

## **ADDENDUM No 1**

TO THE FINANCING AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE COMMISSION OF THE EUROPEAN COMMUNITIES CONCERNING THE NATIONAL PROGRAMME FOR TURKEY 2010 UNDER THE INSTRUMENT FOR PREACCESSION ASSISTANCE – TRANSITION ASSISTANCE AND INSTITUTION BUILDING COMPONENT – Part 2

The European Union (hereinafter referred to as "the Union"), represented by the European Commission (hereinafter referred to as "the Commission"), which is represented for the purposes of signing this addendum by Alexandra Cas Granje, Director of Directorate B in DG Enlargement,

and

The Government of the Republic of Turkey (hereinafter referred to as "the beneficiary country"), represented for the purposes of the signature of this addendum by the H. E. Ambassador Haluk Ilıcak, National IPA Coordinator (NIPAC), of the other part,

Having regard to the Financing Agreement concerning the National Programme for Turkey 2010 concluded between the Commission and the beneficiary country (hereinafter referred to as "the Financing Agreement"),

HAVE AGREED AS FOLLOWS:

### **Article 1 – Nature and Subject**

Following the adoption of the Commission Decision C(2013) on 4663 amending the National Programme for Turkey 2010, the Financing Agreement for National Programme for Turkey 2010 concluded on 19 September 2011 is herewith modified as follows:

### **Article 1 THE PROGRAMME**

The Commission will contribute, by way of grant, to the financing of part 2 of the National Programme for Turkey under the IPA Transition Assistance and Institution Building Component for 2010 (Programme number: IPA 2010/022-518), which is set out in Annex A to this Agreement.

Part 2 of the IPA National Programme 2010 for Turkey (hereafter "the Programme") consists of the following projects:

TR2010/0136.01 Improved Strategic Management Capacity  
TR2010/0136.02 Support to the Local Human Rights Boards and Women's Rights Awareness  
TR2010/0136.03 Prevention of Domestic Violence against Women  
TR2010/0136.04 Promoting Gender Equality in Education  
TR2010/0136.05 Increasing Primary School Attendance Rate of Children  
TR2010/0136.06 Supporting Social Inclusion through Sports Education  
TR2010/0136.07 Fight Against Violence Towards Children  
TR2010/0136.08 Justice for Children  
TR2010/0136.09 Towards an effective and professional Justice Academy  
TR2010/0136.10 Improvement of Enforcement Services in Prisons  
TR2010/0136.11 Strengthening witness protection capacities  
TR2010/0136.12 Improved Relations Between Mass Media and Judiciary  
TR2010/0136.13 Improved Court Expert System  
TR2010/0136.14 Enhancing the Protective Measures for Women Subjected to Violence  
TR2010/0136.15 "Protection and provision of basic services to the out-of-the-camp Syrians in Turkey"  
TR2010/0301.01 Strengthened Market Surveillance System For ICT sector  
TR2010/0310.01 Prevention of anti-competitive behaviors in the electronic communications sector  
TR2010/0311.01 Digitisation of Land Parcel Identification System  
TR2010/0312.01 Oral Vaccination Against Rabies  
TR2010/0312.02 Control of Foot and Mouth Disease- Phase 2  
TR2010/0314.01 Improved Maritime Education and Training  
TR2010/0314.02 Control of Ship-Sourced Emissions  
TR2010/0314.03 Reform of Turkish Railways  
TR2010/0315.01 Harmonisation of Transmission System for Electricity  
TR2010/0322.01 Regional Investment Climate Assessment in Turkey  
TR2010/0322.02 Boosting Regional Competitiveness in Turkey  
TR2010/0324.01 Establishment of Reception and Removal Centres – phase II  
TR2010/0327.01 Alignment in Bathing Water Monitoring  
TR2010/0327.02 Implementation of by-law on Strategic Environmental Assessment  
TR2010/0327.03 Implementation of Persistent Organic Pollutants Regulation  
TR2010/0327.04 Better Air Quality By Transposing The Large Combustion Plant Directive  
TR2010/0327.05 Capacity Building to implement the Flood Directive  
TR2010/0328.01 Recruitment of Future Blood Donors  
TR2010/0135.01 Civil Society Dialogue III TR2010/0740.01 Enhanced Support Activities to Strengthen the European Integration Process

Project TR2010/0136.15 "Protection and provision of basic services to the out-of-the-camp Syrians in Turkey" will be implemented through a joint management mode with the United Nations High Commissioner for Refugees (UNHCR).

Article 5 (1) The individual contracts and agreements which implement this Agreement shall be concluded no later on than 19 September 2014.

Execution and disbursement deadlines are aligned with the new contracting deadline except for projects TR2010/0136.09 "Towards an Effective and Professional Justice Academy", TR2010/0136.10 "Improvement of Enforcement Services in Prisons", TR2010/0311.01 "Digitization of Land Parcel Identification System" for which the execution period is extended by additional 12 months.

Annex A to the Financing Agreement is replaced with the Annex to this addendum.

## Article 2

All other Terms and Conditions of the original Financing Agreement for National Programme for Turkey 2010 remain unchanged.

## Article 3

This addendum to the Financing Agreement is drawn up in duplicate in the English language.

## Article 4 – Entry into force

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

## SIGNATURES

For the Government of the Republic of  
Turkey,

*H. E. Ambassador Haluk Ilıcak, National IPA  
Coordinator (NIPAC), Undersecretary  
Ministry for EU Affairs*

For the European Union,

*Alexandra Cas Granje, Director of  
Directorate B in DG Enlargement*

signature: \_\_\_\_\_

signature: \_\_\_\_\_

Done at Ankara, .....19/8/2013.....

Done at Brussels, .....26 JUIL. 2013.....

ANNEX

**NATIONAL PROGRAMME FOR TURKEY UNDER THE IPA-TRANSITION  
ASSISTANCE AND INSTITUTION BUILDING COMPONENT FOR THE YEAR 2010**

**IDENTIFICATION**

Beneficiary	Turkey
CRIS number	2010/022-518, 2010/022-563, 2010/022-565
Year	2010
Cost	EUR 217 809 826
Implementing Authority	<p>The Implementing Agency responsible for the execution of the projects is the Central Finance and Contracts Unit (CFCU) at the Under-Secretariat of the Treasury except for:</p> <p>Project TR2010/0465.01 "Participation in Union Programmes and Agencies", where implementation will consist in the payment by the National Fund of the IPA part of the financial contribution to the programmes.</p> <p>Project TR2010/0329.01 "Modernisation of the Turkish Customs Administration VII" which will be cross-sub-delegated from DG Enlargement to the Commission's Directorate-General Taxation and Customs Union (DG TAXUD).</p> <p>Project TR2010/0324.02 "Regional Cooperation on Border Management among Turkey, Greece and Bulgaria Phase 1" will be implemented through joint management mode with the IOM.</p> <p>Project TR2010/0136.15 "Protection and provision of basic services to the out-of-the-camp Syrians in Turkey" which will be implemented through the joint management mode with the UNHCR.</p>
Final date for concluding the Financing Agreements	<p>At the latest by 31 December 2011</p> <p>Three separate Financing Agreements are foreseen, one for the centralised projects (2), one for the project TR2010/0465.01 "Participation in Union Programmes and Agencies" and one for the remaining decentralised projects (35).</p>
Final date for contracting	<p>3 years following the date of conclusion of the Financing Agreements.</p> <p>No deadline for audit and evaluation projects covered by the Financing Agreements, as referred to in Article 166(2) of the Financial Regulation.</p>

	These dates apply also to the national co-financing.
Final dates for execution	2 years following the end date for contracting, except for the projects TR2010/0136.09 "Towards an Effective and Professional Justice Academy", TR2010/0136.10 "Improvement of Enforcement Services in Prisons", TR2010/0311.01 "Digitization of Land Parcel Identification System" for which it is necessary to extend the execution period by additional 12 months.  These dates apply also to the national co-financing.
Sector Code	15160 (priority axis 1 – Political Criteria); 15110 (priority axes 2 and 4 – <i>acquis</i> alignment and support activities as well as project TR2010/0465.01) and 15150 (project TR2010/0135.01)
Budget line concerned	22.02.01
Programming Task Manager	DG ELARG Unit B3 (European Commission, Brussels)
Implementation Task Manager	Head of Operations section, EU Delegation to Turkey

## PRIORITY AXES / PROJECTS

### 2.a Priority axes

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

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

The IPA 2010 component I programme includes 38 projects selected among the priorities identified in the 2009-2011 MIPD after analysis of the Turkish authorities and consultation with the Commission, according to the priorities identified in the Accession Partnership, the screening process and ongoing negotiations in the different chapters of the *acquis*. The main reference documents for the Turkish side were the National Programme for the Adoption of the *Acquis*, the 9<sup>th</sup> National Development Plan as well as key sector strategies.

As part of the programming process, only projects that have achieved sufficient readiness for implementation have been accepted. Efforts were made to better focus projects on the political priorities of the accession process as well as on aligning them with sector priorities. The Commission is currently reviewing the priorities to be established for the 2011-2013 period together with Turkey. As part of this process, Turkish authorities have set up sector

working groups to review existing strategies and identify sector priorities for financial assistance for the coming years. Based on the results of the working groups and priority areas selected, sectors suitable for a sector approach could be identified in the future.

**Priority 1: Progress towards fully meeting the Copenhagen political criteria**

This priority axis will include 15 projects and cover approximately 20.64% of the programme's budget and focuses on judicial reform, support to law enforcement services and human rights, being fundamental for Turkey's political reform process. Strong emphasis is given on promoting women's and children's rights through several projects in the education and justice sector. Public administration reform is also supported to strengthen Turkey's strategic management capacity, of crucial importance for future sectoral programming.

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

This priority axis will include 20 projects and cover approximately 37.31% of the programme's budget and provides assistance to key areas related to negotiation chapters where Turkey is harmonising its legislation and standards with the EU and requires assistance to strengthen its institutional capacity to implement and enforce the *acquis communautaire* with a particular focus on those areas where the requirements are extensive in terms of legislative alignment and investment needs. Priority areas to be addressed are the Environment chapter (accession negotiations opened in December 2009) Agriculture and Food Safety (accession negotiations on chapter 12 opened in June 2010), Justice, Freedom and Security (Migration/Asylum), Regional Policy, Transport and Energy, Free Movement of Goods and Public Health.

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

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

**Priority 4: Supporting activities**

This priority axis will cover approximately 6.57% of the programme's budget and supports project preparation and capacity building related to the implementation of IPA assistance.

**2. b Description of projects grouped per priority axes and (if relevant) per measure<sup>1</sup>**

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

<sup>1</sup> All budget amounts provided relate only to the IPA contribution, for a detailed breakdown see point 3.1 "Indicative budget table"

*Public Administration Reform (EUR 2.3 million in total)*

TR2010/0136.01	2.3	<p><u>Project purpose:</u> To realise more effective strategic planning with higher impact by central public administration, being a crucial element of public administration reform.</p> <p><u>Implementation:</u> 1 service contract (EUR 2.2 million) for capacity development measures tender launched 2<sup>nd</sup> quarter 2011. 1 supply contract (EUR 0.2 million) for necessary hardware/software equipment tender launched 4<sup>th</sup> quarter 2011.</p>
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*Human Rights/Women's rights (EUR 10.7 million in total)*

TR2010/0136.02	2.3	<p><u>Project purpose:</u> To improve human rights violation complaints and investigation mechanisms and to raise awareness among the society on human rights, with a special focus on women's participation in social, economic and cultural life and to prevent domestic violence and honor killings.</p> <p><u>Implementation:</u> 1 service contract for training and awareness raising activities, launched 2<sup>nd</sup> quarter of 2011.</p>
TR2010/0136.03	2.8	<p><u>Project purpose:</u> To ensure that women are provided with sufficient protection against domestic violence and enhance human rights for women.</p> <p><u>Implementation:</u> 1 service contract for capacity building, training and awareness raising activities launched 3<sup>rd</sup> quarter 2011.</p>
TR2010/0136.04	3.2	<p><u>Project purpose:</u> To promote gender equality and equal opportunities for girls and boys in schools and capacity development on gender sensitive approaches to teaching and learning.</p> <p><u>Implementation:</u> 1 service contract for capacity building, training, review of legislation and textbooks and awareness raising activities launched 2<sup>nd</sup> quarter 2011.</p>
TR2010/0136.14	2.4	<p><u>Project purpose:</u> to enhance the service ability of the shelters that women, who are victimized from and under the risk of violence, get effective protection and availing of the electronic support systems to protect the victims of violence more efficiently.</p> <p><u>Implementation:</u> 1 service contract (EUR 0.1 million) launched in 2<sup>nd</sup> quarter of 2013 and 1 supply contract (EUR 2.3 million) to be launched in 1<sup>st</sup> quarter 2014</p>

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

- TR2010/0136.05      2.9      Project purpose: To increase the attendance rates in primary education by taking measures to decrease drop-outs and non attendance rates, targeting areas with a high concentration of vulnerable groups.
- Increasing  
Primary School  
Attendance Rate  
of Children
- Implementation: 1 service contract to develop a revised language training programme, provide training and awareness raising launched 2<sup>nd</sup> quarter 2011.
- TR2010/0136.06      2.1      Project purpose: To increase social inclusion and cohesion in pilot areas of Southeast Turkey by realising preparatory studies and management structures for new sports facilities and supplementary education opportunities for youth and children.
- Supporting Social  
Inclusion through  
Sports Education
- Implementation: 1 service contract to develop curriculum for recreational training programmes and provide training to school personnel launched 2<sup>nd</sup> quarter 2011.
- TR2010/0136.07      2.7      Project purpose: To reduce and prevent violence towards children through increased capacities of follow up and prevention services by developing policies for taking legal measures and promotion of Counselling Services, developing a Safer School Model which is free from physical, emotional, verbal and psychological violence and increasing the awareness of parents, NGO members, non-teaching staff, teaching staff and students.
- Fight Against  
Violence  
Towards Children
- Implementation: 1 service contract for policy development and awareness raising activities launched 2<sup>nd</sup> quarter 2011.
- TR2010/0136.08      3.3      Project purpose: Effective implementation of the Child Protection Law and full realisation of all rights of the children in contact with the law through protecting children's right to fair trial, improve inter-sectoral collaboration in the juvenile justice system and ensure high standard of services provided to children deprived of liberty.
- Justice for  
Children
- Implementation: 1 direct grant contract with UNICEF (EUR 2.8 million) given their previous experience within the area of children's rights in Turkey and *de facto* monopoly situation as the only institution combining the necessary features, the award is made in accordance with the Implementing Rules, Article 168.1.c. Award procedure to be launched 1st quarter 2011. 1 supply contract (EUR 0.5 million) for interview rooms in court house, tender launched 2<sup>nd</sup> quarter 2011.

*Judiciary (EUR 20.8 million in total)*

- TR2010/0136.09      1.9      Project purpose: Support the Academy to become a strong and independent training provider for the entire judiciary to attain a high degree of professionalism.
- Towards an  
effective and



professional Justice Academy		<u>Implementation:</u> 1 twinning** (EUR 1.1 million) contract, selection procedure to be launched 1 <sup>st</sup> quarter 2011. 1 supply contract for a language laboratory and library (EUR 0.4 million) to be launched 4 <sup>th</sup> quarter 2011. 1 service contract for translations (EUR 0.4 million) launched 4 <sup>th</sup> quarter 2011.
TR2010/0136.10 Improvement of Enforcement Services in Prisons	5.0	<u>Project purpose:</u> To contribute to a well-defined, standardised and structured enforcement service, including a system ensuring rehabilitation, treatment and successful reintegration of prisoners into society as well as prison staff performing in line with European standards.  <u>Implementation:</u> 1 twinning** contract (EUR 1.9 million) selection procedure to be launched 1 <sup>st</sup> quarter 2011. 1 service contract to develop a classification and risk assessment system (EUR 1.7 million) and 1 supply contract (EUR 1.4 million) for a distance learning centre, both to be launched 2 <sup>nd</sup> quarter 2011.
TR2010/0136.11 Strengthening witness protection capacities	1.0	<u>Project purpose:</u> To strengthen the institutional capacity of the Ministry of Justice, Turkish National Police and Gendarmerie on the implementation of an effective witness protection system.  <u>Implementation:</u> 1 twinning** contract selection procedure launched 1 <sup>st</sup> quarter 2011
TR2010/0136.12 Improved Relations Between Mass Media and Judiciary	1.6	<u>Project purpose:</u> To create a judiciary spokespersonship and to create a sound functioning relationship between judiciary and independent media.  <u>Implementation:</u> 1 twinning** contract, selection procedure launched 1 <sup>st</sup> quarter 2011.
TR2010/0136.13 Improved Court Expert System	1.4	<u>Project purpose:</u> To complete reform and standardization of the court expert system with a view to maximise the efficiency, effectiveness and impartiality of the judiciary.  <u>Implementation:</u> 1 twinning** contract, selection procedure launched 1 <sup>st</sup> quarter 2011.
TR2010/0136.15 Protection and provision of basic services to the out-of-the-camp Syrians in Turkey	9.9	<u>Project purpose:</u> to strengthen the reception and assistance capacity of the Turkish Government in granting international protection to Syrian nationals seeking protection in Turkey.  <u>Implementation:</u> The project will be implemented through joint management with the United Nations High Commissioner for Refugees (UNHCR) in accordance with the Financial Regulation Article 53 d point c, given that the Commission and the international organisation elaborate a joint project or programme. On the 4th quarter of 2013 a contribution agreement will be concluded with the UNHCR in accordance with the Financial and Administrative Framework Agreement (FAFA) concluded between the European Commission and the United Nations on 29 April 2003.

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

*Free movement of goods (EUR 1.7million in total)*

TR2010/0301.01 Strengthened Market Surveillance System For ICT sector	1.7	<p><u>Project purpose:</u> To establish a modern and efficient product safety system in the information and communications technology (ICT) sector through strengthening of the existing market surveillance structures, determining appropriate administrative organisation and introducing standardised information system, in line with the European Union's rapid exchange of information system (RAPEX) on risky products.</p> <p><u>Implementation:</u> 1 twinning** (EUR 0.7 million) selection procedure to be launched 1<sup>st</sup> quarter 2011, 1 service contract for software development (EUR 0.9 million) and 1 supply contract for hardware (EUR 0.1 million) both to be launched 2<sup>nd</sup> quarter 2011.</p>
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*Information Society/Competition (EUR 0.9 million in total)*

TR2010/0310.01 Prevention of anti-competitive behaviors in the electronic communications sector	0.9	<p><u>Project purpose:</u> To strengthen implementation capacity of the Information and Communications Technology Agency (ICTA) with regard to the assessment of anti-competitive behaviours and development of required measures and remedies in order to achieve workable competition in the sector as outlined by the EU <i>acquis</i>.</p> <p><u>Implementation:</u> 1 service contract for legislative review/drafting launched 2<sup>nd</sup> quarter 2011.</p>
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*Agriculture and Food Safety (EUR 47.8million in total)*

TR2010/0311.01 Digitisation of Land Parcel Identification System	39.3	<p><u>Project purpose:</u> To establish information components of Land Parcel Identification System (LPIS) that corresponds to EU standards and legislation by creating digital orthophotos and digital geographical database of reference parcels covering whole Turkey as one basic element of the Integrated Administration and Control System (IACS) for the efficient and controlled management of direct payment schemes and selected Rural Development Plan (RDP) measures on behalf of farmers and the protection of food safety and environment.</p>
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Implementation: 1 service contract for acquisition of orthophotos (EUR 19 million), 1 service contract for quality control (EUR 3.8 million) and 1 service contract for the digitalisation of the LPIS (EUR 16.5 million), all tenders to be launched in the 2<sup>nd</sup> quarter of 2011.

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| TR2010/0312.01<br>Oral Vaccination<br>Against Rabies               | 1.9 | <u>Project purpose:</u> Control of sylvatic rabies in wild carnivore animals, and thereby the reduction of the risk of farm animals and humans to become infected with rabies.<br><br><u>Implementation:</u> 1 supply contract for vaccines launched 2 <sup>nd</sup> quarter 2011.   |
| TR2010/0312.02<br>Control of Foot<br>and Mouth<br>Disease- Phase 2 | 6.6 | <u>Project purpose:</u> Continued control of Foot and Mouth Disease (FMD) by mass vaccination of animals in order to minimise the outbreaks (follow up to TR0603.02 funded under Turkey National Programme 2006).<br><br><u>Implementation:</u> 1 supply contract (EUR 6.4million) for vaccines and 1 supply contract (EUR 0.2 million) for sero-surveillance equipment both to be launched in 2 <sup>nd</sup> quarter 2011. |

*Transport and energy (EUR 10.7 million in total)*

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| TR2010/0314.01<br>Improved<br>Maritime<br>Education and<br>Training | 1.2 | <u>Project purpose:</u> To improve maritime safety through enhanced training, education and certification of seafarers by establishing a long term education strategy, legal alignment and training of trainers.<br><br><u>Implementation:</u> 1 twinning** contract selection procedure launched 1 <sup>st</sup> quarter 2011.  |
| TR2010/0314.02<br>Control of Ship-<br>Sourced<br>Emissions          | 1.5 | <u>Project purpose:</u> To strengthen administrative capacity and take measures to control ship-sourced emissions.<br><br><u>Implementation:</u> 1 twinning** (EUR 1.1 million) selection procedure launched 1 <sup>st</sup> quarter 2011. 1 service contract (EUR 0.4 million) to develop an emission control software, tender launched 2 <sup>nd</sup> quarter 2011.           |
| TR2010/0314.03<br>Reform of<br>Turkish Railways                     | 2.1 | <u>Project purpose:</u> to strengthen institutional, technical and administrative capacity of the General Directorate of Railway Regulation (DGRR) and improve the legislative and institutional harmonization in the railway sector with the EU <i>acquis</i> .<br><br><u>Implementation:</u> 1 service contract (EUR 2.1 million) to be launched 4 <sup>th</sup> quarter 2013. |
| TR2010/0315.01<br>Harmonisation of<br>Transmission<br>System for    | 1.4 | <u>Project purpose:</u> To harmonise the Turkish Power System Transmission Code in line with European Network of Transmission System Operators (ENTSO) for Electricity technical/market requirements to improve the overall interconnected power system  |

Electricity

operational security and quality of supply for the end users.

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

**Regional**

**Policy**

**and coordination of structural instruments (EUR million in total)**

TR2010/0322.01

2.7

Regional  
Investment  
Climate  
Assessment  
in Turkey

Objectives and results: to provide comprehensive assessment of the investment climate of 26 NUTS II regions and to build capacity at regional and central institutions that will conduct regional investment climate assessment in the future with their own capacity

Generic description of activities to be funded under the grant: to produce regional ICA Reports with a comprehensive analysis of investment climate and competitiveness of the business sector in Turkey.

EU co-financing maximum possible is 90% of the eligible cost of the action.

Implementation: 1 direct grant contract with the World Bank, will be concluded in accordance with Article 190 (1) f of the Rules of Application (RAP) to the Financial Regulation (FR). The WB has demonstrated its unique technical expertise in conducting investment climate assessment. Award procedure to be launched 4<sup>th</sup> quarter 2013.

TR2010/0322.02

1.8

Boosting  
Regional  
Competitiveness  
in Turkey

Objective and results: to conduct sector prioritization analysis in Turkey at the regional level, in harmony with national priorities, in order to provide input to the next regional and national development plans; the project also aims to build capacity within regional and central institutions.

EU co-financing maximum possible is 90% of the eligible cost of the action.

Generic description of activities to be funded under the grant  
Development of a framework to identify the competitive sectors at the regional level and identification of priority sectors by each region  
Building capacity and provision of trainings at the central and regional level

Implementation: 1 direct grant contract with the OECD will be concluded in accordance with Article 190 (1) f of the Rules of Application (RAP) to the Financial Regulation (FR). The OECD has developed its own methodology for identifying competitive sectors in countries and has a high degree of specialisation in the field of conducting sectoral competitiveness studies, which will be comparable with each other. Award procedure to be launched 4<sup>th</sup> quarter 2013.

*Justice Freedom Security – Migration/Asylum (EUR 11.4 million in total)*

TR2010/0324.01 Establishment of Reception and Removal Centres – phase II	9.8	<p><u>Project purpose:</u> Well functioning reception and removal centres for asylum seekers, refugees and illegal migrants in line with EU best practice and international standards.</p> <p><u>Implementation:</u> 1 supply contract to provide equipment to reception and removal centres established through EU funding in 2007. Tender to be launched 4<sup>th</sup> quarter 2011.</p>
TR2010/0324.02 Regional Cooperation on Border Management among Turkey, Greece and Bulgaria Phase 1	1.6	<p><u>Project purpose:</u> to enhance the development of functional, effective and integrated systems in border management between Greece, Bulgaria and Turkey, which is in line with EU standards, through trust building among the staff in charge of border management at all levels in three countries.</p> <p><u>Implementation:</u> The project will be implemented through joint management with the International Organization for Migration (IOM) in accordance with the Financial Regulation Article 53 d point b, the Commission and the international organisation are bound by a long-term framework agreement laying down the administrative and financial arrangements for their cooperation. (EUR 1.6 million). The IOM has also previous experience within the area on implementing of cross border and regional cooperation projects in the field of integrated border management. In the 4th quarter of 2013 a contribution agreement will be concluded with the IOM in accordance with the Framework Agreement concluded between the European Commission and the IOM on 8 November 2011.</p>

*Environment (EUR 5.9 million in total)*

TR2010/0327.01 Alignment in Bathing Water Monitoring	1.4	<p><u>Project purpose:</u> Transposition of the new bathing water Directive 2006/7/EC into the national legislation and strengthening the bathing water quality monitoring system of Ministry of Health within the framework of the new Directive.</p> <p><u>Implementation:</u> 1 twinning** contract, selection procedure to be launched 1<sup>st</sup> quarter 2011.</p>
TR2010/0327.02 Implementation of by-law on Strategic Environmental Assessment	1.0	<p><u>Project purpose:</u> Institutional capacity and awareness for the implementation of By-law on Strategic Environmental Assessment (SEA) for all sectors.</p> <p><u>Implementation:</u> 1 service contract (TA) for training activities and legislative review launched 2<sup>nd</sup> quarter 2011.</p>

TR2010/0327.03 Implementation of Persistent Organic Pollutants Regulation	0.9	<u>Project purpose:</u> Technical capacity for effective implementation of EU Persistent Organic Pollutants (POP) Regulation at national and regional level taking into account social and economic impacts.  <u>Implementation:</u> 1 service contract for training and information dissemination activities launched 2 <sup>nd</sup> quarter 2011.
TR2010/0327.04 Better Air Quality By Transposing The Large Combustion Plant Directive	0.9	<u>Project purpose:</u> To establish necessary capacity to transpose and implement Large Combustion Plant Directive (2001/80/EC).  <u>Implementation:</u> 1 service contract to conduct Regulatory Impact assessments for the implementation of the Directive and awareness raising within institutions launched 2 <sup>nd</sup> quarter 2011.
TR2010/0327.05 Capacity Building to implement the Flood Directive	1.7	<u>Project purpose:</u> Improved administrative and technical capacity in the General Directorate of State Hydraulic Works to transpose and implement Flood Risks Assessment and Management Directive (2007/60/EC).  <u>Implementation:</u> 1 twinning** contract, selection procedure launched 1 <sup>st</sup> quarter 2011.

*Public health (EUR 2.3 million in total)*

TR2010/0328.01 Recruitment of Future Blood Donors	2.3	<u>Project purpose:</u> To ensure safe blood from regular voluntary and non-remunerated donors.  <u>Implementation:</u> 1 service contract for training materials and conduct of awareness raising campaign launched 2 <sup>nd</sup> quarter 2011.
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*Customs (EUR 0.5 million in total)*

TR2010/0329.01 Modernisation of the Turkish Customs Administration VII	0.5	<u>Project purpose:</u> To enable the Turkish Customs Administration to fully implement the Common Communication Network and Common System Interface (CCN/CSI) through its instalment and operation in line with EU requirements of interconnectivity and interoperability.  <u>Implementation:</u> Centralised implementation through a cross-sub-delegation to the Directorate General for Taxation and Customs Union (DG TAXUD) under three Framework contracts where at least two service contracts and one supply contract (equipment, supplies) will be concluded.
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**Priority 3:  
Promotion of an  
EU-Turkey Civil  
Society Dialogue**

TR2010/0135.01 Civil Society Dialogue III	9.6	<p><u>Project purpose:</u> To establish strong links and high level of cooperation between Turkish civil society and partners in EU member states through the promotion of a civil society dialogue.</p> <p><u>Implementation:</u> 3 grant schemes* (EUR 5.4 million, EUR 2.7 million and EUR 0.3 million) in the fields of Political Criteria, Media and micro-grants, all to be launched 3<sup>rd</sup> quarter 2011. 1 Service contract (EUR 1.2 million), tender launched 2<sup>nd</sup> quarter 2011) to fund technical assistance and provide training.</p>
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TR2010/0465.01 Turkey's Participation in Union Programmes and Agencies	67.6	<p><u>Project purpose:</u> To co-finance Turkey's participation in relevant Union programmes and agencies. Programmes of relevance are "inter alia": Lifelong Learning, Youth in Action, Culture 2007-2013, CIP/EIP, 7<sup>th</sup> Framework Programme and others. Participation in Agencies such as the European Environment Agency and the European Monitoring Centre for Drugs and Drug Addiction is also foreseen.</p>
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Implementation: Turkey's participation in relevant Union programmes shall follow the specific terms and conditions set out for each programme in the memorandum of understanding concluded by the Commission and Turkey, in accordance with the agreements establishing the general principles for participation of Turkey in Union programmes. It shall include provisions on both the total amount of Turkey's contribution and the amount funded through IPA.

**Priority 4:  
Support  
Activities**

TR2010/0740.01 Enhanced Support Activities to Strengthen the European Integration Process (ESEI)	14.2	<p><u>Project purpose:</u> To strengthen capacities of institutions managing EU funds under IPA, as well as other relevant Turkish institutions in fulfilling their respective pre-accession functions as well as to allow financing twinning, technical assistance and direct grant projects in a rapid manner and to address gaps of a limited scope, identified in the implementation of the <i>acquis</i>.</p> <p><u>Implementation:</u> 1 Project Preparation (EUR 3.3 million) and Unallocated Institution Building Facility (EUR 10,9 million). Indicatively 5 large scale technical assistance projects for which tender to be launched from 2<sup>nd</sup> quarter 2011.</p>
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\* The essential selection and award criteria of the call for proposals are laid down in the Practical Guide to contract procedures for EU external actions (see point 4.2 below).

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

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

### Past/on-going assistance

Turkey receives assistance from IPA under 5 components with a total allocation of EUR 4.87 billion for 2007-2013. IPA II – Cross-Border Cooperation aims to prepare Turkey for the implementation of the Territorial Cooperation objective of the EU structural funds and support Turkey's participation in bilateral cross-border programmes with Member States as well as Turkey's participation in the European Neighbourhood and Partnership Instrument (ENPI) Black Sea Basin programme. IPA III – Regional Development supports the intervention areas: environment, transport and regional competitiveness. IPA IV – Human Resources addresses employment, education and social inclusion. IPA V – Rural Development sets out the priorities for adaptation of the agricultural sector and implementing of EU standards, preparatory actions for agri-environment measures and the Leader programme and development of the rural economy. Previously, Turkey has received assistance under the Turkey pre-accession assistance instrument (2002-2006) and from IPA since 2007. Turkey continues to receive bilateral assistance from several EU Member States and international financial institutions.

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

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

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

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

### Lessons learned

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

The European Court of Auditors (ECA) concluded in its Special Report on "The European Commission's management of pre-accession assistance to Turkey" that there has been an insufficient direction and lack of specific criteria to determine the priorities of EU assistance



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

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

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

### **Donor/IFI cooperation**

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

The EU Delegation in Ankara has set up in 2010 a new framework for coordination among financial and technical cooperation partners around seven thematic groups (Social policy and employment, Competitiveness and economic governance, Development of the private sector, Transport Sustainable development, Governance and Migration, asylum, border management). In the future these groups are expected to be more closely associated to a sector

approach for the provision of financial assistance in the relevant areas. Regular meetings are also going to be organised to update on IPA financial implementation with a view to keep EU Member States and international financial institutions fully informed on all financial cooperation issues of interest to them.

## 2. d Horizontal issues

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

## 2. e Conditions

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

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

## 2. f Benchmarks

	2011	2012 (cumulative)	2013 (cumulative)
	EU	EU	EU
Number of tenders launched* <i>(service, supply, works)</i>	30	31	31
Number of calls for proposals launched* <i>(twinning, grants)</i>	13	13	13
Number of direct grants without call for proposals	1	1	4
Contracting Rate (%)	30 %	80 %	100 %

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

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

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

**BUDGET (AMOUNTS IN EUR)**
**Indicative budget table**

<u>Decentralised management</u> <sup>1</sup>	Institution Building (IB)					Investment (INV)					Total	Total IPA EU contribution	
	Total public expenditure	IPA EU contribution		National public contribution <sup>2</sup>		Total public expenditure	IPA EU contribution		National public contribution <sup>2</sup>		(IB + INV)		
	EUR	EUR	% <sup>3</sup>	EUR	% <sup>3</sup>	EUR	EUR	% <sup>3</sup>	EUR	% <sup>3</sup>	EUR	EUR	% <sup>4</sup>
	(a)=(b)+(c)	(b)		(c)		(d)=(e)+(f)	(e)		(f)		(g)=(a)+(d)	(h)=(b)+(e)	
Priority axis I - Political criteria	35553870	32607370	91.7	2946500	8.28	13205882	12363500	93.62	842382	6.3	48759752	44970870	20.6
TR2010/0136.01	2400000	2160000	90	240000	10	200000	170000	85	30000	15	2600000	2330000	
TR2010/0136.02	2500000	2250000	90	250000	10	0	0	0	0	0	2500000	2250000	
TR2010/0136.03	3100000	2790000	90	310000	10	0	0	0	0	0	3100000	2790000	
TR2010/0136.04	3600000	3240000	90	360000	10	0	0	0	0	0	3600000	3240000	
TR2010/0136.05	3200000	2880000	90	320000	10	0	0	0	0	0	3200000	2880000	
TR2010/0136.06	2300000	2070000	90	230000	10	0	0	0	0	0	2300000	2070000	

TR2010/0136.07	3000000	2700000	90	300000	10	0	0	0	0	0	3000000	2700000	
TR2010/0136.08	3150000	2835000	90	315000	10	600000	510000	85	90000	15	3750000	3345000	
TR2010/0136.09	1610000	1508500	93.696	101500	6.3043	510000	433500	85	76500	15	2120000	1942000	
TR2010/0136.10	3900000	3610000	92.564	290000	7.4359	1600000	1360000	85	240000	15	5500000	4970000	
TR2010/0136.11	1000000	950000	95	50000	5	0	0	0	0	0	1000000	950000	
TR2010/0136.12	1700000	1615000	95	85000	5	0	0	0	0	0	1700000	1615000	
TR2010/0136.13	1500000	1425000	95	75000	5	0	0	0	0	0	1500000	1425000	
TR2010/0136.14	200000	180000	90	20000	10	2705882	2300000	85	405882	15	2905882	2480000	
TR2010/0136.15**	2393870	2393870	100	0	0	7590000	7590000	100	0		9983870	9983870	
Priority axis 2 - Acquis alignment	24275000	22259000	91.6	2016000	8.30	69441685	59025432	85	10416253	15	93716685	81284432	37.3
TR2010/0301.01	750000	712500	95	37500	5	1249000	1061650	85	187350	15	1999000	1774150	
TR2010/0310.01	1000000	900000	90	100000	10	0	0	0	0	0	1000000	900000	
TR2010/0311.01	0	0	0	0	0	46200000	39270000	85	6930000	15	46200000	39270000	
TR2010/0312.01	0	0	0	0	0	2200000	1870000	85	330000	15	2200000	1870000	
TR2010/0312.02	0	0	0	0	0	7812685	6640782	85	117903	15	7812685	6640782	

TR2010/0314.01	1300000	1235000	95	65000	5	0	0	0	0	0	1300000	1235000	
TR2010/0314.02	1170000	1111500	95	58500	5	480000	408000	85	72000	15	1650000	1519500	
TR2010/0314.03	2500000	2125000	90	375000	10						2500000	2125000	
TR2010/0315.01	1500000	1,350,000	90	150,000	10	0	0	0	0	0	1500000	1350000	
TR2010/0322.01	3000000	2700000	90	300000	10	0	0	0	0	0	3000000	2700000	
TR2010/0322.02	2000000	1800000	90	200000	10	0	0	0	0	0	2000000	1800000	
TR2010/0324.01	0	0	0	0	0	11500000	9775000	85	1725000	15	11500000	9775000	
TR2010/0324.02**	16000000	1600000	90	0	0	0	0	0	0 <sup>5</sup>	0	1600000	1600000	
TR2010/0327.01	1500000	1425000	95	75000	5	0	0	0	0	0	1500000	1425000	
TR2010/0327.02	1150000	1035000	90	115000	10	0	0	0	0	0	1150000	1035000	
TR2010/0327.03	1000000	900000	90	100000	10	0	0	0	0	0	1000000	900000	
TR2010/0327.04	1000000	900000	90	100000	10	0	0	0	0	0	1000000	900000	
TR2010/0327.05	1800000	1710000	95	90000	5	0	0	0	0	0	1800000	1710000	
TR2010/0328.01	2500000	2250000	90	250000	10	0	0	0	0	0	2500000	2250000	
TR2010/0329.01*	505000	505000	100	0 <sup>5</sup>	0	0	0	0	0	0	505000	505000	

Priority axis 3 - CS Dialogue	185425795	77237076	41.65	108188719	58.35	0	0	0	0	0	185425795	77237076	35.4608
TR2010/0135.01	10700000	9630000	90	1070000	10	0	0	0	0	0	10700000	9630000	
TR2010/0465.01	174725795	67607076	38.693	107118719	61.307	0	0	0	0	0	174725795	67607076	
Priority axis 4 - Support activities	15749192	14317448	90	1431744	10	0	0	0	0	0	15749192	14317448	6.57
TR2010/0740.01	15749192	14317448	90	1431744	10	0	0	0	0	0	15749192	14317448	
<b>TOTAL</b>	<b>261003857</b>	<b>146420894</b>	<b>56.1</b>	<b>114582963</b>	<b>43.9</b>	<b>82647567</b>	<b>71388932</b>	<b>86.38</b>	<b>11258635</b>	<b>13.62</b>	<b>343651424</b>	<b>217809826</b>	

<sup>1</sup> Except project TR2010/0329.01 to be implemented through centralised management (marked with \* in table) and project TR2010/0136.15 and TR2010/0324.02 to be implemented through joint management mode (marked with \*\* in table)

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

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

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

<sup>5</sup> Joint management project. Co-financing (public and private national /or international contribution or TAIEX)

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

The EU contribution, which represents 63.38 % of the total budget allocated to this programme, has been calculated in relation to the eligible expenditure, which in the case of decentralised management is based on the public expenditure. Joint co-financing will be used as a rule. Co-financing requirements at project level have been complied with for all projects and is detailed in the project fiches.

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

Project TR2010/0136.15 "Protection and provision of basic services to the out-of-the-camp Syrians in Turkey" will be implemented through joint management with the UNHCR, where there is no requirement to provide co-financing and activities can be financed 100% of EU funds. Project TR2010/0324.02 will be implemented through joint management mode with the IOM.

## **Method of Implementation**

This programme shall be implemented by decentralised management (except for projects TR2010/0329.01 to be implemented through centralised management and projects TR2010/0136.15 and TR2010/0324.02 to be implemented under joint management mode, in accordance with article 53c of the Financial Regulation<sup>2</sup> and the corresponding provisions of the Implementing Rules<sup>3</sup>. The Beneficiary Country will continue to ensure that the conditions laid down in Art. 56 of the Financial Regulation are respected at all times.

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

## **General rules for Procurement and grant award procedures**

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

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

## **Essential selection and award criteria for grants (including direct award):**

The essential selection criteria are financial and operational capacity of the applicant.

The award criteria is relevance, effectiveness and feasibility, sustainability and cost-effectiveness of the action.

<sup>2</sup> Regulation 1605/2002 (OJ L 248, 16.9.2002, p.1)

<sup>3</sup> Regulation 2342/2002 (OJ L 357, 31.12.2002, p. 1)

## **Implementation Principles for Twinning Projects**

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

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

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

The twinning manual is available on the Website of DG ELARG at the following address: [http://ec.europa.eu/enlargement/financial\\_assistance/institution\\_building/twinning\\_en.htm](http://ec.europa.eu/enlargement/financial_assistance/institution_building/twinning_en.htm)

### **Environmental Impact Assessment (EIA) and Nature Conservation**

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

An appropriate nature conservation assessment shall be made for any project, equivalent to that provided for in Art. 6 of the Habitats Directive<sup>4</sup>, that is likely to affect sites of nature conservation importance.

## **MONITORING AND EVALUATION**

### **Monitoring**

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

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

### **Evaluation**

Programmes shall be subject to ex ante evaluations, as well as interim and, where relevant, ex post evaluations in accordance with Articles 57 and 82 of the IPA Implementing Regulation with an aim to improve the quality, effectiveness and consistency of the assistance from EU funds and the strategy and implementation of the programmes.

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

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

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



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

The European Commission may also carry out strategic evaluations.

## **AUDIT, FINANCIAL CONTROL, ANTIFRAUD MEASURES; FINANCIAL ADJUSTMENTS, PREVENTIVE MEASURES AND FINANCIAL CORRECTIONS**

### **Audit, Financial Control and Anti-fraud measures**

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

In order to ensure the efficient protection of the financial interests of the EU, the Commission (including the European Anti-Fraud Office) may conduct on-the-spot checks and inspections in accordance with the procedures foreseen in Council Regulation (EC, Euratom) 2185/96<sup>5</sup>.

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

### **Financial adjustments**

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

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

### **Audit trail**

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

### **Preventive Measures**

Beneficiary countries shall ensure investigation and effective treatment of suspected cases of fraud and irregularities and shall ensure the functioning of a control and reporting mechanism equivalent to that provided for in Commission Regulation 1828/2006<sup>6</sup>. All suspected or actual cases of fraud and irregularity as well as all measures related thereto taken must be reported to the European Commission services without delay. Should there be no suspected or actual cases of fraud or irregularity to report, the Beneficiary Country shall inform the European Commission of this fact within two months following the end of each quarter.

Irregularity shall mean any infringement of a provision of applicable rules and contracts, resulting from an act or omission by an economic operator, which has, or would have, the

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

<sup>6</sup> OJ L371, 27.12.2006, p. 1.

effect of prejudicing the general budget of the European Union by charging an unjustified item of expenditure to the general budget.

Fraud shall mean any intentional act or omission relating to: the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds from the general budget of the European Union or budgets managed by, or on behalf of, the European Union; non disclosure of information in violation of a specific obligation with the same effect; the misapplication of such funds for purposes other than those for which they are originally granted.

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

Active corruption is defined as the deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party for him to act or to refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Union's financial interests.

Passive corruption is defined as the deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or a third party, or accepts a promise of such advantage, to act or to refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties in a way which damages or is likely to damage the European Union's financial interests.

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

### **Financial corrections**

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

A financial correction may arise following:

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

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

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

## **NON SUBSTANTIAL REALLOCATION OF FUNDS**

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

## **LIMITED ADJUSTMENTS IN THE IMPLEMENTATION OF THE PROGRAMME**

Limited changes in the implementation of this programme affecting essential elements listed under Article 90 of the Implementing Rules to the Financial Regulation, which are of an indicative nature<sup>7</sup>, may be undertaken by the European Commission's authorising officer by delegation (AOD), or by the European Commission's authorising officer by sub-delegation (AOSD), in line with the delegation of powers conferred upon him by the AOD, in accordance with the principles of sound financial management without an amending financing decision being necessary.

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

# DELEGATION OF THE EUROPEAN UNION TO TURKEY



The Head of Delegation



Ankara, 6/9/2013

**Ares(2013)/3016788**

## NOTE VERBALE

The Delegation of the European Union presents its compliments to the Ministry of Foreign Affairs of the Republic of Turkey, Directorate General for Europe.

The Delegation of the European Union has the honour to acknowledge receipt of the Ministry's Note Verbale N° 2013/37406286-ABKY/796746 dated 26 August 2013 informing about the signature of the "Addendum No 1 to the Financing Agreement between the Government of the Republic of Turkey and the Commission of the European Communities Concerning the National Programme for Turkey 2010 Under the Instrument for Pre-Accession Assistance – Transition Assistance and Institution Building Component - Part 2" (Addendum). The Delegation has taken note of the additional statements made in the Note Verbale and confirms their validity in this context. Furthermore, the Commission confirms that the approval process for the Addendum No 1 to Financing Agreement has been completed on its side.

The Delegation of the European Union thanks the Ministry of Foreign Affairs of the Republic of Turkey, Directorate General for Europe, and avails itself of this opportunity to renew the assurances of its highest consideration.

Ministry of Foreign Affairs  
of the Republic of Turkey  
ANKARA



2013/37406286-ABKY/796746

The Ministry of Foreign Affairs of the Republic of Turkey presents its compliments to the Delegation of the European Union and has the honour to enclose herewith the signed "Addendum No 1 to the Financing Agreement between the Government of the Republic of Turkey and the Commission of the European Communities Concerning the National Programme for Turkey 2010 Under the Instrument for Pre-Accession Assistance -- Transition Assistance and Institution Building Component - Part 2" (Addendum).

The Ministry notes that the implementation by the Republic of Turkey of its obligations arising from this Addendum shall not be construed so as to altering the Republic of Turkey's position vis-à-vis the treaties that it is not a party to, as referred to in Turkey's negotiating position on Chapter 27.

The signatories of the Addendum agree that the above-mentioned statements will be taken into consideration in the interpretation of the Financing Agreement.

The Ministry of Foreign Affairs of the Republic of Turkey avails itself of this opportunity to renew to the Delegation of the European Union the assurances of its highest consideration.

Ankara, 26 August 2013

Encl.:

1- Addendum

Delegation of the European Union  
to Turkey  
Ankara