



COMMISSION OF THE EUROPEAN COMMUNITIES

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2004/0285 (CNS)

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2500/2001 to enable the implementation of Community assistance according to Article 54 (2) (c) of the Financial Regulation

(presented by the Commission)

EXPLANATORY MEMORANDUM

The purpose of this amendment is to bring the Council Regulation N°2500/2001 concerning pre accession financial assistance for Turkey in line with the new Financial Regulation as concerns the use of centralised indirect management (Art. 54 (2) (c) FR). The Commission has already made an identical proposal for the Phare Regulation, the CARDS Regulation, and the same rules are also foreseen under the new pre-accession aid assistance instrument (IPA) as of 2007.

The Financial Regulation allows for the implementation of the Community budget through centralised indirect management in Article 54 (2), and sets specific requirements for implementation according to Art. 54 (2) (c) of the Financial Regulation.

These requirements stipulate that in the area of centralised indirect implementation, the Commission may “entrust tasks of public authority, and in particular budget implementation tasks to (...) national public-sector bodies or bodies governed by private law with a public-service mission providing adequate financial guarantees and complying with the conditions provided for in the implementing arrangements”, and that “such bodies may be entrusted with implementation tasks only if the basic act of the programme or action concerned provides for the possibility of delegation and lays down the criteria for the selection of the bodies concerned (...)”¹.

In the area of pre-accession aid, centralised indirect management in the form as set down in Art. 54 (2) (c) has proved a valuable tool in the past, in particular concerning the operations of the Technical Assistance and Information Exchange programme (TAIEX). Turkey has derived considerable benefit from TAIEX operations over recent years. It should therefore be ensured that Turkey can continue to access TAIEX assistance between now and the entry into force of the IPA-Regulation under the conditions established by the new Financial Regulation.

¹ Art. 54 (2) (c) of Regulation (CE) 1605/2002, OJ L 248, 16.9.2002, p.1

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 181 a (2) thereof,

Having regard to the proposal from the Commission²,

Having regard to the opinion of the European Parliament³,

Whereas:

- (1) Article 54 (2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁴ (the Financial Regulation) allows for the implementation of the Community budget through centralised indirect management and sets specific requirements for implementation,
- (2) In the area of pre-accession aid, centralised indirect management in the form set out in Article 54 (2) (c) of the Financial Regulation has proved a valuable tool in the past, in particular concerning the operations of the Office for Technical Assistance and Information Exchange (TAIEX),
- (3) Turkey has been a major client of TAIEX operations over the last years, and should be put in a position to continue using this instrument also according to the rules set up by the new Financial Regulation,
- (4) A harmonised approach in the area of pre-accession assistance is desirable, therefore the formula used should be identical to the one foreseen for Regulations 3906/1989 (Phare), 2666/2000 (CARDS), as well as for the draft IPA-Regulation,

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ L 248, 16.9.2002, p.1

- (5) Council Regulation (EC) No 2500/2001 of 17 December 2001 concerning pre-accession financial assistance for Turkey and amending Regulations (EEC) No 3906/89, (EC) No 1267/1999, (EC) No 1268/1999 and (EC) No 555/2000⁵ should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EC) No 2500/2001 is amended as follows:

The following Article 6a is inserted:

“Article 6a

The Commission may, within the limits established in Article 54 of Council Regulation (EC, Euratom) No 1605/2002⁶, decide to entrust tasks of public authority, and in particular budget implementation tasks to the bodies listed in Article 54 (2) of that Regulation. The bodies defined in Article 54 (2) (c) of Regulation (EC, Euratom) No 1605/2002 may be entrusted with tasks of public authority if they are of recognised international standing, comply with internationally recognised systems of management and control, and are supervised by a public authority.”

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*

⁵ OJ L 342, 27.12.2001, p. 1. Regulation as amended by Council Regulation (EC) No 769/2004 (OJ L 123, 27.4.2004, p. 1)

⁶ OJ L 248, 16.9. 2002, p.1.