protective Equipment						
6		Component 4 Market Surveillance Support on Construction Products						
7	TR0402.03	Harmonise and implement legislation in the field of Good Laboratory Practice for Non Clinical Health and Environmental Protection	+2	+1	+1	+1	+1	+6
8	TR0402.04	Support to Turkey's efforts in the full alignment and enforcement in field of intellectual property rights focusing on fight against piracy	+2	-1	+1	+2	+1	+5
9	TR0402.05	Strengthening of the capacity of Turkey in its efforts in the full alignment, enforcement and implementation of Consumer Protection	0	+2	0	0	+2	4
10	TR0503.01	Reinforcement of Institutional Capacity for Establishing a Product Safety System in Turkey	-1	-1	-1	-2	-2	-7
11		Strengthening the Capital Markets Board						

Projects in the domain of Social sectors

No	EC-code	Title	Relevance	Efficiency	Effectiveness	Impact	Sustainability	Total
1	TR0501.06	Promoting Gender Equality	+1	-2	+1	-1	-1	-2
2	TR0603.10	Improving Labour Inspection System	+1	-1	+1	-1	-1	-1
3	TR/2005/IB/SO/01	Promoting Gender Equality in Working Life						

2.3 Analysis per criterion and sector

Relevance

Table 0.1 Average rating on the criterion 'relevance'

IE Ratings	Number of Projects	Weighted
-3	0	0
-2	3	-6
-1	8	-8
0	5	0
1	8	8
2	34	68
3	0	0
Sum	58	62
Average		1,07
Proj.>Av.	34	59%
Proj.<Av.	24	28%

Table 0.2 Average ratings on 'relevance' per sector

	Total of scores	Total projects	Average per sector	Total average	Deviation from average
Justice and Home Affairs	23	20	1.15	1.07	Above
Environment, Energy and Transport	9	12	0.75	1.07	Below
Finance and Statistics	16	10	1.6	1.07	Substantially above
Agriculture and Fisheries	4	7	0.57	1.07	Substantially below
Internal Market and Certification	8	7	1.14	1.07	Above
Social Sectors	2	2	1	1.07	Below
Total	62	58	1.07		

II. Efficiency

Table 0.3 Average rating on the criterion 'efficiency'

IE Ratings	Number of Projects	weighted
-3	3	-9
-2	6	-12
-1	10	-10
0	10	0
1	9	9
2	20	40

3	0	0
Sum	58	18
Average		0,31
Proj.>Av.	29	50%
Proj.<Av.	29	33%

Table 0.4 Average ratings on 'efficiency' per sector

	Total of scores	Total projects	Average per sector	Total average	Deviation from average
Justice and Home Affairs	12	20	0.6	0.28	Substantially above
Environment, Energy and Transport	5	12	0.42	0.28	Above
Finance and Statistics	3	10	0.3	0.28	On average
Agriculture and Fisheries	-3	7	-0.42	0.28	Substantially below
Internal Market and Certification	2	7	0.28	0.28	On average
Social Sectors	-3	2	-1.5	0.28	Substantially below
Total	16	58	0.28		

III. Effectiveness

Table 0.5 Average rating on the criterion 'effectiveness'

IE Ratings	Number of Projects	weighted
-3	2	-6
-2	4	-8
-1	4	-4
0	8	0
1	14	14
2	24	48
3	2	6
Sum	58	50
Average		0,86
Proj.>Av.	40	45%
Proj.<Av.	18	31%

Table 0.6 Average ratings on 'effectiveness' per sector

	Total of scores	Total projects	Average per sector	Total average	Deviation from average
Justice and Home Affairs	16	20	0.8	0.90	Below

Environment, Energy and Transport	17	12	1.42	0.90	Substantially above
Finance and Statistics	12	10	1.2	0.90	Above
Agriculture and Fisheries	1	7	0.14	0.90	Substantially below
Internal Market and Certification	4	7	0.57	0.90	Below
Social Sectors	2	2	1	0.90	Above
Total	52	58	0.90		

IV. Impact

Table 0.7 Average rating on the criterion 'impact'

IE Ratings	Number of Projects	weighted
-3	1	-3
-2	4	-8
-1	5	-5
0	12	0
1	11	11
2	23	46
3	2	6
Sum	58	47
Average		0,81
Proj.>Av.	36	43%
Proj.<Av.	22	38%

Table 0.8 Average ratings on 'impact' per sector

Impact	Total of scores	Total projects	Average per sector	Total average	Deviation from average
Justice and Home Affairs	14	20	0.7	0.79	Below
Environment, Energy and Transport	13	12	1.08	0.79	Above
Finance and Statistics	12	10	1.2	0.79	Substantially above
Agriculture and Fisheries	2	7	0.28	0.79	Substantially below
Internal Market and Certification	7	7	1	0.79	Above
Social Sectors	-2	2	-1	0.79	Substantially below
Total	46	58	0.79		

V. Sustainability

Table 0.9 Average rating on the criterion 'sustainability'

IE Ratings	Number of Projects	weighted
-3	1	-3
-2	4	-8
-1	3	-3
0	12	0
1	12	12
2	26	52
3	0	0
Sum	58	50
Average		0,86
Proj.>Av.	38	45%
Proj.<Av.	20	34%

Table 0.10 Average ratings on 'sustainability' per sector

Sustainability	Total of scores	Total projects	Average per sector	Total average	Deviation from average
Justice and Home Affairs	19	20	0.95	0.86	Above
Environment, Energy and Transport	16	12	1.33	0.86	Substantially above
Finance and Statistics	11	10	1.1	0.86	Above
Agriculture and Fisheries	-2	7	-0.14	0.86	Substantially below
Internal Market and Certification	8	7	1.14	0.86	Above
Social Sectors	-2	2	-1	0.86	Substantially below
Total	50	58	0.86		

2.4 List of Interim Evaluation Reports

Interim Evaluation Report	Sector	Publication date
R/TR/REG/03.001	Regional Development and Cross-Border Co-operation	June 2003
R/TR/SOC/03.002	Social Sector	Oct 2003
R/TR/EBD/03.003	Economic and Business Development	Aug 2003
R/TR/INT/03.004	Internal Market, Customs,	Oct 2003

	Agriculture	
R/TR/PAD/03.005	Strengthening Administrative Capacity	Nov 2003
R/TR/JHA/03.006	Justice and Home Affairs	Nov 2003
R/TR/CIV/03.007	Civil Society Development	Nov 2003
R/TR/INF/03.008	Infrastructure, Energy, Telecommunication, Transportation and Environment	Nov 2003
R/TR/REG/04.001	Regional Development and Cross-Border Co-operation	May 2004
R/TR/SOC/04.002	Social Sector	June 2004
R/TR/EBD/04.003	Economic and Business Development	July 2004
R/TR/PAD/04.005	Administrative Capacity Building and Civil Society Development	Oct 2004
R/TR/INT/04.006	Internal Market, Customs Union, Agriculture	Nov 2004
R/TR/JHA/04.007	Justice and Home Affairs	Dec 2004
R/TR/ESC/05.001	Economic and Social Cohesion	May 2005
R/TR/SOC/05.002	Social Development	July 2005
R/TR/INT/05.003	Internal Market, Customs Union, Agriculture	Sept 2005
R/TR/PAD/05.004	Administrative Capacity Building and Civil Society Development	Oct 2005
R/TR/JHA/05.005	Justice and Home Affairs	Nov 2005
R/TR/INF/05.006	Infrastructure, Energy, Telecommunication, Transportation and Environment	Dec 2005
R/TR/ESC/06.001	Economic & Social Cohesion	May 2006
R/TR/SOC/06.002	Social Development	June 2006
R/TR/INT/06.003	Internal Market Customs Union Agriculture	July 2006
R/TR/PAD/06.004	Administrative Capacity Building & Civil Society Development	Nov 2007
R/TR/JLS/06.005	Justice, Liberty & Security	Nov 2006
R/TR/INF/06.006	Infrastructure, Energy, Telecommunication, Transport and Environment	March 2007
R/TR/ESC/07.001	Economic and Social Cohesion	April 2007
R/TR/POL/0702	Political Criteria	Sept 2008
R/TR/INT/0703	Internal Market	April 2008
R/TR/PUB/0801	Public Finance	Nov 2008
R/TR/ENV/0802	Environment	Sept 2008
R/TR/TRA/0803	Transport	May 2008
R/TR/REG/0804	Regional Competitiveness	Nov 2008
R/TR/HRD/0805	Human Resources Development	Nov 2008
R/TR/CBC/0806	Cross Border Cooperation	Oct 2008
R/TR/CSD/08.07	Civil Society Dialogue	May 2009
R/TR/RD/0808	Rural Development	Nov 2008
R/TR/POL/0901	Political Criteria	May 2009

Annex 3 Interview Reports

The following interviews have been conducted:

Institution	Interviewee	Reference
EUSG	Mr. Osman DUZEL	Interview report (i)
CFCU	Ms. Sureyya ERKAN	Interview report (ii)
EU Delegation	Social sector: Numan Ozcan, Zeynep Aydemir, Figen Tunckanat Finance: Guray Vural Justice: Ayse Nur Onsoy, Burce Ari, Gamze Kösekahya, Banur Ozaydin, Kimmo Elomaa, Alessandro Budai Agriculture: Nermin Kahraman Int. Market: Frederic Misrahi Environment: Gürdogar Sarigül	Interview report (iii)
DG ELARG	Mr. Martin Kern Mr. Paolo M. Gozzi	Interview report (iv)

INTERVIEW REPORT (i)

Interviewee : Mr. Osman DUZEL
Institution : EUSG
Date and Place: 23.03.2010 / Ankara – Turkey

RELEVANCE:

1.1 What constitutes **good practice** in identifying Twinning projects and to what extent is it ensured in Turkish Twinning projects?

- Even though there has been some lack of good identification at the beginning, it has been much effective now.
- The institutionalization contributes to identification of the projects.
- Coordination among institutions (btw. EUSG, CFCU, EUD and the beneficiaries) supports the identification process.
- The beneficiaries has built up capacity for this purpose (e.g. Gnl Directorate Security has established a new department for Tw. projects)
- The National Plan and *Acquis* and this is to be done have become clear for the beneficiaries over time.
- Mostly no problem in relevance. All of the projects identified have strong relevance.
- The beneficiaries are having some difficulties in preparing the PFs. Still, more than 100-120 PFs are prepared every year; and almost half of them are not selected.
- Trainings have been given to the beneficiaries for identification and preparation of EU projects.

1.2 Has the underlying **strategic rationale and design** of Twinning assistance been appropriate for Turkey, at programme / sectoral level?

- Very good in terms of financial and institutional assistance at the central level during the accession period.
- In general, very appropriate, but there are case where it does not fit into especially where high expertise is necessary which could be efficiently provided by TA.
- (For example, a MS which has a federal structure could not be very effective when their expert is only familiar with only one state of the whole MS; since the country has a centralized structure; it has a different administrative structure. This has to be considered in the design of the TW projects)

1.3 Is the interaction between **key stakeholders** (beneficiary institutions, EUD, DG ELARG and Resident Twinning Advisors) adequate and performing efficiently to ensure successful programming of Twinning?

- EUSG is the coordinating institution, which has more roles since two years, than before.
- EUSG has been building up its capacity, which requires more staff to be fully efficient (limited staff).
- There are formal and informal channels for communication. (e.g. EUSG follows up the beneficiaries formally, as well as informally (e-mail groups) to support them at all

stages of the TW programming and implementation.) Beyond written communication, face to face meetings contribute to the coordination.

- The roles of EUD, EUSG, CFCU and the beneficiaries are defined, which contributes to coordination.
- There are predefined coordination mechanisms, such as Kick-off meeting organized by EUSG and participated by EUD; CFCU, the beneficiary and the relevant stakeholders; Selection Committee meetings, Steering Committee meetings, Monitoring meetings, etc.
- Monitoring and reporting contribute to the coordination among key stakeholders.
- Interaction with the RTAs could be sometimes not very fluent, based on their management capacity (beside from their expertise), their language, their willingness to communicate, etc. In turn, these factors are also valid for the RTA counterpart to have a fluent communication first among themselves, then, among other key stakeholders.
- DG ELARGE participates in some of the meetings, which also provide approval to the main issues such as the selection of the MS for TW., or extension of the contracts (which takes much time in some cases). EUD supports communication with ELARG.

1.4 Has Twinning been used in the circumstances foreseen in the Commission's Twinning Manual?

- The TW Manual is fully/strictly followed by all the stakeholders.
- EUSG gives training every year to the beneficiaries for PF preparation and implementation TW projects.
- CFCU gives Contracting and Implementations training for each TW project, before it starts, to the beneficiaries and the MS RTA and the project staff.
- Manual is translated into Turkish and available in the web site of EUSG.
- If any amendment or revision is done to the Manual, it is transmitted by EUSG to the beneficiaries and the RTAs on time, when necessary with explanation.
- RTA Manual is prepared for the RTA coming to Turkey for their horizontal operations such as tax exemption issues, work permits, etc.; this manual is translated into English. The Manual has been revised in 2009.

1.5 Are there certain sectors or Accession partnership fields in Turkey where Twinning could be an adequate tool but is **not used**?

- There must be still several areas where TW projects could be developed within the defined sectors.
- Some sectors have been very keen on preparing and implementing the TW projects such as the Environment sector and the Justice and Home Affairs sector. The ministries and institutions within these sectors have also developed capacity within these years substantially. They have established EU departments with sufficient staff with English language knowledge.
- The Agriculture sector could not conduct more projects due to the low language capacity of their staff/experts.
- There are some sector where there is no need for TW programming, such as "competition" where the Competition Law enforced recently is compatible with the *Aquis*, the Competition Board is fully in charge of the enforcement.

- More projects could be prepared in Environment sector.

EFFICIENCY:

2.1 Could the same results and impacts be achieved more **cost effectively**?

- Most of the budget items and the total amounts are similar.
- It seems that the Ministries have some difficulty in their expenditures if their contribution to the expenditures are not included their own budgets as well.
- Some of the study visits to which the project staff, RTA or MS experts participated could be more carefully selected.

2.2 Is the selection of Twinning (as opposed to any other instrument such as TA or Direct Agreements) adequately **assessed and justified**?

- There is a predefined selection procedure, in which since two years EUSG has been more effective.
- The time limitations and other rules are followed during the selection procedure.
- The final decision is given by the beneficiary.
- The MSs present their offers
- If there is little number of offers, then the selection is much difficult. (especially when MS with similar administrative structures do not offer)
- The RTAs make presentations personally for their offers, but when they are selected, sometime the RTAs change.
- EUSG and CFCU are chairing the Evaluation meetings; EUD participates in the meeting; EUD presents the decision to ELARG which gives the final approval.
- Selection criteria are set and selection is done accordingly.
- Transparency is provided.
- Equal opportunity is given to the MS for their offers with the same procedures.

2.3 Are inputs / activities being efficiently transferred into the **planned outputs**?

- Improved over the period
- Dependent on the RTA and the beneficiary's work and coordination
- Dependent on the factors that are not controlled by the beneficiary such as Parliament decisions or ratification of new Laws or Law amendments.

2.4 Can **synergies** be identified between Twinning and other types of EC projects, and/or with projects funded by other donors?

- Some synergies created with other EU projects. For example: the TW project for patents and know How has created a synergy with the EU Health sector projects in legislation areas.
- Some synergies created with TAIEX projects (to benefit from experts in EU MS)

EFFECTIVENESS:

3.1 Has the Twinning support under evaluation achieved (or will likely to be achieved in case of the on-going projects) the **objectives** pursued?

Dependent on several factors, such as:

- Action Plans, rules, regulations etc to be accepted by the ministry and the government
- Decisions of the government; Parliament etc.
- Different interest groups that are not considered in the state centered TW projects, such as Associations or producers unions, etc that come up with different reactions to the new legislations or rules.
- Other sectors and other conditions effecting this sector

3.2 Is the **interaction** between key stakeholders adequate and performing efficiently to ensure successful implementation of Twinning?

- Different interest groups that are not considered in the state centered TW projects, such as Associations or producers unions, etc that come up with different reactions to the new legislations or rules.

3.3 Are the Turkish institutions adequately **planning** and successfully implementing Twinning projects?

- The plans are included in the contracts, which are to be followed
- Difficulties in timing sometimes
- Difficulties with reference to the availability of the RTA; change of RTA

3.4 Do the beneficiaries allocate enough **resources** for proper running of the IPA Twinning projects in Turkey? Are quality and quantity of resources allocated by both beneficiary and the Member State Twinning partner appropriate?

- The beneficiaries have sometimes problems in appointing staff to the project, who will be only responsible for the project. Most of the time RTA counterpart and the project staff are working at the project and their own jobs concurrently. For this reason, they lack sufficient time even though they have the responsibility and expertise to implement the activities.
- Some of the RTA has difficulties in English, and translation needs a lot of time and money.
- They mention about “EU Project Fatigue” at the end of the projects.

IMPACT:

4.1 To which extent have the outputs generated by assistance been translated into **results**?

Dependent on several factors, such as:

- Action Plans, rules, regulations etc to be accepted by the ministry and the government
- Decisions of the government; Parliament etc.

- Different interest groups that are not considered in the state centered TW projects, such as Associations or producers unions, etc that come up with different reactions to the new legislations or rules.
- Other sectors and other conditions effecting this sector

4.1 To which extent does Twinning act as a **catalyst** for wider organizational change in Turkey? What **lessons** can be learnt?

- Stimulates other EU projects in the same sector (e.g. in Undersecretariat of Customs)
- Stimulates the adaptation to *Acquis* during the accession period at all levels.
- Capacity building
- Awareness raising
- Inclusion of other stakeholders beside the state stakeholders.
- Public Relations improved by these TW projects w/in the country and w/in EU.
- Networking among stakeholders within the state institutions stimulated and improved. (e.g. GD Security and Gendarmerie)

4.2 Are there administrative and/or organisational **gaps** at beneficiary level which undermine the translation of outcomes into results?

- Very significant in some cases (such as Marine Security)
- Very different administrative structures among the MS and the country
- Cultural gaps among the RTA and the RTA counterpart, the project staff and the institution in their working.
- Access to local stakeholders limited.

SUSTAINABILITY:

5.1 Is there **continuity** in the reform process after the projects have been completed?

- Continuity is mostly achieved if the project is successfully implemented.
- Continuity is mostly achieved in soft regulations and rules such as Action Plans, Strategic Plans, etc.
- Achieved mostly in awareness raising
- Achieved in institutional building to some extent.(high turnover of the staff)

5.2 What is the level of **ownership** of outputs obtained and how are these outputs used by the beneficiaries?

- No problem in ownership if the project is implemented successfully
- New projects are identified, prepared and implemented.
- Lack of sufficient staff

5.3 Does **cooperation** between the beneficiary administration and the Member State adm. continue after the project has been completed?

- Depends on the relations during the project implementation
- Lessens by time
- Improves if new cooperations are achieved
- Some of the do not see each other at all afterwards, if they do not benefit.

5.4 Are there any prevailing significant **gaps in structures, systems and capacities** for future institutional and capacity building that undermine the sust. of the assistance?

- Significant in some cases (such as Marine Security)
- Very different administrative structures among the MS and the country
- Cultural gaps among the RTA and the RTA counterpart, the project staff and the institution in their implementations.

INTERVIEW REPORT (ii)

Interviewee : Ms. Sureyya ERKAN
Institution : CFCU
Date and Place : 25.03.2010 / Ankara – Turkey

RELEVANCE:

1.1 What constitutes good practice **in identifying** Twinning projects and to what extent is it ensured in Turkish Twinning projects?

- Not much problem in their relevance; those selected are almost all relevant as referred to in the National Plan

1.2 Has the underlying **strategic rationale and design** of Twinning assistance been appropriate for Turkey, at programme / sectoral level?

- As long as ownership is developed by both sides
- The rationale is appropriate since issues related to *Acquis* is the responsibility of the government and they benefit the experiences of a MS.

1.3 Is the interaction between **key stakeholders** (beneficiary institutions, EUD, DG ELARG and Resident Twinning Advisors) adequate and performing efficiently to ensure successful programming of Twinning?

- In general smooth interaction and cooperation
- Most of the responsibilities are defined in detail, which enables the follow-up of the procedures.
- Good coordination is reflected upon the TW project itself. The ministry or government institution needs assistance or guidance from PF writing, selection of the MS to contracting and implementation. This is provided by EUD, EUSG and CFCU mostly.
- These stakeholders have a complementary role, which can be thought as one body supporting the MS and the government institution in the country.

1.4 Has Twinning been used in the circumstances foreseen in the Commission's **Twinning Manual**?

- Strictly followed; part of their life.
- The Manual is used starting from PF writing. (the Manual has a PF format in its Annex)
- “Kick-off Training” is given to the beneficiaries including the RTAs and the MS staff by EUD, EUSG and CFCU, right after the tendering stage, to enable the smooth running of the procedures as per the Manual. This training is organised for each project separately.
- Training is also given by EUSG before tendering.
- CFCU is giving training for TW Contracting and Budgeting
- Capacity developed especially since 2006, so fewer problems in implementations with respect to the Manual. Problems or misunderstanding occurred previously, but much less now.

1.5 Are there certain sectors or Accession partnership fields in Turkey where Twinning could be an adequate tool but is **not used**?

- n/a

EFFICIENCY:

2.1 Could the same results and impacts be achieved more **cost effectively**?

- Not much problem in cost effectiveness
- Budgets are controlled by CFCU and revised when necessary
- There is no procurement, but mostly HR and training expenditures necessary for the results according to the PF
- Sometimes, the beneficiary wants to change the expenditures, and then PF is amended.

2.2 Is the selection of Twinning (as opposed to any other instrument such as TA or Direct Agreements) adequately **assessed and justified**?

- Up to 2008, the EUD conducted the selection process and approved by Headquarters in Brussels.
- Since 2008, EUSG and CFCU are co-chairing the selection committee with the participation of EUD. The final decision is given by the beneficiary. This procedure is more efficient and effective in the DIS. The EUD submits the committee decision with its justification for the final approval the EU headquarters in Brussels.
- The selection is very hard, if the number of the offers is very limited. Sometimes the selection procedure takes a long time for this reason.

2.3 Are inputs / activities being efficiently transferred into the **planned outputs**?

- If the design is good, the RTA and the project teams have sufficient expertise and management capacity, and the external factors are in favour, then the outputs are mostly produced.
- Sometimes there are minor delays because of external factors
- Some delays occurred due to administrative factors.
- In one project, the beneficiary requested PF amendment in the second half of the contract.
- Some of the RTAs did not come after the contract is signed and the MS requested for a change and MS and the beneficiary decided on a new RTA (leading to delays in activities and producing the outputs) ; some of the RTAs wanted to go back before the contract has ended
- Some of the RTAs had language problem, which caused some delays in producing outputs while things are translated.

2.4 Can **synergies** be identified between Twinning and other types of EC projects, and/or with projects funded by other donors.?

- (Doesn't know others)

EFFECTIVENESS:

3.1 Has the Twinning support under evaluation achieved (or will likely to be achieved in case of the on-going projects) the objectives pursued?

3.2 Is the interaction between key stakeholders adequate and performing efficiently to ensure successful implementation of Twinning?

- Mostly yes

3.3 Are the Turkish institutions adequately **planning** and successfully **implementing** Twinning projects?

- Some of them very good such as the Ministry of Environment and Ministry of Justice and home Affairs.
- Some of them having problems especially if the RTA also does not support them in planning and implementation and/or if the staff is not sufficient
- Some amendments and delays occur; but improved a lot over time.

3.4 Do the beneficiaries allocate enough **resources** for proper running of the IPA Twinning projects in Turkey? Are quality and quantity of resources allocated by both beneficiary and the Member State Twinning partner appropriate?

- HR is very important. Some of the beneficiaries have established specific departments for TW, while others lack of sufficient number of staff and having language problems.

IMPACT:

4.1 To which extent have the outputs generated by assistance been translated into **results**?

- If there are strict conditionalities in the PF that are dependent on external factors, then the impact is dependent on these external factors. For example, action plans to be approved by the government, legislation to be ratified by the Parliament, etc.

4.2 To which extent does Twinning act as a **catalyst** for wider organisational change in Turkey? What **lessons** can be learnt?

- A good instrument if utilised effectively.
- Improves the capacity of the ministries
- Improves the interaction of the beneficiaries with other experts in the MSs
- Stimulates new projects

4. Are there administrative and/or organisational **gaps** at beneficiary level which undermine the translation of outcomes into results?

- Administrative structures of some of the MSs are different.

SUSTAINABILITY:

5.1 Is there **continuity** in the reform process after the projects have been completed?

5.2 What is the level of **ownership** of outputs obtained and how are these outputs used by the beneficiaries?

- Ownership is an important factor in sustainability

5.3 Does **cooperation** between the beneficiary administration and the Member State adm. continue after the project has been completed?

5.4 Are there any prevailing significant **gaps in structures, systems and capacities** for future institutional and capacity building that undermine the sust. of the assistance ?

INTERVIEW REPORT (iii)

Institution	: EUD Turkey
Interviewees	:
Social sector	: Numan Ozcan, Zeynep Aydemir, Figen Tunckanat
Finance	: Guray Vural
Justice	: Ayse Nur Onsoy, Burce Ari, Gamze Kösekahya, Banur Ozaydin, Kimmo Elomaa, Alessandro Budai
Agriculture	: Nermin Kahraman
Int. Market	: Frederic Misrahi
Environment	: Gürdogar Sarigül

Date and Place: 24 + 25.03.2010 / Ankara – Turkey

Strengths/Factors affecting Twinning assistance **positively**:

- **Relevance / design:** Well targeted (acquis alignment, training, establishment of structures/systems); Preferred particularly when acquis alignment is the purpose of the project. Both sides (beneficiary and Twinning partner) are institutions of similar nature and this facilitates a better understanding of the issues addressed. Twinning tends to be more successful when focusing on the establishment of new systems (it is more difficult to change existing structures/systems).
- **Efficiency:** MS backstopping very important success factor, especially with regard to mobilising short-term experts (and project accounting). Generally, this is a difficult issue, since the proposal includes large numbers of short term expert Cvs, however, their availability is very limited (with regard to the procedure, the inclusion of short term experts makes limited sense. Short term experts need to be included in the proposal and the quality of the offer is assessed, including an assessment of the short term expert Cvs, however, during implementation, the large majority of initially proposed experts is not available. This causes administrative obstacles, since a side letter is required to introduce a new expert). Networking between RTAs (on procedural and thematic issues) is very important to exchange experience – this works particularly well in the areas of environment and internal market, however, this is not ‘institutionalised’.
- **Effectiveness:** Twinning projects achieve higher levels of success in terms of anticipated results and impact when compared with TA. Joint preparation of twinning documents ensure higher level of adaptation by the beneficiary. A key outcome is enhanced beneficiary capacity for project development. One of the main factors facilitating effectiveness is the ‘diplomatic factor’. Beneficiary administrations tend to attach more importance to twinning than to technical assistance for respect of bilateral relations with the corresponding MS.
- **Sustainability:** Concrete outputs (e.g. guidelines) delivered and to be used for implementing EU standards, support sustainability. Numerous examples of the beneficiaries continuing cooperation with the MS partner after the project ends.

Activities are owned/supported by the corresponding MS embassies in Turkey. This is particularly successful in cases where the embassy has a specific sector official, e.g. the German Embassy has an agriculture official and therefore takes a more active interest in twinings in this sector (more in depth involvement than in cases where all twinings are covered by the same official, no matter the sector). The Dutch embassy is particularly active in the area of the environment with a specific bilateral funding instrument to initiate relations.

Weaknesses/Factors likely to affect Twinning assistance **negatively**:

- **Procedures:** Procedures for the design and implementation of twinning assignments are very work intensive for the EU Delegation (e.g. the reporting requirements are not considered efficient, twinning contract modifications require EC headquarter approval despite DIS). For the Environment sector, the EUD notes that it has complied for the last nine years with the requirement to send twinning report summaries to Brussels, however, there has never been any use of this information. There also seems to be room for improvement with regard to the selection process (e.g. the Twinning Committee decides on important issues despite its limited knowledge on specific twinning issues; the beneficiary does not know how to go about the assessment of twinning proposals, but mainly decides on the basis of previous experience with a specific MS / on the basis of previous MS lobbying efforts and not on the basis of the quality of the offer). Finally, twinning procedures appear to restrict the possibility to hire external experts (e.g. from the private sector to support twinning).
- **Efficiency:** Staff issues (MS and Beneficiary): Poor language capabilities (especially with regard to MS short-term experts and senior Beneficiary staff). Frequent staff changes in the beneficiary administration. Cultural issues very important, in particular with regard to the RTAs (many RTAs are excellent technical experts, however, not sufficiently sensitive to cultural differences). RTA efficiency often undermined by limited MS project leader involvement (especially in cases where the RTA is not from the project leader's institution). Risk of a low level of involvement of other stakeholders/partners. More experienced beneficiaries (with long-standing twinning experience) can be reticent to take on new twinning assignments, since the latter are considered more resource-intensive on the beneficiary. Projects sometimes suffer when components are shared among Twinning consortium partners. This leads to a general output not jointly prepared. The extension of project duration often causes difficulties with regard to MS staff retention (RTA no longer available). Generally, negative experience with sequencing of Twinning/TA/Supply components within one larger project – the tendency is now to design stand alone twinning assignments.
- If there are problems in a twinning project, it is more difficult to find a solution, since the MS and the beneficiary deal with problems in a very diplomatic way for fear of wider consequences in bilateral relations (in a service contract the consultant can be pushed by the EC or the beneficiary to solve a problem; this is not possible under twinning).

- The RTA emphasis on having the RTA assistant speak English as well as the language of the MS providing the twinning is not supported by the Delegation. This very much narrows down the selection of the RTA assistant with language more important than expertise.
- Beneficiaries still lack implementation experience despite many years of training provided by the EUSG (the quality of training delivered by the EUSG is probably rather poor). With regard to the position of the RTA, the beneficiaries often do not understand that this is mainly a management position – beneficiaries expect the RTA to bring all the required expertise and do not understand that the RTA draws on short term experts for specific expertise.
- Twinning affected by the economic crisis, with MS less willing to dedicate resources to new twinning assignments.
- **Effectiveness:** Legislative alignment can be taken only as far as drafting the legislation. Effectiveness limited in cases where technical training is involved, since MS experts might not have this expertise (this might be outsourced in the MS) ,e.g. in the environmental sector, water quality tests tend to be outsourced. Effectiveness at times affected by limited MS flexibility (e.g. MS insisting on ‘exporting’ its own model to Turkey without sufficient adaptation).

Basic Requirements for a successful Twinning:

- Qualified and experienced HR at beneficiary and Twinning partner side
- Commitment at beneficiary and Twinning partner side
- Good coordination among many institutions (interministerial and intergovernmental)
- Good provision of logistics (office, technical facilities, secretarial services/translation etc.)
- Beneficiary with previous Twinning experience (preferably)
- Cross-cultural dimensions and political dimensions to be carefully addressed

Good practices

- TR 06-IB-SO-01 Improving Labour Inspection System (despite management changes at beneficiary side) (Germany)
- TR04-IB-FI-01 Assisting the Capital Market Board of Turkey (CMB) to comply fully with EU capital market standards (Germany)
- TR04-IB-JH-03 Development of Probation Services (UK) (2 on our scale) . Currently the next project TR0701.01 Development Work with Juveniles and Victims by the Turkish Probation Services is ongoing (UK)
- TR 0304.04 Visa Policy and Practice
- Drugs and Drugs Addiction (2002 programming)
- TR02-IB-AG-01 Support to the Alignment of Turkey to the EU Vet Acquis (Germany)
- TR04-IB-EC-03 Market Surveillance Support Personal Productive Equipment (Finland)
- TR04-IB-EC-04 Market Surveillance Support on Construction Products (UK)
- TR04-IB-EN-03 Harmonization and implementation of the Directive on Biocidal Products

- TR0702.06 Capacity strengthening for the Nitrates Directive

Less successful projects

- TR02-JH-05 Strengthening Fight Against Money Laundering
- 2002 fighting organised crime
- TR0501.05 An Independent Police Complaints Commission and Complaints System for the for the TNP and Gendarmerie
- -TR 2004-IB-AG Restructuring and Strengthening of the Food Safety and Control System in Turkey
- 2007 Phytosanitary project
- TR05-IB-Ec-01 Reinforcement of Institutional Capacity for Establishing a Product Safety System in Turkey
- Market surveillance on medical devices
- TR02-EN-01 Nature protection component
- TR06-IB-EN-01 Water Sector Capacity Building
- Internal Market – Product Safety (05)

Annex 4 Sector reports

2.1 Justice and home affairs

2.1.1 Position of the sector in 2003

The following table presents an overview of Turkey's accession progress in 2003.

	Situation in 2003 (progress:+, no or limited progress:=)	2003 need for legal alignment (L) or institutional alignment (I)
Visa policy	+	L, I
Schengen	=	
External borders	+	
Migration and asylum	+	L, I
Police cooperation and fight against organised crime	+	I
Fight against terrorism	+	L
Fight against fraud and corruption	+	L, I
Fight against drugs	=	L
Money laundering	+	L
Customs co-operation	+	I
Judicial cooperation in criminal and civil matters	+	L, I
Human rights instruments	+	L
Data protection	=	L, I

Source: EC 2003 Regular Report on Turkey's progress towards accession (Chapter 24 'Co-operation in the field of justice and home affairs')

Need for legislative alignment

The EC's 2003 Regular Report on Turkey's progress towards accession (Chapter 24 Co-operation in the field of justice and home affairs) assesses progress in 13 specific areas. Whilst for most of these, some progress is reported, three areas stand out for limited or no progress, namely Schengen, the fight against drugs and data protection. For nine areas, the report emphasises the need for further legal alignment (in five cases, the need for legal alignment stands in parallel to a need for institutional alignment). The report's overall positive tone on progress in 2003 is noteworthy: *'important progress in developing and adopting initial strategies for alignment with the EU acquis and its practices'*, however, the report also highlights that adopted strategies now need to be implemented. With regard to legal alignment, the report stresses the particular importance of progress in the areas of migration and asylum and trafficking.

Need for institutional alignment

The EC's 2003 Regular Report on Turkey's progress towards accession (Chapter 24 Co-operation in the field of justice and home affairs) assesses progress in 13 specific areas. For seven areas, the report emphasises the need for further institutional alignment (in five cases, the need for institutional alignment stands in parallel to a need for legal alignment). With regard to institutional alignment, the report specifically recommends stronger cooperation and coordination between the institutions in the area of justice and home affairs and judiciary reform.

2.1.2 Importance of Twinning assistance in the sector

Use of Twinning in the sector

Twinning in the area of justice and home affairs accounts for a total of 30 projects, worth EURO 40.6 million (see Inception Report, page 88). With nearly 33 % of all twinning project in Turkey (34 % of the total value of twinning), this is by far the most important area of twinning support. The second largest area, environment or finance count 14 projects each.

No	Name	Period	Size	Objective linked with Accession agenda
TR02-JH-01	Improvement of statement taking methods and Rooms in the Republic of Turkey			yes
TR0204.01	Support for the development of an Action Plan to implement Turkey's integrated border management strategy			yes
TR02-JH-03	Support for the development of an Action Plan to implement Turkey's asylum and migration strategy			yes
TR02-JH-04	Establishment of a National Drugs Monitoring Centre (Reitox Focal Point) and development and implementation of a National Drugs Strategy			yes
TR02-JH-05	Strengthening the fight against money laundering			yes
TR 0204.04				
TR 0204.05	Strengthening the fight against organised crime			yes
TR 0301.01	Strengthening the Accountability, Efficiency and Effectiveness of the Turkish National Police			yes
TR03-JH-01				
TR 0304.01	Strengthening the Police Forensic Capacity			yes
TR03-JH-02				
TR 0304.02	Strengthening Institutions in the Fight against Trafficking in Human Beings			yes
TR03-JH-03				
TR03-JH-04	Strengthening the struggle against money laundering, financial sources of crime and the financing of terrorism			yes
TR 0304.03				
TR 0304.04	Visa policy and practice			yes
TR03-JH-05				
TR 0401.02	Support to the establishment of Courts of Appeal in the Republic of Turkey			yes
TR04-IB-JH-01				
TR04-IB-JH-01	Ombudsman			yes

02		
TR04-IB-JH-	Development of Probation Services in Turkey	yes
03		
TR04-JH-04	Enhancement of the professionalism of the Turkish Gendarmerie in its	yes
TR 0404.03	law enforcement activities	
TR0404.04	Development of a Training System for Border Police	yes
TR04-IB-JH-		
05		
TR 0501.05 /	An Independent Police Complaints Commission & Complaints system	yes
TR05-JH-01	for the Turkish National Police and Gendarmerie	
TR 06- IB-JH-	Support to the set up an Asylum and Country of Origin Information	yes
01	(COI) System	
TR.06-IB-JH-	Training of Gendarmerie Officers on European Human Rights	yes
03	Standards	
TR 06 IB JH	Strengthening the Capacity of Turkish Grand National Assembly	yes
04	(TGNA)	
TR0603.08 /	Support to the Turkish Police in the Enforcement of Intellectual and	yes
TR06-JH-05	Industrial Property Rights	
TR0701.01 /	Development Work with Juveniles and Victims by the Turkish Probation	yes
TR07-JH-01	Service	
TR0702.19 /	Strengthening the Turkish National Monitoring Center for Drugs and	yes
TR07-JH-02	Drugs Addiction	
TR0702.17 /	The establishment of reception, screening and accommodation centres	yes
TR07-JH-03	for refugees/asylum seekers	
TR0702.15 /	Action Plan on Integrated Border Management	yes
TR07- JH-04		
TR0702.16 /	Support to Turkey's Capacity in Combating Illegal Migration and	yes
TR07-JH-05	Establishment of Removal Centers for Illegal Migrants -TOR (Support to the Establishment of Removal Centres and Training of the staff for these centres) - EUSG TW List	
TR 0304.01	Improving the Skills of Forensic Experts	yes
TR 0404.04	Training of Border Police	yes
TR 0404.03	Strengthening the Investigation Capacity of Turkish National Police and Gendarmerie Against Organised Crime	Yes

Importance of Twinning compared to other assistance in the sector

Comparing EC twinning assistance with the assistance provided by other actors underlines the importance of EC twinning support.

Besides the EC, the main actors providing support in the area of justice and home affairs include the UNDP (and other United Nations agencies), the Council of Europe, the World Bank.

However, the assistance provided by these other donors is smaller in terms of financial volume, and covers a comparatively small segment within the wider area of justice and home affairs. For example, the recent evaluation of the UNDP's performance in Turkey

confirms that the UNDP has only recently started to develop more ‘presence’ in the area of justice and home affairs, often via direct agreements with the European Commission.³ Similarly, the Council of Europe implements projects in this area on the basis of direct agreements with the European Commission

2.1.3 Current situation of the sector in 2009

The sector ‘justice and home affairs’ (Chapter 24 in the framework of the accession negotiations) is noted in the MIPD 2009-2011 as one of the four priority areas for cooperation under IPA Transition Assistance and Institution Building (Component I), focussing on the transposition of the *acquis communautaire* with a specific focus on ‘Integrated border management, including training of border police and inter-agency cooperation; Visa policy and practice; Migration and asylum policy, especially as regards training and the administrative capacity as well as streamlining of asylum procedures; Fight against organised crime, drugs; Protection of personal data’⁴

The following table presents an overview of Turkey’s accession progress in 2009:

	Situation in 2009 (progress:+, no or limited progress:=)	2009 need for legal alignment (L) or institutional alignment (I)
Visa policy	=	L, I
Schengen	=	I
External borders	=	I
Migration and asylum	=	L, I
Police cooperation and fight against organised crime	=	L
Fight against terrorism	+	L
Fight against fraud and corruption	=	
Fight against drugs	+	L, I
Money laundering		
Customs co-operation	+	I
Judicial cooperation in criminal and civil matters	=	L
Human rights instruments		
Data protection	=	L

Source: EC 2009 Regular Report on Turkey’s progress towards accession (Chapter 24 ‘Justice, Freedom and Security’)

Current state of legislative alignment

The EC’s 2009 Regular Report on Turkey’s progress towards accession (Chapter 24 Justice, Freedom and Security) assesses progress in 11 specific areas. Whilst for most of these, limited progress is reported, three areas stand out for some progress, namely fight against terrorism, fight against drugs and customs cooperation. For seven areas, the report emphasises the need for further legal alignment (in three cases, the need for legal

³ UNDP, Assessment of Development Results Turkey, May 2010

⁴ Commission Decision C(2009)5041 of 29 June 2009 on a Multi-annual Indicative Planning Document (MIPD) 2009-2011 for Turkey, page 20

alignment stands in parallel to a need for institutional alignment). The report's overall tone is less positive than in 2003: *'some, but uneven progress'*.

Whilst the overall extent of progress is considered limited, an in depth review of the twinning projects in this area reveals many important contributions to legislative alignment. For example, twinning support for the establishment of a complaints commission has contributed to the preparation of the required legislative framework.⁵

Need for institutional alignment

The EC's 2009 Regular Report on Turkey's progress towards accession (Chapter 24 Justice, Freedom and Security) assesses progress in 11 specific areas. For five areas, the report emphasises the need for further institutional alignment (in three cases, the need for institutional alignment stands in parallel to a need for legal alignment).

An in depth review of the twinning projects in this area reveals many important contributions to institutional alignment. For example, twinning support for the border police, the gendarmerie or the Turkish Grand National Assembly has made a substantial contribution to strengthening these institutions' capacities and performance.⁶

2.1.4 Conclusion

Whilst there has been substantial progress in the sector since 2003, with twinning certainly having contributed to both, legislative and institutional alignment, the task at hand is possibly one of the most important and politically challenging for the wider accession process, and this might contribute to explaining the not very encouraging overall tone of the 2009 Regular Progress Report. The ultimate indicator of accession progress is the closing of specific accession chapters, however, this has only been achieved for chapters of comparatively less importance. Moreover, many of the required legal and institutional reforms in the area of justice and home affairs require several years to result in genuine change e.g. in terms of an improved functioning of the justice system. This does not only require continuous capacity building to ensure effective application of new legislation and maintain institutional performance but also significant investments in infrastructure (e.g. court houses, prisons etc.) and human resources (e.g. judges, probationary officers etc.). Finally, twinning operates in a politically highly sensitive area (e.g. with regard to the justice sub-sector), and this constrains the speed of reform.

2.2 Environment

2.2.1 Position of the sector in 2003

⁵ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 21

⁶ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 25-26, 30

Need for legislative alignment

The first step of Turkey for legislative alignment with EU has been with the adoption of a National Programme for Adoption and Transposition of the EU Environmental Acquis in 2003. Since then, a substantial body of corresponding legislation has been transposed.

In line with the priorities of the AP 2003, NPAA 2003 prioritises improvement of water quality and starting transposition and implementation of the acquis related to water quality as short-term priority, and completing the transposition of the acquis and strengthening the institutional, administrative, and monitoring capacity, including data collection, to ensure environmental protection as a medium-term priority.

The transposition included the EC directives on Water Pollution Control, Dangerous and Hazardous Substances related to the Implementing Regulation on Water Pollution Control, Water Products, Protection of Waters against Pollution Caused by Nitrates from Agricultural Sources, Quality of Water Intended for Human Consumption, Bathing Water Quality, Fisheries and Aqua-cultural Products, Dangerous and Hazardous Substances in Water and the Framework Environment Directive.

Need for the above alignment has been also confirmed in Regular Report 2003, which concludes that Turkey has made limited progress on transposing the environmental acquis in 2003.

The earliest twinning assistance to the sector for legislative alignment has been in 2003 with the project TR0302.03 Air Quality, Chemicals, Waste, aiming the transposition of total 10 directives on Air quality, Chemicals and waste.

Need for institutional alignment

The re-organisation of the Ministry of Environment and Forestry following the adoption of the relevant law in 2003 on the redefinition of the functions of the main departments for environment in the ministry, has set the grounds for further developments in terms of institutional alignment. This law should enhance proper implementation and enforcement of environmental legislation at local level.

Additionally, the Regulation on Environmental Inspection (REI) which has entered into force earlier in 2002, should have contributed to the administrative capacity to implement the *acquis*.

EC Twinning assistance had supported institutional alignment with capacity development for the implementation of directives as well as providing funds for the establishment of the Regional Environmental Centre (REC) in Turkey in 2004 within the twinning component of TR020303“Capacity Building in the Field of Environment for Turkey” project. The general aim of REC in Turkey is to enhance capacity in legal, institutional, technical and investment areas, thus accelerate the process for effective implementation of the environment *acquis*.

2.2.2 Importance of Twinning assistance in the sector

Use of Twinning in the sector

Out of the 99 projects (excluding the 6 cancelled for various reasons) programmed as twinning assistance during the period 2002-2009, 13 projects with a total of 17 twinning contracts have addressed environmental issues with the Ministry of Environment and Forestry as the main beneficiary, while other ministries involved in environmental issues have also been beneficiaries of twinning contracts related to their fields.

No	Name	Period	Size	Objective linked with Accession agenda
TR0203.03	Capacity Building in the Field of Environment for Turkey	24 months	Tw:1.500,000 (Total Budget:15.550,000)	-development of financing mechanism for heavy cost investment -capacity development for implementation of directives and access to environmental information -establishment of Regional Environment Centre(RAC) in Turkey
TR0302.03 (3 Twinning contracts)	Air Quality, Chemicals, Waste	24 months	1.400,000	-transposition of total 10 directives on Air Quality, Chemicals and Waste, -building capacity for implementation of the aligned legislation
TR 0402.09 (2 Twinning contracts)	Strengthening the capacity of the Ministry of Environment and Forests in the field of special waste management and noise management.	24 months	3.100,000	-harmonisation of EC directives for special waste and noise -establishment of the relevant necessary institutional structure and mechanism for implementation
TR0402.10 (2 Twinning contracts)	Strengthening the Ministry of Health to harmonise and implement legislation in the field of biocides (Biocidal Products Directive) and Water (for public health protection).	24 months	3.000,000	-strengthening institutional and administrative capacity on approximation and implementation of the relevant directives.
TR0603.04	Capacity Building Support to Turkey for the Water Sector	27 months	Tw: 2.000,000 (Total Budget: 2.500,000)	- legal and admin analysis for water sector -capacity building for water management in line with EU water legislation to enable implementation of the water acquis
TR0702.06	Implementation of Nitrate Directive	36 months	Tw: 1.000,000 (Total Budget:6.765,000)	- strengthening the infrastructure of Ministry of Agriculture and Rural Affairs (MARA) for implementation of EU Nitrate Directive.
TR0702.07	Institution Building on Air Quality in Marmara Region	36 months	Tw:1.900,000 (Total budget:7.080,000)	-establishment of capacity for implementation of relevant directive requirements in the region, as a model.
TR0802.05	Mining Waste Management	36 months	Tw:1.300,000 (Total	-strengthening waste management capacity on the management of

TR0802.04	Integrated Pollution Prevention and Control	24 months	budget:4.600,000) Tw:1.500,000 (Total budget:2.500,000)	waste from extractive industries. -achieve reform of the administrative, legal and technical structures to implement integrated environmental permitting systems/procedures for IPPC installations
TR0802.03	Improving Emissions Control	24 months	Tw:1.300,000 (Total budget:2.050,000)	-establish the necessary capacity within Ministry of Environment and Forestry to transpose and implement National Emission Ceilings Directive(2001/81/EC)
TR0802.01	Environment and Countryside under IPARD	12 months	Tw: 1.000,000 (Total budget:1.140,000)	- legislative assessment -institutional capacity building to implement preparatory actions for pilot agri-environmental measures under IPARD.
TR0902.01	Control of Industrial Volatile Organic Compound Emissions	24 months	Tw: 1.200.000 (Total budget:2.850,000)	-capacity building in implementation of relevant legislation
TR0902.02	Strengthening of Institutional Capacity on CITES Implementations	24 months	Tw:1.075.000 (Total budget:1.425,000)	- strengthening of relevant institutional capacity

Comparison of Twinning versus other pre-accession assistance

A financial comparison of Twinning budgets versus budget of TA projects or other pre-accession assistance in the sector for 2002-2009 is as follows:

- Twinning budgets: 21.275,000 Euros
- TA budgets: 80.690,000 Euros
- Investment/Works: 54.099,000 Euros
- Supply: 28.456,000 Euros

The above figures reveal that Twinning budgets in the sector has been the smallest share with 11 % of the total assistance (Euros).

Analyse importance of Twinning compared to other assistance in the sector

Other donor assistance contributing to Turkey's alignment with the *acquis* has been through MATRA(Holland) bilateral support and UNDP support.

- MATRA (Holland) support has been with two projects "Implementation of the Water Framework Directive in Turkey. and "Implementation of the EU Nitrate Directive in Turkey" in 2005 and 2006.
- UNDP's support for capacity development on climate change management has been for 7.400.000 US\$ and on the Combustion of biomass and biomass/coal compositions for 5,000,000 TL.

2.2.3 Current situation of the sector in 2009

Current state of legislative alignment

Major developments till 2009/2010 have been with the transposition and adoption of legislation on noise management, air quality, urban waste treatment and the quality of bathing water.

Environmental Impact Assessment (EIA) Directive in the field of noise is adopted and published as a Regulation on 7 March 2008, while legislation on the air quality framework and daughter directives are adopted and published as a Regulation on 6 June 2008.

Similarly, the transposition of the *acquis* on solid waste management, including special waste is reported to be well advanced and in good accordance with the Waste Framework Directive transposed and adopted as the below regulations:

- Regulation aligned with directive 91/689/EC, published on 14 March 2005
- Regulation aligned with directive 94/62/EC, published on 24 June 2007
- Regulation aligned with directive 406/73/EEC, published on 27 December 2007
- Regulation aligned with directive 75/442/EC, published on 5 July 2008
- Regulation aligned with directive 2006/12/EC, published on 5 July 2008
- Regulation aligned with directive 99/31/EC, published on 26 March 2010
- Regulation aligned with directive 2001/80/EC, published on 8 June 2010
- Regulation aligned with directive 2000/76/EC, published on 6 October 2010

Alignment with the Dangerous Substances Directive (76/464/EEC) is well advanced with the relevant regulation ready for submission to the Prime Minister's Office.

However, in the water sector, both transposition and implementation of the *acquis* remains at an initial stage.

Regarding industrial pollution control and risk Management, the alignment with some provisions of the Seveso II Directive and with the Waste Incineration Directives are aligned.

EC directives that have not yet been transposed include those on water quality, nature protection, landfill, mining waste, emissions Trading Directive, the Strategic Environmental Assessment (SEA) Directive and the *acquis* on environmental liability, public participation and public access to environmental information.

The legislative alignment scheduled in NPAA for 2010 and 2011 afterwards include:

2010: Directive No. 2001/42/EC (Implementing Regulation on Strategic Environmental Assessment -SEA)

After 2011:

- Directive No. 2004/35/EC (Law on Environmental Liability)
- Directive No. 2003/4/EC (Implementing Regulation on Determining Rules and Procedures on Sharing Environmental Data and Information)

- Directive No. 91/692/EC (Implementing Regulation on the Implementation of Reporting Legislation)
- Directive No. 2003/87/EC (Implementing Regulation on Emission Trading)
- Decision No. 280/2004/EC (Implementing Regulation on Monitoring Greenhouse Gas Emissions)
- Directive No. 2007/2/EC (Implementing Regulation which is going to Harmonize Directive on Infrastructure for Spatial Information)

What part of the progress can be attributed to (a) Twinning project(s)?

Outputs of the following twinning projects are reported to have contributed to the current level of alignment with the *acquis* as they have served for the initial steps for legislative harmonisation:

- TR 060304 “Capacity Building Support to Turkey for the Water Sector” with which legal and admin analysis for water sector has been made together with the transposition of the Water Framework Directive, the Urban Wastewater Treatment Directive and the Dangerous Substances Directive.
- TR 040209 “Strengthening the capacity of the Ministry of Environment and Forests in the field of special waste management and noise management” with which EC Directives for special waste and noise were harmonised.
- TR 030203 “Air Quality, Chemicals, Waste” with which a total of 10 directives on Air quality, Chemicals and waste were transposed.

Need for institutional alignment

The strategy developed in line with the AP 2008 requirements and as prioritised in NPAA 2008, includes plans for building up the necessary administrative capacity at national, regional and local level and required financial resources, with an indication of milestones and timetables.

The new Law on Environment adopted in 2006 has provided the recruitment of additional staff (500 new positions) at central level, as well as for additional financial resources, to strengthen administrative capacity. However, when the country’s size is taken into account, substantial additional strengthening is likely to be required.

To this end, the projects programmed under IPA Component I (Transitional Assistance and Institution Building-TAIB) for 2008 and 2009 address institutional alignment in terms of capacity building at Ministry of Environment and Forestry on water quality monitoring, waste management in the field of extractive industries, pollution prevention and implementation of the chemicals management legislation, the CITES, the environmental noise directive, the Sovenso II directive and of National Emission Ceilings Directive(2001/81/EC), as well as establishing the necessary system and institutional structure for the implementation of the REACH Regulation.

However, Progress Report 2009 points to the lack of progress towards establishing a national environment agency, which has not been included in the 2011 onwards projection in NPAA 2008.

What part of the progress can be attributed to (a) Twinning project(s)?

Twinning projects in the sector had capacity building components and should have enhanced administrative capacity for the implementation of relevant legislation. However, the beneficiary ministry confirms need for further strengthening and has therefore proposed 6 twinning projects for IPA funds for 2008 and 2009 all focusing on capacity building for institutional alignment.

2.2.4 Conclusion

The sector is reported to be well advanced with the transposition and adoption of the *acquis* on solid waste management, including special waste. Similarly, directives on noise, air quality and chemicals have been aligned and adopted.

However, EC directives that have not yet been transposed include those on water quality, nature protection, landfill, mining waste, industrial pollution control and risk management, genetically modified organisms, emissions Trading Directive, the Strategic Environmental Assessment (SEA) Directive and the *acquis* on environmental liability, public participation and public access to environmental information.

As for institutional alignment, establishment of a national environment agency is pending. The Regular Report 2009 notes the need for further strengthening of the administrative capacity and the need for coordination between the relevant authorities at all levels to ensure effective implementation of the legislation. To this end, twinning projects funded under IPA Component I (TAIB) for 2008 and 2009 have focused on capacity building.

Mainstreaming environmental protection into other policy areas is reported to be at an early stage.

The sector ranks as third in the use of twinning instrument among the sectors, since 2002. Stakeholders, as well as the Ministry of Environment and Forestry as the main beneficiary, confirms the value of experience gained with working as twinning partners. Outputs of the twinning projects are reported to have contributed to the current level of alignment with the *acquis* as they have served for the initial steps for legislative harmonisation.

2.3 Energy

2.3.1 Position of the sector in 2003

Need for legislative alignment

Turkey had already adopted the Electricity and Gas Market Laws in 2001 as the first steps towards legislative alignment with the Electricity and Gas Directives. Furthermore, the NPAA 2002 had prioritised the comparison of the EU *acquis* with the corresponding Turkish legislation and the measures to be taken for implementing the necessary amendments and modifications in the energy sector.

Accordingly, in August and September 2002, implementing legislations were adopted concerning the tariffs, licensing, eligible consumer, import and export, determination of transmission and distribution connection charges, regulation of distribution system revenue, regulation of retail service revenue and retail prices, regulation of transmission system and transmission system operation revenue. These are being amended in line with the amendments made to the relevant EU *acquis*.

In 2003, further alignment with the energy *acquis* was prioritized for the short term in NPAA 2003 to include:

- establishment of a programme for the adoption of the energy *acquis*, particularly concerning issues other than the internal energy market,
- The Oil Market Law was published December 2003 within the programme established to address the above adoption. The law has also supported alignment with the *acquis* on oil stocks.
- establishment of a competitive internal energy market, in compliance with the electricity and gas Directives,
- further alignment with the energy efficiency *acquis* and enhancing the implementation of energy conservation practices,
- designing and starting to implement a programme to reduce the energy intensity of the Turkish economy and to increase the use of renewable energy sources.
- Ministry of Energy and Environment is currently working on a strategy for energy efficiency, including a time plan for the gradual implementation of the above commitments of the NPAA. Completion is planned for end 2010.
- The Law No.5346 on the Use of Renewable Energy Sources has been adopted and published in May 2005 to align with the directive 2001/77/EC.

The strategy has been recently revised in May 2009 and adopted to serve as a roadmap for the steps to be taken in the medium and long term with regard to the establishment of the targeted market structure and the privatization programme of the electricity energy sector.

Legislative alignment in the sector has been supported by EC in 2003 through the twinning assistance project “*Improvement of Energy Efficiency in Turkey*”, which has served to lay the grounds for legislative alignment by:

- Drafting of the Energy Efficiency Framework Law in compliance with the *acquis*,
- Developing the secondary legislation.

Energy Efficiency Framework Law and relevant secondary legislation have been adopted and published as Law No.26510 in 2007.

Need for institutional alignment

Efforts of Turkey for institutional alignment has started within the framework of Accession Partnership 2001, which required the establishment of an independent regulatory authority for the electricity and gas sectors; and granting the authority and the means to carry out the tasks effectively.

Following the establishment of the Energy Market Regulatory Authority (EMRA) in 2001, the earliest twinning project (TR0202.0-Institutional Strengthening of EMRA)

supported institutional alignment for the sector and addressed capacity building for this newly established institution to ensure proper implementation of the legislation and to develop new regulations and practices in line with EU standards.

Although the Progress Report 2003 notes the improved administrative capacity of EMRA, it points to the need for its further reinforcement together with organisational revisions of certain units of the Ministry of Energy and Natural Resources to ensure Ministry's quick absorption of its changing role in the energy sector, and to properly address the horizontal aspects of energy efficiency.

2.2.2 Importance of Twinning assistance in the sector

Use of Twinning in the sector

Out of the 99 twinning projects (excluding the 6 cancelled for various reasons) covered by the programming years 2002-2009, a total of 3 projects (1 each for 2002, 2003 and 2006) have addressed energy issues. The beneficiary institutions have been the Energy Market Regulatory Authority, the Turkish Electricity Distribution Corporation and the Turkish Electricity Transmission Corporation.

No	Name	Period	Size	Objective linked with Accession agenda
TR0202.01	Institutional Strengthening of the Energy Market Regulatory Authority (EMRA)	24 months	1.068,000	-to increase the capacity of the newly established regulatory authority to ensure proper implementation of the legislation in place, -to develop new regulations and practices in line with EU standards.
TR0303.06	Improvement of Energy Efficiency in Turkey	22 months	1.250,000	-to draft, review and/or amend primary and/or secondary legislation towards creating the necessary legal basis of energy efficiency in Turkey in line with the relevant EU acquis. -to review existing organisational structure and propose its modification, if necessary, in accordance with the best practices in the EU Member and Candidate States
TR0603.03	Improvement of the conditions for cross-border electricity trade in Turkey in compliance with the best practice in EU	18 months	1.380,000	-to improve the conditions for the functioning of cross-border electricity trade in Turkey by removing technical, administrative and legislative obstacles, -to modify existing legislation, market operation and management structure in conformance with the best practices in EU.

Comparison of Twinning versus other pre-accession assistance

A financial comparison of Twinning budgets versus budget of TA projects or other pre-accession assistance in the sector for 2002-2009 is as follows:

- Twinning budgets 2002-2009 : 3.698,000 Euros
- TA budgets 2002-2009 : 8.695,000 Euros
- Supply : 354,000 Euros

The above figures reveal that Twinning budgets in the sector has been 29% of the total assistance (12.74,000 Euros) while TA projects has been 68% and supply 3%.

Importance of Twinning compared to other assistance in the sector

The World Bank has been the key institution supporting energy sector reforms in Turkey, particularly in institutional capacity building. The loans financed from IBRD for the National Transmission Grid Project has been US\$270 million, and for the Renewable Energy Project US\$ 200 million, funding particularly the establishment of the Turkish Electricity Transmission Company (TEIAS) as the national transmission company and system and market operator. The support assisted the government to further work with EMRA and helped the new trading company and the distribution companies adjust to the new privatised market model.

Other complementing support has included UNDP assistance supporting alignment with the *acquis* through the Programme of Capacity - Building for the Removal of Barriers to the Cost-Effective Development and Implementation of Energy Efficiency Standards and Labelling in EU Candidate Countries.

Grants from PPIAF (Public Private Infrastructure Advisory Facility), PHRD (Policy and Human Resource Development) and JSCTF (Japan Staff and Consultants Trust Fund) have assisted legislative alignment for the electricity and gas sectors and as well as supporting special studies on energy issues.

2.2.3 Current situation of the sector in 2009

Current state of legislative alignment

The most recent (2008) National Programme for the Adoption of the *Acquis* (NPAA) prioritises energy issues under Priority 15.1 and Priority 15.2 where the former commits to “*continue alignment with, and implementation of, the acquis on the internal gas and electricity market and on cross border exchanges in electricity, also with a view to possible membership of the Energy Community Treaty.*”

The schedule for the achievement of the legislative alignment to be published in 2008, 2009 and 2010, and the achievements to date with the adoption of the aligned legislation, are as below:

2008:

- Directive No. 94/2/EC (Amendment to the Communiqué on Energy Labelling of Household Electric Refrigerators, Deep- Freezers, Refrigerators and Deep-Freezers and their Combinations)

- Directive No. 2002/91/EC, 2006/32/EC (Implementing Regulation on the Use of Energy Equipment and Support to the SMEs)
- Directive No. 2002/91/EC, 2004/8/EC and 2006/32/EC (Implementing Regulation On Increasing Efficiency In The Use Of Energy Resources And Energy)
- Directive No. 2002/91/EC, 2006/32/EC (Implementing Regulation on Energy Management in Schools of the Ministry of National Education)
- Directive No. 2005/32/EC (Legislation on the Eco-design Requirements for Energy-Using Products), Adopted and published on 6 October 2010.

2009:

- Directives No. 2003/55/EC and 2004/67/EC (Law on Amendment to the Natural Gas Market Law), Finalisation of drafting ongoing at the Ministry of Energy and Natural Resources. Submission to the Parliament is scheduled for end 2010.
- Directive No. 2002/91/EC (Implementing Regulation on the Energy Performance of Buildings), Regulation is adopted and published on 5 December 2008.

After 2011:

- Directive No. 2003/30/EC (Law on the Extension of Use of Bio-fuels): No work has yet started.

On the other hand, the Progress Report 2009 notes the developments on renewable energy, energy efficiency and the electricity market as encouraging while pointing to the need to implement the legislation and strategies in the cases of natural gas, nuclear energy, nuclear safety and radiation protection.

What part of the progress in legal alignment can be attributed to (a) Twinning project(s)?

Not much: Only, the twinning TR 0303.06 has drafted relevant legislation to align with the 2 directives on energy efficiency and thus supported the adoption and enactment of the Energy Efficiency Framework Law in 2007.

Need for institutional alignment

The latest (2008) AP requires Turkey:

- to continue to develop the capacities of the different regulatory authorities and ensure their independence,
- to strengthen administrative capacity and continue alignment in the energy efficiency field, promote high-efficiency cogeneration, and develop renewable energy in transport, electricity and heating/cooling, including the setting of appropriate and ambitious targets and incentives,
- to accede to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

In line with the above requirements, the NPAA 2008 prioritises capacity building at relevant ministries in the sector to prepare legislation in the field of energy performance in buildings and for the inspection of implementation. The NPAA also includes establishment of a unit and a laboratory at the Ministry of Public Works and Settlement (MoPWS) in 2009 and 2010 respectively.

The unit is established for the energy efficiency issues within MoPWS following the adoption of relevant appointment on 25 June 2010. Furthermore, two project proposals are submitted for 2011 by the MoPWS related to capacity building for effective implementation of energy efficiency, to be funded under IPA Component I (Transitional Assistance and Institutional Building).

As regards the establishment of the laboratory, a proposal is submitted for SEI support, to enable a feasibility study.

What part of the progress in institutional alignment can be attributed to (a) Twinning project(s)?

Not much: The only twinning related to establishment of new structures has been TR030306 through which the existing organisational structure for energy efficiency had been reviewed and its modification proposed in accordance with the best practices in the EU Member and Candidate States. The new unit recently established within the MoPWS has been a step towards institutional alignment in energy efficiency.

2.2.4 Conclusion

The sector is reported to be well advanced with regard to legislative alignment particularly with the primary legislation. The current status with the accession negotiations for the Chapter (15) has reached a stage awaiting Chapter opening which is expected to take short for closure.

The Ministry of Energy and Natural Resources, as the responsible unit for the Chapter 15, reports that the sector institutions have a high level of knowledge about the directives and are well equipped for implementation of the aligned legislation. The sector being global by nature is dynamic with actors all over the world. Turkey has to provide the conditions at the required standards for the investors in the sector.

However, areas noted in the EC 2009 Regular Report as awaiting progress include challenges such as:

- establishment of an agency which would facilitate oil stockholding arrangements,
- issues concerning the market structure for natural gas, the unbundling of the transmission activities from supply activities and the rules for access to the network,
- meeting the renewable energy target of producing 25% of the country's electricity from renewable sources by the end of 2020 and installing 20,000 MW of wind power capacity by the same year,
- framework legislation for energy efficiency to be brought into line with acquis requirements,
- implementation of strategies and legislation on nuclear energy, nuclear safety and radiation protection.

Perspective for Twinning for the future in the sector

Despite being few in number, the Twinning experience is reported by the stakeholders to be fruitful for the beneficiary institutions. Similarly, beneficiary institutions report sustainable cooperation established between the twinning partners. Future twinning assistance for capacity development and further alignment with the secondary legislation is regarded as useful.

2.4 Transport

2.4.1 Position of the sector in 2003

Need for legislative alignment

The state of the sector in 2003 has been at a planning and programming level for legislative alignment with the transport *acquis*. The limited progress for the sector made with the alignment until 2003 has been also noted in the 2003 EC Regular Report.

The earliest commitments of Turkey in terms of legislative alignment with the transport *acquis* have been within the framework of 2001 National Programme for the Adoption of the *Acquis* (NPAA), prepared in accordance with the requirements of the 2001 Accession Partnership (AP) document. The NPAA prioritised to modify the Turkish legislation; to enact the Draft Law on **Road Transport**; to amend the Regulation on International Goods and Passenger Transport by Road; to establish an institutional structure for the **railways**, and to ratify the conventions of the International Maritime Organization (IMO) on **sea safety**.

Likewise, in line with the revised AP requirements, the NPAA 2003 committed completion of a Strategy Document for the sector to form the basis of the Transport Main Plan and the adoption of a programme for transposition, adoption and implementation of the EU road transport *acquis*, the EU legislation on rail transport, air transport, maritime transport and maritime safety. A total of 12 laws and 63 secondary legislation for transport sector were targeted in the NPAA for adoption and enforcement, scheduled for late 2003 – 2005, while 8 directives with the date to be determined during the negotiation process.

As regards EC twinning assistance for legislative alignment, the earliest project (TR020302) for 2002 provided the opportunity to review and compare the Turkish legislation in the field of maritime safety and sea pollution prevention with that of the *acquis* and to draft the necessary primary and secondary legislation with the required modifications. Together with capacity building activities, the relevant 33 EC directives have been transposed through the twinning activities of the project as 18 regulations for adoption.

Similarly, the following twinning project (030307) for 2003 laid the grounds for legislative preparations for the Framework Law for Rail Sector, including relevant institutional restructuring for alignment. However, the two laws and six regulations drafted through the twinning activities of the project are still pending subject to discussions at policy level.

Need for institutional alignment

The need for institutional alignment has been first addressed in the NPAA 2001, committing modifications to be made to the duties of the Ministry of Transport as well as foreseeing the establishment of a new institutional structure for railways.

In line with the requirements of the revised AP (2003), the following NPAA (2003) includes institutional alignment programmed for 2004-2006, but only in terms of capacity

building for the existing administrations to prepare for the implementation of the *acquis* to be aligned, rather than any institutional alignment by establishing new structures.

The need for institutional alignment and capacity building for the sector have been addressed in the Progress Report 2003 noting that priority should be given to the restructuring of the entire railway sector, including the reorganization and strengthening of the railway administration to cope with the *acquis*. As for capacity building, the report concludes that in all transport sectors attention must be focused on building up the capacity of the relevant administrations with specific emphasis on strengthening the capacity of the Ministry of Transport and the Under-secretariat of Maritime Affairs.

To conclude, the need for institutional alignment has been addressed and prioritised in the key documents for accession in 2003 and tackled with the early twinning projects for 2002 and 2003, which upgraded administrative capacity for maritime safety as well as identifying bodies for the railways restructuring that were necessary according to EU regulations.

2.4.2 Importance of Twinning assistance in the sector

Use of Twinning in the sector

Out of the 99 projects (excluding the 6 cancelled for various reasons) programmed as twinning assistance during the period 2002-2009, 5 projects have addressed the transportation sector. The project beneficiaries have been the Ministry of Transport, and the Under-secretariat of Maritime Affairs. Distribution of projects is one each for the programming years of 2002, 2003, 2004, 2005 and 2009.

No	Name	Period	Size	Objective linked with Accession agenda
TR0203.02	Support to the Enhancement of Safety of Maritime Transport in Turkey	25 months	Tw:900,000 (total budget:2.716,000)	<ul style="list-style-type: none"> - Review and comparison of the Turkish legislation with that of the <i>acquis</i>, - drafting of necessary primary and secondary legislation in the field of maritime safety and sea pollution prevention, - Upgrading the administrative capacity of the relevant administrations to better implement the legislation.
TR0303.07	Turkish Rail Sector Restructuring and Strengthening	19 months	Tw: 836,000 (total budget 4.741,000)	<ul style="list-style-type: none"> -Preparation and drafting of new laws (Framework law for rail sector & TCDD law) -Identification of bodies necessary according to EU regulations
TR0403.08	Assistance to the Turkish Road Transport Sector	24 months	Tw:1.000,000 (total budget: 5.550,000)	<ul style="list-style-type: none"> -review and adaptation of relevant legislation - institutional strengthening for enforcement and control

TR0503.09	Improvement of Maritime Safety in Ports and Coastal Areas in Turkey	24 months	Tw: 850,000 (total budget: 1.590,000)	-legal alignment regarding operation of governmental info systems in the maritime sector. -legal Alignment on response to contingency situations -legal framework development requiring all ports report their dangerous cargo handling activities to the Administration
TR 090301	Strengthening Intermodal Transport in Turkey	24 months	1.000,000	- legislative alignment with EC Directive 92/106 - capacity building for intermodal transportation.

Comparison of Twinning versus other pre-accession assistance

A financial comparison of Twinning budgets versus budget of TA projects or other pre-accession assistance in the sector for 2002-2009 is as follows:

- Twinning budgets : 4.586,000 Euros (9.9% of the total for the sector)
- TA budgets : 6.636,000 Euros (14.3% of the total for the sector)
- Supply budgets : 7.325,000 Euros (15.8% of the total for the sector)
- Investment/Works budgets: 27.950,000 Euros (60% of the total for the sector)

Analyse importance of Twinning compared to other assistance in the sector

No other assistance from other donors important in achieving alignment with the *Acquis Communautaire* is reported.

2.4.3 Current situation of the sector in 2009

Current state of legislative alignment

The rate of legislative alignment with the transport *acquis* is reported by the Ministry of Transport to be at a good level (67%). Findings of the 2009 EC Regular Report, confirms the high level of alignment particularly within the road transport and maritime safety. However, the reports notes that the remaining parts for the **road transport** include some important areas such as certification of skills and access to the market, competition, state aids and fiscal matters, transport statistics, road user charges and tolls.

Similarly, in the field of **maritime transport**, the report points to the little progress made with the adoption of the Maritime Safety Framework Law, while the Under-secretariat for Maritime Safety states that the amendment made to the existing law on 16 July 2008, has covered the relevant alignment with the secondary legislation.

As for alignment with the *acquis* on **rail transport** the report points to the limited progress with the finalised draft railways reform package with no progress regarding its adoption. The relevant institution (DG State Railways) confirms the delay with the finalisation of this legislative package at the Ministry/DG State Railways level.

Likewise, limited progress is noted in the report on **air transport**.

The current status of the sector in terms of alignment made is as follows:

Road Transport:

Alignment schedule for 2009 and 2010 as committed in NPAA 2008 and the achievements to date:

- 2 EC directives requiring Amendment to Certain Articles of the Highways Traffic Law No.2918
- Responsible body for alignment is DG Security under Ministry of Internal Affairs. (to be contacted for info on progress)
- 2 EC Directives on Safety Advisors in charge of the Transport of Dangerous Goods Aligned as a Regulation issued in 2007, to be enacted from 2011 onwards.
- EC Decision and Directive on Regulation on Motor Vehicle Drivers' Courses: Responsible body for alignment is Ministry of National Education.(to be contacted for info on progress)
- EC Regulation on Recording Equipment in Road Transport (digital tachograph): Responsible body for alignment is the Ministry of Industry and Trade. In line with the requirements of the relevant European agreement, the system for digital tachographs has been developed for Turkey. Implementation of the two regulations published in May and June 2010 will start from 31 December 2010.
- EC Directive on Transportable Pressure Equipment: Responsible body for alignment is the Ministry of Industry and Trade. Work is ongoing with finalisation of the relevant regulation.

8 EC Directives and 2 EC Regulations are scheduled for after 2011.

Railways:

NPAA 2008 commits publication of the following Turkish legislation in late 2008 and in 2009 as aligned with those of the below EU legislation:

- The Railway Framework Law to include alignment with 4 EC regulations and 10 EC directives,
- The State Railways Law to include 1 EC regulation and 4 EC directives,
- Other 8 regulations and 20 EC directives relevant to the implementation of legislation on Competition Rules in Railway Transportation, Railway Security, Licensing of Railway Undertakings, Interoperability, Access to the Railway Infrastructure, Transportation of Dangerous Goods by Rail, Certification of Train Drivers, Rail Passengers' Rights and Public Service Obligation.

However, there has been no progress with the adoption of the drafted legislation. The 2 draft laws and relevant secondary legislation are awaiting finalisation at the Ministry of Transport and DG Railways.

Maritime Safety:

As committed in NPAA 2008, the alignment planned for late 2008-2009 has been achieved as below:

- two regulations related to marine pollution (MARPOL 73-78): Project addressing the relevant alignment is already proposed for twinning assistance for 2010 IPA programming.

- law for the implementations of SOLAS Protocol, including 4 EC directives and 1 EC regulation related to Safety at Sea Law: Project addressing the relevant alignment is already proposed for twinning assistance for 2010 IPA programming.
- 2 EC regulations on tankers and tonnage measurement of ships and vessels: Regulations published on the Official Gazette on 12 March 2009 to include the directives on tankers and tonnage measurement of ships and vessels.
- 1 EC directive on reporting in Turkish seaports: Decree published on 23 July 2010 aligning with the EC directive on reporting in Turkish seaports.
- EC directives as amendment to the Environment Law No. 2872, and 2 EC directives as amendments to the Turkish Penal Code No. 5237:

Additionally, 9 EC directives and 3 regulations have been adopted and enacted in 2005 and 2006, drafting of which had been completed through the twinning projects TR0203.02 and TR0503.09.

Pending legislative alignment:

- EC directive and Council decision to be aligned as amendments to the Environment Law No. 2872, and EC directive and Council decision to be aligned as amendments to the Turkish Penal Code No. 5237. These legislative alignments address the introduction of penalties for ship source pollution: The proposal made for 2010 programming includes legislative alignment component for the above.
- rules on market access and ship registration: No action planned for the short term.

Air Transport:

A total of 22 secondary legislation, as 20 regulations and 2 directives, are planned and scheduled for alignment in NPAA 2008. 5 of the 20 regulations are scheduled to be enacted after 2011, while 10 are scheduled to be enacted within the framework of full membership perspective.

The latest situation with alignment is as below:

Planned for 2008 and 2009:

- PART M in the annex of the Council Regulation No. 2042/2003 related to Commercial Air Operators Maintenance System
- Regulation No. 261/2004/EC on Rights of Passengers
- Regulation No. 1107/2006 on the rights of disabled persons and persons with reduced mobility when travelling by air
- Regulation No. 95/93/EEC on Slot Implementing Principles
- Directive No. 96/67/EC on the Ground Services of Airports (SHY-22), Adopted and published on 27 Feb 2010
- Directive No. 2004/36/EC on safety assessment of domestic and foreign aerial vehicles, Adopted and published on 14 May 2010

The alignment schedule for 2010 includes only one regulation (Regulation No. 2299/89/EEC) concerning the Operation of Computerized Reservation Systems is addressed.

It needs to be noted that Turkey will not be in a position fully to implement the *acquis* relating to this chapter, as long as restrictions remain in place on the free movement of

goods carried by vessels and aircraft registered in Cyprus or whose last port of call was in Cyprus.

What part of the progress can be attributed to (a) Twinning project(s)?

Stakeholders report that Twinning projects to date, particularly those in the road transport and maritime safety, have contributed to the presentation in terms of legal and institutional alignment. Most of the legislation drafted through twinning contracts have been adopted and enforced during the following years particularly for the road transport and maritime safety. However, the delayed progress with railways is still a factor negatively affecting the high level of alignment for the sector.

Current state of institutional alignment

To meet the requirements of institutional alignment, the NPAA 2008 commits capacity building for the sector to cope with the implementation of the *acquis*. Modifications to be made to the following Turkish legislation would enable institutional alignment:

- Amendment to Law No 3348 on Establishment and Duties of the Ministry of Transport
- Statutory Decree No 233 on State Economic Enterprises
- Incorporation Statute of Turkish State Railways Authority

The NPAA schedules the restructuring of the **rail sector** for 2009 and beyond. However, the adoption of the railways reform package drafted in 2007 is still pending. It requires merging of some units and establishment of a new separate institution for the management of the railway infrastructure by a single authority.

EC Regular Report 2009 notes the increased capacity for **road transport** for the implementing relevant regulations. The report points to the delay with the designation of the authority responsible for the implementation of digital tachographs. To this end, the Ministry of Transport has been designated on 4 January 2010, as the responsible authority, with the DG Road Transport assigned with the implementation.

As for **maritime and civil aviation**, the report points to the lack of progress towards becoming a party to international conventions, while noting the need for improved capacity to prevent pollution from ships and for emergency response. The Ministry of Transport reports the progress with the maritime safety and states that relevant legislation related to becoming a party to international conventions (MARPOL 73-78 and SOLAS) have been finalised and/or submitted to the Ministry of Foreign Affairs in 2007.

What part of the progress can be attributed to (a) Twinning project(s)?

The twinning project TR030307 “Turkish Rail Sector Re-Structuring and Strengthening” has contributed to the institutional alignment preparations by identifying the bodies necessary according to EU regulations.

2.4.4 Conclusion

Legislative and institutional alignment level for the sector is reported to be high particularly with the road transport and maritime safety. However, there is still need for further alignment with the railways and air transportation. The railways reform package is delayed for implementation while the legislation for air transport is at an early stage.

Since legislative alignment requires institutional alignment in capacity and structural organisations, the current level of legislative alignment is likely to be requiring further capacity building for implementation of legislation. Relevant public institutions of the sector continue proposing projects including twinning components for institutional capacity building activities.

The final purpose of the efforts in the sector for alignment is accession. However, opening of the Chapter 14 requires meeting political criteria. Turkey will not be in a position fully to implement the *acquis* relating to this chapter, as long as restrictions remain in place on the free movement of goods carried by vessels and aircraft registered in Cyprus or whose last port of call was in Cyprus.

Twinning assistance has been the only instrument to support legislative alignment including capacity building for the implementation of the aligned legislation. Due to the fact that twinning contracts require direct and intensive involvement of the beneficiary, stakeholders and beneficiaries confirm the high contribution received through twinning projects which have substantially enhanced the capacity at the administrations responsible for drafting legislation and to some extent for implementation. Most of the drafted legislation has been adopted and enacted in the following years. Therefore, the beneficiary institutions insist for future twinning assistance and have already proposed for 2010 and have plans for 2011.

2.5 Finance

2.5.1 Position of the sector in 2003

The field of Finance & Statistics covers the following Chapters from the *Acquis*:

- Chapter 10: Taxation
- Chapter 12: Statistics
- Chapter 28: Financial control
- Chapter 29: Financial and budgetary provisions

Need for legislative alignment

Taxation

2001: Apart from the framework of short term and medium term priorities in the taxation field it is expected that individual differences will be eliminated by demanding derogation in the association negotiations. However, in the event that there remain certain differences in addition to those already mentioned, the arrangements for their elimination will take place during the process leading to full membership.

Direct taxation: Since there are no differences between the EU *acquis* and Turkish legislation in this field, there is no need to make any amendments before full membership.

Indirect taxation: The Turkish Value Added Tax system is mainly in harmony with the VAT system of the EU, and it is expected to become fully harmonized in the future.

In this context, excise duties regulated by different laws are to be subject to a single Law on Excise Duties within the process of harmonization with the excise duties of the EU. In the above mentioned Draft Law, certain issues such as the goods included with the scope of taxation, subject of tax, tax base, taxable events, tax rate and joint liability are covered. Within the harmonization process with the EU, the Draft Law on Excise Duties will be revised by taking into consideration the related EU acquis, and be implemented as soon as possible

Mutual Assistance: The current relevant Turkish legislation corresponding to the EU acquis is Tax Procedure Law No: 213. There is no provision for administrative cooperation with the tax authorities of other countries (except for the provisions of the agreements on prevention of double taxation). There is no obligation to approximate legislation with the EU acquis before full membership of the EU.

2003: essentially the same list, most will have to be discussed at a later stage and implemented just prior to accession or at accession. Temporary derogation may be available but the scope of that cannot be indicated until accession.

Statistics

Tables on the public deficit and borrowings prepared within the scope of the “Excessive Deficit Procedure” (EDP) and according to the ESA 95 principles should be published regularly within the framework of the definitions and concepts of the national accounts. All accounting records should be realized on the basis of accrual, and according to the principles and standards of ESA 95, and data systems should produce data in accordance with these principles.

All legislation concerning procedures and principles on data recording and publishing, especially the Regulation on State Accounts should be revised to allow for data production on the basis of accrual related to the public deficits and borrowings, and for the production of tables prepared within the scope of EDP. A Law on accounting should be enacted that will allow for the consolidation of the public accounts in general, and that will define the standards and principles to be followed by all institutions obliged to produce and explain financial statistics.

The Law on Statistics should be prepared to define the principles, methodology and standards to be followed by all institutions responsible for producing and explaining financial statistics.

Financial control

No unanimity exists in the Member States and the candidate countries of the EU regarding the implementation of financial control, although harmonization of standards is being sought. There is no binding arrangement with respect to the administrative structures through which these standards will be met by the candidate countries. A National Paper covering the necessary administrative and legal arrangements for attaining these objectives needs to be prepared. This National Paper will require certain amendments to be made to our legislation related to expenditure, namely Law No 1050 on General Accounting, Law No 832 on the Court of Auditors, Law No 2886 on Public Procurement, and Statutory Decree No 178.

The major arrangements to be included in the Framework Law (Law No 1050) related to financial control and financial budgetary transactions are as follows:

- Political responsibility and management responsibility should be clearly defined, and authority and responsibility should be made clear (the Report of the Specialization Commission, SIGMA, Council Decision: 88/376).
- The organizational and functional duties and responsibilities of the central government institutions, and how the necessary coordination in the production of services is to be provided, should be clearly defined (the Report of the Specialization Commission).
- An obligation for public institutions should be set for supplying regular information and reports in pre-defined standards to provide financial transparency (SIGMA, the Report of the Specialization Commission, Council Regulation: 1681/94, 595/91).
- The scope of the budget should be extended in a way to include all expenditure and revenue related to the budget (the Report of the Specialization Commission).
- The principle of unity of accounting in the public sector should be established and extra-budgetary institutions should be allowed to establish their own accounting systems, except in special cases (SIGMA, the Report of the Specialization Commission).
- It should be stated clearly that the implementation of budget penal liability for payment requests and payment procedures shall apply to all personnel who report to those such as the Chief of Disbursement (SIGMA, the Report of the Specialization Commission, Council Regulation: 1258/1999, 1266/1999, 1681/94, 595/91).
- The laws on expenditure (such as laws no. 1050 and 2886 and the budgetary laws of the relevant years) should be revised and as a result of that revision those laws should be simplified. Provisions not related to the budget and provisions affecting the implementation of other laws should be taken out of the scope of these laws wherever possible.

Law No 2886 on Public Procurement should be amended in order to provide competition and efficiency in purchasing and construction works, and its scope should be extended to include all institutions wielding public power (excluding special goods and services and public institutions). A draft including significant amendments to this law has been prepared as part of the harmonization process with the European Union, and it is expected that this draft will be included on the agenda of the Turkish Parliament during the next term.

The best way of arranging the financial control system in an efficient way is by uniting the piecemeal legislation within a framework law and by making the necessary arrangements to improve and foster coordination between 129 audit units.

The main issues to be considered in the harmonization of the financial control system are as follows:

- To redevelop the internal financial control system implemented in all public institutions (Council Regulation: 2988/95, 2064/97, 1260/1999),
- To develop mechanisms fostering independence of the auditing units and personnel (Council Regulation: 1267/1999, 2064/47),

- To prepare an auditing methodology and standard auditing guidelines and to ensure the harmonization of the framework law with the EU acquis, within the framework of harmonization with the EU (Council Regulation: 2064/97),
- To base audits on an efficient accounting and reporting system, making arrangements to ensure the clarity and accessibility of the audit results (Council Regulation: 2988/95),
- To employ sufficient numbers of audit personnel, and to ensure that the skills, knowledge (such as foreign languages) and experience of the personnel reaches a certain level (Council Regulation: 2064/47),
- To include additional regulations in the system to provide pre-controls on the basis of risk analysis (Council Regulation: 3122/94),
- To develop a well-designed coordination and information flow system, accelerating the control and fostering the efficiency of the audit results (Council Regulation: 2064/47, 1266/1999).

As for the financial and budgetary issues, consistency should be provided with the short-term and medium-term macro economic policies in the state budget. As for budgetary unity, the state budget should include all public resources and expenditures. Finally, budget resources should be allocated in the best way possible to ensure the efficiency of the system.

The Draft Law on Public Financial Management and Control prepared by Ministry of Finance in order to establish a public internal control system which is compatible with the European Union (EU) and international standards, was submitted to the Turkish Grand National Assembly (TGNA) on August 3 2002 during the 57th cabinet period. However, it became obsolete during the election process. Works on the Draft, which is listed among the first six months' measures of 58th Government's Urgent Action Plan, continue. It is envisaged that the Draft will be resubmitted to the Turkish Grand National Assembly (TGNA) in 2003.

The aforementioned Draft Law aims to enhance transparency and accountability in public financial management, to ensure the compatibility of the systems of ex-ante control, ex-post internal audit and external audit with the EU standards, and to extend the initiatives of the spending institutions over ex-ante control and ex-post internal audit

Need for institutional alignment

Taxation

2001: The Turkish Tax Administration is the main administrative structure to apply the legislation of the Union, and it is not necessary to make an additional amendment to its administrative structure.

In order to embody the required amendments and modifications in the Turkish legislation in accordance with the EU acquis, technical assistance from EU experts is required in the fields where the EU acquis needs to be clarified. Furthermore, efforts are being taken to meet the likely personnel need arising from the fostering of relations with the Union.

2003:

The draft project aiming the modernisation of the tax system, which could not be finalised for the 2003 Pre-accession Financial Assistance Programme is envisaged to be finalised and submitted in 2004. The requirements in this are as follows:

- Training
- Consultancy
- Provision of equipment for strengthening of institutional capacity

And more specific requirements in specific fields like excises. More generally, there is a larger need for assistance in the field of indirect taxation (which are more harmonized in the EU and thus require more attention).

Statistics

Structural arrangements for the implementation of the system of national accounting recommended by various international institutions will be realized.

The number of the personnel in charge of the national accounts is not sufficient. During the integration process with the EU the assistance of personnel who have a knowledge of foreign languages (especially English), educated in the fields of economics, statistics or econometrics, and trained in the field of national accounts is required. Furthermore, theoretical and practical training is required concerning the European System of Accounting, a field requiring technical knowledge and experience.

Financing is required for training and for machinery and equipment.

Financial control

A significant increase is anticipated in the number of qualified personnel to be employed and in the training requirements for launching a financial control system to comply with the EU standards. For this reason, the administrative capacity of the Academy of Finance established under the Ministry of Finance should be improved rapidly.

A project supported by **World Bank** loans is being undertaken to define the existing situation. Budgetary or EU resources may be used to make the investments required to increase the capacity of the financial audit system. Budgetary resources may be used for the in-house training of personnel, and EU resources may be used to train personnel in EU practices.

Turkey should also possess the administrative capacity to collect the resources allocated to the community budget and duly transfer them. In addition, Turkey is obliged to set up the necessary administrative capacity to report regularly and duly with regard to each equity type.

The existing institutions should adapt their organizational structures and budgets to the redesigned financial system. In this respect, the institutional infrastructural reorganization must be complete before new administrative mechanisms can be initiated.

Gathering the external audit units under a single umbrella is of significance from the point of view of solving coordination problems and ensuring efficiency in external audit. Independent professional board(s) will be set up to develop accounting, auditing and reporting standards, and to follow-up the practices thereof.

The duties of the existing administrative structures should be changed and establishments should be reorganized to ensure the effective and efficient functioning of the Turkish public financial system and to establish a financial control system in compliance with the EU standards.

In Turkey, the authority for carrying out post-expenditure internal financial control should be entrusted to a single “Audit Unit” subordinated to the Ministry of Finance, and no other audit unit subordinated to any other public institution or organization should be entrusted to make ex post financial controls. All public institutions and agencies should be included within the ex post audit of this unit. Auditing all the activities and projects financed through external resources including those of the EU should also be among the duties and responsibilities of this unit.

The Court of Auditors, as an external audit body performing audits on behalf of Parliament, should carry out its exclusive ex post activities on the basis of performance and system audits and should abandon its beginning-of-the year activities such as visa and certification duties.

A significant increase is anticipated in the number of qualified personnel to be employed and in the training requirements for launching a financial control system to comply with the EU standards. For this reason, the administrative capacity of the Academy of Finance established under the Ministry of Finance should be improved rapidly.

2.5.2 Importance of Twinning assistance in the sector

Use of Twinning in the sector

Twinning implemented in the sector in the period 2002-2009:

No	Name	Period	Size	Objective linked with Accession agenda
TR0202.03	Reinforcement of Institutional Capacity of the Directorate General for State Aids in the Undersecretariat of State Planning Organisation IM?			IM
TR0302.04	Alignment of the Turkish Public Internal Financial Control System with International Standards and EU's Practices	2004-2005	3m (1.8 TW 1.2 SC, 0.3 co-financed)	This project proposal is linked to the priority areas for Turkey's membership preparation, as underlined in the Revised Accession Partnership (the RAP) and the National Programme for the Adoption of the Acquis (NPAA). Both documents recognize the importance of strengthening the financial control functions of Turkish administration.
TR0302.05	Strengthening the Audit Capacity of the Turkish Court of Accounts	2004-2005	1.4m (1.2 TW 0.2 SC, 0.05 co-financed)	This project proposal is linked to the priority areas for Turkey's EU membership preparation, as underlined in the Accession Partnership (AP) and the National Programme for the Adoption of the Acquis (NPAA). Both documents recognise the importance of

				strengthening the financial control functions of the Turkish administration. <i>“legislation on public internal financial control in accordance with EU practice and internationally agreed control and audit standards should be adopted and its effective implementation should be ensured”.</i>
TR0302.07	Strengthening the Public Procurement System in Turkey	2004-2005	1.82 m 1.3 m (TW) 0.52 SC, 0.13 co-financing	AP Short term priority Complete alignment of the public procurement legislation with the EU acquis. Increase the capacity of the Public Procurement Authority to implement and monitor the new Public Procurement Law. AP Medium term priority Ensure the proper functioning of the Public Procurement Authority. Ensure effective implementation and control of the public procurement regime in line with the EU acquis.
TR0303.08	Setting up a well-equipped Investment Promotion Agency to fulfill promotion functions ??	2004-2006	3.901m TW 1m TA 2.4m SC 0.501 0.15 co-financing	<i>Short Term:</i> Remove all restrictions affecting foreign investments (originating from the EU) in all economic sectors in Turkey. <i>Medium Term:</i> Remove all restrictions affecting the acquisition of real estate in Turkey by EU citizens and legal persons.
TR0305.01	Support to the State Planning Organization General Directorate for Regional Development and structural adjustment for strengthening institutional capacity-	2004-2005	0.8m All TW	According to the 2003 Accession Partnership, the short term priorities in the field of regional policy include: Start to develop a national policy for economic and social cohesion aimed at reducing regional disparities through a National Development Plan, and the Establishment of regional development plans at the NUTS 2 level; and, Strengthen the administrative structures for managing regional development; and, Adopt a legislative framework that would facilitate the implementation of the acquis. Medium-term priority: Economic and social cohesion: Developing the implementation of a Regional Development Programme and Community Initiatives; improving administrative structures, organising the budgetary system and its procedures according to EU funding standards, including appraisal and evaluation. The project contributes to achieving these objectives. Turkish National Programme for the Adoption of the Acquis: The project contributes to the realisation of a series of NPAA chapter headings including: “Alleviating regional

				disparities to increase economic, social and cultural opportunities for all citizens”; Small and medium-sized enterprises” – especially with a view to increasing SME competitiveness; “regional policy” – with a view to supporting regional-level economic development.
TR0402.06	Assisting the Capital Markets Board of Turkey (CMB) to comply fully with EU capital markets standards IM?			IM
TR0403.02	Tax Administration Capacity Building	2005-2007	6.175 m TW: 1.61 SC: 3.905 Co-financing: 0.725 TA: 0.66	AP – Short Term Priority – Cp. Taxation states that: “Modernise and strengthen the tax administration with a view to increasing taxpayers’ compliance and to improve the collection of tax revenues.” AP - Medium term priority - Cp. Financial and budgetary provisions states that “Strengthen the administrative capacity for the collection of VAT and customs duties and establish effective instruments to combat fraud. As per AP and NAPP Turkey is embarked on a continuous effort to modernise and strengthen its tax administration so as to increase taxpayer’s compliance and to improve collection of tax revenues.
TR0503.15	Capacity building for the compilation of accounting data in all institutions and agencies within general government sector in the context of e-government			PF missing
TR0603.07	Modernisation of the Turkish Customs Administration III - NTCS Component		TW: 4 (both NTCS and ITMS) S & SC: 7.65 + 3.5 + 3.877139	The projects are in line with the AP’s and NPAA’s priorities, Regular Reports of the EU Commission for Turkey and the ongoing Twinning Project of the TCA (TR03/FI/05) Sub-Component 1; Customs IT Systems Accession partnership with the Republic of Turkey (The Council Decisions of 19 th March 2003) underlines the necessity to ensure the interconnectivity of Turkey’s information technology (IT) systems with the Community IT systems (installation of CCN/CSI, developments required for NCTS, integrated tariff management system). Similarly, National Programme of 24 th July 2003,

				<p>specifies the further improvement of customs administration for alignment of its computer systems and TARIC.</p> <p>Regular Report of 09th November 2005 declares that the administrative and operational capacity of TCA continued to be strengthened and the increased use of non-intrusive inspection devices such X-Ray devices, CCTV-Closed Circuit TV, License Plate Scanner and Vehicle Tracking Systems helped to detect more drugs and smuggled goods in 2004 compared to 2003.</p> <p>Accession Partnership (AP) of 19th March 2003 declares the importance of strengthening the efforts to develop sustainable training programmes on the <i>acquis</i> with a view to increasing administrative capacity and improving inter-agency cooperation.</p> <p>2004 Regular and 2005 Regular Reports in a similar way state that enhancement of interagency cooperation and the introduction of mobile surveillance units and development of risk analysis using the existing Customs co-operation agreements with neighbouring countries and others should be taken forward.</p>
	Modernisation of the Turkish Customs Administration – ITMS Component	See above	See above	See above
	"Capacity Building Component" of Modernisation of Turkish Customs Administration III	See above	See above	See above
TR0702.14	Supporting Turkey for Enhancing Implementation and Enforcement of Industrial Property Rights	2008-2009	1.26 TW 0.06 co-financing	<p>Section 3.1, Short Term Priorities, Intellectual Property Law: Improve enforcement of the legislation on intellectual property rights, by reinforcing administrative capacity and coordination including law enforcement agencies and the judiciary. Address in particular counterfeiting of trademarks, especially relating to automotive spare parts and luxury goods, as well as piracy, especially with regard to books, and other media.</p> <p>Section 3.2, Medium Term Priorities, Intellectual Property Law: Complete alignment and ensure the enforcement of intellectual property rights by strengthening enforcement structures and mechanisms, including enforcement authorities and the judiciary.</p>
TR0702.09	Strengthening the public financial management and	2008-2010	1.8 m (TW)	This project proposal is linked to the priority areas for Turkey's membership preparation, as underlined in the Revised Accession Partnership (the RAP) and the

	control system in Turkey			National Programme for the Adoption of the Acquis (NPAA). Both documents recognize the importance of strengthening the financial control functions of Turkish administration
TR 08 IB FI 02	Improving data quality in public accounts	2009-2010	1.875 m TW: 1.575 SC: 0.3 Total co-financing: 0.15375 m	Within the scope of accession negotiations with EU, with respect to financial control and statistics chapters, Turkey has committed to produce financial accounts and statistics for general government sector in line with the EU acquis and to ensure full harmonization in this area by 2009. In preparation and dissemination of public accounts and GFS, a systematic control regarding the degree of consistency with EU acquis (ESA95, GFS norms and EDP Notification Guideline), and an assurance for the quality of public accounts are required and these needs can only be achieved by enhancing the administrative capacity to perform these functions.
TR 08 IB FI 03	Decision making and performance management in Public Finance	2009-2011	2.39 TW 0.86 TA 1.41 SC 0.12	The objectives to be reached by this project reflect some of the priorities set out in the Council Decision of 18 February 2008 on the principles, priorities, intermediate objectives, and conditions contained in the Accession partnership with Turkey. The document recognizes the importance of strengthening the financial control functions of Turkish management. Priorities under the heading of “Ability to Assume the Obligations of Membership” of the AP clearly indicated that “Turkey should adopt an updated Public Internal Financial Control (PIFC) Policy Paper and derived PIFC legislation” Also under the same heading, it is indicated that “Reinforce the establishment of institutional structures and strengthen administrative capacity in the areas of programming, project preparation, monitoring, evaluation and financial management and control, particularly at the level of line ministries, to implement EU pre-accession programmes as a preparation for the implementation of the Community’s cohesion policy.”

Comparison of Twinning versus other pre-accession assistance

For the twinning projects mentioned above, the following split into components can be calculated:

Type of support	Twinning	TA	Supplies
Means (in € m)	17.205	4.47	21.773

Analyse importance of Twinning compared to other assistance in the sector

How important is assistance from other donors important in achieving alignment with the Acquis Communautaire?

EU projects (all TA)

TR050210	FEMIP Support Fund for Turkey	3000000
TR060307/TR06IBFI01	Modernisation of the Turkish Customs Administration III - NTCS Component	2400000
TR060307/TR06IBFI02	Modernisation of the Turkish Customs Administration – ITMS Component	2000000
TR070204	Introduction of Quality Management in the Revenue Administration	1184300
TR 08 02 06	Decision Making and Performance Management in Public Finance	1269000
TR 08 02 07	Strengthening the Capital Markets Board (activity 3-6)	1827405
TR050316	Upgrading the Statistical System of Turkey – Phase II	7736000
TR070223	Strengthening the Statistical Capacity of MoNE	1850000
TR070224	Strengthening the Statistical Capacity of MoLSS	800000
TR070225	Strengthening the statistical capacity of the MARA (the Ministry of Agriculture and Rural Affairs)	950150

The World Bank has provided loans through various Programmatic Public Sector Development Policy Loans. These loans, inter alia, focused on “continuing the ongoing process of upgrading financial controls and public expenditure management”. The sequence of loans amounted to multiple € 100s m, it is unclear how much was spent on narrow PFM issues.

2.5.3 Current situation of the sector in 2009

Current state of legislative alignment⁷

Chapter 16: Taxation

Short term:

- Take practical steps leading to a substantial reduction in discriminatory taxation of alcoholic products, imported tobacco and imported cigarettes, and present a plan with clear milestones, and agreed with the Commission, for the rapid elimination of any residual discriminatory taxation,
- pursue alignment of VAT and excise duties, in particular on structure and applied rates,
- continue strengthening and modernising the tax administration, including the IT sector, in order to increase compliance and improve collection of tax revenues and to reduce the informal economy.

Medium term:

- Continue alignment of excise duties and VAT, in particular as regards deductions, exemptions, special schemes, tax refunds and the application of reduced rates.

Chapter 18: Statistics

Short term:

Align the methodology and the organisational set-up for collecting information to provide agriculture statistics in line with EU requirements,

- Agricultural Statistics Strategy Paper (2008-2012)
- Implementing Regulation on Establishment of FADN

⁷ Draws on NPAA 2008 and 2007 NPAA

Chapter 32: Financial control

Short term

- Adopt an updated Public Internal Financial Control (PIFC) Policy Paper and derived PIFC legislation,
- adopt pending legislation to guarantee the functioning of the Turkish Court of Accounts in line with the International organisation of supreme audit institutions (INTOSAI) standards and guidelines,
- set up an operationally independent anti-fraud coordination structure for the protection of EU financial interests.

Medium term

- Align the Turkish Criminal Code with the protection of the European Communities financial interests Convention (PIF Convention) and its protocols.

What part of the progress can be attributed to (a) Twinning project(s)?

Twinning projects have been conducted mostly in the spheres of financial control and taxation (capacity building in tax administration, with negligible role for legislative alignment). In general, the need for legislative alignment in these fields is limited relative to the needs for institutional alignment.

Current state of institutional alignment

Chapter 16: Taxation

Priority 16.3 Continuing strengthening and modernising the tax administration, including the IT sector, in order to increase compliance and improve collection of tax revenues and to reduce the informal economy

- Procurement of consultancy service on the amendments to be made within the framework of the EU legislation in force
- Training of the personnel on the amendments to be made within the framework of the EU legislation in force
- Analyzing in abroad the practices of EU member states on the amendments to be made within the framework of the EU legislation in force

Chapter 18: Statistics

Priority 18.1 Producing timely key national accounts indicators in accordance with ESA 95

- Strengthening the infrastructure to fully comply with ESA-95
- Expert support, study visits and training activities on National Accounts
- Updating required organization for the implementation of the acquis
- Compiling the accounting data of all the institutions included in General Administration and capacity building to develop statistical tables harmonised with ESA 95

Priority 18.2 Aligning the methodology and the organisational set-up for collecting information to provide agriculture statistics in line with EU requirements:

- Strengthening the statistical capacity of Ministry of Agriculture and Rural Affairs for the implementation of the strategy paper (2008-2012)
- Establishment of farm accountancy data network (FADN) in 9 provinces

- Enhancing the institutional capacity of Ministry of Agriculture and Rural Affairs for ensuring the implementation, sustainability and expansion of FADN
- Aligning the methodology and the organisational set-up for collecting information to provide agriculture statistics in line with EU requirements
- Establishment and completion of Statistical Farm Register
- Harmonization of crop production statistics
- Harmonization of livestock, meat, milk, milk product and egg statistics
- Harmonization of agro-monetary statistics
- Implementation of Farm Structure Survey under 2011 General Agricultural Census
- Conducting surveys
- Survey on animal production in agricultural holdings
- Vineyard Survey
- Survey on economic structure of the agricultural holdings
- Monthly data on the production of meat, milk and egg in the integrated establishments
- Updating of Statistical Farm Register (constantly)
- Farm Structure Survey
- Obtaining consultancy on improving agricultural statistics
- Training of personnel and participating in study visits

Priority 18.3 Finalising establishment of the business register

- Increasing the qualified personnel capacity in order to set up BR system in Turkey
- Performing studies to enhance the standards and data quality of registers of other Institutions, foreseen to be used in Business Registers
- Restructuring of Business Registers Group
- Finalising the implementation of business register in an improving manner

Priority 18.4 Reinforcing the coordinating role and improving the administrative capacity of Turkstat to ensure more timely collection, processing and dissemination of data

- Strategy and Quality Management
- Consultancy services on performance evaluation and management
- Training and study visits on performance evaluation and management
- Consultancy services on Total Quality Management (TQM)
- Training and study visits on Total Quality Management
- Study visits on Strategic Management
- Official Statistics Programme
- Receiving consultancy service to improve the multi-year official statistics programming and coordination with other actors of the system and to develop tools and mechanisms for monitoring the official statistics program.
- Training and study visits on official statistics programme
- Upgrading the Statistical System of Turkey Programme (Training and Consultancy)
- Training, study visits and consultancy services to increase knowledge on “developing the statistical and institutional capacity through projects funded by EU and other international organizations”
- Training, study visits and consultancy services on “the rules, procedures and practices of negotiation process in the National Statistical Offices of EU Member States”

Chapter 32: Financial control

Priority 32.3 Setting up an operationally independent anti-fraud coordination structure for the protection of EU financial interests

No institutional capacity building requirement is envisaged under this priority at this stage. However, it is possible to establish new appointments within the current structure while establishing AFCOS with a view to reaching required standards for protecting EU's financial interests.

What part of the progress can be attributed to (a) Twinning project(s)?

Twinning projects have mostly focussed on strengthening capacities in the fields of financial control and tax (and customs, see IM) administration. Twinning activities in the field of statistics have been limited – there is one recent project, which has not been completed yet – although there remain a substantial number of issues in that field. Twinning appears to have contributed in institutional alignment, but other forms of support have been more important in budgetary terms (particularly through the WB loan).

2.6 Agriculture and Fisheries

2.6.1 Position of the sector in 2003

Need for legislative alignment

The state of the sector within 2001 to 2003 has been at a planning and programming level for legislative alignment with the *acquis*, and even some initial harmonisation amendments to the Turkish legislation in line with the EC Directives. The earliest commitments of Turkey in terms of legislative alignment with the *acquis* related to the Agriculture and Fisheries sector have been with the 2001 followed by the 2003 National Programme for the Adoption of the *Acquis* (NPAA).

The Accession Partnership (AP) document in 2001 had pointed out short term and medium term priorities for alignment to the *acquis*, which were similarly required in 2003 also in compliance with the Common Agriculture Policy adopted by the EU in 2003. The 2003 AP requires Turkey to adopt a set of legislation, secondary legislation for agriculture, food, veterinary and fisheries *acquis*, as well as prepare and to start establishing the relevant systems, institutions, and structure to align the *acquis*. The main issues in the agriculture sector have focused on an integrated administration and control system, rural development and forestry strategy and structures, common market systems, food safety and control systems, veterinary and phytosanitary, border inspection posts, community hygiene and public health standards in aligning the legislation and structures to the *acquis*. The fisheries sector has primarily focused on the alignment of the management, control, marketing and structural adjustment to the *acquis*, and also development of a computerized fisheries registration and statistical information system in compliance with the *acquis*.

In accordance with the AP requirements, the agricultural sector encompasses the largest area committed by the Turkish government in both 2001 and 2003 NPAA in terms of

adoption of the EU *acquis*. The priority issue in this context is the harmonization of Turkish agriculture with the Common Agricultural Policy. Commitment for Fisheries sector had included fishing fleet registration and supervisory mechanisms. The 2003 NPAA has indicated the legislative allignments enacted in Animal Breeding, Sugar, Animal Health and Surveillance, and Tobacco and Alcohol Law. The Turkish government had identified in agriculture sector six agriculture priority areas for agriculture and one fisheries priority area for fisheries sector, in which the Turkish legislation has had to be modified.

The Agriculture priority list was as follows:

1. Alignment to the Arrangements on Horizontal Issues
2. Allignment to the veterinary *acquis*.
3. Alignment to the Phytosanitary *Acquis* and Establishment of the Necessary Institutional Capacity
4. Preparation of a National Rural Development and Forestry Strategy
5. Food Safety and Control
6. Adoption of the Legal Basis, Administrative Structures and Implementation Mechanisms for the Establishment of Common Market Organisations and Effective Monitoring of Agricultural Markets

The priority area in fisheries sector had been about the Establishment of Legal Framework for the Alignment with the Common Fisheries Policy aligning the legislation to the *acquis*.

The agriculture and fisheries chapters cover a large number of binding rules, many of which are directly applicable. The proper application of these rules and their effective enforcement by an efficient public administration are essential for the functioning of the Common Agricultural Policy. A total of more than 400 EC directives in the six priorities of the agriculture sector and more than 110 EC directives in the fisheries sector were targeted by the Turkish government in the 2003 NPAA for alignment to the *Acquis*.

The November 2001 EC Progress Report for Turkey showed that Turkey was only beginning the process of alignment with the *acquis*. Moreover, no progress had been made since the previous report on either agriculture or fisheries.

The November 2003 Report includes Agriculture in Chapter 7 stating that in general limited progress in aligning legislation had been made and some progress had been made particularly in the veterinary and plant-health fields; and Fisheries in Chapter 8 indicating that no progress had been achieved in aligning legislation with the *acquis*, even though scant progress in alignment of its fishery policy with the *acquis* had been observed.

The Ministry of Agriculture and Rural Affairs (MARA), which is the primary institution responsible for the implementation of agricultural policies in Turkey, has been primarily responsible for this purpose. EC twinning assistance to Turkey has started in 2002 with two projects for the purpose of aligning Turkey with the veterinary and phytosanitary *acquis* in the agriculture sector, and with a fisheries sector *Acquis* alignment project in 2003.

Need for institutional alignment

The EU's common agricultural policy (CAP) places each agricultural product under a common set of market rules throughout the Union. The effective implementation of the *acquis* requires that intervention agencies are capable of performing tasks such as regular market and price monitoring, public storage, and sales and stock control. The *acquis* further specifies precise rules for producer organisations. In this respect, the need for institutional alignment has been first addressed in the NPAA 2001 followed by the 2003 NPAA, committing restructuring of the MARA regarding the agricultural sector, as well as committing to establish a central Directorate General for fishery products sector. In line with the requirements of the revised 2003 AP regarding the agriculture sector, institutional alignment in all of the six priorities of the 2003 NPAA has been indicated for more than 260 necessary institutional changes, with a specific focus on capacity development and restructuring the MARA and establishing the relevant institutions to align the agriculture *Acquis*. Some primary institutions that are to be established include Integrated Administration and Control System, Rural Development Agency, Farm Accountancy Data Network, Border Inspection Posts, Surveillance Laboratories, Inspection and Control units, identification and registration of animal diseases, rapid alert systems, risk assessment, technical and hygienic improvement of food processing establishments.

Regarding the fishery sector, NPAA of 2003 has set forth an action plan with the aim of ensuring an adequate alignment with the *acquis*, stipulating both administrative restructuring and legislative harmonisation. The priorities aimed at bridging the gaps in the administrative structures. NPAA has identified that structuring as a high-priority issue, which include, *inter alia*, management of fisheries resources in line with requirement of the *acquis*. NPAA has required providing needed infrastructure and facilities to make substantial progress towards aligning fisheries management.

In this framework, the 2004 twinning project "Strengthening the administrative capacity for the effective implementation of Rural Development Plan" has directly targeted to develop the institutional capacity for alignment with the identify EU's Common Agricultural capacity, and furthermore identifying the necessary investments for this purpose.

2.6.2 Importance of Twinning assistance in the sector

Use of Twinning in the sector

During the 2002-2009 period, among the 99 projects programmed as twinning assistance, a total of 10 projects with the beneficiary as MARA has addressed the agriculture and fisheries sector. The Twinning project implementation has started as early as in 2002 with two projects, and followed by 8 projects over the following programming years until 2009. 8 of the projects have been completed, and two of the have been continuing, while none has been undertaken within the 2008 programming year. A new project has been programmed in 2009, which is "Extending the Pilot FADN Project and Ensure Sustainability" (TR 09 IB AG 01). The duration of the twinning projects have been about 24 months and with budgets around 1 Million Euros, similar to that of other twinning projects in other sectors.

The total budget amount of the 11 projects being implemented within 2002-2009 is 13.5 mln Euros

No	Name	Period	Size	Objective linked with Accession agenda
TR02-AG-01 TR 0203.05	Support for the alignment of Turkey with the EU Veterinary Acquis	24 Months (26 Months)	1.400.000,00 €	to support the alignment to the relevant EC standards of Turkish legislation and its implementation in the fields of animal health, veterinary public health and animal welfare.
TR02-AG-02 TR 0203.06	Support of Turkey's alignment to the EC acquis in the phytosanitary sector	(22 Months) 20 Months	1.060.000,00 €	To upgrade the technical infrastructure of the Ministry of Agriculture and Rural Affairs (MARA) and its services in order to undertake the priorities for EU alignment and implement the reforms identified in the current Accession Partnership and the National Programme for the Adoption of the Acquis (NPAA) with regard to the phytosanitary sector. To strengthen the legal and institutional capacity of the Ministry of Agriculture and Rural Affairs (MARA) and its services to transpose the rules and practices of EU phytosanitary sector.
TR03-AG-01 TR 0303.02	Fisheries Sector-legal and Institutional Alignment to the EU Acquis	(27 Months) 24 Months	2.457.160,00 €	To enhance the sustainable contribution of the fisheries sector to the national economy and prepare the sector for Turkey's accession to the European Union. The purpose of the project is to implement the relevant legal, institutional and structural policy reforms identified in the 3-year horizon Fisheries Sector EU Alignment Strategy developed by the Fisheries Department of the Ministry of Agriculture and Rural Affairs (MARA).
TR04-IB-AG-01	Strengthening the administrative capacity for the effective implementation of Rural Development Plan	24 months	1.500.000,00 €	Development of institutional capacity for alignment with EU's Common Agricultural Policy (CAP): Strengthening of the institutional capacity for implementation of the rural development component within IPA including the identification of the infrastructure necessary to support the implementation of the RDP in line with the EC acquis
TR04-IB-AG-02 TR 0403.03	Restructuring and Strengthening of the Food Safety and Control System in Turkey	24 months	1.500.000,00 €	To strengthen the capacity of the Ministry of Agriculture and Rural Affairs (MARA) to transpose and comply the current Turkish food law with the Council Regulation no 178/2002 of 28 January 2002 and to design and implement an efficient and effective food control system by providing: • A high quality service with the improvement of food inspection and control services through strengthening administrative, technical capacities and personal skills of food inspectors • Establishing an information

TR05-IB-AG-01 TR05-AG-01	Establishment of an IPA rural development paying agency (IPARD)	19 months	1.199.994 €	technology system for Rapid Alert System and implementation with the participation of all units related to food safety at national level Building on previous assistance, notably the rural development component of the 2004 pre-accession project, to support establishment of an IPA Rural Development Agency and strengthen its administrative capacity.
TR06-IB-AG-01	Establishment of pilot Turkish Farm Accountancy Data Network (FADN)	24 months	600.000€	To introduce the FADN system in 9 provinces of Turkey with the implementation of pilot studies and establishment of legal and administrative framework in accordance with the relevant EU legislation at national, regional and farm level.
TR06-IB-AG-02	Development of the seed sector in Turkey and alignment to the EU	18+3 months	875.000 €	The Ministry of Agriculture and Rural Affairs (MARA) has an adequate administrative capacity and technical infrastructure to follow EU rules and practices in the seed sector, with special emphasis on variety registration, seed certification, implementation of plant breeder rights and extension services.
TR07-IB-AG-01 TR0702.02	Introduction of Stock Assessment to Fisheries Management System of Turkey	12 months	1.000.000 €	To establish and improve necessary capacity required for ecosystem based fisheries resource management in Turkey.
TR07-IB-AG-02 TR0702.01	Plant Passport System and Registration of Operators	24 months	1.000.000 €	A plant passport system is established on pilot plant groups (<i>Prunus</i> spp. apricots, peaches, cherry and sour cherry; pokeroor, <i>Malus</i> spp., <i>Pyrus</i> spp.) that will be expanded to other plant groups as specified in Council Directive 2000/29/EC.
TR09-IB-AG-01	Extending the Pilot FADN Project and Ensure Sustainability	24 months	1.450.000 €	

Analyse importance of Twinning compared to other assistance in the sector

Some other donor institutions have funded activities contributing to the development of the agriculture and fisheries sector in alligning toward the *acquis*. Some examples are as follows:

- The cooperation with the World Bank and the Food and Agricultural Organisation of the United Nations (FAO) has been intensified in the area of rural development, notably in the frame of the WB Agriculture Reform Implementation Project (ARIP) and the FAO's support in agriculture sector.
- FAO has assisted Turkey with the upgrading of its national food safety and food quality control system with a view to enhancing consumer protection and to improve Turkey's access to international food markets. The project has focused on (a) international control requirements; (b) improvement of the food control framework and (c) training for food inspectors and industry groups.
- Within the framework of the ARIP launched in late 1999, Turkey had been reforming its price support and input subsidy policies, and had privatised the agricultural SEEs, which has been also in line with the EU Common Agriculture Policy.

- Specifically, in accordance with the activity plan prepared by the “Support to the Alignment of Turkey to the EU Veterinary Acquis’ project, the World Bank has financed the ‘Avian Influenza and Human Pandemic Preparedness and Response Project’, which has had a complementary importance in this sector. Most recently, the World Bank financed “Land Registration and Cadastre Development” project has been completing the harmonisation of the alignment with the EC institutions and implementations.
- In Food Safety subsector, the Dutch Government has funded the training of laboratory personnel, drafting of Laboratory Quality Manuals, establishment of Standard Operating Procedures for selected methods of analysis, and development of a food safety strategy document. The Ministry of Health was the beneficiary of these activities, while in a later stage the project was transferred to the Ministry of Agriculture and Rural Affairs, and included the training of food inspectors.

2.6.3 Current situation of the sector in 2009

Current state of legislative alignment

The current status of the sector in terms of alignment is as follows:

The **EC Progress Report of 2009** has noted that in Chapter 11 Agriculture and Rural Development the overall alignment with the *acquis* remains limited. Limited progress can be reported on legislative alignment with the common agricultural policy (CAP). No progress can be reported towards the announced restructuring of the MARA, although an outline for its future organisational structure exists. Current agricultural support policies and decision-making are increasingly dissociated from the CAP, while the accreditation of the IPARD reveals difficulties. Technical barriers to trade in bovine products remain an urgent issue. Progress in the preparation of strategies in agricultural statistics and land/farmer's registration remains slow. The **2008 NPAA** states that **Law No. 5648 on Establishment and Duties of Agriculture and Rural Development Support Institution** has entered into force on 18 May 2007. **Law No. 5818** amending the mentioned Law has entered into force on 5 December 2008. The NPAA document commits to fulfill its obligation within a time schedule for the completion of the priority legislation changes mostly by the end of 2010.

Similarly, the 2009 Progress Report identifies for Chapter 12 Food Safety, Veterinary and Phytosanitary policy as Turkey's progress on transposition and implementation of the food safety *acquis* remained limited. The **Framework Law on Food, Veterinary, Food, Hygiene and Official Controls** (No.5996), which is a key element for the accession negotiations on this chapter, has not yet been adopted. Even though efforts continued, transposition and implementation of the *acquis* in this area is still at an early stage. Strengthening administrative structures remains pivotal for continuing alignment under this chapter.

Most recently, the **Framework Law on Food, Veterinary, Food, Hygiene and Official Controls** (No.5996) has been ratified by the Parliament on 11 June 2010 satisfying the *acquis* requirements, the “Food Safety, Veterinary & Phytosanitary Policy”

Regarding the Chapter 13 for Fisheries, the Progress Report 2009 indicates that no significant progress has been made with alignment with the fisheries *acquis*. The amended Law on Fisheries has still not been adopted. There has been no progress on reorganisation of the administrative structures necessary for consistent implementation of the common fisheries policy. Responsibility for fisheries is still spread between various ministries and different departments within MARA. However, some progress has been made on resource and fleet management and implementation of international agreements.

What part of the progress can be attributed to (a) Twinning project(s)?

According to the beneficiary and stakeholder opinions, the Twinning projects undertaken by different Directorates General of MARA have contributed very much in preparing for the screening meetings as well as the negotiations of the relevant priorities under these Chapters in terms of primary and secondary legislation as well as institutional alignment. The twinning projects, first of all, has provided capacity building to enable the MARA staff to contribute effectively to the progress in the EU alignment in especially the agriculture sector. Furthermore, preparation of the draft primary legislation, secondary legislation as per the EC Directives based on the experiences in member states reflected by RTAs or by study visits to the member countries, and with a cooperative study has mostly paved the way for alignment, however, subject to some other difficulties. The draft legislation for each subsector has been prepared, however, due to overlaps, a new Framework Law (No. 5996)⁸ addressing the requirements of the *acquis* has been prepared utilizing the results produced by the twinning projects.

Need for institutional alignment

For the purpose of addressing the requirements of institutional alignment within the three Chapters in line with the AP2008, the NPAA 2008 Turkey commits institutional building among others mainly such as capacity building and development of the staff and recruiting new staff⁹ of MARA including Provincial Agricultural Directorates in 81 provinces as well as other related Ministries, preparing strategy plans, action plans, risk and contingency plans restructuring MARA, establishing new organizations such as Border Inspection Posts, and Risk Assessment Units, establishment of database and information systems, maintenance and development of software for surveillance, control and inspection, accreditation of reference laboratory and improvement of the regional laboratories. These commitments will serve for the agriculture and fisheries sector to cope with the implementation of the *acquis*, and schedules set for each of the items in Chapters 11, 12 and 13.

Main concern for the alignment in the agriculture and fisheries sector is the restructuring of MARA for aligning to the *acquis*, for which progress is dependent on its new law to be

⁸ The Framework Law (No. 5996) has been recently ratified on 10 June 2010 by the Parliament of Turkey, replacing the several relevant previous legislation including Food Law (No. 5179) of 2004, Animal Health and Control Law (No.3285), Agriculture Protection and Quarantine (No. 6968), Feed Law (No. 1174), and Animal Improvement Law (No. 4631), which were not totally satisfying the relevant *acquis* of the EU or having overlapping articles. According to this Law, the Food Protection and Security General Directorate is to be restructured by the end of 2010 to satisfy some of the alignment requirements. However, restructuring of MARA as a whole requires a new legislation which has been proposed to the Parliament and waiting for ratification since 2009.

⁹ According to the IE reports, MARA has a high staff turnover.

enforced. After restructuring, intensive capacity building and development would be required as indicated in the NPAA 2008 of the Turkish government.

For institutional alignment under **Chapter 11**, NPAA 2008 foresees further capacity development for of MARA in especially establishing a comprehensive IACS system, risk management, data processing, MIS, and capacity development of IPARD on environment. However, **2009 Progress Report** indicates that no progress can be reported towards the announced restructuring of the MARA, although an outline for its future organisational structure exists. Current agricultural support policies and strategic policy-making are moving away from the CAP, while difficulties in accreditation of the IPARD are faced. Technical barriers to trade in bovine products remain an urgent issue. Preparation of strategies for agricultural statistics and land/farmer's registers progresses slowly. Overall, progress has been limited in this area.

With reference to **Chapter 12**, the Framework Law for *on Food, Veterinary, Food, Hygiene and Official Controls* (No.5996) foresees the reorganisation of the General Directorate Protection and Control (GDPC) in the MARA by the end of 2010, which also requires capacity building of the staff in the new departments and other necessary institutionalisation such as management information systems. Main required institutional alignment areas include capacity building for food security in laboratories and in identification, controlling, surveillance, MIS, preparation of a plans and strategies.

In **Chapter 13** of the NPAA 2008, the Turkish government commits institutional alignment in mainly capacity building for carrying out fisheries stock assessment studies required for management of stocks; landing-port offices; Maintenance of Fisheries Information System (FIS), Vessel Monitoring System (VMS) and databases, and others. The primary requirement for administrative restructuring in this Chapter has not been achieved by now being contingent on enforcement of the new legislation for MARA. According the 2009 Progress Report, there has been no progress on reorganisation of the administrative structures necessary for consistent implementation of the common fisheries policy. Responsibility for fisheries is still spread between various ministries and different departments within the Ministry of Agriculture and Rural Affairs (MARA).

Even though 10 twinning projects have been implemented within 2002-2009 period and another will start in 2010, the high number of legal and institutional alignment items necessary under each priority of each chapter leaves still much place for new twinning projects to be undertaken in untouched areas, such as veterinary side products, fisheries institutions, control and inspections, laboratories accreditation, and further capacity building of the present staff and the newly appointed staff¹⁰.

What part of the progress can be attributed to (a) Twinning project(s)?

The 10 twinning projects have contributed to the legislative and institutional alignment to the *acquis*. However, 8 out of 10 projects focus on the institutional alignment in agriculture and fisheries sector. Draft primary and secondary legislation for the main parts of the alignment priorities have been the results of the projects, including capacity building of mainly MARA and other related Ministries. Some of the legislation prepared

¹⁰ According to the IE reports, MARA has had high staff turnover.

for different priorities has been put into force in years around 2004-2006, however, causing some overlapping conditions. Thus, the Framework law for Chapter 12 has later been prepared by MARA replacing the previous related ones. Some new institutions have been established such as IPARD, some pilot implementations have been conducted such as FADN, a reference laboratory has been established, strategies and plans have been developed, capacity building of the staff has been conducted by 8 twinning projects.

2.6.4 Conclusion

The Agriculture and Fisheries sector for alignment to the *acquis* includes three Chapters of 11, 12 and 13 with reference to more than 1200 EC Directives. The overall progress recorded in agriculture and fisheries sector is limited within the 2002-2009/2010 period, the progress in Fisheries subsector being the least.

Main concern for the alignment in the agriculture and fisheries sector is the restructuring of MARA for which the legislation has been forwarded to the Parliament in 2009, but still waiting for its ratification. Upon enforcement of this law, development of the secondary legislation and intensive capacity building and development would be required as indicated in the NPAA 2008 of the Turkish government.

Opening of negotiations for Chapters 11 and 13 are subject to the fulfilment of the political criterion referring to Cyprus. Two screening meetings were held for Chapter 11 in 2005 and 2006; similarly two screening meetings were held for Chapter 12 in 2006. Negotiations have started for Chapter 12 in June 2010 with 7 opening and closing benchmarks. No screening has taken place for Chapter 13 yet.

Since 2002, in comparison to the other two chapters, more progress has been recorded for alignment to the *acquis* in Chapter 12 *Food Safety, Veterinary and Phytosanitary Policy*. The Chapter has been opened for negotiation after specifically enforcement of the relevant Framework Law in June 2010 replacing several dispersed and overlapping legislation developed in this field within this period, mostly based on the results obtained by the twinning projects. Yet, secondary legislation including more than 30 regulations to be enforced, as well the institutional alignment including reorganisation and establishment of the relevant bodies and further capacity building among others are considered to be the main focus of achievement in this subsector.

Twinning projects implemented by MARA since 2002 have contributed to the legislative and institutional alignment of agriculture and fisheries *acquis*. Yet, the high number of legal and institutional alignment items necessary under each priority of each chapter leaves still much place and need for new twinning projects to be undertaken in especially untouched areas, such as veterinary side products, fisheries institutions, control and inspections, laboratories accreditation, and further capacity building of the present staff and the newly appointed staff.

2.7 Internal market

2.7.1 Position of the sector in 2002

The field of Internal Market covers the following Chapters from the Acquis::

Chapter 1: Free movement of goods;

Chapter 2: Free movement of persons;

Chapter 3: Freedom to provide services;

Chapter 4: Free movement of capital;

Chapter 5: Company Law;

Chapter 6: Competition;

Chapter 10: Taxation;

Chapter 25: Customs Union.

Need for legislative alignment

The presentation below focuses on the fields in which twinning projects have been started. Main documents analysed: 2001 and 2003 NPAA.

Accreditation and conformity

The 2001 NPAA mentions that it is essential that Turkish Accreditation Authority (TÜRKAK), officially established on 4 November 1999 through Law No. 4457, begins operation. Relevant laws are in place, some fine-tuning is necessary, however, see below: Within the framework of the New Approach Policy of the EU, the final objective is to adopt a conformity assessment (...) system having an internationally recognized reliability and to establish the standardization, testing, certification, inspection, metrology, calibration, accreditation and market surveillance infrastructure required for proper functioning of the free movement of goods within the Customs Union and for the implementation of the related legislation. Moreover, the draft texts of the “By-Law on the Market Surveillance and Control of the Products”, “By-Law on CE Conformity Marking and its Use”, “By-Law on Conformity Assessment Bodies and Notified Bodies”, “By-Law on the Information Exchange Procedure on Technical Arrangements between the European Community and Turkey” and “By-Law on Establishing a Procedure for the Exchange of Information on National Measures Derogating from the Principle of the Free Movement of Goods between the European Community and Turkey” have been prepared.

Customs

A customs union with the EU entered into force on 1 January 1996. The the Customs Law and its implementing provisions are to a large extent in conformity with the EU legislation. Further, in an attempt to reflect the changes in EU customs legislation within Turkish customs legislation, Customs Law No 4458 and the Implementing Regulation on Customs are being amended.

Although Customs Law No 4458 is to a large extent parallel to the EU Customs Code provisions concerning free zones, at the present time implementations in the free zones are governed by the Free Zones Law No 3218, which has a special character.

Market surveillance

Within the framework of the New Approach Policy of the EU, the final objective is to adopt a (...) market surveillance system having an internationally recognized reliability and to establish (...) market surveillance infrastructure required for proper functioning of the free movement of goods within the Customs Union and for the implementation of the related legislation.

The administrative structures of the Ministries and public institutions, which are in charge of market surveillance also need to be strengthened. In the short term this means: Establishment of market surveillance (...) system and (...) implementation. In the medium term, the necessary infrastructure, and full enforcement of the system should be completed.

GLP

There does not exist any Turkish legislation on GLP. The Turkish legislation relating to the implementation of the GLP principles shall be harmonized with the EU acquis. There is a need for assistance in the below specified fields to realize all of the tests stipulated in the Council Directive No 67/548/EEC.

Intellectual property rights

Law No 4430, prepared by the Ministry of Culture to make the necessary amendments to Law No 5846 and to ensure full alignment with the EU acquis, was adopted and published on 3 March 2001. Through this Law, the required amendments were made in compliance with the provisions of the Council Directives, (...)

With Law No. 5846 on Intellectual and Artistic Works and Law No: 4630 amending Law No. 5846, considerable alignment with the EU acquis on intellectual property rights has been accomplished. Nonetheless, efforts proceed for full harmonization concerning resale rights, copyright and related rights in the information society, which are in general terms already in conformity with the relevant Community legislation. Accordingly, legislative drafting continues for the legal protection of databases and the rights of their producers.

For effective implementation of the arrangements on intellectual property rights, combating piracy has significant importance. To this end, Law No: 4630 introduced significant changes, including effective mechanisms to prevent piracy, which is recognized as an organized crime.

Consumer protection and product safety

Taking into consideration the analytical examination of the EU acquis and the results obtained from implementation of Law No 4077 over a five year period, work has started to make the necessary amendments to Law No 4077. It is expected that the draft in question will be legalised within the year 2001.

Effective implementation of legislation is called for.

Capital markets

Although the capital markets in Turkey are not equivalent to those in the developed countries with respect to their dimension, as regards **legislation**, institutions and products the Turkish capital market is quite close to the international markets and the EU acquis.

The Capital Market Board regulates the market and follows the rules applicable within the EU.

The corresponding Turkish legislation does not create a significant impediment to the full adoption of the EU principles. However some amendments should be made in some fields before full membership. All restrictions affecting foreign investments (originating from EU) in all economic sectors in Turkey should be removed.

It is required to exclude gold and precious metals from the instruments that are allowed to be included in the portfolio of open-end mutual funds, allowing the Turkish mutual funds to be able to benefit from the single license. Furthermore, some amendments are required so that the banks can perform capital market transactions.

In addition, some amendments are required on issues such as the minimum free float rate required for listing on the stock exchange, and bringing exemptions in disclosure requirements. Although the corresponding legislation is basically in harmony with the arrangements of the EU in the field of the capital adequacy of the intermediary institutions, some modifications are required for full harmonization before full membership.

Need for institutional alignment

In most of the cases discussed above, relevant legislation has been adopted. This legislation in most cases has been adapted recently, which means it has to be properly implemented. This requires capacity building (and resources).

Accreditation and conformity

The Turkish Accreditation Authority (TÜRKAK), officially established on 4 November 1999 through Law No. 4457, begins operation. Relevant laws are in place.

Accordingly, it is necessary to establish and develop the institutions responsible for conformity assessment and certification, to assess and certify conformity with the legislation, and establish the accredited institutions to be notified to the EU Commission.

Following the enforcement of the Draft Law on the Preparation and Implementation of the Technical Legislation on Products, appropriate public institutions and organisations will be selected to assume the task of preparing and implementing the technical legislation on products. The accredited institutions and conformity assessment bodies to be determined by these authorised public institutions will start functioning.

Customs

The administrative capacity of the Undersecretariat for Customs should be strengthened.

Market surveillance

Within the framework of the New Approach Policy of the EU, the final objective is to adopt a (...) market surveillance system having an internationally recognized reliability and to establish (...) market surveillance infrastructure required for proper functioning of the free movement of goods within the Customs Union and for the implementation of the related legislation.

The administrative structures of the Ministries and public institutions, which are in charge of market surveillance also need to be strengthened.

For the proper implementation of the directives it is essential to establish a market surveillance and conformity assessment system, (...) To this end, a project has been prepared within the framework of the 2003 Programming of Turkey –EU Pre-Accession Financial Assistance to improve the physical infrastructure for market surveillance and conformity assessment regarding machines, electrical equipment, pressure equipment, toys, medical devices and telecommunication terminal equipment. As regards other products, technical assistance from the EU Commission has been requested in order to provide assistance for necessary inventory works for project preparation.

GLP

There does not exist any Turkish legislation on **GLP**.

The Turkish legislation relating to the implementation of the GLP principles shall be harmonized with the EU acquis. There is a need for assistance in the below specified fields to realize all of the tests stipulated in the Council Directive No 67/548/EEC:

- Investigation of the infrastructure conditions of the existing laboratories in Turkey,
- Complicated analysis devices for the physicochemical and ecotoxicological tests,
- Advanced practical and theoretical training on GLP principles, toxicology, ecotoxicology and risk assessment.
- The regulations to be enforced are on:
 - GLP principles and verification of the use of chemical substances for testing,
 - GLP inspection and approval.

IPR

Law No 4430, prepared by the Ministry of Culture to make the necessary amendments to Law No 5846 and to ensure full alignment with the EU acquis, was adopted and published on 3 March 2001. Through this Law, the required amendments were made in compliance with the provisions of the Council Directives, (...).

With the aim of ensuring the necessary surveillance and coordination in this field, the existing Directorate General for Copyrights and Cinema is to be organised under two separate institutional structures. To strengthen the Turkish intellectual property system the establishment of an institute or body is being contemplated under the Ministry of Culture, or as an affiliated body thereof. Additionally, as a result of this arrangement, the scope of duties and authority of the Department of Cinema and Music works, presently affiliated to the Directorate General for Copyrights and Cinema, will need to be expanded. In this case, it is deemed necessary to restructure this Department as the Directorate General for Cinema and Music Works attached to the Ministry of Culture. With this objective in mind, as of 1 September 1999, work is underway at the relevant Ministry.

Finalisation of the EU supported project is expected to establish 12 specialised courts to ensure specialisation in disputes arising from intellectual and industrial property rights.

Should the required finance be provided by the EU, it is expected that the system will be instituted by the end of 2005.

For effective implementation of the arrangements on intellectual property rights, combating piracy has significant importance. To this end, Law No: 4630 introduced significant changes, including effective mechanisms to prevent piracy, which is recognized as an organized crime. There is a need for institutional strengthening in this area.

Consumer protection and product safety

Taking into consideration the analytical examination of the EU acquis and the results obtained from implementation of Law No 4077 over a five year period, work has started to make the necessary amendments to Law No 4077. It is expected that the draft in question will be legalised within the year 2001.

Consumer courts have been established and are in partial operation. Effective implementation of legislation is called for.

2.7.2 Importance of Twinning assistance in the sector

Use of Twinning in the sector

See the table below.

No	Name	Period	Size	Objective linked with Accession agenda
TR 0302.01 TR03-EC-01	Support to the Turkish Conformity Assessment Bodies and the Ministry of Industry and Trade in the implementation of some New Approach Directives	April 2004 – July 2005 (as scheduled in the PF)	€ 1m	<p><u>Project purpose:</u></p> <p>Strengthening of the national system of Conformity Assessment Bodies (CABs) and market surveillance support laboratories in the selected priority areas : LVD, EMC, Telecom, Machinery, Pressure Equipment, Pressure Vessels, Toys, Medical Devices and Detergents, ensuring that they are equipped and capable autonomously to carry out the relevant conformity assessment procedures. Strengthening the capacity of the Ministry of Industry and Trade for market surveillance</p> <p><u>AP and NPAA priorities</u></p> <p>The AP, under its short-term priorities, explicitly includes starting implementation of certification and conformity assessment with the New and Global Approach Directives; reinforcing existing market surveillance and conformity assessment structures with equipment and training and creating compatible administrative infrastructure. AP gives the completion of alignment with the acquis and the completion of strengthening existing certification and market surveillance structures as a medium-term</p>

No	Name	Period	Size	Objective linked with Accession agenda
				priority. The existing National Programme for the Adoption of the Acquis (NPAA) gives the completion of the whole conformity assessment and market surveillance structures as a medium-term priority.
No PF	Customs Modernization Project II			
TR 0402.02 TR/2004/IB/EC/01	Strengthening the capacity of Turkish Ministries for market surveillance in selected areas 4 specific projects	September 2005 March 2007	6m	The overall objective of the project is to contribute to the implementation of the EU <i>acquis communautaire</i> in the area of internal market, specifically focusing on the creation of a functioning market surveillance system.
TR 0402.03 TR/2004/IB/EC/06	Strengthening the Ministries of Health, Environment and Forests, and Agriculture and Rural Affairs to harmonise and implement legislation in the field of Good Laboratory Practice for Non Clinical Health and Environmental Protection.	2005,2nd Quarter 2 007,2nd Quarter	1.5 m	The Turkish Government has adopted the NPAA 2003 and in line with the “Free Movement of Goods-Chemicals” section, the following should become a priority: The monitoring, auditing and inspection and approval of GLP compliance by testing bodies and the use of GLP principles for the testing and authorization of the use of chemical substances This project is designed to assist the Turkish Government to meet these criteria and priorities.
TR 0402.04 TR/2004/IB/OT/01	Support to Turkey’s efforts in the full alignment and enforcement in the field of intellectual property rights with a focus on fight against piracy	September 2005 Project Completion July 2007	1.6m	Reference to AP: <ul style="list-style-type: none"> □ Short-term priorities: “Complete alignment with the <i>acquis</i> on intellectual and industrial property rights and strengthen the fight against piracy and counterfeiting.” □ Medium term priorities: “Ensure the effective application of the aligned industrial and intellectual property legislation through the strengthening of the enforcement structures and mechanisms including the judiciary.”

No	Name	Period	Size	Objective linked with Accession agenda
TR 0402.05 TR/2004/IB/OT/02	Strengthening of the capacity of Turkey in its efforts in the full alignment, enforcement and implementation of Consumer Protection	2Q/05 4 Q/06	1 m	Reference to AP: <ul style="list-style-type: none"> □ Short term priorities: "further align legislation with the acquis and develop infrastructure for effective implementation." □ Medium term priorities: "complete legislative alignment with the acquis, raise awareness for the new provisions among consumers and producers and reinforce consumer organisations." The main purpose is to align with EU Directives regarding consumer protection and raising public awareness, as well as the effective implementation of this legislation.
TR 0402.06 TR/2004/IB/FI/01	Assisting the Capital Markets Board of Turkey (CMB) to comply fully with European Union capital markets standards	04/2005-03/2007*)	2 m	Reference to AP: <i>Freedom to provide services:</i> "Complete legislative alignment in financial services and strengthen the supervisory structures and enforcement record including maintaining the independence of regulatory bodies." <i>Free movement of capital:</i> "Remove all restrictions affecting foreign investments (originating from the EU) in all economic sectors in Turkey."

Importance of Twinning compared to other assistance in the sector

No relatively recent non-EU projects relating to the sectors have been identified. The World Bank (supported by the IMF) did provide assistance in the field of customs modernization, but that was concentrated in the 1990s. The EU projects are:

A number of TA projects have been identified that are (co-)financed by the EU. The first, fifth and sixth program relate rather directly to twinning projects (TR 0302.02, TR0402.01, TR0402.02 all related to market surveillance in various sectors).

Code	Project title	Budget
TR050302	Support to the Market Surveillance Laboratories for the Implementation of EC Directives in the areas of New Hot Boilers, Gas Appliances, Cosmetics, IVD, Veterinary Pharmacy and Construction Products (Fire Testing)	€ 3.3 m Supplies
TR050207	Development of a clustering policy in Turkey (Phase I)	€ 6 m
TR060208	Industrial Restructuring of Sanliurfa	€ 2.6 m
TR070212	Support to the Strengthening of the Quality Infrastructure in Turkey	€ 5.555 m
TR070210	Establishment of an Accredited Calibration Laboratory	€ 1.13 m
TR070211	Establishment of a market surveillance support laboratory for personal protective equipment	€ 1.2 m
TR 08 02 09	Improving chemical and ionizing radiations metrology	n.a.
TR070210	Establishment of an Accredited Calibration Laboratory	€ 0.75 m

TR070211	Establishment of a market surveillance support laboratory for personal protective equipment	€ 0.6 m
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2.7.3 Current situation of the sector in 2009

Current state of legislative alignment

- What is the state of the sector in 2009/2010 in terms of legislative alignment?
- What is the relation with Chapter negotiations for the Acquis?

Chapter 4: free movement of capital

- Priority 4.1 Continuing to remove restrictions affecting foreign direct investments originating from the EU; in various sectors; there is a need for legislative alignment
- Priority 4.2 Starting to align payment systems legislation with the acquis

Chapter 6: company law

Short term:

- Priority 6.1 Adoption of the new Commercial Code;
- Priority 6.2 Adoption of a general-purpose financial reporting framework in the area of corporate accounting and auditing in line with EU standards;
- Priority 6.3 Strengthening disclosure requirements. In particular, adoption of a general requirement for companies to file audited legal entity and consolidated financial statements in order to make them publicly available.

Medium term:

- Adopt a general-purpose financial reporting framework in the area of corporate accounting and auditing in line with EU standards,
- strengthen disclosure requirements. In particular, adopt a general requirement for companies to file audited legal entity and consolidated financial statements in order to make them publicly available.

Chapter 7 Intellectual property law

- Priority 7.1 Improving the capacity of police, customs and the judiciary to enforce intellectual property rights, including strengthening coordination between these bodies (also a need for modest legislative alignment to improve the efficiency and effectiveness of customs administration in this field)
- Priority 7.2 Addressing, in particular, the counterfeiting of trade marks and piracy
- Priority 7.3 Continuing alignment and ensuring an effective enforcement of intellectual property rights

Chapter 8: Competition policy

Short term:

- Adopt a State aid law in line with the acquis requirements and set up an operationally independent state aid monitoring authority able to fulfil existing transparency commitments,
- Finalise and adopt the National Steel Restructuring Programme in line with EU requirements.

Medium term:

- Align secondary legislation in the State aid field,
- Ensure transparency in the area of state aid in line with existing bilateral commitments. Inform the Community of all aid schemes in force and notify in advance any individual aid to be granted.

Chapter 29 Customs union

Short term:

- Align legislation on free zones with the relevant acquis, particularly for rules concerning customs controls and tax auditing,
- Strengthen the enforcement capacity of the customs administration, particularly regarding the fight against illegal trade and counterfeit. Continue the preparations for interconnectivity of the IT systems with the EU:
- Eliminate customs duty relief for goods covered by the Customs Union and which are sold in duty-free shops to travelers entering in Turkey.

Medium term:

- Complete alignment of customs legislation on dual-use goods and technologies, precursors and counterfeit and pirated goods.
- Centralization of customs implementations for protecting the Intellectual Property Rights and establishment of a computer database accessible by the local customs administrations

What part of the progress can be attributed to (a) Twinning project(s)?

Twinning projects with an explicit legislative alignment scope have been conducted in the fields of GLP, IPR and consumer protection. In those fields, GLP is not explicitly mentioned in the 2008 NPAA; the field of IPR is still in need of legislative alignment. The impact of the twinning contract has apparently been modest.

Need for institutional alignment

- What is the state of the sector in 2009/2010 in terms of institutional alignment?
- What is the relation with Chapter negotiations for the Acquis?

Capital

Chapter 4: free movement of capital: no need for institutional alignment.

Chapter 6: Company law

Priority 6.1 Adoption of the new Commercial Code

- Training of the judges and the personnel of the Ministry of Industry and Trade who will implement the Turkish Commercial Code after the enactment of the new law.
- Providing necessary equipment and software to improve the technological infrastructures of Ministry of Industry and Trade and registration organizations.
- Organizing training programmes for MIT and registry personnel and for the companies on on-line register proceedings.

Priority 6.2 Adoption of a general-purpose financial reporting framework in the area of corporate accounting and auditing in line with EU standards

- Recruiting new Assistant Experts for Turkish Accounting Standards Board

- Training of TASB personnel on International Accounting/Financial Reporting Standards
- Increasing the capacity of the premises of the Board
- Providing required consultancy
- Training of the experts and providing consultancy service for harmonization (Capital Markets Board)
- Completion of project activities with the objective of legislative alignment and establishing implementing measures

Chapter 7 Intellectual property law

- Priority 7.1 Improving the capacity of police, customs and the judiciary to enforce intellectual property rights, including strengthening coordination between these bodies
- Priority 7.2 Addressing, in particular, the counterfeiting of trade marks and piracy
- Priority 7.3 Continuing alignment and ensuring an effective enforcement of intellectual property rights

Competition

Adopt a State aid law in line with the acquis requirements and set up an operationally independent state aid monitoring authority able to fulfil existing transparency commitments:

Capacity building concerning state aids within the institution to which the State Aid Monitoring and Supervision Authority will be affiliated

Customs union

Short term:

Strengthen the enforcement capacity of the customs administration, particularly regarding the fight against illegal trade and counterfeit. Continue the preparations for interconnectivity of the IT systems with the EU,

- Centralization of customs implementation for protecting the Intellectual Property Rights and establishment of a computer database accessible by the local customs administrations
- Establishment of a central risk analysis unit
- Re-structuring of the post-control system
- Establishment of the regional risk analysis departments
- Employment of personnel in order to enhance the human resources capacity of the customs administration

Medium term:

Complete alignment of customs legislation on dual-use goods and technologies, precursors and counterfeit and pirated goods.

- Centralization of customs implementations for protecting the Intellectual Property Rights and establishment of a computer database accessible by the local customs administrations

What part of the progress can be attributed to (a) Twinning project(s)?

Twinning projects with an explicit institutional alignment scope have been conducted in the fields of customs, capital markets, product safety, consumer protection and ‘new approach’.

In the field of customs, the need for institutional alignment has been narrowed down to more specific capacity building needs and IT harmonization in the field of IPR. Substantial resources have been deployed, not only by means of twinning but also through TA and supplies over the past years.

Capital markets Board: a TA project has succeeded the twinning project. After finalization, most alignment should be finalised.

PS: there is a continued need for staffing but major impediments to full implementation of relevant legislation have been removed.

CP: most of the institutional capacity is in place. New approach (market surveillance): no need for further institutional alignment is foreseen.

Annex 5 Case studies of successful Twinnings

5.1 Overview

Table 1 Overview of Case studies of successful Twinning project

Justice and Home affairs

1. TR0404.04 Development of a training system for border police
2. TR0601.01 Support to the set up of an Asylum and Country of Origin system
3. TR0603.05 Strengthening the capacity of Turkish Grand National Assembly

Environment, energy and transport

4. TR0603.04 Water sector capacity building
5. TR0603.03 Improvement of the conditions for Cross Border Electricity Trade

Finance and statistics

6. TR0302.05 Strengthening the Audit Capacity of the Turkish Court of Accounts

Agriculture and Fisheries

7. TR0503.05 Establishment of an IPA Rural Development Agency

Internal market and certification

8. TR0403.01 Customs Modernization Project II

Table 2 Overview of Case studies of less successful Twinning projects

Justice and Home affairs

1. TR0501.05 An Independent Police Complaints Commission and Complaints System for the TNP and Gendarmerie
2. TR0601.03 Training of Gendarmerie offices on European human right standards

Environment, energy and transport

3. TR0403.08 Assistance to the Turkish road transport sector
4. TR0202.01 Institutional strengthening of the Energy Market Regulatory Authority (EMRA)

Finance and statistics

5. TR0403.02 Tax administration capacity building

Agriculture and Fisheries

6. TR0403.03 Restructuring and Strengthening of the Food Safety and Control System in Turkey

Internal market and certification

7. TR0503.01 Reinforcement of Institutional Capacity for Establishing a Product Safety System in Turkey

Table 1: Overview of Case studies of successful Twinning project

Evaluation question	Indicators	1. TR0404.04	2. TR0601.01	3. TR0603.05	4. TR0603.04	5. TR0603.03	6. TR0302.05	7. TR0503.05	8. TR0403.01
1 Relevance	Score in IER	MS	MS	S	S	MS	S	MS	S
1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey, at programme/sectoral levels?	Alignment with Accession Partnership / National Programme for the Adoption of the Acquis	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Need identified in EC Regular Progress Report	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning Manual?	Beneficiary country has good understanding of relevant parts of Acquis	Yes	Yes	Yes	Partly	Yes	Yes	Yes	Yes
	Sufficient political will	Partly	Yes	Yes	Partly	Yes	Yes	Yes	Yes
	Sufficient BC commitment to allocate resources	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
1c. Can synergies be identified between Twinning and other types of EC projects, and/or with projects funded by other donors?	Building upon other EC or donor projects		Yes	Yes	Yes	Yes	Yes	Yes	Yes
1d. Is the needs assessment relevant	Mandatory results precisely defined in the Project Fiches	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
1e. Is the interaction between key stakeholders adequate and performing effectively to ensure successful programming of Twinning?	Adequate interaction between EUD and BC	Yes	?	Yes	Yes	Yes	Yes	Yes	Yes
2 Efficiency	Score in IER	MS	MS	S	MS	S	S	S	U
2a Are inputs/activities being efficiently transferred into the planned outputs?	Timeliness of contracting	No	No	Yes	Yes	No	No	No	?
	Expenditures remain within budgets	Yes	?	Yes	No	Yes	Yes	Yes	Yes
	Project logistics timely	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

	Activities timely delivered	No	No	Yes	Partly	No	No	Yes	Yes
	Impact of interdependence with parallel related supply / works / technical assistance	no		no	no	no.	no	No	Yes
2c. Is the selection of twinning (as opposed to any other instrument, such as Technical Assistance or Direct Agreements) adequately assessed and justified	Presence of clear justification in project fiche	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Effectiveness	Score in IER	MS	MS	S	S	S	S	MS	MS
3a. Has the Twinning support under evaluation achieved (or will likely to achieve in the case of ongoing support) the mandatory results?	Achievement of benchmarks	Partly	Unclear	Partly	Yes	Yes	Yes	Yes	Yes
3b. Do the beneficiaries allocate enough resources for a proper running of IPA Twinning projects in Turkey? Are quality and quantity of resources allocated by both beneficiary and the Member State/Twinning partner appropriate?	Beneficiary staff numbers	Pos	Neg		Pos	Pos	Pos	Pos	Pos
	Beneficiary staff continuity				Pos	Pos	Pos	Pos	Pos
	Beneficiary staff quality				Pos	Pos	Pos	Pos	Pos
	Beneficiary staff availability (parallel duties?)		Neg		Pos	Neg	Pos	Pos	Pos
	Beneficiary perception MS contribution	Pos	Pos	Pos	Pos	Pos	Mixed	Pos	Pos
3c. Is the interaction between key stakeholders adequate and performing effectively to ensure successful <u>implementation</u> of Twinning?	Interaction with EUD	Pos	Neg	Pos	Pos	Pos	Pos	Pos	Little
	Interaction with CFCU	Pos	Neg	Pos	Pos	Pos	Pos	Neg	Little
	Interaction with EUSG		Little	Little	Little	Pos	Pos	Little	Little
	Regularity of meetings between stakeholders	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Little
Impact	Score in IER	MS	MS	S	MS	S	HS	S	S
4a. To which extent have the outputs generated by assistance been translated into results?	Achievement of expected results	Yes	Partly	Partly	Yes	Yes	mostly	Yes	Yes
4b. To which extent does Twinning act as a catalyst for wider organisational and regulatory change in Turkey?	Presence of further institutional reform	Unclear		No	Yes	Yes	Unclear	Yes	Yes
	Presence of further regulatory reform	Unclear		No	Yes	n.a.	Unclear	Yes	Yes
Sustainability	Score in IER	MS	MS	S	S	S	S	S	S

5a. Is there continuity in the reform process after the projects have been completed?	Progress in expected results (4a) maintained	Unclear	Yes	Unclear	Partly	Yes	Unclear	Yes	Yes
	Level of staff turnover constraining sustainability of capacity building	High	Risk		Low	High	Low	Low	Low
	Presence of follow-up projects	Yes			Yes	Yes	No	Yes	Yes
5b. What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries?	Allocation of financial and human resources to the maintenance and development of the Twinning outputs	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Strengthened awareness at management level	Yes	Yes		Yes	Yes	Yes	Yes	Yes
5c. Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?	Renewed cooperation projects	No	Too early	No	Yes	Yes	No	No	Yes

5.2 TR0404.04 Development of a training system for border police

Key features of the Twinning project

Name	: Development of a training system for border police
Beneficiary	: Ministry of Interior
Institution	
Member State	: Ministry of Interior, Spain
institution	
Period of implementation	: Project fiche: May 2005 – April 2007 RTA Final Report: August 2007 – November 2008
Size	: Project fiche: 1.840.000 total (1.540.000 twinning and 300.000 technical assistance)
Description of objective	: Project fiche objective: 'Implementation of the Turkish strategy for alignment with the EU acquis in the area of integrated border management.'
	Project fiche purpose: 'Prepare a training strategy, programme and curriculum in EU standards for the new border police to be established'

The most recent Interim Evaluation Report included the following assessment of this Twinning assignment:¹¹

Relevance	Efficiency	Effectiveness	Impact	Sustainability
Moderately satisfactory	Moderately satisfactory	Moderately satisfactory	Moderately satisfactory	Moderately satisfactory
Ratings include the following: Highly satisfactory, Satisfactory, Moderately Satisfactory, Moderately unsatisfactory, Unsatisfactory and Highly unsatisfactory				

I. Relevance

Question 1b Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

The twinning assignment (focus on institution building via training) clearly addresses Accession Partnership (AP) and National Programme for the Adoption of the Acquis (NPAA) priorities. Moreover, the 2004 European Commission (EC) Regular Progress Report refers to the significant workload in order to align with Acquis related to external borders (e.g. implementation of the Integrated Border Management Strategy, capacity building for the newly established (in 2004) Projects Directorate for Integrated Border Management in the Ministry of Interior etc.).¹²

¹¹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 50

¹² European Commission, 2004 Regular Report on Turkey's progress towards accession, 6 October 2004

The 2007 Regular Progress Report emphasises the need for capacity building with a specific focus on the training of border guards.¹³

2008 Interim Evaluation (covering the period November 2007 to January 2008) rates relevance as ‘moderately satisfactory’, however, there is no indication in the assessment that would not allow for a rating of ‘satisfactory’ or ‘highly satisfactory’, i.e. there is no evidence of any limitation to the relevance of this assignment.¹⁴

Question 1c

Twinning has been used in the circumstances foreseen in the Commission’s Twinning manual as shown in the table below.

Condition	Assessment (yes/no)	Motivation
the goal is relatively clear, i.e. the BC has a good understanding of the relevant part of the acquis or the relevant area of co-operation, and has selected the type of system it intends to adopt;	yes	Understanding is evidenced by intensive government activity in this area (Project Fiche, page 3 and 9)
sufficient political will exists in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	Note that the focus is on institution building via training. There is only limited need for drafting / adopting legislation.	Political will to engage in twinning is evidenced by the participation in a previous twinning during 2004-2006: ‘Support for the development of an Action Plan to Implement Turkey’s Integrated Border Management Strategy’, and commitment to a future twinning programmed for 2007: ‘Action Plan of the new integrated border management strategy’
sufficient BC commitment exists to ensure that the required resources (financial, staff) are mobilised in a Twinning project.	yes	Commitment is evidenced by a series of government decisions to strengthen capacities and coordination between relevant institutions (Project Fiche, page 3)

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

Member State feedback confirms the adequate assessment and justification since expertise is not considered available in the private sector. Moreover, a tradition of

¹³ European Commission, 2007 Regular Report on Turkey’s progress towards accession, 6 November 2007

¹⁴ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 8

cooperation between the Turkish and Spanish law enforcement authorities established a basis of trust to tackle a subject area that is considered politically sensitive.

Question 1e: Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

There are indicators for poor coordination at programming stage, however, overall, this project stands out for good coordination between all relevant stakeholders (Beneficiary, Member State, EUD, CFCU).

Question 1f: Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the relevance of the assistance?, Or: supports the relevance of the assistance?

EUD feedback on the draft version of this report indicates that the project would have been more successful if programmed later ('It is a fact that the training strategy was failed to be adopted exactly due to wrong timing – very early programming of such a project.').

II. Efficiency

Question 2a: Were inputs/activities being efficiently transferred into the planned outputs?

2006 Interim Evaluation noted that assistance was undermined by poor planning and incomplete legal basis in the case of twinning for Border Police Training. 2008 Interim Evaluation also notes some efficiency issues, however, overall, efficiency appears to have been good:¹⁵ Whilst all scheduled activities had been implemented, contracting delays at the beginning of the assignment led to a reduced time schedule, and the intensive implementation schedule meant that some activities were not attended by the relevant beneficiaries. However, the fact that all activities were implemented despite the tight schedule indicates **senior level commitment**, and Interim Evaluation refers to **good dialogue** between the twinning provider and relevant beneficiary institutions. The RTA final report confirms the participation of all relevant institutions.¹⁶ The RTA Final Report also notes the comparatively quick mobilisation of the RTA: the project started on 23 August 2007 and the RTA took up his position on 8 September 2007.

In Spain, the overall responsibility for coordinating the implementation of twinning lies with the FIIAPP (Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas). FIIAPP's 2006 Annual Report notes that twinning with Turkey is anchored in a wider Ministry-level (Ministry of Exterior) strategy focussing on the institution building in the Candidate Countries.¹⁷ FIIAPP notes 81 twinning assignments in 2006 (EURO 11.8 million) (EURO 10.9 million in 2005, 10.3 in 2004, 11.4 in 2003, 9 in 2002, 2.7 in 2001). Moreover, in 2007, FIIAPP launches a bilateral twinning programme in the framework of Spain's wider policy 'Alliance of Civilisations'.¹⁸

¹⁵ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 18

¹⁶ RTA, Twinning Final Report, 10 January 2008, page 4

¹⁷ FIIAPP, Memoria de actividades, Ejercicio 2006, 2006, page 51

¹⁸ FIIAPP, Memoria de actividades, Ejercicio 2007, 2007, page 63

Twinning volume in 2007: EURO 10.8 million.¹⁹ FIIAPP's 2008 Annual Report notes a certain level of twinning fatigue (engagement of Spanish public administration in new twinning assignments).²⁰ The 2009 Annual Report notes a shifting of resources following the accession of Bulgaria and Romania in 2007; this also benefits Turkey.²¹

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

Member State feedback notes that there were no parallel projects focussing on the border police.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the efficiency of the assistance? Or: supports the efficiency of the assistance?

Member State feedback does not provide any additional information on this.

III. Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

2008 Interim Evaluation notes the achievement of all benchmarks and provides a comprehensive list of achievements, however, as already noted with regard to relevance, there is no evidence of any limitation to the effectiveness of this assignment.²² Member State feedback confirms good effectiveness. EUD feedback on the draft version of this report notes in addition: *'The project was technically a successful one indeed and it surely contributed to the overall reforms in terms of policy in the area of border management. However, the commitment should have been there not just to "run" a project but on "utilising the outcomes" of the project. Unfortunately, due to absence of necessary structures, i.e; an operational institution to implement the training strategy (border guards) and the lack of necessary legislation that would allow for the utilisation of the strategy in a transition period - even in the absence of the operational institution, the main project output was not adopted. The border guards training strategy is still being considered and updated by the beneficiary' Moreover, the EUD notes concerns: 'It is a fact that the training strategy was failed to be adopted exactly due to wrong timing – very early programming of such a project.'*

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning? How did Beneficiary / MS institution judge the quality of the cooperation between the Beneficiary and the MS twinning partner?

See question 1e – good interaction between relevant stakeholders with senior level commitment.

¹⁹ FIIAPP, Memoria de actividades, Ejercicio 2007, 2007, page 25

²⁰ FIIAPP, Memoria de actividades, Ejercicio 2008, 2008, page 49

²¹ FIIAPP, Memoria de actividades, Ejercicio 2009, 2009, page 18

²² MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 25

Question 3c MS What is the perception of the Member State on the Beneficiary partner contribution?

Member State feedback on beneficiary contributions is very positive, despite some limitations concerning attendance in project activities.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the effectiveness of the assistance? Or: supports the effectiveness of the assistance?

Member State feedback does not provide any additional information on this.

IV. Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

2008 Interim Evaluation notes good immediate impact but limited wider impact.²³ The latter is considered as limited due to the need to first establish a ‘Border Security Facility’ (a development that has been triggered by the twinning support) before the training strategy can be fully implemented.

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey? What new legislation or new institutional structures were brought about by the Twinning project? Has the Twinning achieved legal and/or institutional alignment to the EU Acquis?

The EC Progress Report on Turkey confirms ongoing organisational change. Moreover, for some of Turkey’s borders, the report notes a reduced number of illegal border crossings, and it can be considered that capacity building for border police is at least partially accountable for this.

Question 4c Were there any unexpected effects of the Twinning project?

Member State feedback points to enhanced international activity of the Turkish border police, for example, participation in FRONTEX activity (the EU Agency coordinating operational cooperation at the EU’s external borders).

Question 4d

Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that:

Either: undermine the impact of the assistance?

Or: supports the impact of the assistance?

Member State feedback does not provide any additional information on this issue.

²³ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 30

V. Sustainability

Question 5a Has the reform process continued after the projects have been completed?

2008 Interim Evaluation notes mixed prospects for sustainability.²⁴ The project is well integrated in a **strategic and institutional framework**, however, full sustainability is found to depend on the establishment of a dedicated structure. The RTA final report notes the importance of translating outputs to ensure sustainability: *‘I would like to remark the importance of translation of documents English/Turkish and vice versa as well as Spanish/Turkish/Hungarian/ (mainly presentations). The possibility of translation of all documents helps enormously to provide everlasting supporting tools for further inquires studies and research to all participants. It is regarded as one of the key elements for the sustainability of this project’.*²⁵

A review of the 2010 National Programme for Turkey under the IPA Transition Assistance and Institution Building Component shows that no assignment directly addresses the border police (there is however, one indirectly related project related to asylum, namely the establishment of reception and removal centres). In more general terms, it is noticeable, that the presence of the Turkish law enforcement bodies in recent programming is less developed than in previous years (e.g. three projects in 2008 as compared to one in 2009 and one in 2010).

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

A review of the 2010 European Commission Progress Report on Turkey indicates overall limited progress on border issues, however, a series of positive aspects are also noted, and this suggests that progress with institutional alignment has at least been maintained. For example, the progress report refers to the continuing work of the task force for external borders and the implementation of the national action plan on integrated border management.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

See question 5a.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed? What evidence can be demonstrated for ongoing cooperation?

Member State feedback indicates informal contacts following project closure, however, for the time being there is no joint follow-up project.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future

²⁴ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 35

²⁵ RTA, Twinning Final Report, 10 January 2008, page 60

institutional and capacity building that: Either: undermine the sustainability of assistance? Or: supports the sustainability of the assistance?

Member State feedback does not provide any additional information on this issue.

Conclusion

- Government commitment to twinning (evidenced by the existence of a previous and a follow-up twinning assignment). Participation in previous twinning might have contributed to familiarise the beneficiary with this instrument (note that efficiency has been good).
- Existing evidence on this assignment also highlights senior level commitment and beneficiary ownership.
- Good dialogue between the beneficiary and the twinning provider.
- Integration in a strategic and institutional framework.

5.3TR 0601.01 Support to the set up of an Asylum and Country of Origin system

Key features of the Twinning project

Name	: Support to the set up of an Asylum and Country of Origin system
Beneficiary	: Ministry of Interior
Institution	
Member State	: Germany -Federal Office for Migration and Refugees (senior partner)
institution	Sweden- Denmark – the Netherland Consortium
Period of implementation	: Project fiche: March 2007 – February 2009. Actual: February 2008 – May 2010
Size	: Project fiche: 12.051.000 total (2.720.000 twinning)
Description of objective	: Project fiche objective: 'Implementation of the Turkish strategy for alignment with the EU acquis in the area of asylum'
	Project fiche purpose: '(1) Implement and use a COI-system; (2) Get full ownership of the Refugee Status Determination (RSD) procedure in Turkey; (3) Establish the capacity to carry out its own training of staff for the COI and AIS'

The most recent Interim Evaluation Report included the following assessment of this Twinning assignment:²⁶

Relevance	Efficiency	Effectiveness	Impact	Sustainability
Moderately satisfactory	Moderately satisfactory	Moderately satisfactory	Moderately satisfactory	Moderately satisfactory
Ratings include the following: Highly satisfactory, Satisfactory, Moderately Satisfactory, Moderately				

²⁶ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 45

Relevance

Question 1b Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

The twinning assignment (focus on establishment of information systems and provision of related training) clearly addresses Accession Partnership (AP) and National Programme for the Adoption of the Acquis (NPAA) priorities. Moreover, the 2008 European Commission (EC) Regular Progress Report refers to the significant workload in order to align with Acquis related to asylum issues: Whilst overall limited progress is noted, the report also refers to the Ministry of Interior's institution building efforts.²⁷ The 2009 Regular Progress Report notes again limited progress, and refers to the Ministry of Interior's efforts to set up relevant information systems: *'Work is progressing on setting up the country of origin information and asylum case- management systems'*.²⁸

2009 Interim Evaluation (covering the period December 2008 to February 2009) confirms relevance to EU and national policy, and rates relevance as 'moderately satisfactory', however, there is no indication in the assessment that would not allow for a higher rating (the only identified weakness is related to the indicators in the project).²⁹ Interim Evaluation indicates that the project has been designed with the inputs of an earlier twinning (Development of an Action Plan for Asylum and Migration), and this might explain the good quality of design.

Note that the twinning is supported by a substantial supply component for hardware and software, and this might also contribute to strong beneficiary ownership. Moreover, there is parallel 2007 twinning for institution building (Establishment of Reception, Screening and Accommodation System (Centres) for Refugees and Asylum Seekers).

Question 1c

Twinning has been used in the circumstances foreseen in the Commission's Twinning manual as shown in the table below.

Condition	Assessment (yes/no)	Motivation
the goal is relatively clear, i.e. the BC has a good understanding of the relevant part of the acquis or the relevant area of co-operation, and has selected the type of system it intends to adopt;	yes	Understanding is evidenced by intensive government activity in this area.
sufficient political will exists in the	Note that the focus is on institution	Political will to engage in twinning

²⁷ European Commission, 2008 Regular Report on Turkey's progress towards accession, 5 November 2008, pages 71-72

²⁸ European Commission, 2009 Regular Report on Turkey's progress towards accession, 14 October 2009, pages 74

²⁹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, pages 11-12

BC to create the best possible conditions for drafting and adoption of the relevant legislation; sufficient BC commitment exists to ensure that the required resources (financial, staff) are mobilised in a Twinning project.	building via the establishment of information systems and related training. yes	is evidenced by engagement in other twinning and other pre accession assistance. Commitment is evidenced by continuous government engagement in institution building.
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Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

Selection of twinning is considered adequate since relevant expertise is not available from technical assistance.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

There is no information on interaction at programming stage.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the relevance of the assistance? Or: supports the relevance of the assistance?

See question 1b – EC progress reporting clearly supports relevance.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

2009 Interim Evaluation notes efficiency constraints (late start of the different project components and subsequent reduction in implementation time, insufficient beneficiary project capacity (limited staff number and parallel duties), cooperation problems with the EUD and CFCU), however it appears that **beneficiary and RTA commitment** have managed to overcome problems.³⁰

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

No links / synergies identified.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the efficiency of the assistance? Or: supports the efficiency of the assistance?

There is no evidence undermining the efficiency of assistance. Existing information notes initial efficiency constraints, however, it appears that these have later been overcome by the beneficiary.

³⁰ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 19

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

2009 Interim Evaluation notes the achievement of most twinning benchmarks, with remaining benchmarks depending on a time extension.³¹

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning? How did Beneficiary / MS institution judge the quality of the cooperation between the Beneficiary and the MS twinning partner?

There have been problems over cooperation between the beneficiary and the CFCU and between the beneficiary and the EUD. This has mainly affected procurement.

Question 3c What is the perception of the Member State on the Beneficiary partner contribution?

Existing information points to initial beneficiary weaknesses with regard to beneficiary staff numbers as well as the limited availability of beneficiary staff due to parallel duties.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the effectiveness of the assistance? Or: supports the effectiveness of the assistance?

No specific evidence available.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

2009 Interim Evaluation notes the achievement of immediate impacts, emphasising in particular the contribution of **Member State internships**, and attention to **English language training** to ensure that outputs can be used effectively.³²

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey? What new legislation or new institutional structures were brought about by the Twinning project? Has the Twinning achieved legal and/or institutional alignment to the EU Acquis?

It is considered too early to assess wider impact since the project was only closed in May 2010. Feedback from the latest EC Regular Progress Report (2010) confirms overall progress, however, the report also points to the need for further efforts, noting in particular the need for a wider strategy as well as development and implementation of the legal framework. Overall, alignment with the acquis is still considered weak.

³¹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 24

³² MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 29

Question 4c Were there any unexpected effects of the Twinning project?

No evidence on any unexpected effects.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the impact of the assistance? Or: supports the impact of the assistance?

A review of the EC's latest Progress Report (2010) shows that there are remaining gaps with regard to Turkey's framework for asylum

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

2009 Interim Evaluation notes strong prospects for sustainability and relates this mainly to **institutional stability** (noting at the same time a risk over staff changes implying that trained staff does not remain in position).³³ Whilst, it must be considered rather early to assess this issue (the project was only closed in May 2010), information from the EC's latest Regular progress Report (2010) points to continuing government reforms in the area of asylum (e.g. mainly legal alignments in the form of implementing regulations). However, further efforts are required: '*Progress in the work towards the establishment of a country of origin and asylum case management systems, and to facilitate the possibility for civil society organisations to cooperate with the administration in providing assistance to refugees and migrants is also key.*' (EC 2010 Progress Report, page 83).

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

See 5a. It is considered too early to assess this since the project was only closed in May 2010. However, there is evidence for continuing government reforms.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

See question 4a. Existing information points to good use of outputs.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

No evidence available. Note however that the 2010 National Programme for Turkey under the IPA Transition Assistance and Institution Building Component foresees a project in this area, namely 'Establishment of Reception and Removal Centres – phase II' (TR2010/0324.01). This indicates continued beneficiary commitment to reform.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future

³³ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 34

institutional and capacity building that: Either: undermine the sustainability of assistance? Or: supports the sustainability of the assistance?

It is considered too early to assess this since the project was only closed in May 2010.

Conclusion

- Good RTA and beneficiary commitment
- Member State internships and translation of outputs into English facilitate impact.
- Institutional stability contributes to sustainability

5.4 TR0603.05 Strengthening the capacity of the Turkish Grand National Assembly

Key features of the Twinning project

Name	: Strengthening the capacity of the Turkish Grand National Assembly
Beneficiary	: Turkish Grand National Assembly
Institution	
Member State institution	: Hungary, Italy (Hungarian National Assembly; Italian Chamber of Deputies)
Period of implementation	: Project fiche: September 2007 – November 2008 (Interim Evaluation notes the twinning start as mid November 2007)
Size	: Project fiche: 1.042.100 total (885.000 twinning)
Description of objective	: Project fiche objective: 'To improve the quality of the Turkish legislation concerning harmonization with the <i>acquis communautaire</i> '
	Project fiche purpose: 'To strengthen the capacity of the Office for the EU Affairs to EU Harmonization Committee and the permanent committees'

The most recent Interim Evaluation Report included the following assessment of this Twinning assignment:³⁴

Relevance	Efficiency	Effectiveness	Impact	Sustainability
Satisfactory	Satisfactory	Satisfactory	Satisfactory	Satisfactory
Ratings include the following: Highly satisfactory, Satisfactory, Moderately Satisfactory, Moderately unsatisfactory, Unsatisfactory and Highly unsatisfactory				

Relevance

Question 1b

The twinning assignment (focus on strengthening the capacities of the Turkish Grand National Assembly's EU Affairs Department (that supports the Assembly's EU Harmonisation Committee)) clearly addresses Accession Partnership (AP) priorities

³⁴ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 50

(since the twinning contributes to enhancing the overall quality of the legal alignment process by enabling the beneficiary staff to verify the compliance of legislative proposals with the EU Acquis). Note, however, that the EC’s 2007 to 2009 Regular Progress Reports do not include any explicit reference to the quality of the legal process of the Turkish Grand National Assembly (apart from noting delays on several legal initiatives).

2008 Interim Evaluation (covering the period November 2007 to January 2008) confirms relevance since the twinning ultimately contributes to the enhanced quality of harmonised legislation, and rates relevance as ‘satisfactory’.³⁵ Interim Evaluation also refers to earlier bilateral support (UK) and notes a planned support under the 2008 programming.

Question 1c

Twinning has been used in the circumstances foreseen in the Commission’s Twinning manual as shown in the table below.

Condition	Assessment (yes/no)	Motivation
the goal is relatively clear, i.e. the BC has a good understanding of the relevant part of the acquis or the relevant area of co-operation, and has selected the type of system it intends to adopt;	yes	Understanding is evidenced by intensive government activity in this area.
sufficient political will exists in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	Note that the focus is on institution building via training of TGNA staff.	Political will to engage in twinning is evidenced by engagement in other bilateral and follow-up pre accession assistance (and cooperation with the UNDP). Moreover, the beneficiary is engaged in a legal reform process to strengthen the unit benefitting from twinning support.
sufficient BC commitment exists to ensure that the required resources (financial, staff) are mobilised in a Twinning project.	yes	Commitment is evidenced by the efficient mobilization of staff. The RTA final report notes that the staff of the unit benefitting from support was doubled (from 6 to 12).

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

The selection of twinning is considered adequate since directly relevant experience is only available in the public sector, and more specifically in the Member States’ parliamentary administrations.

³⁵ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, pages 17-18

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

Member State and Interim Evaluation feedback underlines adequate interaction between key stakeholders during implementation, however, there is no information on the programming stage.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the relevance of the assistance? Or: supports the relevance of the assistance?

No evidence for gaps undermining or supporting relevance.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

2008 Interim Evaluation rates efficiency as satisfactory. Senior-level commitment on the beneficiary and Member State sides is evidenced by **high-level participation** in the assignment's kick-off meeting.³⁶ Parallel **procurement was organised efficiently, beneficiary staff was mobilised quickly** and is of **good quality** (e.g. English language skills, participation in project cycle management prior to the start of the twinning etc.). Finally, the RTA final report notes the successful completion of 37 activities and 4 Steering Committee meetings within one year – a further indicator for efficiency and beneficiary commitment ('availability of high-ranking officials').³⁷ It is noteworthy that the RTA final report recommends that future twinning is less time-intensive: 'The last point concerns the schedule: this Twinning was developed in 1 year, and so the activities were particularly concentrated, and the staff of the GNAT had to combine them with the intensive ordinary business. It could be advisable to plan a longer implementation period in order not to stress the administrative structure'.³⁸

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

There are synergies with UNDP support for the beneficiary (this focused on supporting the assembly with regulatory impact assessment).

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the efficiency of the assistance? Or: supports the efficiency of the assistance?

No evidence for gaps undermining or supporting efficiency.

³⁶ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 24

³⁷ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, page 4

³⁸ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, page 20

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

As already noted above, Member State feedback confirms the successful completion of 37 activities and 4 Steering Committee meetings within one year. 2008 Interim Evaluation noted good prospects for effectiveness (noting the efficient launching of the project), however by the time of the evaluation, there was not yet any evidence as the project has only started recently.³⁹ The RTA final report provides evidence on effectiveness, e.g. in terms of enhanced coordination activity of the beneficiary staff.⁴⁰

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning? How did Beneficiary / MS institution judge the quality of the cooperation between the Beneficiary and the MS twinning partner?

Interaction is considered adequate, as evidenced by efficient procurement, and the timely completion of all scheduled activities despite significant time pressure.

Question 3c MS What is the perception of the Member State on the Beneficiary partner contribution?

Member State feedback emphasises the **substantial contribution by the RTA Assistant and beneficiary counterpart**.⁴¹

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the effectiveness of the assistance? Or: supports the effectiveness of the assistance?

No evidence for gaps undermining or supporting effectiveness.

Impact

Question 4a

To which extent have the outputs generated by assistance been translated into results? Compare the achieved results and the expected results (result indicators):

2008 Interim Evaluation notes good prospects for wider impact (noting the efficient launching of the project and good cooperation between the partners), however by the time of the evaluation, there was not yet any evidence as the project has only started recently.⁴² The RTA final report notes that impact could have been higher if more Members of Parliament had participated in activities (however, some key Members of Parliament did participate).⁴³ However, **project outputs (in Turkish and English language) are readily available** for all member of Parliament via the Assembly's website.⁴⁴ Overall, the

³⁹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 30

⁴⁰ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, page 11

⁴¹ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, page 19

⁴² MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 34

⁴³ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, pages 4 and 11

⁴⁴ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, page 14

RTA final report considers that prospects for impact are good. However, evidence will only become available after the beneficiary implements the recommendations resulting from the twinning assignment. Some of these recommendations require legal reform, and this could not be addressed during project implementation due to a political crisis: *‘It has to be noted that the political crisis linked to the Constitutional Court case against the governing party had an indirect effect on the project, since during this period those issues concerning the mandatory results of the project which need political decisions (e.g. modification of Standing Orders, or the law on the status of the EU Harmonization Committee) could not be put on the political agenda. These issues need legislative decisions based on a wider consensus among the political parties and the government, which hopefully can be assured now that the crisis is over’*.⁴⁵ Note, however, that following this crisis, the issue was put on the agenda with a first meeting in October 2008 preparing the grounds for the required legal change.⁴⁶

Question 4b

To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey? What new legislation or new institutional structures were brought about by the Twinning project? Has the Twinning achieved legal and/or institutional alignment to the EU Acquis?

Member State feedback also provides evidence for some less tangible impact: *‘A very positive and long-standing impact is that the Twinning project has produced also indirect and not always measurable results: the intensive cooperation among STEs (especially the key experts of each component) and the relevant staff of the GNAT has strengthened the ties and created a networking, first of all among the Partners (Turkey, Hungary and Italy), but also with several other EU Parliaments whose experts were involved in the activities. The permanent purpose of the MS Partners to invite as many other Member States in the project as possible (all in all 13 Member States were involved) has created fruitful long-standing relationships for the GNAT’*.⁴⁷

Finally, a review of the current state of affairs with regard to the Turkish Grand National Assembly points to further reform needs: *‘Concerns about the administrative capacity of Turkey’s parliament persist in several fields, including executive-legislative relations and parliamentary oversight and scrutiny. The Turkish Grand National Assembly plays a limited role in the formulation and implementation of Turkey’s accession strategy’* (EC Regular Progress Report 2010, page 9).

Question 4c

Were there any unexpected effects of the Twinning project?

No evidence for unexpected effects.

⁴⁵ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, page 10

⁴⁶ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, page 12

⁴⁷ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, page 18

Question 4d

Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that:

Either: undermine the impact of the assistance?

Or: supports the impact of the assistance?

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

Member State feedback provides evidence on the initiation of legal reform to strengthen the unit benefitting from twinning and to increase staff numbers (by the end of the project the beneficiary had launched an open competition for five new experts).⁴⁸ Concerning the required legal changes, the prospects are good since the twinning made very detailed proposals for legal reform that have been reviewed by relevant beneficiary representatives including Members of the Assembly: *‘They have indicated precisely which legislation or regulation should be amended in order to achieve the agreed targets. So, the reports can be a technical basis for the discussion that will take place within the Turkish Parliament. As it was mentioned before, the “conciliation committee” on the Standing Orders reform has’*.⁴⁹

2008 Interim Evaluation notes good prospects for sustainability (noting the **stability of beneficiary staff and the sound legal basis for the beneficiary’s operation**), however by the time of the evaluation, there was not yet any evidence as the project has only started recently.⁵⁰

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

A further indicator for sustainability is the beneficiary’s commitment to continue working on reforms as evidenced by engagement in an UNDP project (that was about to start by the end of the twinning assignment).

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

Good level of ownership as evidenced by commitment (allocation of human resources).

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

Whilst there is no information on any continuation of cooperation between the Member State partners and the Turkish Grand national Assembly, sustainability is supported by the presence of additional EC assistance under the 2008 National Programme for Turkey

⁴⁸ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, page 12

⁴⁹ Hungarian National Assembly / Italian Chamber of Deputies, RTA Final Report, 18 November 2008, page 19

⁵⁰ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 38

under the IPA Transition Assistance and Institution Building Component (Civil Society Facility - Parliamentary Exchange and Dialogue).

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the sustainability of assistance? Or: supports the sustainability of the assistance?

No evidence.

Conclusion

- Efficient mobilisation of RTA experts and beneficiary staff.
- Ownership evidenced by senior-level participation in project activities.
- Efficient organisation of parallel supply procurement.
- Translation of all outputs into Turkish to facilitate wide dissemination.
- High-level beneficiary contribution to twinning proposals for legal reform.
- Beneficiary engagement in follow-up assistance.

5.5 TR0603.04 Water sector capacity building

Key features of the Twinning project

EC Code	TR0603.04
Name	: Capacity Building Support to Turkey for the Water
Beneficiary Institution	: Ministry of Environment and Forestry, DG Environmental Management DG State Hydraulic Works
Member State institution	: The Netherlands, The United Kingdom and The Slovak Republic
Period of implementation	: 24+3 months (Dec 2007 – Feb 2010)
Size	: € 1.998.071
Objective	: To assist Turkey in the water management in line with the EU water legislation, in particular - Water Framework Directive (WFD) 2000/60/EC of 23 October 2000, - Urban Wastewater Treatment Directive (UWWTD) 91/271/EEC of 21 May 1991 and - Dangerous Substances Directive (DSD) 76/464/EEC of 4 May 1976 and daughter directives, in order to enable the full implementation of the EU water <i>acquis</i> by the date of Turkey's accession to the EU.

The most recent Interim Evaluation Report⁵¹ included the following assessment of this Twinning Report:

Relevance	Efficiency	Effectiveness	Impact	Sustainability
S	MS	S	MS	S

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

Appropriate at programming/sectoral levels. Link exists with Accession short-term priorities (NPAA priority No.22.1.3.) which include transposition and implementation of the EC directives related to water quality.

Similarly, AP 2003 medium-term priorities include completion of the transposition of the *acquis* and strengthening of institutional, administrative and monitoring capacity to ensure environmental protection.

Underlying strategic rationale and design are appropriate. Programming has been timely as there was need for institutional infrastructure. At the same time BC had to start preparation for Chapter negotiations which was opened on 21 Dec 2009.

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Condition	Assessment (yes/no)	Motivation
the goal was relatively clear, i.e. the BC had a good understanding of the relevant part of the <i>acquis</i> or the relevant area of co-operation, and had selected the type of system it intends to adopt;	Goal was clear but EUD reports that relevant <i>acquis</i> was not that detailed understood by the beneficiary.	Beneficiary realised the need for relevant components of the project to address the relevant part of the <i>acquis</i> . Project design included objectives to be achieved through twinning.
sufficient political will existed in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	Was limited to some extent due to political reasons. (EUD states)	Involvement of senior level at programming and implementation levels was provided.
sufficient BC commitment existed to ensure that the required resources (financial, staff) were mobilised in a Twinning project.	Yes.	Smooth running of project implementation was assured by BC. However, staff has been insufficient for implementation of project activities due to workload.

⁵¹ IE Report date 4 September 2008

Question 1c Was the needs assessment relevant in view of the Accession process (legal and institutional alignment)? / Were mandatory results precisely defined in the Project Fiches?

A MATRA project has already identified the needs. Mandatory results were built on the needs identified for Accession process. BC was trying to see the volume of investment that alignment with Water Framework Directive would require. There was a need for both legislative (a roadmap for the introduction of the relevant parts of the acquis) as well as institutional alignment (clear division of tasks between the Ministry and DSI, capacity building through training and a pilot). This was clearly dealt with in the ToR.

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

Project design was suitable for twinning. It addressed legislative and institutional alignment which required MS cooperation for implementation. A TA project would not have achieved the same results as organisational change was required as well as legislative approximation. Due to the need for high-level commitment, twinning was for this project the most appropriate type of assistance.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

Interaction is reported to be adequate. ECD acted as the initiator for the project development making the beneficiary aware of the importance of the issues to be addressed. Productive cooperation between the ECD and beneficiary ensured successful programming. Attachment of DG State Hydraulic Works to the Ministry at the time of programming made it appropriate to include another relevant DG (Environmental Management) as the other beneficiary.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? Or: supports the relevance of the assistance?

A gap in the structure was related to the overloaded work programme at the beneficiary staff to benefit from project activities. Following the opening of the Chapter on 21 December 2009, staff recruitments are being done according to the requirements of the Environment Law.

Current structure is expected to support relevance of assistance.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

Efficient transfer of inputs into outputs is demonstrated by:

Condition	Assessment (yes/no)	Motivation
Did expenditures remain within budgets?	No.	Further allocation was required for translations which could not be done at the required level. Translation of documents is still ongoing. Some shifting between sub-components took place in mutual agreement to ensure that sufficient time was devoted to implement all work in a satisfactory way.
Were activities timely delivered?	Partly yes. A few activities were delayed due to timing problems encountered with data collection for pilot implementation (lack of some data). Data should have been collected earlier; but no capacity existed for this.	3 months extension enabled completion of relevant activities. Beneficiary (Min of Environment and Forestry) decided to propose a new project (Twinning and TA) under IPA 2009 focusing on collection and monitoring of data.
Were indirect costs low compared to total costs?	Yes.	
Were project logistics in place within a few month of contract signature?	Yes.	Smooth running of project implementation was possible.
Was there a balance between the number of LT and STEs?	Yes. LTEs were the RTA and heads of the working groups.	Expected contributions of the experts were satisfactory. At pilot implementation there was an intensive STE assignment making coordination difficult.

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

Project design built on the findings of MATRA (bilateral/Dutch) gap analysis TA project. There was no direct relation with other projects.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance? or: supports the efficiency of the assistance?

The gap in terms of structures was lack of HR. The beneficiary is subject to re-structuring, which is likely to support efficiency of assistance for future institutional capacity building.

Before re-structuring, at times a “fight” over competences arose between the two beneficiaries. This has been partly addressed by merging the two (DSI is now within the Ministry), which internalises the problem.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

Describe the objectives and which one of them were or were not achieved:

Objective	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Outline appropriate methods to establish the necessary legal and institutional framework to harmonize existing water legislation with the EU water related <i>acquis</i> .	Achieved.	Legal and institutional analysis made. Ministry working on legislation alignment. National Implementation Plans developed for WFD and DSD. National Steering Committee established.
Transposition and implementation of Water Framework Directive (WFD) and Dangerous Substances Directive (DSD) by accession of Turkey.	Achieved.	Detailed implementation plans produced including manuals and guidelines for implementation of the directives. Regulation for DSD is under revision.
Preparation of river basin management plan in line with WFD, UWWTD and DSD in Buyuk Menderes River Basin, which can serve as a pilot river basin management plan.	Achieved. (EUD reports gaps in the plan, due to insufficient project time and budget)	River Basin Management Plan drafted for the pilot area. Data developed is being used by the ministry. Technical specifications defined for future investment needs for monitoring and laboratory infrastructure for dissemination to 25 basins. EUD states that this should require establishment of basin authorities.
Development of a Communication Strategy for the implementation of the project.	Achieved.	Strategy developed, taking into account requirements of WFD on info exchange, participation and consultation. It provides steps for stakeholders' consultation on the way to the achievement of the good water status.

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning? How did Beneficiary / MS institution judge the quality of the cooperation between the Beneficiary and the MS twinning partner?

Both RTA and PL state it as excellent. Similarly, the beneficiary states that interaction has been cooperative and productive. At times, the 'fight' over competences played a role in delaying progress.

Feedback of MS and beneficiary on the quality of interaction:

Indicator	Feedback of Beneficiary / MS twinning partner
Involvement of horizontal stakeholders	Involvements of the many horizontal stakeholders at central and local levels have been at satisfactory level. (regional) Stakeholders became aware of their tasks for the future. EUD reports higher ownership at local level.
Intensity of cooperation between the Beneficiary and the MS twinning partner (qualitative)	Very intensive and productive.
Existence of clear division of tasks and responsibilities between the Turkish stakeholders	Exists.
Existence of agreements/procedures between the stakeholders	None.
Regularity of meetings between the stakeholders	Steering Committee met quarterly. Also frequent but ad hoc meetings related to twinning activities were held when necessary.

Question 3c What is the perception of the Member States Twinning partner on the Turkish structures and systems for the successfully implementing Twinning projects?

MS feedback on: (1) The quality and quantity of Beneficiary resources allocated to implementation (qualitative and, if possible, supported by quantitative data):

- Beneficiary lacked HR qualitatively and quantitatively for implementation.
- There is also need for institutional re-organisation. Beneficiary is working on it.

MS feedback on: (2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD):

- EUSG: not involved as much as others.
- CFCU: closely involved with weekly contacts.
- EUD: closely involved with productive contacts.

Question 3d What is the perception of the Beneficiary on the Member State partner contribution?

Beneficiary feedback on:(1) The quality and quantity of MS resources allocated to implementation;

- Allocation of qualified experts and in the planned quantity was sufficient after an initial period in which one of the beneficiaries (DSI) had to get used to the twinning instrument.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- EUSG: not actively involved.
- CFCU: active particularly at Steering Committee meetings, positive and cooperative role.
- EUD: actively involved, initiator of the project and well-acquainted with the issues.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future

institutional and capacity building that either: undermine the effectiveness of the assistance? or: supports the effectiveness of the assistance?

RTA identifies a gap in structure. There is need for re-structuring for implementation of the 3 directives. It should provide human resources and capacity for future institutional capacity. RTA reports that senior staff is aware of the situation. However, re-structuring is dependent on the political decisions at ministerial level.

A new Government to Government (GtoG) with Netherlands project for 2010-2012 is ongoing for re-organisation of the Ministry and for transposition of Water Framework Directive.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

Expected results	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Detailed legal and institutional gap analysis outlining possible options for transposing the WFD, UWWTD and DSD.	Yes.	Legal and institutional gap analysis done and adopted by beneficiary. Currently a regulation is being drafted and legislation related to the environment law, water pollution and water basin protection are being revised. Revision of Environment law is finalized at the Ministry, ready for submission to the Parliament. Beneficiary expects adoption and publishing of secondary legislation by end 2011.
Implementation plans for WFD and DSD	Yes.	Detailed national implementation plans drafted for both the directives, including manuals and guidelines for implementation.
Detailed institutional analysis including possible options for strengthening the current institutional system to comply with the implementation needs of related EU water <i>acquis</i> .	Yes.	Findings/recommendations of the report have been used for the possible establishment of the Presidency of Environment Administration. 50 staff trained and are currently using the knowledge and experience gained. Training of Trainers ongoing as well as training activities at the local level for senior staff. Findings also used for the development of the GtoG project which is currently being implemented focusing on training activities.
Existing technical structure, monitoring and laboratory capacity improved related to Water Directives requirements.	Yes.	Reports produced. Equipment purchased for on line monitoring and is in use at 5 locations.
	Yes.	Draft river basin management plan implemented for

Pilot implementation of the principles of the three directives (WFD, DSD and UWWTD) in Buyuk Menderes River Basin		monitoring as a pilot.
Communication strategy for implementation of national plans for two directives (WFD and DSD)	Yes.	Communication Strategy drafted for execution of the national implementation plans.

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey? What new legislation or new institutional structures were brought about by the Twinning project? Has the Twinning achieved legal and/or institutional alignment to the EU Acquis?

It has acted as a catalyst for re-structuring of relevant ministry through a GtoG project with the Netherlands. Furthermore, it served as a base for the following EC (IPA) project proposals.

Question 4c Were there any unexpected effects of the Twinning project?

- Directives related to environment acquis, other than the planned 3, were subject to discussion.
- Elaboration of the GtoG (Netherlands) projects for training of trainers and institutional re-structuring.
- One of the project results was that at the regional level, familiarity with the relevant EU rules and regulations was established, which provides the ways and means for addressing certain environmental challenges, in this case by ensuring a better quality of water for irrigation and livestock-breeding.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance?

Or: supports the impact of the assistance?

- Impact of assistance is expected to be supported by the re-structured ministry administration related to WFD.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

Yes. Reform process is still continuing with the developments on the adoption process (the roadmap) of the aligned legislation and relevant re-structuring is under discussion. The beneficiary reports the likelihood of a Presidency of Environment Administration to be established.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

Not yet fully achieved. However there exists ownership. Legal and institutional alignment continues to be on the agenda of the Ministry.

Beneficiary reports that the Strategy of the beneficiary (Min of Environment and Forestry) builds on the closing criteria for the Chapter negotiations. Therefore maintaining the project outputs have to be among the priorities of the Ministry.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- Ownership of outputs is reported by the MS RTA to be high. The outputs are being used by the beneficiary.
- Almost all of the trained staff are currently working on the implementation of the outputs.
- A High Council is established with high level staff to follow up the project results.
- A Training group is being established to serve as trainers in the 5 river basins.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

Cooperation continuing with further IPA and Government to Government (GtoG) projects. IPA 2009 project (Capacity Building on Water Quality Monitoring) is being implemented as a twinning project with the Netherlands, Spain and France, and with the previous Dutch RTA. Allocation of financial resources for these projects are ; total €550.000 for GtoG projects and €M2.0 for twinning.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the sustainability of assistance? or: supports the sustainability of the assistance?

Nothing relevant to this question could be suggested.

5.6 TR0603.03 Improvement of the conditions for Cross Border Electricity Trade

Key features of the Twinning project

EC Code	TR 0603.03 (Tw: TR 06 IB EY 01)
Name	: Improvement of the Conditions for Cross Border Electricity Trade in Turkey in Compliance with the Best practice in EU
Beneficiary Institution	: Turkish Electricity Transmission Corporation (TEIAS)
Member State institution	: Reseau de Transport d'Electricité (RTE) - France
Period of implementation	: 18+6 months extension (23 Nov 2007 – 22 Nov 2009)
Size	: € 1.380,000
Objective	: Project Fiche: To improve the conditions for the functioning of cross-border electricity trade in Turkey by removing administrative and legislative obstacles.

Final Report:

1. To improve:
 - the transmission network operation and maintenance performance and identifying necessary new equipment;
 - the conditions for the functioning of cross-border electricity trade in Turkey by removing administrative and legislative obstacles;
2. Determination of the necessary infrastructure for the connection of Turkey to the UCTE system.

The most recent Interim Evaluation Report⁵² included the following assessment of this Twinning Report:

Relevance	Efficiency	Effectiveness	Impact	Sustainability
MS	S	S	S	S

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

Strategic rationale and design have been appropriate for Turkey as it is in line with the priorities of the Accession documents. Project objectives address Accession Partnership 2003 requirements, the NPAA 2003 commitments and the Multi Annual Programme 2005 objectives. Removal of restrictions on the cross border trade in energy is prioritised in all these documents as one of the issues to be tackled. The project's purpose being "to improve the conditions for the functioning of cross-border electricity trade in Turkey by removing administrative and legislative obstacles" reflects the clear link. It also contributes to the overall objective to fully integrate the Turkish electricity market to the EU internal market.

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Condition	Assessment (yes/no)	Motivation
The goal was relatively clear, i.e. the BC had a good understanding of the relevant part of the <i>acquis</i> or the relevant area of co-operation, and had selected the type of system it intends to adopt;	Yes, BC is well informed of the relevant <i>acquis</i> requirements and the area of cooperation.	Twinning activities address legislative and technical alignment with relevant <i>acquis</i> requirements.
Sufficient political will existed in the BC to create the best possible conditions for drafting and adoption	Yes, BC had already been working on the transition period requirements for relevant	Project contributed to the finalization of the regulation which is adopted and being implemented

⁵² IE Report : 14 April 2008

of the relevant legislation;	legislation.	since 1.12.2009
Sufficient BC commitment existed to ensure that the required resources (financial, staff) were mobilised in a Twinning project.	Yes,	There was no problem resulting from insufficient resources.

Question 1c Was the needs assessment relevant in view of the Accession process (legal and institutional alignment)? / Were mandatory results precisely defined in the Project Fiches?

Requirements for EU accession in the relevant area included the establishment of an electricity market to enable integration to the EU electricity market which necessitated the improvement of the existing transmission network operation and maintenance performance, removal of the obstacles for cross-border electricity trade and providing the infrastructure for the connection of Turkey to the UCTE system. Moreover EU accession requires separation of various activities in the field of energy, notably generation, transmission and distribution and supply. To support this, market and system oversight is necessary. TEIAS was created with a role of system (and market) operator and TSO, which includes ensuring interconnection. The Energy Market Regulatory Authority (EMRA) was established to fulfil a role in market supervision.

Mandatory results were well defined to contribute to alignment with the EU electricity market in terms of system and legislative requirements, in compliance with the electricity and gas directives.

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

Beneficiary (TEIAS) has selected twinning to ensure a MS similar institution to work with, to enable direct involvement of the beneficiary staff for capacity building and to establish sustainable cooperation for future developments. This notably refers to the particular role of TEIAS as system and market operator. It also allowed TEAIS to select a TSO from a Member State which has a similar infrastructure.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

Beneficiary reports adequate interaction.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? or: supports the relevance of the assistance?

The gap in structure supports the relevance of assistance. Project outputs revealed the need for restructuring for better implementation. The recently proposed project for 2009 IPA programming is expected to contribute to this issue.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

Efficient transfer of inputs into outputs is demonstrated by:

Condition	Assessment (yes/no)	Motivation
Did expenditures remain within budgets? (1.380)	Yes.	Some unspent amount was used for activities in the 6 months extension. Not all was spent in the end
Were activities timely delivered?	Yes.	Project outputs could be timely delivered. There was some delay in contracting.
Were indirect costs low compared to total costs?	Yes.	No need for further allocation to meet indirect costs.
Were project logistics in place within a few month of contract signature?	Yes.	No problem created by lack of logistics.
Was there a balance between the number of LT and STes?	Yes in general.	Solution found where unbalance was identified.

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

The project has complemented the two EC projects supported within the 2003 and 2004 financial programmes. Those had served as the first steps for the synchronisation and frequency of the Turkish power system with the UCTE Power System, supporting the establishment of the technical conditions for integration to the EU system and market, while this twinning project built on the outputs and provided the grounds for implementation. The system was connected in September 2010 and is currently under testing phase.

The project also had synergy with the WB financed (loan) intervention which then supported the restructuring of the sector and construction of facilities for Turkey-Greece interconnection line.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the efficiency of the assistance? Or: supports the efficiency of the assistance?

The current status with regard to structures and systems support the efficiency of the assistance.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

Objective	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Improvement of the transmission network operation and maintenance performance and identifying necessary new equipment;	Project objectives were achieved.	The transmission network is improved, relevant legislation is adopted preparing the required infrastructure for implementation.
Improvement of the conditions for the functioning of cross-border electricity trade in Turkey by		The project proposal submitted to IPA 2009 financing programme directly address capacity building for the

removing administrative and legislative obstacles;		implementation of the technical and legislative infrastructure which were identified and improved by this twinning project.
Determination of the necessary infrastructure for the connection of Turkey to the UCTE system.		

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning?

Feedback of beneficiary: Interaction between key stakeholders has ensured successful implementation. Steering Committee with members from stakeholders has been efficient and effective in achieving project results. BC reports quality of cooperation as very productive.

Feedback of MS and beneficiary on the quality of interaction:

Indicator	Feedback of Beneficiary / MS twinning partner
Involvement of horizontal stakeholders	Key stakeholder has been Ministry of Energy. Their involvement has been constructive and cooperative.
Intensity of cooperation between the Beneficiary and the MS twinning partner (qualitative)	Twinning contract was clear and adequately detailed to enable effective and efficient cooperation and to ensure timely delivery of project outputs. An agreement has been signed between the twinning institutions for future cooperation.
Existence of clear division of tasks and responsibilities between the Turkish stakeholders	The Steering Committee required clear division of tasks.
Existence of agreements/procedures between the stakeholders	None.
Regularity of meetings between the stakeholders	Regular Steering Committee meetings every 3 months.

Question 3c What is the perception of the Member States Twinning partner on the Turkish structures and systems for the successfully implementing Twinning projects?

MS feedback on: (1) The quality and quantity of Beneficiary resources allocated to implementation (qualitative and, if possible, supported by quantitative data):

- In general sufficient resources are in place. At times, progress was hampered by limited availability of staff. This caused some delays, but with the extension of the project, most activities could in the end be completed.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- No specific issues to report.

Question 3d What is the perception of the Beneficiary on the Member State partner contribution?

Beneficiary feedback on: (1) The quality and quantity of MS resources allocated to implementation;

- Highly satisfactory.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- Supportive and cooperative.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the effectiveness of the assistance? or: supports the effectiveness of the assistance?

The current status is adequate for future capacity building, supporting the effectiveness of the assistance. Had more time been available all tasks could have been finalised. (Or stated differently, had all staff from the beneficiary been available in time, delays had not been necessary).

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

Expected results	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Improvement of the Operation and Maintenance Performance of Turkish Transmission System and the identification of necessary equipment.	Yes.	A commission is formed to ensure improvement of the system with revised maintenance procedures. Necessary equipment is identified.
Development and/or Improvement of Legislative Framework and Administrative Capacity in Turkish Electricity Market regarding the Cross Border Electricity Trade	Yes.	Existing legislation (regulations) modified and adopted New market rules are being implemented for a transitional period. The necessary organisational structure and methods are identified. The project proposal for IPA 2009 will develop the required model in compliance with best practices in EU.

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey? What new legislation or new institutional structures were brought about by the Twinning project? Has the Twinning achieved legal and/or institutional alignment to the EU Acquis?

The project acted as a catalyst for the creation of conditions for Turkey to be connected to a powerful energy transmission system through 2 EU Member States (Bulgaria and Greece). This has enabled integration with the European electricity market providing institutional/technical alignment.

In spite of the establishment of both TEIAS as SO and MO and EMRA as an independent regulatory authority in the field of energy, political interference with energy prices remain. TEIAS, for instance, may indicate that their transmission prices should go up, EMRA typically agrees (both parties use more or less sophisticated methods to calculate these prices) but political forces in the end decide. There is, in other words legal independence, as required by the relevant parts of the acquis and directives, but no autonomy.

Focus on customers is still somewhat underdeveloped.

Question 4c Were there any unexpected effects of the Twinning project?

Unexpected effects have been positive :

- development of a project proposal to ensure a model for implementation of the project outputs.
- sharing of experience with a visiting mission from Ukraine who are likely to take it as a model.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance? or: supports the impact of the assistance?

Establishment of Feedback and Assessment Committees supports the impact of the assistance.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

- The proposed project will build on the outputs delivered by this twinning.
- As for sustainability of the capacity building activities, although the Project Fiche commits to establish “a pool of well-informed, knowledgeable and experienced national staff and energy sector experts” to carry on similar training activities in the future, the beneficiary could not form a pool of experts for training purposes only, as it proved to be not feasible due to staff shortage.
- Nonetheless, the documents produced by project activities are loaded on the webpage available with free access.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

- Relevant legislation is adopted and published in December 2008 and April 2009.
- As for institutional alignment, gaps have been assessed through the twinning activities. The proposed project for 2009 IPA programming will identify the new structure in accordance with the requirements of implementation.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- Most of the relevant staff are maintaining project results since the adoption of the legislation. Beneficiary reports the problem of qualified and trained staff transfer to the private sector.
- Financial resources are allocated for the improvement of existing infrastructure (power plants) to ensure the required standards for cross border electricity trade with Bulgaria and Greece.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

- An agreement (MoU) is signed by the beneficiary and twinning partner for future cooperation.
- This will reflect in participation in conferences etc. The scope of future cooperation is yet to be defined.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: either: undermine the sustainability of assistance? or: supports the sustainability of the assistance?

- The current status does not indicate any significant gaps undermining the sustainability.
- The project proposal already made for IPA 2009 programme builds upon the outputs of twinning activities. This supports the sustainability.

5.7 TR0302.05 Strengthening the audit capacity of the Turkish Court of Accounts

Key features of the Twinning project

EC Code	:	TR0302.05
Name	:	Strengthening the Audit Capacity of the Turkish Court of Accounts
Beneficiary Institution	:	Turkish Court of Accounts (TCA)
Member State institution	:	UK (National Audit Office)+ Spain
Period of implementation	:	18 months + 6 months extension
Size	:	Tw:€1.200,000 (supply:200k). Supply budget was merged with twinning budget which totalled to 1.350,000.
Objective	:	to strengthen the Court of Accounts of Turkey as an external audit institution to fully assume its role in line with international standards and EU practices.

The most recent Interim Evaluation Report included the following assessment of this Twinning Report:

Relevance	Efficiency	Effectiveness	Impact	Sustainability
1	1	1	2	1

(on a scale from -2 to 2)

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

- The importance of strengthening the financial control function of the Turkish administration is recognised by both the 2003 AP and NPAA which referred to the adoption of international standards for external auditing. Therefore, the existing legal status, management and operational practices of the Turkish Court of Accounts (TCA) required upgrading to be in line with the internationally accepted audit standards (INTOSAI) and EU audit practices (EUROSAI).
- The existing law (no.5018) on Public Financial Management and Financial Control was already published in 2003 aiming to change the system to address concerns expressed in EC 2001 Regular Report for Turkey. At the time of project programming the existing Turkish Court of Accounts (TCA) law no.832 needed revisions according to the requirements of the Law no.5018.
- The beneficiary (TCA) was aware at the programming level that twinning assistance with similar MS institution/s would be needed in order to revise the draft TCA law and transfer the relevant legislation, procedures and experience for EU alignment.

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Condition	Assessment (yes/no)	Motivation
the goal was relatively clear, i.e. the BC had a good understanding of the relevant part of the acquis or the relevant area of co-operation, and had selected the type of system it intends to adopt;	Yes.	BC had already started the preparation work for the relevant legislation alignment. The project accelerated the process.(The law is at the stage of adoption and enactment.)
Sufficient political will existed in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	Yes.	Revision of the drafted legislation was included in twinning activities. (Adoption was beyond project control.)
Sufficient BC commitment existed to ensure that the required resources (financial, staff) were mobilised in a Twinning project.	Yes .	Project staff were allocated full-time and in adequate number (35-125). Prior to project start they were trained for language competency (English) and project management from beneficiary's own resources to ensure project efficiency and effectiveness.

Question 1c Was the needs assessment relevant in view of the Accession process (legal and institutional alignment)? / Were mandatory results precisely defined in the Project Fiches?

- Needs assessed for alignment in the area of auditing were relevant. The beneficiary had identified the needs during the preparatory stage of drafting the TCA law.

Furthermore, a needs analysis had been already carried in 2004 with World Bank support. Therefore, mandatory results could be precisely defined and included assessment and re-drafting of relevant legislation, clarification of institutional structure requirements and capacity building for implementation of aligned legislation.

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

- Beneficiary reports that upgrading and updating of the current external audit practices in Turkey could best be achieved through twinning assistance. They had worked to identify the MSs with relevant nature and experience in the areas to transfer the expected input for legislative and institutional alignment in internationally accepted standards and EU practices. Twinning MSs were selected as UK and Spain (minor partner) to ensure that transfer of experience includes both the types of audit procedures and practices carried by EU MSs.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

- Interaction was adequate at programming stage. However, at twinning contract drafting stage, finalisation of the contract took long time with circulation of numerous draft versions.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? or: supports the relevance of the assistance?

- Existing gaps in structure, system and capacities support the relevance of assistance for future institutional and capacity building.
- The current legislation in force is not implemented in terms of the structuring of auditing groups. The draft legislation awaiting adoption at the Parliament will require this implementation.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

Efficient transfer of inputs into outputs is demonstrated by:

Condition	Assessment (yes/no)	Motivation
Did expenditures remain within budgets?	Yes. €100,000 not used.	Supply budget was merged into twinning budget for STEs.
Were activities timely delivered?	Delays occurred for the first 8 months due to project management inefficiencies.	Change of Project Leaders of both sides and change of RTA. One of the STEs was appointed as the new RTA. Extension for 6 months to re-schedule and complete project activities.
Were indirect costs low compared	Yes.	No problem encountered.

to total costs?		
Were project logistics in place within a few month of contract signature?	Yes.	No problem encountered affecting project implementation.
Was there a balance between the number of LT and STEs?	N/A. The only LT was the RTA.	Frequent missions of the same STEs supported consistency in the advice provided.

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

- Synergy existed with a 2003 EC project implemented by the Ministry of Finance which addressed public internal financial control as well as preparing a glossary for internal control. Steering Committees of each projects included a representative member of the other.
- Design of the twinning project used the needs assessment carried by WB support.
- WB project (Programmatic Financial and Public Sector Adjustment Loan-II) had included provisions for solving problems of Turkish financial control system with specific reference to Acquis compliance.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance? or: supports the efficiency of the assistance?

- Efficiency of the assistance is likely to be undermined if new administration (Executive Committee) does not prioritise future institutional and capacity building issues. This cannot be assessed at this stage since it also depends on the adoption of the law at the Parliament.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

Objective	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Upgrading the legal framework in line with International Audit Standards and EU Practices	Yes.	Draft primary legislation prepared to modify TCA Law no.832 and sent to the Parliament in 2006. Law is on the current agenda of the Parliament.
Upgrading operational Capacity in line with International Audit Standards and EU Practices	Partly achieved. The required institutional changes were clarified at strategy level, not detailed.	Strategies for re-structuring were adopted, but implementation awaiting publishing of the drafted legislation.
Management and organisational capacity strengthened and human resources developed	Yes.	Piloted. Trained auditors used the new auditing manuals prepared with project activities.

Improvement of IT support	Yes.	Strategy developed and IT audit manual produced. Software purchased.
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Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning?

Feedback of MS and beneficiary on the quality of interaction:

Indicator	Feedback of Beneficiary
Involvement of horizontal stakeholders	Satisfactory. The only horizontal stakeholder was the Min of Finance. They attended the Steering Committee meetings and some of the training activities. However, did not provide any feedback.
Intensity of cooperation between the Beneficiary and the MS twinning partner (qualitative)	Constructive and effective. However, limited cooperation of MS (UK) institution in sharing some documents.
Existence of clear division of tasks and responsibilities between the Turkish stakeholders	Existed. EUD and EUSG were more active while CFCU was at the stage of being established.
Existence of agreements/procedures between the stakeholders	Not required.
Regularity of meetings between the stakeholders	Steering Committee met quarterly with members from stakeholders.

Question 3c What is the perception of the Member States Twinning partner on the Turkish structures and systems for the successfully implementing Twinning projects?

MS feedback on: (1) The quality and quantity of Beneficiary resources allocated to implementation (qualitative and, if possible, supported by quantitative data)

- Sufficient. In the final report explicit mention is made of the allocation of TCA full-time staff to the programme components.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- No explicit issues, CFCU had marginal involvement due to the nature of the project.

Question 3d What is the perception of the Beneficiary on the Member State partner contribution?

MS partner has contributed in line with contract commitments. However, it was reported that sharing of some documents by the MS partner could have been at a better level.

Beneficiary feedback on: (1) The quality and quantity of MS resources allocated to implementation;

- MS has allocated qualified and experienced STEs in the required number as committed. No problems encountered undermining project efficiency stemming from STE allocation.
- However, Project Leaders of both sides as well as the RTA had to be changed due to some management problems negatively affecting project progress for the first 8 months

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- Beneficiary reports involvement of Turkish stakeholders as satisfactory and supportive. EUSG's coordination and monitoring role at higher level has been adequate and has contributed to smooth implementation. Similarly EUD has been supportive at the required level. Not much involvement of CFCU was required as there were no tenders foreseen within project activities.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the effectiveness of the assistance? or: supports the effectiveness of the assistance?

- Existing structure, systems and capacities have gaps that are likely to undermine effectiveness of the assistance for future institutional/capacity building. There is need for re-structuring and the capacity needs to be further strengthened with dissemination of the trainings received.
- Nonetheless, TOT is already built and is available for future capacity building within the institution supporting effectiveness of the assistance.
- However, all the above are awaiting adoption and publishing of the draft law by the Parliament. (On the other hand the beneficiary reports that there is no need to wait for the adoption by the Parliament for the preparation of the secondary legislation within the institution; but the delayed approval of the primary legislation at the Parliament has created a loss of motivation and the new management/administration which took over in 2008 has decided to wait for the approval of the Parliament before starting any preparation for secondary legislation as well as restructuring.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

Expected results	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Officially adopted action plan and amendments to TCA' law in line with internationally accepted audit standards (mainly with INTOSAI, EUROSAI) and EU Practices,	Partly achieved. Action Plans prepared but awaiting adoption and enactment of TCA Law for implementation.	MS Twinning has ensured introduction of internationally accepted standards and EU practices. Implementation awaiting adoption of the drafted law by the Parliament.
Financial Audit Manual and training packages covering all key areas of the work of the TCA in line with INTOSAI, EUROSAI Guidelines and EU practices	Yes. Numerous Manuals and training packages are prepared.	Manuals have been used for piloting. Positive feedback received from audited institutions. ToT available to use the packages.
System Based Audit Manual and training packages covering all key areas of the work of the TCA, in line with internationally accepted standards and EU practices	Yes. (Same as above).	(Same as above.)

Performance Audit Manual and training packages covering all key areas of the work of the TCA, in line with internationally accepted standards and EU practices.	Yes. (Same as above).	(Same as above.)
Job descriptions and competency statements for all grades of TCA staff established in accordance with the change in legal framework.	Yes. Job description are approved by the relevant beneficiary authority.	Have been used for piloted implementations. Wider usage is awaiting adoption of the law.
Assessment of IT systems and software. Delivery and staff training on how to use them.	Yes. IT systems and software assessed and relevant strategy prepared. Training delivered.	Some software already purchased, and is being effectively used by the trained staff.

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey?

- The project has acted as a catalyst to some extent. Outputs of the project have served as the preparatory steps for upgrading the Turkish Court of Accounts to serve in line with the internationally accepted external audit standards and EU practices with the required structure and with legislative and procedural changes. The capacity built is likely to disseminate through the available TOT and the country wide implementation is likely to be achieved through the dissemination of piloted activities.
- However, the legal basis for the wider organisational and regulatory change in the country requires the adoption and enforcement of the law. Nonetheless, the draft law has been included in the agenda of the Parliament awaiting approval.

Question 4c Were there any unexpected effects of the Twinning project?

- The revision and drafting of the modified primary legislation resulted in an unexpected interpretation by the administration/management of beneficiary institution. Implementation of the project outputs were suspended awaiting enforcement of the legislation. The existing law which enabled implementation of project outputs such as the procedures/manuals was regarded as non-effective.
- The Russian Court of Accounts asked cooperation for similar upgrading.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance?, or: supports the impact of the assistance?

Interviews with the beneficiary (RTA counterpart, Project Assistant) reveal that the existing institutional structure is likely to undermine impact of assistance if adoption of the law keeps to be pending at the Parliament. Within the context of the project a contingency paper has been prepared that indicates how each project-activity can be implemented in the absence of adoption of the new TCA law.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

- Yes. The process for the adoption of the drafted law is ongoing. It will ensure the anticipated financial reforms.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

- The law is at the Parliament for adoption and publishing. It will require re-structuring for the TCA. However, the preparations are reported to be not yet in place, it requires institutional ownership at higher levels of administration.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- The level of ownership of the outputs obtained depends on the adoption and publishing of the law which will then require drafting of secondary legislation by the beneficiary. Nonetheless, staff turn-over at the beneficiary institution is reported to be very low, supporting project staff to maintain the results of capacity building activities. Trained staff is planned to be used as trainers for delivery of further capacity building activities.
- The beneficiary foresees no problem in the allocation of financial resources at the required level, once the law is enacted and the relevant secondary legislation is accordingly prepared and adopted.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

- No further cooperation between the beneficiary admin and MS admin after project has completed.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the sustainability of assistance?, or: supports the sustainability of the assistance?

- Sustainability of the assistance depends on the implementation of the legislation by the beneficiary administration. The existing structures are not likely to support sustainability of the assistance should the secondary legislation is not prioritised by the administration.

5.8 TR0503.05 Establishment of an IPA Rural Development Agency

Key features of the Twinning project

EC Code	TR 05 03.05 / TR05-AG-01
Name	: Establishment of an IPA Rural Development Agency
Beneficiary Institution	: Ministry of Agriculture and Rural Development (MARA)

Member State institution	: Austria, Germany, Hungary Austrian Ministry of Agriculture, Forestry Environment and Water
Period of implementation	: PF: June 2006 – December 2007 Realisation: February 2007 – 3/11/2009 (19 months)
Size	: Twinning: 1.200.000 Euro (Total Amount of the Project: 5.199.000 total)
Objective	: PF objective: Strengthening institutional capacity in order to achieve sound and efficient management of EU co-funded rural development measures aimed at increasing the competitiveness of the agri-food sector and supporting the economic revival of rural communities. PF purpose: Building on previous assistance, notably the rural development component of the 2004 pre-accession project, to support establishment of an IPA Rural Development Agency and strengthen its administrative capacity.

The most recent Interim Evaluation Report included the following assessment of this Twinning Report:⁵³

Relevance	Efficiency	Effectiveness	Impact	Sustainability
MS	S	MS	S	S

Ratings include the following: Highly satisfactory (HS), Satisfactory (S), Moderately Satisfactory (MS), Moderately unsatisfactory (MU), Unsatisfactory (U) and Highly unsatisfactory (HU).

Relevance

Question 1a Has the underlying strategic rationale and design of twinning assistance been appropriate for Turkey at programme/sectoral levels?

- The twinning assignment (focus on establishing the structures that will manage EU-funded rural development; including some legislative alignment support and dissemination) clearly addresses Accession Partnership (AP) and National Plan for the Adoption of the Acquis (NPAA) priorities.
- 2003 AP emphasizes the need for setting up the administrative structures required for the implementation of EC rural development policy and forestry strategy⁵⁴. Accordingly, in Chapter IV Priority 7.1 of the 2003 NPAA, the Turkish government has envisaged to establish an Implementing/Paying Agency supporting the rural development aligning with the EU institutions⁵⁵. Furthermore, Chapters 11 of 2008⁵⁶ and MIPD (2007-2009)⁵⁷ prioritize the action, which is explicitly covered within the 2008 NPAA under the Priority 11.1 Establishment of an IPARD Agency

⁵³ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development: Food safety; Veterinary; Phytosanitary; Common Agricultural Policy Subsector, 12 November 2008, page: 42.

⁵⁴ 2003 AP, page: L145/51

⁵⁵ 2003 NPAA, page: 258

⁵⁶ 2008 AP, page: L51/11.

⁵⁷ European Commission Decision C(2007)1835 of 30/04/2007, MIPD (2007-2009), page: 47

accredited in compliance with EU requirements⁵⁸ The EC's 2009 Regular Progress Report notes progress with preparations for the Instrument for Pre Accession Assistance Rural Development (IPARD), noting in particular the Agency's establishment and the adoption of relevant implementing legislation.⁵⁹ However, the report also emphasises that substantial further efforts are required (on staff recruitment and training, on addressing structural deficiencies to achieve national accreditation).

- 2008 Interim Evaluation (covering the period June to July 2008) confirms relevance and rates the project as moderately satisfactory due to weaknesses in the design of the parallel investment component.⁶⁰ It is indicated as "The distribution of EU funds under the IPARD2 programme fully depends on the existence of an IPARD Agency with national and EU accreditation. After accession, this agency may become the paying agency for structural funds interventions in the agricultural and rural development sectors." With this purpose, the Law (no.5648) for establishment of the Agricultural and Rural Development Institute (the IPARD Agency) was adopted on 19 May 2007 and its amendment on 5 December 2008.
- Law No. 5648 on Establishment and Duties of Agriculture and Rural Development Support Institution was published in the Official Gazette on 18 May 2007 and entered into force. Law No. 5818 amending the mentioned Law was published in the Official Gazette on 5 December 2008 and entered into force.
- Note that within the same project fiche, there is also an investment component (EURO 3.8 million) and technical assistance (EURO 0.199 million).

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Condition	Assessment (yes/no)	Motivation
the goal was relatively clear, i.e. the BC had a good understanding of the relevant part of the acquis or the relevant area of co-operation, and had selected the type of system it intends to adopt;	Yes	Rural Development sector priorities under NPAA 2003 and 2008. Understanding is evidenced by intensive government activity in this area.
Sufficient political will existed in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	Yes. Note that the focus is on establishing a new structure to manage EU funding.	Political will to engage in twinning is evidenced by the adoption of related legislation in 2007 (Law on the establishment of the Agricultural and Rural Development Institute (ARDSI – the IPARD Agency) and parallel efforts to accredit the new structure. IPARD Law 5648 ratified on March 2007 and put into

⁵⁸ 2008 NPAA, page: 109.

⁵⁹ EC, Turkey 2009 Progress Report, 14 October 2009, page 53

⁶⁰ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 12

sufficient BC commitment existed Yes
to ensure that the required
resources (financial, staff) were
mobilised in a Twinning project.

enforce in May 2007, and amended in December 2008. The IPARD Plan, which is the operational plan for rural development measures, has been approved by the Commission Services in February 2008. The IPARD Agency has obtained the national accreditation in 2010 and further accreditation process has been continuing for transfer of rights to the Agency. MARA has mobilized and engaged a sufficient number of staff to be trained and which will be appointed to work for the agency. Clear mandate and adequate staff; possibility of using external staff. Initial project team had 15 members which were increased to 30 and later to 60 during the implementation. IPARD Agency has about 60 staff members at central office and 300 in the provincial offices. The number is expected to increase. 25 percent of the supplies and office equipments are financed by the national budget.

Question 1c Was the needs assessment relevant in view of the Accession process (legal and institutional alignment)? / Were mandatory results precisely defined in the Project Fiches?

- Due to the limited knowledge on the SAPARD and IPARD agencies in the EU member states, no detailed needs assessment has been done, but an analysis of the current institutions has been conducted in line with the accession process and the relevant law for establishing a paying agency for rural development.

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

- Yes. The agency could only be established by benefiting the knowledge and experience of a MS institution.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

- Comprehensive interaction with the key stakeholders, especially the support of the EUD has enabled better understanding of the results and necessary activities and a smooth running of the project.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? or: supports the relevance of the assistance?

- Rural Development Plan has been prepared by MARA based on EU assistance in line with the EU acquis and revised Common Agriculture Policy of the EU, which has supported the relevance of this action.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?
Efficient transfer of inputs into outputs is demonstrated by:

Condition	Assessment (yes/no)	Motivation
Did expenditures remain within budgets?	yes ⁶¹	Most of the administrative cost has been financed by the MARA budget, including the rent of the building, staff, logistics, etc.
Were activities timely delivered?	Yes	<p>Since the precondition of its law enforcement has been actualized in May 2007, the start of the project has been delayed about 2 months.</p> <p>Duration has been extended 2 months totalling 19 months.</p> <p>All activities have been implemented within the time plan. There is no activity omitted.</p> <p>Training activities:</p> <ul style="list-style-type: none"> • 4-day Study Visit to Bulgaria • Internship in Hungary • Study trip to Austria to get acquainted with the system • Study trip to Germany to get acquainted with the system <p>All the methodologies developed.</p> <p>Experts have collaborated efficiently on the software development and the software has been prepared.</p> <p>However, due to moving targets along with the accreditation, the operations are not totally on-line and hard copy basis for the time being.</p>

⁶¹ No financial document has been made available to the team, therefore the assessment is only based on the interviews.

Information campaign has been implemented efficiently. National Accreditation has been received in June 2010 after an evaluation started in April 2010. Assessment meetings for “EU conferral of rights for management” will start in 2010, and expected to be finalized in early 2011.

Were indirect costs low compared to total costs?	Not clear	
Were project logistics in place within a few month of contract signature?	Yes	Both to LT and STEs all logistics necessary have been provided, including rooms, tables, internet connection, printers, shuttle bus connection to the main buildings, lunch at the ministry cafeteria, etc)
Was there a balance between the number of LT and STEs?	Yes	The long terms experts from Hungary, Austria and Germany have participated individually or together to the activities. Very good cooperation has been achieved with the support of more than 170 different STEs.

2008 Interim Evaluation notes efficient implementation (timely contracting of parallel technical assistance and investment components, adequate beneficiary staff numbers and quality, clear beneficiary legal mandate to cooperate with external experts, good cooperation between twinning and technical assistance), and rates efficiency as satisfactory. The start of the twinning was delayed however this did not reduce implementation time.⁶²

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

- This intervention has been built up on the project for “the Preparations for the Implementation of EU Common Agricultural Policy” (TR 0402.08) and its subproject “Support for Preparation of Rural Development Plan and Strengthening Institutional Capacity for implementation of the Plan”. This project aims at establishing the identified structures necessary for implementation of Rural Development Plan measures and its relevant needs.
- A following complementary twinning project has been started for “Environment and Rural Development under IPARD” (TR08-IB-EN-01) by MARA in cooperation with the Ministry of Environment.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance? or: supports the efficiency of the assistance?

- The IPARD Plan for rural development sector and its measures has been approved by the Commission Services in February 2008, which enable the project to continue further in preparing the application packages accordingly.

⁶² MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 18

- The is no other institutional arrangement that would neither undermine nor support IPARD agency's formation within the sector, except for the need to align the EU acquis and contribute to the rural development objectives of the country programme.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

- 2008 Interim Evaluation notes that twinning outputs are being delivered as planned (the parallel investment and technical assistance components are also on target).⁶³ All of the activities have been completed, most of the outputs received, results achieved, and the IPARD Agency has started to operate with sufficient staff and budget.
- Yet, a need for harmonization with the rural development sectoral agreement and some organizational adjustments with respect to the new rules and regulations has arisen. These are being done for the assessment of the transfer of rights.

Describe the objectives and which one of them were or were not achieved:

Objective	Achieved (yes/no)	Proof of achievement Reason for (non)- achievement
Result 1: Central and local offices of IPA Rural Development Agency established and fully operational.	- Identification of job descriptions of the IPA Rural Development Agency personnel	Achieved. All the job descriptions for each staff of the agency have been elaborated.
	- Prepare an organizational chart of the IPA Rural Development Agency,	Achieved. Organization Charts of the agency has been prepared.
	- Determination of the tasks of each department of IPA Rural Development Agency	Achieved. Each department has their own tasks.
	- Determine implementation and payment tasks of IPA Rural Development Agency	Achieved. Segregation of duties has been applied.
	- Identification of the tasks of the staff to be assigned in the Managing Authority with in MARA	Achieved. Managing authority staff has participated to working groups.
	- Appointment of required staff in the headquarter and local offices	Achieved. Agency has no task to delegate.
	- List functions which have to be delegated to the other institutions	Achieved. A helpdesk system has been established inc. Brochures, leaflets and other guidelines for potential applicants.
	- Preparing the guide book for project preparation (development of a helpdesk for applicants including communication, brochures and meetings	Legal Advisory People had
	- Assistance for preparing secondary legislation of IPA Rural Development Agency	
	- Technical specification and tender dossier for the software, hardware and office equipments prepared.	
- IT and office equipments needs met.		

⁶³ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 24

- Perform necessary steps to ensure IPA Rural Development Agency's accreditation process.

participated to WG. Secondary legislation has been prepared with help of STEs.

Achieved with the help of a TA Project.

Achieved successfully.

Achieved. Necessary steps have been ensured based on SAPRD experiences.

National accreditation received. Assessment meetings are carried out with the EU for transfer of rights. On-line implementation will start thereafter.

All achieved very effectively

Result 2: The institutional capacity of MARA, IPA Rural Development Agency and other relevant institutions developed/ strengthened.

- preparing training programmes and activities for staff of the Agency and relevant institutions which was mentioned in the findings of the projects TR/2004/IB/AG/01

- identification a number of training courses including training of the trainers
- assist in selection of the trainers and implementation of their trainings.

- train identified number of staff for both central and local offices
- supervising the trainers during the training of the IPA Rural Development Agency personnel by trainers and obtaining and evaluating of training results.

- Identification of further training needs which was not mention in the findings of the project TR/2004/IB/AG/01 and preparing programmes and activities of staff of the IPA Rural Development Agency and relevant institutions

- preparation manuals, guidelines and other documents for the implementation of Rural Development measures (a step by step approach = streamline of the procedures including necessary tools like checklists, guidelines and forms)

- assist for preparing the project fiches for further training needs.

Organizing study visits to Candidate Countries (Bulgaria, Romania or Croatia) and one of the new member states in order to see the implementation. Since SAPARD Agency has only been operational in Bulgaria and Romania currently and study visits aim to learn the deficiencies in the transformation of SAPARD Agency to Paying Agency in one of the new member states.

-conducting workshops, seminars, regional meetings, media activities etc.

- publish a manual for the application of projects

- prepare the guide book for project development (development of a helpdesk for applicants including communication, brochures and meetings

Result 3: Information campaign for the stakeholders organized.

All achieved effectively

- prepare workshops
- prepare meetings
- prepare and publish leaflets
- prepare media activities

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning? How did Beneficiary / MS institution judge the quality of the cooperation between the Beneficiary and the MS twinning partner?

Feedback of MS and beneficiary on the quality of interaction:

Indicator	Feedback of Beneficiary / MS twinning partner
Involvement of horizontal stakeholders	Very good cooperation achieved with State Planning Organisation (DPT), Turkish Materials Procurement Office (TMO), and Ministry of Environment and Forests (MoEF). Furthermore, Undersecretary of Treasury has cooperated very actively.
Intensity of cooperation between the Beneficiary and the MS twinning partner (qualitative)	RTA is very experienced who took part in the establishment of the Hungarian IPARD Agency. Intensive cooperation with the project team has contributed to the effectiveness of the project.
Existence of clear division of tasks and responsibilities between the Turkish stakeholders	A clear-cut distribution of responsibilities and tasks has been enabled with sufficient project staff contributed to the effectiveness of the project. EU's principle of "segregation of duties" specific to the establishment of the IPARD Agency has been implemented; and different personnel have been assigned for project evaluation, monitoring, accrual, payment and accounting operations.
Existence of agreements/procedures between the stakeholders	Not clear. Still they have acted in harmony and contributed to the project very much.
Regularity of meetings between the stakeholders	Steering Committee met quarterly on a regular basis. Total 7 meetings have been actualised with the participation of all the stakeholders who contributed effectively.

Question 3d What is the perception of the Beneficiary on the Member State partner contribution?

Beneficiary feedback on:

- (1) The quality and quantity of MS resources allocated to implementation;
 - Very satisfactory, based on the knowledge and experience of especially the Hungarian RTA. Very good choice and effective cooperation.
- (2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- Very satisfactory contribution of the EUD. Supply definition has not been very efficiently managed by the CFCU. Cooperation carried with the EUSG at Joint Monitoring Committees.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the effectiveness of the assistance? or: supports the effectiveness of the assistance?

- Rural Development Sectoral Agreement has been recently concluded by MARA. There was no agreement during the design and early implementation phase. IPARD Agency has made the necessary adjustments accordingly and effectively.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

Expected results	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Result 1: Central and local offices of IPA Rural Development Agency established and fully operational.	yes	National accreditation has been received in 2010. The IPARD Agency will be fully operational when the full transfer of responsibility of the EU is finalized in early 2011. Conditional start has already been on-going. Project proposals are being received and evaluated. Upon the completion of the transfer of right, initially 20% of 20 Million Euro will be available for the projects.
Result 2: The institutional capacity of MARA, IPA Rural Development Agency and other relevant institutions developed/ strengthened.	yes	The IPARD Agency is physically and organizationally in place and active with satisfactorily capacity developed and dedicated staff. The Agency has full support from MARA and the government for budget allocation.
Result 3: Information campaign for the stakeholders organized.	yes	Information campaign has been conducted. The IPARD Agency is well-known in sector and by the final beneficiaries. The Agency has support by other institutions and MARA. Further dissemination has been carried out.

- 2008 Interim Evaluation confirms good prospects for impact (since all outputs have been delivered and the new agency is considered operational). Moreover, since

programming of IPARD is underway with funds to be used as of 2009, there will not be a gap between the delivery of outputs and their concrete use.⁶⁴ An effective independent agency has been developed beside MARA with very high capacity and functioning aligned with the EU acquis with high immediate impact. The Interim Evaluation emphasizes that *“The wider impact of the present programme may be that MARA becomes aware of this fact and enhances the pace of establishing (semi-) independent services to deal with CAP issues. At present however, there is no evidence to suggest that this will happen anytime soon”* ⁶⁵.

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey? What new legislation or new institutional structures were brought about by the Twinning project? Has the Twinning achieved legal and/or institutional alignment to the EU Acquis?

- The Regional Development Agencies recently established in Turkey have taken IPARD Agency as an example during the establishment and capacity building.

Question 4c Were there any unexpected effects of the Twinning project?

- The staffs of the IPARD Agency are invited for giving training in other countries.
- Information is given to the Deputy Minister of Kosovo about the functioning of IPARD Agency in Turkey.
- The IPARD Agency Archives for training and capacity development has also been utilised by MARA.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance? or: supports the impact of the assistance?

No issues have been identified.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

- 2008 Interim Evaluation notes good prospects for sustainability since all required legislation is in place, the agency is operational, and staffing plans are being implemented.⁶⁶ The reform process has been continued and the IPARD Agency conditions have ensured high sustainability.
- Institutional sustainability will be dependent on the implementation of the COSO rules, and accordingly the accreditation rules, on which the Agency has been fully working and progressing. Furthermore, ownership at ministry and government level has to be continued.
- One of the risks that the Agency could face is the continuation of the existing staff whose capacity has been developed within the past three years, as well as new staff to

⁶⁴ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 28

⁶⁵ IE, MWH, 2008, page: 28

⁶⁶ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 32

be hired and trained. If this is not sustained, the Agency might face serious difficulties in continuing its accreditation.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

- Yes, both legal and institutional alignment for establishment of the IPARD Agency and its functioning institutionally.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- Most of the staff whose capacity developed has been continuing to work in the IPARD Agency at the headquarters in Ankara and the regional offices; additional staff will be hired. Yet, there is the risk of keeping the highly qualified staff whose capacity has been developed for about three years. The personnel management could be improved to sustain the expertise capacity yet also sustaining its independent position. MARA is expected to support ensuring the capacity developed staff policy in IPARD.
- More than 50 Million TL has been allocated by the budget of Turkey, which is a strong support for enabling the sustainability of the project satisfactorily. This indicates the high ownership of the government which is necessary for sustainability.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

- There is the willingness to cooperate. However, the MS institution is mostly experienced in SAPARD, while the BC has developed an IPARD institution. Thus, further contribution of the MS institutions could be limited, even though there could be some areas of cooperation as the implementation is continued.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the sustainability of assistance? or: supports the sustainability of the assistance?

- No significant gap is available, except for the finalisation of the full EU accreditation.

5.8 TR0403.01 Customs Modernization Project II

Key features of the Twinning project

EC Code	TR0403.01
Name	Modernisation of Turkish Customs Administration II
Beneficiary	Undersecretariat of Customs
Institution	
Member State	Germany (Federal Min of Finance)
institution	

Period of implementation	6 months (Jan-June 2007)
Size	Tw Light () (€200.000)
Objective	Tw Light: This sub-component will provide an analysis of the current situation including existing legislation, identify system development options and propose appropriate technical solutions for the implementation of the ITMS sub-systems.

The most recent Interim Evaluation Report included the following assessment of this Twinning Report:

Relevance	Efficiency	Effectiveness	Impact	Sustainability
S (Satisfactory)	U ⁶⁷ (unsatisfactory)	MS (Moderately Satisfactory)	S	S

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

Earlier steps in the area of customs modernisation had been taken by Turkey since 1996 due to the Customs Union Requirements. Relevant legislation had been revised and issued accordingly with the harmonisation of the Customs Tariff System and the EU Combined Nomenclature. EU Single Administrative System was introduced throughout Turkey. IT connections to international systems are both EU-level priorities and Customs Union membership requirements. To this end, Accession documents (2003 AP and NPAA) address the need to strengthen the administrative and operational capacity of the customs administration including interconnectivity of the IT systems with the Community IT systems.

The twinning light component of the project aims legislative alignment to complement the project's TA component which targeted analysis of the integration of the ITMS system into the national system (BILGE) and propose technical solutions to enable its interoperability with EU systems. It foresees to contribute to the achievement of one of the objectives of the main project targeting "establishment of effective customs control mechanisms in order to reduce and accelerate formalities and procedures for legal trade while preventing illegal cross-border activities".

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Condition	Assessment (yes/no)	Motivation
the goal was relatively clear, i.e. the BC had a good understanding of the relevant part of the acquis or the relevant area of co-operation, and had selected the type of	Yes.	The project design included a twinning light to address the legislative alignment.

⁶⁷ Pls note that the assessment of efficiency as Unsatisfactory is not directly related to the Twinning Light component

system it intends to adopt;

Sufficient political will existed in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	Yes.	Legislative alignment for relevant IT systems is committed by the BC in NPAA.
sufficient BC commitment existed to ensure that the required resources (financial, staff) were mobilised in a Twinning project.	Yes.	No problems encountered caused by lack of required resources.

Question 1c Was the needs assessment relevant in view of the Accession process (legal and institutional alignment)?

- Accession process requires legal and institutional alignment with EU customs procedures.
- The EU Commission requires the implementation of a common IT platform; Common Communication Network/Common System Interface (CCN/CSI) by all candidate countries before becoming a Member State.
- Mandatory results for twinning light are well defined addressing integration of the ITMS sub-systems into the national system BILGE through analysis of legislation & procedures relevant to Tariff matters.

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

- Selection of twinning was adequately assessed and justified. The project design also included a TA for the development of the ITMS system. Legislative alignment was required in order to make use of the expected project outputs of the TA component related to the tariffs
- The TA component aimed the technical analysis of the ITMS system, to identify how it should be extended with further modules to ensure integration to BILGE.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

- Interaction is reported to have been adequate, facilitating successful programming.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? Or: supports the relevance of the assistance?

- The gap in the structure is likely to undermine the relevance of assistance due to the administrative structure with two institutions in Turkey involved in implementation of tariffs (ITMS) legislation; Under-secretariat of Foreign Trade and the Customs Administration. The former is reported not to be very willing for full alignment due to political concerns related to foreign trade.
- As for the systems, the existing national legislation has gaps with the relevant modules.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

Efficient transfer of inputs into outputs is demonstrated by:

Condition	Assessment (yes/no)	Motivation
Did expenditures remain within budgets?	Yes.	No problem with budgetary issues. 80% of Twinning budget was used.
Were activities timely delivered?	Yes.	Expected results could be achieved.
Were indirect costs low compared to total costs?	Yes.	No need for extra allocation.
Were project logistics in place within a few month of contract signature?	Yes.	No problem encountered hampering project progress due to lack of logistics. Activities could be timely implemented for the project outputs.
Was there a balance between the number of LT and STEs?	Yes.	Expertise of STEs has been well utilised.

While implementation has improved, there remained problems with the tendering and preparation of technical specifications, despite the use of Framework Contractors to support the development of tender dossiers, and some failed tendering (for example under Customs Modernisation II, 3 tenders failed). The overall contracting rate for Customs Modernisation II is 67%. The ECD has intervened to ensure transparency in the contracting process, for example through involvement of other institutions in evaluation committees. Both TCA and ECD have actively used Framework Contractors to check technical specifications.

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

- Project design was built on the outputs of the previous EC Project (Modernisation of Customs Administration I) which aimed to create a more modern customs structure with more standardised services at central and regional levels while supporting the border modernisation programme “Customs Security System” partly funded by WB.
- The following 2006 EC project (Modernisation of Customs Administration III) has built on the outputs delivered by this project, including those of the twinning light. Twinning light served as a study to start the process for legislative alignment for the tariff that later enabled integration of the developed IT systems into the national system (BILGE).

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance? or: supports the efficiency of the assistance?

- Maybe a question to ask is whether it is necessary for so many projects to take place? Particularly as Turkey has a CU with EU for a longer time already?

- Each project (Customs Modernisation I, II, II) served as a step towards preparing the infrastructure and relevant legislation for interconnection to the EU system.
- With this project, the existing system has been in line with the technical requirements of the EU system. However the relevant legislation is awaiting adoption at the Parliament. The beneficiary reports that adoption is very likely in the first half of 2011.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

Describe the objectives and which one of them were or were not achieved:

Objective	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Analyse, define gaps and recommend legislative alignment measures for the existing Turkish system to comply with that of the EU.	Yes.	The project outputs served as a base for the following 2006 EC project.
ensure training of selected customs staff in the field of ITMS (i.e. all tariff related application systems)	Yes.	Around 70% of staff at relevant departments of the beneficiary were trained.

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning?

Feedback of MS and beneficiary on the quality of interaction:

Indicator	Feedback of Beneficiary / MS twinning partner
Involvement of horizontal stakeholders	All the main horizontal stakeholders (4 ministries and the Under-secretariat for Foreign Trade) have been informed about the headlines of the project and have received a document with a short summary (inception report) of the content and planning of the project. However, their direct involvement into project activities was not anticipated as necessary at this stage. Legislation development is the responsibility of the beneficiary. Stakeholders need to revise their relevant legislation accordingly.
Intensity of cooperation between the Beneficiary and the MS twinning partner (qualitative)	Intensive and productive. Active involvement of Project Leaders of both sides. Project related subjects were discussed and decisions were taken on the basis of mutual understanding.
Existence of clear division of tasks and responsibilities between the Turkish stakeholders	Existed.
Existence of agreements/procedures between the stakeholders	None.
Regularity of meetings between the stakeholders	Steering Committee at the start, mid and end of the project duration.

Question 3c What is the perception of the Member States Twinning partner on the Turkish structures and systems for the successfully implementing Twinning projects?

MS feedback on: (1) The quality and quantity of Beneficiary resources allocated to implementation (qualitative and, if possible, supported by quantitative data)

- MS reports that both the quality and the quantity of beneficiary resources have been adequate.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- Involvement of all the Turkish stakeholders has been satisfactory.

Question 3d What is the perception of the Beneficiary on the Member State partner contribution?

Beneficiary feedback on: (1) The quality and quantity of MS resources allocated to implementation;

- Allocation of resources has been realised as committed. STE missions have been productive and adequate in number. However, the first STEs have been over-technical creating difficulties in terms of communication with the project team. Later, more balance could be achieved with the level of STEs.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- Supportive for project implementation. No problem encountered resulting from insufficient involvement.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: Either: undermine the effectiveness of the assistance? Or: supports the effectiveness of the assistance.

- No significant gaps undermining effectiveness. Twinning results have supported achievement of project objective.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

Expected results	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Analysis and development of legislative and technical requirements.	Yes. Legislative and technical requirements were identified.	A model for tariffs was developed. A new project proposal was built on the identified requirements for alignment.
Gaps between Turkish and EU legislation found out and defined. Necessary alignments of the Turkish system recommended concerning the results of the gap and needs analysis.	Yes.	Reports prepared with recommendations revealed that there was need for further efforts. This served as basis for the design of following EC project.
Recommendations for training in the field of ITMS developed and actual delivery of training.	Yes.	Staff received relevant training and awareness increased in EU alignment and relevant IT practices.

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey? What new legislation or new institutional structures were brought about by the Twinning project? Has the Twinning achieved legal and/or institutional alignment to the EU Acquis?

- It acted as the first step for change in the area of customs alignment with regard to harmonisation of the Customs Tariff System Amendments proposed to the existing Tariff Law were later further developed as a draft law and now is at the Parliament for adoption. The beneficiary expects issuing of the law by mid 2011. This will enable use of the relevant IT infrastructure (ITMS) with connection to the national BİLGE system, throughout Turkey. The next step is interconnectivity of BİLGE to the EU system, which is reported to be beyond the beneficiary control and dependant on the EC decision.

Question 4c Were there any unexpected effects of the Twinning project?

- The project proposal for 2006 EU assistance was drafted.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance? or: supports the impact of the assistance?

- Impact of assistance requires cooperation with relevant ministries and particularly with Under-secretariat of Foreign Trade. The beneficiary sees no risk jeopardising this cooperation.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

- Based on the outputs/recommendation of the Twinning Light, a new EC project (2006) has been proposed and implemented as continuation of the reform process targeting further legislative and institutional alignment. The 2006 project enabled further training including the key stakeholders as well as the development of IT systems which could later be interconnected to the EU system through an inter-phase to be provided through the EC by a direct contract. However, efforts for contracting this inter-phase instalment could not be achieved with the 2006 project due to problems encountered with the contracted company and due to the change of conditions by EC for inter-phase provision. The latest situation (reported by EUD) is that the latest IPA 2010 project proposal targeting the inter-phase connection is accepted to follow up with the relevant reform process.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

- Legislative alignment related to tariffs is reported to be continuing. The amended law is at the Parliament likely to be issued by mid 2011. However, EUD reports gaps with legislative alignment with the Under-secretariat for Foreign Trade.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- Currently, most of the beneficiary staff are still with the institution and are directly involved in the implementation. One of the outputs of the previous (2003) project had been the establishment of a Project Implementation Unit headed by a General Director reporting to the Deputy Under-secretary for Customs. This has ensured experienced staff also for the implementations of the following project (2006).
- Volume of financial resources allocated by the beneficiary (Under-secretary for Customs) for migration of the existing TCA IT system (BILGE) to a web-based system has been around 50.000 TL(?) This has enabled the achievement of project outputs of the 2006 EC funded project.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

- Cooperation is continuing. It has continued with the following 2006 Project (Customs Modernisation II) and later with the 2009 Project on Maritime Services of the Customs and Risk Management, (Twinning with Germany and UK)
- Budgets for 2006 and 2009 Twinning are 2006 Project EC=€M16.53, TR=€M2.49, 2009 Project

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the sustainability of assistance? Or: supports the sustainability of the assistance

- Sustainability of assistance is supported by the structures, systems and capacities. Enhanced capacity and IT systems already in use have to be sustained for Customs Union membership as well as EU Accession requirements.

Annex 6 Case studies of less successful Twinnings

6.1 Overview

Justice and Home affairs

1. TR0501.05 An Independent Police Complaints Commission and Complaints System for the TNP and Gendarmerie
2. TR0601.03 Training of Gendarmerie offices on European human right standards
3. TR0404.03 Enhancement of the professionalism of the Turkish Gendarmerie in its law enforcement activities⁶⁸

Environment, energy and transport

4. TR0403.08 Assistance to the Turkish road transport sector
5. TR0202.01 Institutional strengthening of the Energy Market Regulatory Authority (EMRA)

Finance and statistics

6. TR0403.02 Tax administration capacity building

Agriculture and Fisheries

7. TR0403.03 Restructuring and Strengthening of the Food Safety and Control System in Turkey

Internal market and certification

8. TR0503.01 Reinforcement of Institutional Capacity for Establishing a Product Safety System in Turkey

⁶⁸ This case is wrongly selected as a less successful case. The case study shows that the project has actually be quite successful. For this reason, the summary results are not included in the overview table 2.

Table 2 Overview of Case studies of less successful Twinning projects

Evaluation question	Indicators	1. TR0501.05	2. TR0601.03	4. TR0403.08	5. TR0202.01	6. TR0403.02	7. TR0403.03	8. TR0503.01
		MU	MS	MU	MU	S	U	MU
1 Relevance	Score in IER	MU	MS	MU	MU	S	U	MU
1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey, at programme/sectoral levels?	Alignment with Accession Partnership / National Programme for the Adoption of the Acquis	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Need identified in EC Regular Progress Report	Yes	Yes	Yes	Yes	Yes	Yes	Yes
1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning Manual?	Beneficiary country has good understanding of relevant parts of Acquis	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Sufficient political will	Unclear	Unclear	Yes	Yes	Yes	No	Yes
	Sufficient BC commitment to allocate resources	No	Yes	Yes	Yes	Yes	No	Yes
1c. Can synergies be identified between Twinning and other types of EC projects, and/or with projects funded by other donors?	Building upon other EC or donor projects	Yes	Yes	No	No	No	No	No
1d. Is the needs assessment relevant	Mandatory results precisely defined in the Project Fiches	No	?	Yes	Yes	Yes	No	No
1e. Is the interaction between key stakeholders adequate and performing effectively to ensure successful programming of Twinning?	Adequate interaction between EUD and BC	Yes	Yes	No	?	Yes	?	No
2 Efficiency	Score in IER	MU	MU	MU	U	MU	MU	MU
2a Are inputs/activities being efficiently transferred into the planned outputs?	Timeliness of contracting	No	No	No	No	Yes	No	?
	Expenditures remain within budgets	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Project logistics timely	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Activities timely delivered	No	No	No	No	Partly	No	Yes

	Impact of interdependence of parallel related supply / works / technical assistance	No	Neg	Neg	No	Neg	Neg	No
2b. Is the selection of twinning (as opposed to any other instrument, such as Technical Assistance or Direct Agreements) adequately assessed and justified	Presence of clear justification in project fiche	Yes	Yes	Yes	No	Yes	Yes	No
Effectiveness	Score in IER	MU	MU	MU	U	MS	HU	MU
3a. Has the Twinning support under evaluation achieved (or will likely to achieve in the case of ongoing support) the mandatory results?	Achievement of benchmarks	Partly	Partly	Partly	Partly	Partly	No	Partly
3b. Do the beneficiaries allocate enough resources for a proper running of IPA Twinning projects in Turkey? Are quality and quantity of resources allocated by both beneficiary and the Member State/Twinning partner appropriate?	Beneficiary staff numbers	No	yes	Yes	Yes	Yes	Yes	Yes
	Beneficiary staff continuity	No	no	Yes	No	Yes	No	Yes
	Beneficiary staff quality	No		Yes	Yes	Yes	Yes	Yes
	Beneficiary staff availability (parallel duties?)	No		Yes	No	Yes	No	Yes
	Beneficiary perception MS contribution	Mixed	Mixed	Pos	Mixed	Pos	Pos	Mixed
3c. Is the interaction between key stakeholders adequate and performing effectively to ensure successful implementation of Twinning?	Interaction with EUD	Very pos	Pos	Very pos	Pos	Very pos	Pos	Very pos
	Interaction with CFCU	Pos	Neg	Pos	Neg	Neg	Neg	Pos
	Interaction with EUSG	Pos		Little	Pos	Pos	Pos	Little
	Regularity of meetings between stakeholders	Yes	Yes	No	Yes	Yes	Yes	Yes
Impact	Score in IER	U	MU	MU	MU	MS	U	U
4a. To which extent have the outputs generated by assistance been translated into results?	Achievement of expected results	Partly	Partly	Partly	Partly	Partly	No	Partly
4b. To which extent does Twinning act as a catalyst for wider organisational and regulatory change in Turkey?	Presence of further institutional reform	Partly	Partly	Partly	No	Yes	Yes	No
	Presence of further regulatory reform	No	Partly	Yes	Partly	Yes	Yes	Partly
Sustainability	Score in IER	U	MU	MS	MU	MS	HU	U

5a. Is there continuity in the reform process after the projects have been completed?	Progress in expected results (4a) maintained	No	Partly	Yes	Partly	Yes	N.a.	Yes
	Level of staff turnover constraining sustainability of capacity building	High	?	?	High	High	High	High
	Presence of follow-up projects	No	No	Partly	No	Yes	No	Yes
5b. What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries?	Allocation of financial and human resources to the maintenance and development of the Twinning outputs	No	No	Yes	Yes	Yes	n.a.	Yes
	Strengthened awareness at management level	No	No	Yes	Yes	Yes	Yes	Yes
5c. Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?	Renewed cooperation projects	No	Yes	No	No	No	No	No

6.2 TR0501.05 An independent police complaints commission

Key features of the Twinning project

Name	: An independent Police Complaints Commission and Complaints System for the TNP and Gendarmerie
Beneficiary Institution	: Ministry of Interior (Board of Inspection)
Member State institution	: Home Office (Policing Powers and Protection Unit), UK
Period of implementation	: Project fiche: July 2006 to June 2008. 2009 Interim Evaluation notes a three month delay in the starting of the assignment and an extension until May 2009.
Size	: Project fiche: 1.600.000
Description of objective	: Project fiche objective: ' <i>enhance the accountability, efficiency, effectiveness and public confidence of the Turkish National Police, Gendarmerie and other law enforcement bodies in the discharge of their responsibilities in respect of the enforcement of law in accordance with democratic principles and having regard for the Human Rights of all citizens</i> ' Project fiche purpose: ' <i>The complete preparation of a legislative framework for the establishment of a new complaints system for the Turkish National Police and Gendarmerie</i> '

The most recent Interim Evaluation Report included the following assessment of this Twinning assignment:⁶⁹

Relevance	Efficiency	Effectiveness	Impact	Sustainability
Moderately unsatisfactory	Moderately unsatisfactory	Moderately unsatisfactory	Unsatisfactory	Unsatisfactory
Ratings include the following: Highly satisfactory, Satisfactory, Moderately Satisfactory, Moderately unsatisfactory, Unsatisfactory and Highly unsatisfactory				

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

The twinning assignment (focus on preparing institutional concept and legal framework) clearly addresses Accession Partnership (AP) and National Programme for the Adoption of the Acquis (NPAA) priorities. The 2008 Regular Progress Report emphasises the need for the Ministry of Interior to consult the public on the structure and function of the complaints mechanism.⁷⁰ 2009 Interim Evaluation (covering the period up to February

⁶⁹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 45

⁷⁰ European Commission, 2008 Regular Report on Turkey's progress towards accession, 5 November 2008, page 13

2009) rates relevance as ‘moderately unsatisfactory’. The main reason is that the project is **designed as the first phase (focus on the legal framework) of the wider ‘task’ to establish a complaints system, however, with a minimum 18-month time gap (if programmed for 2009) before the possible start of the second phase (focus on implementation).**⁷¹ This is considered to imply a loss of ownership. Note in this context that the RTA Final Report refers to a continuation only in the framework of 2010 programming.⁷²

Question 1b Has Twinning been used in the circumstances foreseen in the Commission’s Twinning manual?

The use of twinning appears not to be fully supported by the Twinning Manual conditions as shown in the table below.

Condition	Assessment (yes/no)	Motivation
the goal is relatively clear, i.e. the BC has a good understanding of the relevant part of the acquis or the relevant area of co-operation, and has selected the type of system it intends to adopt;	yes	Understanding is evidenced by government activity in this area (2008 Regular Report)
sufficient political will exists in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	no	The 2009 Regular Report refers to a possible delay in adopting the legal framework. Efficiency constraints indicate a lack of political commitment.
sufficient BC commitment exists to ensure that the required resources (financial, staff) are mobilised in a Twinning project.	no	2009 Interim evaluation emphasises internal resistance (at operational level). In principle, higher level commitment is evidenced by agreeing to twinning support. However, the RTA final report considers the project as ‘complex and challenging’ and notes a required ‘cultural shift’ (that was achieved by the project). Overall, the RTA final report includes many ‘diplomatic’ statements that indicate limitations in commitment ‘This was a complex project with very diverse stakeholders and many differing perspectives. It was a challenge to engage key partners consistently...’. Note also the

⁷¹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 7

⁷² UK Home Office, Twinning Final Report, 29 July 2009, page 5

frequent staff changes and limited staff quality, and beneficiary budget constraints.

Question 1c Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

Member State feedback confirms the adequate assessment and justification since expertise is not considered available in the private sector. Moreover, a tradition of cooperation between the Turkish and UK law enforcement authorities established a basis of trust to tackle a subject area that is considered politically sensitive.

Question 1d Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

Member State feedback confirms problems between the beneficiary and the Member State at implementation stage, however, there is no information on problems at programming stage. From the implementation experience it can be assumed that the beneficiary only had limited commitment to this assignment at programming stage.

Question 1e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance?, or: supports the relevance of the assistance?

No Member State evidence for gaps undermining or supporting the relevance of assistance.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

2009 Interim Evaluation notes efficiency constraints, e.g. a **lengthy mobilisation phase of the UK twinning team** (the RTA final report confirms Member State administrative problems and notes **difficulties in identifying appropriate experts**⁷³), limited beneficiary team capacities, and the implementation office being located far from the main beneficiary (overall efficiency is rated as moderately unsatisfactory).

Further efficiency constraints are related to **beneficiary staff changes** (the beneficiary project leader, RTA counterpart and Senior Project Officer changed shortly after the project started; the beneficiary project leader changed again at the end of the project).⁷⁴ There might also have been issues over the beneficiary's English language skills since the RTA final report notes improved beneficiary understanding following the translation of the twinning contract.⁷⁵ References to the beneficiary project leader and RTA counterpart engaging in EUSG training on twinning is a positive indicator for commitment, however,

⁷³ UK Home Office, Twinning Final Report, 29 July 2009, page 10

⁷⁴ UK Home Office, Twinning Final Report, 29 July 2009, page 11

⁷⁵ UK Home Office, Twinning Final Report, 29 July 2009, page 11

this also implies the **lack of (or at least limited) previous twinning experience**.⁷⁶ Finally, the report notes that the RTA counterpart and Senior Project officer started working full-time on the project, were then assigned **parallel duties**, resumed full-time commitment further to Member State and EUD concerns, and again limited their time commitment in the last months of the project.⁷⁷ Considering the delays mentioned by Interim Evaluation and the possible tight activity schedule in the last months this is likely to have further undermined efficiency.

2009 Interim Evaluation and the RTA final report also refer to **beneficiary budget constraints**, e.g. for software to analyse the feedback to the public consultation on the complaints mechanism.⁷⁸

The RTA final report notes delays with **senior-level authorisations** required for project activities and outputs.⁷⁹

The RTA final report also notes a **change of the UK project leader** in July 2008, and refers to a related increase in Member State **time commitment** and **expert quality**.⁸⁰

Failure to invite media and relevant civil society representatives to the high profile project launching event.⁸¹

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

No link with other projects. One of the main constraints is identified as the **dependency between three related project components**, namely the preparation of the legal framework, institutional framework human resources development, with the delayed completion of the first component (lengthy beneficiary negotiations) delaying the start of the remaining components (no results by the time of the interim evaluation in February 2009).⁸²

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance?, or: supports the efficiency of the assistance?

No. Member State evidence for gaps undermining or supporting the efficiency of assistance apart from the ones noted above.

Effectiveness

⁷⁶ UK Home Office, Twinning Final Report, 29 July 2009, page 11

⁷⁷ UK Home Office, Twinning Final Report, 29 July 2009, page 11

⁷⁸ UK Home Office, Twinning Final Report, 29 July 2009, page 11

⁷⁹ UK Home Office, Twinning Final Report, 29 July 2009, page 12

⁸⁰ UK Home Office, Twinning Final Report, 29 July 2009, page 11

⁸¹ UK Home Office, Twinning Final Report, 29 July 2009, page 12-13

⁸² MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 14

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

2009 Interim Evaluation provides a rating of ‘moderately unsatisfactory’ and emphasises that only one of three components has been delivered by the time of the evaluation (no progress on the institutional framework and human resources development in February 2009). Noting ‘certain institutional resistance to implementation at working level’, the evaluation considers that prospects for achieving results are weak.⁸³ It is noteworthy that the Interim Evaluation does not refer to the public consultation conducted by this twinning (also in response to a need noted in the 2008 Regular Progress Report), as the related awareness raising and the mere willingness of the Turkish government to engage in such an exercise could be interpreted as a sign of commitment / change in awareness. However, beneficiary budget constraints meant that the software to analyse public consultation results was not available.

The UK twinning partner’s final report in July 2009 notes that the aim of developing a national independent police complaints system has been fulfilled with the achievement of all agreed mandatory results (and including the public consultation that was emphasised by the 2008 EC Regular Report).⁸⁴ However, considering the important and numerous efficiency constraints it can be safely assumed that effectiveness has been limited, or at least, that effectiveness would have been stronger in the absence of the efficiency constraints. And indeed, the RTA final report notes instances where beneficiary shortcomings limited the usefulness of results (e.g. no beneficiary feedback on key outputs, no in-depth analysis of public consultation responses).⁸⁵ The RTA final report’s assessment that the mandatory results have been fully achieved is questionable (in terms of the quality of these results), since the RTA final report admits more time between different components would have allowed for more in-depth analysis of an earlier component to feed into the work of the following component.

The 2009 Regular Progress Report notes the completed preparations of the legal framework (in June 2009), however, by the time of the publication of this report, further steps were required: ‘*A decision by the Minister of the Interior is now awaited before finalisation of the draft law establishing this body and subsequent submission to parliament.*’⁸⁶

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning? How did Beneficiary / MS institution judge the quality of the cooperation between the Beneficiary and the MS twinning partner?

The RTA final report includes references that can be interpreted as **limitations in communication** between the RTA and his beneficiary counterparts. For example, there is a reference to parallel and relevant legal drafting (concerning the Prime Ministry Human Rights Presidency) not being shared with the RTA, with an implication that legal drafting on the complaints mechanism could not consider possible overlaps.⁸⁷

⁸³ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 21

⁸⁴ UK Home Office, Twinning Final Report, 29 July 2009, page 4

⁸⁵ UK Home Office, Twinning Final Report, 29 July 2009, page 12 and 15

⁸⁶ European Commission, 2009 Regular Report on Turkey’s progress towards accession, 14 October 2009, page 15

⁸⁷ UK Home Office, Twinning Final Report, 29 July 2009, page 8

Question 3c What is the perception of the Member State on the Beneficiary partner contribution?

See question 2a.

Question 3d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the effectiveness of the assistance? or: supports the effectiveness of the assistance?

See question 2a.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

2009 Interim Evaluation (rating: ‘unsatisfactory’) notes limited impact achievement, due to limited progress over two project components and the uncertain / late follow-up (possible follow-up under 2009 programming).⁸⁸ The RTA final report notes possible future impact without providing much convincing evidence, however, some impact might be related to the public consultation (increased general awareness putting pressure for political action).⁸⁹

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey?

Question 4c Were there any unexpected effects of the Twinning project?

No evidence for unexpected effects.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance?, or: supports the impact of the assistance?

No additional Member State evidence for gaps undermining or supporting the impact of assistance apart from the ones noted above.

Sustainability⁹⁰

Question 5a Has the reform process continued after the projects have been completed?

- 2009 Interim Evaluation (rating: ‘unsatisfactory’) notes limited prospects for sustainability, mainly due to the fact that possible results lack an independent self-

⁸⁸ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 26

⁸⁹ UK Home Office, Twinning Final Report, 29 July 2009, page 16

⁹⁰ EUD feedback on the draft version of this report notes more positive indications of sustainability: ‘The project has developed a draft law for the establishment of a complaints mechanism for law enforcement agencies in Turkey. This draft law has been fine tuned following project completion and submitted to the Parliament by the Ministry of Interior in 2009. It has been discussed at the relevant parliamentary commissions and approved to be sent to the plenary. In line with these developments the beneficiary, MoI, Inspection board has applied for a follow up project to be included in the 2011 IPA Programme for Turkey.’ Whilst these are positive steps, overall it appears to the evaluator that they constitute a rather modest outcome for the effort deployed.

sustainable use but depend on uncertain follow-up.⁹¹ This is confirmed by the RTA final report that refers to follow-up only in the framework of 2010 programming.

- A review of the 2010 National Programme for Turkey under the IPA Transition Assistance and Institution Building Component shows only one assignment addressing the Turkish National Police and Gendarmerie, namely a project on strengthening witness protection capacities (for the police and gendarmerie), however, there is no continuation of support directly related to the complaints commission or complaints system. In more general terms, it is noticeable, that the presence of the Turkish law enforcement bodies in recent programming is less developed than in previous years (e.g. three projects in 2008 as compared to one in 2009 and one in 2010).

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

- A review of the 2010 European Commission Progress Report on Turkey indicates limited maintenance of progress, since there are several references to abuse by law enforcement bodies, and the need for further progress is emphasised.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- Not much evidence on ownership. Overall, deficiencies in implementation suggest limited beneficiary commitment and ownership.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

- No Member State evidence for continued cooperation.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the sustainability of assistance? or supports the sustainability of the assistance?

No additional Member State evidence for gaps undermining or supporting the sustainability of assistance apart from the ones noted above.

Conclusion

- Threat to ownership because of separate programming of the legal framework and implementation components.
- Inter-dependence of the three project components with delays for the first component constraining the quality of the following components.
- Important efficiency constraints (see the next bullets) indicate a lack of beneficiary commitment.
- Insufficient communication between the beneficiary and the RTA on relevant parallel beneficiary legislative activity.

⁹¹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 31

- Beneficiary staff constraints (change of staff, parallel duties, limited experience with twinning, language problems).
- Beneficiary budget constraints.
- Delays with senior-level authorisations of project activity / outputs.
- Lengthy mobilisation of the Member State team; Member State change of project leader and problems of the quality of Member State experts.

6.3 TR0601.03 Training of gendarmerie office on European rights standards

Key features of the Twinning project

Name	:	Training of Gendarmerie officers on European human rights standards
Beneficiary	:	Ministry of Interior, Gendarmerie General Command
Institution		
Member State	:	
institution		
Period of implementation	:	Project fiche: April 2007 – December 2008 (Interim Evaluation notes that the start was delayed by one year). Member State feedback notes implementation during 2009 to 2010, with the final report being completed in early 2011.
Size	:	Project fiche: 1.947.500 total (1.250.000 twinning)
Description of objective	:	Project fiche objective: <i>'To consolidate a functioning democratic system, including respect for the rule of law and human rights and other Copenhagen Criteria'</i>
		Project fiche purpose: <i>'To increase the knowledge and skills in European human rights and ethical standards among Turkish Gendarmerie through training, and other capacity-building activities, facilitating effective implementation of these standards at the national level; and to improve and place statement-taking activity in the process of judicial investigations in the context of a shift towards evidence-based prosecutions'</i>

The most recent Interim Evaluation Report included the following assessment of this Twinning assignment:⁹²

Relevance	Efficiency	Effectiveness	Impact	Sustainability
Moderately satisfactory	Moderately unsatisfactory	Moderately unsatisfactory	Moderately unsatisfactory	Moderately satisfactory
Ratings include the following: Highly satisfactory, Satisfactory, Moderately Satisfactory, Moderately unsatisfactory, Unsatisfactory and Highly unsatisfactory				

⁹² MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 45

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

The twinning assignment (focus on establishment of human rights standards and related training) clearly addresses Accession Partnership (AP) and National Programme for the Adoption of the Acquis (NPAA) priorities. Moreover, the 2008 European Commission (EC) Regular Progress Report refers to the need for further progress on human rights.⁹³ The 2009 Regular Progress Report notes the Gendarmerie's efforts to establish statement-taking rooms with audio- and video-recording systems and related human rights training.⁹⁴

2009 Interim Evaluation (covering the period December 2008 to February 2009) confirms overall relevance, and rates relevance as 'moderately satisfactory' (weaknesses: '*Project design is not sufficient. The intervention logic is weak and indicators need improvements to support monitoring and evaluation appropriately*').⁹⁵

Note that the twinning is supported by a supply and a works component.

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Twinning has been partly used in the circumstances foreseen in the Commission's Twinning manual as shown in the table below.

Condition	Assessment (yes/no)	Motivation
the goal is relatively clear, i.e. the BC has a good understanding of the relevant part of the acquis or the relevant area of co-operation, and has selected the type of system it intends to adopt;	yes	Understanding is evidenced by intensive government activity in this area.
sufficient political will exists in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	Note that the focus is on institution building via the establishment of standards and related training.	
sufficient BC commitment exists to ensure that the required resources (financial, staff) are mobilised in a Twinning project.	no	Whilst there are some references to beneficiary commitment, this has not contributed to efficient contracting.

⁹³ European Commission, 2008 Regular Report on Turkey's progress towards accession, 5 November 2008, pages 71

⁹⁴ European Commission, 2009 Regular Report on Turkey's progress towards accession, 14 October 2009, pages 14-15

⁹⁵ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 7

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

Member State feedback confirms the adequate assessment and justification since expertise is not considered available in the private sector. Moreover, a tradition of cooperation between the Turkish and Spanish law enforcement authorities established a basis of trust to tackle a subject area that is considered politically sensitive.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

Member State feedback confirms efficient programming. Problems only materialised at contracting stage.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? or: supports the relevance of the assistance?

No Member State evidence for gaps undermining or supporting the relevance of assistance.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

2009 Interim Evaluation notes efficiency constraints (start delayed by one year over lengthy preparations in the Gendarmerie), with a key issue identified as the **interdependence of the project's twinning, works and supply components**.⁹⁶ However, Interim Evaluation notes improved efficiency as of the start of the twinning, with sufficient capacities for implementation (adequate human resources) and adequate stakeholder involvement (Ministry of Justice, Bar Associations).⁹⁷

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

No links / synergies. As noted above, the interdependence between project components is considered a constraint on efficiency.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance? or: supports the efficiency of the assistance?

No. Member State evidence for gaps undermining or supporting the efficiency of assistance.

⁹⁶ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 14 EUD feedback on the draft version of this report notes : 'There have been some problems with respect to the tendering/budgeting which required some time for solving; however they have not extended until the signature of the works and supply components. As soon as these problems were solved the twinning preparations went on, the twinning contract did not wait until signature of works and supply components.'

⁹⁷ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 15

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

Member State feedback confirms the achievement of all set objectives. 2009 Interim Evaluation refers to a limited number of outputs by the time of the interim evaluation (due to the one-year delay); prospects for effectiveness are considered as mixed due to the complex nature of activities (establishment of concepts and related training; establishment of a pool of human rights trainers at different gendarmerie units).⁹⁸

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning? How did Beneficiary / MS institution judge the quality of the cooperation between the Beneficiary and the MS twinning partner?

According to Member State feedback, interaction between the Member State and beneficiary was adequate, and the same is valid for cooperation with the EUD. However, cooperation between the CFCU and the beneficiary was not considered optimal (delays over procurement).

Question 3c What is the perception of the Member State on the Beneficiary partner contribution?

See 3b. The beneficiary partner contribution is considered adequate (noting for example the adequate allocation of staff). However, interim evaluation indicates that there have been problems over staff continuity.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the effectiveness of the assistance? or: supports the effectiveness of the assistance?

No Member State evidence for gaps undermining or supporting the effectiveness of assistance.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

According to Member State feedback, outputs have been translated successfully into results. All targets were achieved, however, the Member State has no quantitative evidence for this.

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey?

Member State feedback does not provide any information on wider organisational and regulatory change. Whilst it is considered that the twinning has contributed to enhanced institutional alignment, it is also considered that additional efforts are required. More

⁹⁸ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 21

specifically, the project piloted new statement taking approaches, however, this now needs to be extended to the entire territory, and this requires substantial investments (e.g. adapting existing interrogation facilities).

2009 Interim Evaluation does not provide much evidence on immediate impact (noting the inefficient contracting arrangements).⁹⁹ Member State feedback is particularly positive in terms of impact, noting in particular the enhanced consciousness regarding statement taking during interrogations.

Question 4c Were there any unexpected effects of the Twinning project?

No Member State feedback on any unexpected effects. The Member State notes however, that it also learned from this cooperation for its own improvement of statement taking.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance?, or: supports the impact of the assistance?

No Member State evidence for gaps undermining or supporting the impact of assistance. The only constraint is of financial nature. Further impact would require significant investments to improve interrogation facilities.

Sustainability¹⁰⁰

Question 5a Has the reform process continued after the projects have been completed?

2009 Interim Evaluation notes the absence of any follow-up intervention, however, overall prospects for sustainability are considered to be good due to the beneficiary having included relevant capacity building on its agenda, and overall beneficiary commitment.¹⁰¹ Considering that the project has only been closed in 2010, it is probably still early to assess sustainability.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

Member State feedback indicates that the expected institutional alignment was maintained. However, the project has only been closed in 2010 (according to the Member State, the final report is still not complete).

⁹⁹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 26

¹⁰⁰ EUD feedback indicates some positive elements with regard to sustainability: 'Please note that the beneficiary has issued an official order that the pilot statement takings rooms should be disseminated throughout all gendarmerie stations. Even though this is dependent on financial resources made available, it represents the commitment of the beneficiary to further disseminate the results achieved by the project. This has not been reflected anywhere in the assessment.'

¹⁰¹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, pages 26 and 31

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

Member State and interim evaluation feedback points to strong beneficiary ownership and commitment.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

Member State feedback notes the intention to continue with the cooperation. There has been an ongoing contact between the beneficiary and the Member State, e.g. in the context of a TAIEX activity in October 2010. However, for the time being, the beneficiary has not prepared a request for any follow up twinning (the Member State has advised the beneficiary to prepare such a request).¹⁰²

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the sustainability of assistance? Or supports the sustainability of the assistance?

Member State feedback only points to the absence of direct follow-up projects to support sustainability.

Conclusion

Interdependence of the project's twinning, works and supply components.

6.4 TR0404.03 Enhancement of professionalism of the Turkish Gendarmerie

Key features of the Twinning project

Name	:	Enhancement of the professionalism of the Turkish Gendarmerie in its law enforcement activities
Beneficiary Institution	:	Ministry of Interior, Gendarmerie
Member State institution	:	UK Police
Period of implementation	:	Project fiche: May 2005 – April 2007 (2008 Interim Evaluation notes a one-year delay in the start of the twinning; implementation time reduced from 24 to 15 months)
Size	:	Project fiche: 2.120.000 total (1.970.000 twinning)
Description of objective	:	Project fiche objective: 'To enhance the accountability, efficiency and effectiveness of the Turkish Gendarmerie in its law enforcement activities, in accordance with European Union (EU) policing standards, procedures and best practices.'

¹⁰² EUD feedback indicates additional developments: 'Please note that cooperation between both institutions has continued through the organization/participation in a follow up TAIEX event organized by the Italian Carabinieri with the participation of Turkish gendarmerie officers. This cooperation has been programmed during the twinning project and has been realized after it came to an end. It is one example of continued cooperation and as both administrations are members of members of FIEP it is likely that there are other cooperation avenues.'

Project fiche purpose: 'Development and implementation of an Action Plan for the reorganisation of the law enforcement service of the Gendarmerie, modern training and personnel management in line with current EU practices in the area of professional policing and enhanced criminal investigative capacity'

The most recent Interim Evaluation Report included the following assessment of this Twinning assignment:¹⁰³

Relevance	Efficiency	Effectiveness	Impact	Sustainability
Moderately unsatisfactory	Moderately satisfactory	Moderately satisfactory	Moderately satisfactory	Moderately satisfactory
Ratings include the following: Highly satisfactory, Satisfactory, Moderately Satisfactory, Moderately unsatisfactory, Unsatisfactory and Highly unsatisfactory				

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

The twinning assignment (focus on strengthening the capacities of the Turkish Gendarmerie via internal re-organisation and training) clearly addresses Accession Partnership (AP) and national programme for the adoption of the Acquis (NPAA) priorities (in the areas of justice and home affairs and the political criteria). The EC's 2008 and 2009 Regular Progress Report include several references to the need for enhancing the performance of the Gendarmerie (e.g. with regard to cooperation between law enforcement organisations and the judiciary).¹⁰⁴

2008 Interim Evaluation (covering the period November 2007 to January 2008) notes a series of deficiencies with regard to relevance (**a component focussing on exposing the Gendarmerie to other European models was deleted to avoid overlaps with a parallel study**, weak coordination arrangements with other stakeholders, weak indicators), and rates relevance as 'moderately unsatisfactory'.¹⁰⁵

It is noteworthy that this is the Gendarmerie's **first experience as a direct beneficiary under the twinning instrument**.¹⁰⁶

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Twinning has been used in the circumstances foreseen in the Commission's Twinning manual as shown in the table below.

¹⁰³ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 50

¹⁰⁴ European Commission, Turkey 2008 Progress Report, 5 November 2008, page 10 and European Commission, Turkey 2009 Progress Report, 14 October 2009, page 12

¹⁰⁵ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 9

¹⁰⁶ Northern Ireland Public Sector Enterprises Limited, RTA final report, 18 June 2008, page 4

Condition	Assessment (yes/no)	Motivation
the goal is relatively clear, i.e. the BC has a good understanding of the relevant part of the acquis or the relevant area of co-operation, and has selected the type of system it intends to adopt;	yes	Understanding is evidenced by intensive government activity in this area.
sufficient political will exists in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	Note that the focus is on institution building via strategy development and different types of capacity building activity.	Political will to engage in twinning is evidenced by parallel initiatives aimed at strengthening EU and international engagement (e.g. the Gendarmerie intensifying cooperation with EUROPOL and INTERPOL).
sufficient BC commitment exists to ensure that the required resources (financial, staff) are mobilised in a Twinning project.	yes	There might be a question mark in relation to this point, since the launching of the twinning was delayed by about a year. However, existing documentation points to subsequently efficient implementation

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

Member State feedback confirms the adequate assessment and justification since expertise is not considered available in the private sector. Moreover, a tradition of cooperation between the Turkish and UK law enforcement authorities established a basis of trust to tackle a subject area that is considered politically sensitive.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

No Member State evidence on constraints at programming stage. At the implementation stage, interaction is largely considered efficient (the only constraints are noted with regard to the relations between the beneficiary and the CFCU with regard to procurement issues).

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? or supports the relevance of the assistance?

No Member State evidence on this.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?
2008 Interim Evaluation rates efficiency as moderately satisfactory.¹⁰⁷ Efficiency constraints include a **one-year delay over a required Project Fiche amendment and protracted Twinning Contract negotiations (reducing implementation time from 24 to 15 months)**, and limitations related to coordination between stakeholders. However, the RTA final report notes good cooperation between stakeholders.¹⁰⁸

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

No evidence on any parallel related project.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance? or supports the efficiency of the assistance?

No Member State evidence on this.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

However, the Interim Evaluation does not provide any evidence of outputs translating into results (by the time of the Interim Evaluation the project was still under implementation). The RTA final report elaborates on effectiveness and provides a series of examples (e.g. increased international activity of the Gendarmerie), however, overall, limited evidence is provided.¹⁰⁹

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning? How did Beneficiary / MS institution judge the quality of the cooperation between the Beneficiary and the MS twinning partner?

The RTA final report notes efficient Member State backstopping for the organisation of short-term expert missions (UK, Netherlands, Bulgaria, Belgium).¹¹⁰

2008 Interim Evaluation notes good prospects for effectiveness and confirms that outputs have been delivered according to plan (noting beneficiary commitment, the good working relation between the partners and corrective action to address efficiency constraints).¹¹¹

Question 3c MS What is the perception of the Member State on the Beneficiary partner contribution?

Whilst the RTA final report confirms the reduction of implementation time (from 24 down to 15 months), and notes beneficiary staff changes, this has apparently not affected

¹⁰⁷ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Border Issues, Law Enforcement, Justice, Protecting People, General Administration, 26 September 2008, page 24

¹⁰⁸ Northern Ireland Public Sector Enterprises Limited, RTA final report, 18 June 2008, page 7

¹⁰⁹ Northern Ireland Public Sector Enterprises Limited, RTA final report, 18 June 2008, page 8-10

¹¹⁰ Northern Ireland Public Sector Enterprises Limited, RTA final report, 18 June 2008, page 7

¹¹¹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, pages 25-26

efficiency: ‘Some 110 activities, including seven International Study Visits, were planned and implemented over the 15 month period without a single cancellation of the planned activities. Furthermore, the Gendarmerie agreed to continue the implementation programme throughout the summer season which led to the successful completion of the project, with minimum impact on the quality of the inputs delivered. There were no internal problems, in fact the internal systems of the Gendarmerie were a key factor in the successful implementation of the activities’.¹¹²

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the effectiveness of the assistance? Or supports the effectiveness of the assistance?

No additional evidence.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

2008 Interim Evaluation notes first immediate and intermediate impact (mainly related to the increased willingness of the Gendarmerie to engage with the EU, e.g. via cooperation in EUROPOL).¹¹³ The RTA final report notes further examples of impact, e.g. in terms of the accreditation of a forensic science laboratory.¹¹⁴

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey?

The project focussed on institution building, and whilst there is some evidence for organisational change, this remains limited. There is no evidence for regulatory change related to this project.

Question 4c Were there any unexpected effects of the Twinning project?

No evidence for any unexpected effects.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance? or supports the impact of the assistance?

No evidence from member State documentation.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

2008 Interim Evaluation notes good prospects for sustainability (noting **beneficiary commitment, and the fact that outputs are designed to cover three years’ of**

¹¹² Northern Ireland Public Sector Enterprises Limited, RTA final report, 18 June 2008, page 7

¹¹³ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 31

¹¹⁴ Northern Ireland Public Sector Enterprises Limited, RTA final report, 18 June 2008, page 9

operation as of the end of the project), however by the time of the evaluation, there was not much evidence as the project was still under implementation.¹¹⁵ The RTA final report confirms good prospects for sustainability, however, there is limited evidence to support this (sustainability mainly depends on the Gendarmerie's use of project outputs).¹¹⁶

A review of the 2010 National Programme for Turkey under the IPA Transition Assistance and Institution Building Component shows only one assignment addressing the Gendarmerie, namely a project on strengthening witness protection capacities (for the police and gendarmerie), however, there is no continuation of support directly related to the complaints commission or complaints system. In more general terms, it is noticeable, that the presence of the Turkish law enforcement bodies in recent programming is less developed than in previous years (e.g. three projects in 2008 as compared to one in 2009 and one in 2010).

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

A review of the 2010 European Commission Progress Report on Turkey indicates limited maintenance of progress, since there are several references to abuse by law enforcement bodies, and the need for further progress is emphasised. Most notably, the report notes that there has been no improvement with regard to strengthening civilian control over the gendarmerie. **Finally, the report also notes the limited quality of gendarmerie investigation, and this is direct evidence for insufficient capacity building. On the positive side, the report also notes that on-the-job training for the Gendarmerie continues, including on human rights.**

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

Good level of ownership during implementation.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

No Member State evidence on continuation.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the sustainability of assistance? Or supports the sustainability of the assistance?

No additional evidence from Member State documentation.

Conclusion

- Lack of previous twinning experience
- Deficiencies in project design require a project fiche amendment (time loss)

¹¹⁵ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Political Criteria, Law Enforcement, Justice, Protecting People, 15 May 2009, page 38

¹¹⁶ Northern Ireland Public Sector Enterprises Limited, RTA final report, 18 June 2008, page 11

- Delays in agreeing on the twinning contract resulting in reduced implementation time

6.5 TR0403.08 Assistance to the Turkish road transport sector

This particular unsuccessful case has been selected on the basis of the scoring of this “project” as reported in a number of Interim Evaluation Reports. However, this includes an assessment of three projects under the umbrella of Assistance to the Turkish Road Transport Sector. One of these projects was a twinning project, which, on the MS side was provided by the Dutch Ministry of Transport, Public Works and Water Management with the German Ministry of Transport as a junior partner. The other two projects were a supply contract and two technical assistance projects (English language skills and traffic safety). The relatively meagre scores can to a large part be attributed to the scores of these TA projects.

Key features of the Twinning project

EC Code	TR0403.08 (Twinning No:TR/2004/TB/TR/01)
Name	: Assistance to the Turkish Road Transport Sector
Beneficiary Institution	: Turkish Ministry of Transport, DG Road Transport
Member State institution	: Netherlands, Ministry of Transport, Public Works and Water Management Germany, Federal Ministry of Transport, Building and Urban Development
Period of implementation	: 21 months (including 3 months extension)
Size	: Tw:1.000,000 (Total 5.550,000). Effectively around 650k euro has been spent in the context of the twinning project
Objective	: To further develop the legislative and institutional framework of the Turkish road transport sector in accordance with the <i>acquis</i> .

The most recent Interim Evaluation Report included the following assessment of this Twinning Report:¹¹⁷

Relevance	Efficiency	Effectiveness	Impact	Sustainability
MU	MU	MU	MU	MS

Interviews and documents reveal that this low rating is caused by the evaluation findings for TA and supply components, rather than the Twinning. The self evaluation at the end of the twinning project reveals mostly scores of MS and S.

¹¹⁷ 29 May 2008

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme / sectoral levels?

- Appropriate at programme / sectoral level. Accession documents of 2003 (AP and NPAA) prioritise legislative alignment on road transport including implementation and enforcement as well as adoption of a programme for the adaptation of the Turkish road transport fleet to EU standards.
- Furthermore, NPAA commits strengthening of administrative capacity of the DG Road Transport and strengthening of structures for the implementation of relevant legislation.
- The beneficiary (DG Road Transport) had been recently established at the time of programming, following the start of reform process with the adoption of Road Transport Law in 2004. There was need for review of legislation to identify gaps for full alignment and to strengthen enforcement of the adopted legislation.
- The twinning project comprises of a large number of interrelated activities which require coordination at the management level of the beneficiary.

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Condition	Assessment (yes/no)	Motivation
The goal was relatively clear, i.e. the BC had a good understanding of the relevant part of the <i>acquis</i> or the relevant area of co-operation, and had selected the type of system it intends to adopt;	Yes. BC had already identified the gaps through EC contract (by Dutch consultants) in the Turkish legislation as well as in its implementation and enforcement.	The project design was built on the findings of the gap analysis.
Sufficient political will existed in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	Yes.	National documents (2003) commit adoption of the EU transport <i>acquis</i> , in the short-term. EU aligned Road Transport Law and by-laws were issued in 2004 and 2005. BC anticipated twinning activities to review legislation and its enforcement/implementation.
Sufficient BC commitment existed to ensure that the required resources (financial, staff) were mobilised in a Twinning project.	Yes.	Twinning activities were smoothly implemented.

Question 1c Was the needs assessment relevant in view of the Accession process (legal and institutional alignment)? / Were mandatory results precisely defined in the Project Fiches?

- Need was relevant. It was identified by an analysis (carried out by Dutch consultants) with reference to the *acquis* requirements. Although legislative alignment was high in most fields, there was the problem of implementation and enforcement, demanding

adequate co-ordination structures particularly to meet the EU requirements regarding control and enforcement.

- Turkish Road transport market needed to address the following for the approximation process:
 - Ensuring co-ordinated actions in implementation of the Acquis among the competent authorities,
 - Implement a sound licensing system, especially for domestic road transport,
 - Increase technical knowledge and skills, especially in the field of dangerous goods,
 - Guarantee a level playing field in the road transport sector, prepare to be ready for accession,
 - Ensure an effective enforcement and control,
 - Increase transparency of the market.

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

- Project objectives were specific for the reform and implementation of legislation. This could best be provided through MS experience, expertise and practice. Most activities required political support from top management at the Ministry, certainly as cooperation and alignment with other ministries and agencies was required as well. This is best addressed by a relatively large twinning project even if it covers a large number of smaller activities.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

- Consideration and realisation of a needs analysis with EC assistance at the time of programming reveals the adequate and efficient interaction to ensure successful programming.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? Or supports the relevance of the assistance?

- The beneficiary (DG Road Transport) was a newly (2004) established administration. Gaps existed in the structure, systems and capacity. This supports relevance of assistance.
- A danger to successful implementation of the project was the need for coordination at the ministerial level to ensure sufficient support of other ministries and agencies (e.g. Finance, Customs, Justice). Examples include enforcement of the tax code and support in terms of capacity of policing resources.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

Efficient transfer of inputs into outputs is demonstrated by:

Condition	Assessment (yes/no)	Motivation
Did expenditures remain within budgets?	Partly yes. In general, expenditures remained far below the budget.	Project activities could be carried efficiently and effectively in general except for translation costs which proved to be higher than expected.
Were activities timely delivered?	Delay with Twinning contracting resulted in reduced implementation period by 6 months. This in turn reduced the need for specific elements of support as activities at the beneficiary continued prior to the twinning project's actual start.	3 months extension compensated the lost time enabling completion of activities.
Were indirect costs low compared to total costs?	Yes.	
Were project logistics in place within a few month of contract signature?	Yes.	Activities have timely started.
Was there a balance between the number of LT and STEs?	N/A	The only LT was the RTA.

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

- No link reported. This was the first project in the sector.
- Some potential overlap was present with the TA projects that have been carried out under the same umbrella, notably the traffic safety one. The start of the TA project was delayed, however, and no effective dialogue was established.
- To some extent, synergies were present with projects carried out for other Ministries (in multiple fields, e.g. tax, customs, justice, safety). This applies particularly to implicit or explicit coordination of policy development – something that was felt to be concentrated in too few hands – and administrative cooperation (e.g. in terms of enforcement by others of policies developed in the context of road transport).

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance? or: supports the efficiency of the assistance?

- Fragmented structure for the sector undermines efficiency. Road transport responsibilities are scattered among 13 institutions other than the Ministry of Transport (2 under-secretariats, 8 ministries and 3 other public institutions). Nonetheless, changes in the legislation in 2008 led to re-structuring of MoT and merged some of the scattered authorities under the Ministry.
- Further capacity building should require prioritisation of issues and institutions.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

Objective	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Legal and institutional framework on road transport developed in line with the EU <i>Acquis</i> ,with <u>particular emphasis on transport of dangerous goods</u> .	Achieved.	Existing regulations related to the transportation of dangerous goods and fleet renewal scheme were revised and issued in 2007 and in 2008 respectively. The regulatory authority already identified in 2005 was revised for full alignment.
Benchmarks		
- draft legislation on access to market	yes	
- Proposed fleet renewal scheme	yes	Turkish scheme had been developed. This was confronted with EU framework
- report on best practices on road user charges	yes	
- enforcement and control proposal for 2007	partly	Lack of willingness to cooperate by some other ministries / stakeholders
- proposal for protocol on transparency and coordination between relevant bodies	partly	Lack of willingness to cooperate by some other ministries / stakeholders
20% more controls	no	See above
-Dangerous goods regulation proposals	partly	Policy environment proved to be complex
-Proposals for road transport information and monitoring	yes	Pilot project was cancelled on request of the beneficiary
-Recommendations of a licensing system	no	Cancelled on request of the beneficiary

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning?

Feedback of MS and beneficiary on the quality of interaction:

Indicator	Feedback of Beneficiary / MS Twinning Partner
Involvement of horizontal stakeholders	Establishment of inter-ministerial working groups and focal points at each stakeholder institution enabled cooperative work to prepare for, and contribute to the twinning assignments.
Intensity of cooperation between the Beneficiary and the MS twinning partner (qualitative)	Highly intensive and at high level.
Existence of clear division of tasks and responsibilities between the Turkish stakeholders	Exists. Authorisation was ensured legally. Practically, cooperation between the direct and indirect stakeholders was limited, to some extent hampering progress in the field
Existence of agreements/procedures between the stakeholders	Not in general. Some protocols exist when risk of overlap.
Regularity of meetings between the stakeholders	Steering Committees for each component met quarterly. However, not very productive due to level of attendance not at decision making level from the stakeholder institutions.

Question 3c (MS) What is the perception of the Member States Twinning partner on the Turkish structures and systems for the successfully implementing Twinning projects?

MS feedback on: (1) The quality and quantity of Beneficiary resources allocated to implementation (qualitative and, if possible, supported by quantitative data)

- In general sufficient staff was available. However, the number of staff able and responsible for policy analysis was rather limited. This did not directly impact on the quality of cooperation in the twinning project but may hamper the quality of the work in general.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- Positive feedback, in particular for EUD.

Question 3d What is the perception of the Beneficiary on the Member State partner contribution?

- Productive. The delay in contracting did not mean that no work was performed prior to the start of the project. High level coordination existed and was deemed necessary for a successful completion of the project.

Beneficiary feedback on: (1) The quality and quantity of MS resources allocated to implementation;

- Qualified HR as RTA and STEs. However, some difficulties were encountered in getting the right MS expert at the right time available.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- EUSG: not actively involved.
- CFCU: adequate
- EUD: intensive and hands-on involvement.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the effectiveness of the assistance? Or: supports the effectiveness of the assistance?

- The beneficiary has later (2009) developed a Strategy for 2010-2015 ensuring policy approaches for the sector. This strategy has strengthened the system, and no gaps in structure exist for effectiveness for future capacity building.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

Expected results	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Transparent and nondiscriminatory Road transport legislation and implementation by the last quarter of 2006	Achieved.	Existing Road Transport Law and by-laws were revised and issued during 2007-2009.
Institutional strengthening in the road	Achieved.	

transport sector, through development of the regulatory and institutional framework.		Two departments established in 2008 for the transport of dangerous goods covering all modes of transport, and for enforcement of legislation respectively. Regional NGOs authorized for Transport licensing.
Fleet renewal scheme, signed by all relevant parties	Not achieved.	Fleet renewal scheme was not drafted within the twinning activities, since the Ministry of Transport had recently published a scheme of its own accord which has been signed by relevant parties.
Report on best practices, and conclusions and recommendations for the Turkish situation	Achieved.	Activity Plan prepared in line with findings of the report has served as a roadmap for implementation. Furthermore, this provided the base for the production of a strategy for 2010-2015 by the beneficiary.
Administrative capacity for enforcement and control is improved by the end of project.	Achieved.	Department /unit established for enforcement within Min of Transport.
Realization of an inter-ministerial Work Agreement on Enforcement and more control actions;	Not achieved.	Appeared to be very difficult due to hesitations to sign such an agreement by other organisations involved in enforcement and control.

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey?

- The project acted as a catalyst between the identification of needs and shortcomings of land transport sector and the further steps of the reform process which had started with legislative and institutional developments in 2004/2005. It has supported deepening and widening of the process. Gaps remain in terms of the lack of day-to-day and more high level coordination between the policy sphere and enforcement.

Question 4c Were there any unexpected effects of the Twinning project?

- The lack of command of the English language – both on the side of the Turkish experts and to a certain extent also from the experts coming from the Member States – caused unexpected heavy cost of interpretation and translation.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance? Or supports the impact of the assistance?

- Existing structure and systems support impact of assistance. As for capacities, further capacity needs to be built for implementation of the system/legislation.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

- Detailed non-harmonised implementations in the sector were addressed, aligned and adopted. A comprehensive Strategy for 2010-2015 was prepared.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

- Yes. Relevant legislation was adopted during 2007-2009 and institutional alignment is reported to have been achieved particularly for the dangerous goods and licensing. Some of the scattered responsibilities were collected under Ministry of Transport.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- It is reported that the % of beneficiary staff is high.
- Allocation of financial resources has been particularly high for capacity building/training activities.
- The final report, including the recommendations, has been approved. It seems likely that the recommendations are taken over, although it may take some time.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

- Cooperation has been continuing at high level but is limited of nature. Bilateral visits at ministerial level have taken place after project completion. RTA is still involved in bilateral relations.
- The MS institutions appear not to be interested in continuing frequent exchanges with Turkey. Key twinning staff from the side of the Member States have retired or left the institutions.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that: either: undermine the sustainability of assistance? Or: supports the sustainability of the assistance?

- Sustainability of assistance is supported by the current structure, system and capacities for further capacity building. Enforcement of legislative alignment is structurally ensured and future capacity building is addressed in the Action Plan prepared through the twinning activities.
- On a more general note: capacity for policy development (which is essential for correct implementation of the acquis) is limited to the senior level at the Ministry. This may impact on the success of assistance projects in general.

6.6 TR0202.01 Institutional strengthening of the Energy Market Regulatory Authority

Key features of the Twinning project

EC Code	TR0202.01 (Tw: TR02-EY-01)
Name	: Institutional Strengthening of the Energy Market Regulator
Beneficiary Institution	: The Energy Market Regulatory Authority of Turkey (EMRA)
Member State	: The Regulatory Authority for Electricity and Gas of Italy (AEEG)

institution
 Period of : 18 months (1 July 2004 – 31 January 2006)
 implementation
 Size : € 974.337,000
 Objective : To increase the EMRA's capacity to ensure proper implementation of the legislation in place and to develop new regulations and practices in line with EU standards.

The most recent Interim Evaluation Report included the following assessment of this Twinning Report:¹¹⁸

Relevance	Efficiency	Effectiveness	Impact	Sustainability
0 (MU)	-1(U)	-1(U)	0 (MU)	0 (MU)

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

- It has been appropriate at programme/sectoral levels. The project timing followed the establishment(2001) of a regulatory authority(Energy Market Regulatory Authority-EMRA) for the energy market in Turkey, and the project aimed to build capacity for this newly established institution as well as alignment of relevant legislation.
- There was clear link with the AP 2001 and NPAA 2001 documents where the former prioritises establishment of this regulatory authority for the electricity and gas sectors as well as preparation for the establishment of the internal energy market, notably for the electricity and gas Directives. On the other hand, the NPAA commits comparison of the EU acquis with the corresponding Turkish legislation and the measures to be taken for implementing the necessary amendments and modifications, as well as adoption of necessary institutional changes and capacity building for the implementation of the amendments and modifications.
- Interview with the beneficiary reveals that project outputs have served as one of the key building bricks for alignment in terms of energy market regulation, and have accelerated alignment with the relevant modifications of the acquis directives.
- However, the project objective addressing development of new legislation negatively affects relevance of assistance at the time, as relevant legislation had been already developed and adopted/issued at the time of project implementation – which started substantially later than envisaged. Project activities were therefore geared to the revision and modification of the existing secondary legislation rather than development of any new.

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Condition	Assessment (yes/no)	Motivation
The goal was relatively clear, i.e. the BC	Yes. The goal was clear,	Expectations were high.

¹¹⁸ 1 December 2005

<p>had a good understanding of the relevant part of the <i>acquis</i> or the relevant area of co-operation, and had selected the type of system it intends to adopt;</p>	<p>and BC knew what to expect from the twinning for the electricity and natural gas markets.</p>	<p>Yes. Political will existed.</p>	<p>Law (No.2628) on electricity market was already adopted and issued in 2001, followed by secondary legislation during 2002-2004, before project start.</p>
<p>Sufficient political will existed in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;</p>	<p>Yes, BC commitment existed.</p>	<p>No problem with mobilization of the required resources.</p>	<p>Law (No.2628) on electricity market was already adopted and issued in 2001, followed by secondary legislation during 2002-2004, before project start.</p>
<p>Sufficient BC commitment existed to ensure that the required resources (financial, staff) were mobilised in a Twinning project.</p>	<p>Yes, BC commitment existed.</p>	<p>No problem with mobilization of the required resources.</p>	<p>Law (No.2628) on electricity market was already adopted and issued in 2001, followed by secondary legislation during 2002-2004, before project start.</p>

Question 1c Was the needs assessment relevant in view of the Accession process (legal and institutional alignment)? / Were mandatory results precisely defined in the Project Fiches?

- Following the adoption of the law on electricity market in 2001, an assessment has already been carried out for legislative alignment before project design. Although both (gas and electricity) market laws had been found relatively advanced in terms of alignment of primary legislation with the *Acquis Communautaire*, secondary legislation had to be issued in order to really support competitive electricity and gas markets.
- Mandatory results were well defined.

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

- Selection of twinning has been adequately assessed and justification included the advantages of cooperating with a MS with a similar structure for transfer of experience. Direct involvement of the beneficiary's experts in production of project outputs was anticipated to ensure capacity building at the beneficiary institution.
- In order to start competitive electricity and gas markets, secondary legislation had to be issued, which was the responsibility of the newly established beneficiary (EMRA). Twinning assistance, which was new for the beneficiary country back then (2002) was considered to be the best for addressing this, ensuring legislative alignment with the *acquis* as well as for capacity building for a newly established institution.
- In hindsight, given the problems faced in mobilizing experts from the various MS institutions, a combination of TA and twinning would probably have been more appropriate. Twinning partners in this area from Member States (in this case energy regulators) are typically small and face a substantial workload; they certainly were time constraint at the time the project started¹¹⁹, so a large twinning project significantly burdens the MS organization. As multiple MSs were involved, coordination costs increased even more. Coordination costs would remain high though even in the case of TA or a combination of TA and twinning.

¹¹⁹ Successive legislative packages by the EU increased the workload of regulators, capacity in general did not increase in proportion.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

- The beneficiary could not respond as the beneficiary staff who had been involved at programming stage are no longer with the institution.

Question If it/in the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? Or supports the relevance of the assistance?

- No significant gaps for future institutional capacity building. The prospective restructuring of EMRA is likely to support relevance of assistance.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

Condition	Assessment (yes/no)	Motivation
Did expenditures remain within budgets?	Yes. Only around 53% of the planned budget (974.338) has been spent. Some study visits were cancelled and some training activities were curtailed due to workload of participants.	Not positive. Beneficiary staff involvement could not be at the expected level to benefit from capacity building activities due to the fact that it coincided with the heavy workload of staff at the restructuring period of the institution. Likewise, mobilization of staff from MS institutions was time consuming and not always timely. This in particular resulted from the relatively small size of the MS institution and initial unclarities as to which experts would be eligible. Eventually, also people from universities (public sector) were mobilized. Non-spent amount was returned.
Were activities timely delivered?	Delayed start of twinning implementation due to the lengthy time taken for the finalization of twinning contract resulted in delayed delivery of activities. It also reduced the need for some of the activities.	Extension for 2 months was required to complete the activities.
Were indirect costs low compared to total costs?	Yes.	
Were project logistics in place within a few month of contract signature?	Partly yes.	The only logistic problem encountered during project implementation has been with the availability of venue for training activities.
Was there a balance between	No LT other than RTA.	ST experts were well utilized in a balanced way. Some experts were repeatedly used on request.

the number of LT
and STEs?

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors

- EMRA has received EC (MEDA and pre-accession) and other (WB, IBRD, PPIF, JSCTF, USTDA, OECD) assistance for secondary legislation development for electricity and gas sectors, institutional restructuring and capacity development. This twinning project was reported to have no direct synergy but has supported the previous interventions particularly for legislative alignment and capacity building.
- Particular attention was paid to avoiding duplication of previous training activities.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance?, or supports the efficiency of the assistance?

- Capacity built for project management is no longer with the institution. This is likely to undermine efficiency of future institutional capacity building projects.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

Objective	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
To increase the EMRA's capacity to ensure proper implementation of the legislation in place and to develop new regulations and practices in line with EU standards.	Partly achieved.	Capacity is improved for implementation of legislation with technical knowledge transferred particularly in areas of market reforms, transfer and distribution tariffs, licensing, cross-border trade, renewable energy, supply safety, market monitoring, market opening for competitors, consumer relations, data systems for the regulatory institution, long-term agreements, etc. Existing regulations (2002) have been revised and modifications adopted on cross-border electricity trade, renewable energy, electricity demand assessments and improved service quality. These regulations are currently in use with further modifications. Trained staff has enabled the initial

capacity for further training activities.

However, for the gas sector, twinning experts' findings identified lacking issues about the existing secondary legislation rather than providing guidance with the highly aligned legislation and implementation of the methodology already developed for distribution activities. On the other hand, it is reported that there still exists some gaps with the legislation that might negatively affect Chapter negotiations.

Additionally, capacity for the natural gas has not been developed to the expected level due to lack of (political) willingness and workload at the time related to secondary legislation and licensing.

Effectiveness suffered for a number of reasons:

- In effect, the mobilization of experts from MS institutions proved to be time consuming. This is linked to the small size and large number of tasks for the MS institutions. Substitution of expert from MS institutions by other experts (e.g. from the private sector) was not allowed. In the end some people from other public sector institutions were mobilized.
- In some cases, the beneficiary lost interest in certain activities, this often related to higher level political issues, like in the case of natural gas. In addition, a large number of sectoral reforms that have some relation to the project supporting EMRA took place at the same time.

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning?

Feedback of MS and beneficiary on the quality of interaction:

Indicator	Feedback of Beneficiary / MS Twinning Partner
Involvement of horizontal stakeholders	Involvement of horizontal stakeholders (Ministry of Energy and Natural Resources, BOTAS, TEIAS, Competition Authority) have been limited to attending very few activities when invited. They are not members of Steering Committee. (reason not known)
Intensity of cooperation between the Beneficiary and	Adequate. However, replacements of MS PL and

the MS twinning partner (qualitative)	beneficiary Project Assistants and PL have negatively affected smooth implementation of project activities but not seriously.
Existence of clear division of tasks and responsibilities between the Turkish stakeholders	Existed.
Existence of agreements/procedures between the stakeholders	N/A
Regularity of meetings between the stakeholders	No regular meetings with stakeholders other than quarterly Steering Committee meetings involving the beneficiary, Twinning MS partner, EUD, CFCU and EUSG.

Question 3c What is the perception of the Member States Twinning partner on the Turkish structures and systems for the successfully implementing Twinning projects?

MS feedback on: (1) The quality and quantity of Beneficiary resources allocated to implementation (qualitative and, if possible, supported by quantitative data)

- Sufficient and qualified resources. At times, capacity was short. This included a period when the RTA assistant had to be replaced as a larger group of young professional has to be laid off.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- Others reported that the interaction with key stakeholders was generally good. This project was one of the first twinning projects, which meant that some ‘learning’ was still taking place. This in particular applied to the CFCU.

Question 3d What is the perception of the Beneficiary on the Member State partner contribution?

Beneficiary feedback on: (1) The quality and quantity of MS resources allocated to implementation;

- Satisfactory contribution has been provided by MS partner. The quality of resources has been high. The quantity has been adequate. However, change of Italian PL is reported to have negatively affected Italian STE flow.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- Beneficiary reports involvement of EUSG and EUD as productive. However, CFCU’s involvement/participation could have been more to ensure smooth project implementation. Its time-taking process with the twinning contract and limited attendance to the Steering Committee meetings is reported to have led to problems with decision taking and with issues requiring approvals.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the effectiveness of the assistance? Or: supports the effectiveness of the assistance?

- Gap exists with the current structure and system as the need for institutional alignment. This is likely to undermine effectiveness of the assistance. Prospective restructuring of EMRA is likely to support effectiveness as it would result in a strengthened structure for the delivered project outputs and for implementation of a fully aligned legislation and practices.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

Expected results	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
EMRA's management, operational, and regulatory procedures are in place.	Partly achieved.	Revision of the existing secondary legislation contributed to legislative alignment with the regulations adopted and issued after 2006. However, institutional restructuring proposed by twinning experts could not be adopted. This is attributed to political reasons. On the other hand restructuring is currently on the agenda of the government.
Knowledge and skills of EMRA are brought to the level necessary for <i>acquis</i> implementation (i) on the EU internal energy market and corresponding requirements for regulatory authorities and (ii) on best practice procedures as applied in regulatory authorities in the EU Member States;	Achieved.	Staff capacity developed in terms of knowledge and awareness (i) on the national and EU energy markets and corresponding requirements as well as best practice procedures particularly for electricity. Relevant staff is now capable of understanding the amendments made to the <i>acquis</i> , and of applying the required modifications. (ii) However, for best practice procedures, the natural gas sector project outputs could not provide guidance for the implementation of the existing legislation which was found to be relatively aligned and later successfully implemented. It is reported that results could have been more supportive for the tariffs, as the legislation and the institutional structure for natural gas had been new at the time of project implementation.
Adequate infrastructure is in place for EMRA to provide training on regulation and competition issues in the energy sector.	Partly achieved.	A Training Council/Committee exists for yearly planning of training activities for the sector. Furthermore, despite the low level of participation to the training activities, most of those trained through twinning activities are still with the institution. However, training currently provided by the beneficiary is reported to be rather general on regulation and competition issues in the energy sector rather than being specific to the needs of the institution.

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey?

- Not to a high extent. Political issues and the position of EMRA as a formally independent, but practically not fully independent organization do play a role in this respect, however. Nonetheless, existing secondary legislation both for electricity and gas markets revised and modified through twinning activities have been adopted.
- Capacity built through knowledge and awareness on acquis requirements and practices in the MS is reported to have contributed to alignment work with modifications made to secondary legislation.
- Establishment of new institutional structures has been discussed at an international workshop. However, no new institutional structure is brought about. Nonetheless, government has declared restructuring of EMRA in the near future.

Question 4c Were there any unexpected effects of the Twinning project?

- An international network is developed during the twinning activities and it is still continuing.
- The project initiated discussions on renewable energy. At the time of the project, this was looked at rather reluctantly, by now it is an explicit strategy.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance? or supports the impact of the assistance?

- Interviews with the beneficiary could only be held with staff at project implementation level rather than project policy/management level. Therefore, achievement of impact could be assessed to a limited extent.
- It is reported that EMRA is currently an institution with 500 staff and requires specific capacity building on energy market to better support updating and implementation of relevant legislation.
- Impact of assistance for future institutional capacity building is likely to be undermined by the delayed restructuring.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

- Yes, to some extent. Further legislation has been developed and adopted on energy issues, such as renewable energy. However, existing regulations related to electricity and gas sectors require modifications for full alignment. The scope for full alignment is limited, however. Lack of progress in some areas may easily be attributed to high level geo-political issues, which may affect the (bite of) future regulatory regime.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

- Progress achieved with the existing regulations (secondary legislation) related to electricity and gas sectors has been maintained, but require further modifications for full alignment.
- Beneficiary reports likelihood of institutional restructuring of EMRA, with separate units/sections for Electricity&Gas and Petrol&LPG, thus focusing on specific areas. The issue is on the government's agenda since May 2009.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- No actual data available. However, beneficiary assumes around 20% of staff.
- No financial resources allocated.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

- No further institutional cooperation is reported.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the sustainability of assistance? or: supports the sustainability of the assistance?

- Sustainability of assistance for future institutional capacity building is jeopardised by the high rate of staff turnover. This is, however, a common feature of similar organisations in Member States.

6.7 TR0403.02 Tax administration capacity building

Key features of the Twinning project

EC Code	:	TR 0403.02
Name	:	Tax Administration capacity building
Beneficiary Institution	:	Ministry of Finance, - Presidency of Revenue Administration (PRA) - Tax Auditing Board (TAB)
Member State institution	:	Germany - Min of Finance UK- HM Revenue and Customs
Period of implementation	:	28 months 28 Apr 2005 – 27 March 2008
Size	:	Tw:1.610,000 (total budget: 6.175) (TA, IT supply)
Objective	:	To improve the tax revenue collection capacity and efficiency of the Turkish Tax Administration in order to effectively implement the EU tax rules and practices.

The most recent Interim Evaluation Report¹²⁰ included the following assessment of this Twinning Report:

Relevance	Efficiency	Effectiveness	Impact	Sustainability
(S)	(MU)	(MS)	(MS)	(MS)

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

- NPAA 2003 includes incorporation of EU acquis into the Turkish Tax legislation and refers to the need for strengthening the Turkish tax administration's technical and operational capacity to improve collection of tax revenues.
- The Strategic Plan issued by Min of Finance in 2003 has already initiated the reform of tax administration to comply with that of EU practice. In line with this strategy the beneficiary institution has developed strategic plans to modernise the technical and institutional capacity. Twinning was considered to be appropriate in order to implement the Action Plan prepared in line with the strategy. It would assist the two units of the beneficiary (Presidency of Revenue Administration-PRA and Tax Auditing Board-TAB) in reviewing the required legislation as well as strengthening the technical (IT) and institutional structures for alignment.
- The project zoomed in on acquiring and getting acquainted (through training trainers) with software to be used for auditing and risk management in the field of taxation. This falls within the scope of the tax administration aligning with world wide practices (certainly present within the EU) of companies having computerized administrations. This latter aspect required legislative alignment to 'force' companies to file their accounts electronically. Assistance was required in particular to use these systems for SMEs as well as for larger enterprises – where such systems were already in place.

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Condition	Assessment (yes/no)	Motivation
the goal was relatively clear, i.e. the BC had a good understanding of the relevant part of the acquis or the relevant area of co-operation, and had selected the type of system it intends to adopt;	Yes. Goal was clear: to improve the existing system of a fragmented and non-synchronized auditing structure to comply with EU legislation and practices.	Project design was adequate for twinning assistance to include acquis alignment and institutional capacity building. However, with a weak synchronization of activities.
Sufficient political will existed in the BC to create the best possible	Yes.	Beneficiary has initiated the reform of the relevant sector by identifying

¹²⁰ 18 Nov.2008

conditions for drafting and adoption of the relevant legislation;		the need for review of existing legislation as well as institutional and technical requirements for alignment.
sufficient BC commitment existed to ensure that the required resources (financial, staff) were mobilised in a Twinning project.	Yes.	No problem encountered resulting from insufficient BC commitment.

Question 1c Was the needs assessment relevant in view of the Accession process (legal and institutional alignment)? / Were mandatory results precisely defined in the Project Fiches?

- The Ministry of Finance has financed a gap analysis of its tax system prior to the twinning project, with support from EU consultants, along the lines recommended by the EU fiscal blueprints and as described in the Guidance Note for taxation reform and Modernisation Programme for the Candidate Eastern and Central Countries-CEEC.
- Acquis related to institutional and income tax (direct tax) covers a limited area while indirect (VAT and excise duty) are more harmonized. Member States are free to adopt and implement their own national systems. The acquis includes a fiscal blue print and addresses capacity building both of which have been the basis for this twinning assistance.

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

- There was need for development of a computerised risk management based tax audit selection system that would require tax administration capacity building (through training). Twinning assistance was anticipated to include transfer of MS experience and practice in terms of legislation and capacity building for the implementation of the IT based audit procedures currently applied in MSs. The fact that two MSs were involved increased the learning experiences from the project as it allowed sharing more than one experience.
- The beneficiary wanted the relevant staff to work on the development of project outputs as they would be implementing them. This could only be ensured by twinning assistance.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

- Both Beneficiary and MSs reports supportive and guiding contribution of the EUD.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? or supports the relevance of the assistance?

- The new structure (Risk Directorate) established in line with the Twinning expert reports within the Presidency of Revenue Administration and the improved system support the relevance of assistance for future institutional capacity building.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

Efficient transfer of inputs into outputs is demonstrated by:

Condition	Assessment (yes/no)	Motivation
Did expenditures remain within budgets?	Yes.	No need for additional budget allocations. In total spending was at 80% of the budget, with some activities closer to the 100% benchmark.
Were activities timely delivered?	Partly achieved. Twinning activities had problems with timely delivery of supply (IT hard and software) creating delays for training activities.	Extension for 4 months was taken to complete twinning activities related to IT training and for testing of software.
Were indirect costs low compared to total costs?	Yes.	
Were project logistics in place within a few month of contract signature?	Yes.	Timely start of twinning activities.
Was there a balance between the number of LT and STEs?	The only LT was the RTA.	

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors

- Beneficiary reports link with EC 2002 project “Alignment of the Turkish Public Internal Financial Control System” which is considered to be the first step that this project was building on. An indirect link is reported to be with contributing to the recommendations of IMF and WB for the sector.
- On the other hand, the project investment complements a national funding for an ongoing process of modernisation of the IT systems at the beneficiary (Revenue Administration)
- There were no clear synergies and/or overlaps with other project, nor interdependencies.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance? Or supports the efficiency of the assistance?

- No gaps in structures and systems. However, efficiency of the assistance for further institutional building is likely to be undermined. The management capacity built through twinning activities is reported to have been degraded due to transfers to other

institutions. This does not necessarily impact on the quality of the work, but it may affect the future quality thereof.

- Particularly for the score on efficiency, it has to be noted that both the beneficiary as well as the Member States involved have indicated that the delays in the project were related to delays in procuring the relevant software. Although the procurement was part of the project (through drafting procurement documents, etc.) the delays faced cannot be attributed to the project per se. In hindsight, the scoring of the twinning project would thus not be MU, but MS or even better. Spending was limited to around 80% of the project total and all activities have been carried out as planned.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

Objective	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
<p>Prj Fiche:</p> <ul style="list-style-type: none"> - Implementation of IT based, comprehensive intelligence and information system to support the effective use of risk analysis, taxpayer selection as well as computer audit techniques and in so doing to underpin tax compliance. - Establishment of effective information methods and tools for better taxpayer service and to ensure an equal interpretation of tax laws through the country. <p>Final Report:</p> <ul style="list-style-type: none"> - Modernised IT based, comprehensive intelligence and information system to support the effective use of risk analysis, taxpayer selection as well as computer audit techniques. - Development of rules for standardization of tax control procedures and better quality. 	<p>Partly achieved. (note, this is mostly the result of developments outside the scope of the twinning project).</p>	<p>The procured software for the system is not fully in use by the beneficiary due to the insufficient work of the contracted company as well as the limited computer skills of the tax auditors. This cannot be attributed to the twinning project, however. The other issue is the non-standardised data received from the taxpayers.</p> <p>(Beneficiary (PRA) has lately developed its own software to be in full use by end 2010.)</p> <p>New organizational structure is introduced by the establishment of a Risk Directorate within the beneficiary institution. This has enabled centralization of the selection of taxpayers in the country.</p> <p>Training of auditors from the beneficiary units (PRA and TAB) are delivered. However, due to high staff turnover, most of those trained and served as trainers for others are no longer with the institution.</p>

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning?

Feedback of MS and beneficiary on the quality of interaction:

Indicator	Feedback of Beneficiary /
Involvement of horizontal stakeholders	N/A. No horizontal stakeholders exist in the area other than the beneficiary (Min of Finance)
Intensity of cooperation between the Beneficiary and the MS twinning partner (qualitative)	Cooperative and productive.
Existence of clear division of tasks and responsibilities between the Turkish stakeholders	Existed.
Existence of agreements/procedures between the stakeholders	Not relevant.
Regularity of meetings between the stakeholders	Steering Committee has met regularly with relevant representatives of the beneficiary, EUSG, EUD and CFCU.

Question 3c What is the perception of the Member States Twinning partner on the Turkish structures and systems for the successfully implementing Twinning projects?

MS feedback on: (1) The quality and quantity of Beneficiary resources allocated to implementation (qualitative and, if possible, supported by quantitative data)

- Sufficient. Willingness to cooperate and learn – the need for twinning originated from the beneficiary itself. In addition, the twinning project was used (in a positive way) by the beneficiary to strengthen processes and positions within the organisation.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- Positive, in particular with regard to the EUD.

Question 3d What is the perception of the Beneficiary on the Member State partner contribution?

Beneficiary feedback on: (1) The quality and quantity of MS resources allocated to implementation;

- Beneficiary reports satisfactory allocation of resources by both the MS partners.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- Involvement of EUSG and EUD has been adequate and supportive particularly as members of the Steering Committee.
- However, involvement of CFCU in the finalisation of supply tender is reported to have caused delays and inefficient work with the installation of the supply (software) and relevant training.

currently working with 4 units and a total of 90 staff, and is expected to be the driving force of a risk management system.

- The recent law (amendments to law No.6009) issued in June 2010 includes the concepts and proposals introduced by the twinning activities as well as providing legal base for the establishment of the Risk Directorate.

Question 4c Were there any unexpected effects of the Twinning project?

- Twinning activities started an effective dialogue among the relevant audit units of the Ministry of Finance.
- A tax office for large taxpayers was established in Istanbul in 2007, responsible for the taxation of the largest 1000 taxpayers. Plans pre-dated the twinning project.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance? Or supports the impact of the assistance?

- Beneficiary reports establishment of the Risk Directorate with 21 staff with developed capacity to implement the criteria in the selection and taxpayer-profiling process. The current number of staff at the Directorate is reported as 90 and the directorate anticipates impact by end of next year.
- This is likely to support impact of assistance for future institutional capacity building.
- However, one of the benchmarks for impact has been anticipated as the evaluation of the enhanced audit results performed by the beneficiary auditors one year later (mid 2009). None of the interviewees reported realisation of such an evaluation.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

- The reform process has continued with the adoption of new legislation in June 2010 (amendment to law No.6009) related to tax revenues. This has ensured a centralisation for the selection of taxpayers for auditing through the newly established Risk Directorate as well as providing the legal basis for the Risk Directorate with 4 units. Auditing units have previously been scattered within a fragmented structure.
- The beneficiary plans the IT system (purchased by twinning) to be fully in use by end 2010.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

- Existing legislation was found to be adequate for the implementation of the twinning recommendations related to restructuring and to tax auditing procedures as well as computer based system improvement.
- Institutional alignment is reported to be achieved with the establishment of a Risk Directorate with 4 units and 90 staff.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- Implementations of the new processes and techniques by the tax auditors are reported to have started after the project has been completed, particularly by the Risk Directorate which anticipates impact by end of next year. However, due to high staff turnover, most of those involved in project management and training activities are no longer with the institution.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

- Number of cooperation initiatives established between the beneficiary and the twinning partner further to project completion;
- Volume of beneficiary and MS financial resources allocated to cooperation further to project completion
- No institutional cooperation reported further to project completion.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the sustainability of assistance? or supports the sustainability of the assistance?

- The existing structural and technical infrastructure and the newly established unit (Risk Directorate) are in place supporting the sustainability of assistance for future capacity building. However, the limited use of the software and lack of institutional memory due to staff turnover is likely to undermine sustainability.

6.8 TR0403.03 Restructuring and strengthening of the food safety and control system

Key features of the Twinning project

EC Code	TR 04 03.03 / TR2004-AG-02
Name	: Restructuring and Strengthening of the Food Safety and Control System in Turkey
Beneficiary Institution	: Ministry of Agriculture and Rural Development (MARA)
Member State institution	: Federal Ministry of Food, Agriculture and Consumer Protection, Germany; and State Food and Veterinary Service, Lithuania
Period of implementation	: PF has the start commencement target as June 2005. Yet, it started 9 months later. Duration was planned to be 18 months. Contract: 30/03/2006 – 30/11/2007 Finalisation date 30 September 2009 (Extension from 21 December 2007 to 29 July 2008)
Size	: PF: 1.500.000 Euro Twinning Project + 250.000 Euro Twinning Light

Objective : Overall Objective: Strengthening legal and organisational structures of the Ministry of Agriculture and Rural Affairs (MARA) at central and decentralized levels and improving co-operation with the private sector to ensure food safety and increase effective implementation and enforcement of food control system in Turkey.

Project Purpose: To strengthen the capacity of MARA to transpose and comply with the current Food Law with the Council Regulation (EC) No 178/2002 of 28 January 2002 and to design and implement an efficient and effective food control system by providing:

- a high quality service with the improvement of food inspection and control services through strengthening administrative, technical capacities and personal skills of food inspectors,
- establishing an information technology system for Rapid Alert System and implementation with the participation of all units related to food safety at national level.

The most recent Interim Evaluation Report included the following assessment of this Twinning Report:¹²¹

Relevance	Efficiency	Effectiveness	Impact	Sustainability
U	MU	HU	U	HU

Ratings include the following: Highly satisfactory (HS), Satisfactory (S), Moderately Satisfactory (MS), Moderately unsatisfactory (MU), Unsatisfactory (U) and Highly unsatisfactory (HU).

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels?

- The twinning assignment (focus on the establishment of food safety control systems) clearly addresses the priorities of the AP and the NPAA of 2003. The relevance to the acquis is high which is one of the pre-conditions for negotiations under Chapter 12. Furthermore, the AP of 2008 emphasizes the priority of “Food safety, veterinary and phytosanitary policy” in Chapter 12 as “Adopt a framework law on food, feed and veterinary matters compliant with EU requirements and which allows a complete transposition of the EU acquis”¹²² Accordingly, the Turkish government further commits in the NPAA 2008 with Priority 12.1 “Adopting a framework law on food, feed and veterinary matters compliant with EU requirements and which allows a complete transposition of the EU acquis”¹²³
- The EC’s 2009 Regular Progress Report notes overall limited progress with alignment in the area of food safety and control: ‘The Framework Law on food,

¹²¹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 42.

¹²² AP 2008, page : L 51/12

¹²³ NPAA 2008, page: 117

veterinary, feed, hygiene and official controls, which is a key element for the accession negotiations on this chapter, has not yet been adopted', and emphasises the need to strengthen administrative structures.¹²⁴

- The Twinning project is accompanied by 5 other supplies, works, TA and twinning light components with an overall poor design¹²⁵. The twinning action with 12 components is designed to assist MARA and NFRL with transposition of legislation, design of systems for risk analysis and Rapid Alert System for Food and Feed (RASFF) in line with EU requirements, and the establishment of EU compliant administrative and organisational structures. Its duration has been revised twice.

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Condition	Assessment (yes/no)	Motivation
the goal was relatively clear, i.e. the BC had a good understanding of the relevant part of the <i>acquis</i> or the relevant area of co-operation, and had selected the type of system it intends to adopt;	Yes	The lack of an adequate legislation and / or missing the structure needed in an effective food control administration is understood by MARA. Yet, poor design.
Sufficient political will existed in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	no	Even though the government has expressed its commitment, Turkey showed weak interest to bring about the reform in legislation and organisation urgently needed in order to move towards EU standards. The Food Law (No. 5179) has been approved in 2004, which needs to be in line with the EU <i>acquis</i> . Institutional alignment for this purpose is necessary as expressed in the NPAA in chapter 12. There is a lack of information and cooperation between different level of the government, ministries and within MARA. The food control system in Turkey still needs reorganization. Thus, Interim Evaluation notes limitations to effectiveness, impact and sustainability over a longstanding legislative and institutional standstill.
sufficient BC commitment existed to ensure that the required resources (financial, staff) were mobilised in a Twinning project.	Yes but not sufficient	Even though the MARA project team is committed to the project, different professional groups within the official food control system of Turkey have been competing for the leadership

¹²⁴ EC, Turkey 2009 Progress Report, 14 October 2009, pages 54- 56

¹²⁵ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 7.

or not intending to cooperate with other groups.

There is a need for further development of the independency of the administration – especially at the local level.

Question 1c Was the needs assessment relevant in view of the Accession process (legal and institutional alignment)? / Were mandatory results precisely defined in the Project Fiches?

- The needs assessment is not very clear. The mandatory results are not clearly defined.

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified?

- Yes. In aligning the food safety sector to the EU acquis, the BC wanted to benefit the MS institutions which have provided their knowledge and experience for this purpose.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

- Not clear. Complicated design of the overall Food Safety Project. A rather good work plan for the MS.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? Or supports the relevance of the assistance?

- A Food Law (No. 5179) regulating the production, consumption and inspection of foodstuffs entered into force in June 2004. This law is not yet fully in harmony with EU legislation. Within the framework of this law, secondary legislation in the form of implementation regulations and communiqués has been adopted, but the need for further alignment exists.
- The new Framework Law on Food, Veterinary, Hygiene and Official Controls (No. 5996) has been ratified on 11 June 2010 by the Parliament, which made it necessary for the secondary legislation to be prepared again. Still, the outputs of these twinning projects will be utilised to some extent.
- MARA's General Directorate of Protection and Control (GDPC) is in charge of this subsector. GDPC oversees the related activities within 81 Provincial Directorates, 39 Provincial Control Laboratories and one Food Control and Research Institute. By 2003, about 1,400 food inspectors and around 1,000 food analysts were working in the system. The number of inspectors had increased to 5,400 in 2005 and is reportedly still increasing.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?
Efficient transfer of inputs into outputs is demonstrated by:

Condition	Assessment (yes/no)	Motivation
Did expenditures remain within budgets?	yes	79.78 percent of the budget has been utilized, about 300.000 Euro remained unused due to the frozen two components, second being reopened at a later time. ¹²⁶ The expenditures are in compliance with the general and EU practices as indicated in the auditing report. ¹²⁷
Were activities timely delivered?	no	Delay in start about 9 months. Extension of finalisation about six months. External factors mainly the failure to adopt conditional legislation have caused freezing the first two components. However, the majority of the rest of the activities were delivered on time. The co-ordination and co-operation between the Twinning and supplies and works has been inadequate.
Were indirect costs low compared to total costs?	yes	As indicated in the final budget ¹²⁸
Were project logistics in place within a few month of contract signature?	yes	Yes. At first there has been a problem in translation.
Was there a balance between the number of LT and STEs?	yes	Yes High quality STEs. Satisfactory number of STEs: 57 experts came from Germany, 14 from Lithuania, one from France and Portugal, respectively.

- 2008 Interim Evaluation notes overall efficient implementation with some delays caused by delays with the adoption of conditional legislation.¹²⁹ Interim Evaluation notes ‘exemplary’ MARA commitment at management level, but delays at higher-level decision-making level.
- Note however, that the beneficiary project leader changed twice.¹³⁰ The Twinning Final Report notes that two project components were ‘frozen’ at the beginning of implementation. Component 1 (capacity building for executing food safety control and surveillance in line with EU standards) was suspended by the EC and no activity

¹²⁶ TR04/IB/AG/02 Food Safety Twinning Project Budget Overview: Planned and Actual Comparison, 22/12/2008.

¹²⁷ Auditing Report Letter to the EC by Roever Broenner dated 17/11/2008.

¹²⁸ TR04/IB/AG/02 Food Safety Twinning Project Budget Overview: Planned and Actual Comparison, 22/12/2008.

¹²⁹ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 14.

¹³⁰ Federal Ministry of Food, Agriculture and Consumer Protection, Germany, Twinning Final Report, 30 September 2008, page 5

was implemented (this component accounted for 8% of the twinning budget).¹³¹ Component 2 was also frozen but could be completed further to an addendum.

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

- Two other donor funded activities have contributed to the development of the sub-sector toward the acquis. EC (MEDA programme) and Dutch (MATRA programme) supported in the area of food safety and control have been so far focused on helping MARA and Ministry of Health (MoH) with some equipment and training. However, there has been little concern about setting upon the necessary institutional framework for the new approaches on food safety and control both in the industry and at retail points.
- Also, the Food and Agricultural Organisation of the United Nations (FAO) has assisted Turkey with the upgrading of its national food safety and food quality control system with a view to enhancing consumer protection and to improve Turkey's access to international food markets. The project has focused on (a) international control requirements; (b) improvement of the food control framework and (c) training for food inspectors and industry groups.
- These projects have been complementary to the twinning project's purpose.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance? or: supports the efficiency of the assistance?

- Lack of sufficient legal background and lack of satisfactory will to conclude at different levels of the government and the ministries exacerbated the external conditions for achieving the efficiency and effectiveness of this project.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

- As the Interim Evaluation of 2008 indicates, almost all of the outputs were delivered, but “uncertain that the planned outputs will be delivered in the absence of a compliant food law and especially of outputs of the suspended component 1 (restructuring of the food safety and control administration), the outputs are of very limited use”¹³². The planned outputs of the de-blocked second component have included drafting secondary legislation, aligned to EU regulations. However, ambiguities in the law reduced the effectiveness substantially. The most important set of outputs of Component 1 would consist of a blueprint for the reorganisation of the food safety and control administration ended up with no outputs.

¹³¹ Federal Ministry of Food, Agriculture and Consumer Protection, Germany, Twinning Final Report, 30 September 2008, page 15

¹³² MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 20.

Objective	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Overall Objective: Strengthening legal and organisational structures of the Ministry of Agriculture and Rural Affairs (MARA) at central and decentralized levels and improving co-operation with the private sector to ensure food safety and increase effective implementation and enforcement of food control system in Turkey.	Yes (Partial)	Two components were suspended. (The supporting National Food Reference Laboratory - NFRL has been established to align the EU <i>acquis</i> . The EC's 2007 Progress Report found that progress remained limited on transposition and implementation of the food safety <i>acquis</i> . Turkey has established the national Rapid Alert System and strengthened the network between the central and local units but the number of alerts remains high and they often relate to the same companies.)
<p>Project Purpose: To strengthen the capacity of MARA to transpose and comply with the current Food Law with the Council Regulation (EC) No 178/2002 of 28 January 2002 and to design and implement an efficient and effective food control system by providing:</p> <ul style="list-style-type: none"> • a high quality service with the improvement of food inspection and control services through strengthening administrative, technical capacities and personal skills of food inspectors, • establishing an information technology system for Rapid Alert System and implementation with the participation of all units related to food safety at national level. 	Yes (except for Components 1 and 2)	<ul style="list-style-type: none"> • Component 1 is frozen and could not be performed. (Comp. 1: The food administration at central and provincial level with regard to the organisational structure, management and staff capacity is capable enough for executing food safety control and surveillance in line with EU standards) • Component 2 is frozen and re-opened at a late stage of the project. (Comp. 2: Turkish secondary legislation in line with the relevant EU food provisions is prepared and adopted at ministerial level. The implementation of the harmonised legislation is prepared.) • Components 3 to 12 have been achieved and high amount of outputs regarding documents, reports, etc. as well trainings were produced. However, the official food control system needs to be in line with the EU practices.

- 2008 Interim Evaluation suggests that high quality outputs have been delivered under the twinning component, however their operational utility found itself limited by delays over required legislative reform: ‘For instance, procedures for inspection, risk analysis and crisis management exist as an output of the project, but can and will only be partially implemented under the present legal and organisational systems’.¹³³ The Twinning Final Report confirms this, e.g. for component 8 (in relation to the failure to establish a independent scientific risk assessment committee): ‘It has to be stated

¹³³ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 20.

from our point of view that this dilemma is not due to the lack of experienced and qualified scientist – it seems to be the lack of the legal base for establishing scientific committees for risk assessment’, or for component 11: ‘To develop a handbook for crisis management or contingency plans seemed to be difficult while there is a lack in legislation and structure’.¹³⁴

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning? How did Beneficiary / MS institution judge the quality of the cooperation between the Beneficiary and the MS twinning partner?

Feedback of MS and beneficiary on the quality of interaction:

Indicator	Feedback of Beneficiary / MS twinning partner
Involvement of horizontal stakeholders	Not sufficient at different levels within MARA and among other ministries and other institutions.
Intensity of cooperation between the Beneficiary and the MS twinning partner (qualitative)	Very intense. But, the quality has been reduced with long procedures and permissions for several activities.
Existence of clear division of tasks and responsibilities between the Turkish stakeholders	Not very clear
Existence of agreements/procedures between the stakeholders	No
Regularity of meetings between the stakeholders	Quarterly Steering Committee meetings were held regularly.

Question 3d What is the perception of the Beneficiary on the Member State partner contribution?

- Satisfactory, but there has been an important problem with translation, which was very time consuming.

Beneficiary feedback on: (1) The quality and quantity of MS resources allocated to implementation;

- The number of the project team could be more, since they were much overloaded together with their original concurrent responsibilities at MARA. The project team members were experts in their fields with satisfactory backgrounds, but lacking language to communicate efficiently with the RTA and STEs, as well as understanding the reports. Thus, translation has been an important issue for communication.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD)

- EUD has contributed analysis of the components’ implementation and informed the DG ELARGE on time for taking the necessary actions in freezing the first two components, even though the BC wanted to continue with the assumption that the

¹³⁴ Federal Ministry of Food, Agriculture and Consumer Protection, Germany, Twinning Final Report, 30 September 2008, pages 27 and 32.

legal improvements would be achieved. EUD has contributed to corrective actions and the twinning activities to be more effective.

- No problem with the EUSG.
- (MARA and CFCU have experienced substantial problems in supplies and works components of the project.)

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the effectiveness of the assistance? Or supports the effectiveness of the assistance?

- Lack of sufficient legal background, and lack of satisfactory will to conclude at different levels at the government and the ministries exacerbated the external conditions for achieving the efficiency and effectiveness of this project.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

Expected results ¹³⁵	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
<p>1. Food Safety and Control System Component (Twinning)</p> <p>Existing food safety and control strengthened through the establishment of new system, the transposition and fully implementation of the relevant legislation, well trained food inspectors and inspection manuals and voluntary guides.</p> <p>- Inspection programs and a computerized food control database developed</p> <p>- Risk management system including database developed</p> <p>National Rapid Alert System (RAS) fully functional</p> <p>Information technology system developed and Implemented</p>	No	<p>According to the IE 2008¹³⁶, immediate impact is weak, since GDSP of MARA does not have much power to implement many of the outputs produced (for example, food inspection under the control of the central government).</p> <p>Limited intermediate impact with substantial capacity building and awareness raising for EU alignment.</p> <p>Wider impact of the programme would be the introduction of food safety and control systems in all links of the food chain, including primary production and processing.</p> <p>A new Framework Law (No. 5996)¹³⁷ has been approved by the Parliament in 2010, which could enable the wider impact to be achieved.</p>

¹³⁵ The Twinning Light Project under the National Food Reference Laboratory Component could not be assessed due to absence of the relevant targeted interviewees or impossibility to access them. Therefore, it is not included in this evaluation.

¹³⁶ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 25.

¹³⁷ The new Framework Law on Food, Veterinary, Hygiene and Official Controls (No. 5996) has been ratified on 11 June 2010 by the Turkish Parliament.

- 2008 Interim Evaluation notes limited immediate impact due to the fact that outputs are not directly ‘operational’: ‘The Food Safety Department within GDPC has no powers to implement any of the outputs in line with EU practice and regulations. Food inspectors in the 81 Provinces are subordinated to their Governors and do not have sufficient mandate to conduct independent inspections. At the central level, the present legal, organisational and power structures prevent the outputs from being turned into real results’.¹³⁸ Whilst there is some intermediate impact in terms of raised awareness at central and province level of food safety and control issues. Wider impact depends on follow-up funding (enactment of legislation and establishment of administrative structures).
- The Twinning Final Report confirms that outputs require further institutional / legal reform before they can become fully operational, and recommend that the beneficiary ensures continues updating; some outputs also appear to require further beneficiary inputs before they can be considered as finalised (e.g. component 5: ‘Regarding the results gained in this component it is up to partners of BC to continue and bring to a close the work on the training manual and Inspection Handbook’ or component 7: ‘It is strongly recommended that Turkish partners continue in establishing the IT tools and complete the electronic forms for data collection’).¹³⁹

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey?

- Awareness raising in different departments of MARA and other government institutions.

Question 4c Were there any unexpected effects of the Twinning project?

No.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance? Or supports the impact of the assistance?

- Lack of sufficient legal background and lack of satisfactory will to conclude at different levels at the government and the ministries exacerbated the external conditions for achieving the impact of this project.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

- The reform process has slowed down while waiting for a new Framework Law (No. 5996), which has finally been approved in 2010. It has taken more than 5 years to have a new law approved. Thus, sustainability has reduced substantially, and further sustainability has further questions in it.

¹³⁸ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 25

¹³⁹ Federal Ministry of Food, Agriculture and Consumer Protection, Germany, Twinning Final Report, 30 September 2008, page 18, 22 and 25

- Secondary legislation has been started to be revised with respect to the new Framework Law, which is to be finalised by end of 2010. Also, the manuals, guidelines, materials, documents, etc. need to be revised.
- Even with the new Framework Law of 2010 which foresees institutional changes leading to a semi-independent food safety and control administration are expected to be concluded by the end of 2010, the present staff turnover and personnel management can limit achieving an effective implementation.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

- No. It is expected to start after the reorganisation of GDPS of MARA starting at the beginning of January 2011, and after the secondary legislation is approved.
- 2008 Interim Evaluation notes limited prospects for sustainability due to beneficiary institutional and legislative ‘standstill’ (a 2004 pre-condition for the project was the submission to parliament of an EU-compliant Food law which could not be realised until 2010). This could be interpreted as a lack of beneficiary / government commitment to reforms.¹⁴⁰ In this context the Twinning Final Report notes: ‘There is the impression that the political influence is quite high and experts from BC can bring forward arguments but these will not be considered. Furthermore there is the impression that the decisions on the different levels of Ministerial Administration are not aligned or there is a lack of information between these different levels’.¹⁴¹
- The sustainability of twinning outputs has been limited due to the fact that legal reform is required before they can be used. The relevant Framework Law (No.5996) has finally been ratified by the Parliament in June 2010. The secondary legislation and reorganisation have to be concluded by the end of 2010. MARA expects to benefit the outputs of the Twinning project for secondary legislation in preparing the secondary legislation.
- Furthermore, beneficiary staff turnover limits sustainability, e.g. for Component 6: ‘It is a pity that some of the staff who did a lot of work in the implementation has left their job in working on QMS. It is recommended that these highly qualified people should continue and be a trainer or adviser for their colleagues in other Province Directorates’.¹⁴²

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- There is high staff turnover in MARA, which has also been reflected in this area. Some of the staff has retired or moved to other departments, etc.
- What is the volume of financial resources allocated to maintaining / developing twinning mandatory results further to project completion
- Not clear yet.

¹⁴⁰ MWH Consortium (for the European Commission, DG Enlargement), Sectoral Interim Evaluation of the European Union Pre-Accession Assistance, Turkey, Rural Development, 12 November 2008, page 29.

¹⁴¹ Federal Ministry of Food, Agriculture and Consumer Protection, Germany, Twinning Final Report, 30 September 2008, page 36.

¹⁴² Federal Ministry of Food, Agriculture and Consumer Protection, Germany, Twinning Final Report, 30 September 2008, page 24.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

- Not much cooperation except for in the form of informal advises.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building thta either: undermine the sustainability of assistance? Or supports the sustainability of the assistance?

- Lack of sufficient legal background and lack of satisfactory will to conclude at different levels at the government and the ministries exacerbated the external conditions for achieving the sustainability of this project.

6.9 TR0503.01 Reinforcement of the institutional capacity for establishing a product safety system

Key features of the Twinning project

EC Code	TR 0503.01
Name	: Reinforcement of Institutional Capacity for Establishing a Product Safety System in Turkey
Beneficiary Institution	: Under-secretariat of Foreign Trade, GD of Standardisation for Foreign Trade
Member State institution	: Netherlands , Food and Consumer Product Safety Authority
Period of implementation	: 18 months (17 January 2007 – 17 July 2008)
Size	: €1.500,000
Objective	: To establish a product safety system in Turkey through: <ul style="list-style-type: none"> - strengthening the existing market surveillance structures, - determining appropriate administrative management structures, and - introducing a standardized information system, which could also be used in preparation for the RAPEX system (rapid exchange of information on risky products).

The most recent Interim Evaluation Report included the following assessment of this Twinning Report:¹⁴³

Relevance	Efficiency	Effectiveness	Impact	Sustainability
MU	MU	MU	U	U

¹⁴³ 14 April 2008

Relevance

Question 1a Has the underlying strategic rationale and design of Twinning assistance been appropriate for Turkey at programme/sectoral levels? Explain whether or not there was a clear link between the project and the Multi-annual indicative planning document (or any other plan stipulating Turkish Accession Agenda)?

- Appropriate at programme/sectoral levels. Clear link with short and medium term priorities of Accession Partnership 2003, and NPAA 2003 where alignment with Directive 2001/95/EEC on General Product Safety (RAPEX) is committed under paragraphs 4.23 Consumer Protection and Health and 4.02 Free Movement of Goods.

Question 1b Has Twinning been used in the circumstances foreseen in the Commission's Twinning manual?

Condition	Assessment (yes/no)	Motivation
the goal was relatively clear, i.e. the BC had a good understanding of the relevant part of the acquis or the relevant area of co-operation, and had selected the type of system it intends to adopt;	Yes. Legislative preparation was ongoing at the time of project programming . The beneficiary had identified the need for legislative, administrative and technical structures for connection to the Community Rapid Information System(RAPEX).	Twinning project design included review of existing legislation for harmonization as well as establishing technical capacity for RAPEX connection. However, transfer of the project to the next year's programme has undermined relevance, as it was initially designed to be an umbrella project to establish coordination and cooperation for policy development and other projects to follow. In the meantime, relevant institutions had developed their databases separately before project start thus hampering the establishment of the central database for RAPEX connection.
Sufficient political will existed in the BC to create the best possible conditions for drafting and adoption of the relevant legislation;	Yes. BC has been working on the relevant legislation where drafting of the Regulation was prepared in line with the EC Directive. RAPEX membership was a target for BC. Previous EC directive had already been aligned with the legislation adopted in 2002.	Beneficiary committed for the modification of the existing legislation on the RAPEX system.
sufficient BC commitment existed to ensure that the required resources (financial, staff) were mobilised in a Twinning project.	Yes.	Required resources were available at project start to ensure smooth implementation of project activities.

Question 1c Was the needs assessment relevant in view of the Accession process (legal and institutional alignment)? / Were mandatory results precisely defined in the Project Fiches?

- Membership to RAPEX is not only a membership requirement for EU, but also a requirement of Customs Union. MS are connected to RAPEX system to ensure product safety measures.
- However, relevant mandatory result related to the development of a central/national database for future RAPEX connection needed modification at the time of twinning contract drafting, due to the fact that relevant institutions had already started developing their own databases.

Question 1d Was the selection of twinning (as opposed to any other instrument, i.e. Technical Assistance or Direct Agreements) adequately assessed and justified? (Ferrie: I think this should be part of the project fiche, but I am not sure)

- Project design anticipated twinning assistance to ensure transfer of MS experience for the establishment of relevant legislative and institutional alignment including improvement of technical capacity.
- The beneficiary had received bilateral (MATRA) support for TA prior to the project and had worked with the same Dutch institution on the EU import control regulation (339/93 EC) to find out the possible implementation of the regulation for Turkey.
- Beneficiary has therefore selected twinning instrument and later decided to twin with the same institution for the activities of this twinning project.

Question 1e Was the interaction between key stakeholders (beneficiary institution, ECD, DG ELARG) adequate and performing efficiently to ensure successful programming of this Twinning project?

- Beneficiary reports productive interaction with the ECD.

Question 1f Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the relevance of the assistance? or supports the relevance of the assistance?

- The structure is fragmented and the system lacks active involvement of consumer organisations. This is likely to undermine future institutional capacity building. Stakeholder involvement should have been ensured at project design phase to include training for consumer organisations.

Efficiency

Question 2a Were inputs/activities being efficiently transferred into the planned outputs?

Efficient transfer of inputs into outputs is demonstrated by:

Condition	Assessment (yes/no)	Motivation
Did expenditures remain within budgets?	Yes.	Some 400,000 € was not utilized due to cancellation of a few activities. Some of this amount was used for additional activities.
Were activities timely delivered?	Yes.	Timely delivery of project outputs.

Were indirect costs low compared to total costs?	Yes.	
Were project logistics in place within a few month of contract signature?	Yes.	Smooth workflow of twinning contract requirements.
Was there a balance between the number of LT and STEs?	N/A. The only LT was the RTA.	

Question 2b Was there any link between the Twinning project and other types of EC projects, and/or with projects funded by other donors?

- No link reported.

Question 2c Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the efficiency of the assistance? or: supports the efficiency of the assistance?

- The gaps in structures, systems and capacities are likely to undermine efficiency for future institutional and capacity building due to the very fragmented system and structure.
- There are 11 institutions with responsibilities for the sector including the DG of Standardisation for Foreign Trade (the project beneficiary) which is responsible for the coordination of these institutions.

Effectiveness

Question 3a Has the Twinning support under evaluation achieved the objectives pursued?

Objective	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Strengthening the existing market surveillance structures	Partly achieved. Training activities were delivered.	<ul style="list-style-type: none"> • Existing structures were not strengthened due to project design not including specific activities for each institution. • Nonetheless, safety controls could be made more directly as tests rather than checking the documents only. • Cooperation was created among the parties of the structure and awareness has been raised for all parties concerned including the consumer NGOs.
Determining appropriate administrative management structures	Partly achieved. 3 models were developed in line with the findings of the gap analysis.	<ul style="list-style-type: none"> • No decision could be reached with the identification of the appropriate management structure. • Nonetheless, Ministry of Industry and Trade re-structured its units in line with the proposals. • Responsibility for consumer products safety was determined.
Introducing a standardized info system that could be	Not achieved.	<ul style="list-style-type: none"> • Change of conditions at the time of project implementation prevented introduction of a

used in preparation for RAPEX system.

standardized info system as a central database. Database systems were already undergoing development by relevant institutions.

- Nonetheless, production, collection and analysis of data have been standardized.

Question 3b Was the interaction between key stakeholders adequate and ensuring successful implementation of Twinning?

Feedback of MS and beneficiary on the quality of interaction:

Indicator	Feedback of Beneficiary
Involvement of horizontal stakeholders	Involvement of the 10 institutions has been generally productive. The proposed model structures have included their comments and suggestions.
Intensity of cooperation between the Beneficiary and the MS twinning partner (qualitative)	Cooperation existed in principle. However, the difference in working styles and in interpretation of issues resulted in an insufficient coordination for project implementation. Information flow between the project team and BC high level staff could not be sufficiently productive. RTA had to be replaced and his work was taken over by the PL for some months until the arrival of the next RTA.
Existence of clear division of tasks and responsibilities between the Turkish stakeholders	Existed,
Existence of agreements/procedures between the stakeholders	None. Would be better if MoU could have been jointly signed with the stakeholders (11 institutions with responsibilities for product safety)
Regularity of meetings between the stakeholders	Steering Committee met quarterly. DIS meetings (beneficiary, EUD, CFCU, EUSG) held about every 6 weeks.

In sum:

- Adequate interaction between key stakeholders supported project implementation. The 10 institutions as members of the Market Surveillance Coordination Board headed by the beneficiary with product safety responsibility including implementation of the relevant EC directives, have been involved during project implementation.
- However, this interaction could not create the conditions to fully deliver project outputs due to the delayed timing of the project. Stakeholders were already involved in developing their own databases.
- Involvement of the consumer side has not been included in the project design as a partner.

Question 3d What is the perception of the Beneficiary on the Member State partner contribution?

- Active involvement and contribution of the very experienced Project Leader has highly supported project management particularly following the resigning of the RTA. However, this is reported to have turned the project to be a single person project rather than a twinning activity. On the other hand STEs were qualified and beneficiary has well benefitted from their expertise.

Beneficiary feedback on (1) The quality and quantity of MS resources allocated to implementation;

- Quality and quantity of allocation of MS resources have been in line with the requirements of the Twinning Contract. The only problem encountered resulted from the negative working environment created between the RTA and BC project staff. Problem was solved with direct and active involvement of the MS Project Leader.

(2) Feedback on the involvement of other Turkish stakeholders in the project implementation (EUSG, CFCU, EUD):

- EUD has been intensively involved in implementation supporting smooth running of project activities.
- CFCU provided adequate support in the area of its responsibility.
- EUSG was not actively involved.

Question 3e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the effectiveness of the assistance? or supports the effectiveness of the assistance?

- The fragmented structure with 11 institutions is likely to undermine effectiveness of the assistance for future institutional capacity building. However, decision taken by the stakeholders to authorise the Under-secretariat for Foreign Trade (beneficiary) as the national focal point for product safety is likely to support effectiveness of assistance for future institutional and capacity building. The beneficiary now has a stronger position for coordination.

Impact

Question 4a To which extent have the outputs generated by assistance been translated into results?

Expected results	Achieved (yes/no)	Proof of achievement Reason for (non)-achievement
Problems, insufficiencies(if any) and bottlenecks of the existing strategies of market surveillance of product safety are determined.	Partly achieved. Problems and insufficiencies are determined but no change in the administrative structure of the respective institutions could be realised.	<ul style="list-style-type: none"> • 3 models were developed in line with the findings of the relevant analysis and a specific report (The Way Ahead) has been prepared. • However, no decision could be taken on the most adequate model to be adopted and implemented.
Turkish legislation on rapid exchange of information on risky products is revised and necessary amendments drafted.		<ul style="list-style-type: none"> • Draft legislation prepared with relevant amendments made to the existing implementations, currently awaiting at beneficiary level. • On the other hand the existing legislation allows aligned implementation for general product safety. • However, adoption and enforcement of drafted legislation • requires RAPEX membership which is dependent on EC approval. It is reported that this approval requires closing of the relevant Chapter.
Administrative structures of re perspective institutions to create their contact points are reorganized and the degree of centralization of this structure is defined.	Achieved.	<ul style="list-style-type: none"> • Contact points are informally functioning for notifications from Poland. • Centralization defined and the beneficiary (Under-secretariat for Foreign Trade) is accepted by the other relevant institutions to be the national contact point for RAPEX. However, implementation of legal base awaiting formal RAPEX membership.
Standardization of the inputs received from respective public authorities is achieved and the Product Safety System of Turkey is made ready , parts of which could later be used as input to the RAPEX connection.	Partly achieved. The information exchange system on product safety is not operational by the end of 2007 within Turkey.	<ul style="list-style-type: none"> • Standardization is partly achieved as there still exists no central database as the national Product Safety System. • Only some data received online from public authorities are standardised, such as those going to EU, import control data and annual reports.

- Sending of data to EU is still through e-mail.

Question 4b To which extent did the Twinning act as a catalyst for wider organisational and regulatory change in Turkey?

- Twinning acted as a catalyst to a limited extent due to the fact that project objectives could not be fully achieved. The legislative alignment and institutional structuring, including improvement of IT capacities could not be fully realised. Adoption and implementation of the drafted legislation requires RAPEX membership.
- Nonetheless, it has acted as a catalyst for ownership at the Ministry of Industry and Trade and consumer organisations for general product safety. While the former was appointed to be responsible for the non-harmonised area and started to take safety related measures for the products under the non-harmonised area, the latter realised the lacking issues in Turkey.

Question 4c Were there any unexpected effects of the Twinning project?

None.

Question 4d Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the impact of the assistance? or: supports the impact of the assistance?

- Difference of opinions among project stakeholders/partners is likely to undermined potential impact related to re-structuring and standardisation of data at the expected level.
- The project could not serve as the first step and provide the grounds for making the RAPEX system operational in Turkey. Nevertheless, it contributed to the standardisation in the production and collection of data.

Sustainability

Question 5a Has the reform process continued after the projects have been completed?

- Discussion on the database and standardisation to be further developed according to the 3 models of institutional structuring is still ongoing at the beneficiary institution. Similarly, beneficiary reports that work is ongoing for legislative alignment. However, no timing can be predicted for the finalisation of the ongoing work.
- Databases at each institution are not yet fully developed. The beneficiary plans to develop a framework system for collection of some data from the institutions once those databases are fully developed. On the other hand the beneficiary is currently working on the development of a system for foreign trade. This system will collect relevant data and will have the potential for integration of internal market data later.
- As regards sustainability of capacity building activities, beneficiary reports follow up with relevant institutions since the issue of product safety is on the joint agenda. In the meantime a strategy has been developed and submitted to the EC meet a benchmark for market surveillance. This has also improved information exchange among the stakeholders.

Question 5b Has the progress achieved in the legal and institutional alignment as identified in the assessment of impact (section 4) been maintained after project closure?

- The progress achieved in legal alignment has been limited to the revision and drafting of secondary legislation, adoption of which is awaiting RAPEX membership of Turkey which is dependent on the closing of Chapter negotiations for the sector.
- As for institutional alignment, no progress made with the decision to be taken on the model to be adopted for relevant re-structuring which also included centralisation.

Question 5c What is the level of ownership of outputs obtained and how are these outputs used by the beneficiaries? Does the beneficiary institution demonstrate ownership of outputs by allocating financial and human resources to the maintenance and development of the Twinning outputs?

- Although there exists no specific structure at the beneficiary as a unit/working group etc., almost all of the project staff (5 of 6) are currently active in working on the project results.
- However, half of the 8 beneficiary staff who were trained to be RAPEX contact points have been appointed to other positions. Nevertheless, they are replaced ensuring continuity.
- What is the volume of financial resources allocated to maintaining / developing twinning mandatory results further to project completion
- Beneficiary could not give relevant specific financial information.

Question 5d Does cooperation between the beneficiary administration and the Member State administration continue after the project has been completed?

- No cooperation at institutional level has continued after project completion.

Question 5e Within the context of the Twinning programmes under evaluation: Are there any prevailing significant gaps in structures, systems and capacities for future institutional and capacity building that either: undermine the sustainability of assistance? or: supports the sustainability of the assistance?

- Sustainability related to capacity building is supported by the following EU assistance as a recently started IPA 2007 project which includes market surveillance training activities.

Annex 7 Round table meetings

Round Table Berlin, 25 January 2011



Teilnehmerliste

Review Meeting: Twinning in der Türkei

am 25. Januar 2011

Nr.	Name	Vorname	Email Adresse	Projekt	Ressortzugehörigkeit
Langzeitexperten					
1	Grosch, Dr.	Ulrich	ulrich.grosch@gmx.de	TR03/IB/AG/01 u. TR07/IB/AG/01	BMELV
2	Helmpobst	Stephan	stephan.helmpobst@lga.de	TBA, TR/2004/IB/EC/01	BMWi
3	Szesny	Detlef	detlef.szesny@hzap.bfinv.de	TR09/IB/FI/03	Hauptzollamt Potsdam
4	Irmer, Dr.	Volker	volkerirmer@yahoo.de	TR04/IB/EN/02	BMU
Projektleiter					
5	Schreiber, Dr.	Georg	103@bvl.bund.de	TR04/IB/AG/02	BMELV
6	Reich, Dr.	Axel	dr.axelreich@web.de	TR04/IB/OT/02	BMELV
7	Vowé	Peter	vowep@web.de	TR 08 IB JH 03	LKA NRW
8	Schäfer	Marc	marc.schaefer@polizei.nrw.de	TR 08 IB JH 03	LKA NRW
9	Voetz, Dr.	Nikolaus	nikolaus.voetz@gmx.de	TR02/IB/AG/01	BMELV
10	Roether	Kay	k.roether@bdp-online.de	TR06/IB/AG/02	BMELV
Experten					
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12	Eigenbrodt	Swen	swen.eigenbrodt@polizei.hessen.de	TR09/IB/JH/01	Polizei
Referenten ECORYS					
13	Pot	Ferrie			ECORYS
14	Volkerink	Bjorn			ECORYS
Twinning Koordinatoren					
15	Mindermann	Tanja	Tanja.Mindermann@bmelv.bund.de		BMELV
16	Hakner	Jeannette	Jeannette.Hakner@bmvbs.bund.de		BMVBS
17	Bass, Dr.	Michael	michael.bass@bmu.bund.de		BMU
BMWi					
18	Schlosser	Gregor	gregor.schlosser@bmwi.bund.de		BMWi
19	Ulrich	Kai-Uwe	kai-uwe.ulrich@bmwi.bund.de		BMWi
20	Schumacher	Bernd	bernd.schumacher@bmwi.bund.de		BMWi
21	Steinfurth	Mario	mario.steinfurth@bmwi.bund.de		BMWi

Notes from the Berlin meeting 25/1/11

Pre-contractual phase:

- Some countries promise too much (in reference to the EMRA case), if they cannot deliver eventually, they come to Germany for capacity;

Relevancy:

- No specific discussion points

Efficiency:

- When there are substantial delays in contracting, staffing becomes a real issue. Staff that had originally been proposed may have become unavailable (due to various reasons). Obviously, this risk partly lies with the MS if the intention of signing a contract is there, but finalisation takes time
- Long delays are a known issue (most have those experiences). It concerns all stages of the project (i.e. from project fiche via tendering to contracting).
- RTAs in practice spend considerable time on management and logistics and selecting and hiring people rather than on doing actual work.
- Initial problems with CFCU may have resulted from the organisation being new, staff being rather junior, and suddenly finding themselves in a rather powerful position.
- EUD is also slowing down things (also in contracting phase) often taking maximum time to respond to questions etc.
- Contract amendments come from multiple sides (CFCU, EUD, ECD and beneficiary) without consolidation. This causes delays.
- A discussion on what to include in the contract followed, zooming in on whether names, functions etc. in relation to say study visits and training should be included in the contract to ensure that the proper people are being trained.
- Replacing key people in the project is also time consuming (also causing payment problems), more trust may be a way forward.

Effectiveness:

- It is a shared experience that delays in supply (and TA) contracting and implementation causes problems in sticking to the original time planning of projects..
- Who is responsible for this? On the one hand the EU as it finances (to a large extent) the projects, the Turkish side is often also partly responsible.
- Coordination between different components (TA, supply, Tw) is often an issue. No one is really responsible for this coordination. Occasionally, RTAs take this issue forward, but it often does not stick.
- EUD should be more involved in this issue.
- If the concept of twinning is not really familiar to the organisation, it takes time before the project actually has an impact.
- ‘Turkish culture’ may explain some of the difficulties (pride, no does not exist, conservatism, role of the state).

Impact:

- Legal alignment is a substantial hindrance. Multiple projects were less successful as necessary legislation was not in place (although it often was a precondition).
- In many cases support from the hierarchy is missing (due to unclear reasons), this extends to the political level.
- If legal alignment is too far off: many discussions are not really fruitful (out of the box thinking is required but too much to ask)
- It is critical to know the underlying interests (who gains, who loses) when changes are required at the Turkish side

Sustainability:

- In all projects, if relevant, train the trainers is very important for sustainability.
- There is a broad resistance to any changes (conservatism)

General

- Final reports are always positive (as all parties have to sign, it is a compromise)
- QRs may be more realistic (NOTE: we do not have most of those)
- Issues are flagged at steering committee meetings, some result in changes, some not. EUD should thus know about most issues.
- Differences in approach and reach of projects between ministry support or support in the field
- Splitting components (i.e. making separate twinning projects out of a potentially larger one) is not always necessary and increases the amount of total support unnecessarily. In addition, it often means that communication between the different components suffers.
- Frequent direct contact with counterparts (which is easier if office locations are close by) benefits the project.

Overall:

- Steering committee meetings should be open and a place to discuss all issues as it benefits the project.
- The RTA/PL should accompany people on study visits as that is good for ‘bonding’.
- Problems in Turkey are also seen elsewhere (Croatia was mentioned as an example).
- More coordination at EU side is necessary as that reduces duplication (of even multiplication) of efforts; there is some feeling that too much assistance is given. EU should also be involved more in a managing role (i.e. ensuring that supply contracts and TA contracts are executed timely and properly).
- One of the main benefits of twinning, even if legal approximation is still not reality, is that experiences are shared, Turkish counterparts are introduced into MS networks, and knowledge is transferred. Formally, this may not be the results aimed at, but projects are (can) still successful in such cases.
- Politics plays a major role, both in a positive and a negative way.
- PFs are not always of good quality (too vague, too specific).
- It is very important to check whether the preconditions are met (and realistic) or likely to be met during the lifetime of the project.
- Delays may be reduced if more people are hired at CFCU and EUD.
- Twinning as such is a good instrument, but there are many small issues that make it difficult to be really successful.

Annex 8 Analysis of success and fail factors

I. Relevance

Illustrative examples: good cases

TR0305.01: Support to the State Planning Organization General Directorate for Regional Development and structural adjustment for strengthening institutional and administrative capacity

Performance rating: satisfactory (+2)

Sector: Finance and Statistics

Regional Development Policy programmes are highly relevant, as they aim to improve coordination of the planning process between relevant central actors, which have traditionally operated independently of each other. The programmes also aim to ensure better involvement of regional and local stakeholders in the planning process, which is a need identified in previous interim evaluation reports. Relevance is strengthened by the anticipated introduction of the Instrument for Pre-Accession in 2007. However, coordination of *Support to DPT GDRDSA* is not coordinated at the appropriate level, and the duration of *Support to pNDP* has been reduced by almost 40% to 13 months.

TR 0203.02: Support to the enhancement of the safety of maritime transport in Turkey

Performance rating: satisfactory (+2)

Sector: Environment, Energy & Transport

The Maritime Safety project is relevant to the commitments of the Turkish Government outlined in the AP and the NPAA, including alignment of legislation on maritime safety, improvement and enforcement of maritime safety standards and strengthening the maritime administration. The project is also in line with the National Action Plan (2004-2008), prepared by the UMA in 2003 with stakeholder involvement, to improve capacity to adopt and enforce the relevant acquis.

Given that the maritime sector has the largest (86%) share in international transportation of goods, the project is relevant as it aims to decrease the risks related to the transportation of dangerous cargo (petroleum, chemicals, oil, gas) which comprises 50% of all cargo transported through Turkey's seven busiest ports.

Illustrative examples: less successful cases

TR 0403.03: Restructuring and Strengthening of the Food Safety and Control System in Turkey

Performance rating: unsatisfactory (-2)

Sector: Agriculture and Rural Development

Food Safety and Control firmly reflect the priorities of the AP and the NPAA. Their relevance to the acquis is high in the sense that their successful implementation is one of the pre-conditions for negotiations..

The design of the Food Safety and Control programme is poor. Originally, it was intended to combine this project and the National Food Reference laboratory in one project fiche. This idea was abandoned because external technical conditions were not yet in place to enable the works project. Yet, the project fiche was only partially adapted, and the log-frame matrix includes all activities and results including the NFRL, but fails to give results for the planned twinning light component.

Preliminary analysis

Twinning projects have been mostly highly relevant in having objectives in line with the AP and NPAA priorities as well as the needs of the beneficiary state institutions. The twinning interventions also mostly respond to important concerns raised in the country Progress Reports. Relevance has been strengthened by the introduction of the Instrument for Pre-Accession in 2007.

The enactment of the new laws such as Environment Law, Intellectual Property Rights legislation, in the mean time, enhances relevance of the twinning interventions, as they establish the legal framework for the planned by-laws, action plans, strategies, and institutional capacity building to adopt and enforce the relevant acquis. If the legislation falls behind the intervention, the interventions suffer design and subsequently efficiency and effectiveness problems, which was the case in the Ombudsman project. The slow progress in drafting and adopting legislation in Agriculture sector has prevented smooth project implementation, suggesting that the interventions were programmed too soon.

Interventions in sectors like Justice and Home Affairs, Environment, and Rural Development have utilised the twinning instrument rather extensively, which have reflected the pre-accession issues well.

Despite their high relevance, the twinning interventions have mostly suffered from design weaknesses. This is a common weakness starting during the preparation and programming of the projects. Objectives and outputs of the programmes are sometimes too ambitious and lacking clear definition of the strategies, or not considering the absorption capacity of the beneficiaries. Risks and assumptions, as well as the indicators of achievement are not well defined in the PFs. Involvement and coordination with the key stakeholders especially the non-governmental organisations are poorly designed in some of the interventions.

Most of the projects lack sufficient coordination and management arrangements. While programming, little attention is paid to the project management capacity of the beneficiary. Individual project design of some of the interventions suffers from inappropriate reflection of conditionalities and necessary framework conditions concerning achievement of impacts and sustainability. The project management is rarely undermined by lack of institutional commitment as in the Intellectual Property Rights project. Most of the project counterpart and experts are very dedicated and committed. On the other hand, the content of the MS offer, the expertise and management capacity of the RTA, as well as his/her commitment has played an important role in the subsequent project implementation. Rarely, design failure for expertise requirement caused difficulties such as in the Maritime Safety project. The programming has less design

difficulties in the Finance and Statistics sector, significantly, Capital Markets Board project is well designed.

Poor design of the projects result in necessities of PF amendments during the implementation or omitting a component as in the case of transferring the Chemicals component of the Air Quality project to TA.

II. Efficiency

Illustrative examples: good cases

TR0304.01 Strengthening Police Forensic Capacity

Performance rating: satisfactory (+2)

Sector: Justice and Home Affairs

Key success factors have been mainly related to the beneficiary's commitment and competency, supported by the contribution of the Twinning experts. IE Report (27.11.2006) states "The Turkish team is competent and committed, and the contribution of the British and German experts is highly appreciated by the Turkish National Police."

The language problem had been solved in this project by spending some budget savings for additional interpretation services.

Another frequently encountered problem with Twinning projects, the RTAs' unavailability with extended project durations, had not been the case with this project. The RTA's extended stay for another 2 months to monitor additional activities had supported efficient completion of the project.

TR 0503.05 Establishment of an IPA Rural Development Agency

Performance rating: satisfactory (+2)

Sector: Agriculture and Fisheries,

The project having a clear mandate and adequate staffing for implementation had supported efficient implementation of project activities. IE Report (12.11.2008) writes "*The implementation of all components is running smoothly, which can also be attributed to the fact that the IPARD Agency has a clear mandate and adequate staffing to work with the external experts.*"

Efficient collaboration of Twinning and TA experts has affected project implementation positively.

TR 0304.04 Visa policy and practice

Performance rating: satisfactory (+2)

Sector: Justice and Home Affairs

The latest IE Report (27.11.2006) points to the improved efficiency created by increased beneficiary ownership, which had been noted as limited in the earlier IE Report. (This has been confirmed at the meetings held on 24 March 2010 with EC Delegation staff)

The beneficiary had stabilised the project team that had suffered in the starting phase of the project from frequent staff turnover due to the rotation requirements at the beneficiary, the Ministry of Foreign Affairs (MoFA). "Since then, the MoFA has stabilised the team, which now consists of well-informed and committed experts."

Project was well coordinated with timely reporting to relevant stakeholders, whose involvement has supported timely implementation of project activities.

Illustrative examples: less successful cases

TR 0303.02 Fisheries sector - legal and institutional alignment to the EU acquis

Performance rating: unsatisfactory (-2)

Sector: agriculture and fisheries

The key factor for inefficient implementation of the project activities had been the weak beneficiary capacity to manage the project activities.

Delayed (6 months) contracting of Twinning due to weak preparation stage had affected efficiency negatively, as the project design required synchronisation with the TA.

The other factor undermining efficiency had been the lack of cooperation between the Twinning and TA Teams. "There was only one meeting between the TAT and the twinning partners in the three months following the commencement of TA activities in early January 2006, which tends to confirm the reported lack of cooperation." (IE Report 25.06.2006)

TR 0204.01 Action Plan on Integrated Border Management-Phase 2

Performance rating: unsatisfactory (-2)

Sector: Justice and Home Affairs

This Twinning had suffered from weak cooperation among the stakeholders. Efficiency is reported (IE Report 21.11.2005) to have decreased due to the need for stronger cooperation among the relevant stakeholder institutions. "The relevant Turkish institutions (Gstaff, Gend, Coast Grd. And TNP) could not reach agreement on the recommendations of the draft Action Plan, in particular those regarding the structure and strategy of the new Border Police."

TR0603.07 Modernisation of Customs III

Performance rating: unsatisfactory (-2)

Sector: Finance and Statistics

Main factors for inefficiency are related to the low level of ownership and weak capacity with the beneficiary to manage project implementation. Underestimating the management capacity required for project implementation, the beneficiary allocates adequate resources only after strong recommendations from EC Delegation.

(IE Report 14/04/08): "Following strong recommendations from ECD, the efficiency of the TCA interventions have improved with the establishment of a Department for the Coordination of EU Projects (within the International Relations Directorate) with four full-time experts and the possibility to involve additional specialists as required. In anticipation of the volume of work to be done under Customs Modernisation III (3 Twinning arrangements, 3 service contracts and 1 supply contract7), a Project Implementation Unit has recently been established."

TR0401.05 Support to the Ombudsman of the Republic of Turkey

Performance rating: highly unsatisfactory (-3)

Sector: Justice and Home Affairs

Another project reflecting low level of commitment causing inefficient management of pre-contracting phase which had resulted in insufficient time left to finalise contracting by the deadline. Following the selection of the

twinning partner, Twinning contract could not be prepared in about 18 months due to unmet preconditions which have been the adoption of the Ombudsman Law, appointment of the senior Ombudsman staff, and allocation of budget for the institution.

(IE Report 24.11.06)

"It took one year to transfer the Law to the National Assembly. There is now insufficient time left to finalise contracting by the deadline, November 2006, and the programme will thus not be implemented under the 2004 national pre-accession programme. It is now expected to be implemented under the 2006 programme."

Preliminary analysis

Twinning projects prove to be successful in terms of efficiency when the start of the project is smooth and when implementation is continued in accordance with the planning.

Based on the review of the IERs of a sample of Twinning projects, we infer three main factors that affect efficient implementation of Twinning projects:¹⁴⁴

- The timely start of project activities

Delays with contracting are generally due to the lengthy time spent for preparation of relevant documents and procedural requirements for decision making particularly when beneficiary has limited experience with Twinning projects. Delayed project starts tend to result with time extensions which pose the risk of non-availability of the RTA to stay longer for the completion of project activities.

- Good cooperation and coordination at all levels

Cooperation and coordination play an important role particularly when there are more than one institution involved at the beneficiary side, and/or when Twinning is contracted as a consortium of MSs. A similar situation requiring coordination and cooperation is where the intervention has Twinning and TA components complementing each other.

- Qualified staff and experts assigned for project management and activities by both the beneficiary and Twinning partners.

Risks for efficiency also include weaknesses in project design, non-flexible institutional cultures and personality characteristics, change of management at beneficiary institutions, weak language competency at both sides, non-availability of adequate logistics for the Twinning team and the low level of involvement of the stakeholders. Cross-cultural dimensions and political dimensions need to be carefully addressed by both the parties.

III. Effectiveness

Illustrative examples: good cases

TR 0203.02 Support to the enhancement of the safety of maritime transport in Turkey

Performance rating: highly satisfactory

¹⁴⁴ Please note that the identification of key success and fail factors will be continued in the remainder of this Review. Therefore, the issues mentioned in this Inception Report should be considered to be 'preliminary'.

Sector: Environment, Energy & Transport

IE Report (01.12.2005) points out beneficiary ownership as the key factor for success ensuring project effectiveness citing "Efficient implementation and a high level of beneficiary ownership have resulted in the achievement of the project's specific objectives."

Despite the fact that achievement of expected results depended on the adoption of new legislation by the Grand National Assembly, the beneficiary is reported (IE Report 01.12.2005) to have undertaken all required steps to facilitate adoption of the Draft Framework Law on Maritime Safety.

TR0402.06 Strengthening the Capital Markets Board

Performance rating: highly satisfactory (+3)

Sector: Finance and Statistics

The project is reported (IE Report 14.04.2008) to have achieved the expected results at a high level, including the main result which had been the draft Capital Markets Law as well as secondary legislation for discussion and adoption. The IE Report states that "*The 2004 assistance to the CMB has been highly effective: drafts for transposing 30 directives (including the Market Abuse, Takeover, Prospectus and Financial Instruments Directives) have been prepared and 155 CMB staff members have participated in training, study tours and internships. Importantly, the project was sufficiently flexible to respond to the introduction of new directives and to incorporate these into ongoing work.*"

TR 0404.02 Development of Probation Services in Turkey

Performance rating: satisfactory (+2)

Sector: Justice and Home Affairs

The IE Report(27.11.2006) notes the good level of effectiveness stating "Twinning activities and outputs are largely being delivered according to the revised implementation plan, and all are expected to be completed within the project life. The twinning has made a significant contribution to the preparation of the legal framework..".

Results of training activities provided for considerable number (1108) of staff, including training of trainers, had been additional good indicators of effectiveness.

Illustrative examples: less successful cases

TR 0403.03 Restructuring and Strengthening of the Food Safety and Control System

Performance rating: highly unsatisfactory (-3)

Sector: Agriculture and Fisheries

- The IE Report (12 Nov.2008) notes the fact that the beneficiary as well as the twinning partner claim that all outputs were indeed delivered, however adds that the final reports describing the results of each separate component had not been made available, thus "making it difficult to assess the achievement of expected outputs".
- On the other hand, the report points to the suspended component related to the restructuring of the food safety and control administration, without which the project outputs are of very limited use.
- Similarly, the twinning experts who appear to work mainly on one version of the Food Law, while another version of this Law had been at the Commission Services in Brussels for assessment, that had driven the IE report to state "*usefulness of the twinning inputs questionable*".
- The other indicator for weak effectiveness had been related to the "single most important set of outputs of the twinning component" that would consist of a blueprint for the reorganisation of the food safety and control administration, had been suspended and will not be re-opened under this programme (not

explained why), thus no outputs will be forthcoming.

TR 0603.09 Development of the seed sector in Turkey and alignment to the EU

Performance rating: unsatisfactory (-2)

Sector: Agriculture and Fisheries

IE Report (12/11/2008) identifies the reasons for low level of effectiveness stating “the main problem related to programme effectiveness stems from lack of ownership, weak co-ordination and unclear division of responsibilities among the Ministry of Agriculture and Rural Affairs (MARA) departments, as well as between MARA and Min of Environment and Forestry (MoEF).

The other reason for failure in the achievement of expected results is mentioned in the report as the weak involvement of MoEF in the programme except for the training activities under the twinning component, while other stakeholder’s (TURK-TED) involvement is reported to be undefined.

Preliminary analysis

A common factor of Twinning projects that demonstrate a high level of effectiveness is that they possess over a clear mandate relating to specific outputs, such as primary and secondary legislation drafting, relevant training for institutional capacity building and development of implementation documents.

In cases where projects have been less effective, the main reasons stem from:

- inefficient project management including delayed start of project activities;
- delayed contracting particularly when shortening project implementation period negatively affects timely delivery of project outputs at the required quality.

Risks that are encountered as hampering project effectiveness are generally related to the limited capacity at beneficiary institutions, low level of ownership and coordination, unclear division of responsibilities among key beneficiary institutions involved in the delivery of project outputs, and sometimes the low quality of Twinning experts.

Good examples for effective implementation reflect ownership and adoption of adequate approaches and measures by the beneficiary at all phases of project implementation to ensure delivery of project outputs. These include assignment of qualified staff experienced in the relevant fields, establishment of effective coordination mechanisms, quality assurance, and flexibility to respond to the introduction of new directives. On the other hand, less effective project implementations have mainly suffered from lack of cooperation within the beneficiary institution as well as among the other institutions involved.

Despite the fact that Twinning outputs are jointly developed with the beneficiary and thus have the advantage of adoption, project outputs related to legislative alignment have the disadvantage of being taken it as far as a Draft legislation only, which then requires adoption at higher levels i.e. the Grand National Assembly. This undermines the effectiveness that is expected to contribute to project impact.

Twinning projects sometimes suffer when project outputs are delivered via components that are shared among Twinning consortium partners.

IV. Impact

Illustrative examples: good cases

TR0402.06 TR04-FI-01 Strengthening the Capital Markets Board (CMB)

Performance rating: highly satisfactory (+3)

Sector: Finance and Statistics

Support to the CMB has generated good immediate and intermediate impacts, and it has also assisted in the wider impact of strengthening confidence in the Turkish financial markets. The project has had good capacity building impacts, with considerable participation of CMB staff in working groups, training and study tours. Intermediate impacts include enhanced investor protection through transposition of relevant directives such as the Prospectus Directive. Intermediate and wider impact will be enhanced through the adoption of the new Capital Markets' Law developed through the project.

The wider impacts are particularly important, including enhancing investor perception of the stability and transparency of financial markets in Turkey, as well as increased investments in Turkish financial markets. Strengthening the capacity of the CMB in its own roles and its response to the EU institutions is an important factor in international ratings, which, in turn, is influential in guiding investors.

TR03-EN-01 / TR0302.03 Air quality, chemicals, waste: Component Waste

Performance rating: satisfactory (+2)

Sector: Environment

As the new Environment Law has been enacted before, the operational guidelines and the by-laws could be effective resulting in producing the targeted impacts (except for the Chemical component which has been implemented by a TA contract). The programme's Air Quality and Waste Management components have significant immediate impact on the Ministry of Environment in terms of improved understanding of the EU acquis, improved technical skills, and enhanced coordination between relevant authorities. However, this feedback is not supported by objectively verifiable and quantitative information. The wider impact in terms of improved environmental conditions will depend on the enforcement of the new legal requirements. Furthermore, the wider impacts will require strengthening the provincial and municipal capacities as well as public and private sector infrastructure investments. For example, the estimated solid waste management investments are estimated to be about € 15-16 billion.

TR 05 03.05 Establishment of an IPA Rural Development Agency

Performance rating: Satisfactory (+2)

Sector: Agriculture and Rural Development

IPARD Agency shows as immediate impact a functioning independent agency at arm's length from MARA, with all systems operational and staff either trained or being trained. The intermediate impact of the programme can be defined as the successful utilisation of the available IPARD funds during the years to come. Given the progress in preparation for the first programming year of 2007 (implementation as of 2009), the likelihood that this intermediate impact will be realised is high. The wider impact of the programme may be that MARA becomes aware of the functionality of an independent agency and enhance establishing similar bodies. In terms of wider impact, the programme contributes implementation of agriculture strategies and Turkey's agricultural sector becoming closer to EU common agricultural policy. By this agency, Turkey will be able to utilise EU grants for agricultural holdings and for rural development initiatives. After accession, this agency may become the paying agency for structural funds interventions in the agricultural and rural development sectors.

TR 0304.01 Improving the Skills of Forensic Experts

Performance rating: satisfactory (+2)

Sector: Justice and Home Affairs

The Forensic Capacity programme has significant immediate impact with specific and clearly defined objectives. The KPL has upgraded its technical skills and knowledge through the training and study visits. This has enabled the adoption of new methods in specialist forensic fields and criminal investigations. Awareness of the importance of physical evidence during crime investigation has increased, and this is demonstrated by the increasing number of requests for forensic examination. However, the overall impact is likely to be undermined by the inadequate infrastructure of the regional laboratories, which will prevent QMS accreditation. Current legislative restrictions impede the capability of the law enforcement authorities to use forensic science in the investigation of crime. The impact of EU assistance in this area would be enhanced by better coordination between law enforcement bodies, and more clearly defined responsibilities in line with EU best practices.

TR04.02.02 Market Surveillance Support Textiles and Other Products

Performance rating: Satisfactory (+2)

Sector: Internal Market

The programme has delivered good immediate and intermediate impacts. The strategies prepared through the interventions should result in better-planned market surveillance activities. The first strategy prepared for MoLSS was adopted and implemented in 2007. Furthermore, the inspections have been carried out in the 70 targeted markets. However, the beneficiary has not compiled the statistical data. Another intermediate impact is the effective sharing of information and experience by the sector stakeholders, which had been very limited previously. Other intermediate impacts are: strengthened cooperation with major NGOs who were involved in some of project activities, which provide training for the suppliers on standardisation and CE certification in the future; the seminar on accreditation served as a 'spin-off' for the development of a proposal that was approved for 2008 programming; two MoLSS laboratories were equipped which will have an immediate impact on their accreditation status; a Working Manual for inspection was developed enhancing the effectiveness and transparency of inspections. Wider impacts will become visible over time as progress in this sector has a direct bearing on integration with EU markets with benefits for producers and consumers.

Illustrative examples: less successful cases

TR 0403.03 Restructuring and Strengthening of the Food Safety and Control System in Turkey

Performance rating: unsatisfactory (-2)

Sector: Agriculture and Rural Development

Immediate impact of Food Safety and Control programme is negligible. The Food Safety Department within GDPC of MARA has no powers to implement any of the outputs in line with EU practice and regulations. Food inspectors in the 81 Provinces are subordinated to their Governors and do not have sufficient mandate to conduct independent inspections. At the central level, the present legal, organisational and power structures prevent the outputs from being turned into real results.

Intermediate impact of this project exist to a limited extent. The MARA staff at the central and provincial levels have raised awareness on the EU food safety and control concepts and implementations; and it is likely that they will bring some of these notions into practice. This may also lead gradually to the adoption of EU compliant concepts on food safety and control by MARA's top management.

Wider impact of the programme would expected to be the introduction of food safety and control systems in all links of the food chain. However, the programme will not realise these impacts, if an EU-compliant Food Law is not adopted and the administrative structures have not been changed.

2. TR 0401.05 Ombudsman

Performance rating: highly unsatisfactory (-3)

Sector: Justice and Home Affairs

Support to Ombudsman programme has no impact as it has been cancelled. The Ombudsman Law, which should contribute to improved efficiency in the public administration, was adopted in June 2006. The Ombudsman Law was subsequently vetoed by the President in July 2006. Since the selection of the twinning partner in December 2004, there has been no progress in meeting the pre-conditions, or in preparing the contract. The pre-conditions are the adoption of the Ombudsman Law, appointment of the senior Ombudsman staff, and allocation of budget for the institution.

Preliminary analysis

The impact of the twinning programs undertaken have been improved over time since 2002 as the capacity and awareness of the beneficiaries have developed considerably. Most of the projects undertaken have produced moderately satisfactory immediate and intermediate impacts. A number of positive immediate and some intermediate impacts are achieved mainly resulting from training and awareness raising provided by the twinning programs. Pre-conditions and conditionalities have played an important role in achieving the impacts of the interventions.

In the Justice and Home Affairs sector, immediate impacts are adequate while prospects for wider impacts seem still limited and depend strongly on the commitments at higher level authorities to institutionalize and enforce the intervention results. For example, adequate impacts are likely to be achieved within the Protecting People sub-sector whereas less is expected for the Law Enforcement subsector. A rather problematic example is however Establishment of Courts of Appeal project, where the planned impact depends on decision of the beneficiary to provide appropriate staff for the new courts. The Forensic Capacity program has significant impact with specific and clearly defined objectives, adopting new methods in specialist forensic fields and criminal investigations. An example for unsatisfactory intervention is the Support to Ombudsman program which has no impact as it has been cancelled due to unsatisfied pre-condition of the adoption of Ombudsman Law which was vetoed. Also, even though the Border Police Training project has produced a border management action plan, the lack of coordination among different beneficiaries resulted in almost no impact.

Across the Agriculture Sector, prospects for immediate impact vary. Needs for improvement in legislation and the limited capacity of beneficiaries to inherit outputs inhibit results in the Food Safety and Phytosanitary subsectors. However, in the Veterinary and Common Agricultural Policy subsectors, impacts are beginning to manifest themselves through improved control of animal disease and a functioning Rural Development Paying Agency and a working Farm Accountancy Data Network system in nine provinces. Wider impacts are more positive in all subsectors although in some cases this may require further development of legislation and procedures. One of the good examples in this sector is the IPARD Agency project implemented by MARA with an immediate impact of a functioning independent agency with all systems operational and

staff either trained or being trained. The intermediate impact of this program can be defined as the successful utilisation of the available IPARD funds in the coming years.

As the Environment Law has been enacted by the Turkish government well ahead, the interventions in the Environment Sector could produce most of the targeted impacts with some exceptions. As the immediate impact, secondary legislation and strategies developed, the operational guidelines produced, and important the by-laws are already enacted. However, the beneficiary and other stakeholders need to act on the action plans and strategies developed by the twinning support, as well as make clear commitments to materialise the results as wider impacts. For example, the Air Quality and Waste Management components of the environment project have significant immediate impact on MoE in terms of improved EU acquis understanding, technical skills and coordination among stakeholders; however, the wider impacts will mainly depend on significant investments at local level.

The best example among the twinning projects implemented in Turkey is the Support to the Capital Markets Board which has generated good immediate and intermediate impacts, and has also assisted in the wider impact of strengthening confidence in the Turkish financial markets. The Finance and Statistics sector has had good immediate impacts and intermediate impacts are adequate. Wider impacts are expected to improve the programming of EU assistance. In the Public Finance sub-sector, services to taxpayers have been improved through provision of access to tax information system. Intermediate and wider impacts are limited and not visible yet.

V. Sustainability

Illustrative examples: good cases

TR0303.07 Turkish Rail Sector Re-Structuring and Strengthening

Performance rating: satisfactory (+2)

Sector: Environment, Energy & Transport

“Prospects for the sustainability of Transport assistance are good due to political support, the planning of follow-on capacity building support, the involvement of relevant institutions, and emphasis on the training of trainers”.

Beneficiary has confirmed strong political support for the Railway Sector reform, and for timely adoption of the new legal framework prepared by the twinning assistance. Specific interest of the beneficiary in the new financial management system contributes to sustainability.

“Moreover, sustainability is likely to benefit from the focus on the transport sector in the framework of the Instrument for Pre-Accession. Finally, sustainability is enhanced by plans for follow-up pre-accession support for capacity building for the reformed TCDD under the 2007 programme.”

TR 0603.05 Strengthening Capacity of Turkish Grand National Assembly

Performance rating: Satisfactory (+2)

Sector: Justice and Home Affairs

“Although it has only recently been contracted, prospects for sustainability of ‘Strengthening the TGNA’ project are good. The main target group is permanent staff of TGNA, and the Office for EU Affairs has already been

established and staffed. Stability of staffing is good and there is a clear legislative framework in place for its operation.”

TR 0603.03 Improvement of the Conditions for Cross Border Electricity Trade in Turkey in Compliance with the Best Practice in EU

Performance rating: satisfactory (+2)

Sector: Environment, Energy & Transport

“Results from both Energy projects are likely to be sustained due to good commitment on the part of the beneficiaries and with NGOs and other stakeholders (for Energy Efficiency) is a good model for achieving policy objectives.”

Beneficiary ensures sustainability of the training results by establishing a pool of well-informed and experienced national staff as well as by identifying potential trainees from those very unlikely to leave the institution.

TR0302.05 Strengthening the Audit Capacity of the Court of Accounts

Performance rating: satisfactory (+2)

Sector: Finance and Statistics

Strong beneficiary commitment and good staff capacities indicate that project results are likely to be maintained. Sustainability of the training outputs is ensured by the systematic development of internal training capacity, including a pool of trainers and training materials.

However, similar to other twinning assistance received for legislative alignment, the project had one concern for sustainability: the new Turkish Court of Accounts legislation was still not adopted although this was expected in the near future then. A good prospect for beneficiary commitment and ownership is that a contingency plan was to be developed to enable project implementation to continue in the event that the legislation does not come into effect before the end of the project.

Illustrative examples: less successful cases

TR 0203.06 Support for the alignment to the EU *acquis* in the phytosanitary sector

Performance rating: unsatisfactory (-2)

Sector: agriculture and fisheries

Sustainability has been a major concern in adoption of the legislation in the phytosanitary sector and some other factors such as construction of a national reference laboratory, and improvement of MARA's structure and capacity. The sustainability has been unsatisfactory.

The intervention has been improved by a new project (TR 603.09) in this sector, which also includes a twinning component producing the outputs efficiently and effectively. Similarly, the sustainability of this new intervention is dependent on several conditions. The most important one is the improvement of the insufficient organisational structure of MARA for administration and implementation related to the seed sector. In this perspective, sustainability is not guaranteed. However, sustainability of the legislative outputs of the programme seems to be ensured, based on the fact that 11 out of 12 regulations have already been put into force; by the end of the programme the seed sector will have its legislation in line with EU requirements. There are still some doubts concerning the likelihood that the proposals for new legislation and organisational changes to be produced by the twinning team will be implemented.

TR0303.02 Fisheries sector - legal and institutional alignment to the EU *acquis*

Performance rating: unsatisfactory

Sector: agriculture and fisheries

Sustainability was a significant cause for concern for Phare fisheries programmes. The limited programme management and absorption capacity of MARA is constraining the sustainability of the interventions. Continuation of the restructuring of MARA and sufficient staffing are necessary to enable sustainability of the project. Sustainability hinges upon the adoption and ownership of the Fisheries Framework Law in line with the *acquis*.

TR 0503.01 Reinforcement of Institutional Capacity for Establishing a Product Safety System in Turkey

Performance rating: unsatisfactory (-2)

Sector: internal market and certification

The sustainability of the *Product Safety* project is unsatisfactory since few results have been achieved. The twinning contractor prepared a proposal for a new institutional framework for product safety. However, it is unclear whether there is sufficient ownership of this proposal at senior decision-making level to ensure implementation during the lifetime of the project. In the absence of its adoption and implementation, there will be little progress in preparation for a standardized notifications system in Turkey. Even though training is delivered to inspectors, the capacity developed is at risk if institutional restructuring is not achieved. No progress has been made to date on the identification of national contact points, but preparatory work is ongoing.

TR 0603.10 Improving Labour Inspection System

Performance rating: moderately unsatisfactory (-1)

Sector: Social Sector

The knowledge and materials generated by the assistance will be used by the Labour Inspection Board (LIB), which is sufficient to meet its current capacity needs. However, this will not be sufficient if the targeted objectives of the project are to be achieved to meet the prevailing International Labour Organisation (ILO) standards for numbers of inspectors. This will require the training of significant numbers of new staff, a task that would significantly stretch its current training capacities. The knowledge base developed under the assistance will need to be constantly updated as the EU regulatory and legal environment changes. Sustainability would be much strengthened by greater ownership by the social partners, which has been lacking.

Preliminary analysis

A substantial number of projects (26 out of 58) are evaluated as satisfactory. Good examples reveal that projects with good prospects for sustainability are among those with good scores for all the other criteria as well.

Factors leading to a high level of sustainability are mainly related to political support, institutional commitment particularly at senior policy levels, follow-on capacity building plans of the beneficiary institutions, stability of staffing to sustain project results.

Political support is crucial particularly to sustain the results achieved related to legislative alignment for which most of Twinning assistance has been provided. However, Draft primary and secondary legislation developed through the project activities, require adoption at higher levels mostly by the Grand National Assembly. On the other hand there are cases where beneficiaries take actions to accelerate the process.

Good evidences of commitment and ownership supporting sustainability are that beneficiaries have allocated adequate resources to further develop project results. Examples exist as establishment of new structures/offices and of trainers pools to carry out future training activities, ensuring that outputs of institution building and training components are sustained.

Explorative interviews with the Sector managers at EC Delegation confirm that sustainability of Twinning assistance is also supported by further cooperation of the beneficiary institutions with their Twinning partners after the project ends.

Moreover, sustainability is likely to benefit from the focus on sectors in the framework of the Instrument for Pre-Accession